



ST STITHIANS COLLEGE

CODE OF CONDUCT FOR STUDENTS

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 constitutes Misconduct;
- 1.2 **“the Code of Conduct”** means this document which provides a framework for the behaviour and 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, collectively. The College is also referred to interchangeably with the terms **“we”** or the **“School”**;
- 1.4 **“College Council”** means the Governance authority of the College, which includes the Trust, Church, Parents and alumnus representatives and which operates through the following sub-committees: Council Executive; Governance; Disciplinary; Finance; Planning and Development; Transformation; Remuneration and the Church Committee;
- 1.5 **“College Governance Committee”** means the sub-committee of the College Council which is responsible for the governance of the College;
- 1.6 **“Disciplinary Committee”** means the group of persons appointed as a committee to deal with Serious Misconduct generally, and amongst other things to: formulate

charges, manage disciplinary processes where applicable, appoint chairpersons, consider recommendations of disciplinary measures and implement disciplinary sanctions where appropriate. The Disciplinary Committee may appoint one or more persons to chair a Formal Disciplinary Hearing and to perform one or more of its functions;

- 1.7 **“Disciplinary Procedure Policy”** means the Policy attached to this Code of Conduct as **Schedule 1** and which sets out the procedure for Disciplinary Processes;
- 1.8 **“Disciplinary Process”** or **“Disciplinary Processes”** means or refers to the entire disciplinary process, including the process of instituting an investigation, if necessary; the formulation of charges; the holding of a Disciplinary Hearing, if necessary; and the imposition of an appropriate sanction;
- 1.9 **“Disciplinary Sanction”** or **“Sanction”** means a formal or informal sanction that may be imposed on a Student for Misconduct or Serious Misconduct and which may include, among others: suspension, expulsion or, in less severe cases, warnings or internal suspension;
- 1.10 **“Formal Disciplinary Hearing”** means a hearing that may be convened by the Disciplinary Committee to determine allegations of Serious Misconduct, and Misconduct in appropriate circumstances;
- 1.11 **“Grade Director”** means the head of the grade that the respective Student is in at the relevant time;
- 1.12 **“Head of School”** means the principal of the relevant School within the College;
- 1.13 **“House Director”** means the head of the House that the respective Student is in at the relevant time;
- 1.14 **“Informal Disciplinary Process”** means a process to deal with less serious instances of Misconduct;
- 1.15 **“Informal Disciplinary Sanction”** means the sanction that may be imposed on a Student in instances of less serious Misconduct;

- 1.16 **“Internal Suspension”** means the suspension of a Student from his or her attendance of some or all classes, participating in breaks or attending and participating in any school related activities. During the period of an Internal Suspension, the Student will perform all School work under supervision in a designated School office or other suitable area;
- 1.17 **“Misconduct”** means any conduct by a Student which amounts to a Breach or is contrary to this Code of Conduct, the School Rules or any of the School Policies and Procedures, or which –
- 1.17.1 prejudices or interferes with the proper administration of the College;
 - 1.17.2 is offensive to or interferes with the ability of any Staff to discharge his or her duties;
 - 1.17.3 is prejudicial or harmful to the welfare of any other Student;
 - 1.17.4 is prejudicial or harmful to the aims and objectives of the College; or
 - 1.17.5 is any unacceptable or improper conduct, or conduct that is not in keeping with the spirit and ethos of the College;
- 1.18 **“Staff”** means any person that is employed by the College;
- 1.19 **“Student”** means the child or children enrolled at the School, irrespective of whether they are still minors;
- 1.20 **“Student Leader”** means a Student Leader in the Girls’ College or School Prefect in the Boys’ College;
- 1.21 **“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;
- 1.22 **“the Rector”** means the chief executive of the College who has the authority to *veto* any decision made by any Head of School;
- 1.23 **“Saints Charter”** means the document which sets out, among other things, the purpose and core principles which are fundamental to the College as a Methodist school and *“A South African School Making a World of Difference”*;

- 1.24 **“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). A reference to the School may in appropriate circumstances also be a reference to the College;
- 1.25 **“the School’s Act”** means the South African Schools Act 84 of 1996, as amended from time to time;
- 1.26 **“the School Policies”** or **“the Policies”** or **“Procedures”** means all the policies and procedures of the College, which are approved, adopted or amended from time to time and which are or shall be published and made available on the College website. The Policies are supplementary to the Code of Conduct and must be read in conjunction with it;
- 1.27 **“the School Rules”** mean the rules prescribed for each **“School”**, which rules are supplementary to this Code of Conduct and should be read in conjunction with them;
- 1.28 **“Parties”** means the parties signing this Code of Conduct collectively and **“Party”** means either one of the Parties as the context may indicate;
- 1.29 **“Writing/Written”** includes any hand-written, typewritten or electronic communications.

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 Policy:

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| 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 a <u>Breach</u> or of Misconduct. |
| Hearing | The process that is intended to, properly and transparently, provide an opportunity for the Student or Parents to <u>challenge the charge or charges</u> against the Student. |

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| | The purpose of the Hearing is to allow an independent Chairperson to hear the evidence from both sides and to determine the verdict on a balance of probabilities and, if applicable, to determine the appropriate sanction, if any. |
| Verdict | The decision on whether or not the Student is guilty of the charge or charges. |
| Sanction | Includes but is not limited to a warning, reprimand, internal suspension, 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 imposed on the Student after the chairperson has considered mitigating and aggravating factors. |
| Mitigating factors | Any factors that would <u>support a less severe sanction</u> being imposed on the Student. For example, the fact that the Student did not intend to cause harm or demonstrates remorse for causing harm. |
| Aggravating factors | Any factors that would <u>support a more severe sanction</u> being imposed. For example, where a Student has committed the same or similar Breach or Misconduct repeatedly. |
| 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. The Student must produce evidence to show, on a balance of probabilities, they did not commit the allegations of Breach or Misconduct. |
| Review | If at the conclusion of the Hearing, the Student is unhappy with the outcome of the Hearing either because the facts do not on a balance of probabilities support the decision reached or because the Hearing was conducted in a <u>procedurally incorrect</u> manner, they may lodge a review with the Head of School within 5 school days of the verdict. |

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| | No new evidence or information may be introduced for the purposes of a review. |
| Appeal | <p>If, at the conclusion of the Hearing, <u>new evidence</u> comes to light that could impact on the decision made at the Hearing, the Student may request an appeal of the decision.</p> <p>If the request for appeal is granted, the matter may be determined on the evidence already led at the Hearing and the new evidence.</p> |

Distribution Procedures

- 1.30 The Code of Conduct is available on the College’s website and on the secure online Portal.
- 1.31 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.
- 1.32 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.
- 1.33 By signing this Code of Conduct, the Student understands what is acceptable and unacceptable conduct, as well the consequences that will follow in the event of any Misconduct.

2. PREAMBLE

General Introduction

- 2.1 The 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 Policy for Students.
- 2.4 This Code of Conduct and the Disciplinary Procedure Policy have been developed and informed by:
- 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 so as to ensure transparency and inclusivity in the drafting and execution of this Code of Conduct and Disciplinary Procedure Policy;
 - 2.4.4 the Statement of Intent and purpose of the College;
 - 2.4.5 the Saints Charter;
 - 2.4.6 the College’s Constitution;
 - 2.4.7 the Statement on race and racism, transformation and diversity (2017);
 - 2.4.8 the values, doctrine and ethos of the Methodist Church of Southern Africa; and
 - 2.4.9 the School Policies and the School Rules.
- 2.5 The Code of Conduct and Disciplinary Procedure Policy are aimed at promoting the Statement and Intent of the College, as set out more fully below, and ratified by the College Governance Committee and College Council.

- 2.6 This Code of Conduct and Disciplinary Procedure Policy are further intended to indicate fundamental values and principles according to which Students are expected to conduct themselves, as well as the framework within which restorative discipline can effectively be implemented by the College.
- 2.7 It is accepted that that this Code of Conduct and Disciplinary Procedure Policy are dynamic in nature, requiring frequent deliberation, and possible revision, in order to satisfy the needs of the community that comprise the College as well as to align with the rapidly transitioning and dynamic nature of the world we find ourselves in.
- 2.8 The College believes that if all Parties adhere to both, the spirit and the letter of the Code of Conduct and the accompanying Disciplinary Procedure Policy, healthy working relationships will be created between Parents, Staff and Students, which are the essential foundation for the creation of a constructive teaching, learning and growing environment.

Aims and Objectives/Statement of Intent

- 2.9 The aim of this Code of Conduct is to ensure that the College's purpose and Statement of Intent is upheld, in terms of which the College strives to:
- 2.9.1 educate individuals to participate, lead and serve;
 - 2.9.2 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;
 - 2.9.3 live out a Methodist ethos by providing diverse opportunities for Students and Staff to ***honour God, honour others and honour themselves - to know oneself, to be oneself***, and to make their contribution as both African and global citizens;
 - 2.9.4 combine College tradition with innovation and academic ambition with holistic education;
 - 2.9.5 promote personal growth and lives of significance for our staff and Students;

- 2.9.6 optimise educational and institutional synergies through the Schools collaboration with each other;
 - 2.9.7 create a community of belonging among our Students, Staff, Parents and alumni;
 - 2.9.8 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;
 - 2.9.9 manage the College effectively and efficiently according to sound and accountable corporate governance policies;
 - 2.9.10 commit to the positive transformation and development of South African society;
 - 2.9.11 embrace ubuntu;
 - 2.9.12 give a clear, defined explanation of the standard of behaviour and conduct expected of Students so that they can adapt their behaviour accordingly;
 - 2.9.13 ensure that Disciplinary Processes and Sanctions are applied consistently and uniformly;
 - 2.9.14 guide the daily functioning of the College to ensure that activities happen in an orderly manner;
 - 2.9.15 realise a safe environment for Students and Staff; and
 - 2.9.16 support the objectives, as formulated in the College's mission statement.
- 2.10 All Students, Staff and Parents understand that they are responsible for: ensuring that all 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.
- 2.11 The Parents, Staff and management of each School accept that the College has a duty to its Students, and society as a whole, to endeavour to produce young people who will play a positive and constructive role in society as adults who have a developed sense of responsibility.

2.12 Consequently, any Breach or Misconduct on the part of a Student shall be dealt with in accordance with the guiding principles highlighted herein and the Disciplinary Procedure Policy.

Approach and Philosophy to Discipline:

2.13 The College is, first and foremost, a learning institution with an environment which encourages the development of the Student's self-confidence, self-discipline, humility and respect through a holistic educational offering.

2.14 We accept that, in the abovementioned context, Students will make mistakes as they make sense of their world and navigate their own physical, social and emotional development.

2.15 We further believe that mistakes assist Students in understanding what is deemed appropriate behaviour, how to be accountable for one's wrongdoing and ultimately learn from one's errors and as such, the College has adopted a restorative approach towards discipline, as opposed to the traditional punitive approach to wrongdoing.

2.16 Restorative Discipline:

2.16.1 Restorative Discipline focuses on:

2.16.1.1 accountability of actions with a specific emphasis on empathy and repairing harm caused by a Student's conduct and seeks to address the Student's underlying issues of misbehaviour or misconduct;
and

2.16.1.2 reintegrating the relevant Student back into the School and the learning environment as far as possible, through the necessary support and interventions, whilst taking into account that restorative discipline is not a one-size fits all approach and will rely on a continuum of interventions and strategies based on the Student concerned.

2.16.2 Restorative discipline is aimed at:

- reconciling the Student to the norms of behaviour at the College;
- restoring a broken relationship between the Student and, *inter alia*, the staff member or fellow Student or the College;
- creating and maintaining a stable and fair learning environment, in which everyone's right to fairness and education, is recognised and respected;
- providing support for the Student who has been wronged; and/or
- balancing the need to repair the harm done to the person as a result of the Breach or the Misconduct and the rights of the Student found guilty of such conduct.

Jurisdiction and Scope

2.17 The Code of Conduct provides a framework and a guideline for the behaviour and conduct of Students and it applies:

2.17.1 to all School, School sponsored and School-related activities;

2.17.2 on the College's premises, prior to, during, and following regular school hours; and

2.17.3 both within and outside the regular school hours and whether on or off the College's Premises, and to activities on social media platforms, if:

2.17.3.1 the Student is identified or identifiable as a member of the College;

2.17.3.2 if the Student's conduct brings the College's name into disrepute or negatively impacts on its reputation; or

2.17.3.3 if the Student is involved in criminal conduct.

2.18 This Code of Conduct is applicable at all the Schools and may be supplemented by any specific School Rules or Policies as well as all School procedures and guidelines. Such other School Rules or Policies, when provided to Students or published on the secure online Portal, shall be regarded as forming part of this Code of Conduct and infringements of such other School Rules or Policies shall be dealt with in accordance with this Code of Conduct.

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 and Parent further accept that whilst the aforesaid rights are paramount, they are not absolute and can be limited in accordance with the Constitution.

3.3 In addition, the Student accepts that every right comes with a correlating responsibility and agrees to fulfil these responsibilities, for themselves, the College, the Parent and fellow Students.

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

| STUDENT'S RIGHT | CORRELATING RESPONSIBILITY |
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| The right to Democracy | To respect the principles that underly democracy |
| The right to non-discrimination 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 |

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| The right to non-violence and freedom and security of the person | To be non-violent, and not to impinge 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. |
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| The right to administrative action that is lawful, reasonable and procedurally fair | To exhaust internal remedies. |

Guiding Principles

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

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| Fairness | Requires, in appropriate circumstances, that a proper investigation of the alleged Breach or Misconduct takes place in order to obtain the relevant facts (" Procedural Fairness "); and once the relevant facts have been obtained, considering such facts together with all relevant circumstances, to arrive at an appropriate decision (" Substantive Fairness "). |
| Procedural Fairness | Includes, amongst other things, the following: |

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| | <ul style="list-style-type: none"> - timeous notification to the Student and the Parent of the allegation of a Breach or Misconduct; - timeous notification to the Student and the Parent of the outcome, if any, of an investigation into the Breach or Misconduct; - timeous notification to the Student and the Parent of any Hearing and the opportunity to participate in such proceedings, to present their case and to challenge and contest any evidence presented; - notification of the outcome of any Hearing; and - notification of the right to invoke an internal appeal or review procedure. |
| Substantive Fairness | <p>Includes, amongst other things, the following:</p> <ul style="list-style-type: none"> - the Student is <i>presumed innocent</i>, until the contrary is proven; - Disciplinary Sanction, if any, will in general be <i>restorative</i> in nature and focused on preventing a reoccurrence of the Misconduct; - the Disciplinary Sanction, if any, <i>must be appropriate</i> in the circumstances; - in the case of repetitive acts of Misconduct, or in the event of serious Misconduct, the chairperson must determine the appropriateness of a more severe sanction, such as expulsion, with due regard to the Student's <i>right to education</i>, the rights and interests of other Students who were affected by such conduct, and the obligation of the College to create and maintain a safe learning environment for all Students. |
| Due Process | <p>A Student accused of a Breach, Misconduct or Serious Misconduct, has the <i>right to a fair hearing</i>. The right to a “fair hearing” encompasses the following norms and principles:</p> |

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| | <ul style="list-style-type: none"> - To be <i>informed</i> of, and to understand the charges levelled against them; - To receive <i>written notice, at least 5 (five) school days</i> before the hearing is to take place, of the date, time and place of the hearing; - To be <i>represented</i> by a Parent or member of Staff, in a supportive capacity; - To be heard by an <i>impartial</i> chairperson; - To be <i>informed</i> in writing of the verdict and, if found guilty, the sanction to be imposed or implemented; and - To be informed of the right to review or appeal the verdict and or the sanction. |
| Transparency | All matters pertaining to this Code of Conduct and the Disciplinary Procedure Policy shall be conducted in a manner that is <i>participatory, open and transparent, whilst still ensuring the confidentiality and privacy of all parties involved.</i> |
| Dignity | Dignity is inherent in all persons and means that just by existing, every person is worthy and must be treated with respect. All Parties will at all times endeavor to respect the Dignity of one another. |

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 (as amended from time to time).

General Expected Standards of Behaviour

- 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 and the 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 commits a Breach or Misconduct, the matter shall be dealt with in accordance with the Disciplinary Procedure Policy, 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 an infringement, misconduct or serious misconduct, as explained more fully hereunder:
- 4.6.1 **“Infringement”** means any conduct by a Student which is contrary to the Code of Conduct, or any of the School Policies or School Rules, or which prejudices or interferes with the proper administration of the College but which is not so serious in nature and may only warrant an **Informal Disciplinary Process**, and if applicable, an **Informal Disciplinary Sanction** against the Student;
- 4.6.2 **“Misconduct”** means any conduct by a Student which:
- 2.18.1.1 is contrary to the Code of Conduct or any of the School Policies or School Rules;
 - 2.18.1.2 prejudices or interferes with the proper administration of the College;
 - 2.18.1.3 is offensive to or interferes with the ability of any Staff to discharge their duties;
 - 2.18.1.4 is prejudicial or harmful to the welfare of any other Student;
 - 2.18.1.5 is prejudicial or harmful to the aims and objectives of the College;
- or

2.18.1.6 is any unacceptable or improper conduct, or conduct that is not in keeping with spirit and ethos of the College;

and which may warrant a **Formal Disciplinary Hearing** or a **Formal Disciplinary Sanction**; and

4.6.3 **“Serious Misconduct”** means serious, reckless or gross acts of Misconduct, which may warrant a Formal Disciplinary Hearing, and in appropriate circumstances could result in more severe forms of a **Formal Disciplinary Sanction**, including but not limited to suspension or expulsion, and any conditions attached thereto. Acts of **Serious Misconduct** include, but are not limited to, the following:

4.6.3.1 contraventions or transgressions of the Code of Conduct or any of the School Policies or School Rules;

4.6.3.2 conduct which endangers the safety and violates the rights of others;

4.6.3.3 possession, use or threat of use of a dangerous instrument or weapon;

4.6.3.4 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 [“vaping”] and any paraphernalia associated with same);

4.6.3.5 smoking or being in possession of tobacco products at School or at any School related activities;

4.6.3.6 fighting, assault or any other violent, abusive or threatening behaviour;

- 4.6.3.7 immoral behaviour or profanity including the use of expletives or derogatory words;
- 4.6.3.8 falsely identifying oneself;
- 4.6.3.9 harmful graffiti, hate speech, sexism or racism or any other 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 oppressive behaviour;
- 4.6.3.10 theft or possession of stolen property, including but not limited to, test or examination papers prior to the writing of tests or examinations;
- 4.6.3.11 vandalism, destruction, damage to or defacing College property or the property of others;
- 4.6.3.12 dishonesty, fraud or fraudulent misrepresentation;
- 4.6.3.13 insolence, disrespect, objectionable behaviour and verbal abuse directed at Staff, Students, Parents and/or any other person;
- 4.6.3.14 repeated violations of School Rules, the Code of Conduct or School Policies;
- 4.6.3.15 criminal behaviour of any kind;
- 4.6.3.16 harassment of any kind;
- 4.6.3.17 victimisation, bullying or intimidation;
- 4.6.3.18 cheating or plagiarism in respect of any test, exam, assignment, project and the like or the infringement of examination rules;

- 4.6.3.19 cheating in any sporting activity or any other activity associated with the College;
- 4.6.3.20 knowingly and willfully supplying false information or falsifying documentation to gain an unfair advantage at School;
- 4.6.3.21 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;
- 4.6.3.22 absence from school, a lesson or any school activity without a valid reason;
- 4.6.3.23 use of any term/word/phrase that is racially derogatory, irrespective of the context in which it is used, this extends to terms/phrases/words that are derogatory to others based on any other ground, including but not limited to, gender, race, sexual orientation, religion and/or socio-economic standing;
- 4.6.3.24 being an accomplice to any act of Misconduct;
- 4.6.3.25 any other Misconduct considered to be so serious as to potentially warrant 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 an Infringement, Misconduct or Serious Misconduct;
- 4.7.2 the context and circumstances in which the conduct complained of occurred, including previous acts of Misconduct and the nature thereof;

- 4.7.3 the best interests of the Student in question;
 - 4.7.4 the best interests of fellow Students;
 - 4.7.5 the obligations of the College to the Students; and
 - 4.7.6 any mitigating or aggravating factors that may be relevant.
- 4.8 In instances of **Infringements**, an **Informal Disciplinary Process** should be instituted against the Student, and if appropriate an **Informal Disciplinary Sanction** may be imposed without the need for a formal hearing.
- 4.9 In instances of **Misconduct and Serious Misconduct**, a **Formal Disciplinary Process** should be instituted against the Student, and if appropriate a **Formal Disciplinary Sanction** may be implemented against the Student which includes, but is not limited to, suspension or expulsion from the College.

COMMITMENT:

I _____, a Student at St Stithians College, understand the rules in 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;
- behave in a courteous and considerate manner and respect other Students, Staff and representatives of the College;;
- treat everyone with dignity and respect;
- take responsibility for my learning by attending school regularly and punctually and completing all my homework on time;
- co-operate with and be helpful to members of Staff;
- seek help if I need it;
- inform the College if I feel my rights have been infringed, or if I experience any other difficulty; and
- being an upstander in dealing with Breaches or Misconduct experienced by others.

STUDENT

DATE

PARENTS

DATE

SCHEDULE 1

DISCIPLINARY PROCEDURE POLICY

GENERAL

1. This Policy sets out the process that will be followed, wherever reasonably possible, when an act of Misconduct has 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 an **Infringement, Misconduct** or **Serious Misconduct**, together with all other relevant factors as set out in the Code of Conduct.

INFRINGEMENTS

3. Where a Student is alleged to have committed an Infringement or Misconduct, the relevant member of Staff must:
 - 3.1. gather and consider the facts and evidence relevant to the infringement;
 - 3.2. give the Student an opportunity to be heard on the facts and the evidence, and the proposed **Informal Disciplinary Sanction**; and
 - 3.3. after considering all of the information, and if appropriate, use their discretion in imposing an appropriate **Informal Disciplinary Sanction** on the Student.
4. **Informal Disciplinary Sanction** includes, but is not limited to, the following:
 - 4.1. completing, and having the Parent sign, a Reflection Form;

- 4.2. verbal warning;
 - 4.3. first or subsequent written warnings;
 - 4.4. detention/time punishment;
 - 4.5. revoking privileges;
 - 4.6. restorative-based tasks; and/or
 - 4.7. assignments/writing exercises.
5. Whatever **Informal Disciplinary Sanction** is implemented against the Student in respect of the Infringement, the details thereof must be recorded in the Student's file and on the College's disciplinary database for an appropriate period, which may be anything from of 3 (three) – 9 (nine) months.
6. In circumstances where a Student repeats the same, similar or related Infringement or Misconduct, such conduct may amount to Serious Misconduct and may be referred to the Disciplinary Committee for managing and processing in terms of a Formal Disciplinary Hearing.

SERIOUS MISCONDUCT

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

INVESTIGATION:

8. Once the allegation of Serious Misconduct is brought to the attention of the School, the Head of School or Deputy Head or the Head appointed member of staff must determine whether the content thereof requires an investigation. If so, the Head of School or Deputy Head or the Head appointed member of staff must:
- 8.1. constitute an investigation team of 2 (two) or more members of staff and, if reasonably practicable, include the Grade Director or House Director ("the Investigation Team");
 - 8.2. inform the Student and the Parent of the allegations of Serious Misconduct, and the outcome an investigation, if any.

9. If an investigation is warranted, the Investigation Team will be entitled to, among other things:
 - 9.1. interview all persons necessary to obtain information pertaining to the allegations;
 - 9.2. require persons relevant to the investigation to make written statements which must be signed and dated;
 - 9.3. gather all other information including documents, charts, recordings and anything else relevant to the allegations;
 - 9.4. create an investigation file in the name of the Student against whom the allegations were made and retain all the information gathered and received in the file;
 - 9.5. provide copies of the statements to the persons who made them.

10. Once the **Investigation Team** has completed the investigation, they will compile a report and, depending on the outcome of the investigation, may recommend in writing that:
 - 10.1. no **Disciplinary Process** should be instituted against the Student (this will occur if, at the end of the investigation, the investigation team is of the view that the Student did not commit, or participate in, the alleged Serious Misconduct); or
 - 10.2. an **Informal Disciplinary Process** should be implemented against the Student (this will occur if, at the end of the investigation, the investigation team is of the view that the Student has committed an Infringement or Misconduct, in which case the matter will be dealt with in terms of paragraphs 3 to 5 of this Policy);
 - 10.3. the matter be referred to **Mediation**, in terms of paragraph 11 below, for the purpose of reaching an agreement with the Parent and the Student about an appropriate Sanction (this will occur if, at the end of the investigation, the investigation team is of the view that the Student has committed Serious Misconduct);
 - 10.4. the matter be referred to the Head of School or Deputy Head or appointed member of staff instead of Mediation, in the circumstances where there is no dispute between the parties about the Student's commission of the Misconduct;

- 10.5. the matter be referred to the Disciplinary Committee to consider the investigation report and, if appropriate, to formulate charges of Serious Misconduct against the Student and to convene a Formal Disciplinary Hearing for that purpose.

MEDIATION

11. If the **Investigation Team** is, after the conclusion of the investigation, of the view that the Student's conduct amounts to Misconduct but that it is not so serious as to warrant suspension or expulsion, they may refer the matter to Mediation in terms of the process set out below. The aim of the Mediation process is to discuss the nature of the Misconduct and to reach agreement about an appropriate sanction for the Student.
12. For the purposes of this process:
 - 12.1. the Head of School or Deputy Head or appointed staff member shall inform the Student and the Parent, in writing, of the outcome of the investigation process, and the charge or charges of Misconduct against the Student.
 - 12.2. The **Written notice** shall:
 - 12.2.1. contain sufficient particularity of the allegation or allegations of Misconduct against the Student to enable him or her to identify the incident in question and to respond thereto;
 - 12.2.2. propose a Mediation process with them on a specified date, time and place, for the purpose of resolving the matter and reaching agreement on an appropriate sanction to be implemented against the Student;
 - 12.2.3. inform the Student and the Parent of their rights in terms of the Code of Conduct;
 - 12.2.4. inform the Student and the Parent that should they decline the invitation to attend the Mediation, the matter may be dealt with in terms of paragraphs 13 or 14 below.

- 12.3. If the Student and the Parent agree to the Mediation process, the procedure as set out more fully hereunder shall be followed.
- 12.4. The Mediator will be nominated by the Head of the relevant School and will be an independent party who has had no previous involvement in the matter that is subject of the Mediation.
- 12.5. The Mediation shall be attended by:
- 12.5.1. the Student;
 - 12.5.2. the Parent;
 - 12.5.3. the Head of School (or their duly nominated representative);
 - 12.5.4. the Mediator; and
 - 12.5.5. any other person that the Mediator may consider appropriate in the circumstances.
- 12.6. At the **Mediation**, the mediator shall:
- 12.6.1. be provided with all the necessary information obtained from the investigation;
 - 12.6.2. listen to all submissions made by the Student, the Parent, and the Head of School or their duly nominated representative; and
 - 12.6.3. facilitate discussions between the parties with the aim of assisting them in reaching an agreement on an appropriate sanction to be implemented against the Student.
- 12.7. At the **conclusion of the Mediation**, and in the event that –
- 12.7.1. an agreement is reached between the parties on the appropriate sanction, the Mediator will record the agreement in writing to the parties, and a copy thereof will be placed in the Student’s file. The agreed sanction will be implemented by the Grade Director under the supervision of the Head of School or Deputy Head or appointed member of staff;

- 12.7.2. no agreement is reached between the parties, the Head of School may depending on the circumstances of the Student's conduct, either deal with the matter in terms of paragraph 13 and 14 below or refer the matter to the Disciplinary Committee in terms of paragraphs 15 to 20 below for the purposes of convening a Formal Disciplinary Hearing.

FORMAL DISCIPLINARY PROCESS

13. If –
- 13.1. no agreement is reached at mediation in terms of paragraph 12; or
- 13.2. if the matter is referred to the Head of School in terms of paragraph 10.4;
- the matter must be dealt with by the Head of School in terms of the process set out below.
14. The Head of School must after considering the investigation report, if any, or the circumstances in which the Misconduct was committed, and:
- 14.1. in so far as the Misconduct has affected or impacted on the rights of others, afford such persons an opportunity to be heard on the issue of an appropriate sanction;
- 14.2. give the Student and the Parent an opportunity to be heard on the investigation report, or the circumstances in which the Misconduct committed, and on the issue of an appropriate sanction;
- 14.3. after considering the representations referred to in paragraphs 14.1 and 14.2, determine an appropriate sanction for the Student; and
- 14.4. inform the parties referred to above of the decision on sanction.
15. The Head of School or his or her nominee may, depending on the circumstances and for the purposes of paragraph 14, impose one or more of the following sanctions:
- 15.1. issue a **warning** against the Student which may be valid for a period of 3 (three) – 6 (six) months;

- 15.2. issue a **further warning** which may be valid for a period of 6 (six) - 9 (nine) months, in instances where a warning has already been issued but the Student has failed to comply;
- 15.3. issue a **final warning** to the Student which may be valid for a period of up to 12 (twelve) months, in terms of which any further act of misconduct may warrant a Formal Disciplinary Hearing with the possibility of suspension or expulsion;
- 15.4. recommend that the Student be **suspended from participating in certain school activities**, pending the convening of a Formal Disciplinary Hearing;
- 15.5. recommend that the **Student be suspended, internally or otherwise** for a period not exceeding 5 (five) school days, and on terms that the Head of School or his or her nominee, may consider appropriate, pending the convening of a Formal Disciplinary Hearing [suspension shall, wherever reasonably possible, not exceed 5 (five) school days];
- 15.6. any other appropriate sanction, excluding expulsion.

FORMAL DISCIPLINARY HEARINGS

16. If –
 - 16.1. after the conclusion of the Investigation, the Investigation Team recommends that the matter be referred to the Disciplinary Committee; or
 - 16.2. the Head of School considers it appropriate in the circumstances to refer the matter to the Disciplinary Committee, without an investigation, for the purposes of a Formal Disciplinary Hearing;then the process set out below will be followed.
17. The Disciplinary Committee will consider the investigation report, or the referral of the matter by the Head of School, and if appropriate, will formulate the charges of Serious Misconduct against the Student and convene a Formal Disciplinary Hearing.

18. A Formal Disciplinary Hearing shall be convened by the Disciplinary Committee which shall comprise the following persons:
 - 18.1. An external or internal third party who is competent and impartial. Whether an external or internal third party is appointed will depend on the severity of the acts of Misconduct or Serious Misconduct and the complexity of the matter;
 - 18.2. the Head of the School or their Deputy;
 - 18.3. another Staff member of the School who will prosecute the charges;
 - 18.4. any person selected by the Student to attend the Hearing, in a supportive capacity; and
 - 18.5. the social worker or counsellor of the School in question as well as the School chaplain.

19. 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”), unless:
 - 19.1. the Disciplinary Committee directs, with good cause, that a shorter period shall apply; and
 - 19.2. there is no prejudice caused to the Student by the shorter notice period.

20. The notice shall:
 - 20.1. contain **sufficient particularity** of the charges of Misconduct/Serious Misconduct to enable the Student to identify the incident in question and to respond thereto;
 - 20.2. inform the Student and Parent of the **place, date and time** of the Hearing; and
 - 20.3. inform the Student and Parent of their rights in terms of the Code of Conduct.

21. The Formal Disciplinary Hearing shall commence on the date specified in the notice, in terms of which the following procedure shall follow:

- 21.1. The Student is entitled to be supported and assisted by the Parent;
- 21.2. At the commencement of the Hearing, the charge or charges of Misconduct or Serious Misconduct will be read, and if necessary explained to the Student, by the Chairperson, and the Student will be given an opportunity to answer or plead thereto.
- 21.3. 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, including but not limited to the following:
 - 21.3.1. requesting the Student to state in his or her own words why they are guilty of the charge;
 - 21.3.2. asking various questions to ensure that the Student understands the totality of the facts and evidence upon which the charge is based, and each aspect of the offence; and
 - 21.3.3. determining whether the Student is guilty of the charge or charges.
- 21.4. Pursuant to this process, if the Chairperson –
 - 21.4.1. 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;
 - 21.4.2. 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.
- 21.5. In the event that the Chairperson has recorded a plea of not guilty in terms of paragraph 21.4.2, 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 -

- 21.5.1. the Student will be entitled to question any witness and to examine any evidence presented at the Hearing;
 - 21.5.2. the Student may call other witnesses or present evidence to rebut the charge;
 - 21.5.3. the Parent may ask questions through the Chairperson;
 - 21.5.4. the Chairperson may ask any person giving evidence, any questions at any time, for the purposes of obtaining clarity on any matter;
 - 21.5.5. 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;
 - 21.5.6. 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.
- 21.6. 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.
- 21.7. Upon a consideration of amongst other things: the mitigating and aggravating factors; what is in the "*best interests of the child*" and of the other Students, as well as the obligations of the College to its Students generally, the Chairperson may impose what he or she deems to be an appropriate sanction, which may include the:
- 21.7.1. recommendation of a period of probation for the purposes of monitoring the Student's behaviour subject to the condition that if no improvement takes place within a specified period, the Student be expelled;

- 21.7.2. recommendation of steps to facilitate the rehabilitation of the Student, and if the Student does not follow such instructions, or if such steps do not result in rehabilitation within a specified period, the Student be expelled;
- 21.7.3. recommendation that the Student be suspended from attendance at the School for a period not exceeding 7 (seven) school days and subject to certain terms and conditions; or
- 21.7.4. recommendation that the Student be expelled; and in that case:
 - 21.7.4.1. the recommendation will be communicated to the Student and the Parent, and their representations will sought in respect thereof;
 - 21.7.4.2. the recommendation will be communicated to those persons whose rights were impacted or affected in consequence of the Student's conduct, and their representations will be sought in respect thereof;
 - 21.7.4.3. the representations will be considered by the Disciplinary Committee before a final decision is made.

21.8. If the Disciplinary Committee –

- 21.8.1. agrees with the recommendation of the Student's expulsion, the expulsion will not be implemented until –
 - 21.8.1.1. the Student exercises his or her right to a review or an appeal of that decision and is unsuccessful; or
 - 21.8.1.2. the Student indicates an unequivocal decision not to review or appeal the decision; and
 - 21.8.1.3. the Student and the Parent have been informed of the details of its implementation;
- 21.8.2. disagrees with the recommendation of the Student's expulsion, it will determine a different sanction, and if appropriate hear relevant representations in respect thereof.

- 21.9. The findings of the Hearing, as well as any decisions in relation to sanction shall be reduced to writing and communicated to the Student and the Parent, and if applicable to those persons whose rights were impacted or affected by the conduct of the Student as soon as reasonably practicable.

GENERAL PROCESSES REGARDING FORMAL DISCIPLINARY HEARINGS

22. Notwithstanding the specific provisions contained above and below:
- 22.1. the process indicated in this Disciplinary Procedure Policy is a guideline aimed at ensuring fairness to those involved, and the College may deviate from its provisions provided that the Student's right to fairness of the process is not compromised;
- 22.2. each Formal Disciplinary Hearing will be conducted in a manner which is procedurally fair and which affords the Student a full opportunity to present their defence;
- 22.3. depending on the circumstances it may not be necessary in each instance to undertake an investigation before the formal process is initiated.
23. **Representation and Attendance:**
- 23.1. No legal representation shall be allowed at any Formal Disciplinary Hearing, unless it is specifically agreed, in writing, that it would be appropriate for both the College and Student to have legal representation.
- 23.2. The Formal Disciplinary Hearing may convene without the presence of the Student or the Parent if either of them fail to provide a reasonable explanation for their absence from the Hearing.
- 23.3. If the Parent is not be able to attend the Hearing, they may advise the School in Writing of the person nominated to stand in their place, at the Hearing.
24. **Language:**
- 24.1. Hearings will be conducted in English, unless otherwise requested by the Student or the Parent.

24.2. If the Student or the Parent require the Hearing to be conducted in a language other than English, the Parent may appoint an interpreter at their own expense in the event that there is nobody at the College who can assist with such interpretation.

25. **Collective Misconduct:**

25.1. In circumstances where Students act collectively or are associated with an act of misconduct, the College may convene 1 (one) Disciplinary Hearing (“collective hearing”), in relation thereto.

25.2. In the event of a collective hearing, factors specific to each individual Student will be considered when deciding what sanction, if any, to impose on the Student.

25.3. Notwithstanding the provisions of paragraph 25.1 and 25.2, separate Hearings may be convened to hear the case of different Students involved in the same alleged act of Misconduct, serious or otherwise, which is a decision that will be made by the Disciplinary Committee but which can be overturned by the Chairperson at the commencement of the Hearing.

26. **Record of Hearings:**

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

27. **Criminal offences:**

Notwithstanding anything that is set out above, if the Student commits Serious Misconduct, which also constitutes a crime, the College may be obliged to report the matter to the South African Police Services (SAPS), depending on the nature of the offence in question as well as the surrounding circumstances. The School will complete their internal processes notwithstanding handover to the SAPS.

RIGHT OF APPEAL/REVIEW

28. If a Student is found guilty of a charge and a Sanction is determined by the Chairperson, the Student may exercise the right to review or appeal the decision whichever is appropriate in the circumstances.
29. General:
- 29.1. Pending an appeal or review, the Disciplinary Committee will be entitled to direct that the Student be Internally Suspended pending the outcome thereof.
- 29.2. The request for an appeal or review shall be made to the Rector of the College.
- 29.3. A Student must exercise the right to review or appeal within 5 (five) school days of receiving the decision on sanction, failing which the right to appeal or review shall lapse. The Student must -
- 29.3.1. by written notice specify the grounds upon which the decision is being reviewed or appealed;
- 29.3.2. in the event of a review, enclose: a) the charges and the bundle of documents that served before the Chairperson; b) the Chairperson's verdict and sanction; and c) the record of the disciplinary hearing; and
- 29.3.3. in the event of an appeal, enclose the information referred to in paragraph 29.2.3, as well as any new evidence that came to light since the Hearing, that the Student seeks to rely upon.
30. Grounds of review
- 30.1. Grounds of **review** include but are not limited to:
- 30.1.1. the disciplinary procedure was not fair;
- 30.1.2. the finding of guilt was not correct or fair;
- 30.1.3. the Disciplinary Sanction is inappropriate;
- 30.1.4. mitigating factors were not properly considered;

- 30.1.5. the Chairperson was biased;
 - 30.1.6. the Student was not given a fair opportunity to present their case.
 - 30.2. Grounds for **appeal** include but are not limited to:
 - 30.2.1. the contention that new and relevant evidence has come to light which may affect the decision made at the Formal Disciplinary Hearing. For this purpose, the Student must provide a reasonable explanation as to why this evidence was not presented at the Formal Disciplinary Hearing and the decision as to whether to allow such new evidence will be for the Appeal Chairperson or the Appeal Panel to decide.
31. Appeal Hearing/Review Hearing
- 31.1. Upon receipt of the review or the appeal, and the relevant documents in support thereof, the Rector shall –
 - 31.1.1. notify the Head of the School and the Disciplinary Committee of the Student’s exercise of the review or appeal, and provide them with copies thereof;
 - 31.1.2. appoint a Review or Appeal Chairperson or a Review or an Appeal Panel, whichever is appropriate. The Chairperson may be an internal or external appointee, and the Panel may comprise the Rector and two members of the Council or external appointees, one of whom will be the Chairperson of the Panel. The Chairperson or the Panel must determine the formalities for hearing and determining the review or appeal;
 - 31.1.3. timeously convene the Review or Appeal Hearing, as soon as possible and preferably within 5 (five) days of the receipt of the notice of review or appeal together with the supporting documents or within such other period as may be appropriate in the circumstances.

31.2. Outcome of Appeal Hearing/Review Hearing

31.2.1. After considering the review or appeal, the Chairperson or the Panel shall either:

31.2.1.1. allow the review or appeal;

31.2.1.2. dismiss the review or appeal; or

31.2.1.3. impose on the Student a lesser sanction.

31.3. The Review or Appeal Hearing shall be recorded by the taking of minutes or in such other satisfactory manner as may be directed by the Panel.

31.4. The outcome of the Appeal Hearing or Review Hearing will be communicated to the Parties in writing, and marks the end of all internal procedures having been exhausted.