

Riebeek College Girls' High School



CODE OF CONDUCT *FOR LEARNERS*

RIEBEEK COLLEGE GIRLS' HIGH SCHOOL

CODE OF CONDUCT

The South African Schools Act, Act No. 84 of 1996, empowers the Governing Body of a school to maintain discipline and provides for the formulation, by the Governing Body, of a Code of Conduct that prescribes behaviour at the school.

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Part 1: Code of Ethics

In accordance with international developments and the content of the King 111 report, we have also incorporated a code of ethics into the code of conduct. This emphasises the positive premise of ethical values, and it is therefore only apt that it constitutes Part 1 of the code.

Part 2: Rules of Conduct

Part 3: Procedural Aspects

Consists of the procedural aspects. In terms of the new Section 5(a) and (b) of SASA, a code of conduct must contain provisions on a proper legal process as well as provide support measures or counselling structures to learners who are involved in disciplinary proceedings.

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Code of conduct for learners

Part 1

Code of ethics

I hereby solemnly commit myself to the Constitution of the Republic of South Africa, and undertake to respect, comply with and promote the law and the legal system.

I commit myself to:

- adhere faithfully to this code of conduct and all the rules and regulations of Riebeek College Girls' High School (Grade 4 to Grade 12);
- maintain high moral and ethical standards;
- strive for conduct that is responsible at all times and that does the school credit;
- do my school work diligently, conscientiously and with dedication; and
- display the necessary courtesy and respect towards all staff, fellow learners and visitors.

I subject myself to any disciplinary measure should I fail to comply with any provision or measure contained in the school's code of conduct.

SIGNED AT ON THIS DAY OF 20

LEARNER

Part 2

Code and rules of conduct

1. Introduction

This document is the code of conduct of Riebeeck College Girls' High School, as approved by the governing body on January 2014. The governing body has consulted the school's parents, learners and educators on the content of the code of conduct. The code of conduct has been drafted in accordance with the relevant provisions of the Constitution of the Republic of South Africa, Act 108 of 1996; the South African Schools Act, Act 84 of 1996 ('SASA'); the National Education Policy Act, Act 27 of 1996; Guidelines for a Code of Conduct for Learners (General Notice 776 in Government Gazette 18900 dated 15 May 1998); the Regulations on Devices to be used for Drug Testing and the Procedure to be followed (GN 1140 in Government Gazette 31417 dated 19 September 2008); Regulations for Safety Measures at Public Schools (GN 1040 in Government Gazette dated October 2001, as amended) and relevant provincial legislation.

2. Objective

Although the State is obligated to make education available and accessible, this must be enhanced by the dedication and commitment of responsible role players, namely educators, learners and parents. This code of conduct is intended to promote such dedication and commitment.

This code of conduct aims to establish a disciplined and purposeful school environment, which is dedicated to promoting and maintaining the quality of the learning process.

The code of conduct endorses the school's mission statement.

Learners and their parents/guardians are expected to acquaint themselves with the school's code of conduct and its provisions. As soon as learners are enrolled at the school/hostel, they are subject to the code of conduct, and must strictly adhere to it. Should learners transgress or violate the code of conduct, they will be acted against in accordance with the disciplinary procedure for learners.

3. Code of conduct

General rules

- 3.1 Learners shall be good ambassadors of the school, and shall conduct themselves in accordance with the school's code of ethics at all times.
- 3.2 While wearing the school uniform or any part thereof that is sufficient to establish a link with the school in the public eye, or while representing the school, either directly or indirectly, as participants, supporters, assistants, spectators or otherwise, learners shall refrain from any conduct that could bring the school, staff or their fellow learners into disrepute.
- 3.3 In their interaction with the principal, deputy principal, educators and other staff of the school, learners shall be courteous and respectful at all times and shall refrain from any action that constitutes disrespect or rebelliousness.
- 3.4 In their interaction with one another, learners shall practise self-restraint as far as possible, and shall display mutual respect and tolerance. In particular, learners shall refrain from any action aimed at harming, or that could possibly cause harm to, any other learner's physical, spiritual and moral well-being. Any sexual or improper physical contact between learners on school grounds, or in any other place where they could be identified as learners of the school, is strictly prohibited.
- 3.5 A school educator shall have the same rights as a parent with regard to controlling and disciplining the learner according to the code of conduct, both during such learner's school attendance as well as at any other school activity.
- 3.6 Learners may not eat or drink in any of the school's buildings. The chewing of gum during school activities is prohibited.
- 3.7 The use of cellphones during school activities is strictly prohibited. Calls may be made in emergencies only and only with the school principal's permission.
- 3.8 The smoking, possession and/or use of tobacco products, liquor, other alcoholic substances or drugs during any school activity, or when learners are dressed in school uniform, is strictly prohibited.

3.9 In case of a reasonable suspicion that learners have violated this code of conduct or the laws of the country, the school principal or an educator is entitled to search such learners and/or the property in their possession for any dangerous weapons, guns, drugs or other harmful and dangerous substances, stolen goods or pornographic material that the learners may have brought on to the school grounds. Throughout, learners' dignity will be respected, and therefore, the search will be conducted in private, by persons of the same sex, and in the presence of another person. The search process and outcome must be recorded.

3.10 Any conduct that unfairly prejudices the administration, discipline or efficiency of the school shall be regarded as a violation of this code of conduct.

3.11 A conviction of a criminal offence in a court of law shall be regarded as a violation of this code of conduct.

3.12 Transgressions that may lead to suspension and/or expulsion include but are not limited to:

- conduct that poses a threat to others' safety and infringes upon others' rights;
- possessing, threatening with or using dangerous weapons;
- the possession, use, trading or any visible sign of narcotic or unauthorised drugs, alcohol and intoxicating substances of any nature;
- fighting, assault or abuse;
- indecent behaviour or swearing;
- adopting or assuming a false identity;
- harmful graffiti, hate speech, sexism or racism;
- theft, or the possession of stolen goods, including the theft or possession of test or examination papers before such test or examination has been conducted;

- unlawful conduct towards and/or vandalising, destroying or damaging school property;
- disrespectfulness, offensive behaviour and verbal abuse aimed at educators or other school staff or learners;
- repeated violations of school rules or this code of conduct;
- criminal and oppressive behaviour, such as rape and gender-based harassment;
- victimisation, bullying and intimidation of other learners;
- the transgression of examination rules; and
- intentionally and knowingly providing false information, or forging documents, in order to obtain an unfair advantage.

4. Class rules

- 4.1 The class educator shall formulate class rules upon the adoption of this code of conduct, and at the beginning of each ensuing school year.
- 4.2 The class rules must be compiled in writing and –
 - 4.2.1 immediately be tabled to the principal and school governing body;
 - 4.2.2 be displayed in a legible format in a prominent spot in the classroom.
- 4.3 Learners are expected fully and promptly to comply with the class rules as well as any verbal instruction given by the class educator or any staff member that is reasonably essential to give effect to this code of conduct and/or for the sound and professional management of the school.
- 4.4 Any violation of the class rules shall be regarded as a violation of this code of conduct and school rules.

5. Rules with regard to appearance and school wear

5.1 School wear

5.1.1 The prescribed school wear shall be worn during school hours and in transit to and from residence as well as other school activities, as determined by the governing body.

5.1.2 School wear must be clean and neat at all times.

5.1.3 Clothing rules

UNIFORM AND APPEARANCE

5.1.3.1 Learners shall at all times wear the official school uniform as specified in the uniform brochure.

5.1.3.2 The following specific provisions shall apply to the wearing of the Riebeek College uniform:

5.1.3.3 No learner shall wear a skirt that is of an unsuitable length. The skirt must extend, at least, to a hand's width above the knee and, at most, to a hand's width below the knee.

5.1.3.4 No learner shall wear a tracksuit top, windbreaker or school team/touring jacket in place of a jersey or blazer.

5.1.3.5 The summer uniform shall be worn from the first term to the end of April and in the fourth term.

5.1.3.6 The winter uniform shall be worn from the beginning of May to the end of the third term.

5.1.3.7 Blazers are compulsory when wearing the winter uniform. Jerseys/pullovers may not be worn as a top garment beyond the school grounds.

5.1.3.8 Learners travelling to and from school on bicycles or motor cycles may wear tracksuit longs under their dresses if the weather is cold (but these are to be removed when arriving at school).

- 5.1.3.9 All articles of clothing must be clearly marked.
- 5.1.3.10 Stockings (High School only) must be regulation black tights, not sheer hose.
- 5.1.3.11 The uniform shall be clean, tidy and well maintained. Shirts shall be neatly tucked in.
- 5.1.3.12 No colourful clothing, T-Shirts or bathing costumes may be worn under white shirts.
- 5.1.3.13 Undergarments (brassiere) must not be visible and must be either white or beige. Only plain white vests, which may not be visible under any circumstances, may be worn.
- 5.1.3.14 Learners shall wear the prescribed school dress to sports practices and when representing the school in matches. Caps, hats and coloured shirts are not to be worn with the school tracksuit, other than Riebeek cap/peak, except for inter-house activities.
- 5.1.3.15 Learners shall bring to school the prescribed clothing for physical education classes when required to do so by the physical education teacher.
- 5.1.3.16 Where and when the Principal grants permission for the wearing of clothing other than the school uniform (this includes 'civvies days'), such clothes shall not draw unnecessary attention by their revealing nature. Such clothes must conform to a standard of good taste determined by the Principal (in consultation with the dress committee).
- 5.1.3.17 Weather conditions, the unavailability of clothing items and other unforeseen factors may cause the Principal to announce temporary concessions or changes to the dress code from time to time. Such amendments shall be adhered to as if they were part of this code.
- 5.1.3.18 The following specific provisions shall apply to the learners' hair:

- 5.1.3.18.1 Any adornment or style which draws unnecessary attention will not be allowed.
- 5.1.3.18.2 Hair must be kept clean and tidy.
- 5.1.3.18.3 Hair which is of a length that causes it to extend beyond the collar must be tied back tidily. (Use clips)
- 5.1.3.18.4 The use of hair gel creating a wet look is not allowed.
- 5.1.3.18.5 Hair should not be of an unnatural colour or be coloured unnaturally.
- 5.1.3.18.6 No dread locks, spiked, punk or any other unorthodox styles are permitted. This includes thick braiding.
- 5.1.3.18.7 Only the following hair accessories are allowed:
- a maroon, white or black ribbon;
 - a maroon, white, brown or black aliceband;
 - a maroon, white or black "scrunchie" (or covered elastic band);
 - a maroon, brown, white or black clasp (or comb)
 - black, brown or maroon crocodile clips, white, brown, silver or black hair clips.

In the use of black, brown or white hair accessories, the learner shall use only the colour that most closely matches her natural hair colour.

- 5.1.3.19 No learner shall come to school wearing any form of facial make-up.
- 5.1.3.20 A regulation wrist watch is allowed. No earrings, jewellery accessories, tongue rings, nose studs, bristles, coloured contact lenses or visible tattoos are allowed. Medic alert chains may be worn at all times.
- 5.1.3.21 No learner shall attend school or participate in a school activity with finger nails that extend noticeably beyond the length of the finger or with nails or hands that have been coloured or painted. False nails may not be worn at school.

5.1.3.22 No learner shall use a school bag other than those prescribed in the Riebeek College uniform brochure.

5.1.3.23 Only learners who have applied (by submitting relevant supporting documents) and received the necessary permission from the School Governing Body may deviate from official School uniform for religious and cultural reasons.

5.2.2 Jewellery

- All jewellery items, such as rings, bracelets (elastic or leather) or chains, are prohibited.
- Only wristwatches are allowed.
- The wearing of body jewellery, such as earrings, lip, nose, tongue and eyebrow jewellery, is strictly prohibited.

5.2.3 Nails

- Nails may not extend beyond fingertips.
- No nail polish may be worn.

5.2.4 Make-up

- No mascara, eyeliner, eye shadow, base, lipstick or blusher etc. will be allowed.

6. Sports and extracurricular activities

6.1 Participants in sports and extracurricular activities

6.1.1 Learners who are selected to represent the school as participants in any sports or other extracurricular activities must be dressed in the sportswear, school wear or other prescribed clothing as determined by the educator responsible for the activity concerned, both during and after participation in such activity.

- 6.1.2 All learners who participate in the aforementioned activities shall be loyal to the school and fellow participants. In particular, participants must report promptly and on time at the venue of the activity or the venue from where participants depart to the activity. Learners who have been selected to represent the school in an activity may only be excused from attendance if a written apology is handed to the sports or cultural head in advance. Unforeseen absence from an activity will only be excused if the sports or cultural head receives a written apology no later than three days following the relevant activity.
- 6.1.3 Learners who represent the school at sports activities will at all times be courteous towards, and comply with the rulings, prescripts and instructions of:
- 6.1.3.1 the sports head and the educator involved in the relevant sports code;
 - 6.1.3.2 the referee or adjudicator with regard to the relevant activity; and
 - 6.1.3.3 the team captain.
- 6.1.4 Although it is assumed that learners who participate in sports activities shall do so with commitment and dedication, such learners are expected also to practise self-restraint and self-discipline. In particular, no learner may display bad sportsmanship, use foul or offensive language, get involved in fights or incidents, or engage in any foul or improper play.
- 6.2 Spectators and supporters at sports and other extracurricular activities
- 6.2.1 Apart from their duty to comply with the provisions of this code of conduct, all learners attending any school activity as spectators or supporters shall also refrain from any disruptive, improper, rebellious, unnecessarily inciting or indecent behaviour. In particular, learners may not respond negatively to any ruling by an adjudicator or referee.

6.2.2 Learners who attend any school activity as spectators or supporters shall abide by and obey any instructions and directives they receive prior to, during and after the activity concerned from the principal, any educator, member of the Representative Council of Learners (RCL), other school leaders, or parents appointed by the principal to assist with the transport, supervision or control of learners who need to be transported to and from the activity concerned, or who attend the activity.

6.2.3 The abovementioned rules equally apply to any participation in any extracurricular activity apart from sports activities, except cases on which the rules obviously have no bearing.

7. School property

7.1 'School property' includes the following:

7.1.1 The grounds and buildings occupied by the school, as well as any permanent addition to such grounds and buildings

7.1.2 All other property, including equipment, books, stock, motor vehicles and the like that the school owns, rents or stores, or with regard to which the school could be held legally liable in case of any damage or loss

7.2 As the school has been developed and erected for the use of all learners who attend it, all learners are obligated to do everything in their power to protect the school's property in order for it to be utilised to the benefit of all current and future learners of the school.

7.3 No learner may remove any school property from the school grounds without the prior consent of the principal or an educator of the school.

7.4 Learners may not handle, damage, mark, deface or destroy any property of the staff of the school, fellow learners, visitors to the school, or members of the public. This rule applies to property on the school grounds, in the immediate vicinity of the school, at or near the venue of any school activity, as well as any vehicle with which learners are transported, and the property contained therein.

- 7.5 Learners may not damage, deface or destroy any school property. Any learner who deliberately misuses, damages or vandalises any school property shall replace or pay for such property. Destruction of and/or damage to property is a criminal offence.

8. The Representative Council of Learners (RCL) and school leaders

- 8.1 The RCL and school leaders, in conjunction with the staff of the school, are responsible for general school discipline.
- 8.2 RCL members and other school leaders shall bring transgressing learners to the staff of the school, whereafter line functions will be followed.
- 8.3 All learners shall obey any reasonable instruction from a member of the RCL or another school leader, and shall support and co-operate with the RCL and other school leaders in properly executing their duties.

9. School notices

- 9.1 All learners are obligated to hand to their parents all school notices that were distributed to learners for such purpose by the governing body, principal or an educator of the school, as well as promptly return to the class educator any acknowledgement of receipt that was to be completed by the parents.

10. School work and homework

- 10.1 There shall be an orderly atmosphere in the classroom at all times. Learners may not disrupt or hinder teaching.
- 10.2 Learners must promptly carry out instructions in class.
- 10.3 All learners must have and maintain such homework book or diary as may be required by the principal or class educator.
- 10.4 All learners must do their prescribed homework and promptly submit it to the relevant educator by the due date. Failure to comply with this rule shall be excused only if, on the day on which the homework was to be completed, the learner hands to the educator a written note from his/her parents with an acceptable excuse for such failure.

- 10.5 All learners must do their prescribed homework enthusiastically, diligently and with dedication in order to develop a consistent work ethic. Failure to comply with this rule without an acceptable excuse shall be regarded as a transgression of this rule.
- 10.6 Learners are obligated to catch up as soon as possible on any work that they have missed.
- 10.7 Learners shall move swiftly and in single file from one class to the next. Chatting in groups or visits to the restroom between classes are not allowed.

11. Tests and examinations and formal assessment tasks

- 11.1 All learners are obligated to submit to the tests, formal assessment tasks and examinations that educators may require. Failure to comply with this rule shall be excused in exceptional cases only, provided that the parents of the learner concerned supply the principal with a full and acceptable written explanation at the earliest possible opportunity.
- 11.2 Learners shall refrain from any form of dishonesty when tests and examinations are conducted.

12. Motor vehicles and motorcycles

- 12.1 Learners may not bring motor vehicles or motorcycles on to the school grounds, unless she has the prior written consent of the principal or another staff member duly nominated by the principal, and unless she promptly complies with any conditions imposed together with the aforementioned consent. If a learner does not have the necessary consent when asked to present such by any member of the staff, governing body or RCL, or a school leader, it will be assumed that she does not have such consent, until proved otherwise.
- 12.2 Subject to rule 12.1, the driving of a motor vehicle or motorcycle by a learner in a way that poses a risk or possible harm to other learners on the school grounds, or other learners and members of the public in the immediate vicinity of the school grounds, is strictly prohibited.
- 12.3 Subject to rule 12.1, learners shall adhere to traffic rules on and around the school grounds.

- 12.4 Subject to rule 12.1, all motor vehicles, motorcycles and bicycles are parked at own risk on and around the school grounds.

13. Punctuality

- 13.1 Learners are expected to arrive at the appointed time at the beginning of the school day and the start of any other school activity. When learners arrive late, they must provide a written apology from their parents. Learners who arrive late must first report to the office before proceeding to their particular classes.

14. Absence from school

- 14.1 Learners may be absent from school in exceptional cases only, and only with the written consent of the principal, or her representative if the principal is not available.
- 14.2 When any learner is absent from school without an acceptable excuse, it shall be regarded as truancy, which is strictly prohibited.
- 14.3 Learners who are absent from school for up to three consecutive days must upon their return to school submit a written explanation by their parents. Absence for more than three consecutive days shall be excused only if a certificate from a registered medical practitioner is submitted, except in the case of death or trauma in the learner's family, or another reason approved by the principal.

15. Environment

- 15.1 Learners have the right to a safe environment and school that is conducive to education.
- 15.2 Learners may not litter on school grounds or in school buildings.
- 15.3 Learners who attend any school activity as spectators or supporters are expected to leave the grounds they have occupied in a neat and clean condition, and must ensure that all litter is picked up and placed in refuse bins.
- 15.4 Learners must leave restrooms in a clean condition.

- 15.5 Any action or failure by learners that constitutes or could constitute a health risk to other learners must be avoided.
- 15.6 The application of slogans (graffiti), stickers, posters and the like to any surface at the school is strictly prohibited, unless it is done with the principal's consent.
- 15.7 Learners shall comply with any reasonable instruction from the principal, any educator, RCL member or another school leader with regard to maintaining a clean and hygienic school environment.

16. Exemption from provisions of the code of conduct

- 16.1 Learners may submit a written application to the governing body for total or partial exemption from one or more of the items contained in the code of conduct based on cultural, religious or medical grounds.
- 16.2 ~~Such application must include full reasons as well as confirmative evidence~~
Therefore, the onus of proof still lies with the learner to substantiate the application for exemption.
- 16.3 Applications for exemption will be considered at the start of the school year only, unless the applicant can prove that the matter is urgent or necessitated by a change in circumstances.
- 16.4 In considering an application for exemption, the governing body shall be entitled to obtain any information that it deems necessary for a fair adjudication of the application.
- 16.5 The governing body shall consider the application for exemption with the necessary earnestness and responsibility, and within the framework of the Constitution and court judgements, and will inform the learner of its decision in writing.

17. In case of a violation of any provision in this code of conduct or the school's hostel rules, the prescribed disciplinary procedure shall be followed.

SIGNED AT Uitenhage ON THIS 24 DAY OF February 2016



CHAIRMAN: S G B

SCHOOL PRINCIPAL

Part 3

Procedure for disciplinary action against learners

In case of a violation of any provision prescribed in the code of conduct for learners, this disciplinary procedure is to be followed. In order to enforce this disciplinary procedure, misconduct is divided into three categories. These correspond with the various disciplinary steps that could be taken and the various procedures that could be followed in handling misconduct.

For the purposes of procedural matters, a violation of hostel rules shall be regarded as a violation of the code of conduct, and the same procedural requirements shall apply, with the necessary amendments, depending on the circumstances.

Any reference to the governing body in this disciplinary procedure includes the disciplinary committee of the governing body.

1. Disciplinary action

1.1 Minor transgressions

1.1.1 Category A misconduct

Any violation of 3.1, 3.6–3.7, 4, 5, 6.1.1–6.1.3, 6.2.2, 8.3, 9, 10, 12.1, 13, 15.2, 15.3 and 15.7 of the code of conduct

In case of the violation of any of the abovementioned provisions, such violation shall be referred to an educator of the school, who will be entitled to impose the following sanctions:

- a) A verbal or written warning, demerit/s or detention
- b) Supervised school work that will contribute to the learner's progress at school and improve the school environment, provided that the parents are informed timeously and the child's safety is ensured
- c) The performance of tasks by the transgressor in favour of the person/institution who has been wronged by the transgression

- d) Suspension from participation in school activities, such as sports and cultural activities (excluding social events)

1.1.2 Category B misconduct

Any violation of 3.2–3.4, 3.8–3.10, 6.2.1, 7.2–7.5, 11, 12.2, 12.3, 14, 15.4 and 15.6 of the code of conduct

In case of the violation of any of the abovementioned provisions, such violation shall be referred to the school principal, who will be entitled to impose the following sanctions:

- a) Any of the sanctions in 1.1.1(a) to (d) above, to which the following could be added:
- b) Exclusion from participation in social events of the school
- c) Agreed, affordable compensation
- d) The repair or replacement of damaged property
- e) Community service of up to six hours

1.2 Major transgressions

1.2.1 Category C misconduct

Any violation of 3.12 of the code of conduct

In case of the violation of any of the abovementioned provisions, such violation shall be referred to the governing body, who will be entitled to impose the following sanctions:

- a) Any of the sanctions in 1.1.1(a) to (d) and 1.1.2(b) to (e) above, to which the following could be added:
- b) In the case of a violation of the code of conduct for learners by members of the RCL or other school leaders:

In conjunction with or as alternative to the above, suspension from duties for a period of up to six weeks, or dismissal and permanent removal from the RCL or other leadership position in the school

c) Following a hearing in which any learner is found guilty of violating the provisions of the code of conduct, the governing body may impose any of the aforementioned sanctions on such learner, or suspend the learner, or recommend to the Head of Education the learner's expulsion from the school.

1.2.2 Should the governing body opt for suspension as the only sanction, it may suspend the learner for up to seven school days.

1.2.3 Should the governing body decide to recommend to the Head of Education that the learner be expelled, the governing body may suspend such learner for a reasonable period of up to fourteen school days, pending the Head of Education's decision.

1.2.4 Following a hearing in which any learner is found guilty of violating hostel rules, the governing body may impose any of the aforementioned sanctions on such learner, or suspend the learner from the hostel for any appropriate period of time, or expel the learner from the hostel.

2. Preventative suspension

Based on reasonable grounds and intended as a precautionary measure, the governing body may suspend a learner from attending school for up to seven school days if such learner is suspected of having committed serious misconduct (Category C). However, such suspension may only be imposed after the learner has been afforded a reasonable opportunity to make representations to the governing body with regard to such suspension.

3. Disciplinary hearing

3.1 Preliminary inquiry

When a learner is suspected or alleged to have committed a major transgression (Category C), the school principal may appoint an investigating officer. The latter will collect information for the school principal to decide whether a disciplinary hearing is warranted.

3.2 Hearing

- 3.2.1 The investigating officer shall draw up a charge sheet, and the parents/guardians and learner shall receive written notice of the charge and the date, time and venue of the hearing. These arrangements must be made in consultation with the disciplinary committee.
- 3.2.2 The notice must contain sufficient information on the date, place and nature of the alleged transgression.
- 3.2.3 At least five school days must lapse between the delivery of the notice and the hearing.
- 3.2.4 The governing body shall appoint the disciplinary committee. The chair of the committee must be a governing body member. The disciplinary committee shall have the power to take charge of and finalise the disciplinary hearing, as if it has been done by the governing body itself, and shall be entitled to do everything that the governing body may do in terms of applicable legislation, including imposing and enforcing any sanction, and recommending expulsion to the Head of Education.
- 3.2.5 The learner must be assisted by her parent or a person appointed by the parent. In case of major transgressions, the learner is entitled to apply for representation by a legal representative or any person who is appointed by the parent of the learner. Such application must be directed to the chair of the disciplinary committee at least two school days before the start of the hearing. No other persons, apart from those mentioned above, may attend the hearing on behalf of the accused learner.
- 3.2.6 When a learner has legal representation, she may choose to expedite the disciplinary procedure by entering into a plea bargain with the presiding officer.
- 3.2.7 Apart from minor learners' right to testify through mediators, as envisaged in Section 8(7)–(9) of SASA, minor learners (either accused or witnesses) will also be entitled to be assisted by their parents or an educator of their choice during disciplinary proceedings. However, a person who assists a learner may not answer any questions on behalf of the learner or address the disciplinary committee.

- 3.2.8 Learners who are involved in disciplinary proceedings shall also be entitled to receive support, advice and counselling from educators who have been appointed for such purpose by the school principal or the governing body, provided that such educator may not assist the learner at the disciplinary hearing, unless the parent of the learner authorises the educator to do so.
- 3.2.9 Should the learner and/or parents and/or representative fail to attend despite proper notification, the hearing may proceed in their absence.
- 3.2.10 The hearing must be fair and just, and shall be conducted in terms of the prescripts of the applicable provincial legislation. The prosecutor and learner (or the learner's representative on behalf of the learner, if applicable) must be afforded the opportunity to put their case, may put questions to witnesses, may call witnesses, and may scrutinise or table documents related to the matter.
- 3.2.11 The members of the disciplinary committee themselves shall also be entitled to call witnesses, request additional witnesses or testimony, put questions to the witnesses, or investigate or have investigated further any aspect that could promote fairness and justice.
- 3.2.12 After testimony has been heard, the committee shall decide whether the learner is guilty or innocent. For this purpose, or for the purposes of settling any dispute that may arise during the proceedings, the committee shall be entitled to adjourn for a reasonable period of time in order to consider its ruling. Such consideration shall occur behind closed doors and may be attended by committee members only.
- 3.2.13 Should the learner be found guilty, both the learner and the prosecutor shall receive another opportunity to testify and/or make representations on extenuating and aggravating circumstances that the committee needs to consider in order to impose an appropriate sanction. In order to consider an appropriate sanction, the committee shall be entitled again to adjourn for a reasonable period of time. Such consideration shall occur behind closed doors and may be attended by committee members only.

3.3 Finding and sanction

- 3.3.1 In case of a guilty finding, the disciplinary committee's ruling, including the imposed sanction, must be communicated in writing to the learner and her parents as well as the prosecutor within a maximum of five school days.
- 3.3.2 Despite any guilty finding and sanction imposed by the governing body, any stakeholder may refer any transgression of the code of conduct that may constitute a criminal offence to the South African Police Service for investigation.

4. Internal appeal

- 4.1 A party who is aggrieved with the outcome of disciplinary proceedings before the governing body's disciplinary committee shall be entitled to appeal in writing to the chair of the governing body against the guilty finding, imposed sanction, or both, within 24 hours of receiving written notice of the outcome.
- 4.2 The notice of appeal must clearly outline the grounds for the appeal.
- 4.3 The chair of the governing body must appoint an appeals committee within 24 hours of receiving the notice of appeal, which committee must consist of a member of the governing body as chair, and at least two other experts. The members of the disciplinary committee who had heard the matter may not serve on the appeals committee as well.
- 4.4 The chair of the governing body must hand the notice of appeal to both the chair of the appeals committee and the other party to the proceedings before the disciplinary committee, and must ensure that the record of the disciplinary proceedings be made available to the appeals committee.
- 4.5 Within 24 hours of receiving the notice of appeal, the other party shall be entitled to make representations in response thereto to the chair of the appeals committee.
- 4.6 In considering the appeal, the appeals committee shall be restricted to considering the record of the proceedings before the disciplinary committee, the notice of appeal, and any representations that the other party may submit.

- 4.7 Any party who wishes to submit to the appeals committee for its consideration any evidence that does not form part of the record of proceedings before the disciplinary committee, must apply in writing for permission to the chair of the appeals committee. In case of the appellant, such application must be contained in the notice of appeal, and in the case of the other party, application must take place within 24 hours of receiving the notice of appeal.
- 4.8 The application to submit new evidence must contain a full explanation why the evidence had not been available or tabled during the disciplinary proceedings, must outline the nature of the evidence, and must explain in what way the evidence bears reference to the consideration of the appeal.
- 4.9 The appeals committee must announce its decision to the parties in writing within seven school days of receiving the notice of appeal.
- 4.10 In considering the appeal, the appeals committee may:
- a) set aside or uphold the disciplinary committee's guilty or not guilty finding and/or imposed sanction;
 - b) impose an alternative sanction (including a heavier sanction); and
 - c) deliver any other ruling that the appeals committee deems fair and just under the circumstances.

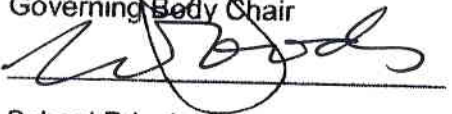
5. General provisions

The governing body is expected to keep proper record of the disciplinary proceedings. For this purpose, the governing body may appoint a person to minute or electronically record the proceedings. Such person shall not form part of the committee.

SIGNED AT Uitenhage ON THIS 15th DAY OF January 2014



Governing Body Chair



School Principal