



**THE DIOCESAN SCHOOL  
FOR GIRLS**

# **DISCIPLINE POLICY**

**Reviewed November 2018**

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<b>Policy Owner</b>	Deputy Head: Pupil Affairs

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Website	F. Hardisty	November 2018
Notification of:		
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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 girl 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 value 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 girls confirm that they have accepted and are bound by this Policy, the school rules, policies and protocols, as well as 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 girls, 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 girls.
- To encourage timely action in the event that a girl's behaviour or performance proves to be unsatisfactory or unacceptable.
- To ensure the principles of natural justice are applied before a girl 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 girls, 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 girl will always be entitled to be represented by:

- Her parent(s), **or**
- A fellow pupil, **or**
- A prefect, **or**
- A member of staff.

**This Policy should be read in conjunction with the Pupil's Handbook, and all other DSG policies, such as, but not limited to, the Substance Abuse Policy, the Anti-Bullying Policy, the Search and Seizure Policy and the ICT Policy.**

## 4. DEFINITIONS

<b><i>Appeal Tribunal</i></b>	The Chairman of Council (or his/her designate) and two other people appointed by the Chairman (who may be members of Council).
<b><i>Boarder</i></b>	A girl resident in one of DSG's boarding houses.
<b><i>Buck</i></b>	Title given to certain matric girls who are not made prefects. This system is banned at DSG.
<b><i>Campus</i></b>	The whole area that comprises the buildings, gardens and sports facilities of the DSG and the campus of St Andrew's College.
<b><i>Chair</i></b>	The Head of DSG (or his/her designate, who may have legal training) who will Chair the Disciplinary Hearing and deliver the finding(s) and where required, the sanction(s).
<b><i>Community Member</i></b>	Members of Council, staff, girls and their parents, alumni or any other adult agreed upon by both parties to be a friend of the DSG.
<b><i>Conduct Requirements and Rules</i></b>	<p>All policies and protocols that are published and/or in any way are notified to girls, parents and staff.</p> <p>All relevant legislation and regulations in force from time to time.</p> <p>Standards of behaviour and socially acceptable conduct expected of girls and staff of the DSG consistent with the core values and ethos of the DSG.</p>
<b><i>Deputy Head</i></b>	The Deputy Head(s) of DSG.
<b><i>Disciplinary Process</i></b>	The processes and procedures outlined in this Policy.
<b><i>DSG (The)</i></b>	The Diocesan School for Girls, Worcester Street, Grahamstown
<b><i>Deputy Housemistress</i></b>	A senior member of staff able to deputise for the Housemistress in all instances.
<b><i>Head</i></b>	The Head of DSG.
<b><i>Housemistress</i></b>	A senior member of staff who lives in the House and is responsible for all aspects of the House.
<b><i>Investigating Officer</i></b>	The person appointed by the Head to conduct investigations into the alleged misconduct.
<b><i>Parents</i></b>	Includes biological parents, parents of adopted children, legal guardians and caregivers.

<b><i>Girl</i></b>	A registered pupil at the DSG.
<b><i>Girl's Representative</i></b>	The person, if any, provided for in clause 3.2 above appointed by the girl to support her with, and during, the disciplinary process.
<b><i>Prosecutor</i></b>	The person appointed by the Head to represent the school at a Disciplinary Hearing.
<b><i>SAC</i></b>	St Andrew's College (which includes St Andrew's Prep and St Andrew's Pre-Primary).
<b><i>School</i></b>	DSG
<b><i>At School</i></b>	Includes: <ul style="list-style-type: none"> <li>• The campus of DSG</li> <li>• The campus of St Andrew's College</li> <li>• Any place where girls are legitimately required to be as part of a school activity</li> <li>• Any place where a girl is wearing the DSG uniform or parts of it.</li> </ul>
<b><i>Outside School</i></b>	Situations not mentioned above.  A girl who is outside the school, but who can be identified as a pupil of the school and/or whose behaviour brings the school into disrepute, can be regarded as having been 'at school'.
<b><i>Staff</i></b>	Members of the academic staff, administrative staff and support staff who are permanently or temporarily employed or who are on a fixed-term contract.

## 5. PROCEDURES

A Disciplinary Hearing will be pursued once it has been decided by the school that a complaint against a pupil of Serious Misconduct has consequences serious enough to warrant such a step.

### 5.1. Suspension During the Disciplinary Proceedings

- 5.1.1. 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.
- 5.1.2. 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. This suspension may be applied at any stage during the disciplinary process.

## **5.2. The Investigative Process**

- 5.2.1. When there has been a complaint of Serious Misconduct against a girl, the Head will appoint a senior member of staff to be the Investigating Officer. The Investigating Officer will conduct a preparatory investigation into the allegations of misconduct by a girl. The Investigating Officer may be the Deputy Head. The Head, at his/her discretion and at the request of the Investigating Officer, may appoint someone to assist the Investigating Officer.
- 5.2.2. The Investigating Officer will inform the girl of the allegations against her in writing and that she could be required to explain her conduct during the Disciplinary Process.
- 5.2.3. The Investigative Process will involve collecting and collating evidence, including interviewing the girl involved, other girls and/or potential witnesses.
- 5.2.4. Any girl who is interviewed as part of the Investigative Process is entitled to adult representation, provided the adult is a staff member at DSG.
- 5.2.5. Girls, after having been informed of their rights, may be asked to make written statements which will be signed and dated.
- 5.2.6. 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 if and when appropriate sanctions are being considered. If girls who are witnesses do not tell the truth, they run the risk of disciplinary action being taken against them in accordance with this Policy.
- 5.2.7. When the investigation has been completed, the Investigating Officer will present his/her findings to the Head and they will together decide whether to proceed with a Disciplinary Hearing.

## **5.3. Attendance at the Disciplinary Hearing**

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

- The Chair.
- The Head (if he/she is not chairing the Hearing).
- The Chaplain.
- The Investigating Officer.
- The Prosecutor, who may have a legal background if the Head deems this to be necessary.
- A member of 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.
- The girl's representative, if any.
- Witnesses (only as and when called).
- Housemistress (or Deputy Housemistress), in the case of a boarder.

- Any other person whose attendance the Chair or the Head considers to be necessary for the fair determination of the complaint against the girl.

## **6. THE DISCIPLINARY HEARING**

### **6.1. Preparation**

- 6.1.1. The Investigating Officer will inform the girl and her parents in writing of the decision to conduct a Disciplinary Hearing. The notification shall include:
  - The complaint and the charges that the girl is facing.
  - The potential sanctions, including expulsion where applicable.
  - The date, time and venue of the Disciplinary Hearing, as decided by the school.
  - The right of the girl to be represented by a person of her choice, subject to the confirmation of that choice by at least one of her parents.
  - The right of the girl 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 confirm their acceptance of the girl's choice of representative by notifying the Investigating Officer at least 24 hours before the start of the Hearing. 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 girl should be given reasonable access to her representative.
- 6.1.4. The Head will appoint a Prosecutor for the Hearing.
- 6.1.5. The school will convene the Hearing within a reasonable time after the decision to proceed has been made. If there are circumstances that make this impossible, the school will convene the Hearing as soon as it is practically possible in the circumstances and at the discretion of the Head.
- 6.1.6. The Hearing will be conducted in English. If a girl 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.
- 6.1.7. It is the responsibility of the Chair to ensure that the proceedings at the hearing are accurately recorded.

### **6.2. The Disciplinary Hearing**

- 6.2.1. The Hearing shall be recorded. All present at the Hearing shall be advised of this and that a transcript will form part of the record.
- 6.2.2. At the start of the Hearing, the Chair will ask the Prosecutor to read the complaint to the girl on behalf of the DSG.
- 6.2.3. The girl will then be asked to either admit or deny her guilt.

**IF THE GIRL PLEADS *GUILTY*, THE HEARING SHALL PROCEED AS FOLLOWS:**

- 6.2.4. The girl 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.
- 6.2.5. In order to ensure that all evidence is part of the record, the Prosecutor will be asked to call a witness and/or witnesses and/or produce documentary and/or physical evidence to support the allegations of Serious Misconduct levelled against the girl.
- 6.2.6. The girl or her representative may cross-examine each witness.
- 6.2.7. The Prosecutor may then re-examine the witness(es), but only in respect of new issues raised by the girl under cross-examination.
- 6.2.8. The Chair may question the girl to clarify any aspect of the statement (whether written or oral) to satisfy himself/herself that the admission of guilt was correctly made by the girl.
- 6.2.9. The Chair will then decide whether or not the girl is guilty. If the finding is one of guilt, the Chair will proceed to hear evidence in mitigation and aggravation:
  - The girl shall first present her case in mitigation.
  - The Investigating Officer will present any aggravating factors.
  - The girl will have the right to reply, but only to new issues raised by the Investigating Officer/Prosecutor.

**IF THE GIRL PLEADS *NOT GUILTY*, THE HEARING SHALL PROCEED AS FOLLOWS:**

- 6.2.10. The Prosecutor will present the case for the DSG. The Prosecutor may call a witness and/or witnesses and/or produce documentary evidence and/or physical evidence to support the allegations of Serious Misconduct levelled against the girl. All relevant evidence is to be entered into the record.
- 6.2.11. The girl or her representative may cross-examine each witness.
- 6.2.12. The Prosecutor may then re-examine the witness(es), but only in respect of new issues raised by the girl under cross-examination.
- 6.2.13. The girl or her representative will then present her case and will also be allowed to call a witness or witnesses and produce documentary and/or physical evidence to support her case.
- 6.2.14. The Prosecutor may cross-examine each witness.
- 6.2.15. The girl or her representative may then re-examine the witness(es), but only in respect of new issues raised by the Prosecutor under cross-examination.
- 6.2.16. 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 minors are protected from cross-examination which is calculated to bully or traumatise them.

- 6.2.17. Once the evidence has been heard, the Prosecutor and the girl or the girl's representative may, in turn, address the Chair on the facts presented and the conclusions they consider should be drawn from them.

### **6.3. Findings of the Chair**

- 6.3.1. The Chair shall then weigh up the evidence to determine whether the girl is guilty or not.
- 6.3.2. 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 aggravation or mitigation should the girl be found guilty by the Chair.
- 6.3.3. In the case of a guilty finding by the Chair, the evidence and argument in mitigation and aggravation will be heard by the Chair.
- 6.3.4. The Hearing will be adjourned for a period not longer than three working days in order for the Chair to present his/her findings on an appropriate sanction.
- 6.3.5. The findings of the Chair and the sanction will be communicated in writing to the girl and her parents as soon as possible.
- 6.3.6. In the event of an expulsion, the notification will include a copy of the findings of the Chair.
- 6.3.7. 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 girl may appeal against both the findings of guilt and the sanction, provided that there are reasonable grounds for the appeal. The appeal must be based on:

- Evidence that the Chair did not apply himself/herself and/or the Policy properly.
- Evidence that the sanction was not consistent.
- Evidence that due process was not adhered to.

An appeal cannot be pursued only on the unsubstantiated grounds that the girl and her parents are unhappy with the findings and/or the sanction.

The following procedure shall apply on appeal:

- 7.1. Notice of intention to appeal must be made to the Chairman of Council within two working days of the girl and at least one of her parents being notified of the sanction. Should such notice not have been made within two working days, the school will deem the matter to be closed and will not entertain further notice to appeal.
- 7.2. Written appeals must be addressed to and lodged with the Chairman of Council within five working days of the girl and at least one of her parents being notified of the sanction. Should such written appeal not have been made within five working

days, the school will deem the matter to be closed and will not entertain further notice to appeal.

7.3. An appeal 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.

7.4. 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. Those hearing the appeal may not have been involved in any way in the disciplinary proceedings prior to the appeal being lodged.

7.5. All appeals shall be decided on the record of the Disciplinary Hearing.

- 7.5.1. If either party wishes to introduce new evidence, an application to do so must be made to the Appeal Tribunal.
- 7.5.2. This application can be made by either the girl's representative or the Prosecutor and must be lodged at least 24 hours before the appeal is heard.
- 7.5.3. 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.

7.6. If the Appeal Tribunal allows the applicant to introduce further evidence, it has the discretion to:

- 7.6.1. 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).
- 7.6.2. Refer the matter back to the Disciplinary Hearing to hear the new evidence. In this case, the Chair, after following the procedure for the Disciplinary Hearing in 6.2 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 girl's disciplinary record).

7.7. 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 that it deems appropriate.

## 8. SERIOUS MISCONDUCT

***THIS IS TO BE READ IN CONJUNCTION WITH THE RULES OF SERIOUS MISCONDUCT IN THE PUPIL'S HANDBOOK, WITH PARTICULAR REFERENCE TO ALCOHOL AND MOOD-ALTERING SUBSTANCES.***

**SERIOUS MISCONDUCT includes but is not limited to the following:**

- 8.1. Any acts prohibited by the laws of South Africa and/or in violation of the laws of South Africa.
- 8.2. Any criminal activity that might result in conviction.
- 8.3. Purchasing, bringing onto the school property (or any place in Grahamstown), being in possession of or using (which includes testing positive for any of the items described below 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 purposes other than so prescribed.
  - Anything illegal.
  - Any mood-altering substances.

A girl will be deemed to be in breach of this rule if she purchases the above in any location during the term or over half-term, anywhere when in the company of three or more girls who can be identified as DSG pupils, even if not in uniform. She will be deemed to be in possession of any of the above should items be found in any area belonging to the girl or over which she has unfettered access. This includes, but is not limited to, her clothing, her locker, her school bag, her sports bag or any of her possessions.

- 8.4. 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; or this includes, but is not limited to, any demeaning, insulting, offensive, or discriminatory language
  - Cyber-bullying, including messages sent by phone and posts on social media
  - Hate speech.
- 8.5. Fighting and/or bullying and/or any form of intimidation including, but not limited to, physical, psychological or cyber bullying.

- 8.6. Any form of prejudice and/or hate speech. This includes, but is not limited to:
- Racism
  - Sexism
  - Sexual orientation
  - References to language spoken
  - References to class
  - References to religion.
- 8.7. Inducing another to become a 'buck' or accepting the position of 'buck' or any similar position. Claiming authority over another girl outside the formal leadership structures of the school on grounds of tradition or any other reason, or inducing others to do the same.
- 8.8. Bunking out/breaking bounds/being on St Andrew's College campus outside the approved times. Entering any area of a boarding house at St Andrew's College.
- 8.9. Truancy from school or any lesson or school activity at which the girl's attendance is compulsory, including Chapel. Going to the San for trivial reasons and/or remaining in the House will be considered to be truancy.
- 8.10. Copying or any form of cheating in any test, exam or project. This includes plagiarism: any work submitted for assessment must be the girl's own work. This applies to homework, coursework, examinations and internal assessments. Girls who submit work copied from elsewhere as their own, be it from a peer, text source, internet or any other source, should expect sanction.
- 8.11. Disrupting any lessons and/or stopping and/or interfering with the learning of others in the class.
- 8.12. Infringing on the DSG ICT policy, including computer hacking, bypassing the DSG's firewall or using software that attempts to hide or cloak the user's identity or the destination.
- 8.13. Using abusive language, being rude or showing defiance to a member of staff.
- 8.14. Harassing any member of staff or wilfully making a malicious allegation against a member of staff.
- 8.15. Lying, dishonesty or any form of duplicity. This includes lying to a teacher about the whereabouts of another girl or covering for her during roll call or other activities (see also clause 9. *Obstruction of Justice*).
- 8.16. Failing to tell the truth as part of the investigative process or during a hearing. This includes tampering with evidence such as deleting information on electronic devices and/or withholding passwords for electronic devices and/or attempting to get rid of evidence and/or hiding evidence.
- 8.17. Theft that occurs in any place where a girl is under the authority of the school: on the DSG campus; on the St Andrew's College campus; anywhere in Grahamstown where girls are legitimately required to be as part of a school activity and/or on any sanctioned school tour or excursion; anywhere where a girl is wearing the

DSG uniform or parts of it, or where she may be identified as a girl of the school even if not in uniform.

Theft includes, but is not limited to:

- Appropriating property without the explicit permission of the owner.
  - Having in her possession another's property without the explicit permission of the owner.
  - Unlawfully possessing property.
  - Appropriating any item that is the property of the school without the explicit permission of the school's authority.
- 8.18. Fraud or criminal deception or dishonesty, tantamount to theft, including unauthorised use of credit cards, debit cards or the login code of another girl or member of staff.
- 8.19. 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.
- 8.20. Assault and/or harassment.
- 8.21. Possessing and/or using any weapons, dangerous toys or offensive weapons. An offensive weapon is any article made or adapted for use to cause injury to a person or intended for such use (including laser pens).
- 8.22. Reckless and dangerous behaviour that places others at risk, even when the intention was not malicious.
- 8.23. Graffiti, vandalism and/or the destruction of school and/or other people's property.
- 8.24. Public indecency.
- 8.25. Blackmail and/or extortion.
- 8.26. Failure to report serious acts of misconduct and/or to assist or cooperate in the investigation of serious and major acts of misconduct.
- 8.27. Offensive language or conduct to a member of the public by a girl who can be identified as a girl at DSG.
- 8.28. Any action that is sufficiently serious to destroy the relationship of trust between the DSG and the girl.
- 8.29. Any deliberate or negligent act that by its consequences brings the name of the DSG into disrepute.

- 8.30. Repeated and/or deliberate infringement of any of the school rules, policies or protocols.
- 8.31. 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.

## 9. OBSTRUCTION OF JUSTICE

If serious misconduct has occurred, girls are expected to be helpful to staff conducting the investigation.

- 9.1. Girls will face sanction up to expulsion if they:
  - Wilfully conceal and/or destroy important information and/or evidence.
  - Delete important electronic information/evidence on computers, smartphones, iPads and/or any electronic device.
- 9.2. Should a girl withhold permission for a reasonable request, such as accessing information on a cell phone, it will be deemed to be obstructing justice and if so, external experts may be asked to gain access to the required information.
- 9.3. If it is found that records have been destroyed the girl may have to face further charges/allegations related to obstruction of justice and/or dishonesty.

## 10.SANCTION

The following are possible sanctions. 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.

- 10.1. Monetary compensation in respect of replacement value in instances of damage to property, theft, etc.
- 10.2. A final written warning.
- 10.3. Written warning.
- 10.4. Close gating.
- 10.5. Community service on or off the school premises.
- 10.6. Detention.
- 10.7. Impeachment from leadership positions.
- 10.8. Mark penalisation.
- 10.9. Meaningful written work.
- 10.10. Police or other community-sector intervention.
- 10.11. Suspension from school activities or a selection thereof (suspension from academic activities in special circumstances).

10.12. Expulsion from boarding.

10.13. Expulsion from the DSG.

## **11. GOVERNANCE**

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

## **12. REVIEW OF THE POLICY**

This Policy can only be reviewed by the HR sub-committee of the DSG Council and be ratified by Council. The Policy will be reviewed as a matter of course every five years. Notwithstanding this, the policy may be reviewed from time to time as the Head and/or Council deem necessary.

*Ratified by Council on 1 May 2017*

*Reviewed November 2018*