



# Wesley College

## DISCIPLINE POLICY

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### Legal Framework

Pursuant to section 17 of the *Wesley College Incorporation Act 1910* (the “Act”) and By-Laws, disciplinary measures within the College are at the sole discretion of the Master (being “the Principal”).

Under the By-Laws, the Principal has primacy: Rule 4.1 states:

*“the Principal has sole discretion in relation to disciplinary matters that involve the College and its students”,* and

Rule 4.4 states:

*“when implementing the disciplinary procedures of the College, the Principal may suspend or expel a student, or impose any other penalty or sanction which the Principal considers appropriate without prior consultation with the Chair of Council, the Council, the Senior Student or any other person”.*

An appeal from an expulsion decision of the Principal is not as of right. Rule 4.5 provides:

*“The Council has a discretion whether it will review a decision to expel a student, the method and procedures of the review will be decided by Council.”*

Certain definitions appear at the end of this document.

### Policy Objectives

Students come to the University of Sydney and to Wesley College to achieve their tertiary qualifications.

Wesley College is an adult student living and learning environment. Students are required to abide by the By-Laws of Wesley College, the Wesley Student Contract and the laws of the State of NSW and the Commonwealth of Australia. Rule 4.3 provides a student will:

*“be liable to discipline if the student’s behaviour is incompatible with the safety, security, privacy and wellbeing of any student in College...”*

Suspension of any student from the University of Sydney is both a mechanism available to the Master whilst disciplinary procedures are in process and can be a punishment if the Master’s findings are adverse. Suspension can in appropriate circumstances be escalated to expulsion.

Community life in College depends upon the respectful, responsible, and cooperative conduct of individual residents. Wesley College has zero tolerance for hazing or any other behaviour that compromises student health and safety. This includes, without limitation, failure, or refusal to comply with College or public health directions. Every student has a right to feel and be safe and respected. Every student is expected to apply themselves successfully to their studies, and not cause distraction to the academic focus of others.

Discipline measures may be required from time to time when students are unable to progress in their studies or exhibit unacceptable behaviours which may, for example, jeopardise the safety of others; expose the College or the University to legal sanction or brings the College or the University into disrepute. Unlawful discrimination such as racism, sexism or other victimisation or vilification and breach the College By-Laws or State or Federal laws, or conduct resulting in property damage can result in a disciplinary sanction. A breach of the Contract for Residency can attract disciplinary

sanction as can aiding or abetting a fellow student in breach of obligation.

A refusal or failure to engage in the disciplinary process or holding that process in contempt is in breach of a student's obligations to the College.

The following College values in particular will inform disciplinary decisions:

*Respecting and supporting each other*  
*Acting responsibly and ensuring the safety of others*  
*Displaying at all times respect for others*  
*Accepting personal responsibility for all acts or omissions*  
*Striving for excellence*  
*Pursuing studies with enthusiasm and endeavour*  
*Honouring College and the University heritage and traditions.*

Ultimately, the objective is to ensure a safe student community where respect for each other, the wider community and our physical surroundings are paramount.

This policy relates to and concurrently works with other policies in existence, including the Harassment and Discrimination Policy and Procedures and Academic Progress Policy.

### **Procedures and Principles**

Disciplinary matters present in a variety of ways and in many and varied circumstances. Procedures may be adapted by the Master on a case-by-case basis but underpinned by established principles. The Master will apply the civil standard of proof to each determination, being *the balance of probabilities*, namely that it is more likely than not that a fact or matter is established or not established.

1. Any matter for disciplinary action can be referred to the Master from a variety of sources, including but not limited to staff, students, both of Wesley and the University, Heads of other Colleges, Intercol, contractors, prescribed authorities, the University, or a member of the wider community (Complainant).
2. Every disciplinary matter will be assessed on the facts of that particular situation. A student who is accused of a disciplinary breach will be given an opportunity to respond and to participate in the assessment process.
3. The allegations received by the Master will be disclosed to the student who will be invited to respond to the allegations, in the time frame nominated by the Master. The onus is on the student to bring forward to the Master any exculpatory information and evidence.
4. Subject to law, a failure or refusal of the student to respond, or otherwise engage in disciplinary procedures will not result in a presumption of innocence in favour of the student.
5. The Master will consider the student's response and may, where the Master considers it appropriate, seek clarification of any response. Further, the Master may, within the Master's discretion, revert to the Complainant for further information.
6. The Master will inform the student of any further information which, in the Master's opinion, has a material bearing on the matters the subject of the complaint and the student will be afforded the opportunity to respond in the time frame nominated by the Master.
7. The Master has the right, but not the obligation, to make inquiries of others.
8. The onus is on the student to identify any other person (third person(s)) the student knows, or has the means of knowing, can provide relevant evidence concerning the subject allegations.

9. Where the third person(s) is a student at the College, the Master will use reasonable endeavours to interview, or otherwise seek information from the third person(s).
10. Absent information emanating from third person(s) the Master is entitled to act on available information.
11. The Master, in assessing the information provided and making a determination, can impose measures of varying severity. The sanctions include a warning, restitution, fine, suspension or expulsion.
12. All disciplinary decisions will be communicated in writing (in any written format, including by email) to the student(s) involved.
13. Persistent unacceptable behaviours involving warnings may result in suspension or expulsion.
14. A serious matter may result in immediate suspension or expulsion, notwithstanding that a student may not previously have come to the Master's attention for any other disciplinary reasons.
15. The duration, and timing, of a suspension will be at the Master's discretion.
16. Reinstatement to the College after a period of suspension is not guaranteed. The student will be informed of what is expected of them for this to occur.
17. The terms of a suspension will involve exclusion from the College buildings and grounds, and failure to comply with this condition will be treated as a serious disciplinary breach.
18. Students who are suspended or expelled from the University of Sydney shall be treated with the same disciplinary measure by the Master.
19. Disciplinary matters made or referred by Intercol Committee, Council or Tribunal to Wesley College shall be treated in the same manner as disciplinary matters made within the College.
20. A student who has been expelled may request the Council review the decision to expel the student. The Council has, as indicated above, a discretion whether it will review a decision to expel a student. If Council reviews a decision to expel a student, the method and procedures of the review will be decided by Council, and Council Chair will inform the relevant student(s) and the Master.
21. Matters dealt with under the Wesley College Harassment and Discrimination policy that require significant intervention or an independent investigation to take place, and which may threaten the reputation of the College, or the University will be reported, in general terms, to the University of Sydney for its information. The timing of such a report will be at the discretion of the Master, in consultation with the Chair.
22. An expulsion from College will be reported as soon as practicable, and in such detail as the Master or the College determines to the University of Sydney.

## Definitions

The following definitions provide clarification on terms used in this policy and outline the sanctions for any student at Wesley College who engages in conduct requiring disciplinary measures to be taken:

### ***Chair***

The Chair person for the time being of the Council of Wesley College.

### ***Council***

The body described as such, being the governing body of Wesley College.

Expulsion - Expulsion involves termination of residential status at the College permanently. This requires a student to vacate the premises by a specific date and not to return to Wesley College or attend any events associated with the College for a predetermined time frame.

### ***Fine***

A fine may be issued in relation to inappropriate behaviour or breaches of the Act, By-Laws or rules and regulations of the College. This fine is to be paid to the College within 14 days of it being issued. This may be required in conjunction with other sanctions, depending on circumstances of the particular situation. Failure to pay a fine as directed is a serious disciplinary matter.

### ***Hazing***

Hazing is defined as any action taken or any situation created intentionally that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to members of a group or team or individuals, whether new or not, regardless of the person's willingness to participate (extract from Hazingprevention.org , provided within the Broderick Cultural Review Report 2017).

### ***Probation***

Probation relates specifically to Academic Progress. If a student is not able to demonstrate at least pass grades in all subjects, he or she will be placed on Academic Probation for a period of one semester, allowing time to demonstrate significant progress.

### ***Restitution***

Restitution is a requirement to reimburse or otherwise compensate another for damage or loss of property resulting from a student's misconduct. This includes individual responsibility as well as group responsibility. This may be required in conjunction with other sanctions, depending on circumstances of the particular situation. Failure to make restitution as directed is a serious disciplinary matter.

### ***Suspension***

Suspension involves termination of residential student status at the College for a specified time period. Suspension does not mean automatic return to College at its conclusion. Suspension may be lifted, extended or expulsion may occur.

### ***Warning***

A warning to the student that he or she is engaging in misconduct by violating College By-Laws, rules, regulations or policies and that continuation or repetition of misconduct may result in more severe sanctions.

## Policy Review

This Policy is to be reviewed annually by Wesley College Council (next review end of 2024)