



MENTONE GRAMMAR

STUDENT CODE OF CONDUCT

Last Review: April 2022	Constructed/Reviewed by: Russell Kennedy Lawyers
Next Review: April 2023	Approval Required: Principal

1 Purpose

At Mentone Grammar, our approach to managing student behaviour is underpinned by our values: *caring, respect, integrity, endeavour, service, discipline and resilience*; and a constant drive to 'be even better' in everything that we do for our students, staff and community.

While the School encourages students to adopt positive behaviours, the School also recognises that there will be times when students make mistakes and poor decisions. Consequences – including education, compassion, pastoral support and discipline – form part of the School's response to these.

Where appropriate, the School prefers a response to student misbehaviour that is restorative, not punitive. However, any response must reflect the School's right to set and enforce student behavioural standards for the benefit of the School and all members of the school community (including by supporting the care, safety and welfare of all students).

This code ensures that students and all members of the School community understand:

- The standards of student behaviour that are expected at the School during the course of a student's enrolment
- Examples of student behaviour that fall short of the School's standards
- How the School responds to concerns about student misbehaviour

The processes outlined in this code are intended to be practical, non-adversarial and non-legal.

2 Scope

This code applies, at all times, to students enrolled at the School. A Year 12 student is considered to be enrolled until the day after the completion of their final exam.

The application of this code is not limited to the School's site and operating hours. It extends to all activities and events that are school-related, including when students are:

- On School grounds
- At any school-related activity (including camps, excursions, retreats and sport)

- Representing the School, including when off campus, or in a digital environment
- Travelling to and from School, as well as to and from off-site activities
- Wearing School uniform
- Under the School's legal duty of care
- Otherwise engaging in behaviour which in the reasonable opinion of the School may affect student health and safety, student relationships, staff health and safety, staff-student relationships, or the reputation of the School

To the extent of any inconsistency between this code and any of the School's other policies, procedures and rules, the expectations and processes set out in this code shall prevail. In this respect, this code should be regarded as an overarching summary of the School's expectations and processes regarding student behaviours.

3 Roles and responsibilities

Students, Parents and Staff are responsible for supporting this code to enable students to develop positive attributes and core values.

Academic and Operations Staff members are responsible for promoting behaviours to students and staff through educating and modelling those behaviours, and enforcing the School's codes of conduct, directions, policies, procedures, rules and values where appropriate.

4 The School's commitment to promoting positive behaviours

The School is focused on helping students develop behaviours which contribute positively to the communities they belong to, including the school community.

Accordingly, the table below sets out behaviours that all students at the School are expected to 'Do':

DO	
<ul style="list-style-type: none"> • Respect and follow all school policies, rules and procedures • Respect and comply with staff directions • Uphold the School's vision, mission and values at all times • Accept responsibility for your own behaviour • Act as a role model to other students • Demonstrate courtesy and respect in all aspects of communication and interactions with others (whether in person or online) • Treat others in a fair and consistent manner • Aspire and strive to achieve your highest standards • Respect staff 	<ul style="list-style-type: none"> • Treat every member of the school community with dignity, care, compassion and respect • Value and respect the interests, ability, culture, beliefs and difference of others • Positively participate in all aspects of school life • Support the learning of others and approach your own studies seriously • Behave in a manner that does not endanger the care, safety and welfare of yourself or others • Act in a manner that upholds and promotes the School's reputation • Act as an upstander to the inappropriate conduct of others

The School supports these positive behaviours by:

- Promoting the School's vision, mission and values
- Promoting this code, including by providing clear and consistent behavioural and learning expectations, which are made explicit to all students through year level assemblies, the school curriculum and classroom materials
- Providing a calm and focused learning environment where students feel supported by staff
- Promoting respectful relationships which are characterised by positive dialogue and active listening
- Using positive education strategies in the classroom and beyond
- Promoting a zero tolerance approach to bullying, discrimination and sexual harassment, and taking prompt action when such behaviour (or any other inappropriate behaviour) occurs
- Providing professional learning opportunities for all staff on managing student behavioural concerns

5 Dealing with student misbehaviour

As in any school, there are a range of student behaviours which fall short of the School's standards.

These include behaviours which:

- Are contrary to the Do's set out above
- Are one of the Do Not's set out in **Schedule 2**
- Are contrary to the School's other policies, procedures, rules and values
- Otherwise pose a risk to the care, safety and welfare of a member of the School community (including other students, and also staff and parents)

Schedule 1 of this code outlines the School's general response to dealing with student misbehaviour. In summary, the response process involves:

- Understanding a concern
- Investigating the concern
- Imposing consequences (where applicable)
- Monitoring or reviewing areas for improvement (where applicable)

SCHEDULE 1: PROCESS FOR RESPONDING TO STUDENT MISBEHAVIOUR

1 Raising concerns about student misbehaviour

“The standard you walk by is the standard you accept.”

It is expected that all students will report to a teacher or senior staff member (in confidence) any concerns or information about unacceptable or unlawful behaviour.

Students are encouraged to be upstanders, as it is no longer appropriate to be a bystander to the unacceptable behaviour of others.

Parents and other members of the community should raise their concerns in accordance with our Grievance Policy.

2 Investigating student misbehaviour

Where a concern is received about a student's behaviour, the School will aim to provide the relevant student with advice about how to deal with the situation, and implement strategies to reduce the likelihood of the behaviour recurring.

The School will also assess the concern to determine whether an investigation, and potentially consequences, is required. In making this assessment, the School will consider:

- The nature of the concern, the seriousness, and whether it has been raised with the School previously
- Whether a satisfactory means of address is otherwise available
- The individual circumstances
- Whether the concern enlivens the School's mandatory reporting obligations (for example where the concern may involve a criminal allegation, or behaviour of a severity that may result in a student's suspension or expulsion)

The School will investigate student behavioural concerns in accordance with principles of procedural fairness. This will ordinarily involve:

- A discussion with the alleged victim to seek clarity about their concerns
- A discussion with the student who is the subject of the concern, so that they are heard

When speaking with students about serious student misbehaviour issues, typically two staff members will be present and the comfort of the student considered. Students are able to note their preferred staff member and regard will be had to that preference.

The School reserves its right to speak with students about behaviour concerns without their parent(s) present, so that matters may be resolved during school hours and as efficiently as possible. Dependent on the circumstances (for example, where suspension or expulsion is being considered), the School may decide it is appropriate for the parent(s) to attend as additional support for the student.

After completing enquiries and considering the available information, the School is responsible for determining when conduct of a student falls short of the School's standards, and warrants consequences. Where inconsistent accounts are received, the School will endeavour to resolve these. Nonetheless, it is open for the School to make findings in *“he said/she said/they said scenarios”* on the basis of the information available.

3 Searches of School or student property

Staff may search a student's desk, locker, or other School property (including bathrooms and other locations, such as facilities at School-arranged camps, excursions and events) or ask students to empty their pockets, bag or otherwise, their personal belongings where there is a reasonable suspicion that the student:

- has breached or may breach this code (or otherwise, the School's policies, procedures, rules and values); or
- poses or may pose a risk to themselves, another student or a staff member's health and wellbeing.

This includes where there is a concern that a student is in possession or under the influence of alcohol, drugs or smoking products (including cigarettes, e-cigarettes and personal vaping devices). The School also reserves the right to introduce drug and alcohol testing, or encourage parents to have their child tested, should concerns of this nature arise. Two staff members will be present for any search other than in the most exceptional circumstances.

If a student is asked to empty their pockets, or to allow staff to search property and declines or refuses, the School will take the refusal into consideration when determining whether a breach of this code has occurred (and the consequences which should follow).

A student's parents will be notified in writing about any searches.

4 Interim measures

Should the School be concerned that a student has breached this code (or otherwise, the School's policies, procedures, rules or values), or has concerns about a student's health and wellbeing, or the health and wellbeing of other students or staff, the School has discretion to implement interim measures it considers appropriate in the circumstances pending the outcome of any enquiries.

Interim measures may include (but are not limited to) summarily suspending a student indefinitely whilst the School investigates, and/or implementing a strategy about how the student is to return to the School following a suspension or period of remote learning.

A discussion with the student and their parent(s) to review the interim suspension will be arranged as soon as practicable.

Consideration will also be given to the School's legal responsibilities and reporting obligations.

5 Consequences

When students fall short of the School's standards, a range of appropriate consequences are considered, including education, compassion, pastoral support and discipline.

Consequences can range from counselling to expulsion, and involves the exercise of discretion by experienced staff employed by the School. Examples of common consequences (which will vary subject to the circumstances) are detailed in the **Schedule 2**.

In determining the severity of a student's behaviour and how it should be assessed, the School has regard to:

- The nature and seriousness of the student's behaviour

- The student's individual circumstances, including their age, maturity and any additional needs (whether behavioural, emotional, or medical in nature)
- The surrounding circumstances and context
- The student's behavioural history
- The outcome considered to be in the School and the student's best interests
- The trust and confidence that the student will act in accordance with the School's standards going forward
- Any remorse, insight or contrition shown
- The safety of all students, staff and visitors
- Other aggravating or mitigating circumstances considered by the School to be relevant

In accordance with the *Education Training and Reform Act 2006* (Vic), the use of corporal punishment is prohibited at the School.

6 Suspensions and Expulsion

Suspensions or expulsion may occur as a consequence of multiple breaches (Level 1 or 2), or a serious breach (Level 3), of the School's standards.

The School will communicate any suspensions, and the reasons for suspension, in writing to the student's parent(s). Any notice will also include a strategy for the return of the student and/or arrangements to meet a member of staff to discuss the conditions under which, if any, the student is permitted to remain at the School.

In the specific case of possible expulsions, the School will afford procedural fairness by:

- Allowing the student a reasonable opportunity to be heard regarding the School's concerns
- Writing to the student's parent(s) to state the reason(s) that the student may be expelled, and providing the student and parent(s) with an opportunity to respond before a final decision is made

Decisions to suspend a student may be made by a member of the School's Executive Team. Decisions to expel a student may be made by the Principal (or delegate).

Suspensions and expulsions are ultimately matters of discretion for the Principal (or delegate).

The School maintains a centralised record of suspensions and expulsions on its internal management system, which must be updated by a member of the Executive Team as required. If the student is expelled, a member of the Executive Team must also add an expulsion note to the student's file.

7 Restrictive interventions

The School believes that restrictive intervention and seclusion of a student are to be used as a method of last resort. However, staff may find it necessary to respond to a student behavioural concern in such a manner where:

- there is an imminent threat of physical harm or danger to a student and others
- the physical restraint and/or seclusion are reasonable in the circumstances
- there is no less restrictive measure available in the circumstances

Restrictive intervention and seclusion of a student must not occur unless the above criteria are met.

In the rare event that a student is restrained, staff must:

- Use the minimum force required to address the imminent threat of physical harm or danger
- Only restrain the student for the minimum duration required
- Monitor the student for any indicators of distress and immediately cease the restraint should these be identified
- Where practicable, communicate with the student to make clear why the restraint is being applied
- Ensure that the restraint used is consistent with the student's individual needs and circumstances, including (but not limited to) the student's age, gender, size, and any additional needs such as behavioural, intellectual, neurological, sensory, medical or communication impairments.

The decision about whether to use restrictive intervention and seclusion rests with the professional judgement of the staff involved, following consideration of their legal and professional obligations.

Staff must immediately report all instances of restraint or seclusion to a member of the Executive Team.

8 Communication

Where a student is subject to formal consequences for falling short of the School's standards, this will be communicated to that student's parent(s) in writing.

A student who is an alleged victim of student misbehaviour, and that student's parent(s), will also be briefed on the actions taken by the School, and the student concerned will be offered support and encouraged to raise any further concerns with the School.

Where students are otherwise involved, the School will use its discretion in communicating the outcome or steps taken by the School, which will occur on a need to know basis.

9 Records

The School keeps hard copy and electronic records of student behavioural concerns for its internal purposes. Records can include a range of documents, including records of interview,

meetings with parent(s), internal correspondence with other staff and relevant images or documents that may be obtained during the course of the investigation.

Written records should generally outline the relevant events (in chronological order where possible), relevant dates, and details of those involved. In capturing initial details, staff are encouraged to consider the “*who, what, when, where, why, how?*”

Records are stored on the relevant students’ file and are not shared externally unless an information sharing obligation applies (for example between regulatory bodies, or in response to a mandatory report).

10 Appeals

If the Principal (or delegate) has made a decision to expel a student, the decision may be appealed to the Board in accordance with the Grievance Policy.

Disciplinary decisions made or reviewed by the Principal are otherwise generally regarded as final.

SCHEDULE 2

The unacceptable behaviours, classifications and possible consequences detailed below are to be used as a general guide only, and may be varied or assessed by the School in its absolute discretion

DO NOT

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LEVEL 1	POSSIBLE CONSEQUENCE(S)
<ul style="list-style-type: none"> • Bullying and cyberbullying (Minor) • Inappropriate language, behaviours or gestures (Minor) (for example eye rolling, answering back) • Disobeying instructions or a reasonable direction from staff (Minor) • Breach of ICT or social media standards (Minor) • Eating in class • Disrupting the learning of others • Leaving class without permission • Lack of preparedness for class • Entering an out of bounds area • Unacceptable level of effort at School • Use of another student's device (for example laptop, phone, computer) • Other minor inappropriate behaviours 	<ul style="list-style-type: none"> • Note in student diary or the School's online parent portal • Reflective time out or worksheets • Detention • Pastoral discussion with staff • Shadowing staff or collecting rubbish on yard duty

LEVEL 2	POSSIBLE CONSEQUENCE(S)
<ul style="list-style-type: none"> • Moderate or repeated breaches of the School's standards, including those detailed at Level 1 • Inappropriate physical contact (for example invasion of personal space, pushing) • Threats of violence (moderate) • Plagiarism • Lack of preparedness for class (for example equipment, textbook, charged laptop) • Truancy • Vandalism • Lying or misrepresenting the facts • Throwing or mishandling objects (for example food, sports equipment, musical instruments) • Acting as a bystander to the inappropriate behaviour of others (the standard you walk by is the standard you accept) • Littering • Breach of uniform or dress standards • Late to class • Other moderate inappropriate behaviours 	<ul style="list-style-type: none"> • Parent(s) contacted via phone or email • Detention (including outside of ordinary school hours and school terms) • Suspension (typically internal for a duration of 1-2 days) • Reflective time out and worksheets • Sessions with professional wellbeing and support services (internal or external to the School) • Restorative meeting with relevant parties • Conduct cards and contracts

LEVEL 3	POSSIBLE CONSEQUENCE(S)
<ul style="list-style-type: none"> • More serious or repeated breaches of the School's standards, including those detailed at Level 2 (and also in exceptional cases, Level 1) • Physical violence • Threats of violence (serious) • Behaviour, language, gestures or conduct of a sexual nature • Theft • Use, sale, possession or distribution of alcohol, weapons, personal vaping devices, e-cigarettes, drugs (including pharmaceutical goods such as Panadol and prescription medication – unless requisite permission is provided) and related paraphernalia • Behaviour or conduct that may bring the School's name into disrepute • Breach of behaviours management plan, conditional enrolment or probationary agreement • Other serious inappropriate behaviours 	<ul style="list-style-type: none"> • Parent(s) contacted via phone or email • Interim measures (eg summary suspension while the School investigates) • Suspension (either internal or external, typically for a duration greater than two days) • Conditional or probationary enrolment • Expulsion • Sessions with professional wellbeing and support services (internal or external to the School)