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The King's School Linbro Park Disciplinary Procedure & Disciplinary Code for Learners

**Guideline for School Management, Educators,
Learners and Parents**

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The King's School Linbro Park

DISCIPLINARY PROCEDURE AND DISCIPLINARY CODE FOR LEARNERS

1. INTRODUCTION AND OBJECTIVES

It is the sincere desire of the staff at The King's School Linbro Park that every learner prosper in every way; in their relationship with God; in their understanding of the world and its systems; in their character as they discover God's purposes and plans for their individual lives.

By enrolling at The King's School Linbro Park every learner contracts (as per code of conduct) to apply themselves readily to the various aspects of the curriculum. By doing so they avail themselves of the benefit of the vision and values of The King's School Linbro Park that have been carefully considered and specifically recorded. In addition, the staff commit themselves to encouraging and acknowledging performance that responsibly aligns itself with the vision and values, given each learner's God-given potential, skills and expertise.

Further, a system of discipline is applied in relation to the vision and values of The King's School Linbro Park. This is done not simply to bring about conformity, but hopefully to bring a lasting change towards responsible behaviour. This can only be effective once the individual takes upon themselves responsibility for their actions and willingly brings about change.

The school fully supports the principles of fair discipline, and the consistent application of appropriate disciplinary measures where necessary. This procedure and code for learners indicates the broad standards of behaviour that are expected of all learners at the school, and encourages a responsible and self-disciplined approach by learners themselves.

This procedure and code are considered an important element of the school's Code of Conduct and are applicable to all learners. This document may also have a bearing on the learner's behaviour outside of normal school hours, should the learner's conduct impact negatively on the educator/learner relationship, or the reputation and integrity of the school.

Please note that this Procedure is not intended as an exhaustive guideline designed to describe any disciplinary-related issue. Rather it is intended to indicate fundamental values, principles and guidelines according to which corrective action and discipline are to be effectively implemented by The King's School Linbro Park and its officials.

The system of discipline at The King's School Linbro Park consists of three aspects:

First, the rules of the school have been summarised in concise but comprehensive statements and posted on the wall in each classroom.

Second, positive reinforcement is given by teachers to those learners who are obeying the rules. This aspect is designed to reinforce positive behaviour in those learners who are complying with the rules and to encourage other learners to follow their example. Consistent good behaviour is rewarded by progressively more significant rewards.

Third, for those learners who choose not to comply with the rules, there are consequences that are administered by the educators. These consequences become progressively more severe the more often the learner chooses to disobey the rules or cause a disruption in the class. The object of these consequences is to encourage the learner and give him or her an opportunity to make a choice to correct the unacceptable behaviour.

Corrective action may also include the application of formal disciplinary measures; formal steps are applied to prevent further occurrences of unacceptable behaviour and to restore the educator / learner relationship.

TKSLP expects educators to take a mentorship attitude towards their register and other classes. It follows that discipline, a Christian duty, is done in a caring and just manner, but that it is also unapologetically applied. Educators are professionally responsible for demanding suitable behaviour within their classrooms, sports or cultural spheres, and around the school in general. All educators are on duty at all times in this regard.

Although one's inclination is so often and understandable orientated towards the negative, it is important that all personnel make every effort to voice and to record the positive, and to ensure recognition through the positive system as outlined in this policy. The onus therefore lies with the school's educators and leadership to apply this procedure in an effective and equitable manner, in the interests of the well being of the school, preserving and promoting educational excellence, and protecting the rights of all school stakeholders.

It must be noted that all of the above is applied age appropriately, and given other restraints such as learning difficulties etc. which may relate to a specific learner. It is our desire that learners develop responsible behaviour as opposed to legalistic obedience to the requirements of The King's School Linbro Park. It is our belief that learners who have learned responsibility within the various contexts of life are equipped to assertively maintain an uncompromising standard of righteousness. Obedience is considered a subset of responsibility and as such will evidence itself as learners are taught responsibility.
(Romans 2: 14 & 15)

The above approach can only effectively be implemented given an understanding of the unmerited favour that God has bestowed upon mankind in the form of salvation through faith in Jesus Christ and how God himself subsequently relates with each individual.
(Hebrews 12: 2-13)

2. SCHOOL CODE OF CONDUCT

In the school context, administrators, educators, parents and learners all have responsibilities. To sustain a positive, orderly and disciplined learning environment, it is important that these parties to the education relationship acknowledge their responsibilities.

Educators

Educators at the school subscribe to the SACE Code of Professional Ethics and the school's Code of Conduct for Staff and undertake [inter alia] to:

- Be punctual, well prepared and professional in their approach to education
- Manage learner performance effectively and motivate learners to achieve realistic and meaningful personal goals

- Be sensitive to the needs of their learners and address learning difficulties in a positive manner
- Praise, encourage, recognise and reward learners who strive to achieve
- Create a classroom climate which is based on a learning partnership which makes education both relevant and stimulating
- Set a positive example for their learners to follow
- Administer discipline correctively and with dignity when necessary.

The mission of The King's School Linbro Park speaks of being working partners with the parents of our learners. While parents must expect the school and its educators to provide the best education possible with the resources available to the school, parents must also accept responsibility to help the school achieve this goal.

Parents

Parents enrol their children at the school, subject to their acceptance of the school rules and other conditions of enrolment. Parents also have the responsibility to (at least):

- Actively support the efforts of the school and its educators to teach their children
- Involve themselves to the fullest possible extent in school activities
- Make positive suggestions and contributions to improve the school's education process and the learning environment
- Support the disciplinary structures and procedures of the school, and the reasonable efforts by the school to apply discipline effectively and fairly
- Parents have an obligation to support their children to attend school regularly and to complete all assigned work in a timely fashion
- Encourage their children to participate fully in School and extra-mural activities
- Participate in the learning process and assist their children with homework, provide encouragement, check results and communicate freely with the School
- Not expect the school to meet their child's every need
- Ensure that the learner is in attendance of all compulsory attendance functions and activities, and that timekeeping requirements are observed.

Please refer to The King's School Linbro Park Admissions Policy for a more detailed list of parents' rights and responsibilities.

Learners

The School strives to provide the educational opportunities that its learners and the community deserve. Learners themselves however must also recognise that they have responsibilities to their parents, the school, their educators, their fellow learners and themselves.

Learners therefore must accept and comply with the school's rules and its conditions of enrolment. In more general terms, learners must:

- Comply with instructions from School officials and with the general rules of the School
- Behave responsibly and not endanger the safety, welfare and rights of others
- Respect and care for the property of the school and others
- Maintain sound relations with others at school, be courteous and respect the dignity and self-worth of others
- Be punctual and observe the timekeeping practices of the school
- Demonstrate a positive attitude towards the opportunity to learn and be diligent in their efforts to learn
- Behave honestly and conduct themselves with integrity
- Accept legitimate disciplinary action taken against them as being necessary.

The school has a number of rules that define the kinds of behaviour expected of its learners. Learners are to also keep their parents advised of these rules (please see School rules) and learners are expected to conduct themselves in accordance with the rules provided.

3. DISCIPLINARY MEASURES

It is impossible for this procedure to list every possible rule obedience and infringement by learners. This guideline and the attached code therefore only set out the broader categories of obedience and infringement, and the norms for applying fair reward and discipline at the school.

Various forms of informal and formal rewards and disciplinary measures may be initiated by the educator and/or the school. The school board, school management and educators are entitled to apply rewards and disciplinary action that they believe is appropriate in the circumstances, within the guidelines provided in this procedure. The judgement and discretion of school officials to apply rewards and disciplinary measures will therefore not be rigidly restricted by the procedure or code, but will rather be guided by the measures described herein.

The severity of action taken by the school or official will depend on the circumstances, the seriousness of an infringement and any mitigating or aggravating factors being of relevance. For this reason, the guidelines enclosed seek to promote and assure consistency, but do not remove the necessary discretion of the educator or the school to apply a lesser penalty should circumstances so dictate. Disciplinary measures applied in response to learner misconduct will therefore require that the educator or school officials involved exercise their own judgement in deciding on the appropriate and fair action to be taken.

The above establishes an expectation that educators mete correction and recognition as required at their Level 1 position. It is best to resolve issues at the earliest level possible, thus requiring teachers to take full responsibility for firm action at source before moving up to Co-ordinator level, but it is equally desirable that balance be seen in a readiness to recognise and reinforce positive aspects. A system of Order Marks and Correction Marks, either introduced or adapted is outlined herewith. Where it becomes necessary, teachers may call on the Co-ordinators as Level 2 disciplinarians. The latter will establish that the teacher has taken adequate action; pupils must gain the perfectly accurate impression that the teacher should be usually all that is necessary. At the same time, channels exist for recognition and reinforcement to move along the same route to have the same management members mete out positive as well. The Principal will be called in as Level 4/5, generally by the Co-ordinators, but not exclusively so, and will be as readily involved in positive recognition as well.

Educators are entitled to leeway regarding their professional dealing with this issue, so management will not prescribe the system to be followed. Educators may record build-up issues in their mark books, journals, specifically-designed spreadsheet or diaries. It is vital however that traceable record is made so as to ensure no loophole in a challenge situation. Aspects to be recorded in the diaries must comply with requirements, as must routes to positive recognition, detentions, suspensions and so forth. Once a learner is "handed over" after accumulation of transgressions, the relevant parties involved will keep record.

Disciplinary action and reward that may be applied by the school, in order of significance, include -

Informal action

Infringements that are not considered serious, or do not require formal disciplinary action in the opinion of the learner's responsible educator, can be dealt with directly by the educator. These are not generally recorded on the learner's record, but may still require communication with the learner's parents. Various forms of informal action can be implemented by the educator without the involvement of the phase co-ordinators or Principal.

- *Use of the tracking sheet inside the learner's homework diary in the Primary School.* Each day the learner starts with a clean slate. Each successive violation of the school rules takes the learner to the next level of consequence. The levels of consequence are as follows:
 1. A verbal reminder.
 2. A second verbal reminder.
 3. A 5-minute timeout where the learner is separated from the class and given the opportunity to reflect on his or her behaviour.
 4. A 10-minute timeout where the learner is instructed to fill in a Behaviour Journal in which the learner lists the rules he or she has broken and how he or she could have handled those situations better.
 5. A demerit written into the learner's homework diary.
 6. The learner is sent to the Principal or the Head of Student Affairs for counselling and possible further disciplinary action. (After three instances of reaching number six in one term, formal action will be taken.)
- *Reprimands*
 1. Most learners require some disciplining at some stage. The general day-to-day activities in this regard are considered as part and parcel of an educator's vocation.
 2. Should an educator require writing out or extra work as part of a discipline action, such work should be relevant in the main. We do wish to shepherd learners in the right direction, and not simply to mete out punishment, but there is place for "time wasting" punishment as suitable to similar action from a learner.
 3. There is no hard-and-fast rule regarding number of classroom incidents an educator must record before taking action. Some educators, for example, may grant 2 "chances" regarding homework while others grant only 1, while chair swinging results in writing-out in one class and an alternative action in another.
 4. Where a coordinator is called-upon, traceable record is an expectation.
 5. The latter does not preclude immediate Level 2 or above intervention in serious instances.
 6. Direct detentions are only through a coordinator's or Principal's signature.
- *Commendations*
 1. All learners need commendation. The general day-to-day activities in this regard are considered as part and parcel of our striving to help each child reach his/her full potential.
 2. Commendation must be genuine in order to be meaningful.
 3. There is no hard-and-fast rule regarding number of classroom incidents an educator must record before issuing formal commendation.
 4. Where a coordinator is called-upon to "officially" award recognition, traceable record is an expectation.
 5. The latter does not preclude immediate Level 2 or above recognition in some instances.
 6. Special commendations are only through a coordinator's or Principal's signature.

- *Merits and Demerits*
Learners receive merits for consistent positive behaviour and actions. Demerits are given by those in authority in the school for behaviour that consistently deviates from the code of conduct. Every learner is required to have a diary with them at all times, and the merits and demerits are recorded in this diary. This allows parents to be regularly informed of their child's record of discipline. There is also a record of the merits and demerits kept in the class registers. A demerit results in a break detention. The accumulation of merits results in increasing levels of recognition throughout the year.
- A break detention,
- Community service.

Formal action

Discipline must, wherever feasible and effective, be applied progressively. Informal action for minor transgressions is generally applied at educator level, without a formal investigation being necessary. Repeated committing of a minor, similar or related offence will, however, result in progressively more severe and formal action being taken; particularly where a clear pattern of behaviour trend is indicated by the learner's continued misconduct.

Notwithstanding the principles of progressive discipline, a serious first offence may justify a formal and severe penalty, and mitigate against the imposition of a lesser form of action (please see the disciplinary code attached).

When an infringement occurs which appears to require formal disciplinary action, the educator concerned (or another complainant) will initiate the disciplinary process by reporting the incident to their phase co-ordinator or to the Head of Student Affairs. This report may be supplemented by any additional information or statements to clarify or adequately detail the facts surrounding the infringement.

The educator, and their phase co-ordinator or the Head of Student Affairs if required, must investigate an infringement reported to decide upon appropriate corrective measures. This investigation generally takes the form of an INFORMAL inquiry, and wherever possible includes an opportunity for the learner to state his/her case in response to the complaint. If, after investigation, the infringement is confirmed and considered to be of a nature which does not require severe action, the phase co-ordinator or Head of Student Affairs may counsel the learner and issue an appropriate WARNING to the learner(s) concerned. It should be pointed out that the investigation to be conducted is an informal one, and that suspension or expulsion is not considered as appropriate action at this point.

Formal action may include one or more of the following:

- An afternoon detention or Saturday detention. Afternoon detentions are held on Friday afternoons for a one and one half hour period. Parents need to make arrangements for their children to be picked up after detention. There are some instances in which a detention will be issued immediately. These include, but are not limited to:
 - Disrespect or insolence that results in the pupil being sent to the principal
 - No homework diary
 - Back chatting a teacher or prefect
- A verbal or written warning is issued and filed. Warnings issued by the school will be noted on the learner's record (usually effective for a period of 3 months to 1 year). Copies of warnings issued will also be provided to the parents.
- Parental contact and an interview with parents, generally after the conducting of an investigation by the school.

- Suspension for a period from class or from attending school, pending the convening of a formal disciplinary hearing, and/or as a form of corrective action after the conducting of a disciplinary hearing.
- Expulsion [as a last resort in the case of serious or repeated misconduct], only after the conducting of a disciplinary hearing.
- A special commendation.
- An invitation to a Principal's Tea.
- Certificates and other awards are presented at the end of the year for academic excellence, sporting excellence and other outstanding behaviour. (see Awards Policy)

4. DISCIPLINARY PROCESS

This procedure summarises the disciplinary process that will be followed by the School when formal disciplinary action is considered appropriate.

In some instances, a learner may be sent to the Principal immediately for disciplinary action. These include, but are not limited to:

- Being in possession of addictive substances, alcohol, weapons, lewd or pornographic material, cigarettes, lighters, matches, fireworks or any other material that the school deems undesirable.
- Drinking alcohol, smoking or taking any addictive substance.
- Failure to attend detention

As much as grace is extended where unacceptable behaviour is encountered, it is not open-ended giving the individual the opportunity to continue unabated with unchanged behaviour. This would be irresponsible on behalf of The King's School Linbro Park and would not be in the best interest of the learner. These situations will be dealt with in the following manner:

Where a **pattern** of unacceptable behaviour has become evident and the consequences applied have not served the purpose of facilitating change, a **Verbal Warning** will be issued. In certain instances a Verbal Warning may be issued without any previous pattern of unacceptable behaviour. Should the specific behaviour, or in some instances related behaviour, continue to be evident, a **Formal Written Warning** will be issued. In certain instances a Formal Written Warning may be issued without any previous pattern of unacceptable behaviour. If the specific behaviour or related behaviour continues, the learner will be issued with a **Final Written Warning**. Should the learner persist with behaviour that is contrary to the vision and values of The King's School Linbro Park, a **Disciplinary Hearing** will be scheduled which may result in the privilege of education at The King's School Linbro Park being withdrawn.

A Verbal Warning (to accompany a Friday afternoon detention)

The Principal, or the delegated authority, only issues a Verbal Warning. This form of consequence is applied where a pattern of unacceptable behaviour has become evident and the consequences applied have not served the purpose of facilitating change.

Example of this type of behaviour includes:

- Repeatedly not doing homework, as an indication of deliberate defiance of instructions
- Continued open defiance of those in leadership, including prefects

- Repeatedly displaying a reluctance to apply themselves to the The King's School Linbro Park curriculum - this includes compulsory extramural activities
- Repeatedly being placed on detention
- Deliberately and in a premeditated manner acting inappropriately within the school community. In this instance it is possible that there may not have been any previous pattern of behaviour.

Any incidents of the above must be reported to the Principal who, upon consultation with the Head of Student Affairs and/or the school's phase co-ordinators will issue a Verbal Warning should it be agreed that this is the appropriate course of action. A series of Verbal Warnings may be issued at the discretion of the Principal.

The parents of the learner must be informed of learner's being issued with a Verbal Warning. Notice of the issuing of a Verbal Warning is copied to the parents and the learner's file.

A Formal Written Warning (to accompany a Saturday morning detention)

The Principal, or the delegated authority, only issues a Formal Written Warning. This form of consequence is applied where a pattern of behaviour contrary to the vision and values of the school has become evident to the Principal or the Principal's delegated authorities. It must also be evident that the learner is displaying no willingness to change.

All instances of the above must be reported to the Principal who, upon consultation with the Head of Student Affairs and/or the school's phase co-ordinators will issue a Formal Written Warning should it be agreed that this is the appropriate course of action.

The parents of the learner must be informed of learner's being issued with a Formal Written Warning. The Formal Written Warning is copied to the parents and the learner's file.

A Final Written Warning (to accompany a suspension)

The Principal or the delegated authority only issues a Final Written Warning. This course of action is followed where a learner deliberately continues with behaviour that is contrary to the vision and values of The King's School after a Formal Written Warning has been issued.

The Final Written Warning serves to inform the learner and his/her parents that the withdrawal of the privilege of education at The King's School is imminent unless a change of behaviour becomes evident.

A period of time may be given for the learner to change or the warning may apply from the date of issue for as long as the learner is at The King's School.

The principal or the delegated authority will determine the variables i.e. specific conditions, which need to be recognised within the context of the warning. Each case will be dealt with on merit within the context of grace.

Disciplinary Hearing

When a serious alleged infringement occurs, or in the case of repeated lesser infringements and formal disciplinary action not having had the desired affect, a NOTIFICATION OF A DISCIPLINARY HEARING is given to the parents of the learner concerned. This notification must provide sufficient information to ensure that the

learner/parents are properly informed of the alleged complaint, the seriousness of the allegations, and the school's intention to convene a formal hearing to investigate the infringement.

Please note that:

- a) the learner's parents should, wherever possible, be notified of the hearing at least 48 hours (two working days) before the scheduled hearing.
- b) the learner may be suspended pending the hearing, ONLY if this is considered appropriate bearing the alleged misconduct in mind. The suspension of the learner should be indicated in the notification to the parents, the period of suspension preferably not exceeding a period of 5 [school] days prior to the conducting of the hearing.
- c) the learner and parent[s] must be advised that they are expected to attend the hearing and that their non-attendance may prejudice their case - and result in the hearing being held in their absence, and a decision being made without their involvement.
- d) the learner and parents must be advised of the serious nature of the allegations, and the possibility of severe disciplinary action being taken should the learner be found guilty of the allegations made against him/her.
- e) legal representation at disciplinary hearings is NOT generally permitted, unless both the school and the parents agree that it is appropriate for BOTH parties to be professionally represented. The hearing is an internal school procedure and the involvement of legal counsel can lead to unnecessary over-complication and hindrance of the process.

The conducting of the formal disciplinary hearing is of great importance and must be chaired by an objective senior school official or board member. The hearing chairperson will be responsible for leading and managing the hearing process, and making the two critical decisions as to

- a. the guilt or innocence of the learner relative to the allegations made;
- b. the appropriate penalty/action to be taken, after due consideration of mitigating and aggravating factors

To ensure that this crucial procedure is properly and fairly conducted, all disciplinary hearings should be conducted in such a way as to ensure that the rules of natural justice are complied with, i.e. the learner and parent...

- must properly understand the allegations being made
- should be presented with all facts and information relating to the allegations
- must be given the opportunity to question evidence presented
- are entitled to present their own perspective and explain/defend their actions, and be heard by an impartial chairperson
- must be treated with dignity and respect throughout the hearing
- are to be assured of the greatest confidentiality possible
- must be advised of the outcome of the hearing [i.e. the verdict], the decision made regarding penalty, and the reasons for such decisions
- must be offered the right to appeal against any decision made by the chairperson.

After the completion of the hearing, the two decisions made (regarding guilt or innocence, and whether to impose disciplinary action or not) should be formally communicated, and supported, by the hearing chairperson.

This notification of the outcome, preferably distributed within 5 days of the hearing being completed, must include a reminder that the learner / parents have the right to appeal against any corrective and disciplinary action decided upon, within 5 days of receiving formal notification of the outcome of the hearing.

NB. Copies of all documentation must be retained by the school for record and safekeeping purposes.

5. APPEAL REVIEW PROCESS

The learner / parents have the right to appeal against any formal disciplinary action imposed by the school. Lodging an appeal against a decision, for a minor offence, or to expel the learner after a disciplinary hearing has been conducted, only entitles the learner to an appeal *review*, however.

A review is generally a process that does not entail a “rehearing” of evidence, and the reviewer is required to at least review documentation submitted by the respective parties, and consider the evidence presented by the school as well as any other evidence submitted by the other party. Typical grounds for an appeal review may include:

- the disciplinary process was not properly followed
- the decision on verdict (guilt) was not considered correct
- the decision regarding action (sanction) is considered inappropriate
- relevant mitigating factors were not properly considered by the chairperson
- hearing chairperson was considered biased, or made a subjective decision
- learner / parents were not in a position to properly present his/her/their case
- new evidence can be presented which may affect the decisions made.

The learner / parents wishing to appeal must fully motivate their appeal in writing, detailing their grounds for appeal. The request for appeal must be submitted to the school within 5 days of the hearing chairperson’s decision having been communicated to the learner/parents so as not to delay review proceedings.

The learner’s basic right to an appeal against disciplinary action does not ordinarily mean that all the matters raised at the disciplinary hearing will be “re-heard”. The appeal procedure is limited to an objective reviewing of the decisions made, based on the grounds and motivation for appeal lodged.

A full appeal re-hearing is **ONLY** necessary when the disciplinary hearing process appears to have been materially defective and/or the decisions reached at the hearing are considered to be highly suspect by the school.

Should it become obvious that a full re-hearing is required for a fair appeal process, usually due to a materially defective disciplinary hearing process having taken place or substantial new evidence having come to light after the hearing, a full appeal re-hearing should be conducted in accordance with the principles highlighted in section 4 above, chaired by a new and impartial chairperson.

The school will be responsible for appointing an appropriate person, or review panel, to conduct the appeal review - or a re-hearing if considered necessary. After reviewing the appeal motivation submitted, and investigating any aspects of the disciplinary process considered necessary, the reviewer must make a decision based on his / her findings, relative to the grounds for appeal submitted.

When a decision has been made by the reviewer (or re-hearing chairperson / panel), a written finding must be provided to the learner/parents within a further 5 days, and a copy of the finding placed on the learner's file for safekeeping.

The school's appeal process is the final procedure in the disciplinary process and marks the exhaustion of internal school disciplinary measures.

6. COLLECTIVE DISCIPLINARY ACTION

The above-described disciplinary procedure is principally designed to deal with instances of misconduct by individual learners. Alleged misconduct by a group of learners, where the infringement(s) are of a similar nature or with a related intent, is considered as being "collective misconduct".

Generally, collective misconduct is more effectively dealt with on a collective basis. An [informal] investigation into the alleged misconduct is conducted initially by the educator or head of dept with all of the learners concerned. Dependent upon the outcome of this investigation, informal or formal disciplinary action may be considered appropriate by the responsible school official.

Should the infringement be considered to be serious, a single disciplinary hearing procedure may be conducted with the learners concerned, with their parents present. The same procedures as provided for in section four above are generally also followed in a collective hearing.

Despite the use of collective procedures, individual learners must still be provided with the opportunity of demonstrating that their own circumstances may be different from that of the group, and showing why they should be treated differently.

In certain cases, however, it might be considered appropriate by the school to conduct separate investigations or hearings with individual learners. The school reserves its right to exercise its option to conduct individual or collective hearing procedures.

The same provisions set out in section five above regarding appeal procedures apply in the case of collective disciplinary action. The school reserves its right to initiate a separate or collective / group review process, to deal with any appeals received.

7. DISCIPLINARY CODE SUMMARY

The school disciplinary code for learners (attached), is intended as a guideline for educators and hearing / appeal review chairpersons.

It indicates the maximum disciplinary action considered appropriate for various types of infringements and misconduct by learners. As indicated previously, mitigating circumstances of a particular case under consideration may justify less severe action than that indicated in the code.

The infringements listed in the code are not intended to be an exhaustive listing but rather as an indication of the type and severity of an infringement, and the nature and category of the deviation from accepted learner conduct.

Please note that the code does make provision for “progressive” or accumulative penalty, i.e. the imposition of a harsher sanction for repeated misconduct. A note regarding the application of the code and procedure (below) deals with this and other important practical matters.

8. APPLICATION NOTES

8.1 PENALTY AND CONSISTENCY

The penalties set out in the disciplinary code indicate the recommended maximum penalty that could be imposed. Obviously, a lesser penalty may be applied, should mitigating considerations indicate that the maximum penalty is possibly not appropriate in the circumstances. While consistency of treatment IS important, due consideration of factors relating to each case is of equal importance.

8.2 CUMULATIVE ACTION

Cumulative action for a repeated offence (i.e. imposing a more serious penalty for misconduct than that imposed previously for misconduct) is only appropriate if the second misconduct is of a “similar nature” to the previous misconduct - the nature and type of offence should be the same, and any warnings issued previously must not have expired.

8.3 EXPULSION

Expulsion should ONLY be effected after conducting a formal hearing. The procedural requirement of conducting a hearing prior to expulsion, even if the learner admits guilt, should not be flouted. The penalty of expulsion is a last resort, if no reasonable alternative or lesser form of penalty is considered appropriate. The school should be prepared to motivate why a less severe penalty was not imposed, and to provide information on why alternatives to expulsion were not considered appropriate.

8.4 SUSPENSION (Two forms of Suspension)

8.4.1 As punishment:

Suspension from class/school activities is acceptable (and possibly appropriate in certain circumstances) as a severe form of punishment - if requested / agreed to by the learner’s parents, and as an alternative to expulsion - but ONLY once a hearing has proven guilt. The period of suspension should not be such as to jeopardise the educational interests of the learner as this may lead to (justifiable) challenge on Constitutional rights grounds.

8.4.2 Pending a hearing:

Suspension of the learner from school activities pending the conducting of a formal hearing (i.e. if expulsion is being considered) should also not be of a duration that would prejudice the educational rights of the learner. The hearing should therefore be conducted as soon as possible after the suspension takes effect. In such a case, it must also be clearly indicated to the learner that this suspension is not a form of punishment and is

rather a practical arrangement to remove the learner, temporarily and in the interests of the school and the learner.

8.5 BURDEN OF PROOF

As the onus rests with the school to prove the reasonableness and fairness of disciplinary action taken against a learner, care must be taken to follow all the procedural steps outlined in this procedure and code. Any deviation from the recommended procedures and actions set out in this document will have to be justified by the school if challenged.

8.6 MISCONDUCT OFF THE SCHOOL PREMISES

Imposing disciplinary action for misconduct that took place “off-site” e.g. after hours and/or off the School premises, requires that the school must clearly demonstrate the negative impact of the off-site misconduct on the school / learner relationship.

To illustrate: If a learner is charged and found guilty of theft of goods at a shopping mall, the school is not automatically entitled to impose any disciplinary sanction on the learner. Proven (criminal) misconduct off the school’s premises may however be considered sufficiently serious and relevant in the case of a school prefect to result in their being de-merited, and their prefectureship being rescinded.

ANNEXURE TO LEARNERS DISCIPLINARY PROCEDURE: Disciplinary Code for Learners

(Revised 01/2009)

REINFORCEMENT OF POSITIVE BEHAVIOUR

Level			Application	Action
1		Merit	General Order Marks (3 = a merit) Some issues = immediate merit # Uniform: consistently neat & correct # Picking up litter # Standing up for someone being bullied # Perfect attendance for a term # reply slips / absentee notes consistently on time # 80% or higher on a cycle test or mid-year exam # Other general day-to-day helpfulness considered	Teachers (and prefects, under guidance) issue OMs in these respects.
2		Special Commendation, During assembly	# Exceptional behaviour or performance on school property or while out of school but representing the school # 6 Merit accumulation # KSLP Top 10 # Other accomplishments may be considered as they arise	Teachers record where two or three instances add up to a commendation. Once requirement is reached, the teacher works through the relevant CO for a letter.
3		Principal's Tea	# Accumulation of 3 special commendations # Other individual outstanding accomplishments may be considered	The CO responsible writes letter for Principal's signature & enters name onto list.
4		Certificate of Achievement	# See Awards Policy	Decisions made by awards committee
5		Excellence Evening recognition	# See Awards Policy	

CORRECTION OF NEGATIVE BEHAVIOUR

Level			Application	Action
1	Minor Offences	Prefects' Detention Wednesday lunch Duty: Prefect Under CO supervision Demerit issued	Correction Marks (3 = demerit / prefect detention) Some issues = immediate prefect detention # Uniform: shirt, blazer, socks or shoes, nail polish, make-up, jewelry, short skirts, hair tied incorrectly, exotic hairstyles, long sideburns or unshaven etc # Talking in assembly / lines # Littering # Late arrival at school or assemblies/lines # Late (or no) reply slips / absentee note # Eating / chewing in class # Other general day-to-day offences considered	Teachers and prefects issue CMs in these respects. It is in the Admin office. COs check daily and take appropriate steps.

2	Serious Offences	Friday Detention 14h15 – 15h45 Verbal warning issued Duty: CO by rotation	<ul style="list-style-type: none"> # No sport / PE kit # Disruption of class – judgment call # Insolence # Ongoing no homework (± three offences) # Lesser vandalism – desks especially # Defiance # Inappropriate behaviour on school property or while out of school but in school uniform # Profanity # Swearing – repeated after initial demerit # Non-attendance at sport practice # Non-attendance at break detention # 3 Prefect/Break Detention accumulation # Fighting – situation dependent # Other more serious offences may be considered as they arise 	<p>Teachers record where two or three instances add up to a detention.</p> <p>Once a limit is reached, the teacher works through the relevant CO for a slip.</p> <p>The CO delivers and chases-up.</p>
3		Saturday Detention 08h30 – 12h00 Written Warning issued Duty: Principal and Management	<ul style="list-style-type: none"> # Accumulation of 3 Friday Detentions # Cheating # Bunking # Non-attendance at a sport match # Fighting – situation dependent # Non-compliance / defiance # Other immediately very serious offences may be considered 	<p>The CO responsible writes slip for Head's signature & enters name into book. Latter will follow-up through COs.</p>
4	Suspension	Principal Relevant CO Parent / Guardian Final Written Warning issued	<ul style="list-style-type: none"> # Accumulation of serious offences # Accumulation of two Saturday detentions # Smoking or evidence thereof # Bullying (see Bullying Policy.) # Stealing # Hair colouring – deliberate defiance # Gross insolence # Severe vandalism (or repeated / ongoing) # Other immediately very serious offences may be considered 	<p>Pupil(s) must be brought to the Principal</p> <p>Administration and follow-up is then pursued by the Principal and CO</p>
5	Likely Expulsion	Discipline Hearing: Principal Parent/Guardian. [BOG rep. plus other legally required representatives if demanded.]	<ul style="list-style-type: none"> # Repeated Level 4 offences # Alcohol or drug transgression # Harassment # Pornography or other unsavoury media # Serious Racially-motivated transgression # Serious Sexually-motivated transgression # Possession of weaponry # Other immediately very serious offences may be considered 	