



ST JOHN'S COLLEGE

DISCIPLINARY CODE

Updated July 2024

DISCIPLINARY PROCEDURE

The purpose of this Code is to establish the rules and procedures applicable to disciplinary action at St John's College, and to describe the framework within which disciplinary steps are taken at the College.

OVERVIEW AND FOREWORD

The Constitution of the Republic of South Africa, 1996

The Constitution sets out the most important rules of conduct for institutions and individuals, and gives expression to the values of South African society. Chapter 2 of the Constitution is the Bill of Rights, which prescribes the fundamental rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. The Bill of Rights has a number of sections that are relevant when considering the rights of children in schools, including section 9, which enshrines everyone's right to equality before the law, and to equal protection and benefit of the law. Section 28 provides that a child's best interests are of paramount importance in every matter concerning the child, and section 29(1)(a) protects children's right to a basic education. Section 29(3) confirms the right to establish and maintain independent schools that do not discriminate on the basis of race, that are registered with the state, and that maintain standards that are not inferior to those at comparable public schools. An independent school such as the College has a high degree of autonomy, within the parameters set by the law, to determine its own institutional ethos, values and disciplinary system.

The South African Schools Act, Act No. 84 of 1996

Independent schools are subject to the applicable provisions of the South African Schools Act. In particular, Chapter 5 of the Schools Act regulates the activities of independent schools, but is silent on the disciplinary codes and procedures of such schools. So, too, subject to the requirement that independent schools must uphold the Constitutional obligations with regard to students' rights, the

applicable Gauteng provincial legislation allows independent schools to devise their own disciplinary rules and procedures.

General principles

Discipline is not an end in itself; nor is it simply a mechanism for facilitating the smooth running of the College in accordance with contractual rules and regulations. Rather, discipline is an essential part of the holistic education offered by the College; this includes character formation and the inculcation of spiritual and social values aimed at producing Johannians who are responsible citizens displaying goodwill and an ethic of service towards their fellow citizens. As such, discipline is not primarily punitive in nature or purpose but forms part of the didactic process of equipping students with the values of those who are rightly trained in body, mind and character to serve God and society.

Discipline is not only concerned with conduct that occurs on the school grounds, during school hours or while a student wears the College uniform. College students do not cease to be Johannians when they leave the school grounds or take off their uniforms. As such, this document may have a bearing on the behaviour of a student outside of normal school hours and beyond school premises, should the student's conduct impact negatively on the learning environment at the College, or on the wellbeing of other students or him- or herself, or should it bring the College into disrepute.

1. ESSENCE OF FAIRNESS, AND THE OBJECTIVES OF THE CODE

The College subscribes to the principles of fair discipline and the consistent application of appropriate, corrective, and progressive disciplinary measures where necessary. This Code is designed to ensure that corrective action and discipline are administered consistently, promptly and fairly, and on the basis that adjudication will occur on a balance of probabilities. This Code must be read in conjunction with the various policies governing our students' conduct which are listed in the Addendum to this Code. Students are expected to adhere to the standards stipulated in those policies at all times.

The objectives of the Code, as read with the policies, are to:

- (a) encourage learners to comply with school rules and regulations;
- (b) establish fair and reasonable social behavioural standards;
- (c) explain the possible consequences of contravening school rules;
- (d) describe the procedures used during disciplinary action;
- (e) give students who are accused of misconduct a fair opportunity to state their case before disciplinary steps are taken against them;
- (f) where appropriate, apply restorative justice rather than merely take punitive action;

- (g) establish, maintain and develop sound student relations at the school;
- (h) implement procedures, taking into account the principles of natural justice and substantive and procedural fairness.

The Code sets appropriate standards for fair educational practices at the College, and promotes fair and just discipline, in the best interests of the College and of the student.

2. **DISCIPLINARY OFFENCES**

The Code differentiates between serious misconduct and lesser / minor infringements.

“Serious misconduct” includes offences that warrant disciplinary investigation, which could potentially lead to suspension or expulsion from the College, even in the case of first offences.

“Minor infringements” are offences which may not lead to suspension or expulsion from the College, when the offences are committed for the first time.

“Serious misconduct” and “minor infringements” are further described in the Addendum to this Code. The fact that a particular type of conduct may be termed a “minor infringement” does not mean that it is not a disciplinary infraction and that it may not have disciplinary consequences.

3. **DISCIPLINARY MEASURES**

It is not possible for this Code (which includes the Addendum) to list every conceivable type of infringement or misconduct that could be committed by students. As such, the categories of misconduct and infringements outlined in the Addendum are not exhaustive. Other forms of misconduct or infringements, not expressly listed in the Addendum but inconsistent with the College’s policies, may also give rise to corrective or disciplinary action in terms of this Code.

Various forms of informal and formal disciplinary measures may be initiated by the College. The nature and gravity of the infraction will determine whether it is addressed informally by a staff member or a Prefect in accordance with clause 3.1 below, or more formally in accordance with clause 3.2 below. The severity of the action taken by the College in a particular instance will depend on the circumstances, including the seriousness of the offence and relevant mitigating or aggravating factors.

The recommended corrective or disciplinary measures set out in the Addendum in respect of particular categories of misconduct and infringements are not rigid rules but guidelines indicating the likely consequences of particular infractions, generally to be followed in the application of this Code. Each case will be considered on its own merits to ensure that corrective or disciplinary measures are appropriate to the circumstances of the case. The disciplinary measure or

punishment applied in response to misconduct by a student will therefore generally require the staff to exercise judgement in deciding on the appropriate and fair action(s) to be taken.

Disciplinary measures which may be taken by the school, in order of severity, include:

3.1 Informal measures

3.1.1 Verbal warning

A verbal warning may be issued in the event of any offence which is not considered serious by the teacher concerned.

3.1.2 Temporary removal from a lesson

Where a student's conduct in class prevents effective teaching and learning to occur, he or she may be required by the teacher in charge to leave the classroom for part or the remainder of that lesson.

3.1.3 Break detention and other forms of punishment

A teacher may impose a break detention for a student or students. Staff may also issue other forms of punishment such as the writing out of pages, etc.

3.1.4 Punishment imposed by Prefects

Prefects may impose punishments such as the writing out of pages or Prefects' afternoon detention to students who commit relatively minor infringements e.g. misdemeanours committed at roll-call or in Chapel, failing to appear at roll-call etc.

3.1.5 Housemaster's Intervention

A student's Housemaster may initially choose to follow a Housemaster Intervention where a student is counselled one-on-one. Such interventions will be recorded by the Housemaster, but a sanction will not necessarily follow, nor might parents be informed if, in the judgement of the Housemaster, it is unnecessary. These interventions would be appropriate where a student's behaviour warrants only a cautionary word and where his actions do not warrant a more formal disciplinary hearing.

3.2 Formal measures

3.2.1 Detention

A detention may be issued by a teacher if previous attempts by the teacher have failed to correct the student's inappropriate behaviour. The purpose of such a detention is to endeavour to improve the student's behaviour. A detention is the first formal

notification to the student's parent(s) / guardian and is reflected on his / her record.

3.2.2 Saturday detention

If a student continues to commit similar behavioural offences or misses a detention with no valid reason, a Housemaster may issue a Saturday detention. These take place on Saturdays between 15:00 and 17:00 and are overseen by a Housemaster on duty. Any student receiving more than three Saturday detentions is liable for further disciplinary action. Students must wear Number Ones when reporting for Saturday Detention.

3.2.3 Housemaster's disciplinary hearing

3.2.3.1 General. Repeated transgressions, or an offence deemed more serious than those contemplated in paragraphs 3.1 and 3.2, could result in a Housemaster's disciplinary hearing being held for the student. The student is notified to appear before a panel consisting of a Housemaster of another House who acts as chairperson and the student's own Head of House. The student's Housemaster, assistant Housemaster or Tutor accompanies and supports the student at the hearing. After the hearing, the student's Housemaster will send a letter to the parent(s) / guardian(s) and the student, informing them of the outcome of the hearing and the sanction, if applied. This letter will be held on record in the student's file. This is considered the last step to improve the behaviour of the student before a formal Disciplinary Council hearing is held, at which a student could be suspended or expelled from the school.

3.2.3.2 Boarding. Where a student commits an offence deemed more serious than those contemplated in paragraphs 3.1 and 3.2 in the boarding sphere, he may also be called to attend a Housemaster's disciplinary hearing. The same procedure will be followed as spelled out in paragraph 3.2.3.1. At these hearings, Housemasters are empowered to issue a final written warning for boarding, temporarily suspend or permanently expel a student from boarding if the offence warrants it. However, if the student's suspension or expulsion from boarding would effectively result in their suspension or expulsion from school due to their primary caregivers not residing in Johannesburg, such cases must be heard at a formal school Disciplinary Council hearing.

3.2.3.3 Outcomes from a Housemaster's disciplinary hearing are presented to the Deputy Head: Student Affairs for ratification before they are implemented.

3.2.4 Restorative justice hearing

In instances where the nature of the offence merits it, a restorative justice hearing may be called at which the primary purpose will be for the offender to recognise the

impact of his / her actions on his / her fellow student(s) or teacher(s) and to restore that relationship to a healthier one. A restorative justice hearing does not exclude the possibility of an appropriate punitive sanction, or the student having to attend a Disciplinary Council hearing should that be deemed necessary. These sessions will be chaired by an appropriate staff member, such as the Deputy Head: Student Affairs, the Assistant Deputy Head: Transformation and Diversity, or a neutral Housemaster and will also include one other staff member. The student's Housemaster, Assistant Housemaster or Tutor will support the student in this hearing. A restorative justice hearing is aimed at making reparation to the victim(s) of the offending conduct.

3.2.5 Disciplinary Council hearing

A formal hearing by a Disciplinary Council (as constituted in accordance with clause 5 below) is held following a serious offence committed by a student or following any offence committed by a student with a final written warning on record. Students may also be called to a Disciplinary Council hearing for accumulated minor offences if the steps taken in the past have not succeeded in modifying their behaviour. On reasonable grounds and as a precautionary measure, the student may be suspended from attending school pending a formal Disciplinary Hearing and subject to other conditions that may be imposed.

The disciplinary sanctions that could be implemented following such a hearing include:

- (a) A final written warning, which will usually remain valid for twelve months, unless the specific details of a case warrants a longer period;
- (b) Suspension from class or from school for a specified period, commensurate with the nature and gravity of the relevant infraction;
- (c) Suspended expulsion: A student could be expelled, but implementation of the expulsion is deferred to allow the student to perform a period of probation. If the student fulfils the conditions of the probation, the expulsion may be set aside. The sanction of expulsion will only come into effect if the student fails to comply with the conditions of the probation;
- (d) Expulsion: Where a sanction of expulsion is imposed it will, subject to available appeal remedies being exhausted, usually take immediate effect;
- (e) Boarding expulsion: A boarder could be suspended or expelled from boarding, especially where the infraction related to conduct in the boarding house.

The repeated committing of a similar or related offence will result in more severe action being taken, particularly where a clear pattern or trend is indicated by the student's continued misconduct. A serious first incident could, however, justify a severe punishment.

Corporal punishment may not be inflicted under any circumstances whatsoever.

4. INVESTIGATION OF POSSIBLE SERIOUS MISCONDUCT

- 4.1 When a student is alleged to have committed an act of serious misconduct, this must be brought to the attention of his / her Housemaster.
- 4.2 A neutral Housemaster or the Deputy Head: Student Affairs will investigate the complaint and alleged infringement to gather information and to decide whether there is a need for formal corrective or disciplinary measures. This assessment generally takes the form of a preliminary inquiry into the merits of the allegations which may, if appropriate, include an opportunity for the student to respond to the complaint.
- 4.3 If, pursuant to the preliminary inquiry, sufficient evidence is found to confirm the allegation of misconduct but it is considered to be of a nature which would not warrant the student's suspension or expulsion from school, the matter will be referred to a Housemaster's disciplinary hearing as outlined in paragraph 3.2.3. above.
- 4.4 Where a preliminary inquiry finds sufficient evidence to indicate that serious misconduct seems to have occurred and the matter is considered serious enough to lead to possible suspension or expulsion, the matter will be referred to the Disciplinary Council.
- 4.5 The neutral Housemaster or the Deputy Head: Student Affairs, as the case may be, who conducted the preliminary inquiry will formulate a charge and will inform the student's Housemaster of the charge and pending hearing. The Housemaster will in turn inform the student and his / her parents of the charge and pending hearing. The Chairperson of the Disciplinary Council will issue a formal notification of a Disciplinary Council hearing via email to the parents and the student concerned.
- 4.6 This notification must:
 - (a) provide at least forty-eight hours' notice of the hearing;
 - (b) inform the student and parent(s) of the alleged charges and contain sufficient particulars of the relevant incident to enable the student to prepare for the hearing;
 - (c) inform the student and parent(s) of the date, time and venue of the hearing;
 - (d) inform the student of his / her right to be accompanied by his / her parent(s) / guardian at the hearing, who may speak in mitigation, call witnesses and produce documentary evidence to clarify issues pertaining to the allegation;

- (e) inform the student and parent(s) that no legal representation is allowed at the hearing.

- 4.7 On reasonable grounds, and as a precautionary measure, the Chairperson may suspend the student alleged to have committed the relevant act of serious misconduct from attending school and/or school-related activities until after the disciplinary hearing has been held.
- 4.8 The hearing must ideally take place within seven school days of the College first becoming aware of the alleged offence or the suspension of the student (where deemed necessary). If disciplinary proceedings are not conducted within seven days of that date, the Second Master / Deputy Head: Student Affairs must furnish the student and his / her parent(s) with written reasons for the delay of the hearing. The hearing should be conducted within a reasonable period after the College became aware of the alleged offence.

5. THE DISCIPLINARY COUNCIL

- 5.1 The Disciplinary Council is appointed by the Headmaster and is constituted as follows:

- (a) the Senior Deputy Head / a Deputy Head / Senior Housemaster or an independent person appointed by the Headmaster, who will act as the Chairperson;
- (b) two senior staff members, who will assist the Chairperson to assess the case and deliberate on a decision.

- 5.2 Conducting the Disciplinary Hearing

The following procedural guidelines must be adhered to by the Disciplinary Council conducting the hearing:

- (a) The hearing must be conducted by the Disciplinary Council, with the appointed Chairperson.
- (b) The Deputy Head: Student Affairs or the Housemaster who investigated the matter must present the case at the hearing, but is not involved in the deliberations of the Disciplinary Council or in its adjudication of the matter.
- (c) The members of the Disciplinary Council may take an inquisitorial role during the proceedings.
- (d) The proceedings will be recorded or minuted.
- (e) A Disciplinary Hearing is an internal matter and not a criminal trial, and is not run as a formal legal tribunal. No legal representation will be permitted. However, the student is entitled to be supported by his / her parent(s) / guardian.
- (f) At the hearing, the student has the right to:
 - state his / her case;
 - give evidence;

- call witnesses
 - put questions to any persons called as witnesses in support of a charge;
 - inspect documents submitted as evidence.
- 5.3 If the student or his / her parent(s) fail to attend the disciplinary hearing without just cause, the hearing may proceed in their absence. The student does have the right to choose someone else from the College (a staff member or a fellow student) to assist him / her.
- 5.4 The Chairperson must, upon the commencement of the disciplinary hearing, explain the reason for the hearing and the procedure to be followed, request the charge or charges to be read, and ask the student to plead to the charge.
- 5.5 If the student pleads guilty, the Chairperson must:
- (a) ensure that the student knows and understands what he / she is pleading guilty to;
 - (b) allow the Disciplinary Council panel to ask relevant questions;
 - (c) ask the staff member presenting the case to make an argument in mitigation or aggravation;
 - (d) ask the parent(s), student and Housemaster to speak in mitigation;
 - (e) conclude the hearing, if the Chairperson is satisfied that the hearing is complete.
- 5.6 If the student pleads not guilty, the Chairperson will:
- (a) ask the staff member presenting the case to lead evidence in substantiation of the charge, including calling witnesses;
 - (b) give the student the opportunity to put questions to the witnesses with the purpose of refuting the evidence;
 - (c) afford the student the opportunity to state his / her case and call witnesses;
 - (d) invite the parent(s) to speak after the student has presented his / her case;
 - (e) afford the parent(s), student and Housemaster the opportunity to submit mitigating circumstances, after which the student's record or any other relevant information or aggravating circumstances will be taken into account, before a decision is reached;
 - (g) allow the members of the Disciplinary Council panel to ask questions for clarity;
 - (h) conclude the hearing, if satisfied that the hearing is complete.
- 5.7 Outcome of a Disciplinary Hearing
- 5.7.1 The Disciplinary Council will have twenty-four hours after the hearing has been concluded to decide, on a balance of probabilities, on a finding of guilt or innocence. In the event of a finding of guilt, the Disciplinary Council must also decide on an appropriate sanction considering all the evidence and representations.

- 5.7.2 The Chairperson must inform the student and his / her parent(s) / guardian, in writing of the outcome of the hearing and the sanction imposed.

5.8 Sanctions (See Addendum)

- 5.8.1 If the Disciplinary Council finds the student guilty of the alleged serious misconduct, the Disciplinary Council may impose a sanction of suspension or expulsion, if such a sanction is considered appropriate having regard to all the relevant circumstances, or may, in its discretion, impose a lesser sanction commensurate with the nature of the misconduct of which the student has been found guilty and all the other relevant circumstances.

- 5.8.2 In deciding whether or not to impose a sanction of suspension or expulsion, the Disciplinary Council must consider and accord due weight to the best interests of the student, as contemplated in section 28 of the Constitution, and to the potential impact of the decision on the student's right to a basic education, as contemplated in section 29(1)(a) of the Constitution. The Disciplinary Council must consider whether there is appropriate justification for its decision and the impact it will have on the student's rights and interests. The Disciplinary Council must ensure that there is a justifiable basis for its decision, having regard to the nature of the infraction, steps that have previously been taken to address the situation, whether other steps short of suspension or expulsion can reasonably be taken, and weighing up the interests of the student concerned with the interests of other students and those of the College as an institution.

5.8.3 Suspension of the student from school

In appropriate cases, suspension from school for a specified period may be imposed as a sanction. Only the Disciplinary Council may suspend the student from school:

- (a) as a correctional measure, after the student has been found guilty of serious misconduct, for a period no longer than ten school days (or the equivalent of two academic weeks, but including weekends);

OR

- (b) pending the decision of an appeal against a sanction of expulsion.

5.8.4 Expulsion of the student

Expulsion from the College should be used as a measure of last resort if no lesser sanction is appropriate, having regard to the relevant circumstances, including the gravity of the transgression, its impact on other students and on the student's relationship with the College, and the likelihood of the student desisting from future misconduct. The student's parent(s) /

guardian must receive a letter stating that the student was found guilty and that the sanction is expulsion, and informing the parent(s) / guardian of the appeal procedure.

5.9 Collective Disciplinary Action

5.9.1 The disciplinary procedure described thus far is designed to deal with misconduct by individual students. Alleged misconduct by a group of students, acting together, or where the alleged offences are of a similar nature or objective, is considered as being collective misconduct.

5.9.2 Generally, collective misconduct is more effectively dealt with on a collective basis. The following procedures must be followed:

- (a) An investigation into the alleged misconduct is conducted with all the students concerned;
- (b) Where appropriate, a single disciplinary hearing can then be conducted with all the students concerned;
- (c) The same procedures as provided for in an individual case are followed in a collective situation, although individual students must be given the opportunity to demonstrate that their own circumstances may be different from those of the other students or the group, and to show why they should be treated differently;
- (d) In certain cases, however, it might be considered appropriate to conduct separate investigations or hearings with individual students. The College reserves the right to exercise its option to conduct individual or collective procedures. Any difference in verdict, or in penalties imposed on different students involved in the same incident/offence, must be justifiable with reference to the relevant circumstances.

6. APPEALS

6.1 In instances where the Disciplinary Council has found a student guilty of misconduct and has imposed a sanction of suspension or expulsion on him / her, the student and / or parent(s) have a right to appeal against the verdict and / or the sanction. The appeal process applies to both individual and collective disciplinary matters.

6.2 Typical grounds for an appeal may include the following:

- (a) the Disciplinary Council did not adhere to the disciplinary procedure, or adopted an unfair procedure;
- (b) the Disciplinary Council's finding that the student was guilty was not rationally justifiable with reference to the evidence placed before it;

- (c) mitigating factors were not properly considered by the Disciplinary Council in coming to its decision on the sanction;
- (d) the Disciplinary Council was considered to be biased and / or to have made a subjective decision;
- (e) the student was not in a position to present his / her case properly;
- (f) due weight was not attached to the rights and best interests of the student.

- 6.3 The notice of appeal, succinctly setting out the appeal grounds, must be submitted to the Headmaster within five days of the decision of the Disciplinary Council being communicated to the student and the parent(s). This appeal notice must be e-mailed or hand-delivered to the Headmaster's office.
- 6.4 If the student has been suspended pending the completion of the disciplinary process, the submission of an appeal will not affect the suspension, which will remain in effect until the appeal process has also been concluded. However, implementation of the sanction imposed by the Disciplinary Council will be delayed pending the finalisation of the appeal process.
- 6.5 The appeal process does not entail a complete re-hearing of the matter but is generally limited to reviewing the integrity of the procedure adopted by the Disciplinary Council and of the decisions made, based on the grounds and motivations advanced in the appeal notice.
- 6.6 The Headmaster will convene an appeal hearing within five working days of receiving the appeal notice. He will appoint two senior staff members to serve with him on the appeal panel. The student and the parent(s) lodging the appeal, as well as the Chairperson of the Disciplinary Council panel who heard the case, will be in attendance and will be afforded an opportunity to make submissions to the appeal panel. The appeal panel may, in its discretion, call witnesses who testified at the disciplinary hearing to clarify any aspect of the evidence. Once the appeal has been heard, the decision of the appeal panel must be communicated to the student and / or parent(s) in writing within a further five working days.
- 6.7 Should the Headmaster's appeal panel uphold a decision by the Disciplinary Council to expel a student, the student and his / her parents may, within three further working days, lodge a further written appeal to the Bishop of Johannesburg, in his capacity as the Visitor of the College, against the sanction of expulsion. The appeal notice must set out the grounds upon which it is contended that expulsion is not an appropriate sanction in the relevant circumstances. The Headmaster must submit all the documentation relevant to the matter to

the Bishop, who will make a decision based on the appeal record, without hearing oral evidence or submissions. The Bishop's decision is final and exhausts the appeal procedure.

- 6.8 In all appeal processes, due consideration must be given to the impact that the relevant disciplinary sanctions are likely to have on the rights and interests of the student concerned, in accordance with the factors outlined in clause 5.8.2 above.