

Due Process in the Event of Serious Misconduct

- a) In accordance with Government Gazette 189 of 1990 and Provincial Gazette 236 of 1997, the following procedure will be followed in the event of serious misconduct in order to ensure a fair hearing of the case. The penalties of suspension or expulsion can only be imposed after the due process described below has been followed:
 - i. Any learner alleged to have violated any rule that may require suspension or expulsion must be brought to the principal. The principal shall hear the evidence and then decide on the action to be taken.
 - ii. In the event that the learner is to be charged with serious misconduct, the principal must inform the learner's parents in writing of the proposed action and arrange for a fair hearing by a small disciplinary committee consisting of members designated by die SGB.
 - iii. The principal must write a written report of the case of the District Director explaining the decision to change the learner.
 - iv. A copy of the written charges shall be delivered to the learner concerned and his/her parents/guardians by handing it over to him/her personally, and forward it by prepaid registered post to the parents or guardians last known residential address.
 - v. If the learner admits the charge, either in writing or orally I person before the principal, he or she shall be deemed guilty of serious misconduct as charged.
 - vi. At the hearing, the principal of a Public School which a learner attends or an official appointed in writing by the Head of Department shall be the presiding officer.
 - vii. In the case where a learner admits his/her guilt on a charge of serious misconduct, the principal or the appointed official should make recommendation/s on the correctional measures to be imposed, to the District Director, or in the event that expulsion of such learner is recommended to the Head of Department, or the presiding officer shall in writing appoint an educator at the school concerned, to act as prosecuting officer in the hearing.
 - viii. In the case where the learner denies his/her guilt on the charge of serious misconduct, hears the charge in the set out below and, upon a finding of guilty, makes a recommendation on the correctional measures to the imposed.
 - ix. For the hearing learners must be informed and understand the charge, with five (5) days' notice, indicating time, place and date.
 - x. At the hearing the prosecuting officer may present facts by the way of adducing oral written statements or documentary evidence.

- xi. At the hearing the learner shall have the right to be personally present and to be represented by him/her parents/guardian or a person nominated by the learner of his/her parents/guardian who shall have the right:
- be heard by impartial person.
 - treated with dignity during the process.
 - to present facts from the learner by adducing his/her statement, either in writing or orally or documentary evidence in defence of the learner.
 - to question any witness called in support of the charge.
 - to have access to documentary evidence produced in support of the charge.
 - be informed in writing of the decision if it is suspension or expulsion.
- xii. The School Governing Body is obliged to keep a complete record of proceedings and outcome of the disciplinary hearing.
- xiii. In the event of the learner being found guilty, the presiding officer may impose the following correctional measure upon the learner found guilty or deemed to be guilty of the charge:
- caution or reprimand the learner
 - direct his/her detention after school hours for a specific period of time.
 - Suspension of up to one (1) week or for a reasonable period while awaiting the approval of the Head of Department for expulsion.
- xiv. The disciplinary proceedings contemplated here shall be conducted in a fair, equitable, open and transparent manner.

11.8 Suspension of a Learner of Serious Misconduct

- a) According to Section 9(1) of SASA, a School Governing Body (SGB) may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension, after the learner has been granted a reasonable opportunity to make representation to it in relation to such suspension.

- b) If the learner is suspended, the governing body must conduct the disciplinary proceedings within seven (7) days of the suspension, failing which, the governing body must obtain the approval of the HOD for the continuation of the suspension of such a learner.
- c) According to Section 9(1)(C) of SASA, a governing body may, after a fair hearing, suspend a learner from attending school, as a sanction of a period no longer than seven (7) school days.
- d) According to Section 9(1)(E) of SASA, a governing body may suspend or extend the suspension of a learner for a period no longer than fourteen (14) days, pending a decision as to whether the learner is to be expelled from the school by the HOD.

11.9 Serious Misconduct and the Law

- a) Serious misconduct which may include offences according to the law must be investigated by the police and referred to the Court if necessary.

11.10 Institution of which may Lead to Suspension or Expulsion

- a) The learner must be questioned by the principal.
- b) On the basis of evidence collected, the principal may institute a disciplinary hearing.
- c) Only the principal may institute disciplinary action against a learner in respect of serious misconduct
- d) The principal may institute disciplinary action against a learner in respect of serious misconduct only if:
 - i. there is sufficient evidence to institute such proceedings: and
 - ii. the principal considers it to be in the interest of the school and its community that such disciplinary action should be instituted.

11.11 Disciplinary Committee (DC) for Serious Misconduct

- a) Upon the advice of the principal, the SGB must appoint a DC to adjudicate the allegation of serious misconduct.
- b) The DC appointed by the SGB must comprise the three (3) persons who are members of the SGB or are nominated by the SGB.
- c) The DC is subjected to the following conditions:
 - i. The chairperson of DC must be a parent, member or community member of the SGB.

- ii. The two remaining members of the disciplinary committee may not be the principal or a learner at the school.
- iii. No person may be appointed to the disciplinary committee if he or she has personal knowledge of any matter that may be in dispute at the hearing.
- d) In the appointing members of the disciplinary committee, issues of representivity in terms of gender and race must be reflected in the composition of the panel.
- e) Only Grade 12 members of the RCL may be allowed to observe the disciplinary proceedings.

11.12 Procedure for Hearing of Serious Misconduct

- a) Regulation 5 of the Notice outlines the procedure for hearing of serious misconduct and other steps to be followed to ensure that the process is fair and transparent.
- b) The principle of FAIRNESS is expected to apply during the disciplinary proceedings:
 - i. The principles of FAIRNESS require that the accused person understands all the allegations against him/her, and given a fair opportunity to respond to those allegations.
 - ii. This would therefore require that an opportunity be provided for the cross-examination of a person making allegations by the person against whom the allegations are made.
 - iii. The learner has the right to be represented by the legal representative by the legal representative.
 - iv. The evidence before the DC must be fairly evaluated and considered and a decision must be taken without bias, malice or prejudice against anyone.
 - v. The circumstance of the accused person must be considered and mitigation factors (such as the matter being a first offence) should be taken into account.
 - vi. Equality before the law requires that there be no unfair discrimination, directly or indirectly, on the basis of *inter alia* race, gender, age or religion.
 - vii. It also requires the similar cases should be treated alike.
- c) The SGB makes a recommendation for expulsion to the HOD after a fair hearing.
- d) The recommendation of the DC must be forwarded to the HOD in writing.

- e) The parents of the learner must be notified in writing of their right to forward an accompanying letter with the recommendation, stating their position on the incident, if they so wish. This letter may serve as a part of the appeal process.
- f) The HOD then investigates the procedural and substantive aspects of the guilty verdict and the sanction recommended
- g) The HOD's decision, after due consideration of the reports and the record of proceedings from the DC, together with the optional letter from the parent, is final.
- h) If the HOD expels a learner who is of compulsory school age, he/she must ensure that the learner is admitted to another school.
- i) If the HOD decides to impose on the learner a lesser punishment, other than expulsion, he/she may, after consultation with the SGB, impose a suitable sanction on the learner, or if he/she decides not to impose a sanction on the learner, he/she will refer the matter back to the SGB for an alternative sanction.

11.13 Appeal Procedures

- a) A learner or parent(s) of the learner who has been expelled or a representative designated by him/her may appeal against the decision of the HOD to the MEC, within fourteen (14) days.
- b) Alternative arrangements for the continued education of the learner who has appealed must be made by the HOD, until the appeal has been finalised.
- c) The MEC must, within five (5) days notify the HOD and SGB that the appeal has been lodged and furnish them with copy thereof, and request them, within five (5) days after receipt of the appeal, to make comments with regard to the appellant's reasons for the appeal and any other information relevant to the appeal.
- d) After consideration of all the information, the MEC must, within five (5) days of receipt of the documentation, provide the learner with the decision regarding the appeal
- e) If an appeal by the learner who has been expelled from a public school is upheld by the Member of the Executive Council, the Member of the Executive Council must ensure that a suitable sanction is then imposed on the learner within 14 days of the date on which the appeal was upheld.

- Smoking in school uniform on the school grounds or in the public
- Bringing/using alcohol on the school premises is prohibited
- Bringing, using or selling any type of drug in school uniform or on the school premises is prohibited
- Gambling
- Assault
- Carrying of weapons
- CELL PHONE REGULATION:
No learner may use a cell phone from 07:25 - 14:05. This includes break, unless the principle has given written permission to the contrary. The school takes no responsibility for the confiscation or theft of a cell phone on school property. The use of a cell phone in place of a calculator is not accepted. **No learner may listen to or use** an I-POD or MP3 player, cell phone or other technological devices on school grounds. **All items will also be confiscated. The cell phone will only be returned at the end of the term on provision that the parent writes a letter requesting that the cell phone be returned**

11.4.1 **Learners must do their home and class work and must be subjected to evaluation and directed by the elevators. If the following rules of conduct are not observed, between 10 and 30 penalty points will accrue:**

- Not completing homework timeously.
- Not doing their work to their best ability and not learning from mistakes.
- Not writing down homework tasks in the diary/workbook
- Text books must be brought to school.
- Copying of homework is prohibited.
- Learners may not do the homework for other subjects while the educator is explaining work or giving out tasks.
- Remember, "I do not understand the work" is no excuse for neglect of duty.
- Homework must be done in full and correctly.
- If a learner is absent, it remains his/her responsibility to catch up on the work by himself/herself. N.B. Remember: Memorizing facts by making summaries is part of homework.

- Not finding out what homework had to be done The school will not make copies for any "catching up". Copies can be made at the public library after school if needed.
- Learners must do their class/homework according to criteria set by their teachers.
- Homework not done/handed in late.
- Not doing your best and not revising in order to learn from your mistakes.
- Books/assignments not at school.
- Copying of homework
- Doing a different subject's work /assignment in class. Also if caught copying homework from another subject from another learner. BOTH their books shall be confiscated, demerits given and parents phoned.
- "I do not understand" is no excuse for not doing work or homework. Consulting tutors or other books is encouraged in order for you to grasp the subject/assignment. Also feel free to make an appointment with your teacher after class to discuss what you don't understand.
- Homework must be done in full (see above)
- Studying is art of homework
- When absent it becomes the learners responsibility to get the work and to see that his/her work is up to date. Copies from other learner's books will not be accepted.
- Eating and/or drinking during class time.
- Chewing gum during class.

11.4.2 The following actions will earn a learner between 10 and 100 penalty points/demerits:

- inconsiderate behavior towards staff and fellow learners.
- Irreproachable conduct
- Lack of neatness
- No learner in school uniform may enter a hotel, get involved in a fight, hang on to a friend (physically), kiss, hold hands, and cuddle
- Stealing.
- Using tippex / markers on school property
- Running or losing textbooks. The learner will be held financially accountable for any of these actions.
- Graffiti on classrooms/school building walls
- Drinking alcohol on the school grounds.
- Being in possession of alcohol whilst on school grounds, at any school functions and whilst wearing the school uniform.
- Smoking on school grounds or when in uniform.
- Selling/using/bringing illegal drugs to the school. Prescribed medications will be kept in the office and administered there.
- Any form of weapon in your possession/on your person.

- Gambling.

11.4.3 The following rules of conduct are in operation at school functions and are punishable, with 10 to 100 penalty points if not observed:

- Supervisor's orders must be obeyed.
- Learners must participate in the activities of the function.
- No learner is allowed to pass in and out between the buildings during the function
- Smoking in the change rooms and on the school grounds is not allowed. (Keep the change rooms clean.)
- Not making arrangements with parent/guardian to fetch learner directly after a function, (as extra supervision will not be arranged).
- Learners attend functions at own risk.
- No fighting during functions.
- After each function the learner must help to tidy up.
- Boys may not wear earrings during functions.
- Learners sit on the pavilion and parents sit in the places reserved for them. Learners therefore sit with the group and not with their parents.
- School functions, like sports meeting, debates, prize giving ceremonies, and parent meetings, must be attended in school uniform.
- Eating and/or drinking during class time.

11.4.4 The disregard of the following rules of conduct in respect of absenteeism is punishable with between 10 to 50 penalty point

- The learner must hand in a letter by the parent/guardian for every absence, even if the parent have phoned the office. The date of absence, the reason for absence and the telephone number of the parent must stated in the letter.
- The letter must be handed in the following day.
- Learners are personally responsible to catch up on the work missed.
- Only parent/guardians may come and pick up learners who have to leave school early.
- Learners may not under any circumstances, leave the school grounds on their own during school hours.

11.4.5 The following rules of conduct apply to participation in sport and cultural activities and if they are disregarded, between 10 and 50 penalty points will accrue:

- A written apology is required if a practice session cannot be attended.
- Sportswear is worn during practice sessions.
- Matches are played in school sportswear when visiting other schools the learner's conduct must also show his/her good character
- No learner may criticize another learners performance.

- participating in sports and cultural activities is not an excuse for neglect of academic work.
- learners will change in the change rooms only.

when changing classes and during breaks the following rules of conduct apply and disregard accrue 10 to 50 penalty points

- learners must be at their classes by 07:40 in the morning.
- on Mondays assembly is held in the school hall /ark and no Fridays in the Ark. (Quad)
- All roles -players must stand to attention during the flag -hoisting ceremony and when the school song and national anthems are sung. no fidgeting talking or looking around are allowed.
- Learners must walk briskly and in rows to their respective classes.
- learners must line up in a orderly fashion in front of classes.

cloakrooms are not walk across the Ark/ quad or around the Voortrekker circle.

- No learners may enter the staff room or office block {fees may be paid at the office during breaks or during homeroom to the homeroom educator in the morning.
- No smoking in the toilets or on school grounds during break or enter the school day.
- instructions given by RCLs and service council must be obeyed.
- No littering in classroom on the school grounds is allowed.
- No learners may move the between or stand close to the educators vehicles.
- Everyone must personally guard his/her own property. **The school does not accept responsibility for lost articles.**

11.4.7 Rules of conduct is respect of motors and motorcycles are punishable with 10 to 50 points if disregarded:

- Learners must apply in writing to the Governing Body if they want to park their motor vehicles on the school grounds.
- A learner that drives a car or motorcycle on the school grounds remains fully responsible for any resultant claims if he/she is involved in a accident.
- The school does not accept responsibility for any damage to motor vehicles.
- motorcycles may not be driven on the school grounds.

11.4.8 Rules of conduct in respect of strikes are as follow and 50 to 100 penalty points will accrue for transgression there-of:

- No strike may be called out.

- RCL members convey all grievances to the principal or SMT.
- Methods to build up a positive spirit under the learners are discussed with the principal via the RCL.

11.4.9 For the following positive behavior bonus points accrue as follow:

- Members of Top ten -50 per points per quarter.
- participation (interschool)-100 points per quarter /season.
- participation (sport/culture/ social) -100 points per quarter/season.
- Filling a leadership points -20 points per quarter/season.
- 100%school attendance -50 points per quarter.
- 100% school attendance per class per week -10 points per quarter.
- Extra help -10 points.
- services rendered -10to 50 points according to the merits

11.5 Disciplinary Rules

In an effort to maintain discipline at the school and ensure that teaching and learning is not disrupted through behavioral problems, the SGB puts forwards the disciplinary rules described below.

11.5.1 Ordinary Offences

- a. The following acts are considered as Ordinary offences:
 - I. Late coming
 - II. failure to complete school work (class work and homework) given
 - III. playing truant or bunking periods.
 - IV. Lettering anyway on the school premises.
 - V. Use of foul language.
 - VI. Minor disruptive behavior
- b. Educators will resolve the above stated offences and keep records of the date of offence , type of offence name of learner and how the matter was resolved. The educator may counsel the learner , use verbal warnings or written reprimand to resolve the problem:
- c. After three ordinary offence have been recorded against a learner the matter must be referred to the principal who together with the educator shall implement one of the following measures:

- i. Give the learner supervised school work , ensuring that parents are informed timorously .
- ii. suspend the learner from some school activities such as sport cultural activities.

d. Should the learner continue to commit ordinary offences , a warning letter will be send to the parents, if the behavior persist the parent will be called to school to discuss the matter and the likelihood of serious action being taken by the school.

11.5.2 Schedule 1 - Misconduct

- a. A learner will be guilty of schedule 1 misconduct if he/she:
 - i. seriously threatens disrupts or frustrates teaching or learning in a class;
 - ii. engages in a conspiracy to disrupt the proper functioning of the school trough collective action;
 - iii. insult the dignity of or defames any learner or any other person ,which includes racist remarks;
 - iv. distributes or is in the possession of any test or examination material that may enable another person to gain an unfair advantage in a text or examination;
 - v. cheat in a test or examination or any other form of assessment such as assignment;
 - vi. engages in any act of public indecency ;
 - vii. sexually harassing another person;
 - viii. is found in possession of or distributes pornographic material;
 - ix. smokes or is in possession of cigarettes; or
 - x. is under the influence or in the possession of alcohol.
- b. After schedule , 1 -misconduct has been noted against a learner 's name the matter should be referred in writing to the principal of the school. following a thorough investigation and confirmation of the allegation a written warning , the principal will send a writing warning to the parent.
- c. A further offence in this category will be dealt with as per serious misconduct.

11.5.3 Schedule 2 - serious Misconduct

- a. The following acts are considered a serious Misconduct:
 - i. Rape;
 - ii. indecent assault;

- iii. sexual harassment with aggravating circumstances;
- iv. Assault with the intention to do grievous bodily harm;
- v. common assault of an educator;
- vi. serious intimidation of the other learner , teaching and non- teaching staff
- vii. Malicious damage of the state property ;
- viii. Theft with aggravating circumstances;
- ix. Robbery;
- x. possession of dangerous weapons on school premises;
- xi. The possession , sale or abuse of illegal substances;
- xii. The possession of obscene material including;
- xiii. Being on the school premises or at a school function outside the school premise while under the influence of liquor or illegal substances;
- xiv. The theft of examination papers or the possession or sale of such stolen examination papers; and
- xv. Repeated Ordinary Offences and Schedule 1 Misconduct
 - b. After a serious misconduct has been noted against a learner's name the matter should be referred in writing to the principal of the school. Following a thorough investigation and confirmation of the allegation the matter must be referred to the Disciplinary committee.

11.6 Responsibilities of learners

- a) On acceptance of the code of conduct by parents and the RCL(schools with Gr.8 or higher), learners must implement the code of conduct.
- b) The RCL should promote the code of conduct for learners but does not have the authority to punish the learners.

11.7 Responsibilities of Parents Regarding the Code of Conduct

- a) The ultimate responsibility for learners behavior rests with the parent who is expected to support the school and ensure that learners

observe the school rules and regulations and accept responsibility for their misbehavior .

- b) Parents /Guardians should attend meeting convened by the Governing Body /SMT for them.