

# CODE OF CONDUCT

## The College's right to act

St Dominic's College retains the right to act in applicable situations according to the regulations relating to safety measures at Independent Schools as published in the Government Gazette No: 26663 on 20 August 2004 and the Education Laws Amendment Act, 2007. These regulations deal *inter alia* with, violence, drugs, and trespassing on College premises.

## Preamble

Pupils, parents and staff at St Dominic's College are expected to know the rules of the College and to behave accordingly. Parents enrol their children in St Dominic's College and in so doing, accept the rules and regulations of the College as given to them, and as amended from time to time. This is a guide to rules of behaviour expected of parents and pupils at the College.

## Parents should:

1. ensure that the rules and regulations of the College are effectively communicated to their children so as to ensure that the code of conduct is understood;
2. support the fair and firm disciplinary process of the College;
3. actively support the efforts of the College and its staff to educate their children, through effective communication of the code of conduct and the disciplinary process set out therein;
4. support any and all disciplinary measures meted out for offences where due process has been followed.

## Pupils shall at all times:

1. adhere to instructions from all College officials and pupils who are in a position of authority and thereby an extension of the Headmaster's authority;
2. conduct themselves in a manner befitting a pupil of St Dominic's College and as such ensure that the

## CORE VALUES

RESPECT

INTEGRITY

RESPONSIBILITY

COMPASSION

DISCIPLINE

rights of all pupils are protected thereby ensuring the safety and welfare of all pupils;

3. care for the property of the College thereby demonstrating the required respect for our environment, keeping our College clean at all times;
4. treat all members of the St Dominic's College community, and beyond, with courtesy, dignity and respect;
5. conduct themselves with integrity and always uphold the values of St Dominic's College;
6. maintain disciplined orderliness thereby ensuring that all pupils are exposed to a safe, non-threatening environment that is conducive to learning;
7. respect the privacy of others and their possessions;
8. understand that, in the absence of one's parents and whilst under the College's jurisdiction, the Headmaster and staff act in loco parentis and have authority to act when the pupil puts himself/herself in a position of any danger or breaches the provision/s of this Code;
9. where due process has been followed, accept disciplinary action taken against them.

The College's code of conduct outlines the rules and regulations that define the kind of behaviour expected of its pupils. The Headmaster, members of the College management, staff and pupils to whom authority is delegated, are entitled to implement legitimate disciplinary action in line with the code of conduct.

### **Minor College Offences**

Examples of conduct as set out hereunder, may be deemed to be a minor College offence that will lead to disciplinary action being implemented. This disciplinary action may include, but is not limited to, academic detention with the relevant staff member, Headmaster's academic detention, Headmaster's gating and break detention with relevant staff member. Pupils who continuously commit minor offences could have such repeated infringements and continued improper conduct addressed in a formal hearing as set out hereunder with regard to serious offences.

The examples set out hereunder are not intended to be an exhaustive list.

- a) pupils may not neglect their academic responsibilities and as such, incomplete work, homework not done, a missed deadline for submission of work, sleeping in class, arriving without the required books and equipment will be deemed to be a minor College offence;
- b) pupils may not disrupt the learning environment nor undermine the learning process and as such poor classroom behavior will not be tolerated;
- c) pupils may not disregard the rules and regulations outlined by the College personnel and the school policies;
- d) pupils may not use profanity, vulgar language or obscene gestures;
- e) pupils may not violate the dress and grooming policy of the College;
- f) pupils' attendance at academic lessons, sports practices and fixtures, cultural practices and performances and any organised school activity, as dictated by the College is a requirement and absenteeism will not be accepted without a valid excuse;
- g) fighting, where no serious injury to another pupil is involved;

- h) commission of a minor offence will attract at worst a penalty of a written warning save for instances of repetitive minor breaches which would could result in more serious action being taken.

### **Serious College Offences**

Examples of conduct that may be deemed to be a serious College offence may lead to a final written warning, suspension, or expulsion. Pupils who contravene any of these rules will, in most instances, attend an Internal Disciplinary Inquiry, chaired by the Headmaster, or his/her delegated representative.

The examples set out hereunder are not intended to be an exhaustive list.

- a) pupils may not, whilst under the jurisdiction of the College, pupils may not: consume, distribute or be in the possession of alcohol, whether on the College property or off College property in instances where the pupil is in school uniform;
- b) pupils may not smoke or be in the possession of tobacco products;
- c) pupils may not harm, injure, insult or demean another pupil in any way or form (physical, verbal or silent) and this is extended to the same or similar unacceptable behaviour on any social media platform where pupils may be identified as a St Dominic's College pupil;
- d) in accordance with the Education Laws Amendment Act, Act 50, 2002, no pupil shall conduct or participate in any initiation practices across boarding, sporting or cultural spheres of College life;
- e) pupils may not commit any act of theft (removal of equipment from the computer centre, media centre, laboratories or classrooms without authorisation). Unauthorised borrowing (including removal of software or hardware) from College computers will be treated as theft. Furthermore, pupils may not take the property of a fellow pupil or staff member (including but not limited to devices, computers, cell phones, tablets, money);
- f) pupils may not engage in activities of dishonesty (lying, deceit, providing false information, plagiarism, cheating in any form of assessment, including the use of cell phones, smart technology, providing information to another pupil in any form of assessment);
- g) pupils may not, damage or deface property belonging to the College or other persons;
- h) pupils may not, whilst under the jurisdiction of the College, be in possession of pornographic material, create pornographic material or distribute pornographic material in any form;
- i) pupils may not engage in technological offences relating to the school's computer system, and/or network, including, but not limited to, sending unacceptable emails, invasion of user's private files, hacking or other internet offences;
- j) pupils may not take photographs of pupils/staff or of people in compromising situations;
- k) pupils may not gain or seek to gain unauthorised access to any school building, classroom, swimming pool/s or similar;
- l) pupils may not engage in any form of reckless behaviour that may endanger oneself, or other pupils;

- m) pupils may not engage in any form of behaviour that is deemed to be insolent;
- n) pupils may not engage in fighting which results in serious injury to another pupil;
- o) pupils may not engage in any form of misconduct that is unbecoming of a pupil at the College. This conduct may include circumstances where conduct is prejudicial to the good name, order and or control and discipline of the College;
- p) pupils may not commit an offence that breaks a law of the State;
- q) pupils may not distribute, be in possession of (including performance enhancing substances and medication prescribed by a doctor), use or be under the influence of any illegal substance;
- r) pupils may not be in possession of any firearm or dangerous weapon;
- s) pupils may not engage in sexual misconduct or any activity that would constitute a crime under South African law;
- t) pupils may not participate in any way in life-threatening games;
- u) pupils shall not bunk inter alia school/lessons/sporting commitments/cultural commitments/detention;
- v) no pupil shall use speech, publish, propogate, advocate or communicate words that could reasonably be construed to demonstrate an intention to be hurtful, harmful or to incite harm or to promote/propagate hatred. Such conduct, whether used individually or collectively will be construed as hate speech;
- w) **Boarding House Regulations include, but are not limited to:**
  - in the boarding establishment, girls may not enter boy's dormitories and visa versa;
  - in the Boarding House, pupils shall not bunk or be truant from inter alia lessons/detention and other official/College functions. Furthermore, pupils shall not leave the Boarding House premises **without the prior written consent/permission of the Educator/staff member/authorised College representative in charge and shall sign out prior to leaving;**
  - for sake of brevity, the St Agnes Boarding House handbook and Code of Conduct must be read as if incorporated hereunder.

## **REGARDING SUBSTANCE ABUSE AND DANGEROUS OBJECTS THE PROCEDURES AS SET OUT HEREUNDER WILL BE APPLICABLE**

**(as defined in regulations regarding safety at Independent Schools - GG 26663 of 2004)**

All Independent Schools are Drug-and-Dangerous-Object free zones. For the purpose of this policy, this extends to the College grounds or during any school activity, outing, or tour, or in any other situation where pupils represent the College or may be identifiable as St Dominic's pupils. Pupils suspected of being in possession of dangerous objects, illegal substances, tobacco or alcohol may be required to undergo a search. If found in the possession of the pupil, the same will be seized and the pupil may be required to attend a Disciplinary Hearing.

The Headmaster of College or his delegate may initiate a random Drug Test on any pupil or group of pupils, subject to reasonable suspicion or in the best interests of all the pupils of the College. A pupil found to test positive for illegal drug usage may be required to attend a Disciplinary Hearing. The parents of any pupil who tests positive for illegal drug use during a drug test initiated by the College will, in consultation with the College, be required to organise a process of rehabilitation for the pupil, at their cost.

The College will conduct a second test (at the parents' cost) after a period of at least six weeks has elapsed from the date of the first test. If the results of this test prove positive, further disciplinary action in terms of the St Dominic's College Code of Conduct will be taken. Should the pupil and/or parents dissent with regard to rehabilitation in response to the College's reasonable request, the pupil may be asked to leave St Dominic's College immediately.

Any pupil suspected to be under the influence of alcohol, or participating passively or actively in activities related to substance abuse, the presence of illegal drugs, alcohol, or tobacco or found in the company of persons involved with the same, may be required to attend a Disciplinary Hearing.

Any test or search carried out by the Headmaster of College or his Delegates should be carried out in strict accordance with the manufacturers' directives, and with due respect for the pupils dignity and privacy.

Illegal Anabolic-Androgen Steroids refer to those steroids listed as banned by the South African Institute for Drug Free Sports (SAIDS). It is a violation of the Code of Conduct for any pupil to possess, ingest or otherwise use these substances without a written prescription from a licensed Doctor who is recognised as competent by the South African Medical Association.

Illegal steroids will be subject to the testing procedures and penalties. Use of any steroids whatsoever which lead to unfair competitive advantage will, in addition, be regarded as cheating in terms of the Code of Conduct and may lead to the pupil being reported to the relevant Sports controlling body and being banned from participating in the sport's discipline at school for up to 6 months after medical tests have indicated that the pupil is no longer advantaged by the substance.

**For the sake of brevity, a copy of the provisions of the Education Laws Amendment Act of 2007 applicable to offences re illegal drugs and dangerous objects, is annexed hereto, marked Annexure A and must be read as if incorporated hereunder.**

## **PRE-DISCIPLINARY HEARING PROCEDURE**

After an incident of misconduct has occurred, in a nutshell, the following process will be followed:

1. a report will be forwarded to the Deputy Head: Pupil Affairs for consideration;
2. the relevant teacher will conduct an initial investigation and inform the Deputy Head: Pupil Affairs within 24 hours;
3. the abovementioned process will comprise obtaining information/statements of witnesses re the alleged offence including comments of the offender, if any;
4. a further more detailed investigation may take place as soon as practically possible and thereafter a meeting with the Grade Head and Deputy Head: Pupil Affairs will determine whether the incident warrants a formal Internal Inquiry;
5. if the decision is that the misconduct doesn't warrant a formal Internal Inquiry, then the Deputy Head: Pupil Affairs may impose a suitable sanction or punishment and this may not be more severe than a written warning;
6. if the decision is that the misconduct warrants a formal Internal Inquiry, then the Deputy Head: Pupil Affairs will inter alia obtain relevant information/evidence and collate the same in preparation for the formal hearing;
7. a letter will be sent out giving notice (minimum 48 hours) of an Internal Inquiry and the Deputy Head: Pupil Affairs will contact the parents.

## **DISCIPLINARY HEARINGS – SERIOUS OFFENCES**

1. the Headmaster of College, or his authorised representative, shall at his sole discretion be entitled to call for and convene a Disciplinary Committee in circumstances where a serious offence has been committed;
2. this Disciplinary Committee may consist of two members: the Headmaster of College or his authorised representative (as Chairperson), and a teacher of the College;
3. no legal representative is permitted, but the pupil may nominate a Tutor or illegible teacher of the College to act as a representative/intermediary. The parents or guardians of the pupil may attend the proceedings as observers only;
4. a pupil who is called to a Disciplinary Hearing must:
  - 4.1 receive written notification of the date, time, and venue of any disciplinary hearing with a minimum of 48 hours notice;
  - 4.2 be informed of the alleged infringements of the Code of Conduct in writing (charge sheet);
  - 4.3 receive such further particulars of the alleged infringements of the Code of Conduct as he/she may reasonably be entitled to, if so requested;

- 4.4 be given the opportunity to be heard and to present his/her side of the matter and to present relevant facts including cross examination of College witness/es;
  - 4.5 be treated with dignity during the process and afforded a fair hearing. The right to address the Chairperson on the merits and mitigation/sanction, if applicable;
  - 4.6 be informed of the decision of the Disciplinary Committee on whether or not he/she is guilty of misconduct and the penalty to be imposed.
5. The Chairperson may cause a record of the proceedings of the hearing to be kept.

## DISCIPLINARY HEARING PROCEDURE

The disciplinary hearing will be comprised of two separate and distinct inquiries namely:

1. An inquiry into the merits of the matter, i.e. whether the pupil is guilty or not of the charge/s which has been filed against the said pupil; and
2. if guilty, a further inquiry into the appropriate penalty.

### A. FIRST INQUIRY

- a) introduce all parties present and explain their respective roles. Furthermore explain the College's policy against victimisation / discrimination and the procedure to be followed;
- b) enquire whether the pupil has received the disciplinary notice/charge sheet and whether the pupil fully understands the nature of the charge/s;
- c) enquire whether the pupil wishes to be represented during the course of the disciplinary proceedings;
- d) ask the pupil to plead to the individual charge/s.
- (e) answers to the above should be recorded in full.**
  - i) If the pupil pleads guilty and the Chairperson is satisfied that all the elements of the offence have been proved on a preponderance of probability, the Chairperson will then inform the pupil concerned that she/he is being found guilty based on the plea and the subsequent questioning, if any by the Chairperson. Thereafter, the Chairperson shall request the pupil/the pupil's representative to testify in mitigation or to address him/her on any mitigating factors. On the other hand, the Chairperson may also take into account aggravating factors prior to imposing the penalty. (See second inquiry referred to below).

- ii) If the Pupil pleads not guilty, the following procedure should be followed:
- a) the first witness on behalf of the College is called to testify namely the complainant. The complainant then gives verbal evidence on the charge/s which have been filed against the pupil. In order to expedite the proceedings, a recommended practice is for the complainant to prepare a written statement before the disciplinary hearing commences. The written statement is then handed in and after the complainant has read out the contents and confirmed the correctness thereof, the Chairperson must inquire whether the complainant wishes to delete or add anything to the said statement. On completion of the complainant's evidence, the pupil/representative must be afforded an opportunity to put questions to the complainant. In other words, the pupil/representative must be afforded the opportunity to cross-question the complainant. The Chairperson of the disciplinary hearing is also entitled to and should in fact put questions to the complainant, where necessary;
  - b) on completion of the complainant's evidence, the next witness should be called to testify on behalf of the College. The same procedure as set out above pertaining to the complainant must be followed in respect of each individual witness;
  - c) on completion of the evidence of all the witnesses of the College, the pupil must be afforded an opportunity to testify. On completion of the pupil's evidence, the said pupil must be cross-questioned by the complainant/Chairperson;
  - d) thereafter, the pupil must be afforded the opportunity to call witnesses to testify on his/her behalf. The same procedure as set out above pertaining to the complainant's witnesses must thereafter be followed in respect of cross-questioning etcetera;
  - e) once the pupil/pupil's witnesses have testified/been cross-examined, the Chairperson should allow the pupil/representative and complainant an opportunity to address the Chairperson in respect of the merits of the matter and/or to make submissions in this regard. The aforesaid pertains solely to the question, whether the offence against the pupil has been proved on a preponderance of probability or not;
  - f) thereafter, the hearing should be adjourned so that the Chairperson could consider all the evidence on the merits, i.e. whether the pupil is guilty or not. The length of the adjournment will depend upon the circumstances of each individual case;
  - g) the disciplinary hearing should be re-convened and the Chairperson must inform the pupil as to the finding on the

merits, i.e. whether the pupil is guilty or not. If guilty, the procedure as set out below must be followed.

## B. SECOND INQUIRY

This inquiry pertains to the appropriate penalty which should be imposed and it will depend on the mitigating factors/aggravating factors/evidence presented in each individual case.

- 1) the Chairperson should allow the pupil to testify in mitigation and/or to call witnesses to testify in mitigation on her/his behalf;
- 2) if the pupil/the representative refuses to respond to the witnesses, her/his failure to respond should be formally recorded in the minutes and the Chairperson should proceed to question the said pupil about possible mitigating factors;
- 3) the complainant, on behalf of the College, is also entitled to testify/call witnesses to testify in aggravation or to elicit aggravating factors prior to the Chairperson deciding upon an appropriate penalty;
- 4) if witnesses are called to testify in mitigation/aggravation, the procedure as set out above, pertaining to cross-questioning, must be followed;
- 5) once the Chairperson has heard evidence pertaining to mitigation/aggravating factors, he should adjourn the proceedings in order to consider an appropriate penalty;
- 6) thereafter, the disciplinary proceedings are reconvened and the Chairperson informs the pupil of the penalty which is being imposed;
- 7) **if possible, a voice recording should be made and stored electronically. This recording must be transcribed, if so requested in writing;**
- 8) prior to the completion of the disciplinary hearing proceedings, the pupil should be advised of his/her right to refer the matter for revision by the Chairperson of the Board of Governors or his/her authorised delegate.

## REVIEW OF DISCIPLINARY COMMITTEE'S DECISION

1. any application for review must be in writing;
2. the review may be requested by the pupil's representative;
3. the review must be lodged within (five) 5 days of the Disciplinary Committee's finding regarding the penalty;
4. the review application must contain all grounds on which the application is based;
5. all reviews will be conducted by the Headmaster of College; but in instances where the disciplinary hearing was conducted by the Headmaster of College, the review will be done by the Chairperson of the Board of Governors or his/her authorised representative;

6. for the purpose of the review the Headmaster of College or the Chairperson of the Board of Governors or authorised representative will be furnished with the record of the hearing and any documentation handed in during the course of the hearing;
7. the review shall not comprise an appeal or re-hearing;
8. the decision of the review of the Chairperson / Headmaster of College shall be final.