**68. Grievance and Disciplinary Procedure**

**Disciplinary Procedure**

Discipline is the process whereby the College manages conduct by its employees that it finds unacceptable. It may range from an informal exchange between a manager and an employee, or it may be more formalized – depending on the nature and the seriousness of the behavior in question.

The primary aim of the disciplinary process is to achieve fairness – both in the process and the result, and at the heart of this fairness lies the right for the employee to hear the nature of the complaint against him/her, and to offer his/ her version of events.

Disciplinary processes in South Africa have become unnecessarily complex and proceduralised, and the essence of what is being sought in fairness and natural justice has largely been lost. The College believes that disciplinary processes should be simple, transparent and fair, and has structured its process in the light of this, as well as in compliance with the “Code of Good Practice: Dismissal”, which you will find as an annexure to the Labour Relations Act 66 of 1995 (referred to as ‘LRA’) A copy of this may be obtained on request from HR, or you will find it on the Department of Labour’s website [www.labour.gov.za](http://www.labour.gov.za)

For this reason too, rather than produce a lengthy table of offences and punishments, as is often found, the College believes that a briefly stated and positive SACE Code of Professional Ethics is a more appropriate and positive way to let all employees know the standards of conduct that they expect from their employees. You will find this code provided for in this Handbook.

Where rules may be introduced from time to time, and these have a specific content which employees could not be expected to be aware of, you will be specifically notified of these.

**Disciplinary Hearings**

St John’s College will conduct a disciplinary hearing wherever there is a need for a more formal complaint to be dealt with. It will not, however, conduct these in the manner of a mini-trial, but rather as an investigation, chaired by a manager. This is known as the ‘inquisitorial’ method of conducting an enquiry, and is perfectly lawful, fair and acceptable. If the College deems it necessary, they may request an outside independent expert to conduct such an investigation, and make the appropriate recommendations.

**Grievance Procedure**

If, in the course of your employment, there is any matter which is a source of unhappiness or grievance for you, then St John’s College wants to be the first to know about it. We maintain an open door policy, and you should initially raise any work-related issue with your immediate manager. You may do so in writing, if you wish, and even if you do not, you manager may well wish to make a written record of your issue.

The College undertakes that the manager concerned will revert to you within three days of your initial approach, and give you a considered response.

If you are unhappy with this, your manager will, at your written request, refer this to Senior Management, so that the matter may be considered at a higher level. You will receive a written and considered response to your grievance within another seven days, and if this fails to resolve the issue, we can, by mutual request, ask HR to provide a facilitator to assist in resolving the matter.

If the employee is still aggrieved, they may refer the matter to the CCMA, if it is within the jurisdiction as set out the Labour Relations’ Act definition of Unfair Labour Practice.

It should be noted, that this process excludes issues relating to discipline and dismissals, which are dealt with in terms of that procedure, and claims for increases in remuneration – the so called “disputes of interest” in labour law. Malicious referrals and spurious complaints against another employee or manager, which is made vexatiously and without any good cause will be regarded in a serious light.

**69. Aids Policy**

# St John’s College, Houghton

**(Incorporating The Bridge Nursery School, St John’s Pre-Preparatory, Preparatory, College and**

**Sixth form campuses)**

## HIV / AIDS POLICY

### In terms of its functions under the South African Schools Act, 1996 (no: 84 of 1996), the Further Education and Training Act, 1998 (No: 8 of 1998) and The Employment of Educators Act (No: 76 of 1998),

St. John’s College and the Council of St John’s College acknowledge the severity of HIV/AIDS in this country and has drawn up the following HIV/AIDS Policy which is in accordance with the National Aids Policy.

There are no known cases of transmission of HIV in the College and HIV cannot be transmitted through the day-to-day social contact.

The following policy has been drawn up:

1. Learners with HIV/AIDS should lead a full life as far as possible at the College and should not be denied the opportunity to receive an education to the maximum of their ability.
2. No learner/educator/administrative staff member or general worker is compelled to disclose his/her HIV/AIDS status to the College. However, a genuine voluntary disclosure of his/her HIV/AIDS status would be welcomed.
3. The constitutional rights of all learners and educators must be protected on an equal basis. If it is therefore ascertained that a learner/educator/administrative staff member or general worker poses a medically recognised significant health risk to others, appropriate measures will be taken to counter that risk.
4. Learners/educators/administrative staff members or general workers must receive education about HIV/AIDS on an ongoing basis. Parents must be informed about the HIV/AIDS education at the College.

1. No learner/educator/administrative staff members or general workers with HIV/AIDS or perceived as having HIV/AIDS may be unfairly discriminated against.

1. Learners/educators/administrative staff members or general workers with HIV/AIDS perceived as having HIV/AIDS should be treated in a just and humane manner.
2. No learner may be denied admission to St John’s College on account of his/her HIV/AIDS positive status, nor should their continued attendance at St John’s College be denied.
3. No educator may be denied the right to teach because of his/her HIV/AIDS positive status.
4. There will be no routine testing for HIV.

Should a learner with HIV/AIDS become incapacitated through an illness or pose a significant medical risk to others, the College will endeavour to make academic work available for home study (see section 51 of the South African Schools Act, 1996 (No: 84 of 1996).

In the event of voluntary disclosure, it may be in the best interests of the learner with HIV/AIDS that educators in whose care the learner falls, is informed of his/her status either by the learner or the parents of the leaner if the learner is under the age of 14. Otherwise all information should be kept confidential unless authorized by the learner or his/her parents.

**UNAUTHORISED DISCLOSURE OF HIV/AIDS RELATED INFORMATION COULD GIVE RISE TO LEGAL LIABILITY.**

1. St. John’s College, its educators, non-teaching staff and general workers will as far as possible ensure

 that the necessary safety precautions are in place at the College.

1. All staff have been briefed on the risks of HIV/AIDS and the universal precautions to avoid exposure.

12. All staff have been issued with a pair of disposable latex gloves to be kept in the classroom.

13. Full first aid kits are available in the Sanatorium and a number of other venues. These include the kitchen, the Estate Manager’s office, the Music secretary’s office, the Boarding Housemaster’s offices, the Pre-Prep receptionist’s office, the Prep receptionist’s office and the office of the Director of Sport in the College. All kits contain disposable latex gloves, non-porous dressings or plaster and a suitable antiseptic.

14. It will be assumed that all persons are potentially infected and that all blood and body fluids should be treated as such. All blood, open wounds, sores, breaks in the skin, grazes, open skin lesions, body fluids and excretions which could become contaminated should therefore be treated as potentially infectious.

15. Blood, especially in large spills such as nosebleeds, should be handled with extreme caution.

1. Skin accidentally exposed to blood should be cleaned promptly with water and disinfectant.
2. All bleeding wounds must be cleaned with a suitable antiseptic (e.g. Hypochlorite 2% gluteraldehyde organic iodines or 70% alcohol-ethyl alcohol)
3. All bleeding wounds must be covered with a non-porous dressing or plaster.
4. Blood splashes to the face should be flushed with running water for at least 3 minutes.
5. If blood has contaminated a surface, the surface should be cleaned with a bleach solution. Latex gloves must be worn during this process. All contaminated instruments should be soaked in a strong bleach solution for at least 1 hour before re-use.
6. The risk of HIV transmission as a result of contact sport is generally insignificant.
7. A learner who is aware that his/her HIV/AIDS status is positive should willingly make himself/herself unavailable for that sport.
	1. Learner who is injured on the playing field, where the surface of the skin is broken and blood is present, must leave the field immediately for attention.
	2. All sports coaches will be given the appropriate information on HIV transmission as well as the application of universal precautions.
	3. No learner may participate in contact sport with an open wound, sore, break in the skin, graze or open lesion.
	4. Soiled clothes must be changed.
	5. Counseling for learners, educators, non-teaching members of staff and general workers will be sought.

**70. Code of Professional Ethics**

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**SOUTH AFRICAN COUNCIL FOR EDUCATORS**

**CODE OF PROFESSIONAL ETHICS**

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**DEFINITIONS**

1. In this Code, unless the context indicates otherwise any word or phrase defined in the South African Council for Educators Act, 2000 has that meaning and:
2. ‘**Code**’ means the Code of Professional Ethics of the South African Council for Educators;
3. ‘**Council**’ means the South African Council for Educators;
4. **‘Educator’** means any educator registered or provisionally registered with the Council;
5. ***‘*Learner’** means a pupil or a student at any early learning site, school, further education and training institution or adult learning centre;
6. **‘Parent’** means:
7. any natural parent or guardian of a learner;
8. any person legally entitled to custody of a learner; and
9. any person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) or (b) towards the learner’s education at school.

**GENERAL**

1. The educators who are registered or provisionally registered with the South African Council for Educators:
	1. acknowledge the noble calling of their profession to educate and train the learners of our country;
	2. acknowledge that the attitude, dedication, self-discipline, ideals, training and conduct of the teaching profession determine the quality of education in this country;
	3. acknowledge, uphold and promote basic human rights, as embodied in the Constitution of South Africa;
	4. commit themselves therefore to do all within their power, in the exercising of their professional duties, to act in accordance with the ideals of their profession, as expressed in this Code; and
	5. act in a proper and becoming way such that their behaviour does not bring the teaching profession into disrepute.

**CONDUCT: THE EDUCATOR AND THE LEARNER**

1. An educator:
	1. respects the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality;
	2. acknowledges the uniqueness, individuality, and specific needs of each learner, guiding and encouraging each to realise his or her potentialities;
	3. strives to enable learners to develop a set of values consistent with the fundamental rights contained in the Constitution of South Africa;
	4. exercises authority with compassion;
	5. avoids any form of humiliation, and refrains from any form of abuse, physical or psychological;
	6. refrains from improper physical contact with learners;
	7. promotes gender equality;
	8. refrains from any form of sexual harassment (physical or otherwise) of learners;
	9. refrains from any form of sexual relationship with learners at a school;
	10. uses appropriate language and behaviour in his or her interaction with learners, and acts in such a way as to elicit respect from the learners;
	11. takes reasonable steps to ensure the safety of the learner;
	12. does not abuse the position he or she holds for financial, political or personal gain;
	13. is not negligent or indolent in the performance of his or her professional duties; and
	14. recognises, where appropriate, learners as partners in education.

**CONDUCT: THE EDUCATOR AND THE PARENT**

1. An educator, where appropriate:
	1. recognises the parents as partners in education, and promotes a harmonious relationship with them; and
	2. does what is practically possible to keep parents adequately and timeously informed about the well-being and progress of the learner.

**CONDUCT: THE EDUCATOR AND THE COMMUNITY**

1. An educator:
	1. recognises that an educational institution serves the community, and therefore acknowledges that there will be differing customs, codes and beliefs in the community; and
	2. conducts him/herself in a manner that does not show disrespect to the values, customs and norms of the community.

**CONDUCT: THE EDUCATOR AND HIS OR HER COLLEAGUES**

1. An educator:
	1. refrains from undermining the status and authority of his or her colleagues;
	2. respects the various responsibilities assigned to colleagues and the authority that arises therefrom, to ensure the smooth running of the educational institution;
	3. uses proper procedures to address issues of professional incompetence or misbehaviour;
	4. promotes gender equality and refrains from sexual harassment (physical or otherwise) of his or her colleagues;
	5. uses appropriate language and behaviour in his or her interactions with colleagues;
	6. avoids any form of humiliation, and refrains from any form of abuse (physical or otherwise) towards colleagues.

**CONDUCT: THE EDUCATOR AND THE PROFESSION**

1. An educator:
	1. acknowledges that the exercising of his or her professional duties occurs within a context requiring co-operation with and support of colleagues;
	2. behaves in a way that enhances the dignity and status of the teaching profession and that does not bring the profession into disrepute;
	3. keeps abreast of educational trends and developments;
	4. promotes the ongoing development of teaching as a profession;
	5. accepts that he or she has a professional obligation towards the education and induction into the profession of new members of the teaching profession.

**CONDUCT: THE EDUCATOR AND HIS OR HER EMPLOYER**

1. An educator:
	1. recognises the employer as a partner in education;
	2. acknowledges that certain responsibilities and authorities are vested in the employer through legislation, and serves his or her employer to the best of his or her ability;
	3. refrains from discussing confidential and official matters with unauthorised persons.

**CONDUCT: THE EDUCATOR AND THE COUNCIL**

1. An educator:
	1. makes every effort to familiarise him/herself and his/her colleagues with the provisions of the Code;
	2. complies with the provisions of this Code;
	3. discloses all relevant information to the Council;
	4. informs Council and/or relevant authorities of alleged or apparent breaches of the Code within his/her knowledge;
	5. co-operates with the Council to the best of his or her ability; and
	6. accepts and complies with the procedures and requirements of the Council, including but not limited to the Registration Procedures, the Disciplinary Procedures of the Council and the payment of compulsory fees.