

# Your Rights at School - Suspensions

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## PRIVATE SCHOOLS

### **What can I do if I am suspended from a private or non-government school?**

Independent schools have greater freedom in excluding students as they are not regulated by the government.

Make sure you get a copy of school's disciplinary procedures. The school may have an internal procedure for challenging exclusion.

### **Is there anything else I can do?**

You might be able to challenge your suspension or expulsion in court. The law in this area is unclear, but if you weren't allowed to tell your side of the story or if you were suspended or expelled for something very minor you might like to talk to a lawyer to see if you can challenge the exclusion. If you think you were expelled or suspended because of your gender, race/nationality, religious or political belief, disability or some other characteristics you may be able to challenge your exclusion through the Equal Opportunity Commission Victoria or the Human Rights and Equal Opportunity Commission on the ground that you were discriminated against. It may be a good idea to get help from a lawyer.

## GOVERNMENT OR STATE SCHOOLS

### **Can I be thrown out of a state school?**

Yes, you can be excluded for a short period of time (suspended) or permanently (expelled).

### **What kind of behaviour can get me suspended?**

You can be suspended if, while you are in school, travelling to or from school or taking part in a school activity you:

- Create a danger to the health, safety or wellbeing of anyone, such as bringing weapons to school.
- Use serious violence against other people.
- Seriously damage property.
- Steal or help others steal.
- Involve yourself with drugs such as if you sell, use or bring drugs to school.
- Disobey clear and reasonable instruction from teachers, any staff members at school, or from the principal.
- Interfere with the wellbeing, safety and educational opportunities of any other student.
- Discriminate against or harass other people. This means treating people unfairly because of their age, sex, race, religion, disability, size, sexuality or some other feature.

### **What must the school do before suspending me?**

The school principal should allow you to explain your actions. A student support group meeting must be set up to inform you and your parent(s) or guardian that a suspension is being considered and to develop some strategies to support you and your parent(s) in addressing the issues, and talk about your behaviour and explain what happens if you are suspended. The student support group includes your main teacher or co-ordinator, principal or representative of principal, parent or guardian, you and any specialist staff assisting (school counsellor etc).

The principal should also consider all other options for penalties before you are suspended. Your parents can bring another person to the meeting but only if the principal allows it and only if that person is not getting paid for it.

### **What if my parents don't speak English?**

If your parents ask for an interpreter one must be provided for the meeting.

### **Can I be suspended immediately?**

Yes. If the principal thinks that your behaviour warrants suspension and you are putting the health, safety and wellbeing of others at risk you can be suspended immediately, without a conference with your parent(s). However, the principal must tell you and your parent(s) immediately and must schedule a meeting of student support group within 2 days of the suspension.

### **How long can I be suspended for?**

You cannot be suspended for more than 5 school days at a time. You also cannot be suspended for more than 15 school days in one school year.

### **What happens while I'm suspended?**

You are required to be given a Student Learning Plan that sets out school work while you are suspended.

If you are suspended for 5 school days or a total of 15 school days in the year the principal must hold a meeting with the people involved on the day you return to school - usually you, your parent(s) and your teacher(s). If you are suspended for less than 5 days your parent(s) can still ask for the meeting.

### **What if I don't agree with the suspension?**

You and your parents can write to the School Council, Director of School Education and the Ombudsman, outlining why you do not agree with the suspension or the process that was used. The Ombudsman is independent of government and can investigate decisions made by government schools or officials. The Ombudsman can recommend that different action be taken. You should make a written complaint. Include all details and any written correspondence.

### **What about school work?**

Whilst you are suspended, the school must give you appropriate school work, if you ask for it.

## **USEFUL CONTACTS**

### **Community Legal Centres**

For free legal advice, contact your local community legal centre.

For details of your nearest centre call 9654 2204 or consult [www.communitylaw.org.au](http://www.communitylaw.org.au)

For legal information on the web and email advice for young people, try: [www.lawstuff.org.au](http://www.lawstuff.org.au)

### **Equal Opportunity Commission Victoria**

Level 3/380 Lonsdale Street, Melbourne 3000

Phone 9281 7100 or 1800 134 142

[www.eoc.vic.gov.au](http://www.eoc.vic.gov.au)

### **The Ombudsman**

Level 3/459 Collins St (South Tower), Melbourne 3000

Phone 9613 6222 or 1800 806 314

[www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

### **Department of Education, Employment and Training**

Phone 9637 2222 or 1800 809 834

[www.sofweb.vic.edu.au](http://www.sofweb.vic.edu.au)

[www.deet.vic.gov.au](http://www.deet.vic.gov.au)