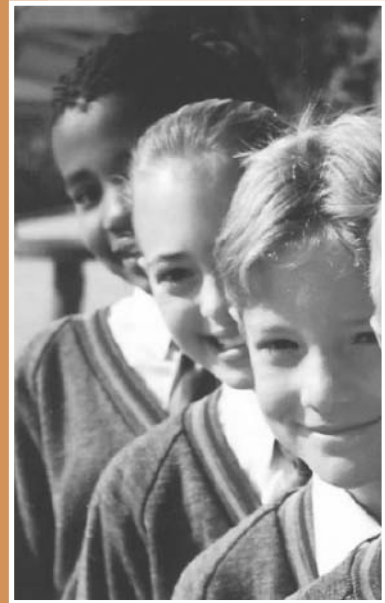
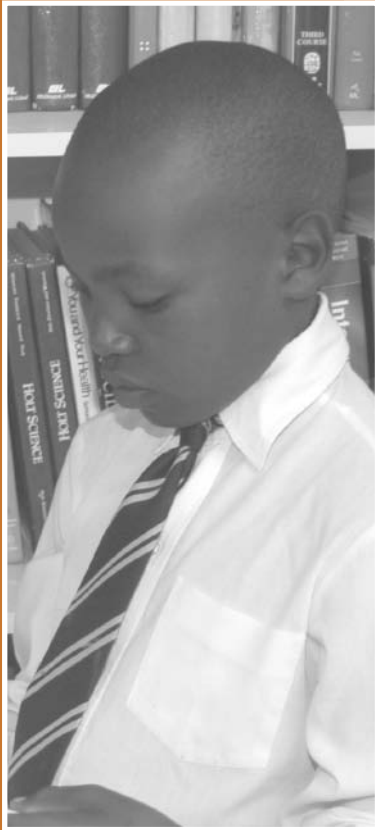


## Part 2: Disciplinary System

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- A. Grading of Offences
- B. Disciplinary Procedures
- C. Disciplinary Interventions
- D. Suspension of a Learner by the Principal or Deputy Principal as a Precautionary Measure
- E. Disciplinary and Tribunal Hearings
- F. Procedure during Hearings

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# 2

## Part 2: Disciplinary System

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Every teacher is responsible for discipline and has the full authority and responsibility to correct the behaviour of learners whenever such correction is necessary. Any corrective measure or disciplinary action will correspond with and be appropriate to the offence.

All learners will abide by the discipline system that has been developed to assist and guide learner behaviour in the School.

### A. Grading of Offences

Offences are graded according to the nature and degree of seriousness of the offences, of which Grade 4 offences are the most serious. See Annexure B, Table 1 for a list of the offences making up each of the Grades 1, 2, 3 and 4.

### B. Disciplinary Procedures

The grade of an offence will determine the procedure to be followed.

1. Grade 1 offence – a written warning followed by a final written warning, then a disciplinary hearing.
2. Grade 2 offence – a final written warning followed by a disciplinary hearing, then a tribunal hearing.
3. Grade 3 offence – a disciplinary hearing or a tribunal hearing (depending on the severity of the particular offence).
4. Grade 4 offence – offence immediately reported to the South African Police Service (SAPS) and a tribunal hearing.

#### Grade 1: Offences

All Grade 1 offences will be dealt with by the staff member or RCL member/prefect concerned who must keep a written record of such offences and the disciplinary measure taken.

When a third Grade 1 offence occurs, the matter is referred to the Grade Head along with the record of all three (3) offences and the Grade Head will issue a written warning. A signed copy of acknowledgement will be kept on record by the Grade Head and communicated to the parent/guardian.

Should the particular Grade 1 offence recur after disciplinary intervention has occurred and a written warning has been issued, the staff member will, in consultation with the Grade Head, arrange an interview with the learner. A final written warning will be issued. A signed copy of acknowledgement will be kept on record by the Grade Head and communicated to the parent/guardian.

The Grade Head will keep on record copies of all relevant documentation relating to the offences and the disciplinary measures imposed and provide copies thereof to the learner's register teacher.

## **Grade 2: Offences**

All Grade 2 offences will immediately be referred to the Grade Head. The staff member will, in consultation with the Grade Head, arrange an interview with the learner. A final written warning will be issued and disciplinary action applied. A signed copy of acknowledgement will be kept on record by the Grade Head and communicated to the parent/guardian.

When a second Grade 2 offence occurs after a final written warning has been issued for the first offence, the Grade Head will refer the matter to the Disciplinary Committee for a disciplinary hearing. The parent/guardian will be advised in writing, a minimum of five (5) days before the designated date, that an internal disciplinary hearing has been convened.

Should the particular Grade 2 offence recur after the issuing of a final written warning and a disciplinary hearing has occurred, the Disciplinary Committee will refer the matter to a tribunal hearing. The parent/guardian will be advised in writing, a minimum of five (5) days before the designated date that a tribunal hearing has been convened.

The Grade Head will keep on record copies of all relevant documentation relating to the offences and the disciplinary measures imposed and provide copies thereof to the learner's register teacher.

## **Grade 3: Offences**

All Grade 3 offences will immediately be reported to the Grade Head. The Grade Head will refer the matter to the Disciplinary Committee who will, depending on the severity of the offence, determine whether to convene a disciplinary hearing or a tribunal hearing. The parent/guardian will be advised in writing, a minimum of five (5) days before the designated date that a hearing has been convened.

**Grade 4:  
Offences**

All Grade 4 offences will immediately be reported to the Grade Head. The Grade Head will refer the matter to the School Principal who will immediately file a report with the SAPS and convene a tribunal hearing. The parent/guardian will be informed immediately of the offence and be advised in writing, a minimum of five (5) days before the designated date that a hearing has been convened.

**C. Disciplinary Interventions**

1. The following list of interventions and corrective measures used by the School are aimed at correcting behaviour before suspension and expulsion:
  - A verbal warning/reprimand to express disapproval.
  - Written warning.
  - Final written warning.
  - Removal from classes to the exclusion room.
  - Written punishment.
  - Community service to improve the physical environment within and around the School property.
  - Homework detention.
  - Supervised schoolwork.
  - De-merit detention.
  - Referral for counselling.
  - Attendance of a relevant life skills programme.
  - Fines to compensate for damages, to cover the cost of repair or replacement of the lost or damaged item, and/or the accumulated fine.
  - Temporary suspension of library card and/or other School-related privileges
  - Exclusion from School activities and functions, e.g. academic award ceremony.
  - Withdrawal of recognition, e.g. award.
  - Temporary suspension from class or School, pending disciplinary hearing.
  - Disciplinary hearing.
  - Tribunal hearing.
2. Failure to comply with interventions and corrective measures will lead to further interventions and may lead to the offence being categorised at a higher grade. Expulsion may be recommended for a Grade 3 and a Grade 4 offence. See Annexure B, Table 2 for a list of the possible disciplinary measures to be applied for Grade 1, 2, 3 and 4 offences respectively.

3. Conduct that may lead to suspension/exclusion includes, but is not limited to, the following:
  - Conduct that violates the rights or safety of others.
  - Criminal behaviour of any kind.
  - Defacing or destroying School property.
  - Disrespectful or objectionable conduct and verbal abuse directed at teachers, other School employees or fellow learners.
  - Outright defiance of lawful requests or instructions issued by persons in authority.
  - Indulging in harmful graffiti, racism or “hate speech”.
  - Sexual harassment or sexual assault.
  - Immoral behaviour or profanity.
  - Possessing, using or displaying evidence of use of any narcotics, unauthorised drugs, alcohol or any other intoxicant.
  - Repeated infringements of the School rules or the Code of Conduct.
  - Possession of dangerous weapons (guns, knives and other objects which may threaten the lives of learners/teachers).
4. Should a learner be found guilty by a court of law for breaking the law of the Republic of South Africa, the School has the right, after a fair hearing through the Governing Body, to recommend expulsion to the Provincial Department of Education.
5. A tribunal hearing will be convened with a view to recommending expulsion. In such instances the recommendation for expulsion will be submitted to the Provincial Head of Education to approve the decision.
6. Where approval for expulsion is not granted, learners will attend counselling or the relevant life skills programme before they may return to class. Such learners will be accommodated in the exclusion room in the interim to continue with schoolwork until they have completed the series of counselling sessions or the stipulated life skills programme.

#### **D. Suspension of a Learner by the Principal or Deputy Principal as a Precautionary Measure**

The Governing Body authorises the Principal or Deputy Principals to institute suspension, as a precautionary measure, with regard to a learner who is charged with a serious misconduct offence as contemplated in section 8 of the SA Schools Act.

1. Before a learner is suspended, the learner and his/her parents must be given an opportunity to indicate why the suspension should not be considered.
2. The disciplinary proceedings must commence within one (1) week after the suspension. If the proceedings do not commence within one (1) week, approval for the continuation of the suspension must be obtained from the Head of Department.
3. This suspension will be applicable until a finding of not guilty is made or, in the case of a finding of guilty, until the appropriate sanction is announced.

## **E. Disciplinary and Tribunal Hearings**

1. The following official forms will be used for misconduct and disciplinary hearings:
  - 1.1 Written warning (disciplinary warning form) (Annexure C)
  - 1.2 Final written warning (Annexure D)
  - 1.3 Notice of disciplinary hearing (Annexure E)
  - 1.4 Record of disciplinary hearing (Annexure F)
  - 1.5 Review form (lodging of appeal) (Annexure G)
2. Written notice of a disciplinary or tribunal hearing will be given at least five (5) School days before the hearing, which could imply temporary suspension from classes, excluding formal scheduled tests and examinations which count towards the year mark.
3. When a notice is issued to a learner the learner must acknowledge receipt of notice by signing for it. This is not an admission of guilt.
4. If a learner does not appear at a hearing, the hearing will be conducted in his/her absence.
5. A written verdict of the hearing will be issued to the offender. The offender must acknowledge the content by signing the document.
6. A learner has the right to request a review of the disciplinary action taken against him/her if sufficient grounds exist. Disregard of punishment of the Disciplinary Committee will lead to temporary suspension pending a hearing.
7. The Disciplinary Hearing Commission will consist of the following members:
  - 7.1 a Governing Body representative;
  - 7.2 the School Principal or Discipline Officer delegated to oversee this function;
  - 7.3 the Grade Head; and
  - 7.4 the register teacher.

8. The hearing will also be attended by the learner, and any other learner s/he may need for his/her defence.
9. Disciplinary measures that a Disciplinary Hearing Committee may impose include:
  - 9.1 Demerits.
  - 9.2 Suspension from School for a minimum of two days up to a maximum of five (5) days, ratified by the Governing Body, to be effective immediately. This will be put in writing and a copy kept on record.
  - 9.3 Recommendation with respect to counselling/attendance of a life skills programme.
  - 9.4 Progress monitoring process initiated for a minimum of two (2) weeks, followed up with a progress report.
  - 9.5 A written conduct and behaviour warning issued. A signed copy of acknowledgement will be kept on record.
  - 9.6 Payment to cover the cost of repair or replacement of the damaged, lost or stolen item.
10. The Tribunal Hearing Commission will consist of the following members:
  - 10.1 the Governing Body Chairperson;
  - 10.2 two (2) parent representatives from the Governing Body;
  - 10.3 the School Principal or Discipline Officer delegated to oversee this function; and
  - 10.4 the Grade Head.
11. The Principal/Discipline Officer will keep on record copies of all documentation relating to the offence, the conducting and findings of the hearing, and the disciplinary measures imposed.
12. The Principal/Discipline Officer will furnish the relevant Grade Head and register teacher with all the information necessary for their records.

## **F. Procedure during Hearings**

1. The Chairperson of The Committee must lead the proceedings and:
  - Introduce those present and state their functions.
  - Ensure that witnesses are present only while giving their evidence.
2. The Chairperson must inform the learner of his/her rights:

- The right to a formal hearing.
  - The right to be present at the hearing.
  - The right to be given time to prepare for the hearing case.
  - The right to be given advance notice of the charges.
  - The right to be represented at the hearing by one (1) internal representative.
  - The right to be accompanied at the hearing by parents/guardian if the learner is a minor.
  - The right to ask questions on any evidence produced, or on statements of witnesses.
  - The right to call witnesses to testify on his/her behalf.
  - The right to an interpreter, to be requested 24 hours prior to the hearing.
  - The right to appeal within five (5) days against any penalty imposed by the Disciplinary Committee.
  - If the learner does not attend, the hearing will be conducted in his/her absence.
3. The Chairperson is to explain the nature of the alleged breach or misconduct to those present at the hearing.
  4. The procedure of enquiry is to be explained by The Chairperson. The evidence of the complainant and his/her witnesses will be heard first. The learner and panel may ask questions about the evidence. The learner and his/her witnesses may then give evidence and the complainant and Committee may ask them questions.
  5. When all the evidence has been heard, The Chairperson must close the enquiry, dismiss the complainant, the accused, their representatives, the parent/guardian and all the witnesses.
  6. The Disciplinary Committee must discuss and weigh the evidence and come to a decision.
  7. The Chairperson must reconvene all interested parties.
  8. The Chairperson is to communicate the decision of The Committee.
  9. The Chairperson must explain the decision of The Committee and the reasons for the penalty (if any) that has been imposed.
  10. The learner must be advised of his right to appeal (Annexure E).
  11. The complainant and learner must sign the disciplinary form and a copy must be handed to the learner. (If the learner refuses, a witness must sign in the presence of the learner).
  12. The signing of the document by the learner does not imply an acknowledgement of guilt.