



CODE OF CONDUCT OF LEARNERS

PREAMBLE

The South African Schools Act 84 of 1996 obliges the governing Body of a school to adapt a Code of Conduct for learners. This document is aimed at establishing a disciplined and purposeful environment to facilitate effective education and learning in schools. This policy shall uphold the rights of all individuals as enshrined in the Bill of rights in the Constitution of SA.

INTRODUCTION AND DEFINITION

This code of conduct is an agreed set of behaviours that are acceptable within our school. The code of conduct includes the levels of misconduct and disciplinary actions that apply. It also includes the rules that govern the conduct and relations between learners, educators, parents and the community.

AIM

- The Learners' Code of Conduct aims at establishing a disciplined and purposeful environment to facilitate effective and quality teaching and learning at our school.
- It intends to ensure that discipline is implemented within a child – centered framework, in as much as individual needs are considered with the ultimate goal being to ensure that all learners accept responsibility for their actions with due regard to the rights and dignity of others, and for school property.
- It further intends to ensure that the outcome of any disciplinary process has a positive impact on individual learners, with the primary objective being to help learners become well-adjusted and responsible individuals.

PURPOSE

- To promote positive discipline, self-discipline, self-leadership and exemplary conduct as learners learn by observation, experience and constructive learning.
- To inform the learners of the way in which they should conduct themselves at school in preparation for their conduct and their safety in civil society.
- To set a standard of moral behaviour and work ethic for learners and equip them with the expertise, knowledge and skills they would be expected to demonstrate as worthy and responsible citizens.
- To promote civic responsibilities towards the school.
- To instill values that builds character and contributes towards nation building in our country.

1 CORE VALUES

- Respect for fundamental human rights
- Respect for educators, support and administrative staff, and learner leaders (monitors, peer mediators, parents and fellow learners.
- Respect for the environment, school facilities and properties.

2 LEARNERS RIGHTS AND RESPONSIBILITIES

• Equal Educational Opportunity

No learner can be prevented from participating in any programme solely because of his/her ethnic origin or gender. No one has the right to interfere with the education of others.

• Learners respect themselves and others

Learners treat each other with kindness and demonstrate good manners. No learners should be treated unfairly because of their physical appearance or because of their academic abilities. Learners speak in a courteous way. They don't make fun of others or physically or verbally abuse each other. Learners have the right to feel safe and happy at school.

• Freedom of Expression

Learners are entitled to express verbally or in writing, their personal opinions, provided they do not interfere with the rights of others.

• Learner must show acceptable behaviour

Learners respect those in authority and display good manners. Learners should be cooperative and kind.

- **School Rules**

Learners obey the school rules. These rules are designed to allow the school to meet its obligations to educate learners in an atmosphere conducive to learning. They are also designed to provide an atmosphere of safety and security for everybody.

- **Respect of Property**

Learners take pride in their school and keep it neat. They take care of books, chairs, and all equipments. Learners don't damage or deface any area of the school.

- **Learners are prepared for school**

Learners attend school daily, unless ill or legitimately excused. Learners must be punctual for school. Learners who enter school after lessons have begun are interfering with the rights of others to learn. Learners must have necessary supplies, and have completed class/home assignments. Learners must be ready to learn.

- **School Uniform**

School and sports uniform regulations are adhered to all times. Learners should take pride in their appearance.

- **Due Process**

Due process will be followed when learners break a rule. They will be given the opportunity to tell their honest side of the story. There is a difference between telling tales and being a responsible person. It is wrong to expect help when your rights have been violated, but refuse to help others protect theirs. Learners involved in disciplinary proceedings will be provided with support and counselling

3. MOTSWEDI SECONDARY SCHOOL RULES

- School rules need to be specific for the learner to have complete understanding of what is acceptable and not acceptable at this school. The majority of those rules relate directly to the Code of Conduct and the Learners' Rights and responsibilities. The rules are designed to provide a happy and secure educational environment for all. The school reserves the right to take action against learners behaving in a manner, which, in the school's opinion, reflects adversely upon good name.

3.1. Learners Conduct Towards Themselves and Others

Learners may not partake in the following activities while at school or while participating in any school related activity.

1. Swearing
2. Stone throwing
3. Chewing gum
4. Use of alcohol/Abuse of habit-forming drugs/Smoking
5. Fighting ("including play-fighting")
6. Spitting
7. Use of electronic devices without permission, e.g. cell phones, portable CD players etc.
8. The carrying of knives or other dangerous objects
9. Use of excessive force when playing games or during sporting events
10. Noisy or disruptive behaviour including disturbing the activities of others and highly unruly classroom behaviour even during assemblies.
11. Trespassing or entering the school premises without permission or without supervision, during and after school hours
12. Plagiarizing or copying work that is not the learner's own which can include using phrases/paragraphs from work that is not their own without referencing correctly
13. Bullying, and physical or verbal abuse towards others is not permitted.
14. In all activities during and after school hours, learners are expected to act as worthy ambassadors of the school and not to conduct themselves in a manner that discredits the school.
15. Refusing to take instructions from the teacher.

3.2. Respect of School Property

1. The staff rooms, media room and administration offices are out of bounds.
2. Learners may not play in the car park.
3. Neatness in the classroom is a learner responsibility and it is an expectation that learners will ensure that classes and desks are left neat and tidy at the end of the school day.
4. There is to be no eating or drinking in the school classrooms.
5. Learners during lessons may not shout or run around the school buildings.
6. Learners will assist in maintaining a healthy, litter free environment.
7. Learners may not climb the fences, gates or walls.
8. Learners must respect the property of others. Nothing may be borrowed or taken without the consent of the owner.
9. Permission card from the teacher is required for a learner to move about the building during lesson time.
10. Permission for notices/posters to be displayed or distributed must be obtained from the Principal, Deputy Principal or Head of Department.
11. The school cannot be held responsible for any money or valuables that go missing on school property.

3.3. Learners are prepared for school

1. Permission must be obtained from the Principal or Deputy Principal for any learner to leave the school grounds during school hours. A letter of explanation must be sent to the school by the parents, should their child need to leave school during this period of time.
2. Learners are expected to arrive promptly before school starts and to leave directly after school or an extra-mural activity.
3. Homework is to be written down daily in a homework diary, checked and signed by parents in all grades where this is required.
4. Sick learners or learners in a contagious condition must not be sent to school.

3.4. School Uniform

1. Uniforms must conform to regulations
2. The only jewelry permitted is a suitable watch and Medic-Alert necklace or bracelet.
3. Boys may not wear earrings but girls with pierced ears may wear one small gold/silver stud or small sleeper in each ear and no other form of body piercing is permissible at any time
4. No dying of hair is permitted. Girls with hair touching the collar, are required to have it tied back with plain black hair accessories for reasons of neatness and hygiene. Fringes must be clear of the eyebrows and no hair to hang in front of the ears and eyes. Boys' hair is to be clear of ears, eyebrows and collar, and neatly tapered, and evenly graded
5. Casual clothes (civvies) worn on special days must be school appropriate. This privilege may be revoked at the discretion of the Principal.
6. Beanies may be worn to school in winter only.

4. DISCIPLINARY MISCONDUCT

4.1. MINOR DISCIPLINARY MISCONDUCT

In general an educator has a right to control learner conduct and behaviour and exercise appropriate disciplinary measures.

4.1.1. CONSEQUENCES FOR MINOR DISCIPLINARY MISCONDUCT

- Investigation of the alleged breach, by the class educator, educator on duty or if necessary by the Head of Department, Deputy Principal, in the form of an informal meeting with the learner in question.
- An employee of the school may summarily issue a verbal rebuke but must keep a record. □ Consultation, with the learner in question as to the nature of the transgression and the impact thereof.
- Where deemed appropriate, and dependent upon the circumstances, a consequence will be issued with the intention of bringing about desired conduct in the learner.
- Parents will not be present during the consultation with the learner for minor misconduct, but will however, be informed of the misconduct, penalty and reasons for the decision, telephonically and / or in writing.
- Measures could include one or more of the following:
 1. Verbal warning -
 2. Community Service -
 3. Additional work -
 4. Detention -
 5. Withdrawal of privileges -
 6. Referral to counsellor
 7. Suspension from some school activities e.g. sports, trips and some cultural activities.
 8. Performing tasks

4.2. SERIOUS DISCIPLINARY MISCONDUCT

Will use a fair and appropriate disciplinary procedure when dealing with a learner who has committed a serious misconduct, as set out below. The school will be entitled to suspend and / or recommend expulsion of a learner who, after following a fair and appropriate disciplinary procedure, is found to infringe upon the rights of fellow learners (and / or educators / staff) and / or who repeatedly refuses to respect the school rules as laid out in this policy document.

4.2.1 TYPES OF SERIOUS MISCONDUCT

The following list is not exhaustive and may be supplemented from time to time and is intended as a guide to learners regarding certain disciplinary transgressions that may result in internal suspension, external suspension and / or expulsion. A learner may be suspended or expulsion recommended if it is found after following a fair and appropriate procedure that the learner has committed any of the following acts: A learner at school who –

- Used to had in his or her possession or sells or distributes a dangerous object, alcoholic liquor or illegal drugs;
- Commits an act of bullying, assault, theft, arson or malicious damage to property;
- Commits an act of gross insubordination or engages in immoral conduct;
- Is in possession of or used any unauthorised copy of a text or examination question paper, or cheats, distributes trades, trades, bribes or attempts to bribe any person in respect of any test or examination, with the intention of enabling himself or herself, or any other person, to gain an unfair advantage;

- Uses hate speech, make himself or herself guilty of racism, sexism, sexual harassment, possesses or distributes pornographic material or engages in any act of public indecency.
- Endangers the safety or threatens fellow learners or educators, disrupts the school programme or violates the rights of others;
- Falsely identifies himself or herself, or knowingly or willfully supplies false information or falsifies documentation to gain an unfair advantage at school;
- Has repeatedly been found guilty of transgressing the learners' code of conduct; or
- Conducts himself or herself, in the opinion of the school governing body, in a disgraceful, improper or unbecoming manner, may be guilty of serious misconduct.

A learner at a school may be suspended by the school governing body or expelled by the Head of Department if after a fair hearing, he or she is found guilty of serious misconduct. The School includes the below offences in this category:

- A learner who commits or attempts to commit offence
- A learner who uses their cell phone for the purpose of cyber bullying or taking photographs that were not curriculum related.

4.2.2. DISCIPLINARY PROCEDURES FOR SERIOUS MISCONDUCT

Under circumstances where "serious disciplinary transgressions" have occurred, procedures which may lead to possible suspension may be implemented. The school shall make every reasonable effort to verify all facts and statements prior to making a consideration for possible suspension of a learner and commencing the formal disciplinary procedure. Suspension is considered to be a last resort prior to expulsion. The following steps will be followed to ensure the learner's constitutional right to procedural fairness as contemplated in the Constitution is upheld.

4.3. THE INVESTIGATION

- An allegation of serious misconduct by a learner must be reported to the Principal for consideration
- The principal must then investigate or cause an investigation by interviewing witnesses and hearing the evidence from all parties. All witness responses will be recorded to ensure transparency.
- The Principal or appointed Investigation Officer will decide if there is sufficient evidence to institute disciplinary action against a learner and whether or not to report it to the School Governing Body.
- The principle that a person is innocent until proven guilty must be implemented throughout the process. The maintenance of confidentiality must be given utmost importance.
- Once an investigation has been conducted and the School Governing Body decides that a hearing is necessary it must arrange for a fair hearing by the Disciplinary Committee (consisting of at least five people, of which at least three must be members of the School Governing Body)

4.4. PRO-CAUTIONARY SUSPENSION

- If the School Governing Body is informed, they may decide to suspend the pupil as a precautionary measure. This suspension may not be longer than seven school days.
- The School Governing Body must decide on the action to be taken and this action shall include informing the parents / guardians in writing of the intention to suspend and the reasons for doing so; afford the parents and the learner the opportunity to make representations to the Governing Body with regard to the suspension; and report the decision to suspend to the District Director.
- The School Governing Body must conduct the disciplinary procedure within seven school days after the suspension of the learner.

4.5. DUE PROCESS FOR THE HEARING

- The learner and the parent / guardian of the learner are informed in writing, in an appropriate manner of the alleged serious misconduct. This notice contains particulars of the date, time place and the nature of the alleged serious misconduct to enable the learner to identify the incident and to respond thereto at the disciplinary hearing.
- The notice must contain the date, time and venue of the disciplinary hearing.
- The notice is delivered to the parents and the learner at least five school days before the hearing.
- In cases where a learner has, as a preventative measure, been suspended with immediate effect on the grounds of serious misconduct, the notice of the disciplinary hearing must be given days before the hearing.
- The learner and parent / guardian of the learner are fully informed of their rights which include:
 1. The right to access documents relating to the alleged serious misconduct or information produced in evidence;
 2. The right to be represented by his or her parents, or by a representative chosen by the parents, at the hearing.
 3. And the right to ask questions; cross examine witness witnesses who may be called in; lead evidence; and produce documentary evidence to clarify any issues that relate to the allegation. Anyone at the hearing may question such witnesses.
- The learner has the right to be represented at the hearing, to ask questions and cross examine witnesses who may be called in. Anyone at the hearing may question such witnesses.

- The learner, his or her parents, or a representative chosen by the parents, must be informed of their right to bring/lead evidence and to bring witnesses. The learner or his/her parents, or a representative chosen by the parents, has the right to tell the learner's side of the story.
- The learner must not be prohibited from being represented by legal counsel should they wish to be.
- All participants at the hearing must have access to all documents presented. These can include written statements, school records, character references etc.
- Everything said at the hearing must be recorded.

4.6. THE COURSE AND CONDUCT OF THE DISCIPLINARY HEARING

- The Chairperson of the Disciplinary Committee will conduct the hearing.
- Opportunity is given for the learner and his/her parent/guardian to: ask questions to ensure that there is complete clarity regarding the charge; call witnesses; put questions to any of the witnesses called; and inspect all documents.
- If the learner or his or her representative is not present at a hearing that has been convened for the second time and there is no just cause for not appearing, and after due notice was given, the hearing may be held in their absence.
- The seriousness of the charge and the possible consequence of suspension/expulsion that can be given should be explained to the learner and his/her parents/guardians.
- They must be made aware that all evidence can be tested through cross-examination and that they have the right to ask questions/make requests.
- The chairperson then gives the learner the opportunity to plead "guilty or "not guilty"

Should the learner plead "guilty"

The chairperson must ensure that the learner understands what they are pleading to; ask the learner or their representative whether they would like to make representations before a penalty is imposed; and ask that everyone who is to a member of the disciplinary committee to leave the room while the disciplinary committee deliberates and comes to a decision on a suitable penalty.

- The disciplinary committee must then decide whether the learner should be suspended for longer than seven school days, or if any other penalty that is contemplated in this Code should be imposed on the learner, or if expulsion of the learner should be recommended to the Head of Department.
- The disciplinary committee must then call the learner or representatives into the room and inform them of the penalty that will be recommended to the School Governing Body.

Should the learner plead "not guilty"

- The chairperson must request that the investigation report be read out and call the complainant and the witnesses.
- The learner, or his or her representative, must be given the chance to question the complainant and witnesses with the goal of rebutting the evidence.
- The prosecutor presents the evidence from statement given by the witnesses and gives them the opportunity to confirm it.
- Where the accused learner gives evidence, the prosecutor has the right to cross-examine the learner, or any other witness for the defence.
- The chairperson and any other member of the disciplinary committee have, in the interest of justice, the right to question any witness in order to get more clarity about the evidence given.
- The learner, or his or her representative, must be excused while the disciplinary committee reviews the evidence and deliberates and decides on a verdict.
- The chairperson, on behalf of the disciplinary committee, must call the learner, or his or her representative, back into the room, inform them of the verdict and must provide reasons for its findings that are fair, reasonable and based on relevant information.
- The disciplinary committee must then decide whether the learner should be suspended for longer than seven school days, or if any other penalty that is contemplated in this Code should be imposed on the learner, or if expulsion of the learner should be recommended to the Head of Department.
- The decision of the Disciplinary Committee will then be referred to the School Governing Body. The decision of the School Governing Body, including the verdict and penalty, must be given to the learner and his or her parent in writing.

4.7. COMMUNICATING THE OUTCOME OF THE HEARING

- Depending on the nature of the misconduct, the parent/guardian and learner will be informed verbally on the day of the disciplinary hearing about the outcome of the hearing if the penalty is internal suspension or in writing if the penalty is external suspension or a recommendation for expulsion.
- In the case where the learner has been suspended pending the reaction of the Head of Department to a verdict of expulsion of the learner, the learner and parents/guardian will receive written notice of this decision taken by the School Governing Body. The minutes of the hearing and the findings, any written representations submitted by the learner or his or her representative, and the full record of the hearing will within three days immediately be sent to the office of the Head of Department may not last longer than 14 days

- The Head of Department will, within 14 days, take a decision and inform the parents/ guardians, via the school, of his /her decision. If the Head of Department decides to expel a learner they must inform him or her, in writing, of their right to appeal.
- The learner and his/her parents/guardians have the right to appeal against a decision of expulsion made by the Head of Department to the Provincial Minister within 14 days of expulsion made by the Head of Department to the Provincial Minister within 14 days of receiving the notice of expulsion.

4.8.COMMUNICATION WITH THE STUDENT BODY

Motswedi Secondary School reserves the right to publicize the outcome of any serious offence without compromising the right to privacy of any of the parties concerned.

5. THE RESPONSIBILITY OF THE SCHOOL COMMUNITY

The school community must take responsibility for the guidance of the learner in that the following considerations are built into corrective actions:

- Compensation
- Rehabilitation
- Restoration
- Deterrence
- Prevention

The school principal will ensure that all personnel, parents and learners are aware of the contents of this Discipline Policy. All learners will be required to obey the school rules and comply with the Code of Conduct in all respects. Parents are also required to commit to supporting their child/ward in this undertaking.

This policy was adopted by the School Governing Body on the 10th January 2020 This policy has been made available to school personnel and is readily accessible to parents and learners on request.