



## CODE OF CONDUCT

### CODE OF ETHICS FOR LEARNERS

I, \_\_\_\_\_ (Learner), solemnly commit myself to the Constitution of the Republic of South Africa, and I undertake to respect, uphold and promote the law and the legal system.

#### I undertake to:

- faithfully observe this code of conduct and all the rules and regulations of Cradock High School;
  - maintain high moral and ethical standards and will act with honesty and confidentiality at all times;
  - to strive that my actions will always be responsible and to promote the school's good name;
  - to do my schoolwork with diligence, conscientiousness and commitment; and
  - show the necessary courtesy and respect towards all staff, fellow learners and visitors.
- I submit to any disciplinary measure if I should fail to comply with any provision or measure in the school's code of conduct.
- Each learner therefore commits himself/herself to the values and behaviour code of Cradock High School, which in practice can be summarised as follows:
- There is only one thing to do and that is the right thing.

1. **RESPECT** : Respect is the key to successful relationships.

I undertake...

#### 1.1. Self respect

... to strive for integrity.

... to strive for a positive sense of self-worth.

**1.2 Respect towards people**

... to direct my actions for the benefit of others' physical, mental and psychological well-being.

... to develop tolerance, consideration, fairness and obedience in my interaction with others.

... to respect others' rights, duties and privileges.

... to respect the right of persons in positions of authority to authority.

... to respect others' opinions, cultural traditions and beliefs.

**1.3 Respect towards material things/property**

... to honour our country's national symbols.

... to respect my own and others' property.

... to respect the school's facilities, including by not applying graffiti to any surface, and not bringing chewing gum onto the site.

**1.4 Respect for the environment**

... to develop my ecological consciousness so that I as an individual can make a lifelong contribution to ecological sustainability.

... to respect the school grounds by not damaging, defacing or polluting them.

**1.5 Respect towards the institution and community**

... to be loyal to the school's name and traditions, the staff, former learners and fellow learners

... to honour the school's symbols.

... to show respect to other schools by not speaking disparagingly of them.

**1.6 Respect towards God**

... to respect the Name of God.

**2. INTEGRITY** : A Cradock High School learner's word is his/her honour.

**I undertake...**

... that my actions will always testify to honesty, reliability and responsibility.

... that I will refrain from stealing, lying or speaking evil, as well as from having a negative influence on others.

... that I will stick to what I have committed myself to, unless I am released from my obligation by the relevant educator.

... that I will give my cooperation with a positive attitude and show my reliability by punctually fulfilling every reasonable instruction given to me by the principal, educators or learners by virtue of their official duties.

... that, when I am aware of any irregularities, I will report them to the principal or an educator.

**3. COMPLETENESS** : The appearance and conduct of a Cradock High School learner is always appropriate

**I undertake...**

- ... to voluntarily learn and practise social skills.
- ... to make personal hygiene and cleanliness a high priority.
- ... to take responsibility for the cleanliness of my immediate surroundings in classes, changing rooms and the grounds.
- ... to show basic good manners towards everyone.
- ... not to use foul language.
- ... to refrain from physical caresses in public.
- ... to greet others kindly, stand up when an adult enters my company, and always address adults in the appropriate language register.
- ... to be an educated audience for any speaker or performer.

**4. CARE:** A Cradock High School learner is a person through other people.

**I undertake...**

- ... to live an attitude of benevolence towards all with whom I come in contact.
- ... to recognize the human dignity of all individuals and not to discriminate against anyone in any way
- ... to proactively contribute to the spiritual growth of the people around me.
- ... to acknowledge and embrace others' positive influences on my own life.
- ... to make an attitude of willingness to serve in the school and the community part of my outlook on life.

**5. WORK ETHIC** : It is a privilege to be able to work.

**I undertake...**

- ... to take responsibility for my own study.
- ... to strive for the highest possible level of productivity and quality in my work.
- ... to do my best with perseverance and commitment to optimally develop my potential.
- ... to refrain from dishonesty and plagiarism.
- ... to make punctuality a high priority.

**SIGNED AT** \_\_\_\_\_ **ON THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_

**STUDENT** \_\_\_\_\_

## **INTRODUCTION**

This document is the code of conduct of Hoërskool Cradock, as approved by the governing body.

The governing body informed the learners, educators, parents and other interested parties of the school about the content of the code of conduct. The code of conduct has been drawn up in accordance with the applicable provisions of the Constitution of the Republic of South Africa, Act 108 of 1996; the South African Schools Act, Act 84 of 1996 ('the Schools Act'); the National Education Policy Act, Act 27 of 1996; Guidelines for Code of Conduct for Learners (General Notice 776 in Government Gazette 18900 of 15 May 1998); the Regulations relating to Apparatus for Drug Testing and the Procedure to be followed (GK 1140 in Government Gazette 31417 of 19 September 2008); Regulations for Safety Measures at Public Schools (GK 1040 in Government Gazette 22754 of October 2001, as amended) and applicable provincial legislation.

## **CODE OF CONDUCT**

1. Although the State remains obliged to make education available and accessible, this must be supplemented with the commitment of responsible role players, namely educators, learners, parents/guardians and other interested parties. This code of conduct is intended to promote such commitment.

The purpose of this code of conduct is to establish a disciplined and goal-oriented school environment that is dedicated to promoting and maintaining the quality of the learning process.

2. Learners and their parents/guardians must familiarise themselves with the school's code of conduct and its provisions. Once learners are enrolled at the school/residence, they are subject to the code of conduct, and must comply with it promptly. If learners violate or disregard the code of conduct, action will be taken against them in accordance with the disciplinary procedure for learners.

### **3. General rules**

3.1 Learners will at all times behave as good ambassadors of the school and in accordance with the code of ethics of the school.

3.2 While learners are dressed in the school's uniform or any part of it which is sufficient to connect them with the school in the eyes of the public, or while learners represent the school, either directly or indirectly, either as participants, supporters, helpers, spectators or otherwise, they will refrain from any behaviour that could put the school, staff or their fellow students in a bad light.

3.3 In their interaction with the principal, deputy principal, educators and other school staff and any other party of the community, learners must at all times show the necessary courtesy and respect and refrain from actions that amount to disrespect or rebellion.

3.4 In their interactions with each other, learners must exercise self-control as much as possible and show mutual respect and tolerance. In particular, learners must refrain from any behaviour that aims to harm the physical, mental and moral well-being of any other learner, or that may give rise to it. Any sexual or improper physical contact between learners on the school grounds or any other place where they can be identified as learners of the school is strictly prohibited. (See also the school's specific policies regarding Sexual Harassment, Bullying and Cyberbullying.)

3.5 An educator of the school will have the same rights as a parent in terms of the control and discipline of the learner according to the code of conduct, both during the learner's school attendance and during any school activity.

3.6 Eating and drinking during school time: Learners may not eat or drink in the classroom, hall or library. Chewing gum during school activities is prohibited.

3.7 Mobile phone use during school activities/class time is strictly prohibited. Calls may only be made in emergencies and with the permission of the principal. (See also the school's specific policy regarding Cell Phone Use and other electronic means of communication.)

3.8 The possession and/or use of tobacco products, drink, other alcoholic substances or drugs during any school activity or when learners are dressed in school uniform is prohibited. The possession of any pornographic material is strictly prohibited. (See also the school's specific policies regarding Alcohol, Smoking, Drugs and Pornography.)

3.9 In the event of a reasonable suspicion that learners have committed a breach of this code of conduct or the laws of the land, the principal or an educator has the right to search such learners and/or the property in their possession for any dangerous weapons, guns, drugs or to search for other harmful and dangerous substances, stolen goods or pornographic material that the learners may have brought onto the school grounds. Such learners' human dignity will be respected at all times, and therefore the search will take place privately, by persons of the same sex, and in the presence of another person. The search process and outcome must be recorded.

3.10 Any action that harms the administration, discipline or efficiency of the school will be considered a breach of this code of conduct.

3.11 Conviction by a court of a criminal offense will be considered a breach of this code of conduct.

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

- actions that threaten the safety of others and that violate the rights of others;
- the possession, threat or use of dangerous weapons;
- the possession, use, trading or visible evidence of narcotic or unauthorized drugs, alcohol and narcotics of any kind;
- fighting, assault or abuse;
- immoral behaviour or swearing;
- assuming or presenting a false identity;
- any form of hate speech, sexism, racism or other anti-social behaviour;
- theft or the possession of stolen goods, which includes the theft or possession of test or examination papers prior to such test or examination;
- illegal actions towards and/or vandalism, the destruction or damage of school property which would include the application of graffiti;

- disrespect, offensive behaviour and verbal abuse directed at educators, non-educators, or any other adult or learner.
- repeated violations of school rules or this code of conduct;
- criminal and oppressive behaviour, such as rape and gender-based harassment;
- possession of pornographic material;
- victimization, bullying and intimidation of other learners;
- the violation of examination rules; and
- intentional and knowing provision of false information, or the falsification of documents, in order to obtain improper advantage.

#### **4. Class rules (See also the school's specific policy on Class Rules)**

4.1 The class teacher must, after consultation with the class learners, draw up class rules when this code of conduct is accepted.

4.2 Learners must promptly and completely comply with the class rules as well as any oral instructions given by the class teacher or any member of staff, and which are reasonably necessary to carry out this code of conduct and/or to manage the school properly and professionally.

4.3 Any violation of the class rules will be considered a violation of this code of conduct and school rule.

#### **5. Rules regarding school dress and general appearance: Specific policy regarding Sports Dress**

School Uniform and General Appearance are available : **CLEANLINESS.**

5.1 School uniform

5.2 General appearance

5.2.1 Hair

5.2.2 Jewels

5.2.3 Nails

5.2.4 Make-up

6. Sports and extracurricular activities (See also the school's specific sports policy.)

#### **6.1 Participants in sports and outdoor activities**

6.1.1 Learners who are selected to represent the school as participants in any sports or other extracurricular activities must, during and after participation in

such activity be dressed in the sports uniform, school uniform or other prescribed attire as determined by the educator responsible for that activity.

6.1.2 All learners who participate in the aforementioned activities will be loyal to the school and fellow participants. In particular, participants must report on time and punctually to the place where the activity takes place or from where participants depart to the relevant place of participation. Learners who have been chosen to represent the school in an activity can only be excused from attendance if a written excuse is handed to the head of sport or culture in advance. Unavoidable absence from an activity will only be excused if the head of sport or culture receives a written apology no later than three days after the end of the activity in question.

6.1.3 Learners who represent the school at sports activities will at all times behave courteously towards the head of sports and the educator involved in the specific sport, the referee or judge in respect of the activity in question and team captain, and comply with the decisions, directives and instructions of:

6.1.3.1 the sports head and the educator involved in the relevant sports code;

6.1.3.2 the referee or adjudicator with regard to the relevant activity; and

6.1.3.3 the team captain.

6.1.4 Although it is accepted that learners who participate in sports activities do so with dedication and full effort, such learners must still show self-control and discipline. In particular, learners must refrain from any unsporting behaviour, foul or insulting language, involvement in fights or incidents, or any foul or improper play.

## **6.2 Spectators and supporters at sports and other extracurricular activities**

6.2.1 All learners who attend any school activity as spectators or supporters will, in addition to complying with the provisions of this code of conduct, refrain from disruptive, improper, rebellious, unnecessarily inflammatory or indecent behaviour. In particular, learners may not react negatively to the decisions of judges or referees.

6.2.2 Learners who attend any school activity as spectators or supporters will submit to any instructions and directions they receive before, during and after the activity in question from the principal, any educator, member of the Representative Council of Learners (VRL), other school leaders, or parents who have been appointed by the principal to help with the transport, supervision or control of learners who are being transported to or from the activity in question, or attending it.

6.2.3 The above rules also apply to any participation in any other extracurricular activities other than sport, except where they obviously do not apply.

## **7. School property (See also school's specific policy for School property and surroundings.)**

7.1 'School property' includes the following:

7.1.1 The land and buildings occupied by the school as well as any permanent attachment to such land and buildings

7.1.2 All other property, including equipment, books, stock, motor vehicles and the like, which the school owns, rents or stores, or for the damage or loss of which the school can be held legally liable

7.2 Since the school was developed and set up for use by all learners who attend school, all learners are obliged to do everything in their power to preserve the school's property, so that it can be used for the benefit of all current and future learners of the school.

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

7.4 Learners may not handle, damage, mark, violate or destroy any property of the staff of the school, fellow learners, visitors to the school, or members of the public. No slogans (graffiti), stickers, posters and similar things may be placed on any surface at the school without the permission of the principal.

This rule applies to property on the school grounds, in the immediate vicinity of the school, at or near the place of any school activity, as well as any vehicle with which learners are transported and the property on it.

7.5 Learners may not damage, violate or destroy any school property. Any learner who intentionally misuses, damages or destroys any school property must replace it or pay for it. Destruction and/or damage to property is a punishable offence.

## **8. The Representative Council of Learners (RLC)**

(See also the school's specific policy for the Representative Council of Learners.)

8.1 The RCL, together with the staff of the school, is responsible for general school discipline.

8.2 RCL members must bring offending learners to the staff of the school, after which line functions will follow.

8.3 All learners must obey any reasonable directive from a member of the RCL, and must support and cooperate with the RCL in the proper performance of their duties.

## **9. School notices**

9.1 All learners are obliged to hand over to their parents all notices that the governing body, principal or an educator of the school issues to learners for this purpose, and to promptly provide the class educator with any acknowledgment of receipt that the parents must complete.

## **10. Classroom/school work and homework (See also school's Homework policy.)**

10.1 There will be an orderly atmosphere in the classroom at all times. Learners may not disturb or hinder teaching.

10.2 Learners must fulfill class assignments promptly.

10.3 All learners must keep and update a homework book in terms of the principal's or class teacher's instructions.

10.4 Learners must do the prescribed homework and submit it promptly to the relevant educator by the specified deadline. Failure to comply with this rule can only be excused if, on the day the homework should have been completed, the learner hands the educator a written note from his/her parents with an acceptable explanation for the failure.



10.5 All learners must do their prescribed school work with diligence, conscientiousness and commitment in order to develop a continuous work ethic. Failure to comply with this rule, without an acceptable excuse, will be considered a breach of this rule.

10.6 Learners are obliged to make up any work they have missed as soon as possible.

**11. Tests and examinations** (See also school's policy regarding Examination procedures.)

11.1 All learners are obliged to submit to the tests and examinations assigned to them by the educators. Failure to comply with this rule will only be excused in exceptional cases, provided that the parents of the learner concerned hand over a complete and acceptable written explanation to the headmaster at the earliest possible opportunity.

11.2 Learners must refrain from any form of dishonesty when taking tests or examinations.

**12. Learner vehicles (See also specific policy on Learner vehicles.)**

12.1 Learners may not bring motorcycles/poogies or motor vehicles onto the school grounds, unless they have the prior written permission of the principal or another member of staff nominated by the principal, and unless they promptly comply with any conditions to which said permission may be subject. If a learner is not in possession of such permission when she is requested by any member of the staff, governing body or RCL to show it, it will be assumed that he/she does not have such permission, until he/she can prove the contrary.

12.2 The driving of a motorcycle/poogie and motor vehicles by a learner so that it poses a danger or possible disadvantage to other learners on the school grounds or other learners and members of the public in the immediate vicinity of the school grounds is strictly prohibited.

12.3 Learners will at all times observe the traffic rules on and around the school grounds.

**13. Punctuality**

13.1 Learners will at the appointed time at the beginning of the school day and at the start of an event show up from any other school activity.

13.2 When learners arrive late, they must provide a written apology from their parents.

13.3 Learners who arrive late must first report to Reception before going to their respective class.

**14. Absence from school**

14.1 Learners may only be absent from school in exceptional cases, and then only with the written consent of the principal, or his representative if the principal is not available.

14.2 Absence from school without an acceptable excuse is considered truancy, which is strictly prohibited.

14.3 See also specifically Cradock High School's policy regarding Attendance and Absence.

**15. School grounds and surroundings**

15.1 Learners have the right to a safe environment and school that is conducive to education.

15.2 Learners who are spectators or supporters at any school activity must leave the site they occupy neat and clean, and must ensure that all rubbish is cleaned up and placed in rubbish bins.

15.3 Learners must leave toilets clean.

15.4 Any action or omission by learners that causes or could possibly cause a health hazard for other learners must be avoided.

15.5 Learners must comply with the reasonable instructions of the principal, any educator, member of the RCL in relation to maintaining a clean and hygienic school environment.

**16. Exemption from provisions of the learner policies and code of conduct**

16.1 Learners can apply in writing to the governing body on cultural, religious or medical grounds for complete or partial exemption from one or more of the policies in Cradock High School's learner policies manual or certain items contained in this code of conduct.

16.2 Such an application must include full reasons and supporting evidence. The burden of proof therefore rests on the learner to substantiate the application for exemption.

16.3 Applications for exemption will only be considered at the beginning of each school year, unless urgency or changing circumstances can be argued.

16.4 In considering an application for exemption, the governing body will be entitled to obtain any information it may deem necessary for a fair assessment of the application.

16.5 The governing body will consider the application for exemption with the necessary seriousness and responsibility, and within the framework of the Constitution and court rulings, and inform the learner in writing of its decision.

17. In the event of a breach of any provision in this code of conduct or a breach of one of the school's specific learner policies, the prescribed disciplinary procedure will be followed.

**SIGNED AT \_\_\_\_\_ ON THIS \_\_\_\_ DAY OF \_\_\_\_\_**

\_\_\_\_\_  
**Governing body chairman**

\_\_\_\_\_  
**Principal**

## **PART 3 CODE OF CONDUCT**

### **DISCIPLINARY PROCESS**

#### **PROCEDURE FOR DISCIPLINARY ACTION AGAINST LEARNERS**

In case of the violation of any provision prescribed in the code of conduct for learners or the violation of any of the school's specific learner policies, this disciplinary procedure must be followed. For the application of this disciplinary procedure, misconduct is divided into three categories (A – C). This corresponds to the different disciplinary steps that can be taken and the different procedures that can be followed in dealing with misconduct.

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

### **1. DISCIPLINARY ACTION**

#### **1.1 Less serious misconduct**

##### **1.1.1 Category A misconduct:**

Any breach of 3.1, 3.6–3.7, 4, 5, 6.1.1–6.1.3, 6.2.2, 8.3, 9, 10, 12.1, 13, 15.2-15.3 of the code of conduct as well as the Category A misconduct of any of the school's specific learner policies. In the event of a violation of any of the above-mentioned provisions, such violation must be referred to an educator of the school, and such educator is empowered to apply the following punitive measures:

- a) An oral or written warning.
- b) School work under supervision that will contribute to the learner's progress at school and will improve the school environment, provided that the parents are informed in time and the safety of the child is ensured.
- c) The performance of duties by the offender in favour of the person/institution harmed by the offence.
- d) Suspension of participation in school activities, such as sports and culture (which excludes social events).

##### **1.1.2 Category B misconduct:**

Any breach of 3.2–3.4, 3.8–3.10, 6.2.1, 7.2–7.5, 11, 12.2, 12.3, 14, 15.4 and 15.5 of the code of conduct as well as any Category B misconduct of any of the school's specific learner policies. In case of violation of any of the above-mentioned provisions, such violation must be referred to the school principal, and the school principal is empowered to apply the following punitive measures:

- a) Any of the punitive measures in 1.1.1(a) to (d) above, to which the following mentioned below can be added.
- b) Exclusion from participation in social events of the school.
- c) Agreed, affordable compensation.

d) The repair or replacement of damaged property.

e) Community service for up to six hours.

## **1.2 Serious misconduct:**

### **1.2.1 Category C misconduct:**

Any breach of 3.12 of the code of conduct as well as any serious breach of any of the school's specific learner policies. In case of breach of any of the above provisions, such breach must be referred to the governing body, and the governing body is empowered to apply the following punitive measures:

a) Any of the penal measures in 1.1.1(a) to (d) and 1.1.2(b) to (e) above, to which the following mentioned below may be added.

b) In the event of a breach of the code of conduct or the school's specific learner policies by members of the RCL:

- Together with or as an alternative to the above, suspension of duties for a period of up to six weeks, or dismissal and permanent removal from the RCL or another leadership position in the school

c) After a hearing in which any learner has been found guilty of breaching the provisions of the code of conduct and the school's specific learner policies, the governing body can impose any of the aforementioned punishments on such learner, or suspend the learner, or at the Head of Education (SG) recommended that the learner be expelled from school.

1.2.2 If the outcome of the hearing indicates suspension as a sanction, the governing body can suspend the learner for up to seven school days.

1.2.3 If the governing body decides after a hearing to recommend the expulsion of the learner to the Head of Education, the governing body can suspend the learner for a reasonable period of up to fourteen school days, pending the Head of Education's decision.

## **2. PREVENTIVE SUSPENSION**

The governing body can, on reasonable grounds and as a precautionary measure, suspend a learner who has allegedly committed serious misconduct (category C) from school attendance for up to seven school days.

## **3. DISCIPLINARY HEARING**

### **3.1 Preliminary investigation**

When a learner is alleged or suspected of having committed a serious offense (category C), the principal can appoint an investigating officer (can be an internal or external person). The latter will collect information so that the principal can decide whether a disciplinary hearing is necessary.

### **3.2 Hearing**

3.2.1 The investigating officer draws up a charge sheet, and the parents and learner receive written notice of the complaint and the place, date and time of the hearing. These arrangements are made in consultation with the disciplinary committee.

3.2.2 The notification must contain sufficient information regarding the nature, date and place of the alleged infringement.

3.2.3 At least five (5) school days must elapse between the delivery of the notice and the hearing.

3.2.4 The governing body appoints the disciplinary committee. The chairman of the committee has to be a member of the governing body. The disciplinary committee will have the power to conduct and conclude the disciplinary hearing on behalf of the governing body, as fully as if it had been conducted by the governing body itself, and will be entitled to do everything that the governing body may do under applicable law, which includes the imposition and enforcement of any punitive measure and the recommendation of expulsion to the Head of Education. However, this transfer of competence does not prevent the governing body from exercising such competences itself.

3.2.5 The learner must be assisted by his/her parent or a person appointed by the parent. In case of major transgressions, the learner is entitled to apply for representation by a legal representative or any person who is appointed by the parent of the learner. Such application must be directed to the chair of the disciplinary committee at least two school days before the start of the hearing. No other persons, apart from those mentioned above, may attend the hearing on behalf of the accused learner.

3.2.6 Learners who are involved in disciplinary proceedings will also be entitled to support, advice and counseling by educators who have been designated for that purpose by the principal or the governing body, provided that such an educator may not present the learner at the disciplinary hearing assist unless the parent of the learner authorizes the educator to do so.

3.2.7 If the learner and/or her parents/guardian are absent despite proper notification, the hearing can continue in their absence.

3.2.8 The trial must be fair and just, and will take place according to the prescriptions of the applicable provincial legislation. The prosecutor and learner must be given the opportunity to present their case, can put questions to witnesses, can call witnesses, and can examine or present documents relating to the case.

3.2.9 The members of the disciplinary committee (the prosecutor, learner and chairman) will themselves also be entitled to call witnesses, request additional witnesses or evidence, ask questions to witnesses, or investigate or have any aspect investigated further investigation that can promote equity and fairness.

3.2.10 After the evidence has been heard, the committee can make a decision about the learner's guilt or innocence. For the purposes of this, or for the purposes of a decision on any dispute that arises during the proceedings, the committee will be entitled to adjourn for a reasonable time in order to consider its decision. Such consideration will take place behind closed doors and will only be attended by members of the committee.

3.2.11 Upon resumption of the Trial:

If the learner is found guilty, the learner and the prosecutor will not receive an opportunity to present evidence and/or make representations about mitigating and aggravating circumstances that the committee must take into account in order to impose an appropriate punishment. In order to consider an appropriate punishment, the committee will be entitled to adjourn again

for a reasonable period of time. Such consideration will also take place behind closed doors and will only be attended by members of the committee.

### 3.3 Judgment and penalty measure

3.3.1 The official verdict, the decision of the disciplinary committee, which includes the imposed sanction, must be conveyed in writing to the learner and his/her parents and the prosecutor within a maximum of five school days.

3.3.2 Despite any conviction and penalty imposed by the governing body, any interested party may refer any breach of the code of conduct or breach of any of the school's specific learner policies that may amount to a criminal offense to the South African Police Service for investigation .

## 4. INTERNAL APPEAL

4.1 A party who is dissatisfied with the outcome of disciplinary proceedings before the governing body's disciplinary committee will have the right to appeal in writing to the chairman of the governing body within 24 hours of receiving the written outcome against the conviction, the imposed penalty measure, or both. , to appeal.

4.2 The notice of appeal must clearly set out the grounds for the appeal and must contain new information that did not emerge during the hearing.

4.3 Within 24 hours after receiving the notice of appeal, the chairman of the governing body must set up an appeal committee consisting of a member of the governing body as chairman, and at least two other expert persons. In view of the information provided for the grounds of an appeal, the chair may decide whether it (1) warrants an appeal hearing or may recommend that (2) an impartial person who was not involved in the disciplinary hearing, can evaluate the new information and give written feedback to the chairman. The members of the disciplinary committee who heard the case cannot serve on the appeal committee either.

4.4 The chairman of the governing body must hand over the notice of appeal to the chairman of the appeal committee and ensure that the record of the disciplinary proceedings is made available to the appeal committee.

4.5 The other party shall be entitled to make representations to the chairman of the appeal committee in response within 24 hours of receiving the notice of appeal.

4.6 When considering the appeal, the appeal committee will be limited to a consideration of the record of the proceedings before the disciplinary committee, the notice of appeal, and any representations submitted by the other party.

4.7 Any party who wishes to present further evidence which is not part of the record of the proceedings before the disciplinary committee, for consideration by the appeal committee, must apply in writing for permission to the chairman of the appeal committee. In the case of the appellant, such application must be contained in the notice of appeal, and in the case of the other party, it must be made within 24 hours after handing over the notice of appeal.

4.8 The application to present new evidence must contain a full explanation of why the evidence was not available or presented during the disciplinary proceedings, must outline the nature of the evidence, and must explain the relevance of the evidence for the consideration of the appeal set out.

4.9 The appeal committee must announce its decision in writing to the parties within seven school days after receiving the notice of appeal.

4.9 Any punitive measure imposed by the disciplinary committee is suspended pending the decision of the appeal committee.

4.10 When considering the appeal, the appeal committee may:

- a) set aside or uphold the decision of the disciplinary committee on the finding of guilt or innocence and/or penalty;
- b) impose an alternative penalty measure (which includes a heavier penalty); and c) give any other decision which the appeal committee considers to be fair or just in the circumstances.

## **5. General provisions**

The governing body must keep proper records of the disciplinary proceedings. For this purpose, the governing body can appoint a person to take minutes or record the proceedings electronically. Such person shall not form part of the committee.

1. Notice of a disciplinary hearing
2. Notification of the outcome of a disciplinary hearing
3. Plea and Sentence Agreement

**PART 4 SAMPLE DISCIPLINARY DOCUMENTATION**

**NOTICE OF DISCIPLINARY HEARING**

**For manual delivery**

Name of the learner: \_\_\_\_\_

Address: \_\_\_\_\_

Please note that on the date, time and place at the bottom of this notice you must appear before the disciplinary committee of the governing body to answer the complaint(s) brought against you, the details of which appear below:

Complaint)

You are charged with misconduct because you are alleged to have:

1. The school's code of conduct / school's learner policy on \_\_\_\_\_ (date of offence) at \_\_\_\_\_ (place of offence) committed by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(give a concise summary of the details of the offence); and

2. The school's code of conduct / school's learner policy on \_\_\_\_\_ (date of offence) at \_\_\_\_\_ (place of offence) committed by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(give a concise summary of the details of the offence).

Please note the following:

1. You are entitled to be represented during the proceedings by your parent/guardian or someone designated by your parent/guardian.
2. Should you plan to make use of legal representation, the process to obtain the necessary permission, as prescribed in the school's code of conduct, must be followed. Any legal representation shall be for your own cost.



3. You will be entitled to question witnesses who may testify against you; to witness for oneself; to call your own witnesses; to examine documentary evidence that may be presented against you, and also to present documentary evidence yourself.

4. It is your responsibility to ensure that witnesses you wish to call to testify on your behalf are present at the proceedings and remain as long as their presence is required.

5. You will be entitled to address the committee on any matter relating to the proceedings.

6. The language in which the examination will be held is the language of the school. If you need the services of an interpreter, you must provide for it yourself.

7. If you fail to attend the proceedings or be present until their conclusion, the proceedings may continue and be concluded in your absence.

8. It is your responsibility to familiarize yourself with the school's rules regarding disciplinary proceedings, as contained in the school's code of conduct.

9. Please attend the proceedings in school uniform.

Date of hearing: \_\_\_\_\_

Time of hearing: \_\_\_\_\_

Place of hearing: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNATURE : PRINCIPAL**

**DATE**

I, \_\_\_\_\_, hereby acknowledge receipt of the letter on \_\_\_\_\_.

\_\_\_\_\_

**SIGNATURE : LEARNER SIGNATURE : PARENT**

**NOTICE OF THE RESULT OF THE DISCIPLINARY HEARING OF A LEARNER, PRINTED ON THE LETTERHEAD OF THE SCHOOL**

**FOR HAND DELIVERY**

Name of the learner: Name of the accuser:

Address:

Notification of the outcome of a disciplinary hearing

Please receive notice of the outcome of the disciplinary hearing on \_\_\_\_\_ (fill in date)

in relation to the complaint(s) brought against \_\_\_\_\_ (insert name of learner).

Complaint)

- 1. (Simply fill in 'guilty' or 'not guilty'.)
- 2. (Repeat the above if no further violations have been alleged.)

Reasons for the finding:

(Provide full reasons for the committee's finding.)

The sanction imposed on you is as follows:

- 1. (Fill in the details of the sanction.)
- 2. (Repeat the above if no convictions have been brought.)

Reasons for the sanction:

(Provide full reasons for the committee's decision on the sanction.)

\_\_\_\_\_

**Chairman: Disciplinary committee DATE**

I, \_\_\_\_\_, hereby acknowledge receipt of the letter on \_\_\_\_\_.

\_\_\_\_\_

**Signature of learner Signature of parent**

\_\_\_\_\_

**Signature of prosecutor**

**Plea Agreement**

**between the Governing Body of \_\_\_\_\_ and**

\_\_\_\_\_ (student)

## **1. INTRODUCTION**

Since:

1.1 the learner of \_\_\_\_\_ (put the details of the complaint/complaint here separately) is charged, the parties hereby agree as follows:

## **2. CONSIDERATION**

2.1 The prosecutor, \_\_\_\_\_ (name), has been authorized in writing by the governing body to negotiate with the learner and enter into an agreement.

2.2 The prosecutor and the learner, who through \_\_\_\_\_ (lawyer) represented, negotiated and entered into this agreement in relation to a plea of guilty by the learner and an appropriate sanction to be imposed by the governing body.

2.3 The prosecutor consulted with the governing body and the victim concerned (if a fellow learner/the school or someone else suffered damage as a result of the learner's actions) and gave them the opportunity to make recommendations about the content of the agreement. The parties involved are satisfied with the content of the agreement.

## **3. THE LEARNER'S RIGHTS**

3.1 The learner acknowledges that he/she was fully informed of the following rights before entering into this agreement:

- 3.1.1 That he/she is considered innocent until proven guilty beyond all reasonable doubt
- 3.1.2 That he/she can remain silent and not have to testify during the proceedings
- 3.1.3 That he/she is not obliged to give self-incriminating evidence
- 3.1.4 That he/she is not obliged to enter into this agreement

## **4. SUMMARY OF THE RELEVANT FACTS**

**STATE FACTS HERE**

## **5. PLEA AND FORMAL ACKNOWLEDGMENT**

5.1 The parties agree and have agreed on the following facts. The learner pleads as follows and makes the following admissions:

5.2 The learner acknowledges that he/she has read the complaint, as it is detailed in the charge sheet; that he/she understands its nature and meaning, and that he/she pleads guilty to the charge of \_\_\_\_\_ (repeat only briefly the details of the charge/complaint), and confirms the following:

5.3 The learner acknowledges that he/she entered into the agreement voluntarily, without coercion, fully aware, and without undue influence.

5.4 The learner further acknowledges that he/she is personally aware of the guilty pleas below:

**5.5 STATE FACTS OF VIOLATION HERE**

5.6 The learner also acknowledges that he/she was aware throughout that his/her actions were contrary to the school's code of conduct, and that he/she could be punished.

**6. MITIGATING CIRCUMSTANCES**

6.1 The learner pleaded guilty.

6.2 The learner has no previous convictions (if applicable).

**6.3 MENTION FURTHER CIRCUMSTANCES THAT MAY APPLY**

**7. AGGRAVATING CIRCUMSTANCES**

7.1 The offense in question is of a serious nature.

7.2 The offense was premeditated (if applicable).

**7.3 MENTION FURTHER CIRCUMSTANCES THAT MAY APPLY**

**8. AGREEMENT REGARDING A JUSTICE PUNISHMENT**

8.1 The parties involved have agreed on an appropriate sanction, and request the governing body to impose the sanction.

8.2 The seriousness of the agreement, the interest of the school community, and the personal circumstances of the learner were taken into account by all the parties.

8.3 The parties agree that the following constitutes a fair and just sanction in the relevant circumstances:

8.4 Any action that is not in line with the school's code of conduct and values may result in disciplinary action.

**SET OUT SANCTION HERE**

**SIGNED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_**

\_\_\_\_\_

**STUDENT**

\_\_\_\_\_

**LEGAL REPRESENTATIVE OF THE LEARNER**

\_\_\_\_\_

**PROSECUTOR**

