

ST ANDREW'S COLLEGE



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DISCIPLINE POLICY

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1. **PREAMBLE**

- 1.1 This Discipline Policy ('the Policy') outlines the disciplinary process that will be followed by St Andrew's College, ("SAC") whenever a boy is alleged to have committed an act, or acts of serious misconduct.
- 1.2 The Policy is to be read with the Andean Handbook (under the headings of "The School Rule" and "Rules and Regulations"), Policies and Protocols of SAC.
- 1.3 In terms of the Contract of Enrolment, which has been signed by each boy and his parents, there exists an agreement between SAC, the parents, and the boy, that they have accepted, and are bound, by this Policy, the Andean Handbook, the School Rule, the Rules and Regulations, Policies and Protocols.
- 1.4 In terms of the Contract of Enrolment it is the responsibility of parents to support SAC, its staff, and prefects, in enforcing this Policy and it is vital that boys are taught to monitor their own behavior so that it remains within the stated goals, principles and rules of SAC.

2. **MISSION STATEMENT**

- 2.1 SAC is passionate about ensuring that each of its boys is schooled for life, develops character and strives to reach his full potential.

- 2.2 SAC celebrates the following values, and attributes, at the core of SAC's educational mission: honesty, confidence, independence, service, hard work, tenacity, humility, friendship and "doing the best you can".
- 2.3 SAC seeks to live out a Christian Ethos as an Anglican foundation within a multi-cultural society.
- 2.4 SAC strives to create a happy and fulfilled boarding experience.
- 2.5 SAC offers a very wide choice of academic subjects and extra-mural activities.
- 2.6 SAC rewards effort and participation, and promotes success and excellence.

3. THE PURPOSE OF THE POLICY

The purpose of the Policy is:

- 3.1 to ensure fair and equal treatment of all boys;
- 3.2 to encourage timely action in the event that the boys' behaviour, or performance, proves to be unsatisfactory, or unacceptable;
- 3.3 to ensure the principles of Natural Justice are applied before a boy is disciplined; and

3.4 to promote efficient administration and good governance of SAC.

4. **PRINCIPLES OF THE POLICY**

4.1 It is the responsibility of all members of SAC's staff, prefects, and all boys, to maintain discipline at all times.

4.2 SAC reserves to itself the right to take disciplinary action against boys in appropriate circumstances, even if an offence is committed off the school property and/or outside school time, or when a boy is not officially representing SAC.

5. **DEFINITIONS**

5.1 **Appeal Chair:** The Chairman of Council (or his/her nominee) as chair of the appeal tribunal.

5.2 **Appeal Tribunal:** The panel consisting of the Chairman of Council (or his/her nominee) and two other people nominated by the Chairman of Council.

5.3 **At school** includes the campus of SAC, the campus of DSG, any place where boys are legitimately required to be as part of a school activity, and any place where a boy is wearing the SAC uniform, or parts of it.

- 5.4 **Boarder:** A boy resident in one of SAC's boarding houses.
- 5.5 **Boy:** A registered pupil of SAC.
- 5.6 **Boy's representative:** The person, if any, provided for in this Policy, appointed by the boy, to support him with, and during, the disciplinary process.
- 5.7 **Campus:** The whole area that comprises the buildings, gardens and sporting facilities of SAC, and the entire campus of DSG.
- 5.8 **Chair:** The Headmaster of SAC or a Deputy Headmaster, or a nominee of the Headmaster (who may have legal training) who will chair the disciplinary hearing and deliver the finding(s), and where required, the sanction(s).
- 5.9 **Contract of Enrolment:** The contract signed by the parents which sets out the rights and duties of the parents and legal guardians of boys.
- 5.10 **Day:** Day shall include any weekday but exclude a Saturday, Sunday and Public Holiday

- 5.11 **Deputy Head:** The Deputy Head(s) of SAC.
- 5.12 **Disciplinary Process:** The processes and procedures outlined in this Policy.
- 5.13 **DSG:** The Diocesan School for Girls, Worcester, Street, Makhanda (Grahamstown).
- 5.14 **Evidence presenter:** The person appointed by the Head to represent SAC and to lead the evidence at a disciplinary hearing.
- 5.15 **Housemaster:** A senior member of staff who lives in the house and is responsible for all aspects of the house.
- 5.16 **Head:** The Headmaster of SAC.
- 5.17 **Investigator:** The person appointed by the Head to conduct investigations into the alleged misconduct, but who may not be a witness to the alleged misconduct.
- 5.18 **Parents:** Include biological parents, parents of adopted children, legal guardians and caregivers that are signatories to the Contract of Enrolment.

- 5.19 **SAC** St Andrew's College, Somerset Street,
Makhanda (Grahamstown).
- 5.20 **School:** SAC.
- 5.21 **Staff:** Members of the academic staff,
administrative staff, and support staff,
who are permanently, or temporarily
employed, or who are on fixed-term
contracts with SAC.

6 **REPRESENTATION**

- 6.1 At a disciplinary hearing, a boy will always be entitled to be represented by:
- 6.1.1 one of his parents; or
- 6.1.2 a member of staff.
- 6.2 If a boy chooses not to be represented, or to be represented by a person other than his parents, his parents must confirm, and agree, to his decision in writing at least two (2) days before the hearing commences.
- 6.3 Save in exceptional circumstances legal representation at disciplinary hearings is not permitted. Application for such representation is made to the Headmaster in writing, and leave for such representation is at the Headmaster's discretion and,

if granted, may allow for legal representation for both parties.

7. OFFENCES

7.1 Minor offences must be dealt with by members of the academic staff and housemasters in accordance with the rules of Natural Justice and the appropriate sanctions may include detention, social restriction, and community service.

7.2 All sanctions for minor offences will be recorded by the disciplining staff member in a manner deemed suitable by the Headmaster of SAC.

7.3 The following are “Headmaster's offences” and will be dealt with by the chair and will be viewed in the most serious light. These are:

7.3.1 Any form of initiation or bullying. This includes, but is not limited to, mental, cyber, verbal (e.g. teasing, threats, gestures or verbal attacks) and physical harassment (e.g. caning, beating, deprivation of sleep, or any conduct causing physical stress). One incident may constitute the offence of bullying. Moreover, to stand by when someone else is being initiated or bullied, is to support or be associated with the bullying which also constitutes the offence.

7.3.2 Any form of violent, abusive or threatening behavior (verbal or physical). This includes fighting or assault (threatened or actual) or inciting, advising or rewarding others to perform violent, offensive or threatening acts.

- 7.3.3 Unacceptable sexual behavior, or activity, which includes viewing, possessing, producing or circulating pornography; and sexual harassment which is unwanted conduct (verbal or physical) of a sexual nature by the offender in respect of another person. One incident may constitute sexual harassment.
- 7.3.4 Theft, which is the act of taking for one's own use, possession or other unknown purpose, something that belongs to another without the legal/valid possessor's, or owner's, permission. It includes the unauthorized borrowing of cash, mobile phones and laptops.
- 7.3.5 Dishonesty, which includes cheating, plagiarism, corruption and conduct misrepresenting the truth.
- 7.3.6 Racism, sexism or any other form of unacceptable prejudice.
- 7.3.7 Possessing or discharging/igniting firearms, fireworks, ammunition, other dangerous weapons, or inflammable liquids.
- 7.3.8 Purchasing, possessing or drinking alcohol.
- 7.3.9 Purchasing, possessing or using Drugs, medication of any type without permission, which includes involvement with the use of steroids, misuse of prescription drugs, sniffing of glue, or deodorant, or the smoking of dagga. (As per the SAC Medication Policy, all medication is to be kept by the boys' matron and signed for when distributed).
- 7.3.10 Committing any act which is prohibited by the law in South Africa.

7.3.11 Continual breaking of College Rules.

7.3.12 Bringing the name of College into disrepute whether during term time or vacation.

7.3.13 Concealing and/or destroying important information and/or evidence in any disciplinary investigation by any staff member.

7.3.14 Deleting important electronic information/evidence on computers, smart phones, I-Pads and/or any electronic device during a disciplinary investigation by any staff member.

7.3.15 Withholding permission for a reasonable request (such as accessing information on a cell phone) if external experts are requested to gain access to the required information in any disciplinary investigation by any staff member.

8. **SANCTIONS**

8.1 The following sanctions may be imposed by a chair where a boy is alleged to have committed a Headmaster's offence:

8.1.1 A written warning;

8.1.2 A final written warning;

8.1.3 Monetary compensation in respect of the replacement value in instances of damage to property, theft, etc;

8.1.4 Close gating;

- 8.1.5 Community service on, or off, the school premises;
- 8.1.6 Detention;
- 8.1.7 Impeachment from leadership positions;
- 8.1.8 Mark penalisation;
- 8.1.9 Meaningful written work;
- 8.1.10 Police or other community-sector intervention;
- 8.1.11 Suspension from school activities or a selection thereof (suspension from academic activities in special circumstances);
- 8.1.12 Expulsion from boarding;
- 8.1.13 Expulsion from SAC.

9. PROCEDURES

A disciplinary hearing will be pursued if a boy is alleged to have committed a major offence, (Headmaster's offence) at the sole discretion of the Headmaster.

9.1 Suspension during the disciplinary proceedings

- 9.1.1 SAC may suspend a boy until the disciplinary process has been completed and a final decision has been made. This may include the period of an appeal, or judicial review by the High Court;

9.1.2 The Headmaster or the Deputy Headmaster, or the Headmaster's nominee, may use his/her sole discretion in deciding whether to suspend any boy in terms of this clause and a suspension may be applied at any stage during the disciplinary process.

9.2 **The investigation process**

9.2.1 When there has been a complaint of serious misconduct against a boy, the Headmaster will appoint a senior member of the staff to investigate the matter, as the investigator. The investigator will conduct a preparatory investigation into the allegations of misconduct by a boy. The investigator may be the head of discipline, or any other nominee of the Headmaster, and the Headmaster may also appoint someone to assist in the investigation.

9.2.2 The investigator will inform the boy of the allegations against him and that he could be required to explain his conduct at a disciplinary hearing.

9.2.3 The investigator will be involved in collecting and collating evidence, including interviewing the boy involved, other boys and/or potential witnesses.

9.2.4 Any boy who is to be interviewed as part of this process is entitled to adult representation, who must be a staff member at SAC.

9.2.5 Boys, after having been informed of their rights, may be asked to make written statements, which will be signed and dated.

9.2.6 All those involved in the interviewing process, and disciplinary enquiries will be expected to tell the truth and failure to do so could be considered to be an aggravating factor if, and when, appropriate sanctions are being considered.

9.2.7 When the investigation has been completed, the investigator will present his/her findings to the Headmaster and they will together decide whether to proceed with a disciplinary hearing.

9.3 **Attendance at the disciplinary hearing**

The following people will be permitted to attend the disciplinary hearing:

9.3.1 The chair;

9.3.2 The Headmaster, if he is not chairing the hearing;

9.3.3 The Chaplain;

9.3.4 The investigator;

9.3.5 The initiator of evidence, (who may have a legal background, if the Headmaster deems this to be necessary);

9.3.6 The head of discipline;

9.3.7 A member of staff to record the proceedings;

9.3.8 The boy's representative, (if any);

9.3.9 Witnesses (either called by SAC or by the boy);

9.3.10 The housemaster of the boy;

9.3.11 Any other person whose attendance the chair, or the Headmaster, considers to be necessary for the fair determination of the complaint against the boy.

10. THE DISCIPLINARY HEARING

10.1 Preparation

10.1.1 The investigator will inform the boy, and his parents, in writing, of the decision to conduct a disciplinary hearing. The notification shall *inter alia* include:

10.1.1.1 The complaint and the allegations that the boy is facing;

10.1.1.2 The potential sanction(s), (including expulsion where applicable);

10.1.1.3 The date, time and venue of the disciplinary hearing, as decided by SAC;

10.1.1.4 The right of the boy to be represented by a person of his choice, (subject to the confirmation of that choice by at least one of his parents);

10.1.1.5 The right of the boy to call any witness, or produce any

Evidence which will substantiate his defence, or disprove the allegations made against him;

10.1.1.6 The parent(s) must confirm his/her acceptance of the boy's choice of representative by notifying the person investigating the matter at least two (2) days before the start of the hearing.

10.1.2 In order to prepare for the case, the boy should be given reasonable access to his representative.

10.1.3 The Head will appoint the evidence presenter for the hearing.

10.2 The disciplinary hearing

10.2.1 The hearing should be conducted as soon as possible after a decision has been taken to conduct a disciplinary hearing.

10.2.2 The hearing will be conducted in English unless an interpreter is required, and this will be permitted by the chair, at the expense of the person requesting such an interpreter.

10.2.3 The chair shall ensure that the proceedings at the hearing are mechanically recorded.

10.2.4 Evidence handed in at the disciplinary hearing will form part of the record.

- 10.2.5 At the commencement of the hearing the chair will request the evidence presenter to read the allegations to the boy, on behalf of SAC.
- 10.2.6 The boy will be requested to confirm that he understands the allegations against him.
- 10.2.7 The boy will then be asked to either admit, or deny, his guilt.
- 10.2.8 If the boy pleads **guilty**, the boy will be asked to state in his own words, and with sufficient detail why he is guilty of a Headmaster's offence.
- 10.2.9 If the chair is satisfied that the boy is guilty he will then find the boy guilty.
- 10.2.10 The evidence presenter will then be requested to introduce any documentary evidence and/or physical evidence and/or call witnesses in aggravation of punishment.
- 10.2.11 The boy, or his representative, may cross-examine any witnesses called.
- 10.2.12 The evidence presenter may then re-examine the witness(es) on issues raised by the boy and/or his representative under cross-examination.

- 10.2.13 The chair may question witnesses, to clarify any aspect relating to aggravation.
- 10.2.14 The chair will then explain to the boy and/or his representative that evidence in mitigation can then be led by the boy.
- 10.2.15 The boy and/or his representative will then introduce any documentary evidence and/or physical evidence and/or call witnesses in mitigation.
- 10.2.16 The evidence presenter will then have the right to cross-examine any witness(es).
- 10.2.17 The boy and/or his representative may then re-examine the witness(es) in respect of any issues raised by the evidence under cross-examination.
- 10.2.18 The evidence presenter will then address the chair on aggravating factors.
- 10.2.19 The boy and/or his representative will then address the chair on mitigating factors.
- 10.2.20 The evidence presenter will then have the right to reply to the address by the boy and/or his representative.
- 10.2.21 If the boy pleads **not guilty** the evidence presenter will then present the case for SAC by calling witnesses and

producing documentary evidence and/or physical evidence to support the allegations against the boy.

- 10.2.22 The boy, or his representative, may cross-examine each witness.
- 10.2.23 The evidence presenter may then re-examine the witness(es) but only in respect of new issues raised by the boy and/or his representative under cross-examination.
- 10.2.24 The chair may question any witness(es).
- 10.2.25 The boy, and/or his representative, will then present his case and will also be allowed to call witnesses and produce documentary and/or physical evidence to support his defence.
- 10.2.26 The evidence presenter may cross-examine each witness(es).
- 10.2.27 The boy and/or his representative may re-examine the witness(es) but only in respect of new issues raised by the evidence presenter under cross-examination.
- 10.2.28 The chair may question any witness called by the boy and/or his representative.
- 10.2.29 The evidence presenter and the boy and/or his representative, or his representative may then address

the chair on the facts presented and the conclusions they consider should be drawn from them.

10.3 Findings of the chair

- 10.3.1 The chair shall then weigh up the evidence to determine whether the boy is guilty, or not.
- 10.3.2 The chair must give his findings within three (3) days of the adjournment of the disciplinary hearing.
- 10.3.3 In the case of a guilty finding by the chair, his decision will be communicated in writing to the boy and his parents.
- 10.3.4 In the case of a guilty finding by the chair, the disciplinary hearing will be reconvened for evidence, and argument, in mitigation, and aggravation, as set out above will be followed.
- 10.3.5 The chair will then give his findings in regard to sanction within three (3) days of the hearing on sanction.
- 10.3.6 The findings of the chair on sanction will be communicated in writing to the boy and his parents.
- 10.3.7 In the absence of an appeal by the boy, or his parents, the chair's findings, and sanction, shall be final and binding.

11. THE APPEAL PROCESS

- 11.1 The boy may appeal to the Chairman of Council against both the findings of guilt and the sanction within three (3) days of being informed of the decision of the chair.
- 11.2 The appeal must be based on the evidence placed before the chair.
- 11.3 Should such notice not be made within three (3) days, SAC will deem the matter to be closed and will not entertain further notices of appeal.
- 11.4 All appeals shall include the following:
 - 11.4.1 The written findings of the chair; and
 - 11.4.2 The facts and grounds for the appeal.
- 11.5 The evidence presenter may submit written representations to the Chairman of Council, in answer to the appeal, within two (2) days of receiving the notice of appeal.
- 11.6 The Appeal Tribunal will hear the appeal.
- 11.7 The members of the appeal tribunal may not have been involved in any way in the disciplinary proceedings prior to the appeal being lodged.
- 11.8 All appeals shall be decided on the record of the disciplinary hearing.

11.9 If SAC or the boy and/or his representative wishes to introduce new evidence, an application to do so must be made to the chair of the appeal.

11.10 Such application must be made at least two (2) days after the notice of appeal is furnished to the chair of the appeal.

11.11 An application for further evidence must include a clear and concise summary of the new evidence, its relevance to the issue in dispute, and why it was not presented at the disciplinary hearing.

11.12 If the appeal chair allows the applicant to introduce further evidence, he/she has the discretion to:

11.12.1 hear the further evidence according to the procedure laid out for hearing evidence in the disciplinary hearing and then proceed to determine the appeal, (in the event of the appeal chair hearing new evidence, no appeals may be made against any decision of the chair of the appeal thereafter); or

11.12.2 refer the matter back to the disciplinary hearing to hear the new evidence. In this event, the chair of the disciplinary hearing, will follow the procedure set out above and shall either confirm his/her first finding (in which case supplementary written reasons will be provided) or set aside his decision(s), (in which case, the incident will be expunged from the boy's disciplinary record).

- 11.13 Should the appeal tribunal find that sufficient grounds exist for overturning the finding(s) and/or the sanction, it shall set aside the previous decision and replace it with a finding and/or sanction which it deems appropriate.

12. **GOVERNANCE**

All documentation pertaining to investigations, disciplinary hearings and appeals are confidential and will be archived in a secure environment in terms of SAC's Policy for the archiving of documentation.

13. **REVIEW OF THE DISCIPLINARY POLICY**

This disciplinary policy was reviewed by SAC Council on 12 March 2021 and the policy may be reviewed from time to time by the SAC Council as the Headmaster and/or the Chair of Council deems necessary.