



## **DISCIPLINARY PROCEDURES FOR INTERNATIONAL STUDENTS**

### **RATIONALE:**

International Students are subject to the same level of discipline as for New Zealand resident students. However they need to be made particularly aware of the procedure as it might be different to that of their own country

### **PURPOSE:**

To set out in a clear form the steps taken should disciplinary action be required for misdemeanours at school or in the homestay.

### **GUIDELINES:**

- Fairfield Intermediate School will follow the procedures regarding disciplinary action outlined below for all International Students causing concern at the homestay or at school.
- Parents must read the DISCIPLINARY PROCEDURES FOR INTERNATIONAL STUDENTS ~IN THE HOMESTAY/AT SCHOOL sheets included with the enrolment pack and sign the declarations to show that they have understood the discipline procedures.
- If a student is stood down or their enrolment at the school is terminated there will be NO REFUND on any tuition fee paid to the school.
- If a student's conduct is of an extremely inappropriate nature, and at the discretion of the Board of trustees, the student's offer of enrolment may be immediately terminated.
- Unacceptable behaviour from International Students in the homestay includes the following:
  - Swearing at or aggressive behaviour towards homestay family members
  - Threatening or bullying behaviour either verbally or physically to homestay family members
  - Stealing / theft of other people's property
  - Repeated misbehaviour in the homestay
  - Continual lateness / absence from the homestay
  - Inappropriate behaviour or usage on the computer
  - Leaving the homestay without permission
  - Unacceptable/inappropriate homestay behaviour

- Unacceptable behaviour from International Students at school includes the following:
  - Swearing at or aggressive behaviour towards other students or staff at Fairfield Intermediate
  - Any form of hitting, kicking, punching or pushing other students
  - Threatening or bullying behaviour either verbally or physically to other students or staff at Fairfield Intermediate
  - Stealing / theft of other people's property
  - Repeated misbehaviour in class
  - Continual lateness / absence from class
  - Rudeness towards classroom teacher
  - Inappropriate behaviour or usage on the computer
  - Leaving the school grounds without permission
  - Unacceptable/inappropriate homestay behaviour
- Procedures for students causing concern.
  - STEP ONE.
    - A meeting between the classroom teacher, the student, a translator and the Director of International Students will take place. It will be explained to the student that there will be a written warning sent to his / her parents if the behaviour happens again.
    - A formal *verbal* warning from the Director of International Students will be given to the student. At this stage no contact will be made with either the caregiver or the parents of the student.
  - STEP TWO.
    - A meeting between the classroom teacher, a translator, the parents/caregiver, the student and the Director of International Students will take place. **A first written warning will be given to the caregiver/parents.**
  - STEP THREE.
    - A meeting between the classroom teacher, a translator, the student, parents/caregiver and the Director of International Students will take place. **A second written warning will be given to the caregiver/parents** and the student will be stood down or have an in – school suspension for **ONE week.**
  - STEP FOUR.
    - A meeting between the classroom teacher, a translator, the student, parents/caregiver and the Director of International Students will take place. **A final written warning will be given to the caregiver/parents** and the student will be stood down or have an in school suspension for **TWO weeks.**
  - STEP FIVE.
    - A final meeting between the classroom teacher, a translator, the student, parents/caregiver and the Director of International Students will take place. A **final letter** will be given to the parents/caregiver and the family will be advised that their son/daughters will be referred to the Board of Trustees for a disciplinary hearing. Should this result in the termination of

enrolment at the school, the family will make the appropriate travel arrangements required for the student to leave the school and return to their country of origin.

## **CONCLUSION:**

International Students and their parents need to be aware of the consequences of inappropriate behaviour. This procedure sets out the necessary procedures taken should a student display these behaviours at school or in the classroom.

### **School may take appropriate disciplinary action**

1. The principal may take appropriate disciplinary action in response to the conduct or behaviour of the student.
2. Appropriate disciplinary action includes standing down, suspending or excluding the student and terminating the contract of enrolment.
3. The principal of the school may take appropriate disciplinary action, whether or not the conduct or behaviour occurred while the student was under the supervision or control of the school, if satisfied on reasonable grounds that:
  - (a) the student's gross misconduct or continual disobedience is a harmful or dangerous example to other students at the school;
  - (b) because of the student's conduct or behaviour, it is likely that the student, or other students at the school, will be seriously harmed if the student is not stood-down or suspended or excluded as the case may require;
  - (c) the student's conduct or behaviour is in breach of the school rules (including the school's code of student conduct), the accommodation agreement or designated caregiver agreement, or this contract of enrolment, and one or more of the following applies:
    - (i) the breach or breaches would constitute an ongoing risk to the student's education, health, safety, well-being or personal welfare for which the school is responsible under the Education (Pastoral Care of International Students) Code of Practice 2016;
    - (ii) the breach or breaches would constitute an ongoing risk to another person's education, health, safety, well-being or personal welfare.
4. The provisions in Schedule 1 (relating to stand-down), or Schedule 2 (relating to suspension) will apply if the student has been stood down or suspended, as the case may be.

### **School's obligations when taking disciplinary action**

5. A principal who wants a student to absent himself or herself from school for disciplinary reasons, or who wants a parent to remove a student from school for disciplinary reasons, may bring about the absence or the removal only by standing-down or suspending the student under this contract.
6. In making decisions on appropriate disciplinary action the principal and the board will as far as practicable ensure that any such disciplinary action:-
  - (a) is proportionate to the seriousness of the behaviour of the student; and

- (b) minimises the disruption to a student's attendance at school and facilitates the return of the student to school when that is appropriate; and
  - (c) is dealt with in accordance with the principles of natural justice.
- 7. If the student is stood-down or suspended, the principal will take all reasonable steps to ensure that the student has the guidance and counselling that are reasonable and practicable in all the circumstances of the stand-down or suspension.
- 8. If a student's suspension is subject to conditions, the principal will take all reasonable steps to ensure that an appropriate educational programme is provided to the student.
- 9. The programme referred to in clause 6 will as far as practicable be designed to facilitate the student's return to school and to minimise the educational disadvantages that occur from absence from school.

### **Procedural Requirements for Stand-down and Suspension for International Students**

#### **Schedule 1 – Provisions for stand-down**

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##### **Notice requirements**

- 1. Immediately after a student is stood-down, the principal will tell a parent or legal guardian and the residential caregiver of the student—
  - (a) that the student has been stood-down; and
  - (b) the reasons for the principal's decision; and
  - (c) the period for which the student has been stood-down.

##### **Stand-down period**

- 2. A stand-down may be for 1 or more specified periods, and the principal may lift the stand-down at any time before it is due to expire.

##### **Student attendance while student on stand-down**

- 3. If a student has been stood-down, then the student does not have to, and is not permitted to, attend the school while stood-down, however—
  - (a) the principal may require the student to attend the school if the principal reasonably considers the student's attendance is appropriate;
  - (b) the principal may allow the student to attend the school if the student's parents request that the student be permitted to attend the school and the principal considers the request is reasonable:

##### **Board meeting concerning stand-down**

- 4. A principal who has stood-down a student may arrange a stand-down meeting.
- 5. A principal who, having stood-down a student, is asked by the student or a parent or legal guardian of the student for a stand-down meeting—
  - (a) will arrange a meeting; and

- (b) be available for the meeting as soon as is practicable for the student, the parent or legal guardian, and the principal.
- 6. As a consequence of a stand-down meeting, if the principal is satisfied that there are no reasonable grounds for the stand-down the principal will—
  - (a) ensure that the stand-down is withdrawn; and
  - (b) ensure that the student, and anyone told of the stand-down under paragraph 1, is told that the stand-down has been withdrawn.

## **Schedule 2 – Provisions for suspension**

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### **Notice requirements for suspending a student**

1. If the student has been suspended then the principal will, immediately after the student is suspended, tell the board, a parent or legal guardian and the residential caregiver (if any) of the student—
  - (a) that the student has been suspended; and
  - (b) the reasons for the principal's decision.

### **Student attendance while on suspension**

2. If the student has been suspended, then the student does not have to, and is not permitted to, attend the school while suspended, however -
  - (a) the principal may allow the student to attend the school if the principal reasonably considers the student's attendance is appropriate;
  - (b) the principal may allow the student to attend the school if the student's parents request that the student be permitted to attend the school and the principal considers the request is reasonable.

### **Board meeting concerning suspension**

3. If the student has been suspended, the student, the student's parents or legal guardian, and their representatives are entitled to attend a meeting of the board and speak at that meeting, and to have their views considered by the board before it decides whether to lift or extend the suspension or exclude the student and terminate the contract of enrolment.
4. The board will ensure that a student who has been suspended, and the student's parents or legal guardians are given the following as soon as practicable after the suspension:
  - (a) written notice of the time and place of the suspension meeting; and
  - (b) written information about the options available to the board under paragraph 3 to deal with the suspension at the suspension meeting.
5. The board will ensure that the following material is given (in writing) to the student and the student's parents or legal guardian within the time specified in paragraph 6:
  - (a) information on the procedures the board follows at suspension meetings; and
  - (b) advice that the student and the student's parents, legal guardians or representative may attend the meeting and speak at it about the suspension; and
  - (c) information contained in the following material that, in the board's opinion, it would have no ground to withhold if the student made a request under the Privacy Act 1993 for:
    - (i) the principal's report to the board on the suspension; and
    - (ii) any other material about the suspension to be presented by the principal or the board at the meeting.
6. The material referred to in paragraph 5 must be given to the student and the student's parents, legal guardian or representatives in time to reach them at least 48 hours before the meeting (or within a shorter time agreed by all the parties).

#### Adjournments to consider new information

7. The board will adjourn a suspension meeting if the student, a parent or legal guardian of the student, or any member of the board asks the board to do so if the person making the request needs time to consider new information, being any information—
  - (a) that is referred to at the suspension meeting; and
  - (b) that is either—
    - (i) information that was not given, under paragraph 5, to the person making the request; or
    - (ii) information that is new to the person making the request for some other reason.
8. In deciding on the period of the adjournment, the board must have regard to the amount of time that the person making the request needs, in that person's particular circumstances, to consider the information.

#### Board's decision at suspension meeting

9. Before deciding at a suspension meeting whether to lift or extend the suspension or exclude the student and terminate the contract of enrolment, the board must—
  - (a) have due regard for all of the circumstance relevant to the suspension; and
  - (b) consider each option available to it.
10. The board may—
  - (a) require the principal, the student, the student's parents or legal guardian, any representative of the student, and any representative of the parents or legal guardian to withdraw from the meeting while the board makes its decision; or
  - (b) ask the principal, the student, the student's parents or legal guardian, and any representatives of the student and the parents or legal guardian to stay at the meeting while the board makes its decision.
11. Before making its decision, the board may try to get all the parties at the meeting to agree on what the decision should be.
12. The board must record its decision, and the reasons for it, in writing.

#### Board's powers when student suspended

13. If a student has been suspended, the board may—
  - (a) lift the suspension at any time before it expires, either unconditionally or subject to any reasonable conditions the board wants to make;
  - (b) extend the suspension conditionally for a reasonable period determined by the board when extending the suspension, in which case paragraph 14 applies;
  - (c) if the circumstances of the case justify the most serious response, exclude the student from the school and terminate the contract of enrolment.
14. If the board extends a suspension conditionally, the board may impose reasonable conditions aimed at facilitating the return of the student to school and will take appropriate steps to facilitate the return of the student to school.

15. If a student fails to comply with any condition imposed under this paragraph in respect of the lifting or extension of the suspension, the principal may request the board to reconsider the matter and the board may confirm or reverse its earlier decisions or may modify its earlier decisions by taking any action specified in paragraph 13 (a) to (c).
16. If the board has not sooner lifted or extended the suspension or excluded the student under paragraph 13(c) and terminated the contract of enrolment, the suspension ceases to have effect—
  - (a) at the close of the 7th school day after the day of the suspension; or
  - (b) if the suspension occurs within 7 school days before the end of a term, at the close of the 10th calendar day after the day of the suspension.

#### Extended suspension

17. The board will monitor the progress of the suspended student by ensuring that it receives, at each regular board meeting after the suspension, a written report on whether the student is meeting the conditions imposed and progressing with any educational programme provided.
18. The principal must ensure that the student and a parent of the student are given a copy of any such report as soon as practicable.

#### Student failing to comply with conditions

19. If the board agrees to a request made by the principal under paragraph 15, the board must hold a reconsideration meeting about the student's case.
20. The meeting must be held—
  - (a) within 7 school days of the request; or
  - (b) if the request is made within 7 school days of the end of term, within 10 calendar days of the request.

#### Information about reconsideration meeting

21. If the principal makes a request under paragraph 15 that the board reconsider the suspension then the board will ensure that the student, and a parent or legal guardian of the student is given written notice of the time and place of the reconsideration meeting as soon as practicable after the board decides to hold the meeting.
22. The board will ensure that the following material is given, in writing, to the student and the parent within the time described in paragraph 23:
  - (a) information on the procedures the board follows at reconsideration meetings; and
  - (b) advice that the student, a parent or guardian or representative may attend the meeting and speak at it about the reconsideration of the suspension; and
  - (c) information that, in the board's opinion, it would have no ground to withhold if the student made a request under the Privacy Act 1993 for:
    - (i) the principal's report to the board on the reconsideration of the suspension; and
    - (ii) any other material about the reconsideration of the suspension to be presented by the principal or the board at the meeting.



23. The material must be given to the student and the parent at a time that enables it to reach them at least 48 hours before the meeting (or within a shorter time agreed by all the parties).

Approved Date: May 2023

Review Date: July 2026

Signature: (Director of International Students).....

Signature (Principal).....

Signature( Board of Trustees Chairperson ) .....