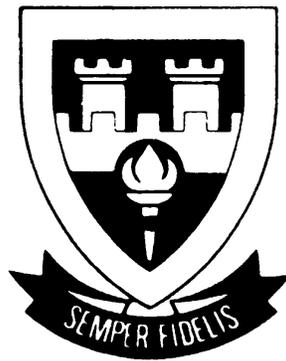


# Stirling

## High School



# Code of Conduct for Learners

## A. PREAMBLE

This Code of Conduct for Learners at Stirling High School (the School) is aimed at:

Establishing a disciplined and purposeful environment at the School, dedicated to the maintenance and improvement of the quality of the learning process.

- Supporting the maintenance of the ethos of the school and protecting the school as a safe and orderly centre of teaching and learning
- Promoting a culture of teaching and learning, mutual respect, tolerance and peace
- Reflecting the standard of ethical and moral behaviour expected of the learners at the school and preparing them to be worthy and responsible citizens in civil society
- Giving effect to the provision of the Bill of Rights and the applicable and enforceable provisions of the statutory matrix (Appendix 1) from which it derives and by which it is governed

Educators at the school standing legally in the place of parents of learners entrusted to their care and control during school hours and any school related activity are entitled to control and discipline learners according to the Code of Conduct.

This Code of Conduct is legally binding on every learner enrolled at the School.

This Code of Conduct is an instrument which belongs to the School community. The achievement of its objectives is dependent on its consistent and fair application, the support of parents and due observance by learners. It is supported by the clarification of the Rights and Duties of the Respective Stakeholders in the School Community (Appendix 2).

## B. SCHOOL RULES

### 1. GENERAL

- 1.1 The School Rules must be adhered to, to ensure that the school's name is not brought into disrepute or discredited.
- 1.2 Learners are expected at all times to behave in a way which brings credit to the school.
- 1.3 Learners are expected to be courteous and honest at all times.
- 1.4 When a learner has joined an extra-mural activity he/she shall fulfil his/her obligations and carry out his/her responsibilities in that activity until the end of the season/activity.
- 1.5 All learners must behave in a responsible, sensible and tolerant manner.
- 1.6 Each learner must show respect to him/herself, peers, staff, visitors and the environment.
- 1.7 No form of intimidation or initiation is allowed.
- 1.8 Where learners are identifiable as students of Stirling High School or are present at a school activity, then they are accountable for their actions in terms of the Code of Conduct.

## 2. SPECIFIC CONDUCT AND BEHAVIOUR EXPECTED

- 2.1 No littering.
- 2.2 Do not in any way damage or deface school property or buildings.
- 2.3 Do not use offensive or foul language.
- 2.4 No fighting, unruly behaviour or gang related activities.
- 2.5 No learner may physically, verbally or psychologically harass, intimidate, bully, assail the dignity of, or assault a fellow learner or teacher.
- 2.6 No smoking.
- 2.7 No romantic display of affection, such as kissing, embracing, necking, etc.
- 2.8 No stealing or interfering with another person's personal property.
- 2.9 The use of, or possession of any drugs or alcohol is forbidden.
- 2.10 Learners may not be in possession of any dangerous object including knives, weapons, fireworks and explosives.
- 2.11 No talking in the hall once the instruction to ~~%~~keep quiet+has been given and no talking during assemblies.
- 2.12 Respect for staff and prefects must be shown at all times. This includes responding when being called by somebody in authority.
- 2.13 No chewing of gum.
- 2.14 No pets or animals may be brought to school without prior permission.
- 2.15 Cell phones and other electronic devices may not be switched on during school hours; with the exception of break-time. (The use of calculators is permitted when appropriate). Cell phones and other personal electronic devices may not be switched on inside the school building at any time.
- 2.16 No gambling or card games.
- 2.17 The use of, or possession of, smoking paraphernalia is forbidden.

## 3. PERSONAL APPEARANCE

### 3.1 GENERAL

- 3.1.1 Uniform to be worn according to the dress regulations and to be clean and neat at all times. A letter from parents needs to be endorsed by a Grade Head or the Principal for any deviations from the dress regulations.
- 3.1.2 Name badges must be worn at all times and be visible.
- 3.1.3 Tracksuit pants or tops may not be worn as part of the school uniform.
- 3.1.4 No badges to be worn on the uniform other than those approved by the school.
- 3.1.5 Jerseys may only be worn under the blazer with winter uniform. Jerseys and scarves are not allowed to be worn during the first term.
- 3.1.6 No sunglasses to be worn with the school uniform or any item of school apparel.
- 3.1.7 Only standard black lace-up school shoes may be worn.
- 3.1.8 Only the official school scarf may be worn.
- 3.1.9 The use of blankets when identifiable as a learner at the school is not permitted.
- 3.1.10 Umbrellas may only be used in the rain.

### 3.2 BOYS

- 3.2.1 Hair: Hair to be short, neat and clean at all times.  
Hair to be above the collar and off the ears.  
The fringe must be above the eye brows.  
No undercuts.

Hair may not be dyed or coloured unless shades close to the pupil's natural colour are used.  
 No closely shaven heads.  
 No steps are allowed.  
 No extensions or dreadlocks.  
 No form of spiking of hair.  
 No form of gel or styling substance may be used in hair.  
 Side-burns may not extend further than mid-ear.  
 Face should be clean shaven at all times.

- 3.2.2 No jewellery, including necklaces, bracelets, earrings or rings may be worn with the exception of Medic-Alert.
- 3.2.3 Nails must be short and clean.
- 3.2.4 Shirts must be tucked in at all times.
- 3.2.5 No hands in pockets.
- 3.2.6 When a tie is worn, the top button must be secured.
- 3.2.7 Only the top button is to be unbuttoned in the first term when not wearing a tie.
- 3.2.8 Only plain white T-shirts or vests may be worn under the shirt and no part of the T-shirt may be visible.
- 3.2.9 Shoes must be polished. Standard, black lace-up shoes to be worn.
- 3.2.10 A blazer may not be worn without a tie.
- 3.2.11 Only a plain black leather belt with a standard buckle may be worn.

### 3.3 **GIRLS**

- 3.3.1 **Hair:** Hair to be neat and clean at all times.  
 If hair is on the collar it must be tied back.  
 Hair may not be dyed or coloured unless shades close to the pupil's natural colour are used.  
 No undercuts.  
 No dreadlocks.  
 No closely shaven heads.  
 Only the following may be used to secure hair:
  1. green, white or black tie-backs
  2. green or white ribbon
  3. plain green or white alice bands
  4. plain silver or gold clips.
- 3.3.2 No jewellery, including bracelets, necklaces or rings may be worn with the exception of Medic-Alert.
- 3.3.3 Only one plain gold or silver sleeper of 1 cm in diameter or stud may be worn in the centre of the lobe of each ear.
- 3.3.4 No make up or coloured nail polish may be worn.
- 3.3.5 Nails must be short i.e. just visible above the finger tips.
- 3.3.6 Shoes must be polished and neat. Standard, black lace-up shoes to be worn.
- 3.3.7 The top button of the shirt must be fastened when winter uniform is worn.
- 3.3.8 No tracksuit pants or top may be worn as part of the school uniform.
- 3.3.9 Only green school tracksuit pants may be worn with the uniform by girls while on motorbikes to and from school.

Any deviation from the dress regulations must be with the written consent of the relevant Grade Head or the Principal.

#### 4. CLASSROOM AND CORRIDOR DISCIPLINE

##### 4.1 CLASSROOM

- 4.1.1 Behave at all times in a manner that does not disrupt teaching and the learning process.
- 4.1.2 Learners may not eat or drink in class.
- 4.1.3 The use of correction fluid or correcting markers is forbidden.
- 4.1.4 During intercom announcements learners must be seated and silent.
- 4.1.5 No learners in classrooms at break without permission.
- 4.1.6 Learners may not be out of class without a %Green Card+entitles a learner to be out of class for a valid reason.

##### 4.2 CORRIDOR

- 4.2.1 Keep to the left at all times.
- 4.2.2 Do not obstruct movement in the corridors by stopping and talking.
- 4.2.3 Be in next class within 5 minutes of the bell ringing.
- 4.2.4 Use the %up+and %down+staircases as specified, except at break and at the beginning and the end of the day.
- 4.2.5 Learners may not be in the school building during breaks except on the bottom corridor, those attending meetings, using the cloakrooms or telephone or with the permission of a staff member or in the case of rainy weather.
- 4.2.6 Learners must sit in the corridors in such a way as not to obstruct the traffic flow.
- 4.2.7 Toilets are not to be used after the first bell at the beginning of the day and at the end of break.
- 4.2.8 Give right of way to Staff and adults.
- 4.2.9 Second floor cloakrooms to be used by Grade 11 and 12s.  
First floor cloakrooms to be used by Grade 8, 9 and 10s.
- 4.2.10 The administration block passage may not be used as a thoroughfare.
- 4.2.11 No running in the corridors.
- 4.2.12 Noise levels to be kept to a minimum during movement between periods.

#### 5. SCHOOL GROUNDS

- 5.1 Do not interfere with the motorbikes or other vehicles.
- 5.2 Do not entertain guests from outside the school without the permission of one of the Deputy Principals or Principal.
- 5.3 No sitting on or beyond the boundary walls or fences of the school during school hours.
- 5.4 The following areas are out of bounds during school hours (07:30 to 14:05):
  - 1. Grade Twelve quad, except for Grade Twelves.
  - 2. All areas on the Primary School side of a straight line running between the netball courts and the tennis courts from the boundary at Gleneagles Road to Epsom Road, including the tennis shelter, tennis courts and squash courts.
  - 3. Hockey fields.
  - 4. Swimming pool and surrounding area.
  - 5. Administration block passage.
  - 6. Hostel buildings, workshop and garages.
  - 7. Motorcycle parking area.
  - 8. Staff room (at all times).

9. Road from the tuckshop to Epsom Road.
10. Printing room and staff media centre (at all times).
11. Netball courts.
12. Area beneath the overhang of the grandstand/changing rooms.
- 5.5 Only Grade 11 and Grade 12 are allowed in the tuckshop extension during break.
- 5.6 No begging at the tuckshop.
- 5.7 Learners at the tuckshop may only use the hatches allocated to their particular Grade.
- 5.8 The Primary School fields are out of bounds at all times; before, during and after school.
- 5.9 Games may only be played on the school fields.
- 5.10 Appropriate shoes must be worn when playing on the netball, squash and tennis courts.
- 5.11 Learners may only enter the swimming pool under the supervision of a teacher/coach.

## 6. TO AND FROM SCHOOL

- 6.1 Buses: Obey the bus driver at all times.  
Board and leave the bus in a manner that does not endanger you or other road users.  
Do not leave litter or mark or damage the bus in any way.
- 6.2 Learners who are allowed by their parent to drive to school must enter and leave the grounds by the bottom entrance off Epsom Road and park in the car park in front of the hostel. Motorised cycles must park in the designated area.
- 6.3 Learners must provide a copy of their licence to the Principal before being allowed to drive within the school grounds.
- 6.4 No hitch hiking in school uniform or while identifiable as a learner of the school.
- 6.5 School uniform is to be worn properly at all times.
- 6.6 Learners must be in the school grounds by 07:40 and in the classroom by 07:45 in the morning.
- 6.7 Compliance with school rules whilst in uniform, as if at school, is required at all times.

## 7. ABSENTEEISM

- 7.1 Learners may not leave the school grounds during school hours without the permission of the Grade Head.
- 7.2 If permission has been granted to leave school early, the register at the Secretaries Office must be filled in and learners must leave via the front door when being fetched from school.
- 7.3 Learners may not phone their parents for permission to leave school without the Grade Head's authority.
- 7.4 In the case of absenteeism from school, a note signed by a parent must be handed to the class teacher on the day the learner returns to school. A medical certificate from a registered medical practitioner is required if a formal assessment is missed as a result of absenteeism.
- 7.5 A learner who arrives late at school must report to the Secretaries Office before excusing himself/herself from his/her teacher.

**8. SPORT**

- 8.1 All learners will have an opportunity to register for a winter and a summer sport. Once they have indicated their choice, when registering, they are committed to that sport for the remainder of the season.
- 8.2 Learners must be correctly dressed for sports practices and matches.
- 8.3 Any transgressions as listed below will be referred to a special sport disciplinary committee which will convene a hearing and apply an appropriate sanction (as listed below).
- 8.4 Offences which may be referred to the Sport Disciplinary Committee may include:
  - (a) Fighting, dirty play or any other unsportsmanlike conduct on the field of play
  - (b) Poor behaviour on a sport tour
  - (c) Absent without a good reason from a match or practice
  - (d) Not being courteous and obedient to referees, umpires, officials, responsible educators or team captains.

**9. EXAMINATION OR TEST RULES**

- 9.1 No learner may talk or communicate in any way with any other learner once inside the examination/ test venue.
- 9.2 No learner may eat or drink during an examination/ test.
- 9.3 No learner may have in his/her possession, or in his/her immediate vicinity, any material which could assist them in any way during the writing of the examination/ test; for example, notes or textbooks etc.
- 9.4 No learner may have in his/her possession, or in his/her immediate vicinity a cellphone during the writing of the examination/ test whether switched on or off.
- 9.5 No learner may borrow any item from another learner in an examination.
- 9.6 No learner may assist another learner, or be assisted by another learner, with information, during a formal assessment.

**10. NOTICES OF DISCIPLINARY PROCEEDINGS**

- 10.1 Failing to deliver a notice instituting disciplinary proceedings, or any notice relating to discipline, to parent(s).
- 10.2 Failing to return any such notice to the issuing educator signed by the parent(s) by the appointed time.
- 10.3 Failing to attend punctually at disciplinary proceedings, whether as the accused learner, or as a witness, without good and persuasive reasons.

**11. CELLULAR TELEPHONES AND ELECTRONIC DEVICES**

- 11.1 Cellular telephones and other electronic devices belonging to learners must be switched off during school hours; with the exception of break-time. (The use of calculators is permitted when appropriate). Cell phones and other personal electronic devices may not be switched on inside the school building at any time.
- 11.2 Any transgression in terms of point 11.1 will result in the cellular telephone or electronic device being confiscated and handed to the Principal who will contact the learner's parents to arrange for its collection.

**12. SCHOOL HOSTEL**

- 12.1 The serious misconduct regulations and procedures relating to serious misconduct, as set out in Section C of this Code of Conduct, apply to all learners residing in the school hostel in terms of such residency.
- 12.2 School rules pertaining to school activities and behaviour on school premises apply to all learners residing in the school hostel.

**C. SERIOUS MISCONDUCT**

A learner may be found guilty of serious misconduct if he or she:

- (a) has been convicted by a court of a criminal offence;
- (b) sells, distributes (whether by sharing or otherwise), keeps or stores for sale or distribution, uses, possesses and/or is under the influence of any of the following while on the school premises or at a school activity, or whilst in school uniform or carrying any item of apparel identifying him or her as a learner enrolled at the school:
  - (i) intoxicating liquor;
  - (ii) illegal drug or narcotic; or
  - (iii) prescribable drug without a prescription issued by a medical practitioner.
- (c) abuses and/or is under the influence of, or possesses, with the intention of abusing and falling under the influence of any intoxicating or stupefying substances, including inhalants, such as glue, thinners, petrol, aerosol spray, paint, solvents and others.
- (d) is guilty of assault, theft, gross insubordination or immoral conduct;
- (e) has been repeatedly absent without leave from school and/or classes;
- (f) intentionally and without just excuse .
  - (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
  - (iii) insults the dignity of a staff member;
  - (iv) cheats in a test or examination;
  - (v) distributes any test or examination material that may enable another person or himself or herself to gain an unfair advantage or is in possession of any examination material or other material which may unfairly assist him or her in the writing of the examination
  - (vi) sexually harasses another person;
  - (vii) is found in possession of or distributes pornographic material;
  - (viii) supplies false information or falsifies documentation to gain an unfair advantage at school;
  - (ix) is in possession of a dangerous object or uses it to threaten any person;
  - (x) engages in any act of public indecency;
- (g) endangers the safety and violates the rights of others;
- (h) fights, swears, or falsely identifies himself or herself;
- (i) threatens fellow learners or educators;
- (j) uses hate speech, makes himself or herself guilty of racism or applies harmful graffiti;
- (k) vandalises, destroys or defaces school property or the property of any member of the school community;

- (l) repeatedly violates school rules or the Code of Conduct;
- (m) conducts himself or herself in a disgraceful, improper or unbecoming manner.
- (n) is guilty of offensive or oppressive behaviour. This is a broad category of misconduct. Sufficiently serious cases or types of misconduct are targeted. Examples are given without limiting the breadth of the category. Serious insult; denigration of religion or culture; racial slur; intimidation; blackmail; sustained psychological abuse; bullying; coercion; obscene language; gestures, jokes, anecdotes, etc; false reporting and accusation causing a fellow learner to suffer degradation, distress and suspicion.
- (o) is guilty of any misconduct regarded as serious in terms of societal norms.

Charges of serious misconduct may be referred by the Principal to the Disciplinary Committee of the School Governing Body (SGB) for adjudication and the imposition of punishment, where required and appropriate, in accordance with the serious misconduct regulations. The said committee may, subject to the said Regulations, the South African Schools Act 84 of 1996 as amended and any applicable law:

- Refer a matter, where a learner has been convicted of serious misconduct, to the Head of the Department (HOD) of Education, with a recommendation that the learner be expelled from the school.
- Suspend the learner from school attendance, pending the decision of the HOD
- Suspend the learner from school attendance for up to one week as a disciplinary measure
- Impose any form of punishment, provided for in this Code, or any other punishment, which may be appropriate, either in conjunction with, or in lieu of suspension from school as a disciplinary measure.
- Suspend any portion of the abovementioned punishment (except referral to the HOD for expulsion or suspension in conjunction with that) on such terms and conditions as may be appropriate to bring about reform.

The 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 representations to the SGB in relation to such suspension. Disciplinary proceedings must commence within seven school days after the suspension of such a learner.

## **D. PUNISHMENT OF MISCONDUCT**

### **GUIDES FOR PUNISHMENT**

Punishment and the process by which it is imposed must be:

- Fair
- Reasonable
- Appropriate (not only to the offence but also to the child and the school community)
- Relatively immediate
- Acceptable having regard to the Bill of Rights and the ethos of the school community
- Reasonably consistent

Disciplinary action taken by the school should be as ~~transparent~~ as possible. Effective discipline demands effective communication between the disciplinary structures, the staff and the learners and the parents. Written reasons must be furnished at the request of parents. Nothing in this Code detracts from the desirable approach that disciplinary matters be resolved by way of counselling and/ or other less formal methods. The SGB

may formulate and adopt a policy regarding pardon for and expungement of records of punishment after consultation with the educators, parents and learners of the School. The rights of parents and learners to appeal against convictions and/ or the imposition of punishment for misconduct are set out in the Code and the Serious Misconduct regulations.

### **FORMS OF PUNISHMENT**

The following forms of punishment may be imposed at each level of the Disciplinary Structure at school. As far as possible classroom disciplinary problems should be resolved within the classroom.

1.     **TEACHERS**            Reprimand  
                                  Incident Report Form  
                                  Time out  
                                  Parent contact  
                                  Referral to Grade Head
  
2.     **GRADE HEADS**        Daily Report  
                                  Parent Contact  
                                  Reprimand  
                                  Time-out  
                                  Demerit form  
                                  Thursday and Friday Detention  
                                  Break-time Detention  
                                  Referral to Head of Discipline
  
3.     **HEAD OF DISCIPLINE**  
                                  Break-time Detention  
                                  Thursday or Friday Detention  
                                  Parent Contact  
                                  Letter to Parents (Probation)  
                                  Suspension of privileges  
                                  Time-out  
                                  Community service to the School  
                                  Referral to Principals' Committee or Deputy's Disciplinary  
                                  Committee
  
4.     **DISCIPLINARY COMMITTEES**  
                                  Suspension of privileges  
                                  Removal from office or positions of leadership and  
                                  responsibility eg. Prefects and Captains  
                                  Parent conference  
                                  Probation  
                                  Community service  
                                  Referral to a counsellor or social worker  
                                  Advising Principal regarding referral to the Statutory Discipline  
                                  Committee of the School Governing Body

## DEMERITS AND CREDITS

This system uses points (demerits and credits) and is run using a computer program that takes care of most of the administration. It is applied as one of the forms of punishment when appropriate in particular circumstances. The application and workings of this system are explained below.

**(a) Demerits**

Negative points awarded for infringements and misdemeanours. An accumulation of demerits leads to punishment. These are awarded according to a pre-determined scale.

**(b) Credits**

Upon having fulfilled their obligations with regard to punishment, learners are awarded credit points according to a pre-determined scale.

**(c) Discipline System Points**

**Learners will be punished according to the table below.**

Total Demerits	Punishment	Times
3	Short detention	Thursday and Friday 14h15 . 15h15
6	Long detention	Thursday and Friday 14h15 . 16h00
20	Possible referral to Deputy's Committee	
30	Possible referral to Principal's Committee with possible referral to the Governing Body	

Upon serving each of the above detentions, credits of the same value are accrued to the learner. A referral to one of the committees does not constitute a punishment. However the relevant committee may institute a punishment over and above the detentions mentioned above. In doing so the respective committee will also determine how many credits will be awarded for the punishment instituted.

A letter warning of possible disciplinary action is to be sent, by the Grade Head, to the parents, when the learner has accumulated *an excessive number of* demerits.

Pupils may not do detention unnecessarily to build up credits.

**(d) PROCEDURE TO BE FOLLOWED:**

1. A teacher may issue an Incident Report Form to any learner. This will need to be signed by both the teacher and the learner involved.
2. If a learner refuses to sign the Incident Report Form, the Grade Head will automatically follow up on the matter. If the offence is found to be legitimate then the Grade Head will double up the Demerits originally awarded.
3. A learner may sign the form and thereafter consult the Grade Head regarding the slip. If the learner is found to be guilty, the Demerits stand as they are. In the case of both 2 & 3, if the learner is found to be innocent the Grade Head will cancel the Demerits issued.

4. Every learner has the right of appeal to their Grade Head, the Head of Discipline and, if necessary, the Principal.
5. The Incident Report Forms will be placed in a file according to the learner's grade. These will then be removed by the Grade Head on a weekly basis and forwarded to the administrator for entering on the computer. Monday 10h00 will be the weekly cut-off time for entering Incident Report Forms.
6. The administrator will produce a list of all those who qualify for detention by Wednesday 08h30. In addition to this list, each learner on detention will have a Conduct Report printed to send to the parents. The class teachers will issue these to the individual learners.
7. The learner's parents have to return this Conduct Report, signed by their parents, to their Grade Head, or person nominated by the Grade Head, on Thursday morning by break-time. (Forms not returned signed will attract more Demerits).
8. At detention the learners are handed a Punishment Report Form to complete (only one form is given to each pupil) detailing their attendance at detention. The learners are subject to the normal punishment system rules in the detention session. If a pupil disrupts the detention session, he/she will be sent home and no credits will be awarded. Any demerits awarded during the detention will however be carried forward in such a case.
9. The Punishment Report Form will be processed by the administrator on a Monday morning, thus reducing the demerit total by the number of credits earned.

#### (e) TABLE OF DEMERITS AND CREDITS

##### DEMERITS

3  
6

##### CREDITS

Short detention  
Long detention

#### DEMERIT TABLE

##### CATEGORY 1 OFFENCES

No	Offence	Demerits
1001	Boys' hair too long / short	1
1002	Boys' hair spiked or gel in hair (once a day)	1
1003	Boys' hair dyed, undercut, dreadlocks, shaved heads or any other contravention of the hair rules set out earlier in this document	1
1004	Girls' hair not tied up when on shoulders	1
1005	Girls' hair dyed, undercut, dreadlocks, shaved heads	1
1006	Girls' hair . incorrect tying up of hair . wrong colour bands or any other contravention of the hair rules set out earlier in this document	1
1007	Wearing of jewellery (may be confiscated) . including wearing of earrings (boys), incorrect earrings (girls), tongue rings, nose rings and any other body piercing related jewellery. A medic alert bracelet may be worn.	1
1008	Wearing a non-uniform item with uniform (per day)	1
1009	Wearing a visible T-shirt under school shirt (per day)	1
1010	Incorrect socks (per day)	1
1011	Inappropriate / untidy sportswear at practices	1
1012	Untidy uniform on grounds . torn, no buttons, unbuttoned blazers (boys), hands in pockets, shirt not tucked in, top button undone with tie. Untidiness applies to all forms of school uniform.	1
1013	Dirty or incorrect shoes (per day)	1
1014	Wearing of make-up or coloured nail polish (per day)	1

1015	Gym too short (per day)	1
1016	Wearing tracksuit with uniform (except girls to/from school on a motorbike) (per day)	1
1017	Boys who are unshaven	1
1018	Wearing non-school uniform items without a note from parents	1
1019	Wearing coloured clothing with a school tracksuit	1
1020	Books / equipment left at home	1
1021	Homework inadequate / incomplete	1
1022	Homework not done at all (may be in conjunction with 1020)	2
1023	Copying or sharing of homework (both offenders)	2
1024	Littering	1
1025	Inappropriate public displays of affection on school property	1
1026	CASS overdue	2
1027	Insolence, rudeness and insubordination to prefects	2
1028	Chewing gum	1
1029	Cell phone used during school hours (excl break) or in building	2
1030	Not returning appropriate reply slips from parents (per day)	1
1031	Not handing an absentee note to class teacher	1
1032	Noise in class (per incident)	1
1033	Continuous disruption of class (per incident)	2
1034	Eating or drinking in class (per incident)	1
1035	Noise during intercom announcements (per incident)	1
1036	Ignored instructions	2
1037	Out of class without %Green Card+	2
1038	No name badge . per day	1
1039	Discourteous behaviour e.g poor manners (see 2007 for cheeky and rude behaviour)	2
1040	Obstructing movement in corridors	1
1041	Incorrect use of %Up+and %Down+stairs	1
1042	Using toilets after 1 <sup>st</sup> bell after break and the start of the day	1
1043	Using staff room corridor (per incident)	1
1044	Running in corridors (per incident)	1
1045	Excessive noise in corridors (per incident)	1
1046	Not speaking language of instruction: while a lesson is in progress; when addressing a teacher; or without the relevant teacher's consent (per incident)	1
1047	Doing work of another subject while in class	1
1048	Swearing / obscenities and inappropriate language including offensive language (per incident)	2
1049	Poor manners at the tuckshop	2
1050	Pushing into the queues at the tuckshop	1
1051	Incorrect shoes worn for games on the Tennis / Netball courts	1
1052	Misbehaviour on a bus . school and public	2
1053	Hitch-hiking in school uniform	2
1054	Sitting in or using cars during the school day . including at break	2
1055	Leaving school with permission but without signing out	1
1056	Punctuality: up to 5 minutes late	1
1057	Punctuality: more than 5 and less than 10 minutes late	2
1058	Not listening to instruction to stay logged off until instructed to log on	1
1059	Logged on at Internet without permission during class	2
1060	Forgetting passwords and usernames	1
1061	Finger nails too long (per day)	1
1062	Incorrect wearing of the school jersey	1
1063	Boys wearing a blazer without a tie	1

**CATEGORY 2 OFFENCES**

No	Offence	Demerits
2001	Inappropriate / untidy sportswear at matches	3
2002	Gross abuse of dress code / hairstyle regulations	3
2003	Untidy uniform in public . as above	3
2004	Wearing another person's name badge	3
2005	Unexcused absence from extra-mural practice	3
2006	Incorrect dress at sport matches	3
2007	Insolence, rudeness or insubordination to member of staff This may also be referred to the Disciplinary Committee	3
2008	Interference with property of others	3
2009	Entertaining guests from outside of Stirling without permission	3
2010	Begging at the tuckshop	3
2011	Missing Short detention without PRIOR written excuse	3
2012	Arguing with a referee or umpire during a match	3
2013	Unsportsmanlike behaviour on the field during a match	3
2014	Swearing on the field during a match	3
2015	In company of smokers	3
2016	Possession of cigarettes	3
2017	Talking / disrupting assembly in any way	3
2018	Inappropriate behaviour . whistling, jeering, humming etc	3
2019	Late for sport matches	3
2020	Punctuality: more than 10 minutes late	3
2021	Logged on at a computer not using own username and password	3
2022	Disrespecting any computer property in lab	3

**CATEGORY 3 OFFENCES**

No	Offence	Demerits
3001	Missing Long detention without PRIOR written excuse	6
3002	Dishonesty in a written statement	6
3003	Dishonesty in a verbal statement	6
3004	Absent from class without acceptable reason (per period)	6
3005	Walking out of a class without permission	6
3006	Fighting	9
3007	Damaging school property	9
3008	Inappropriate displays of affection in public	6
3009	Unexcused absence from match / performance	9
3010	Out of bounds	6
3011	Leaving school grounds without Grade Head's permission	6
3012	Absent from a match without excuse	9
3013	Cheating in a test or examination (in addition to any loss of marks)	9
3014	Smoking on school premises	9
3015	Smoking in any school uniform or school attire	9
3016	Surfing the internet and searching illicit (porn) sites	6

**CATEGORY 4 (Record of Community Service)**

4001	Community Service . 5 hours
4002	Community Service . 10 hours
4003	Community Service . 15 hours
4004	Community Service . 20 hours
4005	Community Service . 25 hours

**E. POLICY AND PROCEDURE IN CASES OF DRUG ABUSE****INTRODUCTION**

- a. On 13 December 2002 the Minister of Education, acting in terms of section 3 (4) (N) of the National Education Policy Act, 1996, declared national policy on The Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions ("the drugs policy").
- b. The drugs policy emerged from growing awareness of the scale of drug abuse in schools. In para. 4 of the drugs policy it is stated -
 

"Studies on drug usage in the country point to an increase in drug abuse across all communities, irrespective of wealth .... Evidence indicates that school communities are particularly vulnerable and drug use by learners is on the increase in both rural and urban schools.

These reports also indicate a high correlation between drug abuse and other anti-social and high-risk behaviour typical of countercultures such as violence, sexual violence, gangsterism and theft. Equally, reports link drug abuse with prevalence levels of HIV/AIDS and hence early death."
- c. In the drugs policy, the Minister recognizes the role played by drugs in seriously undermining the most critical element for the successful delivery of quality education, namely a safe and disciplined learning environment.
- d. The drugs policy complements the Regulations for Safety Measures at Public Schools, promulgated on 12 October 2001 ("the safety measures) (see later). It follows three approaches -
  - (1). The habitual abuse of, or dealing in drugs is condemned and must be punished (para. 3).
  - (2). It seeks to support and assist learners, who have developed a dependency on drugs, especially as a result of experimentation or peer pressure, if they are prepared to co-operate with educators and other professionals involved in the treatment and rehabilitation process. (paras. 6, 8 and 9).
  - (3). It seeks to help and support learners and educators, who do not use / abuse drugs, but who may be affected by the use/abuse of it by others, as well as to prevent such use/abuse.
- e. The drugs policy contains various provisions aimed at contributing towards the effective prevention, management and treatment of drug use, misuse and dependency in schools and Further Education and Training Institutions.
- f. This policy aims at giving expression to the provisions of the drugs policy, whilst simultaneously setting out the position taken and the approach to be followed by the community of Stirling High School in dealing with the problem of drug distribution, abuse and dependency in the school context.

2. The point of departure of this policy is that in terms of the School's Code of Conduct a learner commits serious misconduct if he/she -
- (i) sells, distributes, or keeps or stores for sale or distribution, uses, possesses and/or is under the influence of any of the following while on the school premises or at a school activity, or whilst in school uniform or carrying any item or apparel identifying him or her as a learner of the school:-
    - (a) intoxicating liquor;
    - (b) illegal drug or narcotic; or
    - (c) prescribable drug without a prescription issued by a registered medical practitioner.
  - (ii) abuses and/or is under the influence of, or possesses, with the intention of abusing and/or falling under the influence of any inhalants, such as glue, thinners, petrol, aerosol spray, paint, solvents and others.

The safety measures prohibit the possession of any unlawful intoxicating or stupefying substance on the school premises, as well as entry onto the school premises whilst under the influence of any such substance or alcohol. There are similar provisions in the drugs policy.

3. Subject to 4, below, the aforesaid serious misconduct must be firmly and consistently prosecuted and dealt with as such in accordance with the Code of Conduct and due process. If a learner is found guilty of such serious misconduct, the committee presiding over the proceedings concerned shall have regard to and in appropriate circumstances give effect to the relevant provisions of the drugs policy on restorative justice, as well as any School Management Plan contemplated by para. 33 thereof. In such a case, the presiding committee must satisfy itself that a clear plan for restorative justice has been formulated, with time frames, requirements and monitoring mechanisms, and that the learner and his/her parents have undertaken to co-operate in the fulfillment of the plan, whereupon the proceedings may be adjourned, indefinitely, subject to the right of the committee to reconvene them at any time on reasonable notice for monitoring the fulfillment of the plan. If the proceedings are reconvened and it appears from evidence that the plan has failed due to non-co-operation by the learner, the committee must proceed to impose an appropriate punishment, which may include the reference of the matter to the Provincial Head of Department for the expulsion of the learner or the taking of the steps contemplated by para. 6 of the drugs policy.
4. The approach set out in 3, above, may be deviated from in the following circumstances:-
- 4.1. where a learner or the parent of a learner voluntarily discloses that the learner has a drug dependency problem; or
  - 4.2. where an educator, whether by observation, counselling or both, determines on reasonable grounds that a learner has a drug dependency problem.

In such a case, the matter must be referred to the Principal or an educator designated by him, who must -

- (i) immediately engage with the learner's parent(s) and in consultation with them determine whether or not the learner has a drug-dependency problem and whether rehabilitative intervention is required or justified. In this regard, the drugs policy, and particularly para. 28 thereof must be followed;
  - (ii) ascertain whether or not the learner and his/her parents will co-operate in the support appropriate rehabilitation intervention;
  - (iii) (if (i) and (ii) are in the affirmative) devise a rehabilitation plan with the assistance of the department of education and any other appropriately qualified persons, including the learner's own medical practitioner, and in consultation with the learner and his/her parent(s) devise a written rehabilitation plan incorporating at least the following:-
    - (a) periodic testing and reporting
    - (b) clear time frames
    - (c) random searching for drugs
    - (d) periodic consultation with parent(s) and the learner
    - (e) provision for carrying of a report card by the learner to every educator involved in his/her tuition for a specified period
    - (f) random provision of a urine sample for independent testing
    - (g) the bearing of the costs of testing or reporting
    - (h) the written consent of the learner and parent to all the measures concerned
    - (i) the indemnification of the school, the monitoring person (Principal or designate) and the Department of Education against any claims by the parent(s) or learner, or both arising from the enforcement of the programme.
    - (j) the duration of the programme
5. If the programme fails to achieve the rehabilitation of the learner, whether through lack of co-operation or otherwise, the Principal or his designate may discontinue it whether or not it has run its course.
6. The relevant stakeholders must, as soon as possible, develop a comprehensive Drug Use, Misuse and Dependency Management Plan in accordance with the drugs policy (para. 33 in particular), incorporating the following elements:-
- 6.1. Education of learners and parents
  - 6.2. Training of educators (identification and management)
  - 6.3. Confidential whistle-blowing
  - 6.4. A core programme
  - 6.5. Involvement of outside agencies, such as SAPS, Department of Health and Social Welfare for advice, support, law enforcement, education and training.
  - 6.6. Involvement of SANCA and similar persons for advice and support.
  - 6.7. Prosecution
  - 6.8. Investigation (including searchers)
  - 6.9. Vision, mission, objectives
  - 6.10. Guiding Principles (including confidentiality and human rights considerations)

The provisions of this policy apply pending the adoption of such a plan.

## F. INVESTIGATION, SCHOOL SAFETY, SEARCH AND DISCLOSURE

The Principal has the right to confiscate the property of learners, record such confiscation in the register, and return the confiscated property to the parent/guardian of the learner from whom the property was confiscated.

- 7.1. Search and seizure and drug testing at school is permitted under certain conditions as laid down in Section 8A of the South African Schools Act 84 of 1996 as amended.
- 7.2. A learner may be subjected to urine or other non-invasive tests for illegal drugs under certain conditions as laid down in the SASA 84 of 1996 as amended.
- 7.3. Evidence may be collected in the form of statements taken after interviews, video tapes, audio tapes, photos, samples, exhibits, reports and documentation. The identity of a witness will be protected where disclosure may expose him/her to harassment or harm, whether physical or psychological.
- 7.4. Searches and Disclosure (Safety Regulations)

The following is authorized by the Safety Regulations -

- (a) Any police official, or, in the absence of a police official, the Principal, or any person appointed by the Principal to do so, may, without a warrant and if he/she has a reasonable suspicion that illegal drugs or dangerous weapons may be present on the school premises, search those premises or any person present on the premises for such drugs or weapons, and may seize them if found.
  - (b) The Principal may at any time, and for such time frames as he may deem necessary, direct that no person may enter the school premises without his permission and, further, that his permission will not be granted unless the person complies with section 5(2) of the safety measures, including the disclosure of the contents of any container of any kind and submission to search by a person of the same gender, or by sniffer dogs or by electronic apparatus. If the person declines, he/she may be summarily evicted from the premises.
  - (c) Any body search contemplated in (a) must take place in private by a person of the same gender. If the person searched is a learner, such a search may only be conducted by the Principal, if he or she is of the same gender as the learner, or by the Principal's delegate who must be of the same gender as the learner. One adult witness, who must be of the same gender as the learner, must also be present.
8. All matters relating to the drug dependency of a learner and steps taken to intervene for his/her rehabilitation, shall be kept strictly confidential.

## **G. DISCIPLINARY STRUCTURES AND PROCEDURE**

### **1. INTERNAL DISCIPLINARY STRUCTURE**

The Principal of the school has the authority to administer and enforce discipline in the school in a manner consistent with the code. The Principal may delegate this authority to teachers at the school.

A member of staff appointed by the Principal takes on the Portfolio of Head of Discipline in the school. The Head of Discipline will manage all disciplinary structures in the school, will ensure that standards are maintained on an on-going basis and serve as co-ordinator of the Disciplinary Committee. The Deputy Principals will also serve as the heads of discipline in the various grades and may be referred to by the Grade Heads.

#### **(a) PRINCIPAL'S COMMITTEE**

The Principal's Disciplinary Committee will consist of the following members:

- Principal
- One Deputy Principal
- Two Grade Heads
- At least one learner.

The Committee has the right to co-opt any other staff member and/or pupil onto the Committee if it is deemed necessary

The Principal's Disciplinary Committee will act as the Disciplinary authority of the school.

The Committee hears and adjudicates on charges of all major disciplinary offences (except those referable to the Governing Body's Disciplinary Committee) in the school and metes out punishment in this regard. The Principal's Committee may refer a case to the Governing Body Disciplinary Committee.

The Head of Discipline will co-ordinate the administration of discipline with the help of the Principal's Disciplinary Committee, staff and Pyramid Council where necessary.

#### **(b) DEPUTY'S COMMITTEE**

This committee consists of a Deputy Principal or the Head of Discipline, at least two other Grade Heads and at least one learner.

#### **(c) GRADE HEADS**

The Grade Heads are primarily responsible for the well-being and the disciplining of the learners in their respective grades. They, together with the Assistant Grade Heads, are responsible for all disciplinary matters referred to them by the Subject Teachers and Class Teachers.

In the case of more serious offences or habitual offenders the Grade Heads may refer the matter to the Head of Discipline.

**(d) TEACHERS**

All Subject Teachers are responsible for discipline in their own classrooms. Teachers are expected to maintain an atmosphere conducive to effective learning and to allow each learner the right to learn in an uninterrupted environment. Subject Teachers may develop their own system of discipline which is firm and fair, and in compliance with the school's disciplinary policy. They are also entitled to use the disciplinary system detailed below.  
(In the case of repeated offences and misbehaviour in the classroom, learners may be referred to the Grade Head.)

**(e) PREFECTS AND CLASS CAPTAINS**

All learners are expected to comply with reasonable instructions or directions given by Prefects and Class Captains in the performance of their duties. All learners are required to respect them and support them in the carrying out of their duties.

**(f) THE SPORT DISCIPLINARY COMMITTEE**

The Sport Disciplinary Committee will be made up as follows:

- Head of Sport (will chair the committee)
- Head of Discipline
- At least one learner

This Committee hears and adjudicates on all charges relating to sport offences, except those referred to the Governing Body's Disciplinary Committee

**2. INTERNAL DISCIPLINARY PROCEDURE**

It is accepted that procedures may be less formal at the lower end of the Internal Structures and more formal at the top end, according to the degree of gravity of misconduct, where they may need to be aligned as nearly as possible with those governing the SGB Disciplinary Committee (see below). Whatever procedure is employed must comply with the following requirements:

- The charge must be clear and understandable
- The accused learner must be afforded the right of audience
- The learner's representations must be duly considered
- The learner must have the right to challenge evidence against him/ her by cross-questioning and/ or by the calling of witnesses and to refute such evidence.
- Adjudication must be impartial, objective and reasonable
- Reasons must be given for conviction, and must be given in writing if required by the learner's parent(s), the Principal or any appellate structure
- Punishment must be appropriate and in accordance with this Code
- The right to representation by a parent or a fellow learner must be given in more serious cases
- Learners must be advised of any rights of appeal afforded by this Code
- The guidelines in Appendix 3 should be followed.

### 3. SERIOUS MISCONDUCT

The procedure that is followed is that prescribed by the Serious Misconduct Regulations (to the extent that they are valid and enforceable) for observance by the Statutory Disciplinary Committee of the SGB constituted in terms thereof. A copy of such Regulations will be made available on request to a learner (or his/ her parents) involved in disciplinary proceedings involving serious misconduct. Such a learner will also be offered counselling services.

#### H. APPEAL

1. There is a right of appeal by the learner or his/ her parent(s) to the Principal's Disciplinary Committee against a conviction and/ or sentence imposed by any of the other Internal Disciplinary Structures. The appeal must be in writing and lodged with the Principal's Secretary 72 (seventy-two) hours (excluding weekends) after the conviction and sentence have been communicated to the learner. No late appeals will be allowed. The decision of the Principal's Committee in such cases will be final (there will be no further right of appeal). The procedure for appeal must comply with the following:
  - Only the written appeal and written decision of the relevant disciplinary structure will be considered
  - The relevant and applicable requirements for adjudication by Internal Disciplinary Structures must be observed
  - The onus is on the appellant to show on a balance of probabilities that the conviction is unjustified and/ or that the punishment is inappropriate
  - The Principal's Committee may uphold the appeal, or dismiss it, wholly or in part, and may substitute its own finding on conviction and/ or punishment, provided that where it is of the view that a conviction for another or more serious misconduct and/ or harsher punishment is warranted, it shall give notice to the parties, giving them adequate time to prepare, and re-hear the matter as a Disciplinary Structure of the first instance. After the hearing, it may:
    - Set aside the original conviction and punishment and substitute it with its own; or
    - Acquit the learner of the new charge, but deal with the original appeal in the manner prescribed
    - Where it substitutes its own conviction and sentence on re-hearing, advise the learner of his/ her right to appeal to the SGB's Disciplinary Committee
  - The decision on appeal or on re-hearing must be given in writing with reasons to the appellant and the relevant Disciplinary Structure.
  - The conviction and/ or sentence are suspended, pending the decision on appeal, which once given, must be executed forthwith.
2. A learner or his/her parent(s) may appeal to the SGB's Disciplinary Committee against a conviction and/ or sentence of the Principal's Disciplinary Committee, sitting as a tribunal of first instance. The provisions of clause 1, above, apply equally to such an appeal. The decision of the SGB's Committee shall be final.
3. The learner's parent(s)' rights of appeal against the conviction and/ or sentence of the SGB's Disciplinary Committee in cases of serious misconduct are as prescribed in the Serious Misconduct Regulations and must be drawn to the attention of the learner/ parent(s).

**APPENDIX 1****STATUTORY MATRIX FOR THE CODE OF CONDUCT**

The Code of Conduct for learners of Stirling High School (the School) derives from the following statutory matrix:

- The South African Schools Act, 1996 (Act No. 84 of 1996)(as amended)(SASA)
- The Constitution of the Republic of South Africa (Act No. 28 of 1996), including the Bill of Rights
- Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Government Notice No. 776: Gazette No. 18900 of 15 May 1998)(the Ministerial Guidelines)
- Regulations of the MEC for Education regarding serious misconduct by learners, and related matters in terms of section 9 (3) of SASA (Provincial Gazette No. 415 (Extraordinary) of 25 June 1999, as amended by Provincial Gazette No. 978 (Notice No. 10) of 21 February 2003)(the Serious Misconduct Regulations)
- The Control of Access to Public Premises and Vehicles Act 1985 (Act No. 53 of 1985), including regulations made under it (the Public Premises Act)
- Ministerial Regulations for Safety Measures at Public Schools in terms of section 61 of SASA (Government Notice No. 1040: Gazette No. 22754 of 12 October 2001)(the Safety Regulations)
- National Policy on the Management of Drug Abuse by Learners (General Notice No. 3427: Government Gazette No. 24127 of 13 December 2002)(the Policy on Drug Abuse . PDA)
- Regulations to Prohibit Initiation Practices in Schools made under section 61 of SASA (Government Notice No. 1589: Gazette No. 24165 of 13 December 2002)

## **APPENDIX 2**

### **RIGHTS AND DUTIES OF THE RESPECTIVE STAKEHOLDERS IN THE SCHOOL COMMUNITY**

#### ***LEARNERS' RIGHTS***

Learners should be entitled to:

- educational facilities and resources necessary for effective learning
- be taught in a clean, safe and orderly environment
- be taught each lesson in an atmosphere conducive to learning and free from interruptions by other pupils
- be treated as an individual, enjoying the respect of others, and treated in a fair and dignified manner
- be able to express themselves, to ask questions, and be heard
- be taught in a disciplined environment in which punishment is fair and consistent
- be recognised for their achievements
- a balanced education which prepares them adequately for life after school
- the democratic right to due process and to have their views heard

#### ***LEARNERS' DUTIES AND RESPONSIBILITIES***

Learners should:

- accept the Code of Conduct of the school, obey all school rules and regulations, and so enhance the school as a place for ordered and orderly learning
- attend school in the correct uniform, be neat in appearance, and have the correct equipment
- ensure that books, desks and all school equipment and property, and the property of others, are treated with respect
- attend school and classes regularly, be punctual, respect the rights of others to learn in a learning environment, and complete homework and class assignments
- be responsible for their actions, respect others, not interfering with their right to a good education, and respect authority
- be involved fully in the sporting and cultural activities of the school and meet all obligations in this regard
- keep the environment clean and generally have pride in the school, so enhancing its name

***TEACHERS' RIGHTS AND EXPECTATIONS***

Teachers should:

- be able to teach in a safe, orderly, clean and quiet environment in which the necessary materials and equipment are provided and maintained
- expect learners to be prepared for lessons, having completed all homework assignments
- expect learners to be punctual, courteous and respectful
- be treated fairly and be respected as professional persons
- be supported by parents and colleagues and receive the support of those in authority
- be able to teach without interruption
- enjoy privacy in their private lives, with the assurance that their personal property at school will be respected

***TEACHERS' OBLIGATIONS AND RESPONSIBILITIES***

Teachers must:

- be professional in appearance and approach, and provide an environment which is conducive to effective learning
- be well prepared for each lesson, teach each lesson effectively, and effectively evaluate work done
- maintain a clean, disciplined and safe environment in the classroom
- be punctual, consistent and fair, and sensitive to the needs of learners
- treat learners as individuals, respecting their rights, and encouraging each learner to reach his/her full potential in all spheres of school life
- guide learners, help them to identify problems that they have, and help them to resolve such problems
- communicate with parents and keep them informed of the progress of learners
- keep up to date with developments in education, in the subjects taught, and in the teaching of the subjects
- set the correct example as a professional person and provide learners with life skills
- keep up to date with all administrative duties and attend all official school functions

***PARENTS' EXPECTATIONS***

Parents expect from the school:

- teachers who are well qualified and competent to teach their subjects of instruction
- a school that respects cultural diversities and which is non-discriminatory
- teachers who are professional in their approach to their work and who set and maintain appropriate standards
- the promotion of high moral standards and good ethics, with learners being taught in a disciplined environment that is conducive to learning
- that their children receive a well-balanced education and that they will be treated fairly and as individuals
- support from approachable teachers who communicate with parents on work and behaviour problems

## **PARENTS' OBLIGATIONS**

Parents should:

- support and encourage their children in their involvement in all spheres of school life
- ensure that pupils attend school regularly, that they are correctly dressed, are properly equipped, and are punctual
- support the school, the staff, the Code of Conduct and school rules, and ensure that their children do likewise
- inform the school of any problem areas and communicate with individual teachers where this is necessary or desirable
- pay school fees on time
- fetch their children on time after school functions, and attend official school functions such as PTA and other meetings.

## **APPENDIX 3**

### **GUIDELINES FOR INTERNAL DISCIPLINARY PROCEEDINGS**

#### **1 FORMULATING THE CHARGE**

- The prosecutor should formulate a charge or list of charges, consider them and finalise them, as accurately as possible in accordance with Form A.

#### **2. PLANNING THE PROSECUTION**

- The Prosecutor should plan .
  - what witnesses will be called
  - how and through what witnesses exhibits and documentary evidence will be identified / verified and introduced into evidence.
  - whether the services of an interpreter could possibly be required (for the benefit of learner and her/his parents etc.)
  - whether expert evidence will need to be led and the requirements of the expert as to arranging availability and payment.
  - the likelihood of the employment of the new techniques introduced into Section 8A of SASA and the availability of premises and equipment for that
  - the means of recording the proceedings concerned and the availability of equipment /secretary, for that purpose
  - for the contingency of requests for information by the accused learner(s) or his/her/their parents
  - whether to hold joint or separate hearings etc.

#### **3. STEPS PREPARATORY TO THE HEARING ON THE MERITS**

The prosecuting educator (**Prosecutor**) must arrange with the relevant Committee, which will preside over the hearing, a convenient date and time for the hearing.

The **Prosecutor** must then hand the completed Notice (**Form A**) to the accused learner with instructions to hand it to his/her parent.

**Note:** in terms of the new Section 8 (6) of SASA, the parent, or a person designated by the parent, must accompany the learner at any disciplinary proceedings unless there is good cause to the contrary. The **Prosecutor** should therefore take additional steps, e.g. telephone, to contact the parent and ensure that the Notice has been received, and that the parent or designated person will be at the hearing.

The hearing must commence at the time set out in the aforesaid Notice or some other time agreed upon between the Committee concerned and the parents of the learner.

The proceedings at the hearing must be recorded and, wherever possible, expeditiously typed at the conclusion of the hearing, regardless of the result. The name of the person recording the proceedings must be placed on the record thereof.

***The following procedure should be followed at the hearing –***

- (a) The names of all persons attending must be recorded
- (b) The **Prosecutor** must read out the aforesaid Notice and confirm whether or not the parents and the learner have read it and whether or not they understand it. An opportunity must be given to the learner and his/her parents for questions and/or clarification of the contents of the Notice.
- (c) The **Prosecutor** must disclose to the parents and the learner the evidence for and against the learner as disclosed by the aforesaid investigation. The learner and his/her parents must be given a reasonable opportunity to consider the said evidence.
- (d) The **Prosecutor** must read out each charge. The learner must then be asked by the **Chairperson**, on each charge read, whether he/she admits or denies the misconduct with which he/she has been charged.
- (e) If the learner **admits** the misconduct, the **Prosecutor** must nevertheless question the learner with a view to satisfying himself that the learner is guilty of the misconduct charged. If he/she is then not satisfied of the guilt of the learner, he/she must proceed with the inquiry as if the learner has denied the alleged misconduct. If he/she is then satisfied of the guilt of the learner, he/she must then record *“find the learner (name) guilty of misconduct as charged”*.
- (f) If the learner denies the alleged misconduct the following procedure must be followed:
  - (i) The **Prosecutor** must call and lead the evidence of each witness to the alleged misconduct. This he/she can do by reading out the written statement of the witness, asking the witness whether he/she affirms the statement or wishes to add to or change the statement and in what respects the statement must be changed or added to.
  - (ii) The learner and his/her parents must be afforded reasonable latitude in cross examining each witness presented by the **Prosecutor**, whilst needless repetition and irrelevant questioning should be disallowed. The **Chairperson** must assist the learner in testing the truth of the evidence presented to ensure that justice is done. The **Chairperson**

must explain to the learner and his/her parents that if the evidence presented is not challenged, it will stand and be taken into account.

The **Prosecutor** must on conclusion of the cross examination of each witness, be allowed to re-examine the witness concerned.

- (iii) Any documents, books, or other exhibits tendered in the course of evidence must be marked consecutively %Exhibit A+and so on, and must be kept as part of the record.
- (iv) At the conclusion of the evidence presented by the **Prosecutor**, the **Chairperson** must explain to the learner that he/she is entitled to lead evidence in his/her own defence and to call his/her own witness.

The **Chairperson** must explain to the learner / parent / designated person that the learner's failure to give evidence himself or herself, or to lead evidence in rebuttal of the prosecutor's case will prejudice his/her defence severely.

The **Prosecutor** must assist the learner, as far as possible, to secure the attendance of such witnesses. The **Prosecutor** must be given a reasonable opportunity to cross examine such witnesses and, on conclusion of the cross examination, the learner/parent/designated person, must be given the opportunity to re-examine the witness (to clear up anything uncertain or ambiguous or incomplete in the evidence after cross examination).

- (v) At the conclusion of evidence for the defence, **first the Prosecutor**, then the learner/parent/designated person must be given an opportunity to address argument on whether or not the learner should be found guilty of the charge(s).
  - (vi) The **Chairperson** must then adjourn the hearing for as long as he/she considers necessary, but not longer than 7 (seven) days, for the presiding panel to consider its verdict.
- (g) In the circumstance contemplated in (e) above, the **Chairperson** must .
- (i) Question the accused learner concerning his/her personal circumstances, academic record, the reasons why the misconduct was perpetrated and his/her attitude in the light of that misconduct. The questioning must seek out the positive and the negative.
  - (ii) Put to the learner and his/her parents his/her view concerning the seriousness or otherwise of the misconduct concerned and call for comment.
  - (iii) Question the learner and his/her parents regarding the possibility that the learner will reform and the latter's will to reform.
  - (iv) Explain why he/she thinks that any punishment imposed should have a deterrent effect and call for comment.

- (v) Where appropriate, discuss with the learner and his/her parents the need to take any steps to prevent a repetition of the misconduct.
  - (vi) Explain to the learner and his/her parents the desire of the school community for some form of retribution for the relevant misconduct, and for the need for the learner to accept responsibility for the misconduct, and call for comment.
  - (vii) Put to the learner and his/her parents the punishment he/she has in mind for the learner, referring to the Code of Conduct and call for submissions from them in that regard (i.e. whether they agree or disagree, what they propose, etc.)
  - (viii) Adjourn the hearing for such a period as he/she may consider necessary, but not longer than 2 (two) school days, to consider an appropriate sentence to impose.
  - (ix) Notify the learner and his/her parents of the outcome of the hearing by completing **Form B**, annexed to this document. The said **Form B**, once completed, must be handed to the learner with instructions to hand it to his/her parents. The learner must sign the form in acknowledgement of receipt thereof and must return same to the **Chairperson or Principal** by 10h00 on the next school day, signed by his/her parent.
  - (x) The **Chairperson**, must, bearing in mind (j), below, supervise due compliance by the learner with the terms of the punishment imposed.
- (h) The **Chairperson** must reconvene the hearing by written and, if possible, oral notice to the prosecutor, learner and his/her parents, and, at the reconvened hearing enter his/her verdict of either *"I find the learner guilty of the misconduct as charged"* or *"I find the learner not guilty of the misconduct as charged"*.

The **Chairperson** must file a written judgement containing the reasons for the verdict. A copy must be handed to the learner/parent/designated person.

The presiding panel may then immediately move into the sentencing procedure if the finding is *"guilty as charged"* (see further below).

- (i) The **Chairperson** shall be entitled, for good cause, but with regard to the need for swift administration of justice, and giving reasons, to adjourn the proceedings at any stage thereof. If the adjournment is to another date, the hearing must be reconvened by written and, if possible, oral notice to the learner and his/her parent.
- (j) The learner and or his/her parents shall be entitled to **appeal** to the **Disciplinary Committee** of the **School Governing Body**, in the last instance, against the verdict and/or sentence imposed. The appeal, if any, must be noted in writing, which must be lodged with the Chairperson

within 72 (seventy-two) hours (excluding weekends) from the date on which **Form B** is handed to and signed by the learner. From the time of lodgement of the Notice of Appeal until the decision of the Disciplinary Committee is communicated, as set out hereunder, the verdict and sentence will be suspended.

- (k) On lodgement of a Notice of Appeal, the Chairperson must prepare and lodge with the Disciplinary Committee a complete record of the proceedings, together with all the Exhibits put in and all notices and forms issued.
- (l) The **Disciplinary Committee** shall, unless it is of the view that a failure of justice would result if it were to do so, consider the appeal only with reference to the record presented; provided that it may and should invite the prosecutor and the learner and his/her parents to submit written argument for consideration on appeal by written notice to the said parties.
- (m) The **Disciplinary Committee** must notify the learner, parent(s), the relevant Committee of first instance and the prosecutor of the outcome of the appeal as soon as possible in writing conforming as closely as possible with **Form C**.

**FORM A**

**EXAMPLE OF NOTICE OF HEARING**

TO: *(Learner)* ò ò ò ò ò ò ò ò ò

DATE: ò ò ò ò ò ò ò ..

AND TO: *(Learner's Parents)*: ò ò ò ò ò ò ò ò ò ò ò ò

**Re: NOTICE OF HEARING: ALLEGED MISCONDUCT: BREACH OF CODE OF CONDUCT**

It is alleged against you the learner, that you have conducted yourself in breach of the Code of Conduct of the School in that on or about *(date)* and at or near *(place)* you did *(supply concise details of misconduct)*.

You the learner, are hereby instructed to attend at *(place)* at *(time)* to answer the aforesaid charge(s).

You the parent(s) of the learner are entitled and urged to attend the aforementioned hearing with the said learner in order to assist him/her in the proceedings concerned. Should you choose not to attend the enquiry will nevertheless proceed at the appointed time.

Yours faithfully

\_\_\_\_\_  
PRINCIPAL

**FORM B**

**EXAMPLE OF NOTICE OF OUTCOME OF HEARING**

TO: (*Learner*): õ õ õ õ õ õ õ õ õ õ õ õ õ ..

AND TO: (*Parents*):õ õ õ õ õ õ õ õ õ õ õ õ .. DATE: õ õ õ õ õ õ õ ..

**NOTICE OF OUTCOME OF ENQUIRY: ALLEGED MISCONDUCT**

DATE OF INQUIRY: õ õ õ õ õ õ õ ..

PRESIDING EDUCATOR: õ õ õ õ õ õ .. (*Capacity*):õ õ õ õ õ õ ..

ALLEGED MISCONDUCT: õ ..

õ ..

õ ..

FINDING: õ ..

õ ..

REASONS: ANNEXED HERETO.

PUNISHMENT IMPOSED: õ õ õ õ õ õ õ õ õ õ õ õ õ õ õ õ õ õ ..

õ ..

REASONS: ANNEXED HERETO.

Please note that the learner's rights of appeal are as set out in Part H of the Code of Conduct .

\_\_\_\_\_  
PRINCIPAL

**FORM C**

**EXAMPLE OF NOTICE OF OUTCOME OF APPEAL**

TO: (*Learner*) o ..

AND TO: (*Parents*) o ..

**NOTICE OF OUTCOME OF APPEAL TO DISCIPLINARY COMMITTEE OF THE SCHOOL GOVERNING BODY**

- 1. The subject matter of the appeal is set out in a copy of the relevant Form D, annexed hereto.
- 2. A copy of the Notice of Appeal is annexed hereto.
- 3. Disciplinary Committee: (Names):

o ..

o ..

- 4. Documents before Disciplinary Committee on appeal:

o ..

o ..

- 5. Resume of procedure followed:

o ..

o ..

- 6. Finding on appeal:

o ..

o ..

- 7. Reasons: (Annexed hereto)
- 8. Notice of date(s) on which learner is to perform in terms of the sanction imposed.

o ..

\_\_\_\_\_  
PRINCIPAL

Receipt hereof acknowledged:

LEARNER: (*Signature*) \_\_\_\_\_ (Date)

PARENT: (*Signature*) \_\_\_\_\_ (Date)

