



**The Bay
Academy**

Policy No.: TBA007

**LEARNER DISCIPLINARY POLICY
AND
CODE OF CONDUCT FOR LEARNERS**

1. INTRODUCTION AND PRINCIPLES

- 1.1. The Bay Academy ("**the Academy**") fully supports the principles of fair discipline and the consistent and justified application of appropriate disciplinary measures where necessary. This procedure and code for students indicates the broad standards of behaviour that are expected of all students at the Academy and encourages a responsible and self-disciplined approach by students. The aim is to cultivate a respectful, safe, and conducive learning environment.
- 1.2. Should expected norms of conduct not be met by any student, corrective action will be initiated by the Academy's management. Corrective action may or may not include the application of formal disciplinary measures, steps applied to prevent further occurrences of unacceptable behaviour, and to restore the relationship between the Academy and the student.
- 1.3. This procedure and code are considered an important element of the Academy's Code of Conduct and is applicable to all students. This procedure and code may also have a bearing on the student's behaviour outside of normal Academy hours, should the student's conduct impact negatively on the relationship between the Academy and the student, or the reputation and integrity of the Academy.
- 1.4. The maintenance of discipline and ensuring orderly classroom behaviour is an integral part of every educator's job. The onus therefore lies with the Academy's educators and its management to apply this procedure in an effective and equitable manner, in the interests of the wellbeing of the Academy, preserving and promoting educational excellence, and protecting the rights of all Academy stakeholders, including the student.
- 1.5. The Academy's procedure is to be made readily available to every Academy employee, all students and parents upon or before enrolment, and upon request.
- 1.6. All disciplinary measures are conducted in accordance with national and provincial education regulations, where applicable, including the right to education and protection from unfair treatment.

2. THE BAY ACADEMY CODE OF CONDUCT

In the context of the Academy, administrators, educators, parents and students all have responsibilities. To sustain a positive, orderly and disciplined learning environment, it is important that all parties to the education relationship take necessary accountability.

2.1. Educators

Educators at the Academy subscribe to the South African Council for Educator's ("SACE's") Code of Professional Ethics and the Academy's Code of Conduct for Staff.

Inter alia, the Academy's educators undertake to:

- be punctual, well prepared and professional in their approach to education;
- manage student performance effectively and motivate students to achieve realistic and meaningful personal and educational goals;
- be sensitive to the needs of their students and address learning difficulties in a positive manner;
- praise, encourage, recognise and reward students who strive to achieve;
- create a classroom climate which is based on a learning partnership which makes education both relevant and stimulating;
- set a positive example for their students to follow; and
- administer discipline correctively and with dignity when necessary.

The Academy prides itself on having good relationships with its community, its students and their parents. While parents must expect the Academy and its educators to provide the best education possible with the resources available to it, it is imperative for parents to also accept responsibility and accountability in order to assist the Academy achieve this goal.

2.2. Parents

Parents enrol their children at the Academy, subject to their acceptance of all the Academy's rules and other conditions of enrolment. Parents also have the responsibility to:

- actively support the efforts of the Academy and its educators to teach their children;
- fully involve themselves in the Academy's activities;
- make positive suggestions and contributions to improve the Academy's education process and the learning environment;
- support the disciplinary structures and procedures of the Academy, and the reasonable efforts by the Academy to apply discipline effectively and fairly;
- encourage their children to participate fully in the Academy and extra mural activities;

- participate in the learning process and assist their children with homework, provide encouragement, check results and communicate freely with the Academy;
- not expect the Academy to meet their child's every need or to take over the parenting of their child; and
- ensure that the student is in attendance of all compulsory attendance functions and activities, and that the Academy's conduct and timekeeping requirements are observed.

2.3. Students

In terms of the Constitution of the Republic of South Africa, 1996, as amended, every student has the right to education. The Academy strives to provide the educational opportunities that its students and the community deserve. Students themselves, however, must also recognise that they have responsibilities to their parents, the Academy, their educators, their fellow students and themselves.

Students therefore must accept and comply with the Academy's rules and its conditions of enrolment. In more general terms, students must also:

- comply with instructions from Academy officials, and with the general rules of the Academy;
- behave responsibly and not endanger the safety, welfare and rights of others;
- respect and care for the property of the Academy and others;
- maintain sound relations with others at the Academy, be courteous and respect the dignity and self-worth of others;
- be punctual and observe the timekeeping practices of the Academy;
- demonstrate a positive attitude towards the opportunity to learn, and be diligent in their efforts to learn;
- behave honestly and conduct themselves with integrity;
- not harass, threaten violence or use force to intimidate, abuse, coerce or interfere with others, with the Academy activities or with the Academy property; and
- accept legitimate and necessary disciplinary measures taken against them.

Additional specific prohibited behaviours include the use or possession of illegal substances, bullying, any form of discrimination, and behaviours outside Academy hours that may tarnish the Academy's reputation, all of which are subject to appropriate disciplinary measures.

The Academy has a number of rules that define the kinds of behaviour expected of its students. Students are to also keep their parents advised of these rules and students are expected to conduct themselves in accordance with these rules.

3. DISCIPLINARY MEASURES

- 3.1. It is impossible for this procedure or the Disciplinary Code to list every type of rule infringement or misconduct by students. This procedure and the attached code therefore only set out the broader categories of infringement, and the norms for applying fair disciplinary measures at the Academy.
- 3.2. Various forms of informal and formal disciplinary measures may be initiated by the student's responsible educator, or by the Academy authorities. The Academy will be entitled to apply corrective action and/or disciplinary measures that it believes are appropriate in the circumstances, within the guidelines provided in this procedure. The judgement and discretion of the Academy officials to apply disciplinary measures will therefore not be rigidly restricted by the procedure or code but will rather be guided by the circumstances of each case and the various measures described herein.
- 3.3. The severity of action taken by the Academy or official will depend on the circumstances, the seriousness of an infringement, the interests of fellow students, the Academy and its employees, the interests of the offending student and any other relevant mitigating or aggravating factors. For this reason, the guidelines enclosed herein seek to promote and assure consistency, but do not remove the necessary discretion of the Academy authorities to apply a lesser (or more severe) penalty, should circumstances so dictate.
- 3.4. Disciplinary measures applied in response to student misconduct will therefore require that the Academy officials exercise their impartial discretion in deciding on the appropriate and fair action to be taken. Disciplinary action that may be applied by the Academy, in order of severity, include:

3.4.1. Informal measures:

- counselling by the educator or the Head of Student Affairs and Discipline;
- a verbal reprimand (noted on the student's file); or
- restorative justice practices, in line with educational discipline reform, such as community service and/or conflict resolution programs.

3.4.2. Formal measures:

- a written warning recorded on the student's file (effective for a period of 3 (three) to 6 (six) months);
- parental contact and an interview with parents, generally after the Academy has conducted an investigation;
- suspension for a period from class, or from attending the Academy, pending the convening of a formal disciplinary hearing, and/or as a form of corrective action after the conducting of a disciplinary hearing; or
- expulsion from the Academy (as a last resort in the case of serious or repeated misconduct), generally only after the disciplinary hearing, and as a last resort.

3.5. Discipline must, wherever feasible and effective, be applied progressively. Informal action for minor transgressions is generally applied at educator level, without a formal investigation being required. 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 or behaviour trend is indicated by the student's continued misconduct.

3.6. Notwithstanding the principle 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 Disciplinary Code attached for guidelines on penalties).

3.7. Warnings issued by the Academy will be noted on the student's record. Copies of warnings issued should also be provided to the parents by the Academy. These warnings must be acknowledged by the parents in writing.

3.8. At all times, the Academy ensures all students receive equal treatment under disciplinary measures. Bias or inconsistency in handling misconduct may be grounds for an internal review or appeal.

4. DISCIPLINARY ACTION PROCESS

This procedure summarises the disciplinary process that will be followed, wherever possible, by the Academy when disciplinary action against a student is considered appropriate by the Academy authorities.

4.1. Informal Procedures

- 4.1.1. Infringements that are not considered serious, or do not require formal disciplinary action in the opinion of the student's responsible educator, can be dealt with directly by the educator. These are not generally recorded on the student's record but will still require communication with the student's parents by the educator involved.
- 4.1.2. The various forms of informal action are as outlined above and can be implemented by the educator without the involvement of the Head of Student Affairs and Discipline or Academy Head.

4.2. Informal Investigation

- 4.2.1. When an infringement occurs which appears to require formal disciplinary action, the educator concerned (or another complainant such as a parent) will initiate the disciplinary process by reporting the incident to the Principal, or by completing a letter of complaint.
- 4.2.2. A report or complaint may be supplemented by any additional information or statements to clarify or adequately detail the facts surrounding the alleged infringement.
- 4.2.3. Note: *A copy of a notice or letter of complaint need not be provided to the student if informal action is taken against the student. If formal disciplinary measures are considered to be appropriate, it is important in the interests of transparency that a copy of any complaints or reports also be provided to the student / parents. Withholding this information may cast some doubt on the authenticity or seriousness of the alleged infringement (and complaint) and may even result in a formal request for disclosure of the complaint from the student's parents.*
- 4.2.4. The student's responsible educator, Head of Discipline, and the Principal (if required), should investigate the reported infringement or a letter of complaint received, to decide upon appropriate corrective measures. This investigation generally takes the form of an informal inquiry, and wherever possible includes an opportunity for the student to state his/her case in response to the complaint.

4.3. Formal Disciplinary Measures

- 4.3.1. If, after investigation, the infringement is confirmed and considered to be of a nature which does not require severe action, the responsible educator or

Principal may counsel the student and issue an appropriate warning to the student concerned.

- 4.3.2. A copy of the warning issued should be given to the student's parents by the Head of Student Affairs and Discipline or Principal. This warning must be acknowledged by the parents in writing. A meeting with the parents may be necessary to clarify the reasons for formal action being taken, as well as to reinforce the seriousness of the infringement and to highlight the expectation that the misconduct will not be repeated. At the discretion of the Academy, a behavioural contract may be signed by the student, parents, and school management specifying the expected behaviour improvements, consequences for further infractions, and regular monitoring. This behavioural contract will detail any required interventions, such as counselling, if deemed necessary.

4.4. Final Warning

- 4.4.1. A Final Warning is only imposed by the Academy's Principal, if the student's misconduct was: (a) very serious; but (b) did not warrant suspension or a hearing / expulsion; or if (c) misconduct occurs which is similar to a previous infringement for which a written warning has already been issued to the student by the Academy.
- 4.4.2. If a Final Warning has been issued to a student for misconduct, any further infringement by the student should be considered as warranting suspension and a disciplinary hearing into the student's behaviour at the Academy.
- 4.4.3. Note: *It is not sound disciplinary practice, nor an effective corrective or disciplinary penalty, to impose a "second final warning". A Final Warning is exactly that – "one more strike and you are out." That is the intended message of a Final Warning.*

4.5. Confidentiality and Data Protection

- 4.5.1. Records of student misconduct and disciplinary actions will be securely stored and disclosed only to relevant parties, in compliance with the Protection of Personal Information Act No. 4 of 2013, as amended.

5. DISCIPLINARY HEARING

- 5.1. When a serious infringement possibly warranting student suspension or expulsion occurs, or in the case of a further alleged infringement by a student with a valid Final Warning on his/her file, the Academy will generally be required to conduct a formal Disciplinary Hearing to determine appropriate measures to be taken against the student.
- 5.2. The Disciplinary Hearing process is intended to investigate any new allegation(s) properly and transparently, to provide an opportunity for the student / parents to challenge the allegations being made, and to enable the Chairperson to objectively hear the matter, to determine the guilt or innocence of the student, and if applicable, the appropriate disciplinary measure to be taken by the Academy.
- 5.3. A notification of convening of a Disciplinary Hearing is to be completed by the Academy authorities and is given to the parents of the student concerned. This notification must provide sufficient information to ensure that the student / parents are properly informed of the alleged complaint, the seriousness of the allegations, and the Academy's intention to convene a formal hearing to investigate the infringement.

Note:

- (a) The student's parents should be notified of the Disciplinary Hearing at least 48 hours (2 (two) clear school days) before the scheduled date of the hearing. This will provide the parents with reasonable time to prepare for the hearing. In complex cases, the preparation time provided may be extended but should not exceed 5 (five) school days, wherever possible. Extended suspension or delays may unfairly prejudice the student's education.*
- (b) The student may be suspended pending the hearing, only if this is considered appropriate, bearing in mind the seriousness of the alleged misconduct and his/her continued exposure to others. The suspension of the student should be indicated in the notification of the Disciplinary Hearing to the parents, the period of suspension preferably not exceeding the 5 (five) day limit indicated in (a) above. (Failure to suspend a student accused of gross misconduct, pending a Disciplinary Hearing, may call into doubt the seriousness of the alleged misconduct itself, and/or the necessity for a severe penalty. A short period of suspension should not be unfair in such serious cases.)*
- (c) The student and his/her parents must be advised that they are expected to attend the Disciplinary Hearing, and that their non-attendance may prejudice their child's case (indicating a waiver of their rights to respond to the allegations being made) and may even result in the Disciplinary Hearing being held in their absence, and a decision being made without their involvement.*

(d) *The student and his/her parents must be advised of the serious nature of the allegations, and the possibility of severe disciplinary (further suspension or expulsion) action being taken should the student be found guilty of the allegations made against him/her. They should be advised to prepare themselves accordingly.*

(e) *Legal representation at disciplinary hearings is NOT a legal requirement and is not permitted, unless both the Academy and the parents agree that it is appropriate in the circumstances for both parties to be legally represented. A Disciplinary Hearing is an internal Academy procedure, and the involvement of legal counsel can lead to unnecessary over-complication and hindrance of the process. In any event, the parents do have the right to legally challenge any decision of the Chairperson after the Disciplinary Hearing has been conducted.*

5.4. The conducting of the formal Disciplinary Hearing is an integral part of the Academy's disciplinary process if serious disciplinary measures are being contemplated against any student. Expulsion, or extended suspension with a final warning as an alternative to expulsion (if feasible or appropriate), in the absence of a Disciplinary Hearing being conducted is reserved for exceptional circumstances only.

5.5. The Disciplinary Hearing should be chaired by a competent and reasonably objective Chairperson, who will be responsible for leading and managing the entire hearing process, and making two critical and distinct decisions, i.e.:

(i) **VERDICT**: the guilt or innocence of the student, relative to the allegations made by the Academy;

and only thereafter, if the student is found guilty of the alleged infringement, the second decision as to:

(ii) **PENALTY**: the appropriate measure / action to be taken, after due consideration of relevant mitigating and aggravating factors.

5.6. The Chairperson is required to conduct the Disciplinary Hearing procedure in a proper manner that conforms to the rules of natural justice (see paragraph 3 of the Academy Procedure's Introduction), i.e., the student and his/her parents should be:

5.6.1. given adequate notice and be properly informed of the allegations being made by the Academy;

- 5.6.2. requested to attend the Disciplinary Hearing as representatives for the student, and the Disciplinary Hearing is to be timeously conducted;
 - 5.6.3. presented with all facts and information relating to the allegations being made against the student;
 - 5.6.4. given the opportunity to question evidence presented by the Academy, and be entitled to present their own perspective and explain / defend their child's actions;
 - 5.6.5. entitled to a Disciplinary Hearing to be chaired by a reasonably impartial chairperson, and to decisions being made in an objective and considered manner;
 - 5.6.6. treated with dignity and respect throughout the Disciplinary Hearing;
 - 5.6.7. assured of the greatest confidentiality possible;
 - 5.6.8. formally advised of the outcome of the Disciplinary Hearing (i.e., as to both verdict and penalty) in writing by the Chairperson, and the reasons for such decisions; and
 - 5.6.9. offered the right to appeal against any decision made by the Chairperson.
- 5.7. *Note: Disciplinary Hearings will follow a structured procedure to ensure natural justice, fairness, and transparency. The formality of the Disciplinary Hearing process will be determined by the customs and practices of the Academy, and those of the Chairperson. A record of the Disciplinary Hearing proceedings should be kept by the Chairperson, or by a nominated scribe. Electronic / voice recordings of the Disciplinary Hearing are not required but may be provided for at the request (and expense) of the parents if this is feasible. If the outcome of the Disciplinary Hearing is expected to be contested, it is preferable that proceedings be properly recorded and minuted.*
- 5.8. In accordance with the above principles, the parents should be notified in writing of the decision of the Chairperson after completion of the Disciplinary Hearing relating to the verdict and penalty.
- 5.9. The written notification of the outcome, distributed within 5 (five) school days of the Disciplinary Hearing being completed, should include a reminder that the student / parents have the right to appeal against any corrective and disciplinary action decided upon by the Chairperson, within a further 5 (five) school days of the outcome being made available to the parents.
- 5.10. Copies of all Disciplinary Hearing related documentation must be retained by the Academy for actioning, recording and safekeeping purposes.

6. APPEAL REVIEW PROCESS

- 6.1. The Academy affirms that students (and parents) have a right to appeal against disciplinary decisions, as per the principles of natural justice, to ensure fair and transparent handling of all disciplinary matters. This appeal process is internal and provides an expeditious and less public avenue for the parties to seek to resolve any dispute regarding disciplinary matters, primarily in the best educational interests of the student. The appeal will be heard before a newly appointed Chairperson / Reviewer.
- 6.2. Students or their parents may appeal any formal disciplinary action imposed by the Academy, which serves as the final internal step in the disciplinary procedure. Appeals must be based on the grounds that the initial decision or penalty was improper or unfair. The appeal review will not involve a full re-hearing but will examine the existing findings, documents, and any additional evidence presented by the appellant. The Reviewer will assess whether there was an error or misjudgement in the original decision. Due to the nature of the review process, the student and parents wishing to appeal must fully motivate their appeal in writing, detailing all the grounds for appeal and providing the Reviewer with any additional or new evidence they wish to submit in support of the appeal.
- 6.3. The onus rests with the student / parents to justify an appeal, and the grounds for the appeal must be clearly and comprehensively set out in the appeal request. This will enable the Reviewer to fairly consider the appellant's grounds for the review.
- 6.4. Any request for appeal must be submitted to the Principal or the Chairperson of the disciplinary hearing within 5 (five) school days of the Chairperson's decision having been provided to the student / parents, so as not to delay the appeal review proceedings.

Note: Appeal / Review

- (a) *The student's right to an appeal against disciplinary action imposed by the Academy does not ordinarily mean that all matters raised at the hearing will be re-heard. As already indicated, the appeal review procedure is limited to an objective review of the decisions made by the Academy or the Chairperson. A full "re-hearing" is only necessary when the disciplinary procedure or hearing appears to have been materially defective, and/or the decisions reached appear to be patently flawed.*
- (b) *Should it become obvious that a full re-hearing is required for a fair appeal process, usually due to a materially defective Disciplinary Hearing process having taken place 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 5 above but chaired by a new and impartial appeal Chairperson / Reviewer.

- 6.5. The Academy will be responsible for appointing an appropriate person, or review panel, to conduct an appeal review, or a re-hearing, if this is considered necessary.
- 6.6. After reviewing the appeal motivation submitted by the appellant and investigating any aspects of the disciplinary process considered necessary, the Reviewer will make a decision based on his / her findings, relative to the grounds for appeal submitted by the appellant.
- 6.7. When a final decision has been made by the Reviewer, a written Appeal Review Finding must be provided to the student / parents by the Reviewer, within 5 (five) school days. A copy of the Review finding must also be placed on the student's file for recording purposes.
- 6.8. The communication of the Reviewer's appeal decision marks the conclusion of the Academy's appeal process and is the final step in the Academy's Disciplinary Procedure.
- 6.9. Students and parents retain the right to appeal any disciplinary decision, such as suspension or expulsion, by approaching the relevant external authorities. The appeal must be lodged within 5 (five) school days following the disciplinary action, with a written notice provided to the Academy's Principal and the Board.

7. COLLECTIVE / GROUP MISCONDUCT

- 7.1. The above-described disciplinary procedure is principally designed to deal with instances of misconduct by individual students. Alleged misconduct by a group of students, where the infringement(s) are of a similar nature or with a related intent, is considered "collective / group misconduct."
- 7.2. When collective / group misconduct is alleged, an informal investigation into the alleged collective / group misconduct is initially conducted by the educator or Principal. This investigation will include a discussion with the students involved to determine the facts of the matter and to obtain the students' perspective.
- 7.3. Following the informal investigation, further informal or formal disciplinary action may be applied. In cases of severe misconduct, a collective / group disciplinary hearing may be arranged, with individual cases evaluated separately, if required. Should the alleged infringement be considered to be of a serious nature, a single disciplinary hearing

procedure may be conducted with all the students concerned, with their parents present, in terms of the same procedure provided for in clause 5 above (Disciplinary Hearing).

- 7.4. Even in a collective / group hearing, each student must be allowed the opportunity to present circumstances that may differentiate their involvement from the group.

Note:

- (a) In certain cases, it may be more appropriate for the Academy to conduct separate investigations or hearings with individual students, despite the allegations of collective / group misconduct.
- (b) The Academy reserves its right to exercise its sole discretion to conduct individual or collective / group hearing procedures.

- 7.5. The same provisions set out in clause 6 above (Appeal Review Process) will apply in the case of collective / group disciplinary matters.

- 7.6. The Academy reserves the right to initiate a separate or collective / group appeal review process, to deal with any appeals lodged by any students affected. Similarly, a decision by the Academy to re-hear any evidence against an individual student involved, will not prejudice the Academy's rights to conduct appeal reviews with other students.

8. DISCIPLINARY CODE ("CODE")

- 8.1. The Academy's Code is intended to be a guideline for assessing and determining appropriate disciplinary measures for various types of infringement or misconduct by students. The circumstances of a particular case, especially mitigating considerations, may justify a less severe penalty than that indicated in the Code. Similarly, aggravating considerations relevant to a particular case may justify a more severe penalty than that recommended in the Code.

- 8.2. The various infringements set out in the Code are not intended to be an exhaustive list of possible infringements or misconduct by students, but are rather to be interpreted as indications of the broad types and severity of offences by students, and the appropriate sanctions if the student is found to be guilty.

- 8.3. The Code makes provision for "progressive" or accumulative penalties, i.e., the imposition of a more severe penalty for a repeated and similar infringement by the same student.

9. PRACTICAL APPLICATION NOTES

9.1. Penalty and Consistency

Penalties should be applied consistently but adjusted to reflect individual circumstances and mitigating factors, ensuring equitable treatment.

9.2. Cumulative Effect

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 infringement is of a "similar nature" to the previous type of misconduct. The nature and type of offence should therefore be the same, and any warnings issued previously for the related offence should also not have expired.

9.3. Burden of Proof

As the onus generally rests with the Academy to prove the reasonableness and fairness of disciplinary action taken against a student, care must be taken to follow all the procedural steps outlined in this procedure and code. Any material and unjustified deviation from the recommended procedures set out in this document may result in the actions of the Academy being challenged

9.4. Misconduct Off The Bay Academy Premises

Disciplinary measures may apply to off-campus behaviour if it negatively impacts the Academy's environment or its reputation.

Criminal Misconduct at The Bay Academy: If a student engages in criminal misconduct on campus, the Academy will conduct disciplinary procedures independently of any criminal proceedings.

Suspension (Two Forms of Suspension)

As a penalty: In exceptional cases, extended suspension from class or from the Academy's activities may be acceptable (and possibly appropriate in certain limited circumstances) as a severe form of punishment, and only as an alternative to expulsion of a student from the Academy. Such a suspension is also conditional upon this form of penalty being requested / agreed to by the student's parents, in writing, and a final

warning being imposed in conjunction with the suspension. Suspension as a penalty can therefore only be agreed upon once a disciplinary hearing has been conducted, and the student has been found guilty of serious misconduct. In addition, an extended period of suspension should not be of such duration as to jeopardise the best educational interests of the student.

Pending a hearing: Suspension of the student from the Academy's activities pending the conducting of a Disciplinary Hearing (i.e., if expulsion is being considered) should not be for a duration that would prejudice the educational rights of the student. The Disciplinary Hearing should therefore be conducted as soon as possible after the suspension of the student. It should also be clearly indicated to the student / parents that this suspension is not a form of punishment, and is a practical arrangement to temporarily remove the student in the best interests of the Academy, the student and other students.

9.5. Expulsion as a Last Resort Only

Expulsion should ONLY be affected after conducting a formal Disciplinary Hearing, and as a last resort, if no reasonable alternative or lesser form of penalty is considered appropriate.

LEARNER CODE OF CONDUCT

Disciplinary Code: Students			
Examples of Infringements and Recommended Sanctions			
Type or nature of infringement or student misconduct	Guideline: Recommended Penalty		
	First Offence	Second / Repeated Offence	Subsequent Offence
VERY SERIOUS MISCONDUCT			
1 Violent, abusive or threatening behaviour (verbal or physical) Fighting, battery or assault (threatened or actual) Victimisation, bullying or initiation of any sort Transferring, using or being in possession of a dangerous weapon, fireworks, explosives or any object that may be considered as being potentially dangerous (at Academy or at The Bay Academy events) Intimidating or wilfully interfering with others (attempted or actual) Inciting, advising or rewarding others to perform violent, offensive or threatening acts Any "gang" related activity that may threaten the safety or welfare of others (at Academy or at Academy events, or in relation to The Bay Academy) Harassment (sexual, racial or religious) Issuing a bomb threat or arson (attempted or actual)	Suspension and Hearing / Expulsion		

	Behaviour that may pose a danger to the safety and welfare of others (at The Bay Academy events, or in relation to The Bay Academy)			
2	Being in possession of alcoholic, hallucinogenic or dangerous / prohibited substances, or distributing, storing or consuming any of these substances (at The Bay Academy or at The Bay Academy events.)	Suspension and Hearing / Expulsion		
3	Being in possession of another's property without their knowledge or consent, or attempting to remove another's property without consent or their knowledge Theft or attempted theft Sale of another's / stolen property	Suspension and Hearing / Expulsion		
4	Serious dishonesty (actual or intended) Cheating, copying or tampering with test or exam results, reports or assignments Being in possession of or distributing material or information that may give an advantage in a test or an exam Extortion, bribery, corruption or fraud (Attempted or actual) Being an accomplice to, colluding, conspiring, assisting / abetting or instigating dishonesty, fraud, or theft Inciting, advising or rewarding others to be dishonest or to cheat Serious breach of Academy security procedures, unreasonably refusing to submit to a search Off-site criminal misconduct that disrupts or substantially	Suspension and Hearing / Expulsion		

	damages The Bay Academy/student relationship and the educational process			
5	Obscene, indecent or sexually explicit behaviour or gestures, or attempts to make unwanted physical contact Sexual harassment, inappropriate sexual innuendos or graphic comments Intentional and offensive, insulting, abusive, racist or lewd behaviour Storage, creation, sale or distribution of pornographic, obscene or offensive material, publications, symbols, email, text / SMS / MMS, cartoons or objects	Suspension and Hearing / Expulsion		
6	Sabotage, malicious or wilful damage to The Bay Academy or others' property Unauthorised occupation of any The Bay Academy 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 Bay Academy's property, without The Bay Academy permission Blocking off any entrances or exits to or from The Bay Academy premises, with the intention or effect of interfering with free access / egress by others Participating in or supporting industrial or protest action, preventing students from attending The Bay Academy activities	Suspension and Hearing / Expulsion		

7	Actions that expose others to serious danger or injury, or expose The Bay Academy to potential accidental loss or damages - whether due to wilful, grossly negligent or unintended acts Unsafe acts or behaviour that endangers the safety and welfare of others	Suspension and Hearing / Expulsion		
8	Serious misconduct or actions that may bring the reputation of The Bay Academy, students or other stakeholders into disrepute	Suspension and Hearing / Expulsion		
9	Any other misconduct considered to be very serious and possibly justifying expulsion as a first offence.	Suspension and Hearing / Expulsion		
SERIOUS INFRINGEMENTS				
10	Strong suspicion of habitual use (abuse) or regular use of medication, drugs or alcohol at The Bay Academy or at The Bay Academy events	See separate Drugs Policy.		
11	Playing of obscene, insulting or demeaning games Dangerous horseplay Malicious teasing	Counselling / Parental Contact / Final Warning	Suspension and Hearing / Expulsion	
12	Inappropriate behaviour or comments in public or at The Bay Academy events that brings The Bay Academy into disrepute Abuse of The Bay Academy privileges or seniority / status, abuse of position of authority	Counselling / Parental Contact / Final Warning	Suspension and Hearing / Expulsion	
13	Smoking, vaping, or being in possession of tobacco, cigarettes, e-cigarettes, or vaping devices (on The Bay Academy premises or at The Bay Academy events)	See separate Drugs Policy.		

14	Forgery or falsification of The Bay Academy documents and reports Lying and unfair behaviour (with less serious initial consequences)	Counselling / Parental Contact / Final Warning	Suspension and Hearing / Expulsion	
15	Vandalising property or equipment (The Bay Academy or others), improper use or not taking due care of property or equipment Accidental damage to property	Counselling / Parental Contact / Final Warning	Suspension and Hearing / Expulsion	
16	Acts or behaviour designed to create a hostile or threatening The Bay Academy environment, or that may reasonably have resulted in such an environment Wilful disruption of The Bay Academy activities, interference with The Bay Academy authorities Conduct designed to be prejudicial to good order or discipline at The Bay Academy	Counselling / Parental Contact / Final Warning	Suspension and Hearing / Expulsion	
17	Any misconduct by the student that is considered by The Bay Academy authorities to warrant more than a Counselling, verbal reprimand or an ordinary warning.	Counselling / Parental Contact / Final Warning	Suspension and Hearing / Expulsion	
LESS SERIOUS INFRINGEMENTS				
18	Disregard for rules, directions, instructions or for any persons in authority Defiance or disrespect towards The Bay Academy authorities, parents, visitors or peers Being discourteous towards Academy authorities, adults or peers, or displays of insolence	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion

	Being unreasonably intolerant of others, and their personal beliefs, traditions, appearance or of diversity Persistent violation of Academy rules (with less serious initial consequences)			
19	Use of excessive force when playing games or during sporting events Playing games in an area where others may be injured or where property may be damaged 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 / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
20	Noisy or disruptive behaviour, disturbing the activities of others Highly disruptive or unruly classroom behaviour Trespassing or entering Academy premises without permission or without supervision, and/or after The Bay Academy hours Refusing to identify oneself upon request by a person in authority of The Bay Academy	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
21	Swearing and use of vulgar, profane (foul) language	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
22	Tardiness, littering and poor housekeeping Poor grooming, unhygienic personal habits, improper use of The Bay Academy facilities or ablutions	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion

23	Tampering with the possessions or equipment of others Use of Academy equipment without permission (with no serious consequences)	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
24	Refusal or failure to complete homework or assignments Refusal to deliver or return reports, reply slips or letters to parents or to The Bay Academy Unreasonable and unexplained refusal to attend or participate in Academy activities or compulsory events General uncooperativeness and / or being wilfully obstructive Poor application to studies, Academy work or assignments	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
25	Truancy, poor timekeeping practices Unexplained absences from classes or from compulsory events or activities Leaving class or The Bay Academy premises without permission Persistent late-coming or early unauthorised departure from class / The Bay Academy.	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
26	Persistent misuse of personal communication devices during The Bay Academy activities	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
27	Plagiarism including copying work that is not your own and presenting it as your own from published and unpublished sources from a manuscript, printed or electronic media. This includes copying work from another student	Counselling and Reprimand or Warning / Demerit	Further Counselling / Final Warning / Parental Contact	Suspension and Hearing / Expulsion
28	Any other infringements that may be considered serious	Counselling and	Further Counselling / Final	Suspension and Hearing /

	enough to warrant the implementation of corrective action and taking disciplinary measures.	Reprimand or Warning / Demerit	Warning / Parental Contact	Expulsion
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POLICY TRACKING AND REVIEW RECORD

Policy No. : TBA007

Policy Title : Learner Disciplinary Policy and Code of Conduct for Learners

Version Number : V1.0

First Draft Completion Date : 12 November 2025

Approval Date : 12 November 2025

Ratification Date : 13 November 2025

Next Review Due : 12 November 2027