THE DIOCESAN SCHOOL
FOR GIRLS

DISCIPLINE POLICY

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Review Cycles	At least every five years – next one 2018
Policy Applicability	All the girls and the staff of the DSG
Policy Owner	Deputy Head–Pupil Affairs

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1 POLICY DECLARATION

This Discipline Policy ('**the Policy'**) outlines the disciplinary process that will be followed by the DSG whenever a pupil is alleged to have committed an act or acts of serious misconduct.

The Policy is to be read in conjunction with the school rules, policies and protocols and should be considered from the perspective of the core values and ethos of the DSG. By submitting an application for admission to the DSG and accepting a place that may be offered by the school parents and pupils confirm that they have accepted and are bound by this Policy, the school rules, policies and protocols as well the core values and ethos of the DSG.

The Staff understand and are bound by the policies and shall apply them accordingly.

It is the responsibility of parents to support the DSG, its staff and prefects in enforcing the Policy. Parents are requested to communicate any concerns openly and constructively to the Head or the Chairman of Council (if the concern is one regarding the Head) and to do so without lobbying other parents, members of Council, other pupils, members of staff or outside parties until such time as all internal processes have been exhausted.

2 THE PURPOSE OF THE POLICY

- To ensure fair and equal treatment of all pupils.
- To encourage timely action in the event that a pupil's behaviour or performance proves to be unsatisfactory or unacceptable.
- To ensure the principles of natural justice are applied before a pupil is disciplined.
- To promote efficient administration and good governance of the DSG.

3 PRINCIPLES OF THE POLICY

3.1 The Policy shall apply equally to all pupils, including Prefects.

3.2 It is the responsibility of all members of the DSG Staff and Prefects, as well as members of the Pupil body, to maintain discipline at all times.

3.3 At a Disciplinary Hearing, a pupil will always be entitled to be represented by:

- her parent(s) ***or***
- a fellow pupil ***or***
- a prefect ***or***
- a member of staff.

If the pupil chooses not to be represented, or to be represented by a person other than her parents, her parents must confirm and agree to her decision in writing before the Hearing commences.

3.4 Legal representation is not permitted at any stage of the disciplinary proceeding unless:

- The Chair of the Hearing believes that the nature of the issues being considered warrant legal representation. This decision will be entirely at the discretion of the Chair.

- The Pupil's Representative co-incidentally has legal training or is a member of the legal profession and then the DSG, at its discretion, may appoint its own legal representative.

4 DEFINITIONS

Appeal Tribunal:	The Chairman of Council (or his/her designate) and two other people appointed by the Chairman (who may be members of Council).
Boarder:	A pupil resident in one of DSG's boarding Houses.
Chair:	The Head of DSG (or his/her designate) who will Chair the Disciplinary Hearing and deliver the finding(s) and, where required, the sanction(s).
Community member:	Members of Council, staff, pupils and their parents, alumni or any other adult agreed upon by both parties to be a friend of the DSG.
Conduct requirements and rules:	All policies and protocols approved by the DSG Council and/or management of the school; All policies and protocols that are published and/or in any way notified to pupils, parents and staff; All relevant legislation and regulations in force from time to time; Standards of behaviour and socially acceptable conduct expected of pupils and staff of the DSG consistent with the core values and ethos of the DSG.
Deputy Head:	The Deputy Head(s) of DSG.
Disciplinary Process:	The processes and procedures outlined in this Policy.
Head:	The Head DSG.
Housemistress:	A senior member of Staff who lives in the House and is responsible for all aspects of the House

Investigating Officer:	The person elected by the Head to conduct investigations into the alleged misconduct.
Parents:	Includes biological parents, parents of adopted children, legal guardians and caregivers.
Pupil:	A registered pupil of the DSG.
Pupil's Representative:	The person, if any, provided for in clause 3.2 above appointed by the Pupil to support her with and during the disciplinary process.
SAC:	St Andrew's College, St Andrew's Prep or St Andrew's Pre-Primary.
Staff	Members of the academic staff, administrative staff and support staff who are permanently or temporarily employed or who are on fixed-term contracts.
The DSG:	The Diocesan School for Girls in Grahamstown.

5 PROCEDURES

All alleged acts of Serious Misconduct will be dealt with in accordance with the Policy. A Disciplinary Hearing will be pursued once the Deputy Head has decided that a complaint against a pupil of Serious Misconduct needs to be investigated by the DSG.

5.1 SUSPENSION DURING THE DISCIPLINARY PROCEEDINGS

- The DSG may suspend a pupil until the disciplinary process has been completed and a final decision has been made. This includes the period of an Appeal Hearing or judicial review;

- The Head or (the Deputy Head in his/ her absence) may use his/her sole discretion in deciding whether to suspend any pupil under the above clause.

5.2 THE INVESTIGATIVE PROCESS

1 When there has been a complaint of serious misconduct against a pupil, the Deputy Head will appoint a senior member of the staff to be the Investigating Officer. The Investigating Officer will conduct a preparatory investigation into the allegations of misconduct by a pupil. The Investigating Officer may ask the Deputy Head for help, if needed, and the Deputy Head, at his/her discretion, may appoint someone to assist the Investigating Officer.

2 The Investigating Officer will inform the pupil of the allegations against her and that she could be required to explain her conduct during the Disciplinary Process.

3 The investigative process will involve collecting and collating evidence, including interviewing the pupil involved, other pupils and/or potential witnesses.

4 Any pupils who is to be interviewed is entitled to adult representation, provided the adult is a member of the DSG community.

5 Pupils may be asked to make written statements which will be signed and dated.

6 All those involved in the interviewing process and disciplinary enquiries will be expected to tell the truth. Failure to do so could be considered to be an aggravating factor when appropriate sanctions are being considered. If pupils who are witnesses do not tell the truth, they run the risk of disciplinary action being taken against them in accordance with this Policy.

7 When the investigation has been completed, the Investigating Officer will present his/her findings to the Deputy Head and they will, together, decide whether to proceed with a Disciplinary Hearing.

Should the Deputy Head decide that there has been no act of serious misconduct or that there is insufficient evidence to warrant referral to a Disciplinary Hearing, she/he will communicate this in writing to the pupil and the parents of the pupil.

5.3 ATTENDANCE AT THE DISCIPLINARY HEARING

The following people will be permitted to attend the Disciplinary Hearing:

a. The Chair.

b. A member of the Staff (appointed by the Head) who will record the proceedings as instructed by the Chair and assist the Chair with the administrative aspects of the hearing. Apart from this administrative role, this person will play no part in the Hearing.

c. The Pupil's representative, if any.

d. Witnesses.

e. Housemistress, in the case of a Boarder.

Any other person whose attendance the Chair considers to be necessary for the fair determination of the complaint against the pupil.

6 THE DISCIPLINARY HEARING

6.1 PREPARATION

6.1.1 The Deputy Head will inform the pupil and her parents in writing of the decision to conduct a Disciplinary Hearing. The notification shall include:

- the complaint that the pupil is facing;
- the potential sanctions, including expulsion where applicable;

- the date, time and venue of the Disciplinary Hearing;
- the right of the Pupil to be represented by a Representative of her choice, subject to the confirmation of that choice by at least one of her parents;
- the right of the Pupil to call any witness or produce any evidence which will substantiate her defence or disprove the complaint made against her.

6.1.2 The parents must, within 12 hours of being informed of the complaints being preferred against the pupil confirm their acceptance of the pupil's choice of representative by notifying the Deputy Head. Failure to do so may, at the Chair's discretion, lead to a postponement of the proceedings.

6.1.3 In order to prepare for the case, the Pupil should be given reasonable access to her Representative.

6.1.4 The Hearing will be convened within a reasonable time after the decision to proceed has been made but if there are circumstances that make this impossible, the hearing will be convened as soon as it is practically possible in the circumstances and at the discretion of the Head.

6.1.5 The Hearing will be conducted in English. If a pupil or her parents require the use of an interpreter, this will be permitted at their own expense, subject to the right of the Chair to satisfy himself/herself that the interpreter is competent to perform such service.

6.1.6 It is the responsibility of the Investigating Officer to ensure that the proceedings at the Hearing are accurately recorded.

6.2 THE DISCIPLINARY HEARING

At the start of the Hearing the Chair will ask the Investigating Officer to read the complaint to the Pupil on behalf of the DSG.

The Pupil will then be asked to either admit or deny her guilt.

IF THE PUPIL ***ADMITS*** HER GUILT THE HEARING SHALL PROCEED AS FOLLOWS: -

6.2.1 The Pupil will be asked to state in her own words and with sufficient detail why she is guilty of Serious Misconduct or to present a written, signed statement to that effect. The Chair will decide whether to accept such admission;

6.2.2 The Chair may question the pupil to clarify any aspect of the statement (whether oral or written) to satisfy himself/ herself that the admission of guilt was correctly made by the Pupil.

The Chair will then decide whether or not the Pupil is guilty. If the finding is one of guilt, the Chair will proceed to hear evidence in mitigation and aggravation:

- The Pupil shall first present her case on mitigation
- The Investigating Officer will present any aggravating factors.

- The Pupil will have the right to reply but only to new issues raised by the Investigating Officer

IF A PUPIL ***DENIES*** HER GUILT THE HEARING SHALL PROCEED AS FOLLOWS: -

6.2.3 **The Investigating Officer** will present the case for the DSG.

The Investigating Officer may call a witness(es) and/or produce documentary and/or physical evidence to support the allegations of Serious Misconduct levelled against the Pupil.

The Pupil or her Representative may cross examine each witness.

The Investigating Officer may then re-examine the witness(es) but only in respect of new issues raised by the Pupil under cross-examination.

6.2.4 **The Pupil or the Pupil's Representative** will then present her case and will also be allowed to call a witness(es) and produce documentary and/or physical evidence to support her case.

The Investigating Officer will, in turn, be allowed to cross examine each witness.

The Pupil may then re-examine the witness(es) but only in respect of new issues raised by the Investigating Officer under cross-examination

6.2.5 **The Chair** may question any person giving evidence at any time for the purposes of obtaining clarity or establishing any facts. He/she will ensure that minor witnesses are protected from cross-examination which is calculated to bully or traumatise them.

Once the evidence has been heard, the Investigating Officer and the Pupil or the Pupil's Representative may, in turn, address the Chair on the facts presented and the conclusions which they consider should be drawn from them.

6.2.6 The Chair shall then weigh up the evidence and determine whether the Pupil is guilty or not.

In order for the Chair to make a finding The Hearing may be adjourned for not more than three working days. Both parties may use this time to prepare any evidence and argument they may wish to present in mitigation or aggravation should the Pupil be found guilty by the Chair.

6.2.7 In the case of a guilty finding by the Chair, the evidence and argument in mitigation and aggravation will be heard by the Chair.

6.2.8 The Hearing will be adjourned not be longer than three working days in order for the Chair to present his/her findings on an appropriate sanction.

The findings of the Chair and the sanction will be communicated in writing to the pupil and her parents as soon as possible.
In the event of an expulsion, the notification will include a copy of the findings of the Chair.

6.2.9 In the absence of an Appeal under clause 7 below, the Chair's findings and sanction shall be final and binding.

7 THE APPEAL PROCESS

The Pupil may appeal against both the findings of guilt and the sanction, provided that there are reasonable grounds for the Appeal. In other words the Appeal must be based on evidence that the Chair did not apply him/herself and/or the Policy properly; that the sanction was not consistent; due process was not adhered to; etc. An Appeal cannot be pursued only on the unsubstantiated grounds that the pupil and her parents are unhappy with the findings and/or the sanction.

The following procedure shall apply on an Appeal: -

7.1 Appeals shall be addressed to and lodged with the Chairman of Council within two working days of the pupil and, at least, one of her parents being notified of the sanction.

7.2 An appeal shall be in writing and shall include the following: -

- the full names of all the parties at the Disciplinary Hearing;
- the findings of the Chair;
- the facts and grounds for Appeal.

7.3 The Chairman of Council (or his/her designate) and two other people appointed by the Chairman (who may be members of Council) will hear the appeal.

7.4 All Appeals shall be decided on the proceedings of the Disciplinary Hearing

7.5 If either party wishes to introduce new evidence, an application to do so must be made to the Appeal Tribunal. The pupil must lodge this application at the same time as she lodges the Appeal itself; the Investigating Officer must do so within two working days of the delivery of the Appeal by the Pupil. The application must include a clear and concise summary of the new evidence, its relevance to the issues in dispute and why it was not presented at the Disciplinary Hearing. If the Appeal Tribunal allows the applicant to introduce further evidence, it has the discretion to either:

- hear the further evidence according to the procedure laid out for hearing evidence in the initial Hearing and then proceed to determine the Appeal. (Although the Appeal Tribunal may hear new evidence, no appeals may be made against any decision of the Appeal Tribunal); or
- refer the matter back to the Disciplinary Hearing to hear the new evidence. In this case, the Chair, after following the procedure set out for the Disciplinary Hearing in 2.6 above, shall either confirm his/her first finding (in which case, supplementary written reasons will be provided) or set it aside (in which case, the incident will be expunged from the Pupil's disciplinary record);

7.6 Should the Appeal Tribunal find that sufficient grounds exist for overturning the finding and/or the sanction, it shall set aside the previous decision and replace it with a finding and/or sanction which it deems appropriate.

8 SERIOUS MISCONDUCT

8.1 EXPLANATION OF SERIOUS MISCONDUCT

This includes, but is not limited to, the following: (listed alphabetically and not in order of seriousness and/or importance)

1 Any acts prohibited by the laws of South Africa and/or violation of the laws of South Africa;

2 Any action which is sufficiently serious to destroy the relationship of trust between the DSG and the pupil;

3 Any criminal activity which might result in a conviction;

4 Any form of initiation or behaviour that may cause hurt and/or humiliation. This includes but is not limited to harmful behaviour that is:

- Physical
- Mental
- Verbal
- Cyber-bullying, including messages sent by phone and posts on social media

5 Any deliberate or negligent act which, by its consequences, brings the name of the DSG into disrepute;

6 Assault and/or harassment;

7 Blackmail and/or extortion;

8 Breaking conditions of sentence imposed by the Staff or any other person in authority at the DSG;

9 Bunking out/ breaking bounds/ being on the St Andrew's College campus outside the approved times;

10 Copying or any form of cheating in any test, exam or project (including plagiarism);

11 Disrupting any lessons and/or stopping or interfering with the learning of other pupils;

12 Entering any area of a boarding house at SAC;

13 Failure to report serious and major acts of misconduct and/or to assist or cooperate in the investigation of serious and major acts of misconduct;

14 Failure to tell the truth as part of the investigative process or during the hearing;

15 Fighting and/or bullying and/or any form of intimidation (physical, psychological, cyber);

16 Fraud or criminal deception or dishonesty, tantamount to theft, including unauthorised use of credit cards, debit cards or another pupil's school number;

17 Graffiti, vandalism and/or the destruction of school and other people's property;

18 Inappropriate sexual activity, including but not limited to sexual intercourse, sexual harassment, sexual abuse, rape, possessing, viewing or circulating any material deemed by those in authority to be pornographic on school premises or within a school context;

19 Infringements of the DSG IT policy including computer hacking, bypassing the DSG's firewall or using software that attempts to hide or cloak the user's identification or the destination;

20 Lying, dishonesty or any form of duplicity;

21 Possessing and/or using any weapons, dangerous toys or other dangerous items;

22 Purchasing, possessing, using (which includes testing positive for alcohol, drugs or other intoxicating substances or being intoxicated as a result of the intake of such substances) and/or distributing:

- any tobacco products
- alcohol or products containing alcohol
- substances prohibited or regulated by law, such as drugs
- steroids or any performance-enhancing drugs.
- prescription drugs for the purposes other than so prescribed

23 Public Indecency;

24 Racism, sexism and/or negative responses to sexual orientation, language or any other form of prejudice;

25 Repeated and/or deliberate infringement of any of the school rules, policies or protocols;

26 Refusing to accept the authority of the DSG and/or undermining deliberately or otherwise,
the stated goals and/or rules of the school and/or gross insubordination;

27 Theft. This includes but is not limited to:

- Appropriating property without the explicit permission of the owner
- Appropriating any item that is the property of the school without the explicit permission of the school's authority
- plagiarism

28 Truancy from school or any lesson or school activity at which the pupil's attendance is compulsory including Chapel.

8.2 SANCTIONS

The following are possible sanctions (listed alphabetically). The list is a guideline and is not absolute. The final decision rests with the Chair. (Note: one or more of these sanctions may be applied at a time).

a. Monetary compensation in respect of replacement value in instances of damage to property, theft etc.;

b. A final written warning;

c. A written warning;

d. Close gating;

e. Community Service on or off the school premises;

f. Detention;

g. Expulsion from the DSG;

h. Expulsion from boarding;

i. Impeachment from leadership positions;

j. Mark penalisation;

k. Meaningful written work;

l. Police or other community-sector intervention;

m. Suspension from school activities or a selection thereof (suspension from academic activities in special circumstances).

9 GOVERNANCE

Good governance requires that all documentation pertaining to Investigations and Disciplinary Hearings and Appeals is confidential and as such is kept in a secure environment.

10 REVIEW OF THE POLICY

The policy may only be reviewed by the HR Sub-Committee of Council and be ratified by Council. The Policy will be reviewed as a matter of course every five years.

Ratified by Council on 17 November 2012