



UNITED HERZLIA SCHOOLS

בתיה"ס המאוחדים הרצליה

CONSOLIDATED DISCIPLINARY CODE

FOR THE PURPOSES OF THIS DOCUMENT, THE GOVERNING BODY OF THE UNITED HERZLIA SCHOOLS (AS CONSTITUTED FROM TIME TO TIME), IS THE "SCHOOL COMMITTEE", AS PROVIDED FOR IN TERMS OF THE CONSTITUTION OF THE UNITED HERZLIA SCHOOLS.

NOTE: THIS DOCUMENT AND THE PROCEDURES SET OUT HEREIN MAY, FROM TIME TO TIME, BE AMENDED, AMPLIFIED OR ADDED TO, BY THE SCHOOL COMMITTEE, IN ORDER TO COVER EXIGENCIES WHICH MAY NOT HAVE BEEN CONTEMPLATED AT THE TIME OF PUBLICATION THEREOF. IN SUCH AN EVENT, A REVISED DOCUMENT WILL BE PROVIDED TO THE PARENTS AND LEARNERS.

VISION:

To create an atmosphere of discipline within the broad educational framework and ethos of the United Herzlia Schools, that takes into account the educational ethos of inclusivity, in as much as all learners are regarded as unique individuals at varying stages of physical, emotional and psychological development.

To ensure that discipline is implemented within a child-centred framework, in as much as individual needs are considered with the ultimate goal being to ensure that all learners accept responsibility for their actions with due regard to the rights and dignity of others, and for school property.

To ensure the rights of all to learn (and teach) in a safe environment.

To ensure that the outcome of any disciplinary process has a positive impact on individual learners, with the primary objective being to help learners become well-adjusted, responsible individuals.

PUPILS' CODE OF DISCIPLINE

THE UNITED HERZLIA SCHOOLS RESERVES THE RIGHT TO RESPOND TO AND/OR TAKE ACTION FOR ANY ACT THAT CONSTITUTES A BREACH OF THE CARDINAL RULES, OR ANY OF THE UNDERMENTIONED DISCIPLINARY RULES

1. CARDINAL RULES

RESPECT to be shown to other persons and property at all times.

COURTESY and GOOD MANNERS is to be displayed during lessons and when representing the school (both on and off the school grounds).

SAFETY of ourselves and of others to be ensured at all times.

BEHAVIOUR by any learner, whether in or out of uniform, within the school day or in public out of school hours shall at all times be appropriate, and shall not bring the schools name into disrepute.

2. DISCIPLINARY TRANSGRESSIONS

MINOR DISCIPLINARY TRANSGRESSIONS

In general an educator, in "loco-parentis" has the right to control learner conduct and behaviour and exercise appropriate disciplinary measures in relation to any learner in accordance with the United Herzlia Schools' Consolidated Disciplinary Code, Pupils Code of Conduct and Rules, for the duration of time that a learner is in attendance at school, in any classroom, participating in any school function and/or excursion, or any other school-related activity, (sport meetings etc).

SERIOUS DISCIPLINARY TRANSGRESSIONS

The United Herzlia Schools shall be entitled to suspend and/or expel learners who, after following a fair and appropriate disciplinary procedure, are found to be in breach of the disciplinary code, and to discipline any learner who infringes the rights of fellow learners (and/or educators) and/or who refuse to respect the school rules as laid out in this document.

CONDITIONS FOR SUSPENSION AND/OR EXPULSIONS

The following list is not exhaustive and may be supplemented from time to time and is intended as a guide to learners regarding certain serious disciplinary transgressions that may result in suspension or expulsion. A learner may be suspended or expelled if it is found after following a fair and appropriate procedure that the learner:

1. Caused, attempted, or threatened to cause physical injury to another person or wilfully used force or violence upon another person; except in self-defence.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object; possession of an imitation of any dangerous object.
3. Unlawfully possessed, used, or is found to be under the influence of any alcohol, illegal, banned or controlled substance as defined in any Act promulgated by the Parliament of the Republic of South Africa, or by any provincial or local authority.
4. Unlawfully offered, arranged or negotiated to sell or otherwise make available any alcohol, illegal, banned or controlled substance, as defined in any Act promulgated by the Parliament of the Republic of South Africa or by any provincial or local authority.
5. Committed or attempted to commit hate speech, robbery or extortion.
6. Committed or attempted to commit any criminal act.
7. Caused or attempted to cause damage to school or private property.
8. Stole or attempted to steal school property or private property; received/ing or being in possession of any stolen school or private property.
9. Possessed or used tobacco, or any product containing tobacco on any of the School's premises or during any official school function or outing.
10. Committed an obscene act or engaged in repeated profanity or vulgarity.
11. Disrupted school activities or defied the valid authority of school Personnel.
12. Committed or attempted to commit a sexual assault or sexual battery; sexual misconduct on the school premises or during any official school function or outing.
13. Harassed, threatened, or intimidated a pupil, including one who is a complainant witness or witness in any school disciplinary proceeding.
14. Repetitive and continued harassment of another pupil, i.e.; bullying, either of a verbal, physical or psychological nature, as defined in the United Herzlia Schools' bullying policy.
15. Repeatedly committing inappropriate acts or "minor" transgressions for which the learner has received three warnings during the current calendar year. As laid out in the rulebooks of each individual school.
16. Committed any act or conducted himself / herself in a manner that has the effect of bringing the good name and reputation of the school into disrepute.

No learner shall be suspended or expelled for any of the conducts set out above unless that conduct is related to school activities and occurs:

- While on school grounds
- While going from or coming to school
- During any break period, whether on or off campus
- During, or while going to or coming from a school related activity; such as school outings, sports activities, tours, camps, etc
- In any circumstances where the good name and reputation of the School is brought into disrepute

3. DISCIPLINARY PROCEDURES

Disciplinary procedures follow a logical progression as set out below:

FOR MINOR TRANSGRESSIONS

- Step 1 Investigation of the alleged breach, by the class teacher or, if necessary, the Head of the Grade or the Head of the Department, in the form of an informal meeting with the learner in question.

- Step 2 Consultation, with the learner in question as to the nature of the transgression and the impact thereof.
- Step 3 Where deemed appropriate, and dependant upon the circumstances, a sanction, such as detention will be issued.
- Step 4 Parents and/or guardians shall be informed telephonically and/or in writing, of the transgression and the sanction imposed.

NOTE: Parents will not be called in to be present during the consultation with the learner, for minor transgressions, but will however, be informed of the transgression, the sanction imposed and the reasons pertaining thereto.

FOR SERIOUS TRANSGRESSIONS

Under circumstances where the severity of an offence warrants or where the repeated application of other disciplinary measures has failed to bring about desired conduct by the learner, such inappropriate conduct or behaviour will be regarded as a “serious disciplinary transgression” and procedures which may lead to possible suspension or expulsion may be implemented. The school shall make every reasonable effort to verify all facts and statements prior to making a considering possible suspension of a learner and commencing the formal disciplinary procedure. Suspension is considered to be a last resort prior to expulsion.

- Step 1 Any learner alleged to have violated any provision of the code of conduct or any other applicable rule that may result in suspension or expulsion, must be brought to the Principal or his/her representative for an informal meeting. The Principal or his/her representative shall hear the evidence (from all parties where applicable) and then decide on any action to be taken. Such action shall include informing the parents/guardian in writing, of the proposed action and arrange for a fair hearing by a disciplinary committee. In the case of very young learners, special arrangements shall be made for the hearing and the parents/guardians can represent the learners.
- Step 2 The disciplinary committee (as constituted in terms of the United Herzlia Schools’ Constitution) so appointed, must conduct the hearing in accordance with fair process.
- Step 3 Fair/due process for the learner in terms of the disciplinary hearing, includes, inter alia, that the learner shall:
- Be informed of and understand the charges of which written notice shall be given at least two days prior to the date of the hearing, and must indicate the date, time and venue of hearing;
 - Receive such particulars on the charges as he/she may be entitled to according to law, if he/she so requests;
 - Have the opportunity to be heard and tell his/her side of the story and to present any other facts that he/she deems relevant, including calling relevant witnesses and questioning witnesses.
 - Not be prohibited from being represented by legal counsel in very serious cases, or in less serious cases the learner may be represented by his/her parent/guardian.

- Be entitled to be heard by an impartial person. The Principal or his/her representative will chair this hearing, unless the Principal, at his/her discretion, is of the opinion that the hearing should be chaired by an independent, third party, in which case the Principal shall appoint such an independent, third party. In the case of very serious offences, or where the case is considered to be more complex, the hearing may be held by an impartial tribunal consisting of at least three (3) members designated by the governing body (the School Committee).
- Be treated with dignity and respect for the duration of the process.
- Be informed in writing, of the decision of the governing body on whether or not, on balance of probability, he/she is guilty of misconduct, together with the penalty to be imposed in the case of suspension or expulsion; and have the right to appeal to the School Governing Body (the School Committee), if he/she is aggrieved by the decision handed down by the Governing Body.

Step 4 Accurate, written records, including minutes, must be kept of the hearing by retaining all charge sheets as well as all other pertaining documentation, all exhibits, as well as a mechanical recording of the proceedings. Together, these will constitute the "Record".

The "Record" shall include at least the following:

- The evidence provided by all witnesses (such witnesses need not be named in the record).
- The findings (conclusions) reached
- The sanctions (if any) imposed
- Upon written request, a parent shall be entitled to a copy of the "Record" (referred to above), subject to the Transparency clause described in "E" below.
- Parents shall (subject to the Transparency clause described in "E" below) be advised of their right to a copy of the "Record", as well as of the right to appeal as recorded herein.

Step 5 In circumstances where the independent third party chairing a disciplinary hearing, is of the opinion that the transgressions warrants an expulsion, a written report will be forwarded to the Chairperson of the school's governing body (the School Committee). It is then incumbent upon the Chairperson, together with the United Herzlia Schools' Management Committee, to make a decision within three (3) days, after receiving written representation from both the school and the learner on whether or not the expulsion of the learner in question should be carried out.

Step 6 The Governing Body (the School Committee), must inform, in writing, the Principal and parents/guardians within twenty-four hours of its decision to expel the learner, together with written reasons.

4. EMERGENCY SITUATIONS IN THE CASE OF SERIOUS, ALLEGED TRANSGRESSIONS

Emergency situations relate to the nature of a violation such that the continued presence of the learner on campus would constitute a danger to the well-being or physical safety of the learner in question and/or any/all other persons on that campus. Under such circumstances, the

Principal, having determined that an emergency situation exists, shall be entitled to suspend a learner without affording him/her the opportunity of a hearing. If a learner is so suspended without a hearing, both the learner and the parents/guardians will be notified, in writing, of the learner's right to a hearing at a date to be determined. Unless the learner or parents/guardians waive the right to a hearing or is/are physically unable to be present for legitimate reasons, the hearing shall be held within two (2) school days of the suspension.

5. TRANSPARENCY

1. The written "Record" of all disciplinary proceedings as defined in this code shall be made available to each learner and his/her parents/guardians, on request, save that the Principal on GOOD CAUSE shown can refuse access thereto, or to portions thereof.
2. For the purposes of this clause, and without in any way limiting the generality of the statement "on good cause shown", it shall be considered good cause if the disclosure of the record or portions thereof shall reveal sensitive information which shall breach any learner's right to privacy (or the privacy of the learner's parents or other person/party), or the right to privacy of any witness.
3. In the event of a learner and his/her parents/guardians being dissatisfied with a Principal's refusal of access to the "Record", he/she/they shall have the right to approach the Governing Body to review such refusal. In such an event, the Governing Body, shall either grant access to the record or to portions thereof, or uphold the Principal's right to refusal, and in so doing shall have due regard for the principals of "right to privacy" referred to in sub-paragraph "2" above.

6. A LEARNER'S RIGHT TO HEAR HIS/HER ACCUSER

A learner may exercise his/her right to hear directly from a teacher, or other staff member or other adult or learner, the specifics of the complaints or allegations made regarding unacceptable behaviour.

In the case of any pending disciplinary hearing to appear before the Governing Body, should the Governing Body, on reasonable grounds, believe that that the proceedings may expose any witness under the age of eighteen (18) years to undue mental stress or suffering should he/she testify at such proceedings, the Governing Body may appoint a competent person as an intermediary in order to ensure the well-being of the witness and thus enable the witness to give testimony free of undue mental stress.

It is incumbent upon all school officials to ensure that no student is disciplined solely on hearsay evidence.

7. RIGHT OF APPEAL

The learner and his/her parents/guardians shall have the right to appeal against any decisions leading to an expulsion as delineated above.

Procedures are as follows:

- Step 1 Application of appeal to be made in writing to the Chairperson of the governing Body, within seven (7) days of being notified of the decision to expel.
- Step 2 The Governing Body, represented by the Management Committee, shall within five (5) days of the "Record" being available, appoint an independent body comprising of at least three members, to hear the appeal. The appeal shall be conducted on the "Record".
- Step 3 The relevant parties can make written submissions on the "Record" and no further evidence will be heard or will be allowed.
- Step 4 The decision of this independent body shall be final and binding.

NOTE: Notwithstanding the above, in the case of a decision relating to any serious disciplinary transgression of this Code, the "victim" and his/her parents/guardians shall likewise have the right to appeal against any decisions in respect of which they feel the decision did not take into account the rights of the "victim".

8. COMMUNICATION WITH THE STUDENT BODY

The United Herzlia Schools reserves the right to publicize the outcome of any serious offence to the student body in all the schools, without compromising the right to privacy of any of the parties concerned.