



DISCIPLINARY PROCEDURE

The Disciplinary Procedure forms part of the RBHS Code of Conduct, together with the School Rules, Rights and Responsibilities of Members, Provincial Disciplinary Regulations, Drug Test and Random Search Regulations, Regulations to prohibit Initiation Practices.

The Regulations on Disciplining, Suspension and Expulsion of Pupils at Public Schools in the Western Cape promulgated in Provincial Notice 365 dated 15 December 2011, as amended from time to time, have been adopted by the School governing body.

1. The regulations are implemented to safeguard the interests and rights of affected pupils and their constitutional right to procedural fairness, which requires, amongst other things, that:¹
 - 1.1 the pupil and the parent of the pupil must be informed in an appropriate manner of the alleged serious misconduct;
 - 1.2 the notice to the pupil and parent or guardian of the pupil must contain sufficient particulars as to the date, time and venue of the disciplinary hearing;
 - 1.3 the pupil and parent or guardian of the pupil are fully informed of their right to access documents relating to the alleged serious misconduct;
 - 1.4 the pupil has the right to be represented at the hearing as provided below, to ask questions and cross examine witnesses; and
 - 1.5 the pupil and parent or guardian have the right to be informed, in writing, of the decision of the governing body, or of the Head of Department where expulsion has been recommended and the right of the pupil or parent to appeal against the decision of the Head of Department to the Provincial Minister.

¹ This clause 1 reflects the policy in Circular 0022 of 2012.

2. Representation at a disciplinary hearing

A pupil must be accompanied by his or her parent or a person designated by the parent at disciplinary proceedings, unless good cause is shown by the governing body for the continuation of the proceedings in the absence of the parent or the person designated by the parent.²

3. Support

A pupil involved in disciplinary proceedings may consult the School's counsellor or other support structure authorised by the Headmaster.³

4. Intermediary⁴

- 4.1 Whenever disciplinary proceedings are pending before the governing body, and it appears to the governing body that it would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, the governing body may, if practicable, appoint a competent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary.
- 4.2 An examination, cross-examination or re-examination of a witness in respect of whom a governing body has appointed an intermediary, except examination by the governing body, must not take place in any manner other than through that intermediary.
- 4.3 An intermediary may, unless the governing body directs otherwise, convey the general purport of any question to the relevant witness.
- 4.4 If the governing body appoints an intermediary, the governing body may direct that the relevant witness must give his or her evidence at any place which:
 - (a) is informally arranged to put that witness at ease;
 - (b) is arranged in a manner in which any person whose presence may upset that witness, is outside the sight and hearing of that witness; and
 - (c) enables the governing body and any person whose presence is necessary at the relevant proceedings to hear, through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.

² Section 8(6) of the SA Schools Act.

³ s8(6)(b) of the Act provides: The code of conduct must also provide for support measures or structures for counselling a pupil involved in disciplinary proceedings.

⁴ This clause reflects the requirements of s8(8) and (9).

5. Disciplinary measures

- 5.1 The School's implementation or recommendation of disciplinary measures after a pupil has been found guilty of misconduct takes place after careful consideration is given to all relevant factors, including:
- (a) the nature of the misconduct and the circumstances in which it was committed;
 - (b) consistency in applying the Code of Conduct and establishing or maintaining the School's standards of behaviour;
 - (c) the effect upon the School community of the pupil's behaviour;
 - (d) the personal circumstances of the pupil; and
 - (e) the pupil's prior disciplinary record at the School.
- 5.2 Disciplinary measures may include suspension, expulsion, or any lesser measures referred to in the Code of Conduct or deemed appropriate by the governing body.

6. Suspension and Expulsion⁵

- 6.1 The governing body may, on reasonable grounds and as a precautionary measure, suspend a pupil who is suspected of serious misconduct from attending school, but may only enforce such suspension after the pupil has been granted a reasonable opportunity to make representations to it in relation to such suspension.
- 6.2 The governing body must conduct disciplinary proceedings against a pupil within seven school days after the suspension of such pupil unless it has the approval of the Head of Department for an extension.
- 6.3 The governing body may, if a pupil is found guilty of serious misconduct during the disciplinary proceedings,
- (a) impose the suspension of such pupil for a period not longer than seven school days or any other sanction contemplated in the code of conduct of the public school; or
 - (b) make a recommendation to the Head of Department to expel such pupil from the public school.
 - (c) A governing body may suspend or extend the suspension of a pupil for a period not longer than 14 days pending the decision by the Head of Department whether or not to expel such pupil from the public school.

⁵ These provisions are contained in s9 of the SA Schools Act



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