



# **UPLANDS COLLEGE**

## **CODE OF CONDUCT**

# 1. EXPECTED CONDUCT OF EDUCATORS, PARENTS AND LEARNERS THAT WE STRIVE FOR AT THE COLLEGE

EDUCATORS	PARENTS	LEARNERS
<ul style="list-style-type: none"> <li>• Act in a professional manner; maintain bearing, set positive example for learners.</li> <li>• Be sensitive to individual needs of learners, address in constructive and emphatic manner.</li> <li>• Praise, encourage and motivate learners, help to establish and communicate clear and meaningful goals for learner.</li> <li>• Create an environment, which fosters teamwork, harmonious relationships, and concept of partnership within education process.</li> <li>• Discipline with dignity, report serious transgressions to the Master In Charge of Discipline or relevant senior Executive staff.</li> <li>• Be efficient and effective, be well-prepared and complete and return schoolwork within a reasonable period of time.</li> <li>• Praise and encourage, recognize and reward learners who strive to achieve.</li> <li>• Administer discipline correctively and with dignity.</li> <li>• Set a positive example for learners to follow.</li> </ul>	<ul style="list-style-type: none"> <li>• Support educators in their efforts to teach children:               <ol style="list-style-type: none"> <li>a. Monitor homework.</li> <li>b. Check test results.</li> <li>c. Help set goals.</li> <li>d. Consider educator's remarks and recommendations.</li> </ol> </li> <li>• Communicate firstly with class educator, then tutor, regarding areas of concern before they become major problems.</li> <li>• Involve themselves as much as possible in all the College's activities, become committed supporters of the College.</li> <li>• Encourage their children to participate in the College's activities.</li> <li>• Familiarize themselves with the College's admission requirements and codes of conduct.</li> <li>• Make suggestions and provide assistance to improve the educational process and learning environment.</li> <li>• Support the disciplinary structures of the College.</li> <li>• Work with College to overcome any learner behaviour that negatively impacts on the learning environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Learners must recognize they have responsibilities to themselves, their fellow learners, their educators, the College &amp; their parents.</li> <li>• Learners are bound by the rules of the College (provides a framework for orderly and purposeful education).</li> <li>• Comply with instructions and general rules of the College.</li> <li>• Behave responsibly and not endanger the safety and welfare of others.</li> <li>• Respect for the property of the College and others.</li> <li>• Maintain a sound relationship with others at the College, be courteous and respect the dignity and self-worth of others.</li> <li>• Be punctual and observe the time-keeping practices of the College.</li> <li>• Demonstrate a positive attitude towards the opportunity to learn, be diligent in their efforts to learn.</li> <li>• Behave honestly and conduct themselves with dignity.</li> <li>• Accept legitimate punishment and disciplinary action taken against them as being necessary and corrective.</li> </ul>

**2. EXPECTED CONDUCT OF EDUCATORS, PARENTS AND LEARNERS THAT WE STRIVE FOR AT THE COLLEGE**

<b>EDUCATORS</b>	<b>PARENTS</b>	<b>LEARNERS</b>
<ul style="list-style-type: none"> <li>• Open minded</li> <li>• Respect for pupils. Positive towards pupils.</li> <li>• Patient and understanding.</li> <li>• Understand where learner is coming from. (Caring)</li> <li>• Authority – shown at all times. Friendship must not exceed authority.</li> <li>• Ensure pupils have fair opportunities to state their views.</li> <li>• Encourage pupils and be supportive.</li> <li>• Be fair and just.</li> <li>• Be dedicated.</li> <li>• Be friendly and honest.</li> <li>• Treat pupils according to the age you would like them to act.</li> <li>• Be neat.</li> <li>• Respect other educators.</li> <li>• Be aware of activities at College.</li> <li>• Well trained.</li> <li>• Don't express personal dislikes.</li> <li>• Discipline disruptive pupils.</li> <li>• Set an example during and after working hours.</li> <li>• Don't vent personal problems in class.</li> <li>• Be punctual – meet deadlines.</li> <li>• Don't get involved in learners' personal lives.</li> </ul>	<ul style="list-style-type: none"> <li>• Willingness to help.</li> <li>• Open minded.</li> <li>• Believe in child's abilities.</li> <li>• Be involved in child's education.</li> <li>• Be informed about College's rules and regulations and show respect for them.</li> <li>• Support College activities.</li> <li>• Encourage child.</li> <li>• Take part when needed.</li> </ul>	<ul style="list-style-type: none"> <li>• Obedience, respect, gratitude, willingness to learn. Be responsible, decent and polite.</li> <li>• Friendship with educators – stay within boundaries.</li> <li>• Respect for appearance and uniform.</li> <li>• Compassionate.</li> <li>• Co-operate with rules and regulations.</li> <li>• Respect and obedience towards educators, mentors and seniors.</li> <li>• Respect for others.</li> <li>• Work toward creating tradition and a positive College environment.</li> <li>• Hold the College's name in high esteem.</li> <li>• Strive to do their best in everything they do.</li> <li>• Behave responsibly when on College property as well as when wearing College uniform.</li> <li>• Stay committed when taking part in any activity.</li> <li>• Be supportive of each other.</li> <li>• Self-discipline.</li> <li>• Respect other's property.</li> </ul>

### **3. PREAMBLE**

“Uplands College recognises and develops the unique potential of each pupil. We strive to equip them with the intellectual and moral capability to succeed and be confident in an ever-changing world”.

In order to achieve this mission the College community is expected to conduct themselves in an ordered and disciplined manner. Self-discipline, responsible behaviour, commitment, consideration and co-operation are fundamental to discipline and represent the cornerstone upon which the Uplands College discipline system is built. These values create a positive and proactive environment where young people behave in a manner that is in their best interest and that of the community and is not motivated by fear of punishment.

The underlying expectation of pupils at Uplands College is that they should:

- Comply with instructions and general rules
- Behave responsibly so as not to endanger the safety and welfare of others
- Respect and care for the property
- Maintain sound relations, which includes courtesy and respect
- Be punctual
- Have a positive attitude towards learning and be diligent in carrying out tasks
- Be honest and conduct themselves with integrity
- Dress in accordance with the published dress code.
- Be ambassadors of the College and take pride in their College.

Pupils declare their commitment to these values by adopting the Uplands College Honour Code when they are welcomed into the Uplands Community. If pupils do not behave in accordance with these expectations, a graded system of enforcement will come into effect that could ultimately lead to expulsion.

### **4. RULES OF CONDUCT**

It is impossible for this procedure to list every possible rule infringement by learners. There are groups of a greater or lesser significance:

#### **4.1 Minor Offences**

- Talking in assembly, chapel
- Talking in class
- Eating in class
- Getting up and walking around in the classroom
- Forgetting textbooks / notes.

#### **4.2 Significant Offences**

- Not doing homework
- Insolence or cheekiness
- Littering
- Swearing
- Missing activities without excuse
- Uniform abuse / appearance

- Use of cell phones or other electronic devices during formal contact time ie class or sports practices
- Cheating during tests/examinations
- Failure to report other offenders
- Being off the College grounds during College hours without permission

#### **4.3 Major Offences**

- Use / possession of cigarettes, alcohol or drugs on or off the College property
- Possession of dangerous or illegal weapons
- Stealing
- Vandalism
- Physical or verbal threats
- Physical assault or violence
- Bullying of any nature, be it verbal or physical
- Sexual harassment or inappropriate sexual conduct
- Offensive behaviour
- Absence from the College without the knowledge of the learner's parents or without the permission of the Headmaster. (Bunking)
- Tampering with safety equipment in any way
- Missing a match / compulsory event / detention or compromising the integrity or the ethos of the College in any way.

This guideline only sets out the broader categories of infringement, and the norms for applying fair discipline at the College.

The College disciplinary code for learners, is intended as a guideline for educators and hearing / appeal review persons.

It indicates the typical disciplinary action considered for various types of infringement and misconduct by learners. Mitigating circumstances of a particular case under consideration may justify less severe action than indicated in the Code, while aggravating circumstances may cause more severe penalties to be imposed.

Further, where the code reflects a 3rd repeated incident and Parental contact / suspension is the appropriate disciplinary action, a 4th incident – similar in nature to the 3rd incident, will generally justify the consideration of expulsion, only after the conducting of a disciplinary hearing. Where the circumstances are justified, a learner can be expelled summarily after a disciplinary hearing without the necessity of previous disciplinary actions.

The infringements listed in the code are not intended to be an exhaustive listing but rather as an indication of the type and severity of an infringement, and the nature and category of the deviation from accepted learner conduct.

## 5. DISCIPLINARY MEASURES

The Educator and/or the College may initiate various forms of informal and formal disciplinary measures. The Board of Directors, College management and educators are entitled to apply disciplinary action that they believe is appropriate in circumstances, within the guidelines provided in this procedure. The judgment and discretion of College officials to apply disciplinary measures will therefore not be rigidly restricted by the procedure or code, but will rather be guided by the measures described herein.

The severity of action taken by the College or official will depend on the circumstances, the seriousness of an infringement and any mitigating or aggravating factors being of relevance. For this reason, the guidelines enclosed seek to promote and assure consistency, but not to remove the necessary discretion of the educator or the College to apply a different penalty, should circumstances so dictate. Disciplinary measures applied in response to learner misconduct will therefore require that the educator or College officials involved exercise their own judgment in deciding on the appropriate and fair action to be taken.

**Suggested disciplinary action to be applied by the College, in order of severity, includes:**

### **Primary Action**

(Generally taken by tutor or educator at the point the offence took place and logged on Upbeat at their discretion)

- Stern look
- Sharp word
- Verbal warning
- Demerit
- Constructive discussion
- Extra work
- Withdrawal of minor privileges
- Time out

### **Secondary Action**

(Initiated by the tutor, in consultation with the Head of House)

- Hard labour
- Detention
- Daily report
- Weekly report
- Written warning
- Interview with parent.
- Behavioural Counselling
- Behaviour Management Contract

### **Definitive Action**

- Suspension
- Expulsion

Discipline must, wherever feasible and effective, be applied progressively. Primary action for minor transgressions is generally applied at educator level, without a formal investigation being necessary. Repeated committing of a minor, similar or related offence will however result in progressively more severe and formal action being taken; particularly where a clear pattern of behaviour is indicated by the learner's continued misconduct.

Notwithstanding the principles of progressive discipline, a serious first offence may justify a formal and severe penalty, and mitigate against the imposition of a lesser form of action (please see the code attached for guidelines on penalties).

Warnings/de-merits issued by the College will be noted on the learner's record. Copies of warnings issued should also be provided to the parents wherever possible.

## **6. DISCIPLINARY PROCESS**

This procedure summarises the disciplinary process that will be followed by the College when disciplinary action is considered appropriate.

### **6.1 Primary Action:**

Infringements that are not considered serious, or do not require formal disciplinary action in the opinion of the learner's responsible educator, can be dealt with directly by the educator. These are generally recorded on Upbeat, and require communication with the learner's tutor, who, with the support of the Head of House, will follow it up with the learner's parents when appropriate.

Various forms of primary action are outlined above and can be implemented by the educator without the involvement of the Head of Discipline or the Head of the College.

### **6.2 Secondary Action:**

When an infringement occurs which appears to require formal disciplinary action, the educator concerned (or another complainant) will initiate the disciplinary process by reporting the incident to the Head of Discipline, or by completing a NOTICE OF COMPLAINT. Any additional information or statements to clarify or adequately detail the facts surrounding the infringement may supplement this document.

Please note that the Notice of Complaint itself is not a form of disciplinary action. Its purpose is solely to summarise details pertaining to the alleged incident and to act as an indication of the possible need for corrective action and formal disciplinary measures.

The educator, and the Head of Discipline, if required, must investigate an infringement reported, or a notice of complaint received, to decide appropriate corrective measures. This investigation generally takes the form of an informal enquiry, and wherever possible includes an opportunity for the learner to state his/her case in response to the complaint. If, after investigation, the infringement is confirmed and considered to be of a nature which does not require severe action,

the responsible educator/Head of Discipline may counsel the learner and issue an appropriate WARNING or de-merit to the learner(s) concerned.

It should be pointed out that the investigation to be conducted is an informal one, and that suspension or expulsion is not considered as appropriate action at this point.

### **6.3 Definitive Action:**

When a serious alleged infringement occurs, or in the case of repeated lesser infringements and primary and secondary disciplinary action not having the desired effect, a **Formal Disciplinary Enquiry** commences. This process has three stages.

Stage 1: The College notifies the parent that a serious incident has occurred and that formal investigations are commencing. They will be given the preliminary details and be informed of the process by a person nominated to do so by the Board (generally the parent representative on the Board). The formal investigations will generally be conducted by the Master In Charge of Discipline and will include receiving written statements from the affected pupils, which must be countersigned by the parent.

Stage 2: The College has a meeting with the parents, where the facts are discussed openly, in an attempt to resolve the matter. Should no resolution be achieved at this stage, the matter proceeds to stage 3.

Stage 3: The College holds a **DISCIPLINARY HEARING**. Notification of this is given to the parents of the learner concerned. This notification must provide sufficient information to ensure the learner / parents are properly informed of the alleged complaint, the seriousness of the allegations, and the College's intention to convene a formal hearing to investigate the infringement and decide on sanction.

### **6.4 Disciplinary Hearing:**

When convening a disciplinary hearing the following points must be noted:

- The learner's parents should wherever possible be notified of the hearing at least 48 hours (two working days) before the scheduled hearing. The Master In Charge of Discipline can use his own discretion and decide to give the parents five working days as prescribed by the South African Schools Act, but only in highly irregular circumstances.
- The learner may be suspended pending the hearing, **ONLY** if this is considered appropriate bearing the alleged misconduct in mind. The suspension of the learner should be indicated in the notification to the parents, the period of suspension preferably not exceeding a period of five school days prior to the conducting of the hearing.
- The learner and parent[s] must be advised that they are expected to attend the hearing and that their non-attendance may prejudice their case – and result in the hearing being held in their absence, with a decision being made without their involvement.

- The learner and parent[s] must be advised of the serious nature of the allegations, and the possibility of severe disciplinary action being taken should the learner be found guilty of the allegations made against him / her.
- Legal representation at disciplinary hearings is NOT generally permitted, unless both the College and the parents agree that it is appropriate for BOTH parties to be professionally represented. The hearing is an internal College procedure and the involvement of legal counsel can lead to unnecessary over-complication and hindrance of the process.

The conducting of the **formal disciplinary hearing** is of great importance and must be chaired by an objective senior College official or governor and two assessors. Generally the three people involved will be the Headmaster, a Head of House and the parent representative on the board. The hearing chairperson will be responsible for leading and managing the hearing process. The chair and the two assessors will make critical decisions as to:

- a) **The Verdict:** the guilt or innocence of the learner relative to the allegations made;
- b) **The Sanction:** the appropriate penalty / action to be taken, after the consideration of mitigating and aggravating factors

To ensure that this crucial procedure is properly and fairly conducted, all disciplinary hearings should be conducted in such a way as to ensure that the rules of natural justice are complied with i.e. the learner and parent –

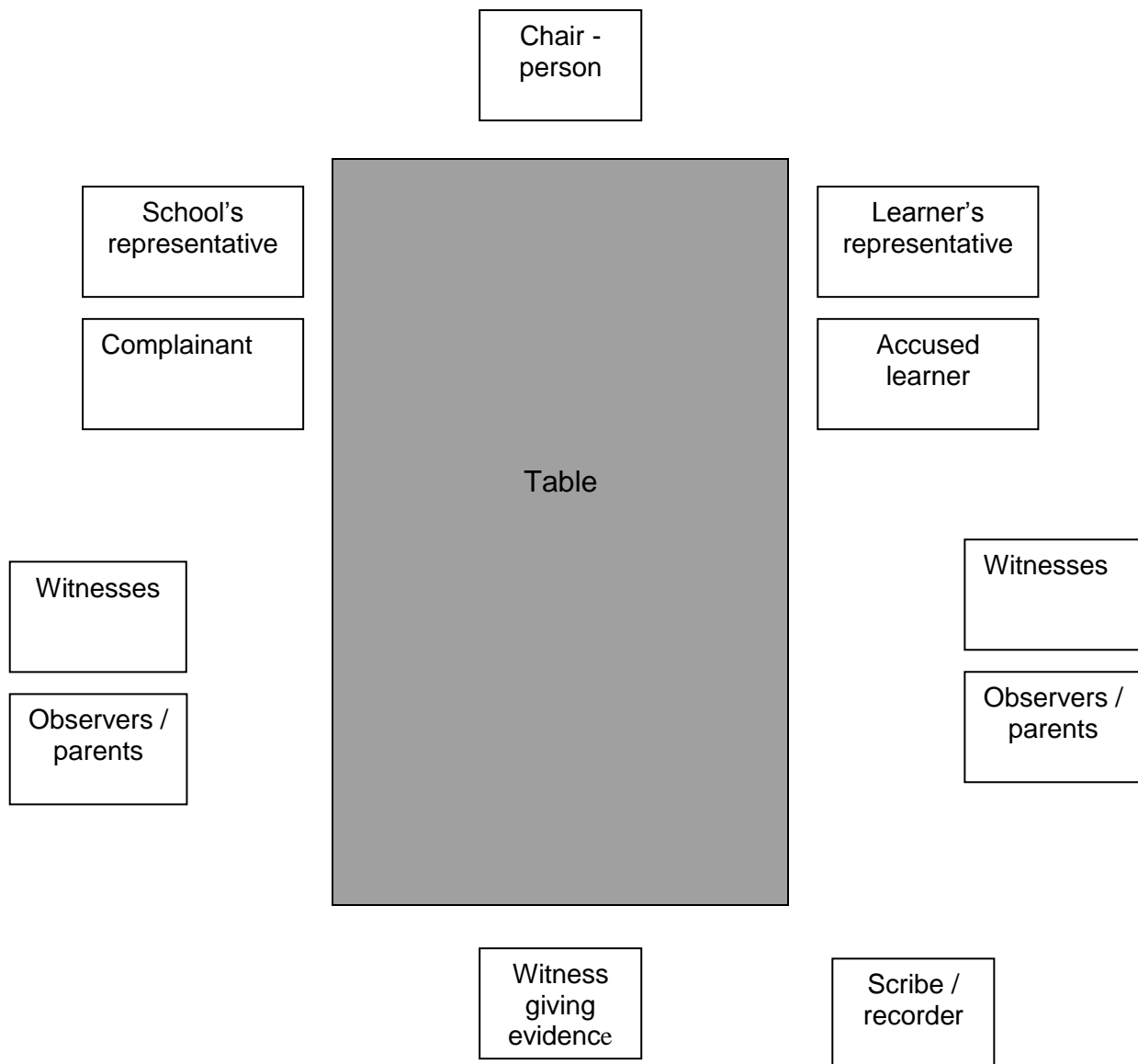
- ☉ should be given adequate notice and must properly understand the allegations being made,
- ☉ should be presented with all facts and information relating to the allegations,
- ☉ must be given the opportunity to question evidence presented,
- ☉ are entitled to present their own perspective and explain / defend their actions, and be heard by an impartial chairperson,
- ☉ must be treated with dignity and respect throughout the hearing,
- ☉ are to be assured of the greatest confidentiality possible
- ☉ must be advised of the outcome of the hearing [i.e. the verdict], the decision made regarding penalties, and the reasons for such decisions
- ☉ must be offered the right to appeal against any decision made by the chairperson.

### **Comprehensive Procedure for a Disciplinary Hearing:**

1. THE HEARING/INQUIRY COMPRISES THE DISCIPLINARY COMMITTEE, THE ACCUSED, HIS OR HER REPRESENTATIVE, THE PARENTS, WITNESSES AND SCRIBE/RECORDER.
2. WELCOME BY THE CHAIRPERSON.
3. CHECK ON RECORDING OF PROCEEDINGS.
4. CHECK ON REPRESENTATION.
5. EXPLAIN THE PROCEDURE TO BE FOLLOWED.

6. HEAR OPENING STATEMENTS FROM:
  - (a) THE SCHOOL'S REPRESENTATIVE/COMPLAINANT,
  - (b) THE ACCUSED'S REPRESENTATIVE (TUTOR / HEAD OF HOUSE / PARENT / ANOTHER).
7. EXPLAIN THE RULES OF EVIDENCE TO BE FOLLOWED.
  - AT THIS POINT ALL THE WITNESSES CAN LEAVE AND WAIT OUTSIDE TO TESTIFY.
8. HEAR THE SCHOOL'S EVIDENCE THROUGH WITNESSES
  - EXAMINATION (School Representative - SR)
  - CROSS-EXAMINATION (Learner's Representative - LR)
  - RE-EXAMINATION (SR)
9. HEAR THE ACCUSED LEARNER'S EVIDENCE THROUGH WITNESSES
  - EXAMINATION (LR)
  - CROSS-EXAMINATION (SR)
  - RE-EXAMINATION (LR)
10. HEAR CLOSING ARGUMENTS FROM SR AND LR.
11. THE DISCIPLINARY HEARING ADJOURNS.
12. DECIDE ON WHETHER THE LEARNER IS GUILTY
13. LOOK AT POSSIBLE MITIGATING AND/OR AGGRAVATING CIRCUMSTANCES.
14. DECIDE ON SANCTION / PUNISHMENT
15. TAKE RECOMMENDED SANCTION TO HEADMASTER TO VERIFY.
16. INFORM THE ACCUSED AND PARENTS OF OUTCOME (TELEPHONICALLY AND IN WRITING – PREFERABLY THE NEXT DAY)
17. INFORM THE LEARNER OR PARENTS ABOUT APPEAL PROCESS.

### Suggested layout of a Disciplinary Enquiry:



After the completion of the hearing, any decision made [regarding the guilt or innocence and whether to impose disciplinary action or not] should be formally communicated **in writing**, and supported, by the hearing chairperson. This **notification** of the outcome, preferably distributed within 5 days of the hearing being completed, must include a reminder that the learner / parents have the *right to appeal* against any corrective and disciplinary action decided upon, within another 5 days of the hearing.

Copies of all documentation must be retained by the College for record and safekeeping purposes.

#### **6.5 Appeal Process**

The learner / parents have the **right to appeal** against any formal disciplinary action imposed by the College. Lodging an appeal against a decision, for a minor

offence, or to expel the learner after a disciplinary hearing has been conducted, only entitles the learner to an appeal/review.

Typical grounds for an appeal/review may include:

- The disciplinary process was not properly followed
- An appeal against the verdict
- An appeal against the sanction
- Relevant mitigating factors were not properly considered by the chairperson
- Hearing chairperson was considered biased, or made a subjective decision
- Learner / parents were not in a position to properly represent his / her / their case
- New evidence can be presented which may affect the decisions made.

The learner / parents wishing to appeal must fully motivate their appeal in writing, to the Chairman of the Board, detailing their grounds for appeal. The request for appeal must be submitted to the College within 5 days of the hearing chairperson's decision having been communicated to the learner / parents so as not to delay review proceedings.

The learner's basic right to an appeal against disciplinary action does not ordinarily mean that all the matters raised at the disciplinary hearing will be "re-heard". The appeal procedure is limited to an objective reviewing of the decision made, based on the grounds and motivation for the appeal being lodged.

A full appeal re-hearing is ONLY necessary when the disciplinary hearing process appears to have been materially defective and / or the decisions reached at the hearing are considered to be highly irregular by the College.

Should it become obvious that a full re-hearing is required for a fair appeal process, usually due to a defective disciplinary hearing process, or substantial new evidence having come to light after the hearing, a full appeal [re]hearing should be conducted in accordance with the principles highlighted in section 6 (Disciplinary Process) above, chaired by a new and impartial chairperson.

The Chairman of the Board will be responsible for appointing an appropriate person, or review panel, to conduct the appeal review – or a re-hearing if this is considered necessary. After reviewing the appeal motivation submitted, and investigating any aspects of the disciplinary process considered necessary, the reviewer must take a decision based on his / her findings, relative to the grounds for appeal submitted.

When a decision has been made by the reviewer (or re-hearing chairperson / panel), a written finding must be provided to the learner / parents within a further 5 days, and a copy of the finding placed on the learner's file for safekeeping.

The College's appeal process is the final procedure in the disciplinary process and marks the exhaustion of internal College disciplinary measures.

## 6.6 Collective disciplinary action

The above-described disciplinary procedure is principally designed to deal with instances of misconduct by individual learners. Alleged misconduct by a group of learners, where the infringement(s) are of a similar nature or with related intent, is considered as being “collective misconduct”.

1. Generally, collective misconduct is more effectively dealt with on a collective basis. An [informal] **investigation** into the alleged misconduct is conducted initially by the educator or Head of Discipline with all of the learners concerned. Dependent on the outcome of this investigation, informal or formal disciplinary action may be considered appropriate by the responsible College official.
2. Should the infringement be considered to be serious, a single **disciplinary hearing** procedure may be conducted with the learners concerned, with their parents present. The same procedures as provided in the section “**Disciplinary Process**” are generally also followed in a collective hearing.
3. Despite the use of collective procedures, individual learners must still be provided with the opportunity of demonstrating that their own circumstances may be different from that of the group, and showing why they should be treated differently.

In certain cases however, it might be considered appropriate by the College to conduct separate investigations or hearings with individual learners. The College reserves its right to exercise its option to conduct individual or collective hearing procedures.

4. The same provisions set out in the section above regarding **appeal procedures** apply in the case of collective disciplinary action. The College reserves its right to initiate a separate or collective / group review process, to deal with any appeals received.

## 7. GENERAL CONSIDERATIONS

### 7.1 Penalty and Consistency

The penalties set out in the disciplinary code indicate the **recommended penalty** that could be imposed. Obviously, a lesser penalty may be applied, should mitigating considerations indicate that the maximum penalty is possibly not appropriate in the circumstances. Similarly, should aggravating circumstances be found, a more severe penalty may be imposed. While consistency of treatment IS important, due consideration of factors relating to each case is of equal importance.

### 7.2 Cumulative Action

Cumulative action for a repeated offence (i.e. imposing a more serious penalty for misconduct than that imposed previously for misconduct) is only appropriate if the second misconduct is of a “similar nature” to the previous misconduct or is of a serious nature. Any warnings issued previously must not have expired.

### 7.3 Suspension (Two forms of suspension)

- As **punishment**: Suspension from class / College activities is acceptable (and possibly appropriate in certain circumstances) as a severe form of punishment – if requested / agreed to by the learner’s parents, and as an alternative to expulsion. The period of suspension should not be such as to jeopardise the educational interests of the learner as this may lead to a (justifiable) challenge on Constitutional rights grounds.
- **Pending a hearing**: Suspension of the learner from College activities pending the conducting of a formal hearing (i.e. if expulsion is being considered) should also not be of a duration that would prejudice the educational rights of the learner. The hearing should therefore be conducted as soon as possible after the suspension takes effect. In such a case, it must also be clearly indicated to the learner that this suspension is not a form of punishment and is rather a practical arrangement to remove the learner, temporarily and in the interests of the College and the learner.

### 7.4 Expulsion

Expulsion should **ONLY** be effected after **conducting a formal hearing**. The procedural requirement of conducting a hearing prior to expulsion, even if the learner admits guilt, should not be flouted. Justice must be seen to be done, and expulsion without a hearing will almost certainly result in a justified legal challenge.

The penalty of expulsion is a last resort, if no reasonable alternative or lesser form of penalty is considered appropriate. The College may well be called upon to motivate why a less severe penalty was not imposed, and to provide information on why **alternatives to expulsion** were not considered appropriate.

### 7.5 Burden of Proof

As the **onus rests** with the College to prove the reasonableness and fairness of disciplinary action taken against a learner, care must be taken to follow all the procedural steps outlined in this procedure and code. Any deviation from the recommended procedures and actions set out in this document will have to be justified by the College if challenged.

### 7.6 Misconduct off the College premises

Imposing disciplinary action for misconduct that took place “**off-site**” e.g. after hours and / or off the College premises, requires that the College must clearly demonstrate the negative impact of off-site misconduct on the College / learner relationship.

To illustrate: If a learner is charged and found guilty of theft of goods at a shopping mall, the College is not automatically entitled to impose any disciplinary sanction on the learner. Proven (criminal) misconduct off the College’s premises may however be considered sufficiently serious and

relevant in case of a *College mentor* being suspended or the mentorship being rescinded depending on the seriousness of the incident.

Committing an offence off campus, but while under the jurisdiction of a staff member, or while in school clothing of any sort, will generally satisfy the requirement that the conduct could have a negative impact on the College.

## **7.7 Search and Seizure**

Any College official or educator, upon reasonable suspicion (sufficient information), has the legal authority to conduct a search of any learner or property in possession of the learner for a dangerous weapon, firearm, drugs or harmful dangerous substance, stolen property, or pornographic material brought onto College property.

- There must be enough reliable information to justify a search and it must be deemed necessary for maintaining discipline.
- It is important to consider the place being searched. Care must be taken not to infringe a person's right to privacy and dignity.
- The person doing the search must have the authority (appointed by the Headmaster) to do so.
- Boys and girls should be separated and searched by a person of the same gender.
- Random searches of individuals are prohibited. Searches of learners can only be carried out by persons of the same gender as part of a structured intervention in a decent and orderly manner, if there is reasonable suspicion that the learner is in the possession of a prohibited substance. Should a search be necessary, it should take place in the presence of the learner concerned, a person of their choice to support them and a second adult witness of the same gender.

### Guidelines

- College officials can be held liable if a learner can show that the person conducting the search acted with malice and was unfair.
- Prior to undertaking a search, the Headmaster or educator must have reasonable suspicion that one or more learners have engaged in a wrongful act.
- Searches should be authorized by the Headmaster.
- If a learner refuses to be searched, and it is not a matter of urgency, call the parents or guardian. If the parent refuses, hand the matter over to the police.
- Strip-searches are generally not permitted and must be avoided. Because of the intrusive nature, College officials should have "probable cause" (i.e.

high level of justification) that the learner is in possession of illegal substances or a weapon that may threaten the safety of other learners. A body cavity search is the most serious and intrusive and should never be conducted by College officials or educators.

- If the police are conducting the search, the College authorities should ensure that a proper search warrant is obtained.
- Parents and learners must be informed of the College's procedures for conducting searches.

## **7.8 Illegal Substance Abuse Policy**

At Uplands College, drug abuse is considered an unacceptable practice, as it is illegal, detrimental to the physical, mental and psychological well being of a child. We strive to encourage a healthy drug-free way of life. We realize that with the changing views of society, learners are sometimes exposed to drugs through various channels and it is therefore our policy to help learners who fall victim to drug abuse.

This policy framework therefore seeks to contribute towards effective prevention, management and treatment of drug use, misuse and dependency.

It has been formulated to give effect to the South African Constitution in terms of its provision for the right to a basic education, the right not to be unfairly discriminated against, the right to life, the right to privacy as well as intellectual, bodily and psychological integrity. These rights can, however not be misused to protect illegal and destructive behaviour, which undermines the learning process.

It should be interpreted to ensure a supportive environment, ever mindful of the rights of learners with drug, abuse or dependency problems, as well as the rights of other learners, educators and members of the College community.

### **7.8.1 Guiding Principles**

- The possession, use or distribution of illegal drugs, and the inappropriate possession, use or distribution of illegal drugs, including alcohol and tobacco, is prohibited in South African Schools *and strictly against our School Policy*.
- Policies and procedures concerning both prevention and intervention should give priority to:
  - a. Developing a safe and supportive College environment that values human dignity and celebrates innocence.
  - b. Educating the entire College community regarding drugs and the abuse thereof.
  - c. Developing a range of responses, for managing drug related incidents within the College, taking into accounts confidentiality, the nature of the

incident, the circumstances of the learners involved, and the needs and the safety of the College community.

d. Regular monitoring and evaluation of policies and procedures for managing drug related incidents in the College.

- All information relating to drug use, misuse or dependency by a learner, should be treated as confidential. In the case of a learner being involved with illegal substances, parents/guardian should be informed and involved at the earliest possible opportunity to assist the learner. Where reports are required by the College from the treatment team as part of a relapse prevention programme, these should be furnished, with the learner's written permission, solicited in the presence of a parent/guardian in the case of a minor, to a designated and trained person. Where the learner refuses to cooperate, College disciplinary procedures should be invoked.
- The need for confidentiality cannot and should not prevent identification and prosecution of drug dealers and pushers.
- In case of disclosure, educators and learners should be given support to handle confidentiality issues and be prepared to handle such disclosures. In certain circumstances where the safety of the learner or educator may be at risk, limited disclosure is accepted to a specific educator.

### **7.8.2 Drug Screening/Testing**

- By its very nature, drug testing is an invasion of privacy and may infringe the constitutional and personal rights of learners. It should therefore not be the first point of intervention.
- Random drug testing is prohibited. Drug testing should be used where there is reasonable suspicion that a child is using drugs. The results of the testing cannot be made public but can be shared with the child's parent or guardian.
- The drug testing process will be done in accordance with the stipulations as per the Government Gazette 31417 dated 19 September 2008.

### **7.8.3 Education and Prevention for *Learners***

- The College will provide prevention information sessions to learners as part of the Life Orientation Programme.
- Information sessions will be held for staff, parents/guardians and learners, by involving auxiliary organizations and individuals.
- The objective of preventive education is to **prevent**, counteract or delay the likelihood of experimentation with drugs by providing information about the dangers of their use and misuse, as well as to encourage those who are experiencing problems to get the help they need.
- Drug education will ensure that learners acquire age- and context-appropriate knowledge and skills, in order for them to adopt and maintain life skills and behaviour that will protect them from drug use, misuse and dependency.

- The College will involve outside organizations specializing in drug education and intervention and other associated programmes to augment the education provided by the College-based educators.
- Education and information on drug use, misuse and dependency as well as the policy of the College concerning drug abuse should be made available to all parents/guardians of learners, as well as learners themselves, upon first registration at the College. The College needs to regularly interact with parents/guardians on drug abuse through workshops and information sharing sessions.

#### **7.8.4 Policy Regarding Use of Illegal Substances**

- The use of any illegal drug or any controlled drug without a doctor's certification, is **STRICTLY FORBIDDEN** on the College premises, in College uniform, during extra curricular activities and College functions.
- Should a learner be found in possession of/or under the influence of any drug (including alcohol) or suspected of either of the above, the College reserves the right to take action according to the South African Schools Act and/or the College's Code of Conduct.
- Dealing in drugs is a criminal offence. Should a learner be suspected of, or be caught **DEALING** in drugs, the College will investigate and if necessary, refer the matter to SANAB (South African Narcotics Abuse Bureau) after which legal action will take place.
- The College reserves the right to involve police action.
- The Headmaster reserves the right to have learners tested without the permission of a parent/guardian.

#### **7.8.5 Intervention**

- Each case will be considered on its individual merits
- Learners who have experienced or are experiencing problems as a result of alcohol and drug use, misuse or dependency and accept treatment, will be entitled to appropriate assistance, and should not be denied the opportunity to receive an education or the right to reintegration into the same school community. However, if such reintegration is deemed by the School Governing Body and the College management to be detrimental to the safety and discipline of the College the learner should be assisted in finding an alternative school.
- In cases where the learner does not wish to make use of the help offered to him or her, or is found guilty of dealing in drugs the College will have no choice but to take the necessary disciplinary action, which may include suspension or expulsion, as determined by the Code of Conduct. These measures should be integrated into a structured intervention involving the learner and the parents/ guardian to encourage compliance, allowing the

learner to be suspended pending enrolment in an appropriate rehabilitation or relapse prevention programme.

#### **7.8.6 Policy with Regard to Action Taken**

- Learners who are identified as possible drug users or drug dealers will be reported to the College Councillor, the Deputy Headmaster and Headmaster.
- Reported suspicion with supporting evidence, will be investigated as an attempt to help the learner in crisis.
- The Headmaster or his Deputy will take precaution to verify the information before any further action is taken.
- Should the Headmaster / Deputy / College Councillor deem it necessary that a drug test needs to be carried out, the parents will be contacted and advised of the testing procedure. Failing to contact the parents, the Headmaster reserves the right to have the learner tested for drugs.
- Should the tests prove to be positive, *the College, with the reservation of its rights, may enter into* an agreement between the parties concerned as to a rehabilitation / counselling programme.
- Should the learner not attend the rehabilitation programme or should the learner fail to remain drug free, a disciplinary hearing will take place and a possible recommendation of expulsion from the College will be made.
- The College Councillor will keep all relevant documentation / test results etc. in a file and the information will be regarded as confidential.

#### **7.8.7 College and Management Plan**

- It is envisaged that the Governing body of the College, acting within its functions under the South African Schools Act (1996) and the Council of Further Education and Training Act (1998) or any provincial law, will give operational effect to the national policy framework working with other role-players in developing and adopting a drug use, misuse and dependency plan that reflects the needs, ethos and values of the College and its community.
- The Code of Conduct adopted for learners at the College should include adequate provision regarding College policy and procedure on drug use, misuse and dependency.

Major role players in the wider College community will be involved in developing supportive management plans and procedures, and can assist in developing College and Institutional Management Plans

## **8 OFFENCES & DISCIPLINARY SANCTIONS**

**Actions taken by the College will be guided by the following issues:**

- To create a consistent procedure where the punishment is appropriate for the offence.
- To guide learners towards self-discipline and responsible behaviour and to foster College spirit and tradition in a constructive manner that reflects the values of the College's vision / mission statement.

## **9. EXTENDED ADMISSION POLICY**

Unless approved by the Board:

- 9.1 No learner shall be allowed admission or remain admitted after reaching the age of 21 years.
- 9.2 The right of admission shall be limited to single persons. Should a learner at any stage become pregnant, she shall immediately vacate school and may only reapply for admission after her confinement.

## **ANNEXURE – DISCIPLINARY INFRINGEMENTS AND CONSEQUENCES**

The Recommended penalty offers a guide to all stakeholders. A Disciplinary Hearing may impose a more or less severe penalty depending on aggravating or mitigating circumstances.

<i>Disciplinary Code: Learners</i>			
<b>Type or nature of infringement or learner misconduct</b>	<b>Guideline: Recommended Penalty</b>		
	<b>First Offence</b>	<b>Second / Repeated Offence</b>	<b>Subsequent Offence</b>
<b>VERY SERIOUS MISCONDUCT (Major Offences) (Head of Discipline)</b>			
1a) Transferring, using or being in possession of a dangerous weapon, explosives or any object that may be considered as being potentially dangerous (at School or at School events) 1b) Any “gang” related activity that may threaten the safety or welfare of others (at School or at School events, or in relation to School) 1c) Issuing a bomb threat or arson (attempted or actual)	Suspension and Hearing / Expulsion		
2a) Being in possession of hallucinogenic or dangerous / prohibited / illegal substances, or distributing, storing or consuming any of these substances at the College or during College events or trips or in school uniform in public. 2b) Experimental, occasional or habitual use or abuse of medication, drugs or alcohol at the College or during College events or trips or in school uniform in public.	Suspension and Hearing / Expulsion		
3a) Bringing alcohol onto the Uplands campus, being in possession of alcohol, distributing, storing or consuming at the College or during College events or trips or in school uniform in public.	Suspension and Hearing / Expulsion		
4a) Smoking or being in possession of tobacco or cigarettes (including a ‘hubbly bubbly) on the School premises or at School events or in school uniform in public	Suspension and Hearing/ Final warning	Hearing / Expulsion	

<p>5a) Being in possession of another's property without their knowledge or consent, or attempting to remove another's property without consent or their knowledge</p> <p>5b) Theft or attempted theft</p> <p>5c) Sale of another's / stolen property</p>	<p>Suspension and Hearing / Expulsion</p>		
<p>6a) Obscene, indecent or sexually explicit behaviour, comments, innuendos or gestures, or attempts to make unwanted physical contact</p> <p>6c) Storage, creation, sale or distribution of pornographic, obscene or offensive material, publications, symbols, email, text / SMS / MMS, cartoons or objects</p> <p>6d) Engaging in sexual relations on campus or on a school excursion.</p>	<p>Suspension and Hearing/ Final warning</p>	<p>Hearing / Expulsion</p>	
<p>7a) Vandalising property / wilful damage to equipment (School or others), improper use or not taking due care of property or equipment</p> <p>7b) Unauthorised occupation of any School property or facility, or having the effect of depriving others from using this property or facility. Preventing or seeking to prevent free assembly by others on the School's property, without School permission</p> <p>7c) Blocking off any entrances or exits to or from the School premises, with the intention or effect of interfering with free access / egress by others</p> <p>7d) Participating in or supporting industrial or protest action, preventing learners from attending School activities</p>	<p>Suspension and Hearing/ Final warning</p>	<p>Hearing / Expulsion</p>	
<p>8a) Actions that expose others to serious danger or injury, or expose the School to potential accidental loss or damages - whether due to wilful, grossly negligent or unintended acts</p> <p>8b) Driving any motorised vehicle on campus without a valid driver's license. A valid learner's licence is not acceptable on campus unless accompanied by an adult with a valid driver's licence.</p>	<p>Suspension and Hearing/ Final warning</p>	<p>Hearing / Expulsion</p>	
<p>9a) Forgery or falsification of School documents and reports</p> <p>9b) Extortion, bribery, corruption or fraud (attempted or actual)</p>	<p>Suspension and Hearing / Expulsion</p>		
<p>10a) Fighting, battery, assault, violent, abusive behaviour (threatened or actual)</p> <p>10b) Victimization, bullying or initiation of any sort</p>	<p>Suspension and Hearing/ Final warning</p>	<p>Hearing / Expulsion</p>	

10c) Intimidation or wilfully interfering with others (attempted or actual)			
10d) Inciting, advising or rewarding others to perform violent, offensive or threatening acts			
10e) Intentional and offensive, insulting, abusive, racist or religious harassment or lewd behaviour			
10f) Playing of obscene, insulting or demeaning games			
11a) Serious misconduct or actions that may bring the reputation of the School, learners or other stakeholders into disrepute	Counselling/ Suspension	Hearing / Expulsion	
12a) Any other misconduct considered to be very serious and possibly justifying expulsion as a first offence.	Counselling/ Suspension and Hearing / Expulsion		
<b>SIGNIFICANT INFRINGEMENTS (Head of House / Head of Discipline)</b>			
13a) Dangerous horseplay 13b) Malicious teasing and verbal abuse of others	Counselling/ Final Warning/ Parental Contact	Suspension and Hearing / Final Warning	Hearing / Expulsion
14a) Abuse of School privileges or seniority / status, abuse of position of authority	Counselling/ Final Warning/ Parental Contact	Suspension and Hearing / Expulsion	
15a) Wilful disruption of School activities, interference with School authorities 15b) Conduct designed to be prejudicial to good order or discipline at the School	Counselling/ Final Warning/ Parental Contact	Suspension and Hearing / Expulsion	
16a) Serious dishonesty (actual or intended) 16b) Cheating, copying or tampering with test or exam results, reports or assignments 16c) Being in possession of or distributing material or information that may give an advantage in a test or an exam 16e) Being an accomplice to, colluding, conspiring, assisting / abetting or instigating dishonesty, fraud, or theft 16f) Inciting, advising or rewarding others to be dishonest or to cheat 16g) Serious breach of School security procedures, unreasonably refusing to submit to a search 16h) Off-site criminal misconduct that disrupts or substantially damages the	Counselling/ Final Warning/ Parental Contact	Suspension and Hearing / Expulsion	

school/learner relationship and the educational process			
17a) Students leaving the premises without permission or boarders leaving campus without parental consent or not following correct protocol	Parental contact. Suspension and hearing/	Hearing / Expulsion	
18a) Any misconduct by the learner that is considered by School authorities to warrant more than Counselling, verbal reprimand or an ordinary warning.	Final Warning/ Parental Contact	Suspension and Hearing / Expulsion	
<b>LESS SERIOUS / MINOR INFRINGEMENTS (Tutor / Head of House)</b>			
19a) Disregard for rules, directions, instructions or for any persons in authority 19b) Defiance or disrespect towards School authorities, parents, visitors or peers 19c) Being discourteous towards School authorities, adults or peers, or displays of insolence 19d) Inappropriate fraternisation on campus and at school events 19e) Being unreasonably intolerant of others, and their personal beliefs, traditions, appearance or of diversity 19f) Persistent violation of School rules (with less serious initial consequences)	Counselling and Reprimand or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
20a) Use of excessive force when playing games or during sporting events 20b) Playing games in an area where others may be injured or where property may be damaged 20c) Riding skateboards, wheelies, bicycles or motorbikes in areas where such activities are prohibited, or in such a manner as may cause injury to others or damage to property	Counselling and Reprimand or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
21a) Noisy or disruptive behaviour, disturbing the activities of others 21b) Highly disruptive or unruly classroom behaviour 21c) Trespassing or entering School premises without permission or without supervision, and/or after school hours	Counselling and Reprimand or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
22a) Swearing and use of vulgar, profane (foul) language	Counselling & Reprimand	Warning/ Parental Contact/	Suspension and hearing/ Expulsion

22b) Inappropriate behaviour or comments in public or at School events that brings the School into disrepute	or Warning / Tutor / Upbeat	Detention	
23a) Tardiness, littering and poor housekeeping 23b) Poor grooming, unhygienic personal habits, improper use of school facilities or ablutions 23c) Eating or drinking during class or School events / activities when consumption is not permitted	Counselling and Reprimand or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
24a) Tampering with the possessions or equipment of others 24b) Use of School equipment without permission (with no serious consequences)	Counselling and Reprimand or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
25a) Refusal or failure to complete homework or assignments 25b) Refusal to deliver or return reports, reply slips or letters to parents or to the School 25c) Unreasonable and unexplained refusal to attend or participate in School activities or compulsory events 25d) General uncooperativeness and / or being wilfully obstructive 25e) Poor application to studies, schoolwork or assignments	Counselling and Reprimand or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
26a) Persistent misuse of personal communication devices during School activities 26b) The use of cell phones, Discmans, iPods or other forms of audio equipment in class or any prohibited area.	Reprimand / Confiscation or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
27a) Lying and unfair behaviour (with less serious initial consequences)	Counselling/ Final Warning/ Parental Contact	Warning/ Parental Contact/ Detention	Suspension and Hearing / Expulsion
28a) Unexplained absences from classes or from compulsory events or activities 28b) Leaving class or School premises without permission 28c) Persistent late-coming or early unauthorised departure from class / School.	Counselling and Reprimand or Warning / Tutor / Upbeat	Warning/ Parental Contact/ Detention	Suspension and hearing/ Expulsion
29a) Any other infringements that may be considered serious enough to warrant the implementation of corrective action and	Counselling and Reprimand	Warning/ Parental Contact/	Suspension and hearing/

taking of disciplinary measures.	or Warning / Tutor / Upbeat	Detention	Expulsion
<p>30 Hair, dress or apparel that is not in accordance with College standards or rules</p> <p><b>Boys:</b> White cotton open neck School shirt with badge, School chino trousers or shorts, khaki school socks, polished brown lace-up shoes, regulation College belt; red sleeveless or long-sleeved school jersey with badge (optional)</p> <ul style="list-style-type: none"> <li>▪ Hair must be worn in own natural colours. (No peroxide)</li> <li>▪ No undercuts, mullets or steps.</li> <li>▪ No dreadlocks or ornate corn rows</li> <li>▪ Hair must not touch the collar, ears or eyebrows.</li> <li>▪ No less than a “number 3” hairstyle is allowed.</li> <li>▪ Sideburns must be no longer than mid-ear.</li> <li>▪ Boys must be clean-shaven.</li> <li>▪ No earrings, tongue rings/studs, eye brow rings, nose rings/studs, etc, may be worn.</li> <li>▪ Only chains containing a religious symbol may be worn in either silver or gold. These must be concealed under the shirt (discreetly)</li> <li>▪ No bracelets (with the exception of the Medic Alert bracelet).</li> <li>▪ Shirts must be tucked in at all times and the collar must be worn outside when wearing a blazer or a jersey. Collars must be folded down.</li> <li>▪ No T-shirts may be worn under the shirt.</li> <li>▪ A regulation College belt must be worn.</li> <li>▪ Shorts must be above the kneecap and the turn-ups must be present.</li> <li>▪ Long pants must touch the shoe, but not the ground. Must be correct length. Only College regulation pants and socks may be worn (no white socks)</li> <li>▪ Regulation brown school shoes are to be worn which are to be clean and polished at all times.</li> <li>▪ Laces must be tied at all times</li> <li>▪ No tattoos may show whether the student is in school uniform, sport uniform or swimming costume.</li> <li>▪ No coloured contact lenses.</li> </ul> <p><b>Girls:</b> White cotton open neck school blouse with badge over school skirt, white socks, polished brown lace-up shoes; red sleeveless or long-sleeved school jersey (optional). Navy stockings can be worn throughout the year.</p> <ul style="list-style-type: none"> <li>▪ Hair must be worn out of the face and tied up once it is over the collar.</li> <li>▪ Hair must be the pupil’s natural colour.</li> </ul>	<p>Warning. Report on Upbeat. Inform Tutor &amp; Head of House. Can be sent home to fix.</p>	<p>Uniform Letter of non compliance to parents. Head of House / Detention</p>	<p>Parental contact. Hearing / Suspension</p>

<ul style="list-style-type: none"> <li>▪ Extensions and styles of the black girls' hair must be demure and not ornate.</li> <li>▪ No dreadlocks.</li> <li>▪ No character hairpins or beads may be worn.</li> <li>▪ Hair ties may only be navy blue, red, white, bottle green or black.</li> <li>▪ Same colour Alice bands are permitted.</li> <li>▪ Only one pair of earrings may be worn at the base of the ear lobe. These must be small studs or small sleepers.</li> <li>▪ No tongue rings/studs, eyebrow rings, nose rings/studs or naval rings may be worn.</li> <li>▪ Only clear nail varnish may be worn. No French manicures, gel or false/dress nails are allowed</li> <li>▪ Only chains containing a religious symbol may be worn in either silver or gold. These must be concealed under the shirt.</li> <li>▪ No bracelets (with the exception of Medic Alert Bracelets).</li> <li>• The cotton shirts are not to be tucked in and collars must be worn outside when wearing a blazer or a jersey. Collars must be folded down.</li> <li>• Skirt length must be no more than 10 cm above the kneecap and no lower than the kneecap.</li> <li>• Skirts may not be rolled down from the waist.</li> <li>• White school socks must be worn and turned over to cover the ankle, not pulled halfway up the calf or rolled down below the ankles. Regulation dark blue stockings may be worn in winter and no white socks are to be worn underneath or over them. No anklets or secret socks may be worn.</li> <li>• Laces must be tied at all times</li> <li>• No tattoos may show whether the student is in school uniform, sport uniform or swimming costume.</li> <li>• Regulation brown school shoes must be worn, clean and polished at all times.</li> <li>• The wearing of lycra shorts under sports skirts is allowed, providing they are not visible and the only colour allowed is the colour of the sports skirt.</li> <li>• The Uplands tracksuit is not part of the academic uniform.</li> <li>• No coloured contact lenses.</li> </ul>			
--	--	--	--