



# Newberry House

MONTESSORI SCHOOL

## STUDENT DISCIPLINARY PROCEDURE

### 1. POLICY REGARDING DISCIPLINE

- 1.1. Newberry House has rules, policies, contractual obligations and codes of conduct (collectively referred to as “policies”) to provide an orderly, happy and secure environment that promotes the development of students as individuals and as members of Newberry House and the community served by the school, and to promote the objectives and values of the school.
- 1.2. The purpose of disciplinary action is to encourage disciplined conduct and compliance with the policies amongst all students.

### 2. AUTHORITY TO DISCIPLINE

- 2.1. The authority to discipline a student will vest in the Head and the teaching staff provided that only a Disciplinary Committee appointed by the Head will have the power to suspend students for a period of more than one school day, or to expel students.
- 2.2. The Disciplinary Committee will consist of three to five people nominated by the Head. In nominating the people to serve on a Disciplinary Committee the Head will not be limited to members of staff of Newberry House.
- 2.3. The Head will have the right to refer any perceived serious misconduct to the Disciplinary Committee. Serious misconduct will include but not be limited to:
  - 2.3.1. Intentional absence from the school or from a required part of the school programme without leave or without a valid reason;
  - 2.3.2. Committing any act associated with bullying or initiation;
  - 2.3.3. Inciting, encouraging or causing anyone to commit violence against any person or property;
  - 2.3.4. Assault, or attempted assault;
  - 2.3.5. Serious insubordination or disrespect;
  - 2.3.6. Fraud, theft, unauthorised possession of school property, theft of money, goods or property;
  - 2.3.7. Possession of a dangerous weapon at the school;
  - 2.3.8. Malicious damage to property, vandalism or graffiti;
  - 2.3.9. Any transgression of the substance abuse policy of the school;

- 2.3.10.** Indecent, immoral, improper, disgraceful or disrespectful conduct;
- 2.3.11.** Committing any criminal offence;
- 2.3.12.** Inciting, encouraging or persuading other students to disobey lawful and reasonable instructions, or to deliberately disobey safety rules and procedures;
- 2.3.13.** Sexual harassment or sexually explicit behaviour at school, school events, outings and/or activities or with school colleagues;
- 2.3.14.** Actions involving racism;
- 2.3.15.** Intimidation or threats to peers;
- 2.3.16.** Cheating or dishonest conduct;
- 2.3.17.** Conduct which has the effect of damaging the good name or reputation of Newberry House or which undermines the standard of conduct expected of students of the school.

### **3. PROCEDURE AND HEARING**

- 3.1.** Where it is brought to the attention of, or becomes apparent to, the Head that the conduct of a student is such that it may merit the suspension, for a period of more than one school day, or the expulsion of a student.
- 3.2.** The school must inform the student and at least one of his/her parents or his/her guardian in writing of:
  - 3.2.1.** The misconduct complained of;
  - 3.2.2.** The date and time of the disciplinary inquiry;
  - 3.2.3.** The venue at which the disciplinary inquiry will be held;
  - 3.2.4.** The Head will nominate the members of the disciplinary committee and cause the disciplinary committee to be convened;
  - 3.2.5.** The Head may appoint the person/s, who need not be employees of Newberry House, to investigate and present the complaint against the student and to examine and cross-examine any person testifying at the disciplinary enquiry and make representations on behalf of the school.
- 3.3.** The notice referred to above will be given not less than twenty-four hours prior to the date of the disciplinary enquiry.
- 3.4.** In the event that the student fails, without good reason, to appear at the enquiry and to remain in attendance until the completion of the enquiry, the Disciplinary Committee will be entitled at its discretion to:

- 3.4.1.** Issue such directions as to the further conduct of the enquiry as it may deem fit; and/or
- 3.4.2.** Suspend the student until the completion of the enquiry; and/or
- 3.4.3.** Hear the evidence that may be presented to it and make such findings as it may deem appropriate.
- 3.5.** In the event that the Head is a member of the Disciplinary Committee, he/she will act as Chairperson unless he nominates some other person to act as the chairperson. In the event that the Head is not a member of the Disciplinary Committee he/she will be entitled to nominate the Chairperson provided that if he/she fails to do so the Disciplinary Committee will be entitled to appoint a Chairperson by majority vote.
- 3.6.** At the hearing both the Newberry House and the student will have the right to testify, produce evidence of whatever nature relevant to the proceedings, call witnesses and put questions to any witness or person giving evidence.
- 3.7.** The student may be represented by his/her parent/s or guardian, a teacher at Newberry House or, having given good reason to the Disciplinary Committee, by a lawyer. In the event that the student intends to apply to the Disciplinary Committee to be represented by a lawyer he/she will give written notice to the Head at least twenty-four hours prior to the commencement of the disciplinary hearing.
- 3.8.** In the event that the Disciplinary Committee finds a student guilty of any transgression at a disciplinary hearing it will, prior to making a final decision as to the disciplinary measures/penalty it may wish to pronounce, afford the student an opportunity to prove mitigating circumstances. The Disciplinary Committee will be entitled to take the student's record and any other relevant information into consideration.
- 3.9.** The Disciplinary Committee will be entitled to:
  - 3.9.1.** Suspend the student for such period and on such terms and conditions as it may determine; and/or
  - 3.9.2.** Prevent the student from participating in any school event, activity, function, outing, exchange programme and/or tour alternatively authorise participation therein on such restrictive terms and conditions as it may deem just; and/or
  - 3.9.3.** Impose such other disciplinary measure as it may deem fit in the circumstances; and/or
  - 3.9.4.** Expel the student; and/or
  - 3.9.5.** Suspend the operation of any disciplinary measure, either in whole or in part, upon such terms and conditions as it may deem fit;

- 3.10.** The ruling of the Disciplinary Committee must be conveyed, without delay, in writing to the student and the parent/s of the student.
- 3.11.** Save as specifically prescribed herein the Disciplinary Committee will be entitled, from case to case, to prescribe the manner in which the disciplinary inquiry will be conducted.
- 3.12.** In cases involving violence or in the event that there is a risk of damage to person or property the Head will be entitled to suspend a student pending the outcome of a disciplinary inquiry.

#### **4. APPEAL**

- 4.1.** Subject to the terms and conditions set out in this clause, the student and/or his/her parent/s and/or his/her guardian will have a right to appeal against the decision of the Disciplinary Committee to an Appeal Committee nominated by the Chairperson of the Board of Governors of Newberry House from time to time.
- 4.2.** The Appeal Committee will consist of three people nominated by the Chairperson of the Board of Governors. The persons nominated need not be nominated from the ranks of the Board of Governors and/or employees of Newberry House.
- 4.3.** The right of appeal will lapse unless the student and/or his/her parent/s and/or his/her guardian, within seven days of having been advised of the decision of the Disciplinary Committee, delivers to the Head of Newberry House notice of appeal in writing stating the grounds for the appeal. The student and his/her parent/s and his/her guardian will, in the appeal, be limited to the grounds of appeal stated in the notice referred to in this sub-clause.
- 4.4.** The appeal hearing will be chaired by a person nominated by the Chairperson of the Board of Governors from time to time.
- 4.5.** At the Appeal hearing the parties will have the same rights as at the disciplinary inquiry, excluding the right of appeal.
- 4.6.** In the event that the Appeal Committee is of the view that there were procedural or evidential irregularities in the disciplinary hearing it may, in the conduct of its hearing, cause such irregularities to be remedied in such manner as it may deem fit.
- 4.7.** The Appeal Committee will be entitled to:
  - 4.7.1.** Uphold the appeal or the decision of the Disciplinary Committee;

- 4.7.2.** Substitute the finding/s and/or the disciplinary measure/s imposed by the Disciplinary Committee with such finding/s and/or disciplinary measure/s as it may deem appropriate;
- 4.7.3.** Refer the matter or any aspect thereof back to the Disciplinary Committee alternatively a new Disciplinary Committee to be established by the Head upon such terms and conditions as it may deem fit.
- 4.8.** Unless the Head, having shown good reason, directs otherwise, any decision of a Disciplinary Committee will not be suspended pending the outcome of an appeal. The Head will, however, be entitled to suspend the operation of any decision of a Disciplinary Committee, pending the outcome of an appeal, upon such terms and conditions as he/she may deem just.
- 4.9.** The decision of the Appeal Committee will be final and binding.

## **5. CONFIDENTIALITY**

- 5.1.** Save for the decision/ruling of the Disciplinary Committee and the Appeal Committee, the student, his/her parent/s and his/her guardian will keep the evidence and information pertaining to the disciplinary hearing and the appeal hearing confidential, save to the extent that they or:
  - 5.1.1.** Any of them have been authorised in writing, to publicise same by the Head; or
  - 5.1.2.** They are obliged to disclose the same in terms of any law.
- 5.2.** Notwithstanding the provisions of this clause the student and/or his/her parent/s or his/her guardian will be entitled to disclose the evidence and/or information envisaged in this clause, for the purpose of seeking legal advice.

## **6. OTHER INFRINGEMENTS**

All infringements which are not referred to a Disciplinary Committee as envisaged herein, will be dealt with directly by the relevant teacher and/or the Head.

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