

DISCIPLINARY CODE AND PROCEDURE

ASHBURY SCHOOL



Together We Grow

This document serves to outline the code and procedure to be followed in the event of student misconduct at Ashbury Preparatory and High Schools.

ASHBURY SCHOOL
DISCIPLINARY CODE AND PROCEDURE STUDENTS

PURPOSE AND SCOPE.

1. The purpose and scope of this Code and Procedures is to –
 - 1.1 support constructive labour relations at Ashbury High, Preparatory, Pre-school;
 - 1.2 promote mutual respect between educators and the students;
 - 1.3 ensure that the school and the students share a common understanding of misconduct and discipline;
 - 1.4 avert and correct unacceptable conduct; and
 - 1.5 prevent arbitrary or discriminatory actions by the school towards students.

PRINCIPLES

2. The principles underlying the Code and Procedures and any decision to discipline a student are that –
 - 2.1 discipline is a corrective and not a punitive measure;
 - 2.2 discipline must be applied in a prompt, fair, consistent, and just manner;
 - 2.3 discipline is the responsibility of the school;
 - 2.4 a disciplinary code is necessary for the efficient delivery of teaching and learning and the fair treatment of students, and ensures that students –
 - a) have a fair hearing in a formal or informal setting;
 - b) are timeously informed of allegations of misconduct made against them;
 - c) receive written reasons for any decision taken; and
 - d) have the right to appeal against a finding or sanction with regard to misconduct.
 - 2.5 as far as possible, disciplinary procedures are held at the school and are understandable to all educators and students;
 - 2.6 if a student commits misconduct that is also a criminal offence, the criminal procedure and the disciplinary procedure will continue as separate and different proceedings; and
 - 2.7 disciplinary proceedings must be concluded in the shortest possible time frame.

CODE OF GOOD PRACTICE

3. The Code of Good Practice insofar as it relates to discipline, constitutes part of this Code and Procedure.
 - 3.1 In dealing with misconduct, the school must assess the seriousness of the alleged misconduct by considering –
 - a) the extent to which the misconduct impacts on the teachers, fellow students and good reputation of Ashbury High, Preparatory, Pre-school;
 - b) the nature of the students work and responsibilities; and
 - c) the circumstances in which the alleged misconduct took place.

- 3.2 The form of disciplinary procedures to be followed in any case will be determined by the school.

PROCEDURE: DISCIPLINARY PERTAINING TO MISCONDUCT

1. The School –
 - 1.1 delegates the function to deal with misconducts to the Headmaster or Headmistress of the School;
 - 1.2 the relevant Head of Department.

2. In cases where the seriousness of the misconduct warrants counseling, the relevant representative must –
 - 2.1 bring the misconduct to the student’s attention;
 - 2.2 determine the nature of the misconduct and give the student an opportunity to respond to the allegations;
 - 2.3 after consultation with the student decide on a method to remedy the conduct; and
 - 2.4 take steps to implement the decision contemplated in item (2).

3.
 - 3.1 In cases where the misconduct warrants it, the Head may give the student a verbal warning.
 - 3.2 The Head must inform the student that further misconduct may result in more serious disciplinary action.
 - 3.3 The school must record the warning contemplated in (3.2).

4. WRITTEN WARNING: In cases where the seriousness of the misconduct warrants it, the Head may give the student a written warning. The following provisions apply to written warnings:
 - 4.1 The written warning must be in accordance with the form Appendix 1 attached to this schedule.
 - 4.2 The Head must give a copy of the written warning to the student, who must acknowledge receipt of such.
 - 4.3 If the student refuses to sign a copy of acknowledgement of receipt, the Head must hand the warning over in the presence of another educator, who will then sign in confirmation that the written warning was conveyed to the student.
 - 4.4 The written warning must be filed in the student’s personal file.
 - 4.5 The written warning stays valid for a period of 6(six) months.
 - 4.6 If within the period of 6(six) months the student is subject to disciplinary action, the written warning and the written objection or additional information contemplated in 4.7, may be taken into account in deciding on appropriate sanction.
 - 4.7 a. If a student disagrees with the written warning or wishes to add any information, he or she may lodge such additional information or written objection against the sanction.

- b. The additional information and the objection referred to in (a) must be filed with the written warning.
5. In cases where the seriousness or extent of the misconduct warrants it, the Head must give the student a final written warning.
The following provisions apply to a final written warning:
- 5.1 A final written warning must be in accordance with form Appendix 2.
- 5.2 The Head must give a copy of the final written warning to the student, who must sign a copy to acknowledge receipt.
- 5.3 If the student refuses to sign a copy to acknowledge the receipt of the final written warning, the Head must hand the warning to the student in the presence of another educator, who must sign in confirmation that the written warning was conveyed to the student.
- 5.4 The final written warning must be filed in the student's personal file.
- 5.5 A final written warning remains valid for six (6) months.
- 5.6 If during the six-month period the student is subject to disciplinary action, the final written warning and the written objection or additional information contemplated in (5.7), may be taken into account in deciding on an appropriate sanction.
- 5.7
- a) If the student disagrees with the final written warning or wishes to add any information, he or she may lodge such additional information or written objection against the sanction.
 - b) The additional information and the objection referred to in (a) must be filed with the final written warning.
- 6.
- a) If the seriousness or extent of the misconduct does not warrant a formal enquiry the procedures in (5.2), (5.3) and (5.4) must be followed
 - b) The Head must convene a meeting where –
 - the student and, if he or she so chooses, the parent of the said student or other student who is based at the school are present;
 - reasons are given to the student as to why it is necessary to initiate this procedure; and
 - the student is heard on the misconduct and reasons therefore.
 - c) After hearing the student or his or her representative, the Head must –
 - counsel the student;
 - issue a verbal warning;
 - issue a written warning;
 - issue a final written warning;
 - impose a combination of any of the above; or
 - take no further action.
 - d) A student may not appeal against any of the above sanctions but may lodge an objection in writing, against the sanction imposed, or provide additional written information.
 - e) The objection or additional information must be filed together with a record of the sanction in the student's personal file.

7. For purpose of determining appropriate disciplinary actions, valid warnings for similar offences by the student must be taken into account.

NOTICE OF ENQUIRY FOR MISCONDUCT CASES OTHER THAN THOSE IN ITEM 4.

1. The student must be given written notice at least five (5) school days before the date of the hearing.
2. The written notice of the disciplinary hearing must be given in accordance with Appendix 3 to this schedule and must contain -
 - 2.1 a description of the allegation of misconduct and the main evidence on which the school will rely;
 - 2.2 details of the time, place and venue of the hearing;
 - 2.3 information on the rights of the student to representation by a fellow student or parent.
 - 2.4 information on the rights of the student to call witnesses at the hearing
3. a) The student must acknowledge receipt of such notice by signing a copy of such a notice.
 - b) If the student refuses to sign for receipt of the notice, it must be given to him or her in the presence of another educator, who must sign in confirmation that the notice was conveyed to the student.

CONDUCTING A DISCIPLINARY HEARING

1. The disciplinary hearing must be held within ten (10) school days after the notice has been given to the student.
2. The Headmaster/Headmistress or member of the BOARD will serve as the presiding officer.
3. If the student so chooses he or she may be represented by a fellow student or the parent of the offending student.
4. If the student fails to attend the hearing and the presiding officer concludes that the student does not have a valid reason, the hearing may continue in the absence of the student.
5. The presiding officer must keep a record of the notice of the disciplinary hearing and of the proceedings. These recordings may be electronic.
6. The presiding officer must read the notice for the record before the start of the hearing.
7. a. The Head or representative of the school must lead evidence on the conduct giving rise to the hearing.
 - b. The student or the student's representative may question any witness called by the Head or school's representative.
8. For purposes of the investigation and hearing, the head or representative of the school may summon any person who -
 - a. may be able to give information of material importance concerning the subject of the investigation or hearing; or
 - b. has in his or her possession, any book, document or object which may have a bearing on the matter.

9. The presiding officer may appoint an intermediary to represent a witness under the age of 18 years of age.
10. Where the student has requested that a person be present at the hearing as his or her witness, the head or representative must provide the student with the assistance to ensure that such witnesses attend.
12.
 - a. The student or his or her representative must be given the opportunity to lead evidence.
 - b. The Head or representative may question the witnesses of the student.
13. The presiding officer may ask any witness questions for clarification.
14. The presiding officer must give a finding whether or not the student has committed the misconduct, and must inform the student of the finding and the reason therefore.
15. Before deciding on a sanction, the presiding officer must give the student an opportunity to present evidence in mitigation.
16. The presiding officer must communicate the final outcome of the hearing to the school and the student within five (5) days after the conclusion of the disciplinary hearing, and the outcome thereof must be recorded on the student's personal file.

APPEALS PROCEDURE

1. A student may appeal against a finding or sanction by making an application in accordance with Appendix 5.
2. The student must, within five (5) school days of receiving notice of the final outcome of a disciplinary hearing, submit the appeal form to the Head or Management Committee Chairman, as the case may be.
3. On receipt of the application referred to in (1), the Head or Management Committee Chairman, as the case may be, must request the Head or representative to provide him or her with a copy of the record of the proceedings and any other relevant documentation.
4. If the Management Committee Chairman or Head chooses to allow further representation by the student, he or she must notify the student of the date, time and place where such representation must be made.
5. The Management Committee Chairman or Head, as the case may be, must consider the appeal, and may -
 - a. uphold the appeal
 - b. in cases of misconduct, amend the sanction; or
 - c. dismiss the appeal.
6. The Head must immediately implement the decision of the Management Committee Chairman or representative, as the case may be.

APPENDIX 1

WRITTEN WARNING

DATE: _____

NAME: _____

PERSONAL DETAILS: _____

This is a written warning in terms of the disciplinary procedure. Should you engage in further misconduct, this written warning may be taken into account in determining a more serious sanction.

This written warning will be placed in your personal file and will remain valid for a period of six (6) months from the date of the written warning.

If you object to the warning or wish to furnish additional information, you may lodge a written objection or additional information, which will be filed together with this warning.

The nature of the misconduct is:

For School _____

Date _____

Head of Dept _____

Date _____

Student _____

Date _____

APPENDIX 2

FINAL WRITTEN WARNING

DATE _____

NAME _____

PERSONAL DETAILS _____

This is a final written warning in terms of the disciplinary procedure. Should you engage in further misconduct it could lead to formal misconduct proceedings being instituted against you.

This final written warning will be placed in your personal file and will remain valid for a period of six (6) months from the date of the written warning.

Should you wish to do so, you may lodge a written objection to this final warning, or provide additional information which will be filed together with this final warning in your personal file.

The nature of the misconduct is:

For School _____

Date _____

Head of Dept _____

Date _____

Student _____

Date _____

APPENDIX 3

NOTICE OF DISCIPLINARY MEETING

DATE _____

NAME _____

PERSONAL DETAILS _____

You are hereby given notice to attend a disciplinary hearing in terms of the Disciplinary Code.

The alleged misconduct is based on the following evidence:

The hearing will be held at _____ on _____ at _____
If you cannot attend and cannot provide reasonable grounds for failing to attend, the hearing will be held in your absence.

A fellow student or your parent may represent you at the hearing.

You may give evidence at the hearing and adduce evidence through witnesses. You are entitled to question any witness called by the school.

If the presiding officer finds that you are guilty of misconduct, you may present any relevant circumstances, which you wish to be taken into account by the presiding officer in determining sanction.

For School _____ Date _____

Acknowledgement of receipt _____ Date _____
(Student)

Head of dept _____ Date _____

APPENDIX 4

SUMMONS TO APPEAR AT DISCIPLINARY MEETING

DATE: _____

TO: _____

You are hereby summoned to appear personally on the ____ day of ____ 20__ at ____ (time) at _____(place) before the presiding officer of a disciplinary hearing in terms of the Code of Conduct of Ashbury School, for the purpose of giving evidence regarding the following misconduct:

and to submit the following book, document or object in your possession, custody or control, which may have a bearing on the matter;

For School _____

APPENDIX 5

NOTICE OF APPEAL

DATE: _____

I _____ hereby appeal against the findings and/or sanction that have been imposed in terms of the Disciplinary Code and Procedure on

DATE: _____ PLACE: _____

I attach a copy of the final outcome of the disciplinary enquiry.

My reasons for appeal are: _____

The desired outcome of the appeal is: _____

I wish/do not wish (CHOOSE ONE) to provide additional evidence not available at the time of the disciplinary proceedings.

Signature: _____

Date: _____