



# **KINGSWOOD COLLEGE**

## **PUPILS' CODE OF CONDUCT**

### **PREAMBLE**

The aim of this Code of Conduct is to set out the broad goals and principles which will govern the life and activities of all who serve and are served by this College. Necessarily it will state the College's expectations of pupils and others in so far as this is germane to how the code applies to the conduct of pupils. Furthermore it will clarify pupils' activities which are clearly seen as a breach of the goals, principles and rules of this College and will outline what disciplinary measures may be taken in order to maintain the integrity of these goals, principles and rules. This Code of Conduct recognizes that it is vital that pupils are taught to monitor their own behaviour so that it remains within the stated goals, principles and rules of the College.

### **MISSION STATEMENT**

*Kingswood College provides an education in a family-like environment, developing the self-worth and academic, leadership, spiritual, social, moral, cultural and physical potential of every pupil and staff member.*

### **CORE VALUES**

*Caring discipline, children matter, honesty, humility, integrity, justice, respect, responsibility, tolerance, ubuntu.*

*This document was approved by the College Council and will replace any previous Codes of Conduct. (November 2008)*

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## A. Definitions and notes

Where the terms listed here appear in this code, they shall bear the following meanings, and the notes that follow will apply.

- “assault” Intentionally, knowingly or recklessly causing bodily injury to another.  
Intentionally or knowingly threatening another with bodily injury.  
Intentionally or knowingly causing physical contact with another when the pupil knows or should reasonably believe that the other will regard the contact as offensive or provocative.
- “bullying” verbal, physical or psychological abuse or teasing accompanied by real or perceived imbalance of power.
- “Close gating” movement restricted to the pupil’s boarding house, as per the College’s *Rules for Close Gating*.
- “Cube gating” movement restricted to the pupil’s boarding room, as per the College’s *Rules for Cube Gating*.
- “illegal drugs, including alcohol”
- Any controlled substance or dangerous drug as defined by the South African law, including but not limited to dagga, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine and barbiturate;
  - Alcohol or any alcoholic beverage;
  - Any other intoxicant, or mood-changing, mind-altering, or behaviour-altering drugs or substance, unless prescribed by a medical practitioner;
- Exemption to the alcohol rule is as follows:
- When pupils are in the presence of their own parents and they are in a family situation in private, or when they are being hosted by other parents and their own parents have given permission and they are off the campus in a family situation in private. No pupil may return to the College campus or put on College uniform before all signs of the consumption of alcohol have disappeared.
- “sectional head” the College Head, Senior School Head, the appointed Head of Academics or Junior School Head, whichever is applicable.

## B. Purpose / goals of punishment

1. Educating pupils as to the underlying values and ethic of the Judeo-Christian faith.
2. Teaching pupils that actions have consequences.
3. Teaching pupils the need to take responsibility for their actions.
4. Rehabilitation of the offender.
5. Deterrence to the offender and the wider pupil community.

## C. Considerations for appropriate sanctions

Kingswood College is committed to the achievement of a fair and effective disciplinary dispensation which will ensure the consistent application of appropriate disciplinary measures.

However, although this code clearly shows that certain types of behaviour will in all probability lead to certain types of action being taken by the College against the pupil, the Code also recognises that each case, particularly those involving a possible expulsion, should be judged on the basis of all the evidence of such case, including mitigating and aggravating factors.

In dealing with any transgression, the following must be taken into account:

**1. The nature of the transgression.**

A consideration of the nature of the offence will have regard to all the circumstances which are relevant to the offence, including the following:

- a) The manner in which the offence was committed.
- b) The place where the offence was committed.
- c) The effect which the commission of the offence may have had on the interests, physical integrity or property of others, including the College.
- d) Any other circumstance relating to the commission of the transgression which the presiding staff member may consider relevant to the imposition of a sanction.

**2. The personal circumstances of the pupil.**

These circumstances include any factor which may have a bearing on the effect which a particular sanction may have on the individual pupil. These may include:

- a) The pupil's age and maturity.
- b) The pupil's age and maturity relative to other actors involved in the same transgression.
- c) The pupil's home environment, background and upbringing.
- d) The pupil's health.
- e) The previous record of transgressions of the pupil.
- f) Any other personal attribute or circumstance which may have bearing upon the appropriateness of any particular sanction.

**3. The interests of Kingswood College, its staff and other pupils.**

These features will include:

- a) The need to protect and/or restore the good name and reputation of the College, having regard to the prevalence of the offence at the College and the nature of the offence;
- b) Whether the transgression impacts on the physical integrity, property or well-being of staff and fellow pupils at the College;
- c) The effect which the transgression may have had on the maintenance of discipline and order at the College with particular reference to the likelihood that other pupils may follow the example of the transgressor in future;
- d) The effect which the offence has had on the good name and reputation of the College;
- e) Any other such factor which may have a bearing upon the selection of an appropriate sanction.

In selecting an appropriate sanction, regard must be had to the purpose/goals of

punishment referred to in section B above. Of particular importance is the need to balance law and grace (mercy). Upon consideration of the above factors, discretion should be exercised in the selection of a particular sanction which is appropriate for the individual. The College supports the principle of the individualisation of punishment as opposed to the slavish adherence to a schedule of punishments.

#### D. Listing of offences and possible sanctions by level

*The following offences are relevant to all pupils during school terms, and/or while pupils are in school uniform, and/or during school tours, on town leave, outings and while travelling to and from school, and/or in school transport and/or during activities organised by the school, and/or on school premises and/or in the care of a College staff member, and, with regard to bringing the name of the school into disrepute, in or out of term.*

The offences listed hereunder do not constitute an exhaustive list, but serve to indicate the degree of seriousness the College attaches to incidents of misconduct such as those listed here. When offences not listed hereunder are reported, such offences will be weighed against the level of seriousness accorded to the offences listed.

#### **1. SCHEDULE 1 OFFENCES**

##### 1.1 Minor infractions including, but not limited to, the following:

- a) gum chewing;
- b) throwing non-dangerous objects;
- c) refusal to participate in classroom activities;
- d) failure to bring appropriate material to the classroom;
- e) failure to bring required school documents to school;
- f) talking when not permitted to do so;
- g) sleeping in class;
- h) neglect of textbooks;
- i) Chapel violations – talking, eating, disrespect, etc;
- j) eating and/or drinking in classroom;
- k) homework incomplete;
- l) dishonesty, in circumstances when this is considered not to constitute a schedule 2 offence;
- m) misleading a disciplinary enquiry or hearing;
- n) excessive or unseemly displays of affection;
- o) use of crude language (indirect)
- p) obscene gestures (indirect)
- q) failing to comply with lawful directives issued by school personnel or with school policies, rules and regulations, in circumstances when this is considered not to constitute a schedule 2 offence;
- r) violating the dress and grooming policy of the school;
- s) failing to return the required forms to the school;
- t) arriving late for school, for class or for chapel services or any other recognised school commitment;

- u) undermining, deliberately or otherwise, the stated goals of the school;
- v) discourtesy toward teachers and visitors;
- w) littering;
- x) use/possession of electronic or other equipment when not permitted;
- y) failure by day pupils to procure an absentee note from a parent/guardian for being absent from school;
- z) bringing the name of the College into disrepute when this is not considered to constitute a schedule 2 offence;
- aa) repetitious misbehaviour (minor incidents).

## 1.2 Sanctions

One or more of the following forms of action **may** be taken against the pupil by the appropriate member of staff:

- (a) A reprimand;
- (b) Meaningful written work (maximum 500 words);
- (c) Detention;
- (d) Close gating;
- (e) Confiscation;
- (f) Community service (maximum four hours);
- (g) Communication with parents/guardians;
- (h) Match or performance exclusion;
- (i) A suspended sentence involving any of the above sanctions.

Any of the above sanctions may be coupled with a directive that the pupil undergoes counseling on such terms as the appropriate member of staff may direct.

## 2. **SCHEDULE 2 OFFENCES**

### 2.1 **Infractions including, but not limited to, the following:**

- a) throwing dangerous objects that can cause injury or damage;
- b) engaging in misconduct on school buses;
- c) bullying when this is considered not to constitute a schedule 3 offence;
- d) fighting;
- e) possession/use of tobacco or nicotine products at school, or in school uniform or at a school function or in a school-related context;
- f) disruption of school or classes;
- g) abusive, aggressive behaviour or language toward teachers, other pupils or visitors to the College;
- h) being truant/bunking legitimate school activities;
- i) repeated Schedule One offences;
- j) bringing the name of the school into disrepute, when this is considered not to constitute a schedule 3 offence ;
- k) driving a motorised vehicle
- l) use of crude language (direct);
- m) obscene gestures (direct);
- n) tampering with other people's possessions;
- o) graffiti (minor);

- p) misleading a disciplinary enquiry or hearing; when this is considered not to constitute a schedule 3 offence ;
- q) leaving school grounds when not permitted to do so;
- r) visiting the buildings or grounds of another school while the latter is in session, except with due permission to do so;
- s) unauthorised use or possession of the property of another.

## 2.2 Sanctions:

All schedule 2 offences MUST be reported to the pupil's houseperson immediately. Should the houseperson deem it necessary, the matter may be referred to the sectional head. The housemaster or sectional head **may** take one or more of the following actions.

- a) Detention;
- b) A verbal or written warning;
- c) Monetary compensation;
- d) Meaningful written work (maximum 1000 words);
- e) Close gating;
- f) Cube gating;
- g) Community service (maximum eight hours);
- h) Mark penalisation;
- i) Any of the schedule 1 sanctions not listed as a possible schedule 2 sanction;
- j) Suspension from school activities, excluding academic activities,
- k) A suspended sentence involving any of the above sanctions.

Any of the above sanctions may be coupled with a directive that the sanction imposed must be communicated to the pupil's parents or guardians, and/or with a directive issued by the houseperson or sectional head involved that the pupil undergoes counselling on such terms as the houseperson or sectional head may direct.

## 3. SCHEDULE 3 OFFENCES

### 3.1 Offences including but not limited to the following:

- a) committing a violation of a law of the state;
- b) cheating or copying another pupil's work;
- c) plagiarism as defined in the College Plagiarism Policy Booklet;
- d) possession, use or distribution of illegal drugs and/or alcohol (See *Definitions and Notes* in section A);
- e) inappropriate possession, use or distribution of legal drugs, notwithstanding the exclusion listed under *Definitions and Notes* in section A;
- f) possession of weapons at school or at school-related activities;
- g) bullying;
- h) assault;
- i) rape;
- j) sexual abuse;
- k) theft;
- l) graffiti (major);

- m) vandalism;
- n) possession, viewing or displaying of pornographic material on school premises or within a school context;
- o) computer hacking or any other major breach of the College protocol regarding computer usage;
- p) bringing the name of the College into disrepute; (this is inclusive of all forms of social media)
- q) fraud or forgery;
- r) providing false or purposefully misleading evidence/being dishonest during a disciplinary enquiry or hearing;
- s) sexual activity, particularly sexual intercourse;
- t) abusive/aggressive/crude behaviour or language toward teachers, other pupils or visitors to the College;
- u) blackmail or extortion;
- v) leaving the school premises at night without permission;
- w) entering any area of a boarding house of the other gender, other than designated visiting areas;
- x) refusing to accept the authority of the College and/or undermining deliberately, or otherwise, the stated goals, principles and/or rules of the College;
- y) repeated schedule 1 and/or 2 offences;
- z) breaking the conditions of sentence imposed by a teacher, houseperson, sectional head or disciplinary committee.
- aa) Potentially undermining the Christian ethos of the College by proselytising on the College property.

### 3.2 Sanctions

All Schedule 3 Offences **must** be reported to the sectional head immediately. After an investigation, the sectional head may request a formal hearing. These offences may result in one or more of the following sanctions being imposed:

- a) Community service on or off school premises;
- b) Monetary compensation;
- c) A final written warning;
- d) Mark penalisation;
- e) Meaningful written work (maximum 2000 words);
- f) Close gating;
- g) Cube gating;
- h) Suspension from school activities or a selection thereof (suspension from academic activities should only occur in special circumstances);
- i) Exclusion from/removal of school awards;
- j) Impeachment from leadership positions;
- k) Any of the schedule 1 and 2 sanctions not listed as a possible schedule 3 sanction;
- l) Police or other community-sector intervention;
- m) Expulsion from boarding;
- n) Expulsion from the College.

Any of the above sanctions may be coupled with a directive that the sanction imposed must be communicated to the pupil's parents or guardians, and/or with a directive that



the pupil undergoes counseling on such terms as the sectional head or disciplinary body may direct.

## **E. The right of pupils and parents to due process**

Every pupil in the College has the right to be treated fairly at all times by those in authority. All parents have the right to expect that their children will be treated fairly by these authorities. It is thus necessary to provide channels for pupils and parents to seek recourse where they feel unfairly or unjustly treated by those in authority at the College.

Pupils and parents must appreciate that the right to appeal or lodge a complaint should not be used to contest every action taken by the authorities in this College.

### **1. Schedule 1 and 2 offences**

In the case of schedule 1 offences and schedule 2 offences (where pupils have been punished by a teacher or houseperson), pupils may appeal to the sectional head if they feel they have been unfairly punished. The procedure to follow in such cases is as follows.

1.1 The pupil must first try to solve the problem with the staff member concerned.

1.2 Should this not lead to an amicable conclusion then the pupil may appeal directly to the sectional head. Decisions by the sectional head, once that head has concluded investigations, are binding on the staff member and the complainant.

Parents are encouraged to allow their children the freedom to solve their own problems with the authorities in the school. However, where parents feel that their child, for whatever reason, cannot do this, they should contact the houseperson or sectional head directly. However, the parents of the pupil are not permitted to participate in the process of determining the guilt/innocence of their child, nor are they responsible for determining appropriate school sanctions.

In the case of schedule 2 offences, where the sectional head has punished a pupil and the pupil believes the punishment is unfair, the pupil may appeal to the College head. Decisions by the College head, after the conclusion of investigations, are binding on both the sectional head and the complainant.

### **2. Schedule 3 offences**

Where the sectional head forms the opinion that the offence does not justify a formal disciplinary hearing, such sectional head may deal with the offence without the holding of a formal disciplinary hearing. On such occasions the permission of the College head will be required for a formal hearing to be avoided, which permission will be granted only when the College head is satisfied that justice will be done without a formal hearing. In the event that a schedule 3 offence is reported to a sectional head and that sectional head forms the opinion that there is no prospect that a sanction of expulsion from boarding or from the College would be imposed if the pupil were to be found guilty of the offence, but that the offence warrants a formal disciplinary hearing, that sectional head may request a member of the College staff to lead the investigation of the offence, and the sectional head may preside at the formal disciplinary hearing into the offence. In the

event that the sectional head forms the opinion that a sanction of expulsion from boarding or from the College may be imposed if the pupil were to be found guilty of the offence, the sectional head or a member of the College staff requested to do so by the sectional head may lead the investigation of the offence and the College head, or in the absence of the College head, a person appointed by the College head, will chair a formal disciplinary hearing.

### **2.1. Formal disciplinary hearings**

- a) A member of the College staff will lead the investigation of any schedule 3 offence. This investigation should include an opportunity to present any case the pupil may wish to present. The pupil shall not be compelled to make any statement.
- b) Once a charge has been formulated, the sectional head will inform the relevant houseperson and will approach the College head with a request to authorise a formal disciplinary hearing.
- c) The parents of the pupil shall be informed, in writing, of the time, date and place of the hearing before it commences, shall be provided with the charge(s) that their child is facing and shall be afforded sufficient opportunity to attend the hearing. In the event that the pupil's parents do not attend the hearing, the chairman will ensure that the parents are aware of the time and date of the hearing and that they will not be attending the hearing on the determined date.
- d) The chairman **may** appoint a member of staff to assist him in hearing the case, in determining guilt or lack thereof, and, where relevant, in deciding upon appropriate sanctions. Neither the chairman nor the member of staff may have been involved in the investigation stage referred to in (a) above.
- e) A member of staff chosen by the pupil shall act on the pupil's behalf ("defend the pupil") at the hearing. (No houseperson is permitted to assume this role.) Where possible, this member of staff should make contact with the pupil's parents prior to the hearing.
- f) The College chaplain may act on behalf of the pupil at the hearing, but will otherwise attend the hearing in a pastoral capacity. In such a case, the chaplain will have no other role to play in the hearing.
- g) The chairman will confirm that the pupil and his staff representative have had enough time to prepare for the hearing.
- h) All hearings must be finalised as soon as reasonably possible after the conclusion of the investigation.
- i) All proceedings at a formal hearing will be mechanically recorded and, if necessary at a later stage, be transcribed **at the expense of the party requesting it**. Such recordings shall be retained for purposes of transcription for a period of fourteen days after the imposition of sanctions.

- j) Parents who are present at the hearing will only be allowed to participate in the proceedings if they have an objection to the *process* of the hearing. Such an objection must immediately be brought to the attention of the chairman.
- k) The member of staff presenting the evidence at the hearing and the member of staff representing the pupil will both be entitled to call witnesses at the hearing. These two members of staff, the chairman and the additional member of staff, if applicable, are the only people entitled to put questions to the accused or to any of the witnesses.
- l) At the conclusion of the evidence relating to the offence and after argument by both sides, the chairman shall consider the evidence and make a finding as to the guilt of the pupil. Such finding shall be made on the balance of probabilities. The chairman will announce the finding as to the guilt or otherwise of the pupil.
- m) After such a finding has been made and announced, and if the pupil has been found guilty, the member of staff representing the pupil will be entitled to lead evidence in mitigation. Similarly, the member of staff who has presented the charge against the pupil will be entitled to present any aggravating factors. Thereafter, both members of staff will be permitted, if they so wish, to make recommendations to the chairman in respect of appropriate sanctions.

The chairman may then, either:

- ask all present, other than the member of staff assisting him, if any, to leave the room in order to provide an opportunity to decide on appropriate sanctions. In such a case, all parties will then return to the room and the chairman will announce the sanctions.
  - postpone the announcement of the sanctions to a maximum of three school days from the hearing (other than in circumstances covered in 2.1(n)).
- n) If the chairman is considering either expulsion from boarding or expulsion from the College as a possible sanction, the pupil's parents will be informed thereof and be allowed to make written representations as to why such action should not be taken. Such written representations must be received within 36 hours after the chairman has informed the parents of this possibility and the sanctions must be announced within 72 hours after the Chairman has received such representations.
  - o) At the conclusion of any formal disciplinary hearing, the relevant houseperson shall immediately communicate the findings of the hearing, and the sanctions imposed, if any, to the pupil's parents if they were not in attendance. The chairman shall, thereafter, communicate the same information to the parents in writing.
  - p) If a decision is made to expel a pupil from either boarding or the College, such a decision must also be immediately communicated to the chairman of the College

Council. Such a decision will be put into effect immediately.

- q) If parents are not satisfied with the findings of a hearing and/or the decisions of the chairman of the hearing, they are entitled to appeal against such findings and/or decisions. The appeal, which must include the reasons for the appeal, must be addressed to the chairman of the College Council within 48 hours after the parents have received the written communication referred to in 2 (o) above.
- r) In the event that a notice of appeal is received, the Chairman of Council must appoint an appeal committee, chaired by a member of the College Council with one or two additional members, to hear the appeal.
- s) An appeal hearing should, whenever reasonably possible, be concluded within eight school days after the appeal has been lodged. At the appeal hearing, the pupil may be represented by the pupil's parents, a member of staff of the pupil's choice or a legal representative, while the College may be represented by a member of staff or a legal representative. The appeal will be a "wide appeal" which will permit the parties to adduce further evidence at the appeal hearing and which will entitle the appeal committee to consider afresh the conviction and sanctions imposed, provided that such new evidence relates to the previously submitted reasons for the appeal.
- t) After considering the grounds for appeal, further evidence if any and the submissions of the College representative and the appellant, the appeal committee must decide whether the conviction and sanctions were substantively and procedurally fair. The decision of the appeal committee shall be final. The appeal committee has the power to make any decision which it deems appropriate including, but not limited to, revising the original decision or overturning the decision entirely.
- u) Within three days of the decision of the appeal committee, the chairman of the appeal committee must advise the parents in writing of the outcome of the appeal.

Implementation date : 11 December 2013 Author : E Retief
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