



KING EDWARD VII SCHOOL

CODE OF CONDUCT

**MISCONDUCT OF LEARNERS AND
DISCIPLINARY PROCEEDINGS**

PART I : PRELIMINARY

1. INTRODUCTION

- 1.1. The School is registered as a public school in the Province of Gauteng.
- 1.2. The South African Schools Act, 1996 empowers the Governing Body to adopt a Code of Conduct for Learners ("the Code") after consultation with the Learners, Parents and Educators.
- 1.3. The obligation of the School is to provide a high standard of education and to foster a culture of learning and tolerance that must be complemented by the commitment and acceptance of the responsibility by the Educators, the Learners and Parents to ensure a safe and secure environment that is conducive to self development education and learning based on human dignity and on respect and consideration for others.
- 1.4. The Governing Body of the School is empowered to maintain discipline in the School. Discipline must be maintained in the School and the classroom to ensure that the education of Learners proceeds without disruptive behaviour and the commission of offences. The Code prescribes behaviour that respects the rights of Educators and Learners.
- 1.5. The purpose of the Code is to establish a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process based on mutual respect and the establishment of a culture of tolerance and peace in the School. The Code contains a set of moral values, norms and principles, which Learners should uphold.
- 1.6. The Code lists, in positive terms, the things Learners may not do or should do as well as communication channels and due process in conducting a fair hearing in the event that the Code is breached by a Learner. The Code sets out the actions that may be taken against a Learner should they contravene the Code. The Code categorises offences according to the level of seriousness. The disciplinary process is expeditious, fair, corrective, consistent and educative. In cases where a Learner cannot adjust to the School and where the Learner's behaviour is objectionable in that it violates the rights of others, the Learner will be referred to the Principal. Through consultation with the Learner, the Grade Tutor, the Guidance Counsellor and in consultation with the Parents every effort will be made to assist him to adjust. If all these efforts fail, the Principal will refer the matter to the Governing Body, which may make a decision in the best interests of the Learner and the other Learners of the School.
- 1.7. All Learners are required to comply with the Code. The School maintains written records of any disciplinary proceedings instituted or discussions with parents in respect of each Learner.
- 1.8. When action is to be taken against a Learner they will be informed why their conduct is considered as misconduct and why they are to be disciplined.
- 1.9. An Educator shall have the right to discipline a Learner according to the Code during the time the Learner is in attendance at the School including any classroom, School function, School excursion or School related activities or Extra-mural activities either at the School itself or any other venue. Educators have the authority and responsibility to correct the behaviour of Learners whenever such correction is necessary. Educators will resolve disciplinary problems, which are not serious enough to be referred to the Principal. Serious misconduct will be referred to the Principal.
- 1.10. Punishment is a corrective measure or a penalty inflicted on an offending Learner who has to suffer the consequences of misconduct in order to maintain the orderly society of the School. Any corrective measures or disciplinary action will be commensurate with the offence. Corrective measures may become more severe, with subsequent repeated offences. Suspension or expulsion of an offending Learner from School may be imposed.

- 1.11. Corporal punishment is prohibited at the School.
- 1.12. The Code contains provisions of due process safeguarding the interests of the Learner and any other party involved in disciplinary proceedings. Provision is made for the appointment of a component independent intermediary to assist in disciplinary proceedings, which could be stressful for any witness under the age of 18 years called to testify at such proceedings. It is also made possible for any such witness to give their evidence “in camera” at an appropriate venue using suitable electronic or other devices. Offences are recorded on the Learner’s school record, which is maintained by the School.
- 1.13. The Code is available for inspection during normal School hours at the office of the Secretary of the School and Learners will be informed of its contents.

2. **DEFINITIONS**

- 2.1. In this Code, the Act means the South African Schools Act (Act 84 of 1996), and any word and expression to which a meaning has been assigned in the Act shall be the meaning so assigned to it in this Code and, unless the context indicates otherwise -
- 2.1.1. “Code” means this disciplinary code and any annexures attached hereto from time to time;
- 2.1.2. “Community service” means service for the School community or the broader community, including without limitation the repairing of books, cleaning walls, tidying storerooms and the library, collection of litter from the School grounds and the cleaning of flower beds;
- 2.1.3. “Day” means any day of the week, excluding Saturdays, Sundays, public holidays and official school holidays;
- 2.1.4. “Daily report card” means the document to be signed by the designated Educator at the end of each lesson during a 7 (seven) consecutive Day period pertaining to the Learners behaviour during the lesson;
- 2.1.5. “Detention” means confinement of the Learner in a class room designated by an Educator for detention purposes;
- 2.1.6. “Detention notice” means a notice issued by an Educator in terms of the Code;
- 2.1.7. “Educator” means collectively the Principal, an Educator of the School to which the Learner has been assigned for his tuition, the Educator in whose class an incident occurred, the Grade Tutor, an Educator assigned by the School or the Guidance Counsellor or any member of School’s administrative, secretarial, extra-mural, hostel or facilities staff or, if the context is appropriate any one of them.
- 2.1.8. “Extra-mural activities” means collectively any sporting, cultural or social activity associated with or connected to the School, whether at the School or any other venue that occurs during or outside of School hours;
- 2.1.9. “Governing Body” means the governing body of the School established pursuant to the Act;
- 2.1.10. “Grade Tutor” means the Educator designated by the School to supervise the Learner’s grade class;
- 2.1.11. “Guidance Counsellor” means the person designated by the School to assist Learners in the School;
- 2.1.12. “Head of Department” means the head of the Gauteng Education Department;

- 2.1.13. "Learner" means a registered learner at the School;
- 2.1.14. "Member of the Executive Council" means the member of the Executive Council for the Gauteng Province who is responsible for education in the Gauteng Province;
- 2.1.15. "Misconduct" means misconduct as identified in paragraph 7.1 hereof;
- 2.1.16. "Misdemeanour" means any of acts or omissions identified in paragraph 4.1;
- 2.1.17. "Parent" means collectively the natural parent, guardian or person legally entitled to the custody of the Learner or if the context is appropriate any one of them;
- 2.1.18. "Privileges" means attendance at sporting or cultural activities associated with or connected to the School or School activities;
- 2.1.19. "Representative" means a Parent or any other person chosen, other than a co-Learner chosen by the Learner to represent the Learner at a disciplinary hearing;
- 2.1.20. "Room rules" means the rules applicable to the interactions and management of any room where School activities are carried out or displayed in such room;
- 2.1.21. "School" means King Edward VII School;
- 2.1.22. "School Rules" means the rules pertaining to the conduct of Learners at the School as amended from time to time. A copy of the current rules is annexed marked Annexure "A";
- 2.1.23. "Serious Misconduct" means misconduct as identified in paragraph 10.3 hereof;
- 2.1.24. "Suspension" means:.
- 2.1.24.1. a Learner may not be entitled to attend any class or classes at the School;
- 2.1.24.2. a Learner may not be entitled to hold office or perform any duties and functions at the School;
- 2.1.24.3. a Learner may not be entitled to participate in Extra-mural activities at the School; or
- 2.1.24.4. a Learner may not be able to attend school for a period of time that may not exceed 5 (Five) Days unless agreed to by the Head of Department.

3. **LEGISLATIVE COMPLIANCE**

This Code is prepared in accordance with the Act and the Regulations relating to Misconduct of Learners at Public Schools and Disciplinary Proceedings issued by the Member of the Executive Council.

PART II : MISDEMEANOURS

4. DEFINITION

4.1. A Learner who, in the opinion of an Educator, commits any of the following acts or omissions, whether in or out of School uniform and within the School premises and during or outside School hours shall be guilty of a misdemeanour:

- 4.1.1. fails to complete homework adequately or as prescribed by an Educator;
- 4.1.2. fails to comply with the prevailing School uniform regulations;
- 4.1.3. fails to maintain a tidy appearance;
- 4.1.4. fails to bring the physical training kit or other equipment for a prescribed Extra-mural activity;
- 4.1.5. uses foul or abusive language or blasphemes;
- 4.1.6. fails to bring the necessary books and materials required for prescribed class work;
- 4.1.7. fails to return any detention slips or notices requiring Parent acknowledgment of receipt;
- 4.1.8. enters designated out of bounds areas within the School;
- 4.1.9. talks, eats or interferes by words or actions with other Learners during a lesson or prescribed class work;
- 4.1.10. fails to adhere to the School Rules;
- 4.1.11. fails to adhere to classroom or particular Room rules;
- 4.1.12. litters the School premises or any premises associated with School activities;
- 4.1.13. fails to honour or excuse oneself from any Extra-mural activities without just cause;
- 4.1.14. is found in possession of or uses a cellphone or other electronic equipment (other than a calculator) during any lesson or prescribed class work in normal school hours except with the express permission of an Educator;
- 4.1.15. fails to arrive punctually for any lesson or Extra-mural activity;
- 4.1.16. commits any act of dishonesty.

5. PROCEDURE

5.1. If the Educator has personal knowledge of the conduct of the Learner, the Educator shall determine whether the conduct constitutes a misdemeanour and shall have full discretion in respect of disciplinary measures, subject to section 8 below.

5.2. If the designated Grade Tutor is informed by another Educator or by a prefect of the conduct of the Learner, the Grade Tutor shall give the Learner a hearing, and shall thereafter determine whether the conduct constitutes a misdemeanour and shall have full discretion in respect of punishment, subject to section 8 below. The hearing shall be in private.

6. **DISCIPLINARY MEASURES**

- 6.1. An Educator may impose any one or more, or a combination of the measures set out in this section on a Learner who has committed a misdemeanour.
- 6.2. Counselling may be imposed by the Educator *in lieu* of the disciplinary action if the Learner has not previously committed the offence in question in the current School term. Counselling may also be imposed in addition to disciplinary action.
- 6.3. The disciplinary action for committing a misdemeanour shall bear a relation to the nature and severity of the misdemeanour, and other surrounding circumstances including the personal circumstances of the Learner and any other misdemeanours committed by the Learner in the current School term.
- 6.4. Disciplinary measures which may be imposed on a Learner who commits a misdemeanour may consist of any one or more of the following measures or a combination thereof namely:
- 6.4.1. verbal warning, written warning with parental notification in writing;
 - 6.4.2. Parent interview;
 - 6.4.3. community service for a prescribed period;
 - 6.4.4. suspension from the classroom, room or lesson for a period of up to 3 (three) minutes;
 - 6.4.5. suspension to the quad for a prescribed period;
 - 6.4.6. suspension from Extra-mural activities for a prescribed period;
 - 6.4.7. replacement or repair of any damaged or defaced School property or equipment;
 - 6.4.8. removal from the relevant School team or group if the Learner fails to honour an Extra-mural activity;
 - 6.4.9. completion of assigned homework during School breaks, or, on reasonable prior notice to the Parent, after School hours or on Saturdays, if classwork has not been completed adequately or as prescribed by the Educator;
 - 6.4.10. collecting litter during School breaks, or, on reasonable prior notice to the Parent, after School hours or on Saturdays, if the Learner litters the School premises or any premises associated with School activities; and
 - 6.4.11. cleaning or repair of School property during School breaks, or, on reasonable prior notice to the Parent after School hours or on Saturdays, if the Learner defaces or damages School property.

PART III : MISCONDUCT

7. **DEFINITION**

- 7.1. A Learner who, in the opinion of an Educator, commits any of the following, whether in or out of School uniform and within or outside the School premises and during or outside of School hours shall be guilty of misconduct:
- 7.1.1. engages in disruptive behaviour in the classroom, Extra-mural activity or during any School activity;
 - 7.1.2. is discourteous, rude, disrespectful or insubordinate to any Educator, Parent, or to any person in the course of any School activity;
 - 7.1.3. disobeys any reasonable request or instruction of an Educator or prefect;

- 7.1.4. fights, bullies, verbally threatens, harasses, intimidates or humiliates or assaults any other Learner or any person;
- 7.1.5. engages in any immoral behaviour or profanity;
- 7.1.6. maliciously damages the property of the School or another person, which includes any defacement of such property;
- 7.1.7. forges any document or signature to the potential or actual prejudice of the School;
- 7.1.8. commits theft, or is found in possession of stolen property or otherwise acts dishonestly to the prejudice of another person;
- 7.1.9. is truant or leaves the School premises without permission;
- 7.1.10. commits a misdemeanour on three occasions;
- 7.1.11. obtains unauthorised access to any computer room, School facility, School room or classroom;
- 7.1.12. behaves in any other manner which causes physical damage to property or emotional harm to others or interferes with the rights of others;
- 7.1.13. fails to attend or to remain in attendance during any period of detention.
- 7.1.14. conduct which:
 - 7.1.14.1. tends to bring the School into disrepute;
 - 7.1.14.2. interferes with the governance, authority and proper administration of the School;
 - 7.1.14.3. interferes with the conditions necessary for any school activity and/or Extra-mural activity;
 - 7.1.14.4. is committed with the intention of preventing any person from exercising his or her rights, powers or duties as a member of the School community, or is committed in retaliation against such exercise;

8. **PROCEDURE**

- 8.1. Subject to section 8.3 below, if the Grade Tutor has personal knowledge of the conduct of the Learner, he or she shall determine whether the conduct constitutes misconduct and shall have full discretion in respect of disciplinary action, subject to section 9 below.
- 8.2. Subject to section 8.3 below, if the Grade Tutor is informed by another Educator or by a prefect of the conduct of the Learner, the Grade Tutor shall give the Learner a hearing, and shall thereafter determine whether the conduct constitutes a misdemeanour and shall have full discretion in respect of punishment, subject to section 9 below. The hearing shall be in private.
- 8.3. In the case of potentially serious misconduct as set out in section 10.3, the Grade Tutor shall grant the Learner a summary hearing, notwithstanding the fact that the Grade Tutor has personal knowledge of the matter. The Grade Tutor shall make a written record of the hearing, which shall be submitted to the Principal and retained by the Principal. The Principal shall determine within 2 (two) Days, on the basis of the record of the hearing, whether potentially serious misconduct should be dealt with in accordance with the provisions dealing with misconduct or serious misconduct. If the Principal decides that the provisions dealing with misconduct are applicable, then the matter shall be returned to the Grade Tutor who shall deal with it accordingly. If the Principal decides that the provisions dealing with serious

misconduct are applicable, then the matter shall be dealt with in accordance with Part IV of this Code.

9. **DISCIPLINARY MEASURES**

- 9.1. The Grade Tutor may impose any of the disciplinary measures set out in this section on a Learner who has engaged in misconduct, but shall notify the Parents of the matter in writing.
- 9.2. Counselling may be imposed by the Grade Tutor *in lieu* of disciplinary action if the Learner has not previously committed the offence in question in the current School term. Counselling may also be imposed in addition to disciplinary action.
- 9.3. The disciplinary action for engaging in misconduct shall bear a relation to the nature and severity of the misconduct, and other surrounding circumstances including the personal circumstances of the Learner and any other incidents of misconduct committed by the Learner in the current School term.
- 9.4. Any one or more, or a combination of the following disciplinary measures may be imposed on a Learner who engages in misconduct:
- 9.4.1. an essay to be written by the Learner setting out the reasons for his misconduct, to be followed by counselling;
- 9.4.2. written warning with Parent notification in writing and/or Parent interview;
- 9.4.3. suspension to the quad during School break for a prescribed period;
- 9.4.4. community service for a prescribed period during School breaks or on reasonable notice to the Parent after School hours or on Saturdays;
- 9.4.5. suspension from Extra-mural activities for a prescribed period;
- 9.4.6. detention accompanied by appropriate academic activity or Community Service;
- 9.4.7. restriction from Extra-mural activities and/or removal from the relevant School team or group for a prescribed period;
- 9.4.8. retribution where physical or emotional harm has been caused to another person;
- 9.4.9. replacement or repair of any damaged or defaced School property or equipment;
- 9.4.10. issuing of a Daily report card.

PART IV : SERIOUS MISCONDUCT

10. **INSTITUTION OF DISCIPLINARY PROCEEDINGS RELATING TO SERIOUS MISCONDUCT**

- 10.1. Only the Principal may institute disciplinary action against a Learner in respect of serious misconduct.
- 10.2. The Principal may institute disciplinary action against a Learner in respect of serious misconduct only if -
- 10.2.1. he is satisfied that there is sufficient evidence to institute such proceedings; and
- 10.2.2. he considers it to be in the best interest of the School and its community that such disciplinary action should be instituted.
- 10.3. A Learner will be guilty of serious misconduct if he -
- 10.3.1. has been convicted by a disciplinary committee, on more than one occasion, of any form of misconduct that is the same or similar to the conduct listed in section 10.3 hereof;

- 10.3.2. fails to comply with a punishment of suspension as a correctional measure;
- 10.3.3. forges any document or signature to the potential or actual prejudice of the school;
- 10.3.4. trades in any test or examination question paper or in any test or examination material; distributes, or is in possession of any test or examination question paper or in any test or examination material that may enable another person to gain an unfair advantage in a test or examination;
- 10.3.5. infringes any test or examination rules;
- 10.3.6. cheats in a test or examination or any other form of assessment such as an assignment;
- 10.3.7. attempts to bribe or bribes any person in respect of any test or examination or assignment to enable himself or another person to gain an unfair advantage therein;
- 10.3.8. seriously threatens, disrupts or frustrates the proper functioning of the School or learning in a class;
- 10.3.9. commits theft or is in possession of stolen property, or otherwise acts dishonestly to the prejudice of another person;
- 10.3.10. engages in a conspiracy to disrupt the proper functioning of the School through collective action;
- 10.3.11. is found in possession of, uses, transmits, distributes or deals in any alcoholic, narcotic or unauthorised drug or substance, item or article or there is visible evidence of such possession, use or transmission;
- 10.3.12. is in possession of, threatens or uses any dangerous weapon;
- 10.3.13. holds or threatens to hold any person hostage;
- 10.3.14. assaults or threatens to assault another person;
- 10.3.15. is found in possession of or distributes pornographic material;
- 10.3.16. displays and/or engages in any harmful graffiti, hate speech, sexism or racism;
- 10.3.17. engages in any gender based harassment or participation in unlawful sexual conduct;
- 10.3.18. engages in any immoral behaviour or profanity;
- 10.3.19. maliciously damages the property of the School or that of another Learner or person; or
- 10.3.20. engages in any kind of gambling or game of chance involving money;
- 10.3.21. engages in any other activity which could lead to a criminal prosecution.

11. **SUSPENSION OF A LEARNER PENDING CRIMINAL PROCEEDINGS**

Unless the Head of Department orders otherwise, a Learner who has been charged with a criminal offence arising out of misconduct or serious misconduct specified in Part III or Part IV shall be suspended from the School, without a hearing, until the criminal proceedings against the Learner have been finalised.

12. **PROVISIONAL SUSPENSION OF A LEARNER**

- 12.1. The Governing Body 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 representations to it in relation to such suspension.
- 12.2. If a Learner is suspended in terms of subparagraph 12.1, the Principal will immediately inform the Learner and his Parents at the address of the Learner as indicated in the school register, in writing, of the decision of Governing Body and any other matter required in connection with the provisional suspension.
- 12.3. The Governing Body shall appoint a disciplinary committee which will hear the allegation of serious misconduct against the Learner within 7 (seven) Days of the notification in terms of subparagraph 12.2. If the disciplinary proceedings are not conducted within 7 (seven) Days after the suspension of the Learner, the Governing Body must obtain the approval of the Head of Department for the continuation of the suspension of the Learner.
- 12.4. If a Learner is charged with serious misconduct, in circumstances in which he is suspended, the Governing Body must give the Learner no fewer than 7 (seven) Days written notice of the hearing into his alleged misconduct, unless -
- 12.4.1. the Governing Body directs, with good cause, that a shorter notice period shall apply; and
- 12.4.2. there is no prejudice caused to the Learner by the shorter notice period;
- 12.5. If a Learner is charged with serious misconduct in circumstances in which he is not provisionally suspended, the Governing Body shall appoint a disciplinary committee, which must hear the allegation of serious misconduct against the Learner within 7 (seven) Days.
- 12.6. If a Learner is charged with serious misconduct in circumstances contemplated in paragraph 12.5, the Governing Body must give the Learner no fewer than 5 (five) Days written notice of the hearing into his alleged serious misconduct, unless -
- 12.6.1. the Governing Body directs, with good cause, that a shorter notice period shall apply; and
- 12.6.2. there is no prejudice caused to the learner by the shorter notice period.
- 12.7. The Learner may require that the hearing contemplated by paragraph 12.5 be held on a date earlier than that specified in the notice by giving 2 (two) Days written notice of his preferred date to the Principal, who must inform the Governing Body accordingly.
- 12.8. The notice contemplated by paragraphs 12.4 and 12.6 must -
- 12.8.1. contain sufficient particulars of the date, place and nature of the alleged serious misconduct to enable the Learner to identify the incident in question and to respond thereto;
- 12.8.2. inform the learner of the charges, place, date and time of the hearing; and
- 12.8.3. inform the Learner of his rights in terms of this Code.
- 12.9. The Governing Body must ensure that the notice contemplated by paragraph 12.4 and 12.6 is given to the Learner's Parents at the address of the Learner as indicated in the School register and shall retain proof of such notification.

13. **DISCIPLINARY COMMITTEE FOR SERIOUS MISCONDUCT**

- 13.1. Subject to paragraph 13.2, any disciplinary committee appointed by the Governing Body shall comprise 3 (three) persons who are either members of the Governing Body or persons who are eligible to be elected as members of the Governing Body.
- 13.2. The appointment of persons to a disciplinary committee shall be subject to the following conditions -
- 13.2.1. the chairperson of the disciplinary committee shall be a parent member or community member of the Governing Body;
- 13.2.2. the 2 (two) remaining members of the disciplinary committee shall not be the Principal, an Educator or a Learner; and
- 13.2.3. a person may not be appointed to the disciplinary committee if he/she has personal knowledge of or any interest in any matter before the disciplinary committee.

14. **PROCEDURES OF HEARING BEFORE DISCIPLINARY COMMITTEE FOR SERIOUS MISCONDUCT**

- 14.1. A Learner charged with serious misconduct is entitled to a hearing before the disciplinary committee.
- 14.2. The Learner must be accompanied by one of his Parents. The Learner is entitled to be represented at the hearing.
- 14.3. The hearing shall be conducted in English.
- 14.4. At the beginning of a hearing, the chairperson of the disciplinary committee must enquire whether a member of the disciplinary committee, the Learner, his Parent or his representative requires the services of an interpreter.
- 14.5. Before any witness testifies at a hearing, the chairperson of the disciplinary committee shall inquire of that witness whether he/she requires the services of an interpreter.
- 14.6. If a member of the disciplinary committee, the Learner, his representative or a witness requires an interpreter, the disciplinary committee will not proceed with the hearing until an interpreter competent in the relevant languages has been made available, provided that it shall not be necessary to make use of a formally qualified interpreter.
- 14.7. If a Learner fails to appear before the disciplinary committee without just cause after due notice in terms of paragraph 12, the hearing may continue in the absence of the Learner.
- 14.8. The Principal shall commence proceedings at the hearing by setting out the charge of serious misconduct and thereafter presenting the case against the Learner.
- 14.9. The chairperson of the disciplinary committee must ask the Learner whether he understands the charge and whether he admits or denies the charge as set out. Should the Learner fail to respond, the Learner will be deemed to have pleaded not guilty to the charge.
- 14.10. If the Learner pleads guilty to the charge-
- 14.10.1. the chairperson shall question the Learner with reference to the alleged facts comprising the charge as outlined by the Principal in order to satisfy the disciplinary committee that the Learner is indeed guilty of the charge;
- 14.10.2. if, upon questioning the Learner, it appears that his version materially differs from the facts as outlined by the Principal, or if the chairperson is not satisfied that the Learner is guilty of the charge, the chairperson must enter a plea of not guilty in respect of the charge on behalf of the Learner.

- 14.10.3. if the disciplinary committee, or the majority of its members, is satisfied that the Learner is guilty of the charge, the disciplinary committee must find the Learner guilty of the charge.
- 14.11. If the Learner pleads not guilty to the charge -
- 14.11.1. the Principal may call witnesses or present other evidence on oath of the allegations against the Learner;
- 14.11.2. the Learner, or his representative, may question any witness and examine any evidence presented by the Principal;
- 14.11.3. after all the evidence has been led against the Learner, the Learner or his representative may call witnesses or present other evidence on oath in support of his defence to the charge;
- 14.11.4. the Principal may question any witness and examine any evidence presented on behalf of the Learner;
- 14.11.5. the disciplinary committee may question any witness or examine any evidence at any time;
- 14.11.6. after all the evidence has been presented, first the Principal and then the Learner or his representative may address the disciplinary committee to the guilt or otherwise of the Learner;
- 14.11.7. the disciplinary committee may thereafter adjourn the hearing for not more than 2 (two) Days to a specified place, time and date, in order to decide whether, on a balance of probabilities, the Learner is guilty or not guilty of the charge; and
- 14.11.8. at the time and date contemplated in paragraph 14.11.7, the disciplinary committee shall inform the Learner, his Parents and/or his representative of its findings.
- 14.12. Whenever disciplinary proceedings are pending before a disciplinary committee and it appears to such committee that it would expose any witness under the age of 18 (eighteen) years to undue mental stress or suffering if he or she testifies at such proceedings, the disciplinary committee may appoint a competent independent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary. Any examination, cross-examination or re-examination of any witness in respect of whom the disciplinary committee has appointed an intermediary, shall take place through that intermediary, save for examination by the disciplinary committee. The disciplinary committee may, to ensure the mental well-being of the witness, direct that the relevant witness give his or her evidence through the intermediary at any place and to use any such electronic or other device that enables the parties present at the disciplinary committee proceedings to hear the testimony.
- 14.13. If the Learner has been found guilty of the charge, the Principal and the Learner or his representative may present evidence to the disciplinary committee relevant to an appropriate penalty as set out in paragraph 9.4 hereof and, including but not limited to evidence of the Learner's personal circumstances, general record of past conduct at the School, the nature and seriousness of the charge in question and the interests of the School community.
- 14.14. After considering any evidence presented in terms of paragraph 14.13, the disciplinary committee shall impose on the Learner disciplinary action in terms of the Code, and inform the Learner, his Parents and representative in writing thereof. The disciplinary committee may suspend all or part of the implementation of any one or more of the disciplinary measures imposed such terms and conditions as it deems appropriate.
- 14.15. The disciplinary committee shall ensure that a complete and accurate record of all proceedings before it are kept.

14.16. If the disciplinary committee decides that the Learner should be expelled from the School, it shall make a recommendation to that effect to the Head of Department and shall suspend the Learner from the School pending the decision of the Head of Department on whether the Learner is to be expelled.

14.17. A suspension imposed in terms of sub-regulation 14.16 shall take immediate effect.

15. **SUSPENSION AS A DISCIPLINARY MEASURE**

15.1. Where the disciplinary committee suspends on a Learner from attending School with a view to expulsion by the Head of Department, the disciplinary committee shall direct the Principal to submit to the Head of Department the full record of proceedings and a report compiled by the disciplinary committee in respect of the disciplinary proceedings.

15.2. A Learner or his Parent may appeal against a decision of the Head of Department in respect of any finding of guilt by the Head of Department in respect of which a penalty of expulsion has been imposed and a penalty of expulsion or other order imposed by the Head of Department.

15.3. A Learner or the Parent who wishes to appeal against a decision contemplated in paragraph 15.2 must, within 14 (fourteen) Days of being notified in terms of paragraph 15.2 of the decision, hand deliver a notice of appeal together with the grounds for the appeal to the office of the Member of the Executive Council.

15.4. Unless the Member of the Executive Council on good cause orders otherwise, the lodging of an appeal shall not have the effect of suspending the penalty imposed by the Head of Department.

15.5. The decision of the Member of the Executive Council in respect of the appeal shall be final.

16. **DELEGATION AND ASSIGNMENT**

The Principal may, subject to such conditions as he may determine delegate any power conferred upon him in terms of this Code to any one of the deputy-principals of the School. A delegation of any power by the Principal, does not prevent the Principal from exercising such power or performing such duty.

PART V : GRIEVANCE PROCEDURE

17. **DEFINITION**

17.1. Any Learner or Parent who is aggrieved by the procedure applied or disciplinary action imposed by an Educator may raise a grievance with the Principal within 5 (five) Days of the imposition of the disciplinary action.

17.2. The grievance must be presented in writing and duly signed.

17.3. The Principal shall grant the Educator a hearing and make a record of the grievance and the hearing.

17.4. The Principal shall take action within 1 (one) Day which may include:

17.4.1. excusing the Learner from any disciplinary action imposed by an Educator;

17.4.2. making such other order as he deems appropriate having regard to the interests of the Learner, the Educator and the School community.

PART VI : GENERAL

18. **NON-DISCRIMINATION**

This Code shall be operated and enforced without discriminating on any of the bases set out in section 9 of the Constitution of the Republic of South Africa, 1996.

19. **SEARCHES**

An Educator shall on reasonable suspicion be entitled to search the person or the possessions of any Learner for any item, article, dangerous weapon, cellphone or electronic equipment, documentation,

alcoholic, narcotic, or illegal substances, stolen property or pornographic material brought on to the School property. The search method shall be reasonable in scope. During a search human dignity shall be observed and the Learner shall be searched in private by persons of his own gender in the presence of one other person. A record shall be kept of the search proceedings and the outcome.

ANNEXURE A – SCHOOL RULES

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