

DISCIPLINARY PROCESS (SUMMARY)

A detailed outline of the disciplinary process is available on the web site www.mecs.school.co.za

1. Disciplinary action

The School may initiate various forms of informal and formal disciplinary measures. The severity of the action taken by the School will depend on the circumstances, the seriousness of the infringement and any relevant mitigating or aggravating factors.

2. Informal disciplinary action

Informal disciplinary action that may be applied by the School for minor infringements includes, but is not limited to, a reprimand or counselling by a teacher or a member of the Executive

3. Formal disciplinary action: disciplinary hearings

- a. At MECS, disciplinary hearings are reserved for serious misconduct including:
 - i. Serious breaches of the School policies, especially with regard to the Substance Abuse, Cheating, Anti-Bullying and Information Technology policies.
 - ii. Serious breaches of the School's Code of Conduct and School Rules.
 - iii. Serious breaches of the School's value system.
- b. Serious misconduct must be referred to the Head of School who will consult with the SMT. A decision as to the measures to be taken.
- c. Formal disciplinary action will commence with an investigation. Enough time must be allowed for the investigation to be completed.
- d. There is no time limit within which a Disciplinary Hearing must take place, but it is in the interests of everyone that it should be conducted as soon as possible.

4. Investigation

- a. The student concerned, his or her Parents/Guardians and the person who reported the misconduct will be notified that an investigation will be taking place.
- b. An in-depth investigation will be carried out by the Deputy Head/Director of Administration or a teacher nominated by the Head, in order to establish the need for a Disciplinary Hearing and whether there is sufficient evidence.
- c. At the discretion of the Head the student may either stay at school or be suspended while the investigation is carried out.
- d. If the student is suspended, a support system for his/her schoolwork will be put in place.

- e. If the suspension is during an examination period, the Head must decide whether the student will write with their group (and wait in Reception for the start of the examination and leave immediately following the examination) or whether the student will write in a separate venue by him-/herself with an invigilator.

5. Notification of disciplinary hearing

If the investigation establishes the need for a disciplinary hearing:

- a. The student and his or her parents/guardians must receive at least 48 hours notice of the Disciplinary Hearing. They must be informed in writing of the date, time and venue of the Hearing, and the nature of the alleged misconduct to enable the student to respond to the allegations at the Hearing.
- b. The student must also be informed, in writing, that s/he may:
- i. be accompanied by his/her parents/guardians, but not by a legal representative;
 - ii. request access to documents/information to be produced in evidence.
 - iii. cross-examine witnesses;
 - iv. lead evidence;
 - v. call witnesses; and
 - vi. produce documentary evidence to clarify issues pertaining to the allegations.

6. Parties present at the disciplinary hearing

The following people may be present at the hearing:

- a. the SMT member, who will chair the hearing;
- b. the Director of Administration, who will lead the examination;
- c. the Grade Head, if necessary;
- d. the Student concerned;
- e. a family member of the student or, if appropriate, another teacher chosen by the student to be present in a supportive capacity;
- f. the student's parents/guardians, as observers; and
- g. a Secretary, to take minutes.

The Head should not be part of the Disciplinary Hearing. If there is an appeal, the appeal must then be directed to the Executive Head.

7. Procedure at the disciplinary hearing

- a. The Disciplinary Hearing will be conducted by the Chair, who will explain the reasons for the hearing, request the Director of Administration to read out the charge/s and ask the student to

plead to the charge/s.

- b. The student may plead guilty. If so, the student must explain why s/he pleaded guilty. If the student pleads guilty, then the hearing will progress from paragraph “i” below.
- c. If the student does not plead guilty, then s/he may state a case, call witnesses, put questions to any witnesses, submit documents and inspect any documents submitted in evidence.
- d. The Chair may cross-examine the student.
- e. The Director of Administration may also ask the student questions.
- f. The scribe may not ask any questions or comment.
- g. The student and the parents/guardians will then be asked to wait outside the venue while the Chair and Director of Administration decide, on a balance of probabilities and the evidence, whether the student is guilty or not.
- h. The student and the parents/guardians will then be called back in. The Chair will inform them of the finding.
- i. If the student pleads guilty or is found to be guilty:
 - i. The Chair must ask the student and the parents/guardians if they have anything to say regarding a suitable sanction, such as if there are any mitigating circumstances or factors that should be taken into account.
 - ii. The Chair may raise any aggravating circumstances and/or the student’s disciplinary record.
 - iii. The Chair may take two days to decide on an appropriate sanction, which must be corrective by nature and administered with student’s dignity in mind.
 - iv. The Chair must inform the student and parents/guardians, in writing, of the imposed sanction.
 - v. The parents/guardians must sign the sanction document and return it to the Chair, who will file this in the student’s file.

j. If the student is found not guilty:

This finding must be made known to the Head and all other relevant parties.

COLLECTIVE DISCIPLINARY ACTION

Alleged misconduct by a group of students will follow the procedure as set out above. The school reserves the right to conduct individual hearings. The school also reserves the right to have differences in verdicts/punishments/sanctions imposed between different students involved in the same incident/offence. If asked to do so, the Chair will justify such differences.

8. APPEAL

- a. Students and their parents/guardians have the right to appeal against the findings of and/or the sanction imposed by the Disciplinary Hearing.



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- b. An appeal must be directed to the Head.
- c. Appeals must be submitted on an individual basis.
- d. An appeal must be in writing and the grounds of the appeal must be motivated.
- e. An appeal must be lodged within 5 (five) working days of the student and the parents/guardians receiving notification of the outcome of the Disciplinary Hearing.
- f. If the student has been suspended, s/he will remain suspended until such time as the appeal process has been concluded.
- g. Lodging an appeal does not mean the whole case is “re-heard”. The appeal procedure is limited to the assessment of the decision made based on the merits of the matter, the finding of guilty and/or the sanction and is based solely on the grounds and motivations set out in the written appeal.
- h. The Head’s decision on the appeal must be communicated, in writing, to the student and parents/guardians within 3 (three) working days of receiving the appeal.