



DISCIPLINARY HEARING POLICY

This policy is a guide and is to be read in conjunction with the policies and principles that form part of Redhill's Vision and Mission and Code of Conduct and are governed by the school's rules and regulations.

1. **Disciplinary Action**

As an educational institution, it is Redhill's intention to locate the learning moment within a disciplinary process. Outcomes of these processes are not intended to be punitive but rather to be educational, remedial, and restorative. However, certain misconducts may be so severe in nature so as to warrant a punitive outcome.

The School may initiate various forms of informal and formal disciplinary measures. The form of the action taken by the School will depend on the circumstances, the seriousness of the infringement and any relevant mitigating or aggravating factors.

2. **Reporting and Investigation of Incident**

- a. The student concerned, his or her Parents/Guardians and the person who reported the misconduct will be notified that an investigation will be taking place.
- b. An investigation will be carried out by the Deputy Head/s or a teacher nominated by the Deputies, in order to establish the need for a disciplinary process and whether there is sufficient evidence to warrant same. This will necessitate the parties concerned to provide written statements or attend meetings with the School's representatives.

- c. Arising from the investigative process, a decision is then taken as to whether Redhill has jurisdiction over the misconduct. Should it be decided that the school has no jurisdiction over the matter, the reporting parties will be advised accordingly, and the matter closed.
- d. At the discretion of the Head of School or his representative, a decision is then taken as to whether an informal or formal disciplinary process is to be initiated, or whether a conflict resolution process should take place facilitated by the School.
- e. At the discretion of the Head of School (taking into account the nature of the misconduct and the best interests of the student and that of all Redhill students) the student may either remain at school or be suspended while the investigation is carried out.
- f. If the student is suspended, a support system for his/her schoolwork will be put in place through Google Classroom, a 'buddy' who will collect work for him/her or work being left at reception for a parent/guardian to collect.
- g. If the suspension is during an examination period, the Head of School must decide whether the student will write with their group (and wait in Reception for the start of the examination and leave immediately following the examination) or whether the student will write in a separate venue by himself/herself with an invigilator.
- h. The parents of the student will be informed of the above.

3. **Conflict Resolution**

- a. In the sole and absolute discretion of the School and after conclusion of the investigative process, students may be called in to a conflict resolution meeting to resolve any issues between them.
- b. In deciding to implement this process, the School will take into consideration the age appropriateness of the students involved and the nature of the alleged misconduct, and decide on the process to be followed during this conflict resolution process.
- c. Parents of the students will be advised of the outcome of the conflict resolution process.
- d. Should the conflict be unable to be resolved, Redhill has the discretion to refer the matter to an informal or formal disciplinary process.

4. **Informal Disciplinary Action**

- a. Informal disciplinary action may be applied at the discretion of the School for infringements of the Code of Conduct or policies of the School. This process envisages that the parties reach consensus on an outcome which may or may not include an agreed sanction.
- b. The parent and the student to be disciplined will be informed of this decision to convene the informal meeting, as well as the nature of the misconduct and will be invited to attend a meeting with the School.
- c. At the informal meeting the parties will endeavour to reach consensus on an outcome, including (should it be applicable) an agreed sanction.
- d. This outcome will be confirmed in writing to the student and parent.

Should the informal process fail to obtain consensus as described above, then the School may refer the matter to a formal process.

5. **Formal Disciplinary Action: Disciplinary Hearings**

- a. At Redhill School, formal disciplinary hearings may be convened for repeated or serious misconducts (or where an informal process as described above has failed to achieve a result) including, but not limited to:
 - i. misconduct on tours, trips, outings, and the like.
 - ii. breaches of the School policies, especially with regard to the Substance Abuse, Tours, Anti-Bullying and Information Technology policies.
 - iii. breaches of the School's Code of Conduct and School Rules.
 - iv. breaches of the School's value system.
- b. There is no time limit within which a Disciplinary Hearing must take place, but it is in the interests of everyone that it should be conducted as soon as possible after having been reported.

6. **Notification of Disciplinary Hearing**

If the investigation establishes the need for a formal disciplinary hearing:

- a. The student and his or her parents/guardians must receive 3 (three) days' notice of the Disciplinary Hearing. They must be informed in writing of the date, time and venue of the Hearing, and the nature of

the alleged misconduct to enable the student to respond to the allegations at the Hearing.

- b. The student must also be informed, in writing, that s/he may:
 - i. be accompanied by his/her parents/guardian/teacher/mentor, but not by an external third party;
 - ii. request access to documents/information to be produced in evidence.
 - iii. cross-examine witnesses;
 - iv. lead evidence;
 - v. call witnesses; and
 - vi. produce documentary evidence to clarify issues pertaining to the allegations.

7. **Parties Present at the Disciplinary Hearing**

The following people may be present at the hearing:

- a. the Head of School, or designated representative, who will chair the hearing;
- b. the Deputy Head, or designated representative, who will initiate the examination;
- c. the Grade Head, if necessary;
- d. the Student concerned;
- e. a family member of the student or, if appropriate, another teacher chosen by the student to be present in a supportive capacity;
- f. the student's parents/guardians, as observers; and
- g. a Secretary, to take minutes.

If there is an appeal, the appeal must then be directed to the Redhill Appeals Committee.

8. **Procedure at the Disciplinary Hearing**

- a. The Disciplinary Hearing will be conducted by the Chair, who will explain the reasons for the hearing, explain the process to be followed and will request the initiator to read out the charge/s and ask the student to plead to the charge/s.

- b. The student may plead guilty. If so, the student must explain why s/he pleaded guilty. If the student pleads guilty, then the hearing will progress from paragraph "i" below.
- c. If the student does not plead guilty, then s/he may state a case, call witnesses, put questions to any witnesses, submit documents and inspect any documents submitted in evidence.
- d. The Chair may cross-examine the student.
- e. The initiator may also ask the student questions.
- f. The scribe may not ask any questions or comment.
- g. The parties will then be asked to wait outside the venue while the Chair decides on a balance of probabilities and the evidence, whether the student is guilty or not.
- h. The student and the parents/guardians will then be called back in. The Chair will inform them of the finding.
- i. If the student pleads guilty or is found to be guilty:
 - i. The Chair must ask the student and the parents/guardians if they have anything to say regarding a suitable sanction, such as if there are any mitigating circumstances or factors that should be taken into account.
 - ii. The initiator may raise any aggravating circumstances/facts applicable including any references to the student's disciplinary record.
 - iii. The Chair may take two days to decide on an appropriate sanction, which must be corrective by nature and administered with student's dignity in mind.
 - iv. The Chair must inform the student and parents/guardians, in writing, of the imposed sanction.
 - v. The parents/guardians must sign the sanction document and return it to the Chair, who will file this in the student's file.
- j. If the student is found not guilty:

This finding must be made known to the Executive Head and all other relevant parties.

9. **Collective Disciplinary Action**

Alleged misconduct by a group of students will follow the procedure as set out above. The school reserves the right to conduct individual hearings. The school also reserves the right to have differences in verdicts/punishments/sanctions imposed between different students involved in the same incident/offence.

10. **Appeal**

- a. Students and their parents/guardians have the right to appeal against the findings of and/or the sanction imposed by the Disciplinary Hearing.
- b. An appeal must be directed to the Redhill Appeals Committee.
- c. Appeals must be submitted on an individual basis.
- d. An appeal must be in writing and the grounds of the appeal must be comprehensively motivated.
- e. An appeal must be lodged within 3 (three) working days of delivery of the outcome of the Disciplinary Hearing to the student and the parents/guardians.
- f. If the student has been suspended, s/he will remain suspended until such time as the appeal process has been concluded.
- g. Lodging an appeal does not mean the whole case is "re-heard". The appeal procedure is limited to the assessment of the decision made based on the merits of the matter, the finding of guilty and/or the sanction and is based solely on the grounds and motivations set out in the written appeal.
- h. The Appeal Committee's decision on the appeal must be communicated, in writing, to the student and parents/guardians within 7 (seven) working days of receiving the appeal.

11. **Review of Policy**

This policy may be reviewed from time to time.