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## Learner Code of Conduct

<b>Date approved:</b>		<b>Date policy will take effect: 01/01/2020</b>	<b>Date of next review:</b>	<b>SGB Office term( When need Arises</b>
<b>Developed by:</b>	Policy Development and Review Committee (PDRC) of the School Governing Body (SGB)			
<b>Approved by:</b>	School Governing Body			
<b>Responsible Body:</b>	School Governing Body			
<b>Supporting documents, procedures and forms for this policy:</b>	Legislation (see below) Relevant legislation  South African Schools Act No. 84 of 1996 (as amended) National Guidelines on Code of Conduct for Learners Gauteng Misconduct of Learners ( <b>Circular 74 of 2007</b> ) National Regulations for Safety Measures at Public School National Policy on Management of Drug Abuse by Learners National Guideline on School Uniform			
<b>References and legislation:</b>	The South African Schools Act (1996) as amended The Constitution of the Republic of South Africa (1996) National Education Policy Act ( Act 27 of 1996)			
<b>Scope:</b>	Learners			

## Content

1.	Learners Code of Conduct.....	3
2.	Purpose of the Code of Conduct.....	3
3.	Dress Code .....	4
4.	Dress requirements for Sporting Activities and Physical Education.....	
		<b>Error! Bookmark not defined.</b>
5.	Sport and Extra-Mural Activities .....	5
6.	School Property .....	5
7.	The Property of Members of Staff, fellow Learners, Visitors to the School .....	6
8.	Schoolwork and Homework .....	6
9.	Punctuality.....	7
10.	Absence from School .....	7
11.	Motor Vehicles and Motor Cycles .....	8
12.	Environment.....	8
13.	School Notices.....	8
14.	Library Books and Equipment.....	9
15.	Rights of Learners.....	9
16.	Learner Pregnancy.....	10
17.	Discipline.....	- 48 -
18.	Conclusion.....	
		<b>Error! Bookmark not defined.</b>

## **1. LEARNERS CODE OF CONDUCT**

The Governing Body as per the provisions of the South African Schools Act No. 84 of 1996 (as amended) have adopted this Learners Code of Conduct after consultation with all stakeholders at the school.

Every learner at the school is bound by the Code. This Code must be displayed at the school for all learners to read.

This Learners Code of Conduct will be given to parents and **learners** on admission of learners to the school **and be signed.**

## **2. PURPOSE OF THE CODE OF CONDUCT**

### **2.1 General Rule**

Learners shall support the Principal and members of staff in establishing good behaviour and a conducive for teaching and learning to take place. In particular, learners shall be required to obey and promptly carry out any instructions reasonably given by the Principal, any educator, or RCL members to achieve the end referred to herein.

In their dealings with one another, learners shall be required to show mutual respect and tolerance. In particular, learners shall refrain from any conduct calculated to harm the physical, mental or moral welfare of any other learners, or which may have that result.

**This school is a smoking free, drug free, alcohol free, weapon free, gun free, gambling free zone.**

### **2.2 RULES OF THE CLASSROOM**

These rules must be formulated by the class teacher in consultation with the learners in the class at the beginning of each school year.

The rules must be consistent with the aim of the school to create a setting where teaching and learning can take place. The rules will be written and displayed in each classroom.

### **2.3 General rules: To be practice by all learners**

- **All learners must follow educators instructions**
- all learners will greet the teacher and each other in the morning
- all learners will leave their desks neat and tidy when leaving the classroom
- no swearing will take place in the classroom
- no more than 8 rules – becomes cumbersome to administer and control

### 3 DRESS CODE

All learners will ensure that they are neatly dressed at all times during the school day.

All learners will at all times during school hours be dressed in the School uniform, which is as follows:-

#### 3.1 Boys

3.2 Short sleeved shirt with school badge, with or without jersey, jacket or blazer. Trousers **long or short (original slim fits)** with **grey /green school socks**, black school shoes. **Short trouser to be worn with long socks. Long sleeved shirt with a school tie**, jersey, **jacket** or school blazer with trousers. Plain red, green or white scarves are allowed.

3.3 Hair: Boys hair must be neat and short. **No afro, no plating, no lines, no mohock and no dread locks. No facial hair (beard).**

3.4 Jewellery – only a wrist watch is allowed,

#### 3.5 Girls

Short sleeved shirt with school badge, with or without jersey, jacket or blazer, **school skirt with panels (four fingers above the knee)/ grey trouser (Original slim fit), white/ green or grey school socks** and black school shoes. Long sleeved shirt with a school tie, jersey, jacket or blazer with long school trousers or **skirt (four fingers above the knee)** and long socks (optional). Plain red, green or white scarves are allowed.

3.6 Hair: must be its natural colour, no bleaching and colouring. Braiding and braided extensions (**length must be maximum mid-back**) are allowed, if over the collar, the hair must be tied. **No beads on braids. Natural afro must be worn with a head band or be tied so that it cannot distract other learners.**

3.7 Red, green, **black** and white headbands and ribbons are allowed. **No bandanas.**

3.8 Jacket can be worn every day. **Green school golf shirt only on Fridays with panel's school skirt /trouser not with track suit. No track suit in class. Track suit must be packed in sport bag for sporting activities.**

**3.9 Silver/gold small stud earrings are allowed. No nose rings or tongue piercing**

Jewellery – only a wrist watch is allowed,

Nails: must be short and natural, no nail polish.

**Hillview High school compulsory school bag to be used by all learners**

No deviation from these rules will be permitted except by the Governing Body or the written authority of the Principal given in exceptional circumstances.

Learners who wish to deviate from the dress code and/ or other rules must make a submission to the Governing Body clearly setting out their objection to the dress code and/or other. The submission must clearly outline the Religion/ and / or religious beliefs of the learner

The Governing Body will consider the submission based on religious/ **cultural** practices of the learner. The Governing Body will, within 14 days, give a written reply to the learner and/or his /her parents

#### **4 SPORT AND EXTRA-MURAL ACTIVITIES**

##### **5.1 Learners taking part in Sport**

Learners selected to participate in any sports activity for the School, as a representative of the School or on behalf of their houses, must be dressed in the manner prescribed under sports clothes which will have to be determined with the concurrence of the Governing Body before, during and after participation in any such activity.

##### **Sport uniform:**

**Green short with green vest or school golf shirt.**

**Track suit and sport shoes**

##### **5.2 Learner Spectators / Supporters of Sports and Other Extra-Mural Activities of the School or their House**

- All learners must conduct themselves in an orderly manner with respect for persons and property at all organised school events.
- Learners attending any School activity shall obey all reasonable instructions and directives given to them before, during and after the activity by the Principal, any teacher, parent, and/or any person appointed by the Principal to assist with any of the duties to or from the activity.

##### **5.3 Participation in any Extra-Mural School Activity Apart from Sports Activities**

The rules set out above apply to this section as well, except where they are obviously inapplicable.

#### **5 SCHOOL PROPERTY**

“School Property” includes the following

- the land and buildings occupied by the School and any permanent or relatively permanent fixture or fitting on or in such land or buildings
- all property, including equipment, books, materials, motor vehicles, and the like, owned by the School, hired by the School, possessed by the School, stored by the School

- every learner must do all he/she can to preserve school property for use for the benefit of all present and future learners of the School
- any school property or equipment's made available for use to a learner, must be returned to the school at the appointed time in the same condition in which it was when handed to the learner, fair wear and tear excepted
- learners and their parents shall be liable to compensate the school for the loss of or damage to any such property
- no learner may wilfully or negligently deface damage, destroy or displace any school property.
- no learner may remove any School property from the School premises without the prior consent of the Principal or any educator of the School

## **6 THE PROPERTY OF MEMBERS OF STAFF, FELLOW LEARNERS, VISITORS TO THE SCHOOL, AND OTHERS**

- Learners shall not handle, damage, mark, and deface the property of any member of staff, fellow learner, visitors to the School or members of the public.
- This rule applies to property on the school premises, in the vicinity of the school, at or in the vicinity of the venue of any school activity, as well as any mode of transport, conveying learners to or from school or any school activity, and any school property
- The attention of learners and their parents is drawn to the contents of the Code of Rights and Duties regarding School property

## **7 SCHOOLWORK AND HOMEWORK**

- Every learner must keep and maintain a homework book /diary in which to record each day's homework
- Every learner must complete and submit set homework to the teacher who set it, punctually on the relevant prescribed date
- Not doing homework is regarded as an offence and may have a negative impact on learner results
- Parents must support learners and ensure that learners are able to complete their homework

## 8 PUNCTUALITY

- The School day will start in the morning at 07:30.
- **Parents will receive messages daily for learners absent from school, late coming and absent from class**
- Late arrivals cause undesirable disruption of the teaching process, as well as other School activities
- The learner must furnish a note from his/her parents explaining late arrival for the commencement of School
- The school day ends at 13:55 every day
- Learners may not leave the school grounds without written permission from the principal or deputy principal and only if requested by the guardian or parent, who will fetch the learner at school.
- School gates will open at 06:30 in the mornings.
- Learners outside the school premises are not the responsibility of the school.

## 10. ABSENCE FROM SCHOOL

- Every child has a right to education and the school respects this right of children
- School attendance is compulsory and no learner may be absent from school without a satisfactory reason
- A register will be kept recording learner attendance
- Any learner who absents himself/herself from school without a satisfactory reason will be deemed to be playing truant (bunking), which is strictly forbidden
- A learner who is absent from school must on his/her return to school present a note from his/her parents explaining the absence
- Absence for more than 3 (three) consecutive days (except in the case of bereavement or trauma concerning the learner's family or in connection with an activity sanctioned by the Principal) can be explained only in terms of a note from a registered medical practitioner

## **11. MOTOR VEHICLES AND MOTOR CYCLES**

- No learner may bring a motor vehicle or motor cycle onto the property occupied by the School except under the written authority of the Principal and SGB and strictly in accordance with any conditions set out in such authority
- The driving of a motor vehicle or motor cycle by a learner in such a manner as to create a risk of harm to learners on the school property or learners or members of the public in the immediate vicinity of the School is strictly prohibited
- The Principal will check the driver's licence of the learner for the vehicle or motorbike.

## **12. ENVIRONMENT**

- Learners may not litter the School grounds or buildings
- Learners must be proud of their school and contribute to the beautification of the gardens and school buildings
- Learner spectators at or supporters of any school activity or event must leave the place occupied by them neat and tidy
- Learners shall leave the toilets, hall, playground and sports fields in a clean and neat state.
- Learners shall not block any drain or toilet pan with paper or any other material or substance and shall not leave a tap running
- Graffiti, stickers, placards, etc. on any surface of the school property is forbidden without the authority of the Principal
- The school does not allow anyone to film anything or distribute anything on the school premises without the permission of the principal.

## **13. SCHOOL NOTICES**

- Every learner is in duty bound to hand over to his/her parents any notice to parents issued to them by the Governing Body, the Principal or any Head of Department or class teacher
- **The school also use D6 communicator app to communicate with parents**
- Likewise, every learner shall return to his/her class teacher any return slip or acknowledgement of receipt, required to be completed by his/her parent, or guardian

The Governing Body shall make the parent aware of any notice given to the learner before the learner comes home, through cell phone or message.

#### **14. LIBRARY BOOKS, TEXT BOOKS AND EQUIPMENT**

Learners will maintain the **library books, textbooks, equipment and all media books** of the school in good order. Failure to do so will result in the learner paying for the replacement of the book or equipment.

#### **15. CELL PHONES AND SOCIAL MEDIA**

**Learner's cell phones must be switched off on entering the school premises.**

**Cell phones may be used in class on teacher's discretion and permission only.**

**Cell phones used in class without teacher's permission will be confiscated and release after paying R200 fine.**

**No videos and photos may be taken on school property without principal/teachers permission**

**No pornography may be sent or kept on school property**

**The school takes no responsibility for lost or damage cell phones**

**No learner may post on any social media such as Facebook, twitter or Instagram and reference to the school without principal's permission**

**No photos of learners in school uniform may be posted without permission**

**No #Hillviewhighschool or others may be used**

**No learner may refer to any teacher or staff member on social media**

**Learners may not add staff members on social media as friend**

#### **16. RIGHTS OF LEARNERS**

- All learners have the right to learn without disturbance or interference from others
- Every learner has the right to privacy, dignity and respect
- No corporal punishment may be administered
- All learners have a right to a safe and clean learning environment
- No learner may be subjected to physical, emotional or sexual harassment
- All learners have a right to expect educators to teach them at the required standard
- Learners have the right to be heard
- **Learners have a right to be represented in the disciplinary hearing**

## **LEARNER PREGNANCY**

In 2007, the Education Department published its *Measures for the Prevention and Management of Learner Pregnancy*, under the slogan, "Choose to Wait for a Brighter Future." The *Measures* strongly emphasize the **prevention** of pregnancy, and promote **sexual abstinence**. The schools will give learners sex, moral and life skills education with the help of NGOs and other agencies, and will also involve parents and guardians in this regard. However, learners who do fall pregnant (and their new-born children) enjoy the Constitutional rights to equality, dignity, education and the Rights of the Child, and are protected from unfair discrimination by the South African Schools Act and the Prevention of Unfair Discrimination Act (4/2000). They must be accommodated within a Safe and Caring Child Friendly School.

### **17. DISCIPLINE**

The Governing Body of the school has determined this Code of Conduct after consultation. Failure to adhere to the Code could result in a Disciplinary Hearing and resulting consequences should a learner be found guilty of misconduct.

#### **17.1 Class related misconduct for de-merits point**

- Late coming to class
- Work not completed
- Bad behaviour
- Absent without valid reason
- Disrespect

The class / subject teacher shall record the offence in the register of offences in the class.

Continued disregard for the warning will result in the learner being sent to the Principal/deputy Principal/Disciplinary Officer.

#### **17.2 The Sanction**

After the learner has been given a fair hearing and found to have transgressed the Code of Conduct, the Governing Body will impose the sanction(s) as recommended by them.

Below find General Notice 2591 of 2001 that outlines procedures to be followed dealing with misconducts:

## **MISCONDUCT OF LEARNERS AT PUBLIC SCHOOLS AND DISCIPLINARY PROCEEDINGS**

### **Published under**

General Notice 6903 of 2000 (PG 144 of 4 October 2000)

### **as amended by**

General Notice 2591 of 2001 (PG 72 of 9 May 2001)

I, Ignatius Jacobs, Member of the Executive Council responsible for education in the Province of Gauteng, under section 9(3) of the South African Schools Act, 1996 (Act 84 of 1996), hereby determine -

- (a) the behaviour by a learner at a public school which constitutes serious misconduct;
- (b) disciplinary proceedings to be followed in such cases; and
- (c) provisions of due process safeguarding the interests of learners and any other party involved in disciplinary proceedings ,

as set out in the Schedule.

Given under my hand at Johannesburg on this \_\_\_\_\_ day of September, Two Thousand.

IGNATIUS JACOBS  
MEC: Education  
GAUTENG PROVINCE

## **SCHEDULE**

### **1 Definitions**

(1) Subject to subparagraph (2) and unless the context indicates otherwise, a word which is defined in section 1 of the South African Schools Act, 1996 (Act 84 of 1996) shall have the same meaning in this notice.

(2) In this notice, unless the context indicates otherwise-

**"code"** means the code of conduct of a school;

**"days"** means days of the week, excluding Saturday, Sundays, public holidays and school holidays;

[Definition of "days" inserted by General Notice 2591 of 9 May 2001 with effect from 9 May 2001.]

**"disciplinary committee"** means a disciplinary committee appointed in terms of paragraph 4;

**"misconduct"** means misconduct committed by a learner and includes the following-

- (a) misconduct committed on the premises of a school, whether during or outside of school hours;
- (b) misconduct committed during any school activity, irrespective of whether it is committed within or outside the school premises, and during or outside of school hours; and
- (c) any conduct, committed in or out of school uniform and within or outside the school premises, which-
  - (i) tends to bring the school into disrepute;
  - (ii) interferes with the governance, authority and proper administration of the school;
  - (iii) interferes with the conditions necessary for any school activity;
  - (iv) subject to the reasonable exercise of the right TO assemble, demonstrate, picket and petition as provided in the Constitution, 1996 and the code, is committed with the intention of preventing any person from exercising his or her rights, powers or duties as a member of the school community, or is committed in retaliation against such exercise; or
  - (v) is prohibited by the code of the school;

**"prosecutor"** means the principal of the school or an educator appointed by the principal to present the case against a learner;

**"representative"** means a parent of a learner, a co-learner or any other person chosen by the learner to represent the learner at a disciplinary hearing;

**"school days"** means days of the week, excluding Saturdays, Sundays, public holidays and school holidays;

**"serious misconduct"** means misconduct as contained in Schedules 1 and 2;

**"suspension"** means:-

- (a) a learner may not be entitled to attend a class at the school;
- (b) a learner may not be entitled to hold office or perform any duties and functions contemplated by any relevant law relating to school governance for the period of the suspension;
- (c) a learner may not be entitled to participate in extra-curricular activities at the school; or
- (d) a learner may not be able to attend school for a period of time that may not

exceed one week;

and **"suspend"** has the same meaning;

**"provisional suspension"** means a learner may be provisionally suspended by the principal from the time charges of serious misconduct have been laid against a learner until the results of a fair hearing of a disciplinary committee have been finalized if, in the opinion of the principal in consultation with the Head of Department, it is in the interests of the learner or educators and the school community: Provided that the learner is able to continue with schoolwork under proper supervision; and

**"the Act"** means the South African Schools Act, 1996 (Act 84 of 1996).

## **2 Application**

- (1) This notice and any code made in terms thereof apply to a learner who was at the time of the misconduct alleged against the learner subject to the discipline of the school.
- (2) A learner is subject to the discipline of the school if the learner is registered as a learner at a school.

## **3 Institution of disciplinary proceedings that may lead to suspension or expulsion**

- (1) Only the principal may institute disciplinary action against a learner in respect of serious misconduct.
- (2) The principal may institute disciplinary action against a learner in respect of serious misconduct only if -
  - (a) there is sufficient evidence to institute such proceedings; and
  - (b) the principal considers it to be in the best interests of the school and its community that such disciplinary action should be instituted.
- (3) No learner may be expelled from school unless -
  - (a) the learner is found guilty of serious misconduct specified in Schedule 2 of this notice; and
  - (b) the provisions relating to expulsion are complied with.
- (4) Learners found guilty of serious misconduct specified in Schedule 1 of this notice may not be expelled, but may only be suspended or provisionally suspended.
- (5) The Head of Department may, in exceptional circumstances, authorize a departure from subparagraphs (3) and (4).

#### **4 Disciplinary Committee for serious misconduct**

- (1) Upon notification by the principal to a learner that disciplinary action is instituted against that learner, the governing body must appoint a disciplinary committee and designate one of the members of the disciplinary committee as chairperson to adjudicate the allegation of serious misconduct.
- (2) Subject to subparagraph (3), the disciplinary committee comprises of three persons who are either members of the governing body or persons who are eligible to be elected as members of the governing body.
- (3) The appointment of persons to a disciplinary committee is subject to the following conditions:
  - (a) The chairperson of the disciplinary committee must be a parent member or community member of the governing body;
  - (b) the principal or a learner at the school are not eligible to be members of the disciplinary committee; and
  - (c) no person may be appointed to the disciplinary committee if the person has personal knowledge of or any interest in any matter before the disciplinary committee.
- (4) An executive committee member of the representative council of learners (RCL) may attend the hearing as an observer.
- (5) A decision of such committee is a decision of the governing body.

[Subregulation (5) added by General Notice 2591 of 9 May 2001 with effect from 9 May 2001.]

#### 5. Procedure for hearing of serious misconduct

- (1) A learner charged with serious misconduct is entitled to a hearing adjudicated upon by the disciplinary committee

- (2) A learner charged with serious misconduct must be given no less than 5 (five) school days written notice of the hearing into the alleged misconduct, unless-
  - (a) the governing body directs, with good cause, that a shorter notice period shall apply; and
  - (b) there is no prejudice caused to the learner by the shorter notice period.
- (3) The notice contemplated in subparagraph (2) must-
  - (a) contain sufficient particularity of the date, place and nature of the alleged serious misconduct to enable the learner to identify the incident in question and to respond thereto;
  - (b) inform the learner of the charges, place date and time of the hearing;
  - (c) inform the learner of provisional suspension, if any, the reasons therefore and any other matter required in connection with the provisional suspension; and
  - (d) inform the learner of the rights of a learner in terms hereof.
- (4) The principal must give the notice contemplated in subparagraph (2) to the learner and deliver a copy thereof to the parents of the learner at the address of the learner as indicated in the school register.
- (5) At least one of the parents of the learner must accompany the learner at the hearing, unless the learner is 21 (twenty-one) years or older.
- (6) If a member of the disciplinary committee, the learner, his or her representative or a witness requires an interpreter, the disciplinary committee may not proceed with the hearing until an interpreter competent in the relevant language has been made available: Provided that it is not necessary to make use of a formally qualified interpreter.
- (7) If the learner fails to appear before the disciplinary committee after due notice in terms of subparagraph (2) and without just cause for not attending the hearing, the hearing may continue in the absence of the learner.

- (8) The disciplinary committee must keep a full and accurate record of all proceedings before it.
- (9) The prosecutor must commence proceedings at the hearing by setting out the charge against the learner and thereafter presenting the case against the learner.
- (10) The chairperson of the disciplinary committee must ask the learner whether the learner pleads guilty or not guilty to the charge. The learner must respond thereto. Should the learner fail to respond, the learner will be deemed to have pleaded not guilty to the charge.
- (11) If the learner pleads guilty to the charge -
  - (a) the chairperson must question the learner with reference to the alleged facts comprising the misconduct as outlined by the prosecutor in order to satisfy the disciplinary committee that the learner is indeed guilty of the charge;
  - (b) if, upon questioning the learner, it appears that the version of the learner materially differs from the facts as outlined by the prosecutor, or if the chairperson is not satisfied that the learner is guilty of the charge, the chairperson must enter a plea of not guilty in respect of the charge on behalf of the learner;
  - (c) if the disciplinary committee, or the majority of its members, is satisfied that the learner is guilty of the charge, the disciplinary committee must find the learner guilty of the charge.
- (12) If the learner pleads not guilty to the charge-
  - (a) the prosecutor may call witnesses or present other evidence on oath in respect of the allegations against the learner;
  - (b) the learner or the representative of the learner may question any witness and examine any evidence presented by the prosecutor;
  - (c) after all the evidence has been led against the learner, the learner or

the representative of the learner may call witnesses or present other evidence on oath in support of the defence;

- (d) the prosecutor may question any witness and examine any evidence presented on behalf of the learner;
  - (e) the disciplinary committee may question any witness or examine any evidence at any time;
  - (f) after all the evidence has been presented, first the prosecutor and then the learner or the representative of the learner may address the disciplinary committee as to the guilt or otherwise of the learner;
  - (g) the disciplinary committee must thereafter adjourn the hearing for not more than 2 (two) school days to a specified place, date and time in order to decide whether, on a balance of probabilities, the learner is guilty or not guilty of the charge; and
  - (h) at the date and time contemplated in subparagraph (g), the disciplinary committee must inform the learner of the findings of the disciplinary committee.
- (13) If the learner is found guilty of the charge, the prosecutor and the learner or the representative of the learner, may present evidence before the disciplinary committee relevant to an appropriate penalty, including but not limited to evidence of the personal circumstances of the learner, general record of past conduct at the school, the nature and seriousness of the misconduct in question, and the interests of the school community.
- (14) Immediately after considering any evidence presented in terms of subparagraph (13), the disciplinary committee must impose on the learner a penalty that is prescribed in terms of the code and this notice, and inform the learner in writing thereof.
- (15) If the disciplinary committee decides that the learner should be expelled from the school, it must make a recommendation to that effect to the Head

of Department and may suspend the learner from the school, in consultation with the Head of Department, pending the decision of the Head of Department on whether the learner is to be expelled.

## **6 Further provisions on expulsion**

- (1) Where a disciplinary committee in terms of paragraph 5(15) suspends a learner from attending school with a view to expulsion by the Head of Department, the disciplinary committee must direct the principal to submit to the Head of Department the full record of proceedings and a report compiled by the disciplinary committee in respect of the learner.

[Subregulation (1) amended by General Notice 2591 of 9 May 2001 with effect from 9 May 2001.]

- (2) The report contemplated in subparagraph (1) must include at least the following-
  - (a) the full name, date of birth and grade of the learner;
  - (b) a summary of the evidence presented by the prosecutor and the learner; and
  - (c) a summary of the findings of the disciplinary committee relating to the evidence presented and the sentence proposed by it.
- (3) After considering the full record of the proceedings and the report contemplated in subparagraph (1) and within 5 (five) days of being informed of the decision of the disciplinary committee, the Head of Department must-
  - (a) expel the learner; or
  - (b) impose on the learner a lesser punishment permitted by the code and this notice; or
  - (c) suspend or postpone a sentence referred to in subparagraph (a) for a period of not less than six months; or
  - (d) impose a competent sentence which the Head of Department deems

fit; or

- (c) find the learner not guilty.

[Subregulation (3) amended by General Notice 2591 of 9 May 2001 with effect from 9 May 2001.]

- (4) The notice contemplated in subparagraph (2) must include a reference to the right of appeal to the Member of the Executive Council if the Head of Department expels a learner.
- (5) If the Head of Department expels a learner who is of compulsory school age, the Head of Department-
  - (a) must ensure that the learner is admitted to another school or centre of learning within the province;
  - (b) may require that the learner attend counselling; and
  - (c) must procure regular progress reports in respect of any counselling contemplated in paragraph (b).
- (6) If the Head of Department expels a learner who is not of compulsory school age the Head of Department may order that the learner may not be re-admitted to another school within the Province.

## **7 Suspension and expulsion from a hostel**

- (1) The provisions of paragraphs 3, 4, 5 and 6 apply likewise to the suspension and expulsion of a learner from a hostel.
- (2) If a learner residing in a hostel, is suspended or expelled from a school to which the hostel is attached, the learner is deemed to be expelled from that hostel as well.
- (3) A learner may be suspended or expelled from a hostel, without being suspended from the school to which the hostel is attached.

## **8 Appeal against decision of Head of Department to expel a learner**

- (1) A learner or the parent of a learner may appeal to the Member of the Executive Council against-
  - (a) any finding of guilt by the Head of Department in respect of which a penalty of expulsion has been imposed;
  - (b) a penalty of expulsion imposed by the Head of Department; and
  - (c) an order made by the Head of Department in terms of paragraph 6(5).

[Paragraph (c) amended by General Notice 2591 of 9 May 2001 with effect from 9 May 2001.]

- (2) A learner or the parent of a learner who wishes to appeal against a decision contemplated in subparagraph (1) must, within 14 (fourteen) days of being notified in terms of paragraph 6(3) of the decision, hand deliver a notice of appeal together with the grounds for the appeal to the office of the Member of the Executive Council.

[Subregulation (2) amended by General 2591 of 9 May 2001 wef with effect from 9 May 2001.]

- (3) Unless the Member of the Executive Council on good cause orders otherwise, the lodging of an appeal shall not have the effect of suspending the penalty imposed by the Head of Department.
- (4) Within 5 (five) days of receiving the notice of appeal, the Member of the Executive Council must inform the Head of Department and the governing body of the lodging of an appeal and provide them with a copy thereof.
- (5) Within 5 (five) days of receipt of the notice of appeal from the Member of the Executive Council, the Head of Department and the governing body may respond in writing to the notice of appeal and state the reasons why the appeal should be dismissed.
- (6) Within 5 (five) days of receipt of the submissions contemplated in subparagraph (5), the Member of the Executive Council must-

- (a) dismiss the appeal;
  - (b) impose on the learner a lesser punishment permitted by the code and this notice;
  - (c) impose any other sanction deemed appropriate by the Member of the Executive Council; or
  - (d) find the learner not guilty; and notify the learner, parents and the representative of the learner and the Head of Department of the decision.
- (7) The decision of the Member of the Executive Council in respect of the appeal shall be final.

**SCHEDULE 1**  
**(SERIOUS MISCONDUCT THAT MAY LEAD TO SUSPENSION)**

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

- (a) seriously threatens, disrupts or frustrates teaching or learning in a class;
- (b) engages in a conspiracy to disrupt the proper functioning of the school through collective action;
- (c) insults the dignity of or defames any learner or any other person, which includes racist remarks;
- (d) distributes, or is in the possession of any test or examination material that may enable another person to gain an unfair advantage in a test or examination;
- (e) cheats in a test or examination or any other form of assessment such as assignments;
- (f) engages in any act of public indecency;
- (g) sexually harasses another person;

(h) is found in possession of or distributes pornographic material; or

(i) is under the influence or in the possession of alcohol.

**SCHEDULE 2**  
**(SERIOUS MISCONDUCT THAT MAY LEAD TO EXPULSION)**

A learner will be guilty of serious misconduct if he or she-

(a) is found guilty of misconduct as contemplated in Schedule 1 after having been found guilty of the same or similar misconduct on two previous occasions;

(b) fails to comply with a punishment of suspension as a correctional measure;  
or

(c) intentionally and without just excuse-

(i) forges any document or signature to the potential or actual prejudice of the school;

(ii) trades in any test or examination question paper or in any test or examination material;

(iii) attempts to bribe or bribes any person in respect of any test or examination to enable himself or herself or another person to gain an unfair advantage therein;

(iv) engages in fraud;

(v) engages in theft, or otherwise acts dishonestly to the prejudice of another person;

(vi) is in possession, of, consumes or deals in any illegal substance or other harmful substance;

(vii) is in possession of, uses or transmits narcotic or unauthorised drugs or on visible evidence of such possession, use or transmission;

- (viii) is in possession of any dangerous weapon;
- (ix) assaults or threatens to assault another person;
- (x) holds any person hostage;
- (xi) murders any person;
- (xii) rapes any person, or engages in any sexual activity which amounts to an offence in law; or
- (xiii) maliciously damages property.

**17. CONCLUSION**

The School governing body may, from time to time as the need arises, amend this Learner Code of conduct after due consultation with the stakeholders.

Signed By

Chairperson of SGB \_\_\_\_\_ Date \_\_\_\_\_

The Principal \_\_\_\_\_ Date \_\_\_\_\_

District Office \_\_\_\_\_ Date \_\_\_\_\_

