

KNYSNA HIGH SCHOOL



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CODE OF CONDUCT

KNYSNA HIGH SCHOOL – CODE OF CONDUCT FOR LEARNERS

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PART I

1. BACKGROUND

- 1.1 Knysna High School is a public school as contemplated by Section 12, read with Section 52, of the SA Schools Act of 1996 (Act 84 of 1996).
- 1.2 The governance of the school is vested in its governing body in terms of Section 16 of the Schools Act.
- 1.3 In terms of Section 8 of the Schools Act the governing body, subject to any applicable provincial legislation, has to accept a code of conduct for learners after consulting with the learners, their parents and the educators of the school, such code of conduct must be aimed at the establishment of a disciplined and purposeful environment promoting effective teaching and learning activities at the school.
- 1.4 The governing body has consulted with the parents, learners and educators of the school regarding the content of the code of conduct and has taken account of the guidelines for such codes as published by the Minister of Education.

2. ACCEPTANCE OF CODE OF CONDUCT

The governing body herewith accepts the Code of Conduct for the learners of the school.

3. DEFINITIONS

In this Code of Conduct, except where the context suggests otherwise, the following words will have the definitions indicated next to it.

<i>“governing body”:</i>	governing body of the school duly established in terms of the Schools Act.
<i>“disciplinary committee”:</i>	The committee existing of members chosen from the governing body and/or persons appointed and authorised in terms of a decision by the governing body to represent it in the exercising of its functions according to the Schools Act and this Code of Conduct.
<i>“disciplinary head”:</i>	The serving staff member responsible for discipline.
<i>“dangerous weapon”:</i>	any weapon or apparatus that can be used to cause physical injury or temporary paralysis or loss of consciousness or damage to property.
<i>“ initiation “</i>	any act – performed in the process of initiation, admission to or membership of the school/a group or team – that endangers the physical or mental health or safety of a learner (learners), where a learner (learners) is (are) made to feel inferior, where a learner (learners) (are) is subjected to humiliating or violent conduct that impairs his/her/their dignity, where fundamental rights of a learner (learners) as endorsed in the constitution of our country are undermined, and/or conduct that undermines the right of a learner (learners) to be treated with dignity and respect, and/or that damages public or private property.
<i>“learner”:</i>	any learner properly admitted and enrolled at Knysna High School.
<i>“minister”:</i>	the Minister of Education.

<i>“educator”</i> :	any educator, including the principal and deputy principals, who from time to time perform teaching duties at the school.
<i>“provincial department”</i> :	the Provincial Department of Education of the Western Cape.
<i>“rights and duties”</i> :	the rights and duties of the various interests groups of the school as set out in Part VII of the Code of Conduct.
<i>“school”</i> :	Knysna High School.
<i>“school principal”</i> :	the serving principal or acting principal of Knysna High School from time to time.
<i>“school property”</i> :	includes the following: the grounds and buildings occupied by the school and any attachment to named grounds and buildings <i>as well as</i> : all other property, including equipment, books, stock, motor vehicles and so forth, that the school possesses or hires or stores.
<i>“schools act”</i> :	the South African Schools Act (Act 84 of 1996).
<i>“hearing panel”</i> :	members of the governing body who attend to misconduct hearings.

4. REVISION OF CODE OF CONDUCT

This code of conduct may be revised by the governing body if deemed necessary.

5. AMENDMENTS

This code of conduct may only be amended after consultation with the educators, parents and learners of the school. Amendments will only come into effect after having been accepted by the governing body and announced to the educators, parents and learners by written notification.

6. INTERPRETATION

Any disagreement(s) regarding the interpretation of this code of conduct will be finally adjudicated by means of a decision of the governing body.

7. LEARNER COMMITMENT

Every learner of the school is bound by this Code of Conduct.

8. BASIC RIGHTS AND OBLIGATIONS

- 8.1 In this Code of Conduct recognition is given to the fact that all interest groups have certain basic rights and obligations.
- 8.2 Part VII of the Code of Conduct contains the various rights and obligations of the interest groups of the school and aims to create a climate of mutual respect, understanding and tolerance between the different groups, in the interest of having peaceful relations at Knysna High School.

PART II

RULES OF CONDUCT

INTRODUCTION

For the purposes of this code of conduct the rules of conduct are divided into two categories (A and B), where transgression of the rules vary between less serious misconduct to serious misconduct. This classification will concur with the different disciplinary steps that will be taken and the different procedures that may be followed when dealing with misconduct.

CATEGORY A: RULE/MISCONDUCT

1. GENERAL RULES

- 1.1 The learners must at all times conduct themselves in a manner that will make them good ambassadors of the school.
- 1.2 The learners must at all times when they are dressed in school uniform or any part thereof that suffices to link them to the school in the eyes of the public, or while they are representing the school, directly or indirectly, either as participants, supporters, helpers, spectators or otherwise, behave in such a manner that the school, staff or their fellow learners are not viewed in a negative manner.
- 1.3 The learners are expected to acquaint themselves with this code of conduct and to refrain from behaviour that will infringe on the rights of others that are contained in it.
- 1.4 Learners must at all times in their interaction with the principal, deputy principal, educators and other staff of the school show the necessary courtesy and respect, and refrain from behaviour that is tantamount to rebelliousness. In this regard rebelliousness does not include any behaviour that is in concurrence with the justifiable exercising of the learners' rights in terms of Part VII of the code of conduct.
- 1.5 Learners are duty-bound to support the principal and staff in the establishment and maintenance of good order as well as an environment and conditions in which the teaching and education process can proceed without hindrance. Above all, learners must obey any reasonable instruction from the principal, any educator, member of the Representative Council of Learners or prefects and carry it out immediately in order to realise the objective mentioned herein.
- 1.6 In their interaction with one another, learners must apply self-restraint as much as possible and demonstrate mutual respect and tolerance. In particular, learners must refrain from any behaviour aimed at violating any learner's physical, psychological and moral welfare or that may lead to such violation.

2. ABSENCE FROM SCHOOL OR SCHOOL ACTIVITIES

- 2.1 Learners may only be absent from school in exceptional circumstances, and then only with the written consent of the grade head.
- 2.2 If any learner is absent from school without an acceptable reason, it will be considered truancy, which is strictly prohibited.
- 2.3 A learner who is absent from school for one to three consecutive days must submit a written explanation from his/her parents on his/her return to school. Absenteeism for more than 3 (three) consecutive days will only be condoned if a certificate from a registered medical practitioner is submitted or other written reason that may be approved by the principal.

- 2.4** Notices: All learners are obliged to hand all notices to their parents – including notification of detention letters – from the school, handed to them by the governing body, principal, disciplinary head or an educator of the school, and to punctually provide the educator with all recognition of acceptance notes that had to be completed by the parents.

3. UNIFORM AND APPEARANCE

Learners are obliged to obey the school's uniform and appearance rules as set out on pages 9 - 12.

4. MOTOR VEHICLES AND MOTORCYCLES

- 4.1** No learner may, unless he/she has arranged for written permission from the principal or authorised staff member beforehand, bring a motor vehicle or motorcycle on to any property occupied by the school.
- 4.2** It is strictly prohibited for a learner to drive a motor vehicle or motorcycle in such a manner that it holds a danger or potential harm for other learners on the school terrain or for other learners and members of the public in the immediate vicinity of the school terrain.

5. ENVIRONMENT

- 5.1** Learners may not pollute the school grounds or buildings.
- 5.2** Learners, who are spectators or supporters at any school activity, must leave the terrain that they occupy clean and neat, and ensure that all litter is tidied up and placed in refuse-bins.
- 5.3** Learners must leave the cloakrooms and toilets clean.
- 5.4** Any conduct or omission by learners that may pose a health risk to other learners must be avoided.
- 5.5** Learners may not smoke on the school grounds or at any other place while dressed in full or part of their school uniform.
- 5.6** Learners may not be in the presence of other learners who are smoking.
- 5.7** Learners may not have cigarettes or any form of tobacco or alcoholic drinks in their possession.
- 5.8** Learners may not block any drain-pipe or toilet with paper or any other object or leave a tap open/running.
- 5.9** It is prohibited to append any graffiti, stickers, placards, etc. to any surface at the school without the principal's permission.
- 5.10** Learners must obey any reasonable instruction from the principal, any educator or prefect in connection with maintaining a clean and hygienic school environment.

6. PUNCTUALITY

The school day and school activities are carefully planned to spend the maximum available time on teaching. Tardiness causes undesirable disruption of the teaching process and activities. Consequently learners must always arrive at the appointed time and remain present until they are excused/dismissed by an authorized person.

7. SCHOOL AND HOMEWORK(Refer to undertaking by learners, signed when applying to Knysna High School)

- 7.1** All learners must complete the homework given by an educator and punctually hand it to the

relevant educator on the appointed day.

- 7.2** All learners must have the text books, stationery and workbooks with them that they will need for the school day.
- 7.3** Learners must perform their homework and tasks honestly and hand in their own work.
- 7.4** Learners must behave during class and any assembly in such a manner that they do not detrimentally affect other learners' opportunities to study and work.
- 7.5** Learners must optimally utilise class time and other time set aside for education, and therefore learners should not be allowed to sleep, eat, walk around or speak without the permission of the educator.
- 7.6** Learners who fail to do or complete their homework, or do not their text books, workbooks or essential stationery (calculators) in class will have to attend a 45-minute homework lesson after school. (See Appendix 4)

8. SPORT AND EXTRA-MURAL ACTIVITIES

8.1 Participants in sport and other extra-mural activities

- 8.1.1 Learners who are chosen to represent the school as participants in any sports activities on behalf of their internal teams, must wear sports uniform as set out in the uniform rules, during or after such activities
- 8.1.2 It is expected of all learners who are participating in mentioned sporting activities to be loyal towards the school and fellow-participants. In particular, participants must be in time and promptly report to the venue where the activity takes place or from where the participants travel to the venue and remain there until they are dismissed.
- 8.1.3 It is expected of all participants at the mentioned sporting activities on behalf of the school to behave courteously at all times and to obey all decisions, prescripts and orders/instructions issued by:
 - 8.1.3.1 the head of sport and the educator involved with the specific type of sport;
 - 8.1.3.2 the referee, umpire or adjudicator with regard to the concerned activity;
 - 8.1.3.3 the team captain.
- 8.1.4 Although it is accepted that learners who participate do so with commitment and with full effort, it is expected of such learners to apply self-restraint and discipline. In particular, learners should not behave in an unsportsmanlike manner or use dirty or insulting language or become involved in fights or incidents or make themselves guilty of dirty or foul play of any nature.

8.2 Spectators and supporters at sport and other extra-mural activities

- 8.2.1 All learners who attend any school activity as spectators or supporters will, in addition to the obligation to obey the provisions of this code of conduct, refrain from all disruptive, improper, rebellious, unnecessarily provocative or indecent behaviour. In particular, learners may not react negatively to the decisions of adjudicators or referees/umpires.
- 8.2.2 Learners who attend any school activity will submit themselves to and be obedient to any orders and instructions given to them before, during and after any relevant activity by the principal, any educator/coach, member of the learners' representative council or parent appointed by the principal to help with the transport, supervision or control of learners who are transported to or from the relevant activity or attend it.

9. SCHOOL PROPERTY

- 9.1** Every learner is obliged to do everything in her/his power to protect the school's property so that it can be utilised to the advantage of all present and future learners of the school.
- 9.2** Any school property entrusted to the care and supervision of a learner, must be returned to the school at the appointed time (i.e. when requested to do so by the governing body, principal or an educator of the school), in the same condition as when it was entrusted to the learner, reasonable use and wear excluded. Learners and their parents will be liable to the school for remuneration of any loss or damage to such property. No learner may deliberately or accidentally deface, damage, destroy or lose any school property. In the case of damage caused by a learner, the learner's parents may be called upon to remunerate the school for such damage.
- 9.3** No learner may remove any school property from the premises without prior permission from the principal or an educator of the school.
- 9.4** Learners may not handle, damage, mark, deface or destroy any property belonging to the school staff, fellow-learners, visitors to the school or members of the public. This rule applies to all property on the school terrain/premises, in the immediate vicinity of the school, at or close to the venue of any school activity, as well as any vehicle with which learners are transported and the property it contains.

10. CELLULAR TELEPHONES, IPODS AND SIMILAR DEVICES

- 10.1** Learners are expected to keep cellular phones and similar devices out of sight and switched off during school times.
- 10.2** In case of an emergency, a learner may report to the office and arrange to make a call.
- 10.3** The school does not accept any responsibility for any loss of such devices.
- 10.4** If a learner commits a "cellular or device" transgression, the device will be removed for ten school days from the learner.

11. LANGUAGE USAGE

- 11.1** Learners are expected to always express themselves in a civilised manner and to be courteous towards educators, staff, visitors and fellow-learners.
- 11.2** No learner is allowed to curse or to use abusive, crude or degrading language towards the principal, educators, staff, visitors or fellow-learners.

12. INFORMAL AND FORMAL ASSESSMENT

The aim of informal and formal assessment is to assess learners' knowledge and understanding of a specified section of the schoolwork.

- 12.1** All learners are obliged to submit to the assessments that are set by their educators in the course of their professional duties. Failure to comply with this rule will only be condoned in exceptional circumstances and on condition that the non-compliant learner's parents submit a comprehensive and acceptable explanation in writing to the principal at the earliest opportunity.
- 12.2** Learners must refrain from cheating or any other form of dishonest behaviour when doing their assessment tasks. (In addition to any penalty that may be imposed the learner will also receive a 0 mark for the assessment task concerned.) All cases will be investigated by the School Assessment Irregularities Committee (SAIC).
- 12.3** Learners may not communicate with one another in any manner or cause any disturbance while an assessment task is being conducted.

- 12.4 No learner may be in possession of a cell phone while he/she is sitting for an examination or test.

13. PROHIBITED AREA – BEFORE SCHOOL, DURING BREAK AND REGISTER PERIOD

- 13.1 No learner may be in a prohibited part of the school premises during normal school hours without the permission of an educator.
- 13.2 Prohibited areas are indicated or announced by the school.
- 13.3 Before and during school at staff and/or learners' motorcars.
- 13.4 All fencing around the school except for mornings before school.
- 13.5 No learner may be in the corridors or classrooms during interval or before school commences, except when under the supervision of a teacher or a member of the student council. When it rains, the learners are allowed to be in the lower corridors.
- 13.6 The entrance hall is forbidden terrain, except if with a valid reason for being there.
- 13.7 Learners may play on the tarmac and on the concrete surfaces around the school.
- 13.8 The area around the staff room is off limits before school and during any meetings which might be being held there.
- 13.9 Any other area announced by a member of Staff.
- 13.10 Learners may not be in the area north of the Art classroom block.
- 13.11 Learners may not be in the steps leading to the computer centre during the school day, except when it rains.

14. GENERAL RULES RELATING TO ATTIRE AND APPEARANCE

(Learners are compelled to wear the school uniform- and abide by the appearance rules as stipulated in School attire 14.10.1 – 14.10.4.)

14.1 HAIR-CARE

14.1.1 GIRLS

- *If the hair hangs over the forehead, it must be cut above the eyebrows.*
- If the hair hangs below the collar, it must be tied in one or two ponytails.
- Loose hair must be neatly tied-up with clips.
- Ribbons, alicebands, bows and hair-combs may be black, navy blue or white.
- Hair must have a natural appearance.
- Hair's natural colour may not be changed (e.g. from dark brown to blonde, blonde to black, etc.).

Hair colour is thus elegant and natural. If hair is unnaturally dyed, the learner may not represent the school, may not attend school functions, and may be asked to dye the hair "properly" before being allowed to attend classes again.

14.1.2 BOYS

- Hair must at all times be neatly cut and combed.
- If the quiff is brushed forward, the quiff may not touch the eyebrows.
- Hair may not touch the ears if combed down.

- Hair must be neatly trimmed in the neck, and the neck must be clean-shaven for \pm 20 mm above the collar.
- Side-whiskers may not be lower than the middle of the ear.
- Learners must at all times be neatly shaven.
- The hair may not be cut shorter than no. 4.
- No “highlights” or “low-lights” are allowed.
- No braids/corn rows are allowed.
- Hair may not be dyed. The natural colour of the hair may not be changed (e.g. from dark brown to blonde, blonde to black, etc.).
- No gel – if it is used to create pointed or strange hairstyles.

14.2 JEWELLERY

- No adornments, chains, rings, nose-rings, tongue-rings, navel-rings etc. with school attire. Besides a plain watch, only a medic alert chain/bracelet may be worn.
- Ear-rings: Only gold or silver studs (3 mm in diameter) and “sleepers” (1 cm) in diameter may be worn and only one in each ear - in the lower ear-lobe.
- Unacceptable jewellery will be confiscated and kept in the safe until the end of the relevant term.

14.3 LAPEL BADGES

Lapel badges that indicate an achievement or participation within school context and that have been approved by the School Governing Body may be worn.

14.4 NAILS

Nails must at all times be kept short and clean. Girls may only use colourless nail polish.

14.5 MAKE-UP

No make-up is worn with any of the official school attire or sportswear.

14.6 CHEWING GUM

The chewing of chewing gum is not allowed at school.

14.7 SCHOOL BAGS

- Reinforced, with handle
- No graffiti on satchels, only name and grade

14.8 RAIN JACKETS

This garment may be worn to school on rainy days. In terms 1 and 4 it must be removed inside the school building. During terms 2 and 3 on rainy days it may also be worn inside the school buildings. The school blazer must be worn during school assemblies on Mondays.

14.9 BEANIES

- Only the official school beanie will be aloud during winter.

NOTE: Personal appearance, neatness and cleanliness must continuously be strictly attended to. The general school rules apply when scholars in their school attire appear in public. Learners who do not adhere to the above-mentioned prescripts will be requested to rectify their appearance immediately **before being allowed to return to class.**

ATTIRE

14.10 SCHOOL ATTIRE

14.10.1 BOYS: SUMMER – TERMS 1 AND 4

Belt	Black (no motif on the belt). No extravagant buckles.
Trousers	“Tuskies” chino pants.
Socks	Grey.
Shoes	Black lace-up shoes without any motif (not boots). NB: The soles must be of standard thickness. Soles that leave black marks on the floors must be avoided. Deviations will only be allowed on medical grounds.
Shirt	White open-necked shirts with short sleeves, with the blue school badge. Shirts must be neatly tucked into trousers. NOTA BENE: Only a white T-shirt (without designs) will be allowed under the shirt.
Blazer	Official school blazer with badge. Compulsory during assemblies.
Jersey	Long-sleeved school jersey with school badge.
Pull-over	Sleeveless jersey.

14.10.2 BOYS: WINTER – TERMS 2 AND 3

Shirt	White neck-tie, long-sleeved shirts and a school tie.
Jersey	Long-sleeved school jersey with school badge. Grade 12 learners wear their white jerseys or pullovers.
Pull-over	Sleeveless navy blue jersey – with long-sleeved shirt.
Scarf	Only the official school scarf will be allowed. A tie is still compulsory with the scarf.
Blazer	Official school blazer with badge. Compulsory during hall.
Trousers	“Tuskies” chino pants.
Socks	Grey.
Shoes	Black lace-up shoes without any motif (not boots). NB: The soles must be of standard thickness. Soles that leave black marks on the floors must be avoided.

Deviations will only be allowed on medical grounds.

Beanie Only the official school beanie will be allowed.
Gloves Black.

14.10.3 GIRLS: SUMMER – TERMS 1 AND 4

Dress Official school dress, white short-sleeved shirt. Length: 12 cm above the knee measured from the ground if the girl stands on her knees.

Trousers Medium grey long trousers, the same length as the standard long pants with neatly stitched hems.

Shoes Black lace-up shoes or black shoes with strap over foot.

Socks Short white socks, without logos, motifs or stripes. No “secret socks”.

Blazer Official school blazer with badge - Compulsory during hall meetings.

Jersey Long-sleeved navy blue school jersey with school badge.

Pull-over Sleeveless navy blue jersey - **May be worn without a blazer.**

14.10.4 GIRLS: WINTER – TERM 2 AND 3

Dress Official school dress, white long-sleeved shirt. Length: 12 cm above the knee measured from the ground if the girl stands on her knees.
School tie.

Long pants Medium grey long trousers.

Stockings Long black stockings (not thick knitted, but “winter woollies”).

Socks Short white socks, without logos, motifs or stripes. No “secret socks”.

Shoes The same as for summer.

Jersey Long-sleeved navy blue school jersey with school badge.
Grade 12 learners wear their white jerseys or pullovers.

Pull-over Sleeveless jersey – with long-sleeved shirt.

Scarf Only the official school scarf will be allowed.
A tie is still compulsory with the scarf.

Gloves Black.

Blazer Official school blazer with badge.
Compulsory during assemblies.

Beanie Only the official school beanie will be allowed.

15. IN CONSULTATION WITH PRESENT SYSTEM OF DEMERITS INCIDENT SLIP AND POINTS

KNYSNA HIGH			
INFRINGEMENTS			
1	Eat/Walk about/Sleep/Talk – class/assembly	8.5	1
2	School uniform/appearance	4	2
3	Notices reply slips	3	1
4	Absence letters	2.1	1
5	Late for school/period	7	1
6	Littering	6.1	1
7	Disregarding a reasonable instruction	1.5	1
12	Lying /Supplying incorrect information	15.15	4
13	Trespassing on prohibited terrain	14	1
14	Disrupting class/hall (minor case)	8.4	4
16	Absent from class without permission –	2	4
17	Disrupting class/hall) (major class)	8.4	6
18	Unruly behaviour – Disrupting assembly	15.19	6
19	Unruly behaviour in public – school-related	1.2	6
20	Arrogant/Uncoouth – authority figure	1.4 /15.7	6
21	Blackmail/Intimidation/Victimisation	156	6
22	Damage to property/Graffiti	6.9 / 10.3	6
23	Blocking toilets/leaving taps running	6.8	6
24	Dishonesty – assignments/projects	8.3	6
25	Swearing/verbal abuse/ /belittlement/foul language	12 / 15.7	6
26	Smoke/Smokers' company/Possession of tobacco products	6.6 / 6.7	12
27	Truancy – whole day	2.2	12
28	Absence from extra-mural activities	9.1	12
29	Possessing a dangerous weapon	15.5	12
30	Fighting/Bullying	15.4	12
31	Unruly behaviour- major case	1.2 / 15	12
32	Public embarrassment for school	1.2 /15	12
33	Dishonesty test/examination combined with 0 marks	13.2 / 13.3	12
34	Absence from detention/punishment	15.23	12
35	Principal/Disciplinary Head		
Name of learner:			
Admission number:		Grade and section:	
Signature of learner:		Datum:	
Learner admits:		Learner denies:	
Name/number of educator:		Signature/initials of educator:	
Remarks of educator on reverse side, if necessary.			

KNYSNA HIGH SCHOOL			
INFRINGEMENTS			
1	Eat/Walk about/Sleep/Talk – class/assembly	8.5	1
2	School uniform/appearance	4	2
3	Notices reply slips	3	1
4	Absence letters	2.1	1
5	Late for school/period	7	1
6	Littering	6.1	1
7	Disregarding a reasonable instruction	1.5	1
12	Lying/Supplying incorrect information	15.15	4
13	Trespassing on prohibited terrain	14	1
14	Disrupting class/hall (minor case)	8.4	4
16	Absent from without permission	2	4
17	Disrupting class/hall) (major case)	8.4	6
18	Unruly behaviour – Disrupting assembly	15.19	6
19	Unruly behaviour in public – school-related	1.2	6
20	Arrogant/Uncoouth – authority figure	1.4 15.7	6
21	Blackmail/Intimidation/Victimisation	156	6
22	Damage to property/Graffiti	6.9 10.3	6
23	Blocking toilets/leaving taps running	6.8	6
24	Dishonesty – assignments/projects	8.3	6
25	Swearing/verbal abuse/belittlement/foul language	12 15.7	6
26	Smoking/Keeping smokers' company/Possession of tobacco products	6.6 6.7	12
27	Truancy – whole day	2.2	12
28	Absence from extra-mural activities	9.1	12
29	Possessing a dangerous weapon	15.5	12
30	Fighting/Bullying	15.4	12
31	Unruly behaviour- major case	1.2 15	12
32	Public embarrassment for school	1.2 15	12
33	Dishonesty test/examination combined with 0 marks	13.2 13.3	12
34	Absence from detention/punishment	15.23	12
35	Principal/Disciplinary Head		
Name of learner:			
Admission number:		Grade and section:	
Signature of learner:		Datum:	
Learner admits:		Learner denies:	
Name/number of educator:		Signature/initials of educator:	
Remarks of educator on reverse side, if necessary.			

CATEGORY B: SERIOUS MISCONDUCT

16. LEARNERS MUST REFRAIN FROM THE FOLLOWING SERIOUS MISCONDUCT

- 16.1 Any gross or repeated transgressions of CATEGORY A rules of the code of conduct, as indicated above.
- 16.2 Any behaviour that threatens the safety of other learners and impinges on their rights.
- 16.3 Any criminal transgression that compromises or violates the physical integrity of any person.
- 16.4 Fighting, assault or physical abuse.
- 16.5 Possession or use of a dangerous weapon or threatening any person with such a weapon.
- 16.6 Victimisation, bullying or intimidation of fellow-learners.
- 16.7 Impertinence, reprehensible behaviour or abusive language towards staff or fellow learners.
- 16.8 Slandering or attacking the dignity of any staff member.
- 16.9 Theft or the possession of stolen goods, including test or examination question papers before the test or examination concerned has been written.
- 16.10 Vandalism, destruction of or damage to property.
- 16.11 Behaviour tantamount to offensive/hurtful/harmful graffiti, hate speech, sexism or racism.
- 16.12 Criminal behaviour like rape and sexual harassment.
- 16.13 Possession or distribution of pornographic material.
- 16.14 Any form of public indecency or immoral behaviour.
- 16.15 Deliberate and intentional supplying of false information or the forging of documents for the purpose of gaining an unfair advantage at the school.
- 16.16 Gross dishonesty in a test or examination.
- 16.17 Distribution of any test or examination material that may enable a fellow learner to gain an unfair advantage in the test or examination.
- 16.18 Effectual or attempted bribery relating to any test or examination, with the aim of bringing about an improper advantage for any person.
- 16.19 Behaviour tantamount to a serious threat to or disruption or frustration of the process of teaching and learning in class.
- 16.20 Conspiring to disrupt the proper functioning of the school through collective action.
- 16.21 Conspiring to cause damage of any nature to property or to any person (group or gang formation) through collective action.
- 16.22 Possessing, using or supplying drugs, unauthorised medication, alcohol or other intoxicating substance.
- 16.23 To be under the influence of alcohol and/or drugs.
- 16.24 Any conduct or participation in any form of initiation of any fellow learner at the school.
- 16.25 Failing to comply with any punitive measure imposed for a transgression of this code of conduct.
- 16.26 Any failure to attend and remain present at disciplinary proceedings set up against the learner as a result of transgressing this code of conduct, without any acceptable apology.

PART III

DISCIPLINARY PROCEDURES APPLICABLE TO THE INVESTIGATION AND HEARING OF THE VARIOUS CATEGORIES OF ALLEGED MISCONDUCT

1. INTRODUCTION

- 1.1 With the drafting of disciplinary procedures for various categories of misconduct various considerations come into play. While proper procedure and fair practices should at all times be ensured, education at the school would come to a halt if every disciplinary matter were allowed to be turned into a mini-hearing. On the other hand, while justice must always be dispensed speedily, it should never be compromised. The more serious the implications and consequences of a transgression are for the perpetrator, the greater the need for a comprehensive procedure.
- 1.2 Arbitrators in school-related disciplinary matters have a great responsibility, however small or serious the alleged misconduct may be. Parents must be enabled to assume with confidence that their children will at all times be dealt with in a fair, balanced and firm manner. Learners have the right to expect this type of treatment. Arbitrators must also realise that they are dealing with children, who can easily be intimidated and blackmailed by adults. Children are at an unfair disadvantage if they have to defend themselves against aggressive accusations by persons who are in positions of authority over them.
- 1.3 Arbitrators must be strictly impartial and not be influenced by preconceived ideas, collegial pressure or any considerations that may lead to a miscarriage of justice towards the learner. Arbitrators must listen attentively and investigate carefully to ensure that the proper justice is dispensed, even if this means that a problem may be revealed that may embarrass their colleagues.

2. CRUCIAL REQUIREMENTS IN ALL DISCIPLINARY PROCEDURES

- 2.1 The learner must be given every opportunity to place his/her version or related facts and circumstances on record.
- 2.2 The arbitrators must be fair to the learner by revealing to him/her the information on which the procedure is to be based, as well as the matters to be considered in order to reach a decision. At that stage the learner will be allowed to make comments, to present evidence in order to refute allegations, or to present counter-arguments.
- 2.3 As far as possible, the learner should be allowed to make use of the support of his/her parent or parents during or in relation to the disciplinary procedure.
- 2.4 The constitutional rights of the learner (rights and duties) must be respected and complied with at all times, and must be compromised as little as possible.
- 2.5 Written judgements/decisions and the reasons on which they are based must be provided to the learner and his/her parents.

3. EDUCATORS, GRADE HEADS/ARBITRATORS

Educators, who are appointed as grade heads, act as arbitrators in disciplinary matters where category A misconduct is alleged, where a learner (learners) in the relevant grade is (are) involved. In exceptional cases or where the grade head makes such a request, the disciplinary head or principal can act as arbitrator.

4. AWARDING OF PENALTY POINTS (also referred to as DEMERITS/NOTICE OF INCIDENT)

Only in cases of Category A misconduct and as an exception in less serious cases of Category B misconduct. The disciplinary committee awards penalty values, see incident slip, Appendix C – penalty points. In cases where no penalty values are allotted to certain types of misconduct, the principal or disciplinary head can then allot a suitable value.

4.1 Alleged misconduct in presence of educator

- 4.1.1 Where the alleged misconduct has occurred in the presence of the educator, the case will be handled by the educator.
- 4.1.2 The educator will then notify the learner of the charge of misconduct together with the number of penalty points that may be awarded.
- 4.1.3 The learner will then be given the opportunity to respond to the charge. If the learner **admits to the alleged misconduct**, he/she will sign the incident slip.
- 4.1.4 The educator then awards the appropriate number of penalty points, places the incident slip in the relevant file and captures this information.
- 4.1.5 If the learner **denies the alleged misconduct**, he/she must sign the incident slip and indicate that the allegation is denied. A written response is required within 24 hours and can be handed to the Grade Head or Deputy-Principal or the Principal. Please note that demerits can be “increased” or “decreased” by the Grade Head, Deputy-Principal or Principal.
- 4.1.6 The educator then has the discretion to refer the matter to the grade head for settlement – the learner will then be informed of the decision.
- 4.1.7 If the educator refers the matter to the grade head, the educator must attach a report to the incident slip and hand it to the grade head.
- 4.1.8 Where the matter is being settled by the grade head, the learner must submit a written report, for consideration, to the relevant grade head before 14:00 on the first school day after the signing of the incident slip.
- 4.1.9 If no written report is received from the learner, the grade head awards the penalty points and passes it on for capturing on the computer.
- 4.1.10 Where a report is received by the grade head, he/she can consider it together with the report of the referring educator, and the matter may be settled on the basis of the written reports. The grade head may call for oral submissions. The grade head may find that no misconduct has occurred; if, on the other hand, misconduct has indeed occurred, the grade head may award the original penalty points, decrease it where there are mitigating factors, or increase it where aggravating factors are found.
- 4.1.11 Thereafter the grade head notifies the learner. If the learner is not satisfied with the grade head’s findings, he/she may request that the matter be reviewed by the disciplinary head.

4.2 Alleged misconduct reported to educator by fellow-learner

- 4.2.1 Where the alleged misconduct is reported to an educator by a fellow learner, the educator may investigate the matter by listening to both learners’ versions. If it seems to the educator that the charge is unfounded, the educator can so order. Where it appears from the investigation that the charge has merit, the educator may notify the learner of the misconduct involved, together with the amount of penalty points that may be awarded.
- 4.2.2 The learner is then given the opportunity to respond. If the learner **admits to the misconduct**, he/she will sign the incident slip.
- 4.2.3 The educator awards the penalty points and places the incident slip in the relevant file and thereafter captures the information on the computer.

- 4.2.4 If the learner **denies the alleged misconduct**, the matter together with the learners involved is referred to the grade head for settlement.
- 4.2.5 The grade head may call for oral or written submissions from both parties. The grade head may find that no misconduct has occurred: if, on the other hand, misconduct has indeed occurred, the grade head may award the original penalty points, decrease it where there are mitigating factors or increase it where aggravating factors are found.

5. PROCEDURE: PENALTY POINTS(Demerits) AND DETENTION SYSTEM

- 5.1 Penalty points(Demerits) are awarded for misconduct depending on the seriousness and regularity of its occurrence. The number of penalty points awarded varies from two (2) to twelve (12) points per transgression. See appendix for point values.
- 5.2 As soon as learners have accumulated six penalty points, a detention notice is handed to them that should be delivered to their parents and signed by them, and then returned to the school for record-keeping purposes. A grade head hands out detention slips on Tuesdays.
- 5.3 The learners have to report for detention on Fridays (14:15 – 16:15) as mentioned in the notice to reduce their penalty points.
- 5.4 If the learner cannot attend detention as a result of circumstances beyond his/her control or for sporting obligations, he/she must hand in a written request from his/her parents, and where applicable supported by the relevant sport educator, to the grade head. The request must be handed in the morning before the detention class. Detention must then be postponed to a later date.
- 5.5 If a learner receives a detention notice and does not return it, with his/her parent's signature, to the school, or if a learner does not turn up for detention, comes late for detention or commits further misconduct during detention – further penalty points will be awarded. The deadline for submitting signed detention notices is Fridays during Register period. (12 Points).
- 5.6 Attending detention on Fridays (2 hours) decreases the penalty points by six (6) points.
- 5.7 Whenever a learner has accumulated **18 penalty points**, the grade head phones the learner's parents to ascertain if the parents have received the detention notices and if they are aware of its content . (KU 238 – programme)
- 5.8 Learners who have accumulated **24 penalty points** receive a written notice from the grade leader to the parents, **inviting** them to enter into discussion with the grade head or disciplinary head. This is referred to as a 4-Letter
- 5.9 A learner who has accumulated **36 penalty points** receives a written notice from the disciplinary head for his/her parents, **requesting** them to attend a disciplinary interview.
- 5.10 A learner who has accumulated **48 penalty points** receives a written notice from the disciplinary head, **informing** the learner and his/her parent/s of a disciplinary meeting(not a hearing) convened by the educators (principal, disciplinary head and grade head), which the learner and his/her parents are **obliged** to attend.
- 5.11 A learner who has accumulated **60 penalty points** receives a written notice from the disciplinary head that the learner together with his/her parent/s **must** attend a disciplinary meeting convened by the hearing committee of the governing body. The procedure followed by this meeting is the same as for serious misconduct – Category B. Please note that learners who accumulate 18 more demerits after the School Governing Body Disciplinary Meeting, will be formally charged to attend a Disciplinary Hearing at a certain date, time and venue.
- 5.12 The procedure followed in (5.9), (5.10) and (5.11) is of an informal nature and aims to improve or rectify the learner's unacceptable behaviour

HEARING PROCEDURE AT ALLEGED CATEGORY B (SERIOUS) MISCONDUCT

- 5.13 Any allegation of serious misconduct must be lodged in writing with the principal/disciplinary head or governing body. The governing body must refer any such charge lodged with them to the principal/disciplinary head for investigation.
- 5.14 The principal/disciplinary head must investigate every allegation of serious misconduct and prepare a record of such investigation that includes obtaining all relevant statements from witnesses.
- 5.15 On completion of the investigation, the principal/disciplinary head must decide if a *prima facie* case of serious misconduct is evident from the investigation.
- 5.16 If the principal/disciplinary head should decide that no *prima facie* case of misconduct can be made, or the alleged misconduct should be dealt with as a category A misconduct, then the principal or disciplinary head must inform the chairperson of the disciplinary committee in writing of the decision, accompanied by the complete record of the investigation, before the principal or disciplinary head acts further in accordance with the decision. The chairperson, after consulting with the principal and disciplinary head, must within 24 hours of receiving the principal/disciplinary head's mentioned notice, inform the principal/disciplinary head in writing whether he/she agrees with the decision or not, and whether he/she desires that further proceedings pursuant to this part of the code of conduct be instituted. If the latter is the case, the principal/disciplinary head must act further in accordance with what follows hereafter.
- 5.17 If it is the finding of the principal/disciplinary head or if so instructed, the chairperson of the disciplinary committee must assemble a hearing panel of a group of experts nominated by the governing body.
- 5.18 A learner who is suspected of committing a serious act of misconduct may, pending his/her disciplinary hearing, be suspended from school for seven school days by the appointed hearing panel of the governing body, but only if reasonable grounds exist and where it serves as a protective measure and the learner and/or his/her parents are provided with a reasonable opportunity to make representations against such contemplated suspension, on condition that the hearing is held within seven school days by a differently constituted hearing panel of the governing body – unless the Head of Education in the Western Cape grants an extension of the suspension. (Appendix D and E)
- 5.19 The principal/disciplinary head serves a written notice of hearing on the accused learner (similar to that in Appendix F) at least 5 school days before the hearing, with instructions to hand it to his/her parents. The accused learner must deliver a copy of the notice, properly signed by his/her parents, not later than 10:00 the following school day to the principal/disciplinary head. The principal/disciplinary head must take all possible steps to get into touch with the parents and verbally inform them of the relevant notice and the fact that it has been handed to the learner to deliver to them. The learner and his/her parents must be informed by the principal/disciplinary head of the learner's right to legal representation. The notice must clearly state the following:
- 5.19.1 What the serious misconduct entails that the learner is accused of.
- 5.19.2 The venue where, date and time when the hearing will commence.
- 5.19.3 That the learner is entitled to be supported by his/her parents and/or a representative.
- 5.19.4 That the learner is entitled to all information in the school's possession that may be used against him/her during the hearing.
- 5.19.5 That the learner is entitled to call witnesses in his/her defence.
- 5.19.6 That the learner or his/her representative may question all the witnesses during the hearing.
- 5.20 The hearing panel, properly appointed by the governing body and comprising of at least two members (that do not include the principal/disciplinary head), will preside at the hearing and one of the members will be the chairperson. (Appendix G)
- 5.21 All the proceedings of the hearing must be properly and completely minted.

- 5.22 The prosecution must be led by the principal/disciplinary head, together with a member nominated by the chairperson of the disciplinary committee to assist the principal/disciplinary head.
- 5.23 The learner is entitled to legal representation according to the choice of his/her parents, and such legal representative can be an attorney, advocate, educator, fellow learner, any parent or the parent or guardian of the learner.
- 5.24 The following **preliminary procedure** must be followed at the hearing:
- 5.24.1 The names of all the persons present must be noted.
- 5.24.2 The parents and learner must be asked whether they have received the relevant notice of hearing (as intended in 6.7), read it and whether they understand its contents. An opportunity for questions and explanations must be allowed.
- 5.24.3 The parents and the learner must be asked whether there is any information in the school's possession which they require for use in the defence of the learner. Their reasonable requests in this regard must be granted.
- 5.24.4 Copies of all statements by any witnesses that may be called to testify against the learner must be provided to the parents and learner, if this has not already been done.
- 5.24.5 The seriousness of the charge and the possible sanctions that may follow if the learner should be found guilty of the alleged misconduct must be explained. It must further be explained that the testimony of the witnesses must be tested under cross-examination. Should the learner and/or his/her parents and/or representative forfeit the opportunity to subject any testimony to cross-examination, such by testimony will stand undisputed and will be taken into consideration. It must also be explained that the learner's version of what has happened will be put to each witness for commentary, before the learner's version can be taken into consideration.
- 5.24.6 The presiding member of the hearing panel must ascertain from the parties involved in the hearing, if any witnesses will be called at the hearing that could possibly be exposed to improper mental strain or suffering if the witnesses were to testify. If the hearing committee finds that such a possibility does exist, they can order the witness to testify by means of an intermediary and in circumstances as contemplated in Section 8 (7), 8 (8), 8 (9) of the Schools Act.
- 5.24.7 An opportunity must be offered for questions and/or requests from the learner and parents. The chairperson may adjourn the proceedings if requested to do so by the learner and/or parents, in order to consider their position or for any other purpose at the discretion of the hearing committee of the governing body.
- 5.25 After the preliminary part of the hearing has been concluded as set out above, the prosecutor (the principal/disciplinary head assisted by the nominated assistant) must read out the charge, as set out in the notice of the hearing, for the record, and the learner must be asked by the chairperson to plead "*guilty*" or "*not guilty*".
- 5.26 If the learner pleads "*guilty*", the chairperson must question the learner in order to find out if the learner indeed is guilty. If he is not convinced that the learner pleaded guilty correctly, the chairperson will record a plea of not guilty and order the case to continue and that the prosecutor must present testimony (procedure as laid down in 6.15 below). If the chairperson is convinced that the learner indeed is guilty in accordance with his guilty plea, the hearing committee will find the learner guilty and follow the procedure as laid down in 6.16.
- 5.27 If the learner pleads "*not guilty*", or if a plea of "*not guilty*" is recorded by the chairperson, the following procedure must be followed:
- 5.27.1 The prosecutor must lead the evidence of every one of the witnesses for the prosecution. This must be done by reading out the witness's written statement to him/her and by asking the witness to confirm the correctness of the statement. Additional questions may then be put to the witness to further illuminate his/her version of events.
- 5.27.2 The accused learner and/or his/her parents or their representative is/are granted reasonable opportunity to cross-examine the witness. Unnecessary repetitive and irrelevant questioning is

however not allowed. Where no questions are put to the witness, the committee can accept that the witness's version is correct (the chairperson must explain this to the learner and his/her parents where the learner does not have legal representation).

- 5.27.3 The prosecutor is also entitled to submit and hand in relevant documentary evidence.
- 5.27.4 After the prosecutor has presented evidence for the prosecution, the learner gets the opportunity to present evidence. He/she does so by testifying in person and /or by calling witnesses to testify. The prosecutor, just like the learner, gets the opportunity to cross-examine the witnesses. If the learner does not testify or call witnesses, this means that his/her version is not before the committee and that it cannot be taken into account (the chairperson must – where the learner does not have legal representation – explain this to the learner).
- 5.27.5 The learner is also entitled to submit and hand in relevant documentary evidence.
- 5.27.6 The chairperson and all members of the hearing panel are entitled to cross-examine any witness with the aim of getting clarity about his/her testimony so that justice can prevail.
- 5.27.7 The chairperson and any member of the hearing panel are entitled to call any witness who can in the panel's opinion, give evidence that can be crucial in the interest of justice for the proper adjudication of the case.
- 5.27.8 After all the evidence has been heard, the chairperson gives the prosecutor and the learner and/or his/her representatives the opportunity to address the hearing committee with regard to a finding.
- 5.27.9 The chairperson may adjourn the proceedings to an appropriate date, not longer than 7 days, to give due consideration for a judgment.
- 5.27.10 At the resumption, the hearing panel delivers its judgement. If the verdict is one of "not guilty", proceedings against the learner are terminated. Where a verdict of "guilty" is recorded, the procedure described in 6.16 is followed.
- 5.28 If the hearing panel **finds** the learner **guilty**, the hearing panel must:
 - 5.28.1 Allow the prosecutor to place before the panel, by way of argument or evidence, any facts or circumstances he/she may consider relevant to the imposition of an appropriate punishment.
 - 5.28.2 Cross-examine the learner and consult with his/her parents about:
 - 5.28.2.1 the personal circumstances and academic record of the learner and the reason for the misconduct,
 - 5.28.2.2 the possibility of and the learner's willingness to rehabilitate,
 - 5.28.2.3 the seriousness of the misconduct, the need of the school community for application of punishment, deterrence and methods to prevent repetition,
 - 5.28.2.4 any other aspect that the learner and his/her parents feel may be of relevance in reaching an appropriate punitive sanction.
 - 5.28.3 Invite the learner and his/her parents to make submissions concerning the suitability or otherwise of any of the alternative sanctions prescribed for serious misconduct by this code of conduct.
 - 5.28.4 Consider if the proved misconduct is such that it justifies the expulsion of the learner. The standpoints and reasons of the hearing committee must be put to the learner and parents, and their submissions and commentary about it must be heard.
 - 5.28.5 After considering all the submissions, punishment/punitive sanction as contained in Part IV must be imposed.
 - 5.28.6 After imposing an appropriate punishment/punitive measure, the learner and his/her parents must be informed in writing of the punishment (similar to appendix H).
 - 5.28.7 The complete record of the hearing must be submitted to the governing body within 48 hours for revision, in order for the governing body to refer the matter back to the hearing panel for reconsideration of the finding or to endorse the finding and/or recommendation.

5.29 Procedure at completion of hearing

- 5.29.1 Notwithstanding the outcome of the hearing, the principal must have a complete and chronological record of the proceedings prepared and typed if possible, including as a first item the charge, the record of the principal/disciplinary head's investigation, the record of the proceedings, a collection of any documentary evidence or appendices.
- 5.29.2 Where the learner has been suspended as a corrective measure, a copy of the record must be kept.
- 5.29.3 Where the learner has been suspended pending a decision from the Head of Education of the Provincial Education Department concerning the expulsion of the learner, the record must immediately be supplied to said head of education under the cover of Appendix I.
- 5.29.4 A copy of the record must be kept by the school, pending the instructions of the governing body, in consultation with the above-mentioned Regional Director, concerning its destruction.

6. RIGHT OF APPEAL AND ITS PROCEDURE

- 6.1 The learner and/or his/her parents are entitled to appeal against the finding of the Governing Body of the school. Such appeal must be lodged with the governing body within 48 hours after the learner and his /her parent/s has been informed of the finding.
- 6.2 On receipt the notice of appeal will be despatched together with the record of the proceedings to the head of education for consideration.

PART IV

PUNITIVE MEASURES

1. GENERAL

- 1.1 This schedule enumerates the punitive measures that may be applied by the principal, governing body, head of department or class educator authorized to deal with cases of misconduct after a learner has been found guilty of misconduct.
- 1.2 The exposition of the punitive measures should not be seen by those who must apply such measures as a complete list of punitive measures that they are compelled to apply, disregarding all other considerations. As far as is humanly possible, the authorized people should strive to apply appropriate punitive measures, taking into account the individual learner, the nature and seriousness of the misconduct concerned, and the interest of the school community in regard to the manner in which misconduct is dealt with at the school.
- 1.3 The art is to find the correct balance between the considerations listed below, where each should be taken into account and given effect in the punitive measure that is ultimately applied. The application of punitive measures that are not in proportion to the reported considerations should be avoided, as this would be unfair and contrary to the objectives of this code of conduct.

2. RELEVANT CONSIDERATIONS IN CHOOSING APPROPRIATE PUNITIVE MEASURES

2.1 The individual learner

- 2.1.1 Age and stage of development.
- 2.1.2 Attitude to school work and fellow learners.
- 2.1.3 Disciplinary record, general reaction to reprimands and willingness to reform.
- 2.1.4 The reasons advanced for committing the transgression.
- 2.1.5 The degree of remorse and willingness to put right the transgression.

2.2 Nature and extent of the misconduct

- 2.2.1 The relevant circumstances.
- 2.2.2 The effect of the transgression on another person or persons.
- 2.2.3 The frequency with which this type of transgression occurs amongst learners.
- 2.2.4 The extent of the damage or loss caused by the transgression.

2.3 Interests of the school community

In general the school community has an interest in the preservation of a climate and culture of teaching and learning at their school, the fair and even-handed treatment of learners, the protection of the physical, psychological and moral welfare of learners and educators at the school, and the protection and promotion, in as far as it is possible, of the basic constitutional rights of all interested parties of the school. The following elements can be highlighted for consideration from this general statement:

2.3.1 Retribution

Misconduct must be addressed by means of an appropriate unpleasant consequence of one kind or another, in order to demonstrate the community's displeasure at the commission of this act.

2.3.2 Reformation

Where there are indications that the learner is amenable to reformation or will probably react positively to reformation, the community would want to give the learner the opportunity to improve his/her behaviour and in this way put the learner concerned as well as others in a position to obtain the best possible benefits from their school career.

2.3.3 Deterrence

An element of deterrence for repeated misconduct by a specific learner or by the learner community in general, must be built into the punishment being applied, to prevent a situation where indulgence might lead to continuous transgressions. The higher the general incidence of this type of misconduct, the more prominent the element of deterrence must be.

2.3.4 Prevention

The basic question here is whether it is necessary for the learner to be isolated from the school and from his/her fellow learners, either as a strong message that his or her behaviour is anti-social in the school situation, or for the protection of the safety (physical, mental or moral) of the learners and/or of the school, or of both.

3. APPROACH TO THE APPLICATION OF PUNISHMENT

The application of punishment requires proper procedures, just as any administrative procedure that concerns the interests of the individual. The responsible person must inform the learner and his/her parents and/or representative of any factors that he/she intends to take into account, as well as of the purpose of the punishment, and to invite comment. All comments regarding these matters must be obtained and thoroughly considered. The proceedings must be recorded in the minutes.

4. PUNITIVE MEASURES THAT MAY ONLY BE APPLIED BY THE GOVERNING BODY

Only the governing body may, after a fair hearing, suspend a learner from school, and may only do so in either of the following cases: Firstly, as a corrective measure, for a maximum period of seven school days, and secondly, in consultation with the Province's Head of Education, pending a decision by the Head of Education as to whether the learner will be permanently expelled from the school.

5. PUNITIVE MEASURES THAT MAY NOT BE APPLIED BY THE GOVERNING BODY, PRINCIPAL OR ANY OTHER EDUCATOR

5.1 Only educators.

5.2 Only the Head of Education of the Province, or an authorised official appointed by him/her, may expel a learner from school.

5.3 It is necessary to quote the following provision from the Schools Act of 1996, namely Section 10:

“(1) No person may administer corporal punishment at a school to a learner.

“(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which may be imposed for assault.”

6. PUNISHMENT AND THE RIGHTS OF THE LEARNER

The governing body, the principal or the authorised educator must at all times, when punitive measures are applied, keep the rights of the learner in mind, as set out in the Code of Rights and Duties. Punishment will inevitably impinge on one or more of those rights. Such impingements must however be kept to the minimum, depending on the circumstances. Any invasion of the right to dignity and privacy must be limited as much as possible.

7. PUNISHMENT FOR THE VARIOUS CATEGORIES OF MISCONDUCT

7.1 Category A Misconduct

- 7.1.1 A verbal warning.
- 7.1.2 A written apology to the staff members and learners of the school, affixed to the school's notice board for a period of two weeks. Where it is more appropriate in the circumstances, such apology may be given to the class teacher or any other educator or the individual or the group who are affronted by the misconduct.
- 7.1.3 A written warning where penalty points (2 – 12) is awarded.
- 7.1.4 Punitive detention (two to four hours).
- 7.1.5 Community service of two to a maximum of four hours. (Governing body decision).
 - (i) *A combination of the above-mentioned punishments may be imposed.*
 - (ii) *Punishment may also be completely or partially suspended, subject to certain conditions.*
 - (iii) *When attire and appearance rules are flouted, the learner may be required to rectify it immediately.*

7.2 Members and spectators of sport or extra-mural activities

- 7.2.1 Together with or as an alternative to the above-mentioned in (7.1).
- 7.2.2 The removal of certain privileges, including the right to represent the school in sport or any other extra-mural activity, as may be stipulated by the principal/disciplinary head, for a period of up to six weeks.

7.3 Members of the Council of Learners/Terrain Prefects

- 7.3.1 Together with or as an alternative to the above-mentioned (7.1).
- 7.3.2 Suspension from duties for a period of up to six weeks; or
- 7.3.3 Dismissal and permanent removal from position as a member of the council of learners or terrain prefects.

7.4 Category B – Serious misconduct

- 7.4.1 Punishment as stipulated in 7.1 above, combined with suspension from school for up to seven school days, the latter punishment being suspended on conditions as stipulated by the governing body which are deemed reasonably necessary or desirable to assist the learner in improving unacceptable behaviour. (T – class option may be considered).
- 7.4.2 Punishment as provided for in 7.1 above and in addition to or as an alternative, suspension from school for a period of up to seven school days.
- 7.4.3 Suspension from the school, pending a decision by the Head of Education of the Western Cape on whether the learner is to be permanently expelled or not.

PART V

PARDONING

1. This schedule attempts to create the opportunity for a learner to rectify unacceptable behaviour and to turn over a new leaf. .
2. The record of any proceedings or punishment in relation to category A misconduct must be expunged from the learner's personal file if **he/she is not found guilty again of the same or similar misconduct for a period of 12 weeks.**
3. The learner and/or his/her parents may, in connection with the imposing of punishment for category B misconduct (with the exception of expulsion), present to the principal/disciplinary head and governing body a written application for pardoning of the misconduct after a period of 12 calendar months.
4. The written application must be fully motivated and must deal with each of the criteria mentioned in 5 below.
5. In considering the application for a pardon, the principal/disciplinary head and governing body collectively must consider the following factors, with the view of establishing whether the learner has positively transformed:
 - 5.1 The disciplinary record of the learner to the present;
 - 5.2 The academic progress of the learner;
 - 5.3 The participation and performance of the learner in the field of sport, culture and/or other school activities;
 - 5.4 Any evidence of the learner's disposition concerning learning and education and the interests and rights of his/her fellow learners;
 - 5.5 Any presentations made by the learner and his/her parents.
6. Only if there are good objective reasons and doubt exists whether the learner has positively reformed may a pardon be withheld.
7. When a pardon has been granted, the record of any proceedings and punishment for such misconduct must be expunged from the learner's personal file and/or any other school record.

PART VI

GRIEVANCE PROCEDURE (SETTLEMENT OF DISPUTES)

1. AIM

The aim of this procedure is to find solutions for learners' grievances. Insignificant and trivial grievances will be ignored, since the purpose of the procedure is to find solutions to grievances which, if they remain unsolved, will disturb the harmonious relationships between learners or the culture of tolerance and mutual respect that the school strives to instil.

2. CONFIDENTIALITY

Statements made during the grievance procedure may not be used as evidence in any disciplinary procedure. Matters at issue which are revealed by such statements may however be taken up with the parents of the student concerned, if the principal is of the opinion that this is necessary or desirable.

3. GRIEVANCES

A grievance means the unhappiness of a learner because of an attack on any of his/her rights by another learner or learners, or the presence of fear, tension, pain, hurt or anger in a learner on account of the action of another learner or learners.

4. MEDIATION

4.1 The mediator in any grievance procedure is the principal or any educator or person nominated by him. The mediator may not choose sides and must avoid the perception that he/she is choosing sides.

4.2 The purpose of mediation is to bring home to the concerned parties an understanding of the position of the other party or parties with regard to the problem, to obtain or make proposals for possible solutions to the problem, and to influence the parties to – of their own accord - consider settling the problem in a friendly manner.

5. PROCEDURE

5.1 The affronted learner must first attempt to settle the grievance by discussing it with the other learner or learners concerned.

5.2 If a discussion does not resolve the dispute, the affronted learner must lodge a written grievance with the principal in which the circumstances are set out and in which reference is made to the attempt to resolve the grievance by manner of discussion, or in which reasons are cited why such discussion has not been attempted.

5.3 The grievance must be lodged within ten days from the date of the occurrence that led to the grievance or dispute.

5.4 The principal may reject the grievance, with written reasons, if he/she is of the opinion that it is insignificant or trivial. In such a case the learner may lodge a written appeal with the governing body against the rejection of the grievance, within three schooldays of the date on which he/she was informed of the rejection. The governing body must consider the appeal, with or without interviewing the learner, and may maintain or reject it citing reasons in writing. If the appeal is maintained, the grievance procedure must proceed.

5.5 A written copy of the grievance must be handed by the principal to each learner implicated in the grievance within two schooldays from the date the grievance was lodged, and must receive a

written answer from each such learner within a further two days, copies of which must be handed to the affronted learner.

The principal or the person nominated by him/her to act as mediator must convene a meeting between the learners concerned by means of a written notice to each of them, in which the date, time, place and names of the persons involved in the meeting must be mentioned.

- 5.6 At the meeting the mediator must mediate the affair between the parties and he/she may place a reasonable time limit on the duration of the meeting. The mediator may postpone the meeting and reconvene it.
- 5.7 The mediator must, at the termination of the meeting, prepare a concise report of the meeting and its outcome for filing in a confidential file.

6. TERMINATION OF PROCEDURE

- 6.1 The principal may, after receiving the grievance, and if he/she is reasonably of the opinion that the grievance reveals an instance of category A or category B misconduct, terminate the procedure and institute a disciplinary procedure in terms of the code of conduct, after he/she has conducted any such further investigations as he/she may have deemed necessary.
- 6.2 The mediator may, if from the handling of the grievance procedure it appears that a category B misconduct has been committed, terminate the procedure immediately (before it is completed) and report the alleged misconduct to the disciplinary head who may then institute disciplinary procedures.

7. OTHER GRIEVANCES

Grievances and disputes between an educator and a learner or vice versa must be resolved by means of discussion between the learner's parents and the educator, if possible. If the dispute cannot be resolved in this manner, either party may report the incident to the principal or the governing body or the education department for further steps in order to settle the dispute as speedily as possible.

PART VII

BASIC RIGHTS AND DUTIES OF THE VARIOUS INTEREST GROUPS AT KNYSNA HIGH SCHOOL

INTRODUCTION

1. The school community is comprised of the principal and educators, non-educator staff of the school like administrative staff and cleaners, learners and parents of the learners. Every group and every individual within each of these groups has specified rights and duties, some of which are expounded in the attached schedules.
2. Within the school community there are structures like the governing body and the council of learners. These have been established by legislation, with particular functions (powers and duties) to fulfil on behalf of the groups they represent. These structures are also mentioned in the attached schedules.
3. Some of the rights and duties of the various interest groups flow from the Charter of Human Rights in the Constitution of the country. Others flow from legislation of general application in the relevant province or in the country as a whole. Others flow from the common law of the country.
4. Every person endowed with a right has a corresponding obligation to respect the rights of others. Therefore, for example, freedom of speech may not deliberately be used to disrupt a class or to insult any person.
5. Sometimes there are competing rights. Every person, for example, has a right to the protection of his/her dignity. Punishment for misconduct affects a learner's feeling of dignity, but the law allows such punishment in certain circumstances.
6. All groups and structures in the school community should, in exercising their rights and obligations, strive to create a climate that is most conducive to learning and education in a clean and safe environment.
7. Although the rights and obligations dealt with here relate to the context of the school environment, all persons involved in this environment must ascertain what their and others' basic human rights are, as expounded in the constitution of the country. Parents and educators should play a meaningful role in informing learners about these basic rights.

DEFINITIONS

The following words and abbreviations will hold the meanings indicated opposite each term when used in this section, except where the context indicates otherwise:

<i>"Constitution"</i>	the Constitution of the RSA, Act 108 of 1996;
<i>"Schools Act"</i>	Act 84 of 1996;
<i>"school"</i>	Knysna High School;
<i>"code of conduct"</i>	The code of conduct for learners of the school;

The governing body of Knysna High School, properly constituted in term of the Schools Act;

<i>"Charter of Human Rights"</i>	Chapter Two of the Constitution;
<i>"SACE"</i>	The South African Council of Educators.

SCHEDULE A: THE PRINCIPAL AND EDUCATORS

1. The Principal

1.1 Rights

- 1.1.1 The rights of all educators (see below).
- 1.1.2 The right to exercise his/her professional duties without interference.
- 1.1.3 The rights which may reasonably be deemed essential for exercising his/her duty in attending to the professional management of the school according to the instructions of the head of education of the Provincial Education Department.
- 1.1.4 The rights which may reasonably be deemed essential for exercising his/her duties (see below).
- 1.1.5 To be an *ex officio* member of the governing body of the school.
- 1.1.6 The right to arrest, search, confiscate, take urine specimens for testing, granted to him as a citizen, or in terms of his office, or as a responsible person, in terms of any law, including the Control of Access to Public Premises and Vehicles Act, the Criminal Procedure Act, Drug and Drug Trade Act, Weapons and Weapon Control Act, and the Schools Act.
- 1.1.7 To institute disciplinary procedures against learners and to participate in disciplinary procedures against learners, as provided for in the code of conduct or any law.

1.2 Duties

- 1.2.1 The duties of all educators (see below).
- 1.2.2 To attend to the professional management of the school according to the instructions of the head of education of the Provincial Department of Education.
- 1.2.3 To ensure that quality education services are provided by the school.
- 1.2.4 To implement the policy according to which the school is administrated.
- 1.2.5 To promote a culture of teaching and learning at the school.
- 1.2.6 To promote a high standard of professionalism and management at school.

2. Educators

2.1 Rights

- 2.1.1 Rights in terms of labour legislation, including collective agreements.
- 2.1.2 To be supported by the governing body in the execution of their professional functions, which include the maintenance of discipline.
- 2.1.3 Freedom of association, assembly, demonstration, and peaceful petitioning, unarmed, and without infringing the rights of others.
- 2.1.4 To be a member of a political party.
- 2.1.5 To discipline learners in accordance with the school's code of conduct.
- 2.1.6 The right to privacy and dignity (i.e. that no person may unlawfully violate their privacy, not to be assaulted, slandered, insulted or humiliated by any person).
- 2.1.7 The right not to be unlawfully discriminated against on the grounds of race, colour, sex, sexual preference, class, disability, opinion, conscience, religion, culture or language.
- 2.1.8 The right to execute their professional duties without interference.
- 2.1.9 The right not to participate in any of the religious instruction classes or religious observances at

the school, and the right not to be improperly influenced to do so.

- 2.1.10 Freedom of conscience, religion, thought, belief, opinion, speech and expression.
- 2.1.11 The right to be consulted in the process of drafting and amending the code of conduct.
- 2.1.12 The right to receive a report on his/her work from the governing body at least once a year.
- 2.1.13 The right, within a code of conduct, to refuse access to learners or others who disrupt the class.
- 2.1.14 The right to be burdened with no more than a fair workload (presently a minimum of 7 hours at the school per day and an estimated load of 1 800 working hours per year), i.e. approximately 80 hours for courses during vacations etc.

2.2 Duties

- 2.2.1 To comply with the school's code of conduct.
- 2.2.2 To strive to promote learners' intellectual and personal development.
- 2.2.3 To promote a culture of teaching and learning.
- 2.2.4 To act in a fair and unbiased manner when working with learners.
- 2.2.5 To attain and maintain a high level of professionalism.
- 2.2.6 To respect learners' rights.
- 2.2.7 To refrain from mocking any religion and from attempts to indoctrinate learners to adhere to any specific faith or religion.
- 2.2.8 To respect parents' rights to provide guidance to their children in exercising their freedom of religion, expression, belief, thoughts, opinion and speech.
- 2.2.9 To respect parents' rights.
- 2.2.10 To protect learners from all types of physical and psychological violence.
- 2.2.11 To comply with the code of conduct of the South African Council of Educators (SACE) and particularly:
 - 2.2.11.1 To avoid humiliating learners in any way, and to refrain from any form of child abuse, physical or mental (for example victimisation, sarcasm, undermining of learners' self-esteem, et cetera);
 - 2.2.11.2 To use appropriate language and behaviour in their interaction with learners;
 - 2.2.11.3 Not to be lazy in the performance of their duties;
 - 2.2.11.4 To promote a healthy relationship with learners' parents;
 - 2.2.11.5 To do everything practically possible to inform parents adequately about learners' general welfare and progress;
 - 2.2.11.6 Not to undermine their colleagues' status and authority.

SCHEDULE B: PARENTS

1. Rights

- 1.1 To represent their children, to give attention to the enforcement of their rights, and to protect and promote their physical, mental and moral welfare.
- 1.2 To be satisfactorily informed about the welfare and progress of their children at school.
- 1.3 To give guidance to their children in connection with exercising their rights (as learners) of freedom of conscience, religion, thoughts, belief and opinion, and that this right to give guidance be respected by all educators.
- 1.4 On behalf of their children, to exercise the right of admission of their children to school and to choose the language of instruction.
- 1.5 To represent their children, as learners, in any disciplinary procedure that may be instituted against them in terms of the code of conduct.
- 1.6 The right of access to information held by the Provincial Department of Education, the school or the governing body of the school and
 - 1.6.1 that is needed for the exercising or protection of any of their children's rights as learners, or their own rights as parents;
 - 1.6.2 where such information is applicable to their children; except where the request for information is clearly malevolent or temporary, or where the information has been supplied to the school, department or governing body without any ill intentions and in confidence - by a person who does not consent to the disclosure of this information.
- 1.7 To be consulted with regard to the drafting or amending of the code of conduct.
- 1.8 Subject to the appropriate legislation, to be a candidate when parents' representatives are elected to the school's governing body, and to vote in such elections.
- 1.9 To receive a report from the governing body at least once a year regarding that body's activities.
- 1.10 To vote at a general meeting (of which at least 30 days' notice must be given) for the acceptance of the annual budget prepared by the governing body of the school for the next financial year.
- 1.11 Subject to any law to the contrary, to vote at a general parent meeting (of which at least 30 days' notice must be given) concerning the question of whether payment of school fees should be voluntary or compulsory, and for the acceptance of fair measures to grant destitute parents exemption from paying compulsory school fees.
- 1.12 To appeal to the head of the Provincial Department of Education against the refusal of the governing body to grant a parent full or partial exemption from paying school fees.
- 1.13 To, after reasonable notification and at a convenient time, inspect the governing body's records of monies received and spent by the school, the assets, liabilities and financial transactions, and the annual financial statements of the school as audited or inspected in terms of the SA Schools Act.
- 1.14 The right to privacy and confidentiality.
- 1.15 The right to dignity and dignified treatment (i.e. not to be insulted, slandered, humiliated or subjected to any embarrassment by any educator or other member of the staff or learner).
- 1.16 Not to be unfairly discriminated against, either directly or indirectly, on any of the grounds as set out in section 9 of the Constitution of the country, or any other grounds.
- 1.17 To peacefully, unarmed and without disrupting the process of teaching and learning at the school assemble, demonstrate and hand over petitions.

2. Duties

- 2.1 To support the school's governing body in the execution of its legal duties.
- 2.2 To react to notices from the school where reactions are required, or to supply written reasons as to why no reaction is forthcoming.
- 2.3 To ensure that their children attend school and stipulated school functions regularly and punctually and to supply, in writing, reasonably acceptable reasons for any absences or tardiness.
- 2.4 To inform the principal and their children's educators of matters that may have an influence on their children's physical, mental or moral welfare or the educational circumstances at the school.
- 2.5 To ensure that their children obey the rules and prescripts of the code of conduct; particularly to ensure that their children are clean and neat when they attend school and that they obey the relevant rules regarding school attire and appearance.
- 2.6 To support the principal and the educators by making sure that their children complete their homework and attend school equipped with the required books, stationery and equipment that is required for the day's educational program.
- 2.7 To attend parents' meetings convened by the principal, any class educator or the governing body and, in general, to play an active and supportive role in the life of the school.
- 2.8 To promote a harmonious relationship between the parents and the staff of the school.
- 2.9 To refrain from any public behaviour at any function, including school functions and activities, which is aimed at or may have the effect of bringing the school's good name into disrepute.
- 2.10 To acquaint themselves with the content and effect of the human rights charter in the constitution of the country, and to teach this to their children.
- 2.11 To strive to promote a culture of mutual respect and tolerance in the school community.
- 2.12 To ensure that their children, as learners, take care of any property belonging to the school or the Provincial Department of Education that has been placed at their disposal, and that they return such property to the school on or before the date determined by the principal, any educator or the governing body.
- 2.13 To compensate the school or department for:
 - 2.13.1 the loss of or damage to any property belonging to the school or to the department, where such property has been entrusted to their children and where the children would have been liable for such loss or damage if they were not under age;
 - 2.13.2 the reasonable value of any property belonging to the school or to the department, where such property is not returned to the school in terms of 2.12 above;
 - 2.13.3 any damage caused to property belonging to the school or to the department by their children, either deliberately or carelessly.
- 2.14 To inculcate in their children a culture of respect for property belonging to the school and/or to the department.
- 2.15 Not to interfere with any educator or other member of the staff at the school in the execution of their professional functions.
- 2.16 To pay the school fees as determined in terms of section 39 of the SA Schools Act.
- 2.17 The moral duty to provide the school with money and other means in order to provide quality education to their children at the school by maintaining and promoting a safe, clean and education-friendly environment.

SCHEDULE C: LEARNERS

1. Rights (Specific and General)

- 1.1 The right of equal access to all public schools.
- 1.2 The right to have their educational requirements provided for by the school without any form of discrimination (SASA section 5(1)).
- 1.3 Not to be refused admission to the school on the grounds that their parents are not able to pay or have not paid the school fees, as determined in terms of section 39 of SASA (SASA section 5(3) and section 17).
- 1.4 The right to basic education from grade 0 to 9 (Constitution section 29(1)).
- 1.5 The right to further education (grade 10 to grade 12) (Constitution section 29(1)).
- 1.6 The right to receive education in the official language or languages of their choice, where such education is reasonably practicable (Constitution section 29(2)), this right being exercised by their parents on their behalf when applying for admission to the school.
- 1.7 To be admitted to the school if the school uses the language or languages chosen by them, and where there is room available in the appropriate grade.
- 1.8 Not to be subjected to any test administered by the governing body or by the principal of the school, directed or authorised by the governing body, in relation to being admitted to the school (SASA section 5(2)).
- 1.9 Not to be subjected to a language proficiency test as a prerequisite for admission to the school.
- 1.10 Not to be punished for using a language that is not the language of instruction at the school.
- 1.11 Children under the age of 18 years:
 - 1.11.1 To be protected from maltreatment, neglect, abuse or degradation;
 - 1.11.2 Not to be required to perform work that places the child's physical or mental health at risk;
 - 1.11.3 The right that the child's best interest is of paramount importance in every matter concerning the child (Constitution section 28).
- 1.12 The right to privacy (for example that their property not be subjected to searches and that the privacy of their communication not be infringed upon (Constitution section 14)).
- 1.13 The right to have their dignity respected and protected (for example not to be insulted, humiliated, slandered, assaulted, etcetera.) (Constitution section 10).
- 1.14 The right to be protected from all forms of physical and psychological violence.
- 1.15 The right to be treated in a fair and unbiased manner by the educators.
- 1.16 The right not to be unfairly discriminated against on one or more of the following grounds, including race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth (Constitution section 9).
- 1.17 The right to a school environment that is not harmful to their health or wellbeing (Constitution section 24).
- 1.18 The right to freedom of conscience, religion, thought, belief, opinion, speech and expression (but not to incite anyone or do harm or advocate hatred that is based on race, ethnicity, gender or religion) (Constitution section 15 and 16).
- 1.19 Not to be indoctrinated to adhere to any particular religion or opinion.
- 1.20 The right to freedom of association (Constitution section 18).
- 1.21 The right not to attend religious instruction classes or religious observances at a public school (in this respect parents have the right to give guidance to their children regarding the exercising

of these rights) (Constitution section 15).

- 1.22 The right to assemble, to protest or present petitions without infringing upon the rights of another or others (Constitution section 17).
- 1.23 The right to be consulted by the governing body with regard to the drafting or amendment of a code of conduct for learners at the school (SASA section 8(1)).
- 1.24 The right to administrative action that is lawful, reasonable and procedurally fair. In particular, where any of their rights or interests are affected by any administrative action (for example a disciplinary procedure against them), reasons should be given in writing for such action (unless these reasons have been disclosed) (Constitution section 33 and schedule 6; section 23; SASA section 8 and 9).
- 1.25 The right of access to all information held by the school or its governing body, where such information is needed to protect or exercise their rights. (SASA section 59).
- 1.26 The right to protection and exercising of all their constitutional rights that are referred to herein, by the state (Constitution section 7).
- 1.27 The right to expect the following from the governing body of the school:
 - 1.27.1 to provide quality education at the school (SASA section 20(1));
 - 1.27.2 to take all reasonable steps within its power to supplement the means provided by the state in order to improve the standard of education to the learners (SASA section 37).
- 1.28 To expect from the principal and educators of the school to:
 - 1.28.1 improve their intellectual and personal development;
 - 1.28.2 take appropriate steps to reach a higher level of professionalism and maintain it;
 - 1.28.3 provide quality educational services at the school;
 - 1.28.4 comply with the SA Council of Educators' code of conduct and, in particular -
 - 1.28.4.1 that the educators avoid humiliating the children in any manner and refrain from any form of child abuse, either physical or mental;
 - 1.28.4.2 that the educators make use of the appropriate language and behaviour when interacting with the learners;
 - 1.28.4.3 that the educators are not lazy in the performance of their duties.
- 1.29 To expect the state to fund the school from public funds in an equitable manner to ensure the exercising of their right to education in a fitting manner (SASA section 34).
- 1.30 The right not to be subjected to corporal punishment by any person at school (SASA section 10).

2. Duties

- 2.1 To respect the rights of educators, fellow learners, parents and non-educator staff at the school.
- 2.2 To comply with the code of conduct (SASA section 18).
- 2.3 To take good care of any property belonging to the school or to the Provincial Department of Education that is entrusted to them, and to return such property to the school on or before the date specified by any educator or by the governing body of the school.
- 2.4 To promote a culture of tolerance and respect for the human rights of others, a culture of teaching and learning, and respect for school property and property of the state utilized by the school.

SCHEDULE D: NON-EDUCATOR STAFF

1. Rights

- 1.1 Their rights according to labour law, including collective agreements.
- 1.2 The same rights as those of educators as expounded in paragraph 2.1.

2. Duties

- 2.1 The same as those for educators, as expounded in paragraph 2.2.
- 2.2 To support the principal, educators and governing body in performing their respective duties and functions.
- 2.3 To ensure that proper records are kept, that sound administration is applied and that a clean and pleasant atmosphere is created at the school for educators, learners and for themselves.
- 2.4 To use the appropriate language and exemplary behaviour in all interaction with learners, educators, parents and fellow staff.

SECTION VIII
APPENDICES

Notice of Hearing	Appendix	A
Notice of a Sanction imposed by the SGB.....	Appendix	B
Hearing Outcome.....	Appendix	C
Notice of Provisional Suspension.....	Appendix	D

Appendix A
NOTICE OF HEARING

KNYSNA HIGH SCHOOL
NOTICE TO LEARNER AND PARENT OF DISCIPLINARY HEARING

Notice to learner and parent of the learner on the institution of disciplinary proceedings against the learner for an alleged serious misconduct in terms of regulation 5 of the Regulations Relating to Disciplining, Suspension and Expulsion of learner in the Western Cape, published in the Western Cape provincial Gazette Extraordinary No. 6939, dated 15 December 2011.

(Insert on a school letterhead)

Date: _____

Name of parent(s):.....
.....

Name of learner:.....

Address:.....

Dear Mr/Mrs/Ms _____

NOTICE OF DISCIPLINARY HEARING

1. In accordance with regulation 5, you are hereby informed that the governing body intends to institute disciplinary proceedings against your child on (date)....., (time)..... and (place).....
2. Your child,, is alleged to have (State the nature of the alleged serious misconduct to enable the learner to identify the incident and to respond there to at the disciplinary hearing).
3. You and your child have the right to
 - 3.1 have and be accompanied at the hearing by a legal representative or any other person or representative to make oral or written representations on behalf of your child;
 - 3.2 Request access to documents and any other information to be produced in evidence; and
 - 3.3 to ask questions, cross examine witnesses, lead evidence, call witnesses and produce documentary evidence to clarify issues relating to the allegation.
4. It is very important that you prepare yourself and attend the scheduled hearing.
5. You are advised to inform the governing body timeously if you and your child are unable to attend the date specified above so that a mutually convenient date and time can be arranged for the hearing.
6. In the absence of any communication from you, we will assume that you have agreed to attend the scheduled hearing and the necessary arrangements to proceed with the hearing will be made.

Yours faithfully

SCHOOL GOVERNING BODY
(Attach proof of posting and/or acknowledgment of receipt)

Appendix B

NOTICE OF A SANCTION IMPOSED BY THE SGB

KNYSNA HIGH SCHOOL NOTICE OF A SANCTION IMPOSED BY THE GOVERNING BODY

Notice of a sanction imposed by the governing body, after finding the learner guilty of serious misconduct in terms of regulations 7(4)(e) and 7(7) of the Regulations Relating to Disciplining, Suspension and Expulsion of Learners published in Provincial Gazette Extraordinary No. 6939, dated 15 December 2011.

(Insert on a school letterhead)

Date: _____

Name of parent(s):.....
.....

Name of learner:.....

Address:.....
.....

Dear Mr/ Mrs/ Ms _____

1. Following the disciplinary hearing convened in terms of regulation 7 and the School Code of Conduct held on **[date of the hearing]**, and after deliberating on the evidence presented at the hearing, the governing body has found your child guilty of serious misconduct, and as a result, the governing has decided, as a sanction,
 - 1.1 to suspend your child from attending school for a period of **(State number of school days not longer than seven school days)**; and/or
 - 1.2 to _____ **(Any other sanction contemplated in the school's code of conduct, where applicable)**, for or based on the following reasons **[State reasons for imposing the sanction in 1.1 and 1.2]**.
2. This sanction is effective from **(Insert date.)** until **(Insert date.)** and your child is expected not to attend school until after the expiry of the period in question.

Yours faithfully

SCHOOL GOVERNING BODY
(Attach proof of posting and/or acknowledgment of receipt)

Appendix C
NOTICE OF OUTCOME

KNYSNA HIGH SCHOOL

**NOTICE OF THE DECISION OF THE GOVERNING BODY TO RECOMMEND EXPULSION OF THE
LEARNER TO THE HEAD OF DEPARTMENT**

Notice of the decision of the governing body to recommend, to the Head of Department that the learner be expelled from attending the school at which he or she was enrolled in terms of regulation 8 of the Regulations Relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape published in Provincial Gazette Extraordinary No. 6939, dated 15 December 2011.

(Insert on a school letterhead)

Date: _____

Name of parent(s):.....

.....

Name of learner:.....

Address:.....

.....

Dear Mr/Mrs/Ms _____

NOTICE OF THE DECISION TO RECOMMEND EXPULSION

1. Following the disciplinary hearing convened in terms of regulation 7 and the School Code of Conduct and held on (date of the hearing)....., and after deliberating on the evidence presented at the hearing, the governing body has found your child guilty of serious misconduct. As a result, the governing body has decided, in terms of regulation 8 and the School's Code of Conduct, to recommend to the Head of the Western Cape Education Department that your child be expelled (be permanently prohibited from attending school at Knysna High School, based on the following reasons:

1.1

1.2

2. Pending the decision of the Head of Department to expel or not to expel, your child may attend school until a decision has been received.

OR

Pending the decision of the Head of Department to expel or not to expel, your child is forthwith suspended for a period of Days (not more than 14 school days).

3. Please note that only the Head of Department may expel your child from school and that , once the decision of the Head of Department has been communicated to you, in writing and with good cause shown (with reasons), within 14 days of receipt of notice of a decision to expel your child, you have the right to appeal against the decision of the Head of Department to the Provincial Minister.

4. Should you decide to lodge an appeal referred to in paragraph 4 above, you must serve a copy of the notice of appeal to the Head of Department and to the chairperson of the Governing Body.

Yours faithfully

SCHOOL GOVERNING BODY

(Attach proof of posting and/or acknowledgment of receipt)

Appendix D

NOTICE OF POSSIBLE SUSPENSION

KNYSNA HIGH SCHOOL RECOMMENDATION BY THE GOVERNING BODY TO THE HEAD OF DEPARTMENT FOR EXPULSION OF THE LEARNER FROM SCHOOL

This annexure must be completed and submitted for each learner recommended for expulsion by the governing body in terms of regulation 8, and **MUST ACCOMPANY ALL THE DOCUMENTS CONTEMPLATED IN REGULATION 8(1)**. Regulation 8 of the Regulations Relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape published in Provincial Gazette Extraordinary No. 6939, dated 15 December 2012.

NAME OF SCHOOL:			
TEL. NUMBER:		FAX NUMBER:	
NAME OF LEARNER:		GENDER:	
LEARNER'S CEMIS NUMBER:		GRADE:	
DATE OF BIRTH:		AGE:	
NAME OF CIRCUIT TEAM MANAGER:		DISTRICT OFFICE AND NAME OF DISTRICT DIRECTOR:	

PLEASE COMPLETE THE FOLLOWING, USING A "YES OR "NO" WHERE APPROPRIATE:

1. Can the behavior of the learner be classified as serious misconduct in the manner contemplated in Regulation 3(1)?

2. Please provide a summary and a detailed description of the incident with relevant dates.

3. Who reported the incident to the principal and/or school governing body?

- Learner
- Principal
- Deputy principal
- Educator
- Staff member
- Parent(s)
- Member of the SGB
- Other

4. Who investigated the alleged serious misconduct?

5. Was the learner or parent of the learner informed, in writing, of the alleged serious misconduct?

YES/ NO	DATE

6. Did the learner or parents of the learner acknowledge receipt of notification?

YES	NO

7. Please state the date of disciplinary hearing by the governing body or disciplinary committee:

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8. Please state the date on which the decision was taken and/or ratified by the governing body:

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APPOINTMENT, COMPOSITION OF THE DISCIPLINARY COMMITTEE AND THE DISCIPLINARY HEARING:

NAME	DESIGNATION	NAME	DESIGNATION

9. Was the disciplinary committee properly constituted in the manner contemplated in regulation 6?

10. Who chaired the disciplinary hearing?

11. Is he or she (chairperson) a member of the governing body?

12. How many of the members present and presiding at the hearing as part of the disciplinary committee are not members of the governing body?

13. Was the learner present at the hearing?

14. Who accompanied the learner? Was it a parent and/or chosen representative?

15. Was the learner/ parent/ representative given an opportunity to state his or her case in the manner contemplated in regulation 7(1)?

16. Did the governing body or disciplinary committee ensure that the learner, the learner's parent(s) or representative, the investigator, the reporter and/or any other parties with an interest in the matter, except for members of the governing body or disciplinary committee, leave the room while the matter was being deliberated, and for imposition of a suitable sanction?

17. Is the decision and recommendation of expulsion of the learner attached as part of the record of the disciplinary proceedings?

18. Was the learner previously found guilty of similar serious misconduct? If so, provide details:

19. What other intervention or assistance, if any, has been given to the learner on account of previous serious misconduct? (Please attach all reports):

20. Was the decision to suspend and the nature of the suspension reported to the district director? Please explain:

21. Will the learner be allowed to write examinations or, alternatively, what other arrangements have been put in place relating to access to education and examinations?

22. Additional comments, (if any):

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(PLEASE PRINT NAME & SURNAME OF CHAIRPERSON OF THE SGB)

.....
(SIGNATURE)

.....
(DATE)

**CHECKLIST FOR SUBMISSION OF DOCUMENTS TO THE HEAD OF DEPARTMENT DOCUMENTS
CONFIRMATION**

DOCUMENTS	CONFIRMATION
1. State the nature and form of submission used, i.e. registered mail/ by fax / by hand	
2. Date on which the document were mailed/ faxed/ hand delivered to the HOD	
3. Copy of the notice to learner and parent(s) inviting them to the disciplinary hearing, and acknowledgment of receipt	
4. Copy of the letter to learner and parent(s) informing them of the decision of the SGB(Disciplinary Committee), and acknowledgment of receipt	
5. Minutes of meetings at which the decision was taken	
6. Written representations submitted by the learner or parents of the learner or representative	
7. Full record of the proceedings by the disciplinary committee or governing body (including copies of all documents submitted by both parties during the hearing)	