

## Pinelands High School - Serious Misconduct Disciplinary Hearings for Learners

### Policy and Procedure

1. All Disciplinary Hearings will be held in accordance with the framework as laid out in the SA Schools Act and subsequent amendments, including Departmental circulars and minutes which clarify the procedure to be followed.
2. The School shall determine if a learner may be guilty of Serious Misconduct and whether a Hearing must be convened or not.
3. At least two members of the Schools Governing Body (SGB) shall be called upon, if necessary, to determine if the learner concerned poses enough of a risk to his/her fellow learners, staff or school property, to warrant suspension prior to the Hearing.
4. The Principal's Secretary shall contact the Chair of the Disciplinary Sub Committee to set up a date for the hearing. As all members of the SGB are, *inter alia*, members of the Disciplinary Sub Committee, a minimum of three members of the SGB shall form the Disciplinary Sub Committee (DSC). Any member of the SGB who has been involved in the investigation of the incident shall be excluded from sitting on the DSC and excluded from all subsequent decision making in the case under discussion.
5. The parents/guardians of the learner(s) are invited to attend the Hearing.
6. The Disciplinary Hearing procedure shall include the following:
  - a. An introduction of all present,
  - b. An explanation of the procedure to be followed,
  - c. The charge(s) against the learner(s) is presented by the school representative(s) who has/have investigated the case,
  - d. Witnesses are called to testify as appropriate,
  - e. The learner(s), his/her/their parents/guardians/representatives respond to the charge(s),
  - f. Opportunity is given for questioning by the learner(s), his/her/their parents/guardians/representatives,
  - g. Opportunity is given for questioning by the DSC,
  - h. The learner(s) and parents/guardians/representatives are excused from the committee as are the school's representatives,
  - i. The DSC deliberates (in committee) and decides on culpability,
  - j. The learner(s) and parents/guardians/representatives are informed of the finding,
  - k. Mitigating and/or extenuating circumstances are then submitted,
  - l. The School recommends a sanction,
  - m. Opportunity for further questions of clarity is provided.
  - n. The learner(s) and parents/guardians/representatives are again excused from the committee along with the school's representatives,
  - o. The DSC deliberates (in committee) and decides on the sanction to be applied.
7. The full SGB shall, upon completion of the Hearing, hear representation from the Chair of the Disciplinary Sub Committee, hear the recommendation for sanction and make a judgement on the matter.
8. The Principal (or his/her nominee) shall, in all cases, inform the parents/guardians of the outcome of the Hearing and follow up any recommendations made by the SGB.
9. The Secretary of the SGB shall follow all standard statutory procedures regarding correspondence with the learner involved and his/her parents/guardians.
10. The Secretary of the SGB shall, in consultation with the Principal, ensure all relevant documentation is forwarded to the WCED.

## FLOW DIAGRAM OF SERIOUS MISCONDUCT DISCIPLINARY PROCEDURE

