

Student Discipline Policy



Policy Statement

It is the policy of Clever Kids Learning Hub (Pty) Ltd to support the principles of fair discipline and the consistent application of appropriate, corrective and progressive disciplinary measures where necessary.

The policy and procedures are documented and issued to ensure that corrective action and discipline are administered consistently, promptly and fairly.

The objectives of the Clever Kids Learning Hub Disciplinary Policy are to:

- encourage learners to comply with the Hub's rules and regulations
- establish fair and reasonable social behavioural standards
- explain the possible consequences of contravening the Hub's rules and regulations
- describe the procedures used during disciplinary action
- give learners who are accused of misconduct, a fair opportunity to state their case before any disciplinary steps can be taken against them
- rectify unacceptable conduct rather than take punitive action
- establish, maintain and develop sound learner relations at the learning centre
- implement procedures taking into account the principles of natural justice, substantive and procedural fairness.

Policy Stakeholders

This policy is applicable to all staff, students and parents/guardians.

It is the responsibility of the Principal to ensure that all members of the Hub community are aware of the content and implementation requirements of this policy.

It is the responsibility of the Principal to ensure that this policy is implemented properly.

It is the responsibility of each Hub's Management Team to develop further policies, rules and procedures to support this policy such as:

- punishments given,
- or actions to be taken when less serious offences are committed,
- demerit systems that can be used to evaluate consistent less serious offences in order to determine when consistent bad student behaviour becomes a serious offence.

It is the responsibility of the Hub's Management Teams and all Teachers to ensure that all disciplinary action is taken within the guidelines of this policy.

It is the responsibility of the Hub's Management Teams and all Teachers to ensure that this policy and all disciplinary procedures are implemented in an

effective and equitable manner, in the interest and the well-being of all members of the Hub's community.

•It is the responsibility of the Principal to make copies of this policy available to students or parents/guardians wishing to view the policy.

•It is the responsibility of students to:

- Adhere to the standards of behaviour expected by Clever Kids Learning Hub.
- Have a responsible and self-disciplined approach to learning all that is on offer at the Hub.
- Accept disciplinary action against them in terms of the Disciplinary Policy.
- It is the responsibility of parents/guardians to support the Hub in the implementation of its Code of Conduct and the Disciplinary Policy.

Disciplinary Offences

The Code of Conduct and Disciplinary Policy differentiates between minor transgressions (Level 1 offences), serious misconduct (Level 2 offences) and very serious misconduct (Level 3 offences). Minor transgressions, serious conduct and very serious conduct are described in the Code of Conduct.

Every matter shall be dealt with on its own merits:

Minor transgressions (Level 1 offences):

These offences that may not lead to expulsion from the Hub when the offence is committed for the first time or second time. If a number of minor transgressions are committed at the same time, it is at the total discretion of the Hub to determine whether these should be treated as separate transgressions and therefore lead to the progression to the next level of disciplinary measures.

Minor transgressions, including but not limited to the following:

- gum chewing
- throwing objects (spit balls, paper aeroplanes) where no injuries are involved;
- refusal to participate in classroom activities;
- failure to bring appropriate materials to the classroom;
- talking without teacher's permission;
- sleeping in class;
- disrespect towards peers and staff;
- tasks incomplete or not done;
- excessive displays of affection;
- repeated bad behaviour in class (When the teacher has exhausted methods to change the student's behaviour (which may include a file

note and a demerit), the teacher may send the student to the Principal who will take further action.

- using profanity, vulgar language or obscene gestures whatever the circumstances;
- failing to comply with lawful directives issued by the Hub's personnel and management, policies and rules and regulations;
- undermining deliberately or otherwise the stated goals of the Hub;
- discourtesy and disrespect towards facilitators, peers and administrative staff and visitors;
- littering;
- selling or swapping of personal items at CKLH without the permission of the teacher, i.e. computer games, clothing, toys etc.

Consequences

The following actions will be taken against the student:

- time out
- appropriate punishment by the Principal
- counselling
- corrective action by child

Serious Misconduct (Level 2 offence)

Serious misconduct is offences that generally warrant on the first offence counselling and/or a final warning and parental contact.

Non-inclusive list of Level 2 offences

- throwing dangerous objects that can cause injury;
- bullying; (please refer to the Anti-bullying policy)
- fighting or displaying unacceptable aggressive behaviour at the Hub;
- disrupting classes;
- abusive, aggressive behaviour or language toward facilitators, other students or visitors;
- repeated offences of a level 1 offence;
- leaving the premises without permission;
- bringing the name of Clever Kids Learning Hub into disrepute.

Consequences

The following actions will be taken against the student:

- recorded verbal warning
- parental call and verbal warning
- essay, project or assignment
- community service

Very serious misconduct (Level 3 offence)

Very Serious Misconduct will result in a disciplinary investigation that could lead to expulsion or suspension or an alternative sanction being imposed even if it is the first time such an offence is committed. On the second offence a disciplinary investigation may take place that could lead to expulsion or suspension or an alternative sanction being imposed.

Non-inclusive list of Level 3 offences

- cheating or copying another student's work;
- committing a violation of the laws of the state
- possession, dealing or trading in dangerous drugs or being under the influence of drugs;
- possession, dealing or trading of alcohol or being under the influence of alcohol;
- Possession of weapons at the Hub;
- Bullying;
- Assault;
- Rape;
- Vandalism;
- Theft;
- Sexual abuse;
- Repeat of Level 2 offence;
- Possession of pornographic material on the premises of the Hub;
- Bringing the good name of Clever Kids Learning Hub into disrepute;
- Hacking or other internet violations;
- Forging signatures;
- Sexual activity;
- Verbal or physical abuse.

Consequences

All the above offences must be reported to the Principal immediately.

- In the case of:
 - possession, dealing or trading in dangerous drugs or being under the influence of drugs or/and
- possession, dealing or trading of alcohol or being under the influence of alcohol.

The Hub reserves the right to ask the student to submit to a non-invasive breathalyser test (without parental permission) which may be then corroborated or discounted by a blood or urine test within an hour of the first test and with the permission of the student's parents. In the case of:

- possession, dealing or trading in dangerous drugs or being under the influence of drugs;
- possession, dealing or trading of alcohol or being under the influence of alcohol;
- possession of weapons at the Hub;
- possession of pornographic material on the premises of the Hub and any other offence where suspicion exists, the Hub reserves the right to search the student or possessions of a student. Searches will only take place on instruction of the Principal.

After an investigation by the Principal, a formal hearing maybe requested after which the Principal may take one or more of the following actions:

- Community service
- Final written warning
- Essay, project or assignment
- Suspension
- Counselling
- Expulsion
- Corrective action by pupil

Any Level 3 offence may lead to expulsion from the Hub.

Disciplinary Measures

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

The disciplinary measure or sanction applied in response to misconduct by a student will therefore generally require the facilitator, Principal or Director to exercise judgement in deciding on the appropriate and fair action to be taken. Disciplinary measures that may be taken by the Hub, in order of severity, include:

Informal action: Reprimand by the facilitator or person in charge.

Formal action (may include the following, but does not exclude other actions)

- A disciplinary intervention
- Parental contact and/or an interview with parent(s)/guardian/representative
- Counselling
- Verbal warning
- Written warning
- Final written warning
- Suspension

Suspended expulsion (only after the conducting of a disciplinary hearing).
Expulsion (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 may result in 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 sanction. To ensure that no doubt exists about disciplinary measures that have been taken, all such measures, whether reprimands, warnings and other disciplinary steps must be recorded as part of the learner's record at the Hub. The procedures below describe the disciplinary processes that will be followed by the Hub when more formal disciplinary measures are considered appropriate:

VERBAL WARNING

A verbal warning may be issued in the event of any minor transgression (Level 1 offence) which is not considered to be serious and can be issued by any facilitator.

WRITTEN WARNING

A written warning may be issued in the event of any minor transgression which is not considered to be serious and can be issued by any facilitator. The purpose of such warnings is to endeavour to improve the performance or incorrect behaviour of a student. A first written warning is considered to be the first formal notification to alert the parents/guardians. This warning serves to inform the student of future disciplinary action that can and will be taken against him/her in the event of him/her committing the same or a similar offence again. Other written warnings may follow if the student's behaviour is not corrected.

FINAL WRITTEN WARNING

A final written warning is considered the last step in endeavouring to improve the behaviour of a learner before any further minor transgressions will lead to a formal disciplinary hearing at which a student may be suspended or expelled or an alternative sanction may be imposed.

SUSPENSION PENDING THE OUTCOME OF A HEARING

If a student commits an offence that results in a disciplinary hearing being held, the student may temporarily be suspended from attending the learning centre until the hearing has been concluded.

The Principal / Director will only suspend a student if it is his/her opinion that the student poses a threat to the safety of the other students and/or staff members at the Hub.

SUSPENSION AFTER A HEARING IS CONCLUDED

The Hub may suspend a student if he/she is found guilty at a disciplinary hearing. The Chairman of the hearing may use his/her discretion to determine the duration of the suspension period. The duration of the suspension period may not be longer than 5 school days.

SUSPENDED EXPULSION

A student may be expelled, but the expulsion is delayed /postponed. If the student does not break the Hub rules during that period, and fulfils the particular conditions of the probation, the expulsion will lapse. If the student does not break the Hubs rules and/or fulfils the particular conditions and the expulsion lapses it must be recorded in the student's record.

EXPULSION WITH NOTICE OR IMMEDIATE EXPULSION

Parents/guardians must be informed at the hearing if the chosen sanction is expulsion or if the parents/guardians are not present at the hearing they must receive a written letter stating that the student was found guilty at a disciplinary hearing and that the sanction is expulsion. The parents/guardians must be informed of the appeal procedures that they may follow. A student may be expelled, but if it is deemed necessary to allow the student to complete a particular part of his/her academic year or exam, attendance may be allowed with conditions imposed until the year/exam is completed. Immediate expulsion may be appropriate in certain cases.

Criminal Conduct and Reporting of Sexual Offences

- Special caution must be taken should a student be suspected of committing a criminal offence (including, but not limited to a sexual offence).
- A sexual offence is defined in the Criminal Law (Sexual Offence and Related Matters) Amendment Act 32 of 2007, in chapters 2, 3, 4 and sections 55 and 71(1),(2), and (6).
- A copy of the act must be kept by the Principal and any person who suspects that a person may have committed a sexual offence may be allowed access to the Act.

- Should a member of staff become aware that a student has committed a sexual offence, he/she must report the incident, in person, to the Principal immediately who in turn must report the incident to a police official immediately.
- A written record of the incident and the steps that were taken to inform a police official must be kept.
- Any disciplinary procedures instituted by the Hub will not be affected by the possibility of later criminal proceedings that may be initiated by the State/other persons.
- The learning centre reserves the right to conduct a disciplinary hearing without waiting for the outcome of any criminal proceedings.
- Any decision reached after a disciplinary hearing will not be affected by the outcome of any criminal proceedings and will not be viewed as 'double punishment' if the learner is also found guilty by a court.

Disciplinary Hearing Procedures

Investigation of possible serious misconduct

- Where it is alleged that the conduct of a student may constitute serious misconduct or very serious misconduct, the matter must be brought to the attention of the Principal who must—
 - (a) inform the student and the parents/guardians of the student of the decision to suspend; and
 - (b) inform the student and the parents/guardians of the student of the date of the disciplinary hearing to be held.

Notice to student and parent of disciplinary hearing

- The Principal must notify the student as well as the parents/guardians of the student, in writing, that disciplinary proceedings will be instituted against the student. The notice must be given to the student, and a copy thereof to the parents/guardians of the student via email and/or by hand.
- The notice must—
 - (a) provide at least three school days' notice of the disciplinary hearing;
 - (b) inform the student and the parents/guardians of the student that disciplinary proceedings will be instituted against the student;
 - (c) contain sufficient particulars of the date, time, place and the nature of the alleged serious misconduct or very serious misconduct to enable the student to identify the incident and to respond thereto at the disciplinary hearing;
 - (d) contain the date, time and venue of the disciplinary hearing;
 - (e) advise the student of his or her right to: be accompanied at the hearing by his/her parents/guardians; request access to documents or information to be produced in evidence; and ask questions, cross-examine, lead evidence, call

witnesses and produce documentary evidence to clarify issues pertaining to the allegation/s.

- There is no time limit on how long after an offence was committed, the school may implement a hearing but in general the hearing should be committed within a reasonable period from when the Hub became aware of the offence.

Use of Intermediaries during the disciplinary hearing

- The chairman of the hearing may appoint an intermediary or such other measures/procedures that he/she deems suitable, if the chairman is of the opinion that the disciplinary proceedings would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings.
- Parents of a witness may request the use of an intermediary. The chairman may use his discretion to appoint an intermediary or not.
- The witness will give his/her evidence through the intermediary/the other procedure chosen.
- If an intermediary is appointed an examination, cross-examination or re-examination of the witness must not take place in any manner other than through that intermediary.
- The intermediary may convey the general purport of any question to the relevant witness.
- The chairman must arrange a place where the relevant witness must give his or her evidence.
- The place must be informally arranged to put the witness at ease and any person whose presence may upset that witness must not be in the sight and hearing of that witness.
- The chairman and any person whose presence is necessary at the hearing will hear the witness and intermediary through the medium of any electronic or other devices.

Conducting the disciplinary hearing

The following procedural guidelines must be adhered to during a hearing:

- The hearing must be conducted by a chairman (herein after referred to as the chairman) may be the Principal, the Director and/or an independent person with sufficient knowledge and experience.
- The chairman may appoint two other persons to assist him/her in the hearing.
- The chairman must decide on a balance of probabilities if the learner is guilty or not guilty of the alleged misconduct/transgression.
- The chairman of the hearing may take an inquisitorial role during the proceedings to ensure that a fair hearing is held and that all issues are discussed/canvassed properly.

- The chairman must take care with the proceedings to ensure that the disciplinary procedure is properly recorded. This may include an audio taping or the use of a scribe.
- A member of staff/another person may be appointed to take detailed minutes during the hearing or the proceedings may be recorded, but confidentiality will be maintained.
- A disciplinary hearing is an internal matter and as a result no legal representation will be permitted, however, the student is entitled to be represented by a parent/guardian of his/her choice.
- At the hearing the student/representative has the right to give evidence to—

(a) state his/her case;

(b) call witnesses;

(c) put questions to any person called as a witness in support of a charge; and

(d) inspect documents submitted in evidence.

•If the student or his/her parents/guardians fail to attend the disciplinary hearing without just cause, the disciplinary hearing may be postponed. A student will be allowed one postponement of such nature, thereafter if the learner or his/her parents/guardians fail to attend the disciplinary hearing without just cause, the disciplinary hearing will proceed in their absence.

•The chairperson must, upon the commencement of the disciplinary hearing, explain the reasons for the disciplinary hearing, request the charge/charges to be read, and ask the student to plead to the charge.

•If the student pleads guilty the student/parents must explain the reasons why they are pleading guilty.

•The chairperson must ensure that the student knows and understands what he or she is pleading guilty to and the chairperson must then decide if the student is guilty or not guilty.

•If the chairperson finds the student guilty he/she must-

(a) ask the student, or parents/guardians of the student whether anybody wishes to make representations before a suitable sanction is imposed;

(b) the student may submit mitigating circumstances and call witnesses;

(c) any aggravating circumstances and the student's disciplinary school record may be put before the chairman;

(d) the chairman may request that all parties leave the hearing venue while the chairman decides on a suitable sanction. The chairman must then recall the parties and inform them of the chosen sanction.

•If the chairperson finds the learner not guilty he/she must then follow the procedures set out below for a plea of not guilty.

•If the learner pleads not guilty the learner/parents must explain the reasons why they are pleading not guilty, the chairperson must—

(a) request the investigation report to be read and/or evidence adduced in support of the charge, including the calling of the complainant and witnesses and/or inspecting any documentation;

- (b) give the student or parents/guardians of the student the opportunity to put questions to the complainant and witnesses with the purpose of inter alia contesting evidence that was led;
- (c) give the student or parents/guardians of the student the opportunity to state reasons why he/she is not guilty of the alleged misconduct;
- (d) thereafter afford the student an opportunity to call witnesses;
- (e) allow the chairman to ask questions to obtain clarity;
- (f) the chairman may request that all parties leave the hearing venue while the chairman decides whether the student is guilty or not guilty;
- If the chairman finds the student not guilty he/she must then recall the parties and inform them of the finding of not guilty.
- If the chairman finds the student guilty he/she must-
 - (a) ask the learner, or parents/guardians of the student whether anybody wishes to make representations before a suitable sanction is imposed;
 - (b) the student may submit mitigating circumstances and call witnesses;
 - (c) any aggravating circumstances and the student's disciplinary school record may be put before the chairman;
 - (d) the chairman may request that all parties leave the hearing venue while the chairman decides on a suitable sanction. The chairman must then recall the parties and inform them of the chosen sanction.
- The chairman may, if he/she deems it necessary, be given two days to decide on an appropriate sanction. The chairman must then inform the parents/guardians of the student and the student in writing of the imposed sanction.

Collective Disciplinary Action

The above-described disciplinary procedure is principally designed to deal with instances of misconduct by individual student. Alleged misconduct by a group of students, usually acting in concert with one another, or where the offences 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. The following procedures must be followed:

- An investigation into the alleged misconduct is conducted with all of the students concerned.
- A single disciplinary hearing can then be conducted with the students concerned, with their parents/guardians present.
- The same procedures as provided for in individual cases are followed in a collective situation. In a collective disciplinary hearing however, individual students 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 students or the group involved, and of showing why they should be treated differently.
- In certain cases however, it might be considered appropriate by the Hub to conduct separate investigations or hearings with individual students. The Hub reserves its right to exercise its option to conduct individual or collective

procedures. Any differences in verdict, or penalties imposed, between different students involved in the same incident /offence, will be justified if the Hub is called upon to do so.

Appeal

•The student and/or the student's parents/guardians have the right to appeal against any finding of guilty of a disciplinary hearing and/or sanction imposed by the learning centre.

The appeal must be given to the Franchise owner or academic manager who must then give the appeal to the Franchisor. Franchisor will decide on the outcome of the appeal. The appeal process applies to both individuals and to collective disciplinary matters. The learning centre reserves the right to initiate separate or collective appeal processes to deal with any of the appeals that are lodged.

- Typical grounds for such an appeal may include inter alia:
 - (a) the disciplinary procedure was not followed properly; and/or
 - (b) the decision on guilt was not considered correct or fair; and/or
 - (c) the sanction imposed was not considered inappropriate, and/or
 - (d) mitigating factors were not properly considered; and/or
 - (e) the Chairperson was considered to be biased, did not apply his/her mind, or supposedly made a subjective decision; and/or
 - (f) the student was not in a position to properly present his/her case; and/or
 - The student and/or the learner's parents/guardians wishing to appeal must motivate his/her appeal in writing, and set out his/her grounds for appeal.
 - The request for appeal must be submitted to the Hub within 5 working days of a decision having been communicated to the parents/guardians.
 - If the student 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, the implementation of such action will be delayed pending the appeal process.
 - The student'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 assessing the decision made on the merits of the matter, the finding of guilty, and/or the sanction, and is based on the grounds and motivations lodged in the appeal.
 - An appeal will be decided by the Director and his/her decision must be communicated to the student and/or the student's parents/guardians in writing within 3 working days of receiving the appeal.

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