



ST STITHIANS COLLEGE

CODE OF CONDUCT FOR STUDENTS

(November 2024)

1. DEFINITIONS AND DISTRIBUTION PROCEDURES

Definitions

In this Code of Conduct, unless the context dictates otherwise, the following terms have the following meanings:

- 1.1 **“Breach”** means an infringement, contravention or a transgression of this Code of Conduct, the School Rules or School Policies and Procedures. A Breach may constitute Misconduct;
- 1.2 **“the Code of Conduct”** means this document which provides a framework for the conduct of all students;
- 1.3 **“the College”** means all the Schools that comprise St Stithians College, located at 40 Peter Place, Lyme Park, Sandton;
- 1.4 **“College Council”** means the Governance authority of the College, which includes representatives from the Trust, Church, Parents, Alumni, Independent persons, the Chairs of standing committees of Council, and the Chair of the Thandulwazi Trust;
- 1.5 **“Disciplinary Committee”** means the committee concerned with matters of discipline at the College and whose membership and mandate is described in this Code;
- 1.6 **“Disciplinary Procedure”** means the Procedure attached to this Code of Conduct as **Schedule 1**;
- 1.7 **“Disciplinary Process”** or **“Disciplinary Processes”** refer to the procedures invoked to ultimately determine whether a disciplinary infraction has taken place and if so, the sanction that should be applied;
- 1.8 **“Disciplinary Sanction”** means the measure that may be imposed on a Student found guilty of misconduct;
- 1.9 **“Formal Disciplinary Hearing”** means a hearing that is convened to determine allegations of Serious Misconduct;
- 1.10 **“Grade Director”** means the Head of the grade that a Student is in at the relevant time;
- 1.11 **“Head of School”** means the principal of a School within the College;
- 1.12 **“House Director”** means the Head of the House that the Student is in at the relevant time;
- 1.13 **“Informal Disciplinary Hearing”** means a process to deal with less serious allegation(s) of Misconduct which are put to a Student who is given an opportunity to respond to such allegation(s);

- 1.14 **“Internal Suspension”** means the suspension of a Student from their attendance at school classes and/or activities under conditions specified in a suspension notice whilst remaining on the school premises under school supervision;
- 1.15 **“External suspension”** means the suspension of a Student from their attendance at school and all activities under the conditions specified in a suspension notice. The student may not be on campus whilst serving this notice.
- 1.16 **“Misconduct”** means any conduct by a Student which amounts to a Breach of this Code of Conduct;
- 1.17 **“Staff”** means any person that is employed by the College;
- 1.18 **“Student”** means the learner enrolled at a School within the College;
- 1.19 **“Student Leader”** means a Student Leader in the Girls’ College or School Prefect in the Boys’ College;
- 1.20 **“Parent”** means one or both of the biological, or adoptive parents, of the Student or the student’s legal guardians, as the case may be;
- 1.21 **“the Rector”** means the Chief Executive of the College;
- 1.22 **“Saints Charter”** means the document which sets out, among other things, the purpose and core principles which are fundamental to the College, subscribing to the Methodist ethos of the school.
- 1.23 **“the School”** means the specific school, within the College, at which the Student is enrolled (whether it be Junior Preparatory, Girls’ Preparatory, Boys’ Preparatory, Girls’ College or Boys’ College);
- 1.24 **“the Schools Act”** means the South African Schools Act 84 of 1996, as amended from time to time;
- 1.25 **“the School Policies”** or **“the Policies”** or **“Procedures”** means all the policies and procedures of the College, which are adopted or amended from time to time;
- 1.26 **“the School Rules”** means the rules prescribed for each **“School”**, which rules are supplementary to this Code of Conduct and should be read in conjunction with them;
- 1.27 **“Parties”** means the parties subscribing to this Code of Conduct and **“Party”** means either one of the Parties as the context may indicate.

Key Concepts

In addition to the definitions set out above, the following key concepts are important for the purposes of this Code of Conduct and the attached Disciplinary Procedure:

Act and Omission	An <u>act</u> is actual or positive conduct and an omission is the <u>failure to act</u> , one or both of which may constitute Misconduct.
Charge	A charge is an allegation of Misconduct.
Hearing	The process that provides an opportunity for the Student or Parents to <u>challenge the charge or charges of Serious Misconduct</u> against the Student and determines their guilt or innocence on the balance of probabilities. If a guilty verdict is rendered, the disciplinary chair will recommend the sanction to be applied.

Verdict	The decision on whether or not the Student is guilty of the charge or charges.
Sanction	Includes but is not limited to counselling, a warning, a reprimand, an internal or external suspension or expulsion, which may be imposed on the Student in consequence of a Breach or Misconduct. In a Formal Disciplinary hearing, a sanction will be recommended after the chairperson has considered mitigating and aggravating factors.
Mitigating factors	Any factors that would <u>support a lesser sanction</u> being imposed on the Student.
Aggravating factors	Any factors that would <u>support a greater</u> sanction being imposed.
Burden of Proof	In any Formal Disciplinary Hearing, the onus is on the <u>School to prove the charges against the Student</u> , on a balance of probabilities.
Appeal	A Student who takes issue with a guilty verdict and/or the sanction imposed may appeal the decision on the merits as set out in this Code and Procedure.

Access to the Code and the binding nature of the Code

- 1.28 The Code of Conduct is available on the College's website and on the secure online Portal;
- 1.29 Each Student will have access to a copy of this Code of Conduct and a copy shall be provided to the Parent during the enrolment process;
- 1.30 The Parent is required to read this Code of Conduct with their child and both Parent and Student must sign it and return it to the College for filing;
- 1.31 By signing this Code of Conduct, both Parent and Student agree to be bound by it.

2. INTRODUCTION

- 2.1 St Stithians College strives to be a place where Students, Parents, Staff and Alumni experience the love of God and faith in action. We, as a College, are challenged and inspired by our Saints Charter with its injunction to: ***Honour God. Honour Others. Honour Self.***
- 2.2 The College lives out its Christian and Methodist character as a South African School that is *"Inspiring Excellence. Making a World of Difference"*, united and inspired by the College motto: ***One and All.***
- 2.3 To ensure that the College has a consistent and fair approach to Student discipline, the College has developed this Code of Conduct and Disciplinary Procedure.
- 2.4 This Code of Conduct and the Disciplinary Procedure has been developed taking into account:
 - 2.4.1 the Constitution of the Republic of South Africa of 1996 ("the Constitution");
 - 2.4.2 the School's Act;
 - 2.4.3 comment from a diverse range of community stakeholders namely; Students, Staff, Parents and Alumni; the Statement of Intent and purpose of the College;
 - 2.4.4 the Saints Charter;
 - 2.4.5 the College's Constitution;
 - 2.4.6 the College Statement on race and racism, transformation and diversity (2017);

- 2.4.7 the values, doctrine and ethos of the Methodist Church of Southern Africa; and
- 2.4.8 the School Policies and the School Rules.
- 2.5 The Code of Conduct and Disciplinary Procedure are aimed at promoting the Statement of Intent of the College, as set out more fully below.
- 2.6 The Code of Conduct and Disciplinary Procedure are further intended to underscore fundamental values and principles according to which Students are expected to conduct themselves, as well as, the framework within which corrective discipline can effectively be implemented by the College.
- 2.7 The College believes that adherence to both the spirit and the letter of the Code of Conduct and the accompanying Disciplinary Procedure will support healthy working relationships between Parents, Staff and Students, which are an essential foundation for the creation of a constructive teaching and learning environment.

Statement of Intent

- 2.8 The aim of this Code of Conduct is to support the College's Statement of Intent, in terms of which the College strives to:
 - 2.8.1 educate individuals to participate, lead and serve;
 - 2.8.2 to create a culture of teaching and learning within a school through a discipline system that protects the Student's right to effective education, human dignity and security;
 - 2.8.3 live out a Methodist ethos by providing diverse opportunities for Students and Staff to ***Honour God, Honour Others and Honour Themselves and to Know Oneself, to Be Oneself***, and to ***Make their Contribution*** as both African and global citizens;
 - 2.8.4 combine College tradition with innovation and academic ambition within a holistic education;
 - 2.8.5 promote personal growth and lives of significance for our Staff and Students;
 - 2.8.6 optimise educational and institutional synergies through the Schools' collaboration with each other;
 - 2.8.7 create a community of belonging among our Students, Staff, Parents and Alumni;
 - 2.8.8 provide facilities which enhance the College's educational mission, while developing the campus as a place of natural beauty and promoting environmental awareness and action;
 - 2.8.9 manage the College effectively and efficiently according to sound and accountable corporate governance policies;
 - 2.8.10 commit to the positive transformation and development of South African society;
 - 2.8.11 embrace ubuntu;
 - 2.8.12 give a clear, defined explanation of the standard of behaviour and conduct expected of Students so that they can adapt their behaviour accordingly;

- 2.8.13 ensure that Disciplinary Processes are applied consistently and fairly;
- 2.8.14 guide the daily functioning of the College to ensure that activities happen in an orderly manner;
- 2.8.15 realise a safe environment for Students and Staff;
- 2.9 Students, Staff and Parents understand that they are responsible for ensuring that Students adhere to the School Policies; and for creating a peaceful, law abiding and happy environment, which is conducive to a culture of learning and excellence.

The Approach to Discipline:

- 2.10 The College encourages the development of the Student's self-confidence, self-discipline, humility and respect through a holistic educational and ecclesiastical offering;
- 2.11 The College acknowledges that Students will make mistakes as they make sense of their world and navigate their own physical, social and emotional development.
- 2.12 The College believes that mistakes assist Students in understanding how to be accountable for their wrongdoing and ultimately to learn from their errors. As such, the College subscribes to the concept of corrective discipline.
- 2.13 Corrective Discipline:
 - 2.13.1 Corrective Discipline focuses on: Correcting aberrant conduct while not disavowing punitive sanction in appropriate circumstances;
 - 2.13.2 Corrective discipline addresses misbehaviour through consequences (or sanctions) that aim to teach and guide students. This approach is about correcting inappropriate behaviour with a goal of helping students to understand the impact of their actions and to address the harm caused to others and to learn how to behave appropriately in the future.

Jurisdiction and Scope

- 2.14 The Code regulates conduct which is:
 - 2.14.1 applicable in all Schools, or which is School sponsored or School-related,
 - 2.14.2 both within and outside the regular school hours whether on or off the College premises, and
 - 2.14.3 which may be reflected on social media platforms.
- 2.15 This Code of Conduct is applicable at all the Schools and may be invoked in relation to infringements of specific School Rules or Policies.

3. RIGHTS AND RESPONSIBILITIES, KEY CONCEPTS AND GUIDING PRINCIPLES

Rights and Responsibilities

- 3.1 The principles enshrined in this Code of Conduct are based on, among other things, the rights contained in the Bill of Rights, as set out in the Constitution.
- 3.2 The Student accepts that every right comes with a correlating responsibility.

3.3 The **rights and responsibilities** of Students, include but are not limited to:

Student's right	Correlating responsibility
The right to non-discrimination, inclusion and equality	To treat everyone equally, and not to discriminate unfairly against others
The right to privacy, respect and human dignity	To not invade other's privacy and to treat them with dignity and respect
The right to freedom and security of the person	Not to impinge upon or encroach on the freedom or security of others
The right to freedom of expression	To respect the right of others to freedom of expression, and to tolerate and be respectful of other opinions or beliefs
The right to a safe school environment	Not to act in a manner that would make the school environment unsafe for others
The right to education	Not to disrupt or interfere with other Students' right to an education or the Staffs' duty to educate
The right to be protected from maltreatment neglect, abuse and degradation	To act in support of this right in relation to other Students and to report any maltreatment, neglect, abuse or degradation of themselves or any other person.

Guiding Principles

This Code of Conduct and the accompanying Disciplinary Policy are informed by the following guiding principles which will be implemented and respected when Disciplinary Action is taken against a Student:

Procedural Fairness	Includes, amongst other things, the following: <ul style="list-style-type: none"> • timeous notification to the Student and the Parent of an allegation of Misconduct; • timeous notification to the Student and the Parent of a Disciplinary Hearing or a Disciplinary Meeting and the opportunity to participate in such proceedings, to present their case and to challenge evidence presented; • notification of the outcome of a Hearing; and • notification of the right to lodge an appeal.
Substantive Fairness	Includes, amongst other things, the following: <ul style="list-style-type: none"> • the Student is presumed innocent, until the contrary is proven; • the merits of the matter will be properly and fairly considered; • Disciplinary sanctions will in general be corrective in nature and focused on preventing a reoccurrence of the Misconduct although, as previously stated, a punitive sanction will be applied where it is warranted; • Disciplinary sanctions, must be appropriate in the circumstances.

Due Process	<p>A Student accused of Misconduct has a right to hear the charge(s) against them and has a right to be heard in response to them. A Student accused of Serious Misconduct, has the right to a fair hearing. The right to a “fair hearing” encompasses the following norms and principles:</p> <ul style="list-style-type: none"> • To be informed of, and to understand the charges levelled against them; • To receive written notice, at least 5 (five) school days before the hearing is to take place, of the date, time and place of the hearing; • To be represented by a Parent or member of Staff, in a supportive capacity; • To be heard by an impartial chairperson; • To be informed in writing of the verdict and, if found guilty, the sanction to be imposed; and • To be informed of the right to appeal the verdict and/or the sanction.
Transparency	<p>All matters pertaining to this Code of Conduct and the Disciplinary Procedure shall be conducted in a manner that seeks to achieve an appropriate balance between the rights and interests associated with transparency on one hand and confidentiality on the other, as may be dictated by the circumstances.</p>
Representation	<p>No legal representation will be permitted at any stage as a consequence of disciplinary charges being brought against a student in terms of the Code and Procedure set out herein. A student may represent themselves or be represented by a member of staff or a parent or guardian.</p>

4. DISCIPLINARY ACTION AND RELATED MATTERS

Specific School Rules and Policies

- 4.1 The School Policies and School Rules are intended to establish a disciplined and purposeful environment to facilitate effective learning and teaching at the College.
- 4.2 Ignorance of the School Policies and School Rules is therefore not an acceptable excuse. To this end, the School Policies and School Rules are available on the College’s website and on the College’s secure online Portal.
- 4.3 As such, every Student agrees to adhere to this Code of Conduct, and the School Policies and School Rules.

Generally Expected Standards of Conduct

- 4.4 In addition to the requirement that Students must comply with their obligations in the School Policies and the School Rules, the Student undertakes to, among other things:
 - 4.4.1 comply with instructions from Staff;
 - 4.4.2 behave responsibly and not endanger the safety, welfare or rights of others;
 - 4.4.3 respect and care for the property of the College and others;
 - 4.4.4 respect themselves and their belongings;

- 4.4.5 maintain sound relations with others, be courteous and respect the dignity and self-worth of others, as well as respect and tolerate the beliefs and opinions of others;
- 4.4.6 be punctual for school and all school related activities;
- 4.4.7 demonstrate a positive attitude towards the opportunity to learn and be diligent in their efforts;
- 4.4.8 behave honestly and conduct themselves with integrity;
- 4.4.9 accept the consequences of their actions and any Disciplinary Process that arises as a result, with dignity;
- 4.4.10 not to disparage the College, Staff and Students in public or on social media, and to approach the College directly should they have any grievances or issues with the College, Staff or other Students;
- 4.4.11 not to disparage or be disrespectful towards any other person in the College community, including but not limited to guests of the College and Students from other schools.

Disciplinary Process

- 4.5 If a Student is alleged to have committed an act of Misconduct, the matter shall be dealt with in accordance with the Disciplinary Procedure, attached to this Code of Conduct as **Schedule 1**.
- 4.6 The nature of the Disciplinary Process undertaken will depend on whether the conduct complained of constitutes Misconduct or Serious Misconduct, as explained more fully hereunder:
 - 4.6.1 **“Misconduct” depending upon the circumstances may encompass** any conduct by a Student which:
 - 4.6.1.1 is contrary to the Code of Conduct or any of the School Policies or School Rules;
 - 4.6.1.2 prejudices or interferes with the proper administration of the College;
 - 4.6.1.3 is offensive to or interferes with the ability of any Staff to discharge their duties;
 - 4.6.1.4 is prejudicial or harmful to the welfare of any other Student;
 - 4.6.1.5 is prejudicial or harmful to the aims and objectives of the College; or
 - 4.6.1.6 is any unacceptable or improper conduct, or conduct that is not in keeping with spirit and ethos of the College; but the degree of seriousness of which, if proven, would only warrant the application of a sanction short of dismissal through an **Informal Disciplinary Hearing** and
 - 4.6.2 **“Serious Misconduct”** means a serious, reckless or gross act of Misconduct, an allegation of which would warrant a Formal Disciplinary Hearing, and if proven would likely result in a severe form of **Disciplinary Sanction**, including but not limited to a final written warning, suspension or expulsion, and any conditions

attached thereto. Acts of **Serious Misconduct** include, but are not limited to, the following:

- 4.6.2.1 conduct which endangers the safety and violates the rights of others;
- 4.6.2.2 possession, use or threat of use of a dangerous instrument or weapon;
- 4.6.2.3 possession, use (or encouraging others to use), sale (or assisting in the sale), or transmission (or assisting in the transmission) of alcohol or narcotic, unauthorised or illegal substances (including but not limited to, drugs, alcohol, tobacco products or intoxicants of any kind, as well as marijuana and any derivative thereof and specifically includes electronic cigarettes [“vapes”] and any paraphernalia associated with same). This shall extend to instances where a Student arrives at School or a School event under the influence of any such prohibited substance;
- 4.6.2.4 smoking or being in possession of tobacco products at School or at any School related activities;
- 4.6.2.5 fighting, assault or any other violent, abusive or threatening or bullying behaviour, including gender based violence;
- 4.6.2.6 immoral behaviour or the expression of profanities including the use of expletives or derogatory words;
- 4.6.2.7 falsely identifying oneself;
- 4.6.2.8 conduct that amounts to discrimination on the basis of, among other things, race, gender, sexual orientation, socio-economic position, religion or ethnicity and any conduct that is tantamount to bullying behaviour;
- 4.6.2.9 theft or possession of stolen property, including but not limited to, test or examination papers;
- 4.6.2.10 vandalism, destruction, damage to or defacing College property or the property of others;
- 4.6.2.11 dishonesty, fraud or fraudulent misrepresentation;
- 4.6.2.12 insolence, disrespect, objectionable behaviour and verbal abuse directed at Staff, Students, Parents and/or any other person;
- 4.6.2.13 sexual activity of any kind on the School premises or at School events, including but not limited to, public indecency;
- 4.6.2.14 repeated violations of School Rules, the Code of Conduct or School Policies;
- 4.6.2.15 criminal behaviour of any kind;
- 4.6.2.16 harassment of any kind, sexual or otherwise;
- 4.6.2.17 victimisation, bullying, intimidation or defamatory conduct directed at any person;

- 4.6.2.18 cheating or plagiarism in respect of any test, exam, assignment, project and the like or the infringement of examination rules;
 - 4.6.2.19 cheating in any sporting activity or any other activity associated with the College;
 - 4.6.2.20 knowingly and willfully supplying false information or falsifying documentation to gain an unfair advantage at School;
 - 4.6.2.21 any deliberate or negligent act which results in the School's name being brought into disrepute (in other words, that disrespects or impacts negatively on the College), whether it be on a public platform, online or elsewhere;
 - 4.6.2.22 any online conduct (including the use of social media) which is defamatory or brings the College into disrepute;
 - 4.6.2.23 absence from school, a lesson or any school activity without a valid reason;
 - 4.6.2.24 being an accomplice to any act of Serious Misconduct;
 - 4.6.2.25 any other Misconduct considered to be so serious as to potentially warrant a final written warning, expulsion or suspension of the Student, as a first offence.
- 4.7 The severity of the **Disciplinary Sanction** will depend on:
- 4.7.1 whether the conduct complained of constitutes Misconduct or Serious Misconduct;
 - 4.7.2 the context and circumstances in which the conduct complained of occurred, including previous acts of Misconduct or Serious Misconduct and the nature thereof;
 - 4.7.3 any mitigating or aggravating factors that may be relevant.

5. DISCIPLINARY COMMITTEE

- 5.1 A Disciplinary Committee ("DC") will be established by the Rector and will be accountable to the Rector.
- 5.2 The DC will be chaired by the Deputy Rector and comprise the Heads/Deputy Heads of all the College Schools;
- 5.3 The purpose of the committee will be inter alia to:
 - 5.3.1 Review consistency and fairness in the application of discipline at the Schools;
 - 5.3.2 Distil and analyse trends in disciplinary infractions, including at College Schools and more broadly in the private school environment;
 - 5.3.3 Compile data on the nature and extent of disciplinary infractions at College Schools;
 - 5.3.4 Select candidates from among the Staff to be trained as Chairs of disciplinary enquiries and select candidates to be trained as initiators in Disciplinary Hearings and arranging such training;

- 5.3.5 Establish a panel in consultation with the Rector, of independent chairs to be retained in appropriate circumstances to chair disciplinary hearings;
- 5.4 The DC will account to the Rector and prepare an annual report for consideration at the first meeting of the year of the Governance and nominations Committee, on the issues set out in clause 5.3 above.

COMMITMENT

I, _____, a Student at St Stithians College, understand the provisions of this Code of Conduct and their implications and hereby commit to:

- abide by the Code of Conduct;
- abide by the School Policies and School Rules;
- inform the College if I feel my rights have been infringed; and
- being an upstander in dealing with Misconduct experienced by others.

STUDENT

DATE

PARENTS

DATE

CODE OF CONDUCT: STUDENTS

(November 2024)

SCHEDULE 1: DISCIPLINARY PROCEDURE

GENERAL

1. This Procedure sets out the process that will be followed when an act of Misconduct is alleged to have been committed.
2. The nature of the **Disciplinary Process** that may be instituted against a Student will depend on, among other things, whether the conduct amounts to **Misconduct or Serious Misconduct**.

MISCONDUCT WARRANTING AN INFORMAL DISCIPLINARY HEARING

3. Where a Student at a School is alleged to have committed an act of Misconduct not warranting classification as Serious Misconduct, the member of Staff designated to deal with the matter must:
 - 3.1 gather and consider the facts relevant to the alleged Misconduct;
 - 3.2 should the information gathered reveal a prima facie case of Misconduct that if proven would warrant a sanction short of a final written warning or dismissal, then the said member of Staff should convene a meeting with the Student, put the allegation(s) of Misconduct and the evidence in support of such allegation(s) to the Student and give the Student an opportunity to be heard in response to the allegation(s).
 - 3.3 after considering the evidence presented on the balance of probabilities, either exonerate the Student or find the student guilty and after hearing submissions if any on factors in mitigation or aggravation of sanction, impose an appropriate sanction on the Student.
4. **Misconduct sanctions short of a final warning or dismissal** include, but are not limited to, the following:
 - 4.1 completing, and having the Parent sign, a Reflection Form;
 - 4.2 a verbal warning;
 - 4.3 a written warning;
 - 4.4 detention/time punishment;
 - 4.5 revoking privileges;
 - 4.6 corrective-based tasks; and/or
 - 4.7 assignments/writing exercises.
 - 4.8 counselling
5. Whatever **Informal Disciplinary Sanction** is implemented against the Student in respect of the Misconduct the details thereof must be recorded in the Student's file and on the individual School's disciplinary database.
6. In circumstances where a Student is alleged to have repeated the same, similar or related Misconduct, such repeat conduct may amount to Serious Misconduct and warrant a Formal Disciplinary Hearing.

SERIOUS MISCONDUCT

7. In instances of Serious Misconduct, the process set out below will be followed.

Investigation

8. When an allegation of Serious Misconduct is brought to the attention of the School, the Deputy Head of School or Designated Staff Member must:
 - 8.1 cause the allegation to be investigated.
9. The investigation will entail:
 - 9.1 interviewing and taking statements from all persons necessary to obtain information pertaining to the allegation.
 - 9.2 gathering documentary evidence relevant to the allegations;
10. Once the investigation is complete a report will be compiled recommending one of the following courses of action;
 - 10.1 no Disciplinary Process should be instituted against the Student;
 - 10.2 a prima facie case of Misconduct against the Student is established warranting, if proven, a sanction short of a final written warning or dismissal has been established, in which case the matter will be dealt with in terms of paragraphs 3 to 5 of this Procedure);
 - 10.3 a prima facie case of serious misconduct has been established, the Student should be charged with specified acts of Serious Misconduct and a Formal Disciplinary Hearing be convened.

Formal Disciplinary Hearing

If the investigation determines that a prima facie case of Serious Misconduct against a Student exists, the **Head of School** or Deputy Head of Schools which the student attends will pursue the following course of action:

11. Cause to be appointed a Chair for a disciplinary hearing after consultation with the **Head of that School**;
12. The Student and the Parent will be notified in writing of the Formal Disciplinary Hearing at least **5 (five) school days** prior its commencement (“the notice”),
13. The notice shall:
 - 13.1 Specify the charges that the Student will face;
 - 13.2 inform the Student and Parents of the **place, date and time** of the Hearing; and
 - 13.3 inform the Student and Parents of their rights in terms of the Code of Conduct.
14. The Formal Disciplinary Hearing shall commence on the date and at the time specified in the notice.
 - 14.1 The following persons may be in attendance:
 - 14.1.1 The Chair of the Hearing
 - 14.1.2 The Head of School and/or their Deputy

- 14.1.3 An initiator appointed by the Head of School who will lead the evidence and present the case against the Student;
- 14.1.4 The Student's Parent(s);
- 14.1.5 The Student who may be assisted in the Hearing by one of their Parents or a House or Grade Director.
- 14.2 No external legal representation will be permitted at the Hearing.
- 14.3 At the commencement of the Hearing, the charge or charges will be put to the Student, and if necessary, explained to the Student by the Chairperson, and the Student will plead thereto. In the event that the Student admits to the charge or the charges, the Chairperson will ask appropriate questions to satisfy himself/herself that the Student is in fact guilty of the charges whereupon they will find the Student guilty as charged.
- 14.4 Pursuant to this process, if the Chairperson –
 - 14.4.1 is satisfied that the Student understands the totality of the facts upon which the charge is based and admits to the commission of the offence, the Chairperson shall find the Student guilty of the charge;
 - 14.4.2 is of the opinion that despite the admission of guilt, the Student either does not understand the totality of the facts or the evidence upon which the charge is based or does not admit to each aspect of the offence, the Chairperson will record a plea of not guilty.
- 14.5 In the event that the Chairperson has recorded a plea of not guilty in terms of paragraph 14.4.2, or the Student denies the charge, the Chairperson shall cause a thorough examination of the facts and the evidence, which may include the calling of witnesses or the presentation of any other evidence. Amongst other things -
 - 14.5.1 the Student will be entitled to question any witness and to examine any evidence presented at the Hearing;
 - 14.5.2 the Student may call other witnesses or present evidence to rebut the charge;
 - 14.5.3 the Parent may ask questions through the Chairperson;
 - 14.5.4 the Chairperson may ask any person giving evidence, any questions at any time, for the purposes of obtaining clarity on any matter;
 - 14.5.5 the Chairperson may, if so required, call other witnesses not called by either the Student or the School to give evidence after the parties' evidence has been heard;
 - 14.5.6 after presentation of all the evidence, the parties may make submissions to the Chairperson, and thereafter the proceedings will be adjourned for the Chairperson to consider the verdict, and to inform the parties of his decision in writing, as soon as possible and preferably within 3 (three) school days.
- 14.6 Notwithstanding the procedure set out hereinabove, the disciplinary hearing shall be conducted in an inquisitorial (as opposed to adversarial) fashion as far as practicable in the circumstances, with due regard to the best interests of the Student(s) concerned.
- 14.7 In the event that the Student is found guilty of the charge, the Student will be given an opportunity to present evidence or make representations in mitigation of sanction (which

may include, among other things: the Student's cooperation; demonstration of remorse; no previous disciplinary record; and any psychological, personal, medical or family circumstances). Similarly, the School will be given an opportunity to present evidence or make representations in aggravation of sanction.

- 14.8 Upon a consideration of the mitigating and aggravating factors; the Chairperson may recommend to **the Deputy Head or to the Head of Schools** what they deem to be an appropriate sanction which may include a final written warning, the removal of privileges for a specified period; a final written warning and remedial service for a specified period, or expulsion.
- 14.9 The Head of School or Deputy Head of School will consider the recommendation and may either endorse it or vary it as the final decision emerging from the DC.

Non-Appearence at a Disciplinary Hearing

15. Should a Student and/or their Parents fail to attend a disciplinary hearing without reasonable and timeous explanation the hearing will proceed in their absence.

16. Collective Serious Misconduct:

- 16.1 In circumstances where it is alleged that Students have acted collectively to commit an act of Serious Misconduct, the College may arraign the students before a single Disciplinary Hearing or a Disciplinary Meeting.
- 16.2 In the event of a collective hearing, evidence into the conduct of each individual Student will be considered to determine their guilt or innocence and if the former what sanction should be recommended to the Deputy Head or Head of the School in the event of an allegation of serious misconduct.
- 16.3 The form of the hearing will be determined by whether the alleged Misconduct is such that if proven would warrant a final written warning or expulsion.

17. Record of Hearings:

Proceedings of a Formal Disciplinary Hearing must be recorded and retained on the Individual School's **disciplinary database**. The record of the proceedings shall remain strictly confidential, save for those individuals who strictly require knowledge thereof.

18. Criminal offences:

Notwithstanding anything that is set out above, if a Student commits an act of Serious Misconduct, which also may constitute a crime, the College will consider whether the circumstances warrant a criminal charge being lodged against the offender. If the act of Serious Misconduct is directed against another student, this course of action would be available to the victim with their parents. The School will complete their internal processes notwithstanding a decision to lay a criminal charge.

19. Disciplinary Meeting:

In appropriate circumstances a formal disciplinary hearing as contemplated in this code can be avoided if all interested parties agree that a less formal and expedited process for determining the matter, be adopted.

In such instances the person who is responsible for convening the disciplinary process would, as an alternative, convene a Disciplinary Meeting to which the student and his parent/s or guardian/s would

be invited and at which the alleged disciplinary offence would be tabled. The student would be given the opportunity to state his/her case and a consensus-based decision on the guilt or innocence of the student, and in the case of the former an appropriate sanction would then be considered. If the disciplinary offence is admitted and the sanction to be applied is agreed to then that is the end of the matter. If, however, this is not the case then the matter will proceed to a Formal Disciplinary Hearing. Where only the sanction is at issue this will be the only aspect that will be canvassed and determined by the disciplinary hearing.

20. Confidentiality

The outcome of disciplinary proceedings shall, as a general principle, be maintained as confidential and only disclosed to the Student who was charged and their Parents, unless the circumstances dictate the disclosure of the outcome to any other persons. The School may, for example, determine that a victim and their Parents ought to be made aware of the outcome.

Right of Appeal

21. If a Student is found guilty of a charge and a sanction is imposed the Student may exercise the right to appeal the decision whichever is appropriate in the circumstances.

22. General

- 22.1 Pending the outcome of the appeal, the Disciplinary Hearing or Disciplinary Meeting will be entitled to direct that the Student be Suspended, Internally or Externally, pending the outcome thereof.
- 22.2 A Student must exercise the right to appeal to **the Rector** within 5 (five) school days of receiving the written outcome and reasons therefore. The Student must:
 - 22.2.1 by written notice specify the grounds upon which the decision is appealed;

23. Appeal Hearing

- 23.1 Upon receipt of the appeal, and the relevant documents in support thereof, the Rector shall –
 - 23.1.1 appoint an Appeal Chairperson. The Chairperson may be an external or internal appointee.
 - 23.1.2 The Chairperson must determine the appeal and furnish an outcome in writing after considering the disciplinary outcome and written reasons therefore and the written grounds of appeal.
 - 23.1.3 The Chairperson may at their discretion call upon the parties to the appeal to provide oral submissions on the merits of the appeal.
 - 23.1.4 The Chairperson should furnish their outcome in writing within seven (7) days of the conclusion of the appeal proceedings.

Approved by Council: 31 October 2024