

SECTION B

Disciplinary System

Camps Bay High School
Code of Conduct

Disciplinary System

Every teacher is responsible for enforcing discipline, and has the obligation and full authority to correct the behaviour of learners whenever such correction is necessary. Any corrective measure or disciplinary action will correspond with and be appropriate to the offence.

All learners will abide by the disciplinary system that has been developed to assist and guide learner behaviour in the school.

Offences and Grading by Level of Seriousness

- Level 1 Offences (Minor Misconduct)
- Level 2 Offences (Serious Misconduct)
- Level 3 Offences (Extremely Serious Misconduct)
- Extremely Serious Misconduct of a Criminal Nature

An offence is graded according to the nature and degree of seriousness, of which level 1 is the least serious and level 3 is the most serious (**see Section C for list of offences levels 1-3**)

The level of an offence will determine the procedure to be followed.

- **Level 1 offence (Minor Misconduct)**
 - First offence gets annotated on the active discipline sheet checked and monitored weekly by Grade Heads. All Grade 1 offenses carry a one hour suspended intervention, redeemed when behaviour is modified within one week.
 - Subsequent offences: Grade Head and tutor to discuss the matter with the learner and decide if an intervention letter must be sent home or not. The intervention of 1 hour is suspended pending restoration.
- **Level 2 offence (Serious Misconduct)**
 - First offence - Immediate parental intervention letter and an instruction to attend the mandatory Saturday Intervention Program (SIP) for a minimum of 4 hours.
 - Subsequent Offence - Internal Intervention Meeting with parents, Discipline Heads, Grade Heads, Tutor and /or counsellor when needed. The learner may be suspended pending the outcome of the intervention meeting with the parents. Sanction to be determined by the School Discipline Team.

- **Level 3 offence (Extremely Serious Misconduct)**
 - All level 3 offences will be referred directly to the Discipline Head.
 - The Discipline Head will refer the matter to the internal disciplinary committee who will, depending on the severity of the offence, determine whether to convene an internal disciplinary hearing or a SGB hearing.
 - Serious Behavioural Misconduct including learners holding a Leadership Position/Role
 - i. Governing Body Hearing with sanction that may also include possible suspension and/or expulsion. Hearing per SGB regulations.
 - ii. Possible sanctions may include loss of privileges and/or leadership position, e.g. RCL, Prefect, Sport Captain, etc.
- **Extremely Serious Misconduct of a Criminal Nature:**
 - Refer to a range of offences governed by various laws, whereby schools are legally obliged to report the misconduct to one of the following three Agencies:

South African Police Services (SAPS)

Child Protection Services

Department of Social Development. (see Policies and Useful Information)
 - Misconduct of a criminal nature will immediately be reported to the School Councillor. The school councillor will refer the matter to the School Principal who may file a report with the SAPS and will convene a Governing Body hearing. The parent/guardian will be informed immediately (within 24 hours) of the offence.

The Discipline Head records all relevant documentation and the disciplinary measures imposed and this will be kept in the learner's file

Disciplinary interventions

The following interventions may be used, and are aimed at restorative behaviour before suspension or expulsion:

- Parental intervention
- Restorative essays; reflection sheets on misconduct; personalised reflection videos
- Community service
- Saturday Intervention Programme
- Referral for counselling
- Attendance of a relevant life skills programme
- Fines to compensate for damages, to cover the cost of repair or replacement of the lost or damaged item, and/or accumulated fine
- Exclusion from school activities and functions, e.g. academic award ceremonies
- Temporary suspension from class or school pending a disciplinary hearing
- Behaviour intervention meeting
- Internal hearing
- Governing Body hearing

Failure to comply with interventions and corrective measures may lead to the offence being categorised at a higher grade.

Suspension and Expulsion

Conduct that may lead to suspension or expulsion includes, but is not limited to, the following:

1. Inappropriate behaviour or comments in public or at school events that bring the school into disrepute
2. Sabotage, malicious or willful damage to school or others' property
3. Violent, abusive, intimidating or threatening behaviour of a verbal or physical nature
4. Victimisation, bullying or initiation of any sort, including cyber bullying or intimidation, regardless of the electronic platform used
5. Transferring, selling/distributing, using or being in possession of a dangerous object including but not restricted to weapons such as guns, ammunition, knives, clubs, screwdrivers, fireworks, explosives or any object that may be considered potentially dangerous at school or at school events.
6. Inciting or rewarding others in the performance of violent, offensive or threatening acts.

7. Physical assault that results in grievous bodily harm.
8. Any 'gang'-related activity that may threaten the safety or welfare of others at school, at school events or in relation to the school.
9. Discrimination/harassment of a sexual kind or based on gender, racial, religious or other grounds.
10. Issuing a bomb threat or arson, attempted or actual.
11. Behaviour that may pose a danger to the safety and welfare of others at school or at school events.
12. Being in possession of or under the influence of alcoholic, hallucinogenic or dangerous/prohibited substances that produce a psychoactive effect or distributing, storing or consuming any of these substances at school or at school events.
13. Theft or attempted theft.
14. Sale of another person's stolen property.
15. Extortion, bribery, corruption or fraud, attempted or actual.
16. Off-site criminal misconduct that disrupts or substantially damages the school-learner relationship and the educational process.
17. Obscene, indecent or sexually explicit behaviour, gestures or attempts to make unwanted physical contact, both physically and online through sexting.
18. Sexual harassment, inappropriate sexual innuendos or graphic comments.
19. False accusations that are not grounded in substantiated evidence or that have the intention of defaming an individual/conducting a smear campaign.
20. Committing a sexual offence.
21. Intentionally offensive, insulting, abusive, racist or lewd behaviour.
22. Storage, creation, sale or distribution of pornographic, obscene, offensive or violence-inciting material in any format on any social media platform or other means.
23. Participating in or supporting industrial or protest action which prevents learners from attending school/school activities.
24. Actions that expose others to serious danger or injury or expose the school to potential accidental loss or damages, whether due to willful, grossly negligent or unintended acts.
25. Serious misconduct or actions that may bring the reputation of the school, learners or other stakeholders into disrepute.
26. Poisoning or attempting to poison another person.
27. Any other misconduct considered to be very serious and possibly justifying expulsion as a first offence.

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The SGB authorises the Principal or Deputy Principal to institute suspension as a precautionary measure with regard to a learner who is charged with serious misconduct if they deem it necessary to ensure the safety of learners.

- When a learner is suspended, the learner and his/her parents must be informed why the suspension is being applied.
- Disciplinary proceedings must commence within one (1) week after the suspension. If the proceedings do not commence within one (1) week, approval for the continuation of the suspension must be obtained from the provincial Department of Education.
- This suspension will be applicable until a finding of not guilty is made or, if guilty, until the appropriate sanction is announced.

Should a learner be found guilty after a fair hearing before the Governing Body, the school has the right to recommend expulsion to the provincial Department of Education.

Where approval for expulsion is not granted, learners will attend counselling or a relevant life skills programme before they may return to class. Such learners may be accommodated in an isolation area or room in the interim to continue with schoolwork until they have completed the series of counselling sessions or the stipulated life skills programme, or any other appropriate sanction.

Internal Intervention/disciplinary hearings and Governing Body hearings

1. The following official forms will be used for disciplinary hearings:
 - Internal intervention meeting notice to parents
 - Notice of internal/SGB disciplinary hearing
 - Record of disciplinary hearing
2. Written notice of an internal/Governing Body hearing will be given at least five (5) school days before the hearing, which could include temporary suspension from classes, including formal scheduled tests and examinations which count towards the year mark.
3. When the notice is issued the learner and the parent must acknowledge receipt of the notice by signing it. This is not an admission of guilt.
4. If a learner does not appear at a hearing, it is postponed once. If the learner does not appear at the second hearing it may be conducted in his/her absence.
5. The written finding of the hearing will be issued to the learner concerned. The learner must acknowledge the contents by signing the document.

6. In the event of an internal intervention meeting (Level 2 offence), a learner has the right to request the principal to review disciplinary action taken against him/her if sufficient grounds exist. Failure to comply with the recommended disciplinary intervention will lead to temporary suspension pending a hearing.
7. An internal disciplinary hearing committee will consist of the following members: (level 3 offence)
 - The school Principal or their designate
 - The Discipline Head
 - Grade Head
 - Any other teacher who has information regarding the offence
 - A Governing Body representative
8. Disciplinary measures that an internal disciplinary hearing committee may impose include:
 - Intervention
 - Suspension from school for a minimum of two (2) days up to a maximum of five (5) days, ratified by the Governing Body, with immediate effect. This will be put in writing and a copy kept on record
 - A recommendation such as counselling/attendance of a life skills programme
 - Progress monitoring process initiated for a minimum of two (2) weeks followed up with a progress report
 - If a written conduct and behaviour warning is issued, a signed copy of acknowledgement will be kept on record
 - Payment to cover the cost, repair or replacement of the damaged, lost or stolen item
9. A Governing Body hearing committee will consist of the following members:
 - The Governing Body chairperson or their designate
 - Two (2) parent representatives from the Governing Body
 - The school Deputy Principal or their delegate
 - The Discipline Head
 - The Grade Head
 - Teacher representative

10. The Principal or their designate will keep on record copies of all documentation relating to the offence, the conducting and findings of the hearing and the disciplinary measures imposed.
11. The Principal or their designate will furnish the Discipline Head and register teacher with all the information necessary for their records.
12. Disciplinary measures that the Governing Body hearing may impose include:
 - All measures mentioned in Point 8; or
 - Recommendation for suspension of the learner (subject to a decision by the provincial Department of Education); or
 - Recommendation for the expulsion of the learner (subject to a decision by the provincial Department of Education)
13. Formal notice of the disciplinary hearing will inform the learner of:
 - The right to a formal hearing
 - The right to be present at the hearing
 - The right to be given time to prepare for the hearing
 - The right to be given advance notice of the charges
 - The right to be represented at the hearing.
 - The right to be accompanied at the hearing by parents/guardians if the learner is a minor
 - The right to ask questions about any evidence or about the statements of witnesses
 - The right to call witnesses to testify on his/her behalf
 - The right to an interpreter, to be requested 24 hours prior to the hearing
 - The right to appeal within five (5) days against any penalty imposed by the disciplinary committee

Procedures and rights during hearings

- 1 The chairperson of the committee must lead the proceedings.
- 2 The chairperson must introduce those present and state their functions.
- 3 The chairperson must ensure that witnesses are present only while giving evidence.
- 4 The procedure of enquiry will include:
 - charges being read and the learner being asked to plead

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- the plea will determine the course of the disciplinary hearing
 - the hearing may include the investigation report, witnesses being called and all parties being given the opportunity to present his/her/their case
 - mitigating/aggravating evidence may be considered
- 5 When all the evidence has been heard, the chairperson must close the enquiry and dismiss the complainant, the learner, their representatives, the parents/guardians and all the witnesses.
 - 6 The disciplinary committee must discuss and weigh the evidence and come to a decision.
 - 7 The chairperson may reconvene all interested parties.
 - 8 The chairperson or their designate is to communicate the decision to all the interested parties.
 - 9 The chairperson or their designate must explain the decision of the committee and the reasons for the penalty (if any) that has been imposed.
 - 10 The complainant and learner must sign the disciplinary letter and a copy must be handed to the learner. If the learner refuses, a witness must sign in the presence of the learner.
 - 11 The signing of the document by the learner is not an acknowledgement of guilt in the event that the learner's plea of not guilty is overturned.
 - 12 The parent must be informed of the outcome of the hearing in writing.

All Governing Body hearings are ratified by the School Governing Body. A ratified Governing Body decision has no grounds for appeal.

In the event of a recommendation for expulsion, learners must be made aware of their right to appeal this decision directly to the department of education contained in subparagraphs 1 to 8 above.