

NORTHERN ACADEMY DISCIPLINARY PROCEDURE AND DISCIPLINARY CODE FOR LEARNERS



MANAGEMENT, EDUCATOR & PARENT GUIDELINE

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NORTHERN ACADEMY

Disciplinary Procedure and Code Guideline for Learners

Section One

Introduction and Objectives

The School fully supports the principles of *Fair Discipline*, and the consistent application of appropriate and corrective disciplinary measures where necessary.

This procedure for learners indicates the broad *standards of behaviour* that are expected of all learners at the School, and encourages a responsible and self-disciplined approach, rather than a punitive one based on fear. Should expected norms of conduct not be met by any learner, corrective action will be initiated by the School's management. Corrective action may or may not include the application of formal disciplinary measures; any formal steps only being applied to prevent further occurrences of unacceptable behaviour or to restore the educator / learner relationship.

Further, the Procedure and Code are documented and issued to ensure that corrective action and discipline is administered consistently, promptly and fairly. This procedure and code are considered to be an important element of Northern Academy's Code of Conduct and are applicable to all learners. It should also be noted that this document may also have a bearing on the behaviour of the learner outside of normal School hours, should the learner's conduct impact negatively on the educator / learner relationship.

The maintenance of discipline and ensuring orderly classroom behaviour is an integral part of every educator's job. The *onus therefore lies with the School's Educators and Management* to apply this procedure in an effective and equitable manner, in the interests of the well-being of the School and all its stakeholders.

This document will be made readily available to every educator at the School, and any learner or parent wishing to view the procedure.

Please note that this Procedure is not intended as an exhaustive guideline to cope with any disciplinary-related issue. Rather it is intended to indicate fundamental values and principles according to which corrective action and discipline are to be effectively implemented by the School.

Section Two

General Code of Conduct

In the School context, educators, parents and learners have responsibilities. To sustain a healthy learning environment, it is important that these parties to the education relationship acknowledge their respective responsibilities.

Educators at the School undertake to: *[Examples only]*

- A) Be punctual, well prepared and professional in their approach to education
- B) Manage learner performance effectively and motivate learners to achieve realistic and meaningful personal goals
- C) Be sensitive to the needs of their learners and address learning difficulties in a positive manner
- D) Praise, encourage, recognise and reward learners who strive to achieve
- E) Create a classroom climate which is based on a learning partnership which makes education both relevant and stimulating
- F) Set a positive example for their learners to follow
- G) Administer discipline correctively and with dignity.

The School prides itself on having good relations with the parents of learners. While parents must expect the School and its educators to provide the best education possible with the resources available to the School, parents must also accept responsibility to help the School

achieve this goal.

Parents have the responsibility to: *[for example]*

1. Actively support the efforts of the School and its educators to teach their children
2. Involve themselves to the fullest possible extent in School activities
3. Make positive suggestions and contributions to improve the School's education process and the learning environment
4. Encourage their children to participate fully in School and extra-mural activities
5. Participate in the learning process and assist their children with homework, provide encouragement, check results and communicate freely with the School
6. Not expect the School to meet their child's every need and work with the School to overcome any learner behaviour which negatively impacts on the learning environment
7. Ensure that the learner is in attendance at all compulsory attendance functions and activities, and that School timekeeping requirements are observed
8. Support the disciplinary structures and procedures of the School in the interests of maintaining an orderly and positive educational environment.

The School does recognise that every learner does have the right to education. The School does strive to provide educational opportunities that its learners and the community deserves. Learners themselves must however also recognise that they have responsibilities to their parents, the School, Educators, their fellow learners and themselves.

In general terms, Learners must therefore: *[As reflected in the attached Code]*

1. Comply with instructions and the general rules of the School
2. Behave responsibly and not endanger the safety and welfare of others
3. Respect and care for the property of the School and others
4. Maintain sound relations with others at School, be courteous and respect the dignity and self-worth of others
5. Be punctual and observe the timekeeping practices of the School
6. Demonstrate a positive attitude towards the opportunity to learn, and be diligent in their efforts to learn
7. Behave honestly and conduct themselves with integrity
8. Accept legitimate punishment and disciplinary action taken against them as being both necessary and corrective.

The School has a number of specific rules which define the kinds of behaviour expected of its learners. Learners will be advised of these rules and expected to conduct themselves within the rules provided.

It is impossible for this procedure to list every possible rule infringement and this guideline and the attached Code therefore set out the broad principles of fair discipline at the School. The Educator and School Head are entitled to apply action that they believe is appropriate in the circumstances, within the guidelines provided by this procedure.

Section Three

Disciplinary Measures

Various forms of informal and formal disciplinary measures may be initiated by the School. The severity of the action taken by the School will depend on the circumstances, the seriousness of the infringement and any mitigating or aggravating factors being of relevance.

The disciplinary measure or penalty applied in response to the learner's misconduct will therefore generally require the Educator or Head to exercise judgement in deciding on the appropriate and fair action to be taken.

Disciplinary action that may be applied by the School, in order of severity, may include the following -

- a) Informal action

- a counselling by the Educator or Head of Department
 - detention or time punishment
 - community service
- b) Formal action
- a warning or demerit recorded
 - a Disciplinary Confrontation
 - parental contact and an interview with parents, after the conducting of an investigation by the School
 - suspension for a period from class or from attending School, pending the convening of a formal disciplinary hearing, and/or as a form of corrective action after the conducting of a disciplinary hearing
 - expulsion [as a last resort in the case of serious or repeated misconduct], again only after the conducting of a disciplinary hearing.

Discipline must, wherever feasible and effective, be applied progressively.

Repeated committing of a similar or related offence will result in progressively more severe action being taken; particularly where a clear pattern or trend is indicated by the learner's continued misconduct. A serious first incident may however justify a severe penalty, and mitigate against the imposition of a lesser form of action [see Code attached for guideline on maximum penalties].

Warnings / demerits issued by the School will be noted on the learner's record and reflected on the Progress Report and be available when requested.

Section Four

Disciplinary Process

This procedure summarizes the disciplinary process that will be followed by the School when more formal disciplinary action is considered appropriate.

1. Infringements that are not considered serious, or do not require formal disciplinary action in the opinion of the learner's responsible educator, can be dealt with directly by the educator. These must be recorded on the learner's class record but may still require communication with the learner's parents.

*Various forms of **informal action**, or punishment, are outlined above and can be implemented by the Educator without the consent of the Head of Department [HOD] or School Head.*

2. When an infringement occurs which requires formal disciplinary action, the Educator concerned [or any third party affected by the alleged infringement] will initiate the disciplinary process by completing a **NOTICE OF COMPLAINT/CLASS ROOM DISCIPLINARY REPORT**. This document may be supplemented by any additional information or statements to clarify or adequately detail the facts surrounding the infringement. *Please note that the Notice of Complaint itself is not a warning or disciplinary action. Its purpose is solely to summarize details pertaining to the alleged incident and to act as an indication of the possible need for investigation of an incident to ascertain whether any disciplinary action is appropriate.*
3. The Educator/HOD investigates the complaint and alleged infringement to gather information and to decide on the necessity for corrective measures. This assessment generally takes the form of an **INFORMAL INVESTIGATION**, which generally includes an opportunity for the learner to "state his/her case" in response to the complaint. If, after investigation, the infringement is confirmed but is considered to be of a nature which does not indicate that severe action may be appropriate, the responsible Educator / HOD may counsel the learner and issue an **appropriate WARNING or demerit** to the learner(s) concerned. If the learner's behaviour shows no improvement, the parents are informed and a

Disciplinary Confrontation may be scheduled.

It should be pointed out that the investigation to be conducted is an informal one, and that suspension or expulsion is not considered as appropriate action at this point.

4. When a serious infringement occurs, or in the case of repeated lesser infringements and formal disciplinary action not having its expected effect, a **notification of a DISCIPLINARY HEARING** (NA 403) is given to the parents of the learner concerned. This notification must provide sufficient information to ensure that the learner and parents are properly informed of the alleged complaint, the seriousness of the allegations, and the School's intention to convene a formal hearing to investigate the infringement.

Please note that -

1. the learner's parents should wherever possible be notified of the hearing at least 48 hours (two working days) before the scheduled hearing;
 2. the learner may be suspended pending the hearing, if this is considered appropriate bearing in mind the circumstances, the right to education and the seriousness of the alleged misconduct. The suspension of the learner should be indicated in the notification to the parents, the period of suspension preferably not exceeding a period of 5 [school] days;
 3. the learner and his/her parents [or legal guardian] must be advised that they are expected to attend the hearing as their non-attendance may prejudice their case, result in the hearing being held in their absence, and a decision being made without their involvement;
 4. the learner and parents must also be advised of the serious nature of the allegations, and the possibility of formal and severe disciplinary action being taken should the learner be found guilty of the allegations made against him/her;
 5. legal representation at disciplinary hearings is NOT generally permitted, unless both the School and the parents agree that it is appropriate for BOTH parties to be professionally represented.
5. The conducting of the **formal Disciplinary hearing** is of great importance and must be chaired by an objective Senior School official or a suitably qualified or experienced third party. The hearing chairperson will be responsible for leading and managing the hearing process, and making the critical decisions as to
 1. the guilt or innocence of the learner relative to the allegations made;
 2. the appropriate penalty/action to be taken, ONLY after due consideration of mitigating and aggravating factors.

To ensure that this crucial procedure is properly and fairly conducted, all disciplinary hearings should be conducted in such a way as to ensure that the rules of natural justice are complied with i.e. the learner and parent -

- a) *must properly understand the allegations being made before commencing with the hearing*
 - b) *should be presented with all the relevant facts and information relating to the allegations*
 - c) *must be given the opportunity to question information provided and evidence led*
 - d) *are entitled to present their own perspective and explain/defend the learner's actions, and if appropriate, lead evidence in support of the learner's defense*
 - e) *must be treated with dignity and respect throughout the hearing*
 - f) *are to be assured of the greatest confidentiality possible*
 - g) *must be advised of the outcome [verdict] of the hearing, the decision made regarding penalty and the reasons for such decisions*
 - h) *must be offered the right to appeal against any decision made by the chairperson.*
6. After the completion of the disciplinary hearing, any penalty decision made [i.e. whether to impose disciplinary action or not] should be formally communicated to the parents and supported in writing by the hearing chairperson. This **notification** must include a reminder

that the learner has the *right to appeal* against any action decided upon, within 5 days of the hearing's outcome being communicated.

NB. Copies of all disciplinary documentation must be retained by the School for record and safekeeping purposes.

Section Five

Appeal Review Process

The learner's parents have the *right to appeal* against any formal disciplinary action imposed by the School.

Lodging an appeal against a decision to suspend or expel the learner, after a disciplinary hearing has been conducted, only entitles the learner to an appeal review. Typical grounds for such an appeal review may include:

- the disciplinary procedure was not properly followed
- the decision on guilt was not considered correct or fair
- the decision regarding action to be taken was considered inappropriate
- mitigating factors were not properly considered
- the enquiry chairperson was considered to be biased, did not apply his/her mind, or supposedly made a subjective decision
- the learner was not in a position to properly present his/her case
- new and relevant evidence can be presented which may affect the decisions made.

The parent[s] wishing to appeal must motivate their appeal in writing, detailing in full their grounds for appeal. The request for appeal (NA 406) must be submitted to the School within 3 days of the hearing chairperson's decision having been communicated to the parents so as not to delay proceedings.

If the learner has been suspended pending the completion of the hearing process, the submission of an appeal will not affect the suspension which will remain in effect until the appeal process has also been concluded. In the case of any other formal disciplinary action being imposed by the hearing Chairperson, the imposition of such action will be held in abeyance pending the appeal process.

1. The learner's basic right to an appeal against disciplinary action does not ordinarily mean that all the matters raised at the disciplinary hearing will be "re-heard". The Appeal procedure is generally limited to only *reviewing* the decisions made, and is based on the grounds and motivations lodged in the appeal motivation. A full appeal re-hearing is **ONLY** necessary when the disciplinary hearing process is considered to have been materially defective by the person responsible for the appeal review, or if the decisions reached at the hearing are considered to be potentially suspect.

Should it become obvious that a full re-hearing is required for a fair appeal, usually due to a defective disciplinary hearing process or substantial new evidence having come to light after the hearing, an full Appeal [Re]Hearing should be conducted in accordance with the principles highlighted in 5 above, chaired by a new chairperson.

2. The School will elect an appropriate person or panel to conduct the appeal review, or re-hearing if considered necessary. The review, or re-hearing, should wherever possible be conducted within 5 [school] days of receipt of the appeal motivation.

When a decision has been made by the review or hearing Chairperson / panel, after consideration of the matters raised in the appeal, a *written finding* must be provided to the parents within a further 5 days, and a copy of the finding placed on the learner's file for safekeeping. The finding should indicate the reviewer's response to the specific matters raised in the appeal motivation.

The conclusion of the School's appeal procedure is the final step in the School disciplinary process and marks the exhaustion of internal disciplinary measures.

Section Six

Collective Disciplinary Action

The above-described disciplinary procedure is principally designed to deal with instances of misconduct by individual learners. Alleged misconduct by a group of learners, usually acting in concert with one another, or where the infringements are of a similar nature or objective, is considered as being collective misconduct.

Generally, collective misconduct is more effectively dealt with on a collective basis. An investigation into the alleged misconduct is conducted with all of the learners concerned. A single disciplinary hearing can then be conducted with the learners concerned, with their parents present.

The same procedures as provided for in section four above are followed in a collective situation. In a collective disciplinary hearing however, individual learners must still be provided [during or immediately after the hearing process] with the opportunity of demonstrating that their own circumstances may be different to that of other learners or the group involved, and of showing why they should be treated differently.

In certain cases however, it might be considered appropriate by the School to conduct separate investigations or hearings with individual learners. The School reserves its right to exercise its option to conduct individual or collective procedures. Any differences in verdict, or penalties imposed, between different learners involved in the same incident / infringement, will obviously also have to be justified if the School is called upon to do so.

Section Seven

Disciplinary Code

The School's Disciplinary Code for learners [attached], is intended as a penalty *guideline* for Educators, HOD's, Heads and hearing / appeal process Chairpersons.

It indicates the maximum disciplinary action generally considered appropriate for various types of infringements and misconduct by learners. As indicated previously, the [mitigating] circumstances of a particular case under consideration may justify less severe action than that indicated in the Code.

The infringements listed in the Code are not intended to be an exhaustive listing but rather an indication of the type of deviation from expected standards of conduct, and the levels of severity of infringements.

Please note that the Code does make provision for "progressive" or accumulative penalty i.e. the imposition of a harsher sanction for repeated misconduct, in the case of less serious infringements.

ANNEXURE:

Disciplinary Code for Learners