

CODE OF CONDUCT FOR LEARNERS

INTRODUCTION AND PREAMBLE:

- This document is designed to give a clear indication to parents, learners and educators about the contents of the Code of Conduct for Learners at Pinetown Girls' High school.
- The Code of Conduct outlines expected behaviour that is required of learners attending our school.
- The SGB may subject any learner who disregards the contents of this document to disciplinary action as reflected in the disciplinary procedure.

NOTE:

1. The contents of this document are in keeping with:

- Section 3 (n) of the National Education Policy Act 27 of 1996
- The Constitution of the Republic of South Africa 108 of 1996
- The South African Schools Act 84 of 1996 (section 8 and 9)
- The Kwa-Zulu Natal School Education Act 3 of 1996 (section 63 [2])
- The provincial Gazette of Kwa-Zulu Natal 285 of 1997.

2. The aims of this code is to:

Ensure that every learner is encouraged to develop a sense of self-worth, discover her strength and interests, and fulfil her potential. She will be encouraged to think independently, attain the highest possible educational levels, and to develop a sense of responsibility as a contributing member of society.

3. Parents are not obliged to sign a document acknowledging that they agree with the school code of conduct. They may refuse and such a refusal can in no way jeopardise their child's presence in or admission to the school. (See 10 (b) of GN Notice 2432 of 1998 dated 19 October 1998) Note that a parent's disagreement with the code does not exempt his / her child from having to comply with it.
4. In conclusion, parents, and learners who do not understand the contents of this policy document are welcome to approach the school for discussion and clarification of any aspect(s) of the policy as outlined in the following pages. Parents are encouraged to engage in a thorough discussion of the contents of this policy document with their child / ward.

VISION

The school aims to provide a supportive, caring and structured environment, where each learner is encouraged to strive to reach her potential academically, as well as in cultural service and sporting activities.

THE CODE OF CONDUCT OF PINETOWN GIRLS' HIGH SCHOOL

All learners attending the school are obliged to uphold the code of conduct with reference to the Bill of Rights as per the Constitution 108 of 1996.

1. ***Each learner has the right***
to be educated in an orderly and disciplined environment
and the responsibility
to be co-operative and attentive and to ensure that she does not disrupt lessons or distract her fellow learners from their work. She should exercise self-discipline and be committed to the achievement of academic progress.
2. ***Each learner has the right***
to be treated fairly
and the responsibility
to refrain from any form of aggressive or abusive behaviour towards others. No cyber bullying is allowed or any comments about learners are allowed on any social network. Due respect is also to be shown to all those who hold positions of authority, eg principal, staff, RCL representatives, Prefects, Mentors, student leaders and senior students, and to secretaries, caretaking staff and visitors to the school
3. ***Each learner has the right***
to be treated with respect by other members of the school community, irrespective of personal, cultural, racial and religious differences
and the responsibility
to display tolerance and consideration towards others. She should not intimidate or ridicule others' religious or cultural beliefs.
4. ***Each learner has the right***
to have school activities and lessons commence punctually
and the responsibility
to arrive at school and at lessons on time with all the requirements for that subject.
5. ***Each learner has the right***
To voice her opinions in a mature, tactful and appropriate manner
and has the responsibility
to listen to and consider the opinions of others.
6. ***Each learner has the right***
to benefit from the good reputation of the school and the variety of facilities which it offers
and has the responsibility
to respect and maintain these facilities, to uphold the values of the school and to behave in such a way that no discredit will be brought to the school. This applies to any situation where a learner is wearing the school uniform or can in any way be identified as being a learner of the school.

7. ***Each learner has the right***
to enjoy the support of the school in her participation in cultural, sporting and academic activities
and the responsibility
to abide by the norms of good sportsmanship on the sports field and in her interaction with other schools or the general public, and to show loyalty and commitment towards teams, clubs and societies or any committees to which she has pledged her support.
8. ***Each learner has the right***
to the security of person and property
and the responsibility
to uphold honest behaviour and security in the school, to show respect for other's property and not damage, deface, steal or in any way interfere with any property which is not her own.
9. ***Each learner has the right***
To work in a healthy and litter-free environment
and the responsibility
to ensure that the school premises are kept clean and hygienic, and that no littering, graffiti or deliberate despoiling of any areas occurs.
10. ***Each learner has the right***
where possible and when appropriate, to be involved with and informed about decisions taken at the school.
and the responsibility
to respect decisions which are made and to respond to them in a mature fashion.
11. ***Each learner has the right***
to have her work marked and returned to her within a reasonable period
and the responsibility
to ensure that homework and assignments set for her, are completed and handed in on time. Such work must be original work and may not be copied in whole or part from any other source or sources. Presenting work which is not wholly original would be considered as academic dishonesty, i.e. cheating.

GENERAL SCHOOL RULES

1. ATTITUDE, MANNERS AND RESPECT FOR OTHERS

- Develop a positive attitude towards your School, your studies and your involvement in co-curricular activities
- Develop self-discipline and responsibility for your own academic progress
- Identify with the traditions of the School
- Good manners and respect for others are expected of a Pinetown Girl at all times, therefore, be respectful to adults at all times, and courteous to visitors to the School.
- Bullying is forbidden, this includes cyber bullying
- Do not use offensive or foul language. This will include racist, sexist or other inappropriate language.

- Do not be involved in any derogatory scandal, including via any social communication networks
- Do not vandalize any property or deface any property eg. Graffiti
- There is to be no interference with any equipment, plumbing, electrical installation etc. on the school premises.

2. SCHOOL UNIFORM AND APPEARANCE

UNIFORM POLICY

- Show pride in your School by ensuring that your uniform is always neat.
- Full uniform must be worn between home and school.
- Blazers must be worn (every day in the winter months) and official school functions.
- All learners must wear summer shirts throughout the year, with collar over blazer or jersey.
- School skirt must be on the knee all the way round, short skirts will be confiscated. Undergarments such as tights should not be visible under the skirt.
- No hats/caps or blankets allowed.
- Only Matrics and Grade 11's, who are in a first team, may wear the white school scarf, and only in Terms 2 and 3. The school scarf and black/navy gloves may be worn in Terms 2 and 3.
- Only black regulation shoes and white ankle socks are allowed, or black opaque or sheer stockings. Socks must be **folded over** and not be worn higher than 4 finger widths from the top anklebone. If stockings are worn a learner must have a pair of white school socks in her bag should her stockings ladder.
- Regulation PE kit must be worn for all PE lessons and sport practices. Learners must wear the regulation uniform for the sport in which she is participating. **Only PGHS school bags are allowed. No other bag.**
- Regulation match kit for sport matches.
- Matric jackets may only be worn on Fridays inside and outside of school. The Matric jacket is NOT part of the school uniform, hence it is ONLY worn on Fridays as a Matric privilege. The Matric Jacket is NOT compulsory. Should learners wear their Matric jackets on Monday-Thursday, the jacket will be confiscated.
- Hospitality girls may only wear hotel uniforms on the days they have practical lessons, with correct school shoes and socks. The Hospitality practical uniform should only be worn with a plain white, round-neck T-shirt under the chef jacket. No deviations will be permitted. Hair policy still applies and library card must be worn.
- Drama girls are allowed to wear their drama outfits/uniform to and from school on the days when they have practicals, however, the school blazer must be worn with the drama uniform. School shoes must be worn with this uniform.
- All school items must be labelled with learner's name.
- No sports team / jackets to be worn during the day over school uniform or blazer (daily).
- Only the official school bag with the PGHS logo is allowed, sold at the Uniform Shop and front office.
- The School library card clipped to the front collar of shirt or blazer every day. This is also compulsory for entrance to exam venues.
- Learners are to ensure that uniforms are clean, neat and in good repair.
- There will be "Civvies Days", however appropriate dress code is expected.
 - No torn or ripped jeans are permitted.
 - No shorts or mini skirt.
 - Appropriate shirt or top. No crop tops will be permitted.
- School tracksuits will be piloted in the FET phase (Grade 10-12).

- The tracksuit pants and jackets will be worn with the white **school golf shirt** and **school shoes** and **white socks** or **black stockings**.
- The tracksuits may only be worn in Term 2 and Term 3.
- The tracksuits may not be worn during formal events.
- The tracksuit jacket may not be worn with the school uniform i.e. with a school shirt and skirt.

PLEASE NOTE THAT SHOULD LEARNERS CONTRAVENE FROM THE CODE OF CONDUCT PARENTS WILL BE CONTACTED TO FETCH THEIR DAUGHTER FROM SCHOOL AND A LETTER AND SMS WILL BE SENT HOME INFORMING THE PARENTS OF THE OFFENCE.

JEWELLERY AND MAKE-UP POLICY

- Only clear contact lenses may be worn.
- The only jewellery that may be worn:
- Small (1 cm) sleepers or small, round, plain gold or silver studs, one in the lobe of each ear.
- A plain wrist watch.
- Should learners wish to wear a nose ring for religious or cultural reasons, an application to the SGB should be made on an annual basis with evidence, approval will be granted solely for religious purposes.
- **NO OTHER JEWELLERY MAY BE WORN**
- Staff have the right to confiscate jewellery, which will be kept until the end of the term. The school does not take responsibility for any loss of confiscated items.
- No make-up, nail polish and false nails are permitted. Matrics may grow their nails to 4 mm.
- No tattoos may be visible at all.
- The school will take the necessary care with confiscated goods, but please remember the **SCHOOL WILL NOT BE HELD RESPONSIBLE FOR THE LOSS OF CONFISCATED JEWELLERY.**

HAIR POLICY

- Hair must be neat / combed / brushed at all times.
- **Colour**
 - Hair may not be dyed, bleached, colouring, colour washing, colour rinsing, relaxing of hair causing a change in colour.
 - No highlights.
- If hair is longer than the shirt collar it must be tied up. Black elastics may be used to tie up hair.
- Hair buns must be tight with no loose hair and have to be worn in the neck, and not on top of the head.
- **Small** black or brown clips and plain black Alice bands may be worn. Alice bands with bows are not allowed.
- Cornrows and natural dreadlocks are allowed, provided they are a maximum of 10mm in diameter.
- Hair must be the natural colour of the girl's natural hair.
- Hair shorter than collar length must be kept off the face with a plain black Alice band. Longer hair must be tied back.
- No beads or decorations in the hair.

- Cornrows must run parallel from each other from the forehead to the nape of the neck. **ONLY STRAIGHT BACK AND STRAIGHT UP CORNROWS ARE ALLOWED. NO LOOSE SINGLES OR BRAIDS, BOTH ARTIFICIAL OR NATURAL.**
- No artificial dreadlocks are allowed.
- No weaves or wigs are allowed
- Afros must be neat.
- No gel may be used.
- No braiding or styling of hair may be done while at school - during school hours.
- All styles should be conservative, neat and in keeping with a school uniform. No eccentric / fashion styles will be allowed. No shading or steps are allowed

BADGE POLICY

- Badges may be worn by a learner involved with offering a service to the school e.g. Library Monitor.
- 1st Team badge may be worn by a sportswoman once she has begun her second year in the 1st Team.
- Only badges issued by the school may be worn, and one badge that supports a charity, cause or association.

Should the learner wish to deviate from any uniform requirement for religious or cultural reasons, both she and her parents need to make a submission to this effect to the Principal in writing. Thereafter an interview may be arranged with a Committee of the Governing Body

3. PUNCTUALITY, BOUNDS AND SAFETY

- Be punctual to School and to all classes
- Learners are not to leave the school premises during school hours without parental and staff permission. Learners who have been given permission to leave the premises, must be collected at the reception area by parents or authorized persons.
- Should a learner be absent from school for 3 or more days consecutively, a doctor's certificate or letter with contact telephone number must be provided. Such letters must be brought to school on the day on which the learner returns to school.
- Learners are obliged to comply with all safety and security measures which have been taken by the school to protect the learners or staff or property, either at school or outside the school premises, namely:
- Potentially dangerous areas, such as the swimming pool and all out of bounds areas such as the car parks, garages, caretakers' quarters and boundaries are to be avoided by learners, unless supervised by a staff member or a designated person of authority.
- Movement along corridors, pathways and staircases should be orderly and controlled, without pushing, running or blocking access.
- Learners are not to meet with strangers or outsiders during school hours, nor are they permitted to receive private correspondence during lessons. Arrangements for lifts during school hours must be made through the office.
- Learners must remain on the school premises when waiting for parents to pick them up. They may not stand in the street or the pavements outside the school or on the grass verge in Josiah Gumede Road. They may cross both the service road and the main road only at the designated crossing.

- No organised meetings of learners may occur on school property or on a school excursion without a staff member supervising.
- Once learners have left the school premises after sporting or evening functions, the school cannot take responsibility for the learners' safety. Learners are therefore to ensure that adequate transport arrangements have been made and /or that they are fetched on time. Learners who are not involved in school activities may not be on the school premises after 15h30.
- No parties are allowed on the school premises.
- Learners may not engage in commercial activities for profit on the school premises and/or in school uniform or in a school activity or on a school excursion

4. PROVISION OF CHANGE OF PARENTS' INFORMATION

Learners are obliged to abide by measures which are taken to facilitate the administration of the school and school related issues:

- (a) The school is to be informed of any changes of address, names, telephone numbers etc. so that accurate information is available at all times.
- (b) The school must be informed of any serious medical problems which learners may have, or of any allergies, physical defects or weaknesses which may exempt them from sport activities or may affect them within the classroom situation.
- (c) Learners must pass on to their parents any letters, forms or notices which may be issued to them, and must ensure that return slips (where applicable) are returned on time.

5. CELL PHONES AND PERSONAL POSSESSIONS

Learners are obliged to ensure that any valuables, such as cell phones, brought onto the school premises are safely stored in a locker which can be hired for **R50.00** per annum. The school accepts **no** responsibility for any loss. **PGHS** will not make special arrangements to secure any electronic devices if lost. The onus of responsibility is on the learner.

LOCKERS MAY NOT BE SHARED.

No learner is to bring electronic devices such as ipods, laptops, MP3 players, tape recorders, DVD players, CD players, speakers, smart watches or other communication devices to school.

Should a learner be found to have any of these devices on them or in their possession:

It/they will be confiscated, if no permission has been given, for three months. **The sim card will be included with the cellphone.**

- **PGHS** takes no responsibility should it/they be misplaced or stolen.

6. DRUGS AND HARMFUL SUBSTANCES / WEAPONS

No learner is to bring potentially harmful items or substances onto the school premises. No weapons, pepper spray, tazer, drugs, cigarettes nor any other smoking materials, alcohol, nor unsuitable literature in any form are to **be in the possession of or used by any** learners on the school premises and/or in school uniform. No learner may attend school under the influence of alcohol, drugs or any intoxicating or stupefying substance.

7. ACADEMIC DISHONESTY

DEFINITION:

In the event that a learner presents as her own work any work that is not entirely original this constitutes academic dishonesty. This means that presenting essays, poems, projects, assignments which may be only partially copied from another source/sources is also not acceptable nor is any work which has in whole or part been downloaded from the internet.

Copying in whole or part constitutes a criminal offence viz plagiarism. This means that using someone else's ideas without acknowledgement is theft and could lead to prosecution. Please note that unacknowledged paraphrasing is both academically dishonest and constitutes plagiarism.

Irregularities in the internal assessment process (Cass) and examination irregularities constitute academic dishonesty.

PENALTIES:

In order to affirm an ethical code, which endorses integrity and honour, we believe it is important to indicate penalties, which may be incurred for lack of integrity.

Any award at Pinetown Girls' High School is never made purely on marks. The Awards Policy requires that a recipient must also behave honourably.

- The punishment for deliberate and opportunistic cheating may differ at the discretion of Management.

DISHONESTY:

- A less severe punishment may be given for Opportunistic cheating.
- In a case of Academic Dishonesty, the learner who allowed her work to be copied will also receive punishment.

Suggested punishment:

- An official warning letter to the learner's parents, and
- Detention or community service
- No academic recognition of any kind in the year of the offence

- The learner may attend prize giving but not receive any awards, e.g. subject, position prizes
- The learner may not receive Colours for academics, sports or cultural achievements within that year
- Removal of office, colours, etc. Should a girl be found guilty of academic dishonesty she would lose the right to wear her Honours or colours blazer. She also would be required to resign from any position of leadership, e.g. Chairperson RCL, Tuckshop Monitor, RCL representative, Mentor.
- Should there be a repetition of such or similar offence a learner would render herself liable to suspension or expulsion.

Irregularities in the Internal Assessment Process (Cass)

Include but are not limited to:

- (a) A candidate failing or refusing to abide by any or all the minimum requirements in respect of the compilation of a mark for internal assessment.
- (b) Copying verbatim in whole or part from another source.
- (c) Submitting an assignment or project that is not her own effort. This may have been completed by another learner, her parents, or purchased.
- (d) Reproduction of an assignment or project from another learner.

Examination Irregularities

Include, but are not limited to:

- (a) Learners wilfully disobeying regulations or instructions issued during an examination.
- (b) Learners engaging in dishonest acts during the examination process.
- (c) Creating disturbance.
- (d) Intimidating others.
- (e) Disorderly conduct.
- (f) Disregarding the arrangements or reasonable instructions of the invigilator, despite a warning.
- (g) Disregarding examination rules.
- (h) Receiving any unfair advantage in the examination.
- (i) Accessing leaked question papers and possessing unauthorised examination material.

- (j) Bribery or attempted bribery.
- (k) Possessing notes or any other unauthorised material.
- (l) Copying from notes or textbooks.
- (m) Copying from fellow candidates.
- (n) Attempting to obtain assistance from, or being assisted by another candidate or any other individual.
- (o) Assisting or attempting to assist another candidate.
- (p) Receiving assistance from any other source.
- (q) Question paper written by another or substitute candidate.
- (r) Use of cell phones, smart watches, programmable calculators or any other electronic device that may be of assistance to the candidate except where the examination instruction specifies otherwise.

8. DISCIPLINARY PROCEDURES

Disciplinary procedures must fit the misdemeanour and should be implemented appropriately and fairly. The purpose of discipline is to correct future behaviour on the part of the offending learner and to act as a deterrent. Discipline procedures should be put in place in cases of the infringement of the Code of Conduct after guilt has been established. A learner must be given an opportunity to be heard in a mutually respectful manner. Corrective measures should include counselling when this is necessary.

Any breach of the Law of the Republic of South Africa could lead to the South African Police being called in.

Disciplinary Procedures are categorized in terms of misconduct as follows:

Internal School Procedures

- Level 1
- Level 2
- Level 3

Procedures for misconduct in terms of South African Schools Act 84 of 1996.

- Schedule 1
- Schedule 2

Classification of Offences and Consequent Disciplinary Action:

No corporal punishment may be administered to any learner, even if parents request this and give their permission.

Level 1

Offence:

- Failing to be punctual
- Leaving class without permission
- Failing to complete assigned work
- Failing to comply with reasonable instructions of a member of staff
- Failing to comply with school policies
- School Uniform and Appearance code violations
- Littering
- Chewing Gum
- Insolence both verbal and with the use of body language

Disciplinary action

Agent : Any member of Staff

Sanctions:

- Verbal warning

- A reprimanding look
- Withdrawal of classroom privileges
- Extra work
- moving a learner to sit or stand at the back or front of the classroom
- confiscation of homework, books or any other materials with which a learner may be occupying her time instead of the work set for her during lesson time, such confiscated materials to be returned either at the end of the day in the case of homework books or at the end of the week or term in the case of reading materials.
- Confiscation of any personal notes which learners may pass to each other during lesson time.
- Repeated offences will be dealt with by detaining learners during their break.
- Uniform and Appearance violations must be corrected within 24 hours.

Level 2

Offence:

- Repetition of Level 1 offences, where disciplinary action by class teacher is deemed ineffective.
- Truancy from any class or the school day
- Using abusive or profane language
- Bullying: physical bullying, verbal bullying, cyber bullying, sexual bullying and prejudicial bullying
- Verbally threatening the safety of another person
- Disrespect towards another person
- Dishonesty
- Leaving school without permission
- Possession or use of tobacco
- Being found in an area designated out of bounds
- Writing graffiti on school or other learners' property
- Unacceptable behaviour at a school function or activity.

Disciplinary action

Agent ; Principal, Deputy Principal, Head of Grade, Member of school management

Sanctions :

- Any disciplinary measure proposed for Level 1 offence
- Conference with the learner
- Meeting with the parent of the learner
- Written warnings
- Withdrawal of privileges and/or school related activities
- Behavioural contracts
- Daily report
- Detention
- Management detentions

Level 3

Offence:

- Repetition of Level 2 offences, where disciplinary action by the school authority is deemed ineffective
- Distribution of offensive materials, eg racist or sexist propaganda publications
- Bullying
- Behaving in any manner that would bring the Schools' name in disrepute.

Disciplinary Action:

Agent : Principal, Deputy Principal, Grade Controller, Member of Management; School Governing Body

Sanctions:

- Any disciplinary measure proposed for Level 2 offences
- Suspension from school related activities eg. Sports, extra-curricular activities
- Written final warning that out-of-school suspension may be implemented
- Referral to psychologist / counsellor / clinic / community or social worker
- Approved community service
- Management detention
- Badge and colours awards may be revoked.

Schedule 1

Offence:

A learner will be guilty of serious misconduct if she, intentionally and without just excuse :

- Seriously threatens, disrupts or frustrates teaching or learning in class.
- Engages in a conspiracy to disrupt the proper functioning of the school through collective action
- Insults the dignity of or defames any learner, educator or any other person. This includes making racist remarks.
- Engages in any act of physical violence, be it as the aggressor or in defence.
- Distributes, or is in the possession of any test or examination material that may enable her or another person to gain an unfair advantages in a test or examination
- Cheats in a test or examination or any other form of assessment such as assignments
- Plagiarises any given assessment
- Engages in any act of indecency
- Sexually harasses another person
- Is found in possession of or distributes pornographic or offensive material
- Is under the influence of or in the possession of alcohol or drugs.
- Bullying: physical bullying, verbal bullying, cyber bullying, sexual bullying and prejudicial bullying

Disciplinary Action

Agent: Principal, Deputy Principal, Grade Controller, Member of Management or School Governing Body

Sanctions:

- Any of the sanctions referred to in Level 3.
- Suspension from school

Schedule 2

Offence

- Serious misconduct that may lead to expulsion

A learner will be guilty of serious misconduct if she:

- Is found guilty of misconduct as contemplated in Schedule 1 after having been found guilty of the same of similar misconduct on two previous occasions
- Fails to comply with a punishment of suspension as a correctional measure or
- Intentionally and without just excuse:
 - Forges any document or signature to the potential or actual prejudice of the school
 - Trades in any test or examination question paper or in any test or examination material
 - Attempts to bribe or bribes any person in respect of any test or examination to enable her or any person to gain an unfair advantage therein
 - Engages in fraud
 - Maliciously damages property
 - Engages in theft, or otherwise acts dishonestly to the prejudice of another person
 - Is in the possession of, consumes or deals in any illegal substance or other harmful substance
 - Is in the possession of, uses or transmits narcotic or unauthorised drugs or has visible evidence of such possession, use or transmission
 - Is in possession of a dangerous weapon
 - Holds any person hostage
 - Engages in any sexual activity which amounts to an offence in law
 - Murders any person

Disciplinary action

Agent: Principal, Deputy Principal, School Governing Body

Sanction:

- Any sanction referred to in Level 3
- Suspension from School
- Expulsion from the school

Disciplinary Practice (serious breaches of the Code)

1. If a learner is in serious breach of the Code of Conduct, e.g. playing truant, cheating, the case is considered on its merits. Mitigating circumstances are taken into consideration, for example, age, degree of culpability, whether it is a first offence.

(a) The lightest sentence is a personal letter of warning which is placed on file and a written undertaking from the learner not to break the code again. It may also be required that the learner seek professional counselling.

(b) **The Internal Disciplinary Hearing**

The school may elect to institute an Internal Disciplinary Hearing.

Membership will comprise:

Standard Controller
Members of School Management Team
Parent of learner
A Counsellor

At the hearing the learner will be able to hear charges against her and respond to them.

(c) Learners found guilty of serious misconduct will have awards i.e. colours, half colours, merits, etc., removed. The learner would lose the right to wear her Honours/Cum Laude or Colours blazer that year. She also would be required to resign from any positions of leadership, e.g.: RCL Chairperson, Sports Captain, Tuckshop Monitor, RCL Representative, etc.

The Internal Disciplinary Committee may suspend the learner for 5 days if she is found guilty or has committed offence that poses a threat to learners and staff. This includes usage of illegal substances and fighting at school or dangerous weapons.

(d) **Disciplinary Hearing – Tribunal**

(1) The governing body must appoint a tribunal consisting of two persons to conduct an enquiry into allegations of misconduct against a learner.

(2) The tribunal must –

(a) give the learner and her parent at least 5 days written notification of the time, day and place of the hearing and the charges brought against the learner;

(b) warn the learner and her parent that the hearing could result in the expulsion of the learner from the school, and

(c) inform the learner and her parent of their right to place evidence before it to make representations why the learner should not be expelled from the school.

(3) A learner who is suspended in terms of regulation 3(2) above may accelerate the day of the hearing.

- (4) The tribunal may proceed with the enquiry in the manner it sees fit but always in such a manner that the accused learner is informed of the allegations made against her and is given an opportunity to refute the allegations.
- (5) The tribunal must keep an accurate record of the proceedings and submit same together with its report and recommendations to the governing body.
- (6) The governing body may make one of the following decisions on receipt of the report and recommendations referred to in the previous sub-regulation:
 - (a) the learner is not guilty of misconduct and may resume her position in the school;
 - (b) the learner is guilty of misconduct.
- (7) If a learner is found guilty by the governing body, it may impose one or more of the following penalties –
 - (a) warn the learner;
 - (b) impose a penalty provided for the code of conduct;
 - (c) require a written undertaking of good conduct from the learner;
 - (d) do Community Service to the school.
 - (e) suspend the learner from school for a period not exceeding one week;
 - (f) recommend the expulsion of the learner from the school to the Secretary;
 - (g) recommend to the Secretary to suspend a learner in terms of sub-regulation 3(5) pending the outcome of the Secretary's decision on expulsion of the learner; and

Appeal

- (1) A person who is aggrieved by a decision taken by the governing body, may appeal to the Secretary.
- (2) A learner or her parent who is aggrieved by a decision of the Secretary not to expel a learner may appeal to the Minister.

Suspension

1. The Governing Body may, after consultation with the superintendent of education, order the suspension of a learner pending expulsion, if

- (a) in the opinion of the Governing Body, the language and conduct of such a learner is of such a nature as to endanger the maintenance of a proper standard of moral conduct, discipline or social well-being in the school;
 - (b) in the opinion of the Governing Body, such a learner has committed a reprehensible act.
- 2.
- (a) Whenever a Governing Body considers the suspension of a learner, all the material facts which are relevant, shall be put to such learner and her parent during an interview in order to enable them to make representations why the learner should not be suspended, provided that in urgent cases the Governing Body may summarily suspend the learner without interviewing the learner and her parent beforehand.
 - (b) If the Governing Body after consideration of the representations referred to in paragraph (a), decides to order the suspension, the Governing Body shall include those representations in its report to the Head of Department.
 - (c) Whenever the Governing Body decides to order the suspension of a learner, it shall:
 - (i) inform the learner and notify the parent in writing of its decision and
 - (ii) submit a full report on the matter to the Head of Department.
3. All action taken must be subject to South African Schools Act.

Expulsion

A learner may be expelled from a school if he/she –

- (a) intentionally violates any regulation in terms of the Act or any provision of the code of conduct framed in terms of regulation 2 and which may be grounds for expulsion;
- (b) in or outside of the buildings or on or off the premises of the school and whilst under the control of school authorities, intentionally conducts herself in a manner which is or could be seriously detrimental to the maintenance of order or discipline at the school;
- (c) intentionally damages, destroys, uses or appropriates property of the school or any other person or body;
- (d) intentionally contravenes any regulation or instruction pertaining to examinations;
- (e) wilfully disobeys a legitimate instruction given by the principal or by an educator authorised to do so by the principal;
- (f) intentionally gives false information to the principal or any educator;
- (g) has been convicted in a court of law of a serious offence;

- (h) incites or instigates or procures a fellow learner to contravene or to fail to comply with any regulation or instruction made in terms of this Act, or any rule of such school;
- (i) violates the rights of other learners to receive education by disrupting classes, preventing other learners from attending classes, preventing educators from providing classes or in any other manner;
- (j) refuses, without good reason, to attend classes or to receive tuition, or without sound reason deliberately absents herself from school or classes;
- (k) commits an act of insubordination towards an educator or other person who occupies a position of authority over her at such school;
- (l) prevents or attempts to prevent any educator or member of staff from carrying out her normal duties;
- (m) conducts herself in a disgraceful, improper or unbecoming manner; and
- (n) possesses or uses a habit-forming drug without a prescription from a registered medical practitioner.

Legislation

* Random Search and Seizure and Drug Testing at Schools

According to the Education Laws Amendment Act 31 of 2007 : Section 8a, a school is now legally empowered to conduct random drug and substance abuse searches. The school may administer a urine or other non-invasive test.

The school's disciplinary procedures focus on rehabilitation and not punishment. Should a learner be found to be guilty of substance abuse the matter will be treated with confidentiality. The counsellors will assist with a rehabilitative programme.

- * Serious infringements of the Code of Conduct will be dealt with by the principal and/or the members of the school's management team and/or the Governing Body, who will decide each issue on its merits. Serious breaches of clauses 2, 3, 8 and 9, particularly 9(i) and (j), may give rise to temporary or permanent suspension, as may cases of dishonesty and cheating, or promiscuity, prolonged misconduct, etc. In each of these cases a full investigation of the incidents(s) will be undertaken, and all recognised procedures will be followed before a final decision is made. Such procedures include taking verbal and written statements from all concerned, arranging interviews with the parents of the learners involved, during which attorneys may be present, and the presentation of all relevant statements and other evidence.

- * Suspension and expulsion shall be carried out in terms of the S A Schools' Act 84/1996, the KZN Schools' Act 3/1996 and pertinent regulations.

(a) SA Schools' Act 84/1996 p. 8-10: **9.(1), (2), (3), (4), (5)**
SUSPENSION AND EXPULSION FROM A PUBLIC SCHOOL

9. (1) Subject to this Act and any applicable provincial law, the governing body of a public school may, after a fair hearing, suspend a learner from attending the school –

- (a) as a correctional measure for a period not longer than one week; or
 - (b) pending a decision as to whether the learner is to be expelled from the school by the Head of Department.
- (2) Subject to any applicable provincial law, a learner at a public school may be expelled only –
- (a) by the Head of Department, and
 - (b) if found guilty of serious misconduct after a fair hearing.
- (3) The Member of the Executive Council must determine by notice in the Provincial Gazette –
- (a) the behaviour by the learner at a public school which may constitute serious misconduct;
 - (b) disciplinary proceedings to be followed in such cases;
 - (c) provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings.
- (4) A learner or the parent of a learner who has been expelled from a public school may appeal against the decision of the Head of Department to the Member of the Executive Council.
- (5) If a learner who is subject to compulsory attendance in terms of section 3(1) is expelled from a public school, the Head of Department must make an alternative arrangement for his or her placement at a public school.
- (b) KZN Provincial Regulations No. 285 of 1997.
KZN School Education Act 3/1996

SUSPENSION

- (1) A governing body may order the suspension of a learner –
- (a) as a correctional measure for a period not longer than one week after being found guilty of misconduct;
 - (b) pending a decision by the Secretary on whether a learner is to be expelled from the school after being found guilty of misconduct and a recommendation to this effect has been forwarded to the Secretary;
- (2) A governing body may order the suspension of a learner before misconduct charges are put to a learner if the following requirements are met –
- (a) the learner is accused of serious misconduct on or off the school premises which could lead, if the truth of the charge is established, to the expulsion of the learner from the school,

- (b) it is the opinion of the governing body that the continue presence of the learner –
 - (i) endangers the maintenance of discipline or social wellbeing at such a school, or
 - (ii) hinders or prevents the investigation into his/her conduct.
- (3) Before making an order for the suspension of a learner in terms of sub-regulation (2) above, the governing body must –
 - (a) inform the learner and the parent of –
 - (i) the allegations made regarding the conduct of the learner, and
 - (ii) the reasons why suspension is being considered;
 - (b) afford the learner and the parent an opportunity to advance reasons why the learner should not be suspended pending the outcome of an enquiry in terms of regulation 5.
- (4) If the governing body, after consideration of the representations referred to in sub-regulation (3), decided to order the suspension of a learner, it must –
 - (a) inform both the learner and the parent in writing of its decision, and
 - (b) ensure that charges are put to the learner within two school days after the day on which the suspension takes place.
- (5) If the period of suspension is likely to exceed seven days, the Secretary must make alternative arrangements for the schooling of the learner pending his decision on the expulsion of the learner.

ADOPTED BY PARENTS AT AGM ON THURSDAY 8 DECEMBER 2022.

SGB CHAIRPERSON

8 DECEMBER 2022