



EST. 1863

MARITZBURG
COLLEGE

Code of Conduct for Learners

CODE OF CONDUCT FOR LEARNERS AT MARITZBURG COLLEGE

1. Preamble

- 1.1 This disciplinary code sets out:
 - 1.1.1 the conduct expected of all learners at Maritzburg College;
 - 1.1.2 the conduct of such learners that will constitute misconduct;
 - 1.1.3 the punishment that may be imposed in respect of such misconduct;
 - 1.1.4 the procedures to be adopted for the imposition of the punishment; and
 - 1.1.5 matters relating to the above.
- 1.2 This code shall be interpreted with reference to the provisions of the following legislation:
The Constitution of the Republic of SA ("the Constitution");
The South African Schools Act, No. 84 of 1996 ("The Act");
Regulations under KZN Act No. 3 of 1996, published in Provincial Notice No. 285 of 1997. ("The Regulations"); and
The Guidelines published in Govt. Gazette Notice No. 776 of 1998 ("The Guidelines").
- 1.3 This code aims to advance the principles enshrined in the Constitution and in the preamble to the Act and, in so doing, to promote a culture of reconciliation, teaching, learning, mutual respect, tolerance, integrity, efficiency of administration and good governance.
- 1.4 The success of Maritzburg College, and of this code, depend on the commitment of all learners, educators and parents of learners at the school to the aims and objects set out in 1.3, above.

2. Applicability

This code is applicable to all learners presently enrolled at Maritzburg College while on the school premises.

The "school premises" shall be deemed to include:

- 2.1 all premises under the control of the school or its Governing Body or the Maritzburg College and Old Boys' Memorial Trust;
- 2.2 all premises, wherever situated, where and when a learner is representing the school in any sporting, cultural, academic or other activity, or *en route* thereto or there from;
- 2.3 any public place, wherever situated, wherein and while a learner is wearing school uniform or any item of clothing identifying him as a learner at Maritzburg College; and
- 2.4 in the case of boarders, any place whatsoever during a school term while absent from the boarding establishment without leave.

3. Personal Conduct

The personal conduct of a Maritzburg College learner shall exemplify the following principles:

- 3.1 Courtesy founded upon a respect for others regardless of their age or status. This involves standing up to greet staff, visitors and prefects and assisting them, when the need arises, with good grace;
- 3.2 Pride in himself, his school, his appearance and his contribution to the school;
- 3.3 Awareness of his proper role in the school and in society; and
- 3.4 Obedience to the legitimate requests or orders of the Principal, members of staff, prefects and any person who has lawful authority over him at the particular time and place (e.g. a team captain);
- 3.5 Observation and compliance with the School Rules and this Code.

Any conduct at variance with these norms shall be deemed to be misconduct. Without derogating from the generality of the above the specific rules set out in paragraph 4, below, shall apply.

4. Specific Rules

4.1 Attendance

- 4.1.1 Learners should be at school by 7.40 a.m. Latecomers must report to the Pupil Office on arrival and sign the "Late Book".
- 4.1.2 Learners wishing to leave the school premises during school hours or periods of compulsory attendance at the school must obtain an *exeat* from their Housemaster
- 4.1.3 Day boy absence must be explained by a note from the learner's parents on the day of return. A doctor's certificate is required for absence from Structured Tests, Examinations or when the learner has been absent for longer than a week.

4.2 Behaviour and Conduct

- 4.2.1 The possession, 'sniffing, or consumption of any tobacco, alcohol or drugs and the unauthorised inhalation of any volatile substances is forbidden.
- 4.2.2 There shall be no disorderly behaviour (i.e. fighting, littering, and writing on walls or other structures, malicious damage to property, bullying or bad language).
- 4.2.3 Bicycles and motorised bicycles shall not be ridden in the school grounds. Cars must be parked outside the school property or on the terraces off the Calder Drive.
- 4.2.4 Weapons and other dangerous items are not allowed in the school (including those items which are used in "martial arts") unless they are intended for use in an educational activity and have been specifically approved for that purpose by the relevant Housemaster
- 4.2.5 There is to be no hitch hiking in school uniform.

- 4.2.6 After breaks and between breaks, boys will move promptly to classes.
- 4.2.7 Theft or any other act involving deliberate dishonesty is viewed as a serious offence and culprits will be required to appear before a Governing Body Disciplinary Committee. A finding that the learner concerned is guilty in this regard could lead to his expulsion from the school.
- 4.2.8 Learners should act modestly and sensibly. There should be no running in corridors (except in emergencies) and movement about the school should take place with due consideration for other people.
- 4.2.9 Instructions from staff and prefects should be obeyed and carried out with good grace.
- 4.2.10 All learners are registered as users of the Media Centre and Computer Rooms and must abide by the rules and procedures which have been set to facilitate maximum accessibility of all resources.

4.3 **Out of Bounds**

The following areas are out of bounds to learners except when they have express permission from a member of staff:

- 4.3.1 Classrooms before school and during breaks.
- 4.3.2 The School Foyer, the Staff Room, Staff and Administration Offices and Prefects' Rooms, staff cars and the Staff Parking Area.
- 4.3.3 The Boarding Establishment (except for Boarders).
- 4.3.4 Staff quarters.
- 4.3.5 Cycle and motor-cycle parking areas - unless for the purpose of parking or removing one's own vehicle.
- 4.3.6 During break - playing fields and terraces.
- 4.3.7 Laboratories, workshops and audio-visual rooms, Olivier Cultural Centre and computer room unless an educator is present.
- 4.3.8 The day boy changing rooms on Barns, before the end of school, unless accompanied by, or under the charge of, an educator.
- 4.3.9 The area around the entrance to the College Shop. Boys must make their purchases and return to their quads.
- 4.3.10 No boy may remain in the school block after 15h00 (14h00 on Wednesdays), unless he is going to, or leaving, the media centre or computer room [K20].

4.4 **Co-Curricular Activities of the School**

- 4.4.1 All learners are expected to participate in at least one co-curricular activity in each term. All form 2 and form 3 learners are expected to be involved in a summer and a winter sport.
- 4.4.2 Membership of a team, club or society implies a commitment to attend all games, practices and functions.
- 4.4.3 Learners must travel to and from all formal or sporting occasions on organised school transport, unless prior permission is obtained.
- 4.4.4 Boys committing themselves to a sport played in two terms of the year are required to play that sport in both terms.

4.5 **General**

- 4.5.1 Homework is compulsory and must be diligently completed by all learners.
- 4.5.2 Team-testing for juniors is accepted practice and is carried out under published guidelines.
- 4.5.3 Ball games, of any kind, are not allowed in the school block and impromptu ball games involving the use of squash, golf or similar-sized balls are not allowed due to possible eye damage.
- 4.5.4 Learners are allocated lockers and it is compulsory that they are padlocked with a good quality lock (Viro or Master – not more than 38mm). A spare key must be lodged with the Mentor.
- 4.5.5 Bags containing books, sports kit, etc. must not be left unattended, particularly in change rooms, but should be locked in lockers.
- 4.5.6 Large sums of money and valuable items should not be brought to school, but if this is unavoidable, they should be handed to the relevant Housemaster for safekeeping.
- 4.5.7 Cell phones and smart technology devices may be used with permission and under strict supervision of the teacher, and as an educational aid in a formal lesson in the classroom only. Staff written permission is needed to work in any other place than a classroom.

Outside of the formal classroom situation, cell phones and smart technology devices may not be handled or left switched on, nor may they be visible during school hours or in the library at any time. If any cell phone or iPad or any other smart technology device is seen, a sanction will apply depending on the level of transgression and the pupil's record in this regard. These sanctions could range from detentions to confiscation and banning of the device in severe cases. This policy applies to all smart technology devices, tablets and cell phones with or without a camera facility.
- 4.5.8 Boys who bring cell phones, smart phones or educational technology devices to school do so entirely at their own risk. Should they go missing, the school has taken the stance that they will not be responsible for this loss.
- 4.5.9 Cell phones or smart technology devices may not be used to film video, photograph or to disseminate further, any antisocial behaviour committed by boys at school.
- 4.5.10 The use of tape, CD and MP3 players, iPods etc. are not allowed during the school day. These devices are also banned while pupils are in school uniform or dressed in sports kit off the school premises.

5. **Dress Regulations**

5.1 **Preamble**

Personal appearance reflects a pride in oneself and one's school. At all times learners should be neat and tidy - and will, by their dress, appearance and deportment be a credit to themselves, to their families and to Maritzburg College. If a learner arrives at school incorrectly dressed, he must immediately obtain an *exeat* from the Housemaster for the purpose of correcting his dress.

Parents must ensure that all items of clothing, school bags, sports bags plus all sports and other co-curricular equipment are clearly and permanently marked with the learner's name.

5.2 Uniform

The Full School/Winter Uniform: (Worn on all school and formal occasions, on visits to other schools and public places, travelling to and from school and at school).

Black blazer (with school badge); grey trousers; grey socks, long sleeved white shirt (semi stiff collar, no button-down collars), College tie, grey v-neck jersey (with school badge) plain black lace-up shoes, straw basher with hatband.

The Summer Uniform:

Grey shirt (with College badge), grey shorts, long grey socks, plain black lace-up shoes, straw basher with hatband, black blazer with school badge (optional).

5.3 Notes

5.3.1 Off the school premises, or at assemblies, the grey v-necked jersey (with school badge) may be worn as an outer garment, if the learner is in summer greys. If in full school uniform, a blazer must be worn as the outer garment.

Note: A grey, v-necked jersey, without a school badge, may be worn at school, but not as an outer garment off the premises or at assemblies.

5.3.2 Motor cyclists must wear blazers under protective clothing but are excused from wearing bashers.

5.3.3 Cyclists are excused from wearing bashers while cycling and they may wear protective clothing when it is raining, but otherwise the school badge (on a grey shirt, jersey or blazer) must be visible.

5.3.5 Physical Education requires black shorts, black T-shirt or College Speedo costume.

5.3.6 Drama requires black shorts and black T-shirt.

5.3.7 White jerseys and tracksuits are reserved as sports garments only. They may not be worn to or from school, except after 14h40 for sport. Full track suits may be worn home after practices or matches.

5.3.8 A learner must be in possession of prior written permission from his Housemaster if it is necessary, for any reason, for him to travel to school or to travel home (whether walking, cycling, or using public transport) in clothing which does not conform to this code.

5.3.9 No 'boxer' type shorts or T-shirts may be visible if worn under the normal uniform.

5.3.10 At least one button on grey shirts must be fastened.

5.4 Hair Regulations

The purpose behind the regulations listed below is to ensure that learners at Maritzburg College are at **ALL** times neat and tidy, and that the state of their hair brings no discredit to the school.

5.4.1 Hair must be tidy (combed) at all times.

5.4.2 Hair must be reasonably short on top, short at the sides (above the ears) and tapered down at the back of the head to the nape of the neck, and must be clear of the collar.

5.4.3 Hair must be cut with no discernible steps.

5.4.4 No fringes, below the eyebrows when the hair is combed forward, are allowed.

5.4.5 No gel may be used to disguise unacceptable fringes etc.

5.4.6 No dyeing or bleaching of hair is allowed.

5.4.7 No very short-cropped hair is allowed.

5.4.8 No "dreadlocks" or "cornrows" are allowed.

5.4.9 Learners must have their faces clean-shaven at all times and no beards, sideburns or stubble are allowed.

The above regulations will be used as a guideline and the final decision as to the acceptability of any particular learner's hairstyle will rest with the School's Management.

5.5 **General**

- 5.5.1 No visible jewellery or charity-type bangles are allowed to be worn on the school premises or whilst in school uniform.
- 5.5.2 Watches, School Lapel Badges and Medic-alert discs are permitted.
- 5.5.3 Learners may not have their ears, noses, tongues or any other ordinarily visible portions of their bodies pierced.
- 5.5.4 Learners may not have any visible tattoos.

Any deliberate contravention of, or failure to comply with, any of the rules of conduct set out above is deemed to be misconduct.

6. **Boarding Establishment**

In addition to all the above, boarders have further specific rules. For boys from Forms Two to Five these are contained in the Boarding Establishment Handbook, Form Six boarders have their own individual handbook which must be read in conjunction with the handbook for Forms Two to Five. These rules are deemed to form part of this code, and any contravention of those rules will constitute misconduct.

7. **Guidelines for Punishment**

7.1 **Category A**

A learner may be suspended or expelled from the school or be subject to any lesser punishment if he intentionally contravenes or violates any of the following:

- 7.1.1 in the school premises, or when he is wearing the school uniform, or when he is off the premises of the school but under the control of school authorities, he conducts himself in a manner which is or could be seriously detrimental to the maintenance of order or discipline at the school;
- 7.1.2 he damages, destroys, uses, steals or appropriates property of the school or any other person or body;
- 7.1.3 he contravenes any regulation or instruction pertaining to examinations;
- 7.1.4 he wilfully disobeys a legitimate instruction given by the Principal or by an educator authorised to do so by the Principal;
- 7.1.5 he gives false information to the principal or any educator;
- 7.1.6 he is convicted in a court of law of a criminal offence;
- 7.1.7 he incites or instigates or procures a fellow learner to contravene any regulation or any rule of the school;
- 7.1.8 he violates the rights of other learners to receive education by disrupting classes, preventing other learners from attending classes, preventing educators from providing classes or in any other manner;
- 7.1.9 he refuses, without good reason, to attend classes or to receive tuition, or without good reason, deliberately absents himself from school or classes;
- 7.1.10 he commits any act of insubordination towards an educator or other person who occupies a position of authority over him at school which includes use of electronic media or other similar remote methods to convey inappropriate messages to or about the afore mentioned educators or persons in authority;

- 7.1.11 he prevents or attempts to prevent any educator or member of staff from carrying out his/her normal duties;
- 7.1.12 being a boarder, he bunks out of the Boarding Establishment;
- 7.1.13 he engages in conduct which endangers the safety and violates the rights of others;
- 7.1.14 he possesses threatens to use or uses a dangerous weapon;
- 7.1.15 he possesses uses or deals in unauthorised narcotic drugs, alcohol or intoxicants of any kind;
- 7.1.16 he takes part in fighting, assault, battery, bullying or victimisation;
- 7.1.17 he is guilty of any act involving intentional dishonesty, including forgery or falsification of documents;
- 7.1.18 he possesses any stolen property, including stolen test or examination papers or test or examination papers unlawfully acquired before the date of such test or examination;
- 7.1.19 he possesses, disseminates, or attempts to disseminate, any pornographic material;
- 7.1.20 he otherwise conducts himself in a disgraceful manner;
- 7.1.21 he is guilty of repeated misconduct in Category B and/or C.

7.2 Category B

The following misconduct could result in a lesser penalty than the misconduct in Category A:

- 7.2.1 Truancy or deliberate missing of lessons;
- 7.2.2 Smoking;
- 7.2.3 Being out of bounds;
- 7.2.4 Bad language;
- 7.2.5 Hitch hiking;
- 7.2.6 Poor sportsmanship;
- 7.2.7 General and persistent failure to follow the rules, eg. late for meals and roll call (boarders);
- 7.2.8 Inappropriate conduct in the dining hall or the dormitories (boarders);
- 7.2.9 Repeated misconduct in Category C.

7.3 Category C

- 7.3.1 These include (but are not necessarily limited to) all the other acts of misconduct not specifically listed in Categories A or B.
 - 7.3.2 This misconduct could result in a warning or reprimand, or the deprivation of certain privileges, or detention.
- 7.4 The Principal may, from time to time, designate specific conduct to be misconduct, provided that this is not done with retrospective effect.

8. Searches

- 8.1 The Principal or a male educator may, on reasonable suspicion, search a learner or property in the possession of a learner, for a dangerous weapon, firearm, drugs, harmful or dangerous substances, stolen property or pornographic material, or any other item reasonably suspected to be possessed or intended for use by the learner for the purpose of contravening any provision of this code.
- 8.2 During a search, human dignity shall be observed and the search of the person of a learner shall be conducted by a male educator who is authorised thereto by the Principal, in a private place and in the presence of another male educator.
- 8.3 A written record shall be kept of the search proceedings and the outcome.

9. Punishments

- 9.1 The Principal, or a member of staff to whom the power has been delegated by the Principal, is empowered to impose any one or more of the following punishments for any contravention of this code:
- 9.1.1 a warning;
- 9.1.2 a reprimand;
- 9.1.3 an order to perform such work as may be determined, on the school premises for such period as may be determined; provided that the work is performed only during school breaks or after school hours or on Saturdays, but not later than 17h00 and not on Sundays; and further provided that the work, by its nature, shall inure to the benefit of the school. Such work may include (but not be limited to) tidying or repairing, cleaning or painting classrooms or other buildings or equipment or grounds or sports fields or assisting any designated educator in the performance of his or her co- or extra-curricular school activities; provided further that if the work concerned is likely to soil the learner's school uniform, the school shall provide suitable overalls or other clothing for the performance of such work;
- 9.1.4 detention after school hours or during breaks, in a locale and for the purpose designated and for such reasonable periods as may be determined;
- 9.1.5 the payment of compensation, which the Principal is satisfied after proper investigation and enquiry is reasonably affordable by the learner being punished, to the school or to any learner for damage suffered as a result of the misconduct;
- 9.1.6 a deprivation of one or more of the privileges or honours enjoyed by the learner such as (but not limited to) a prohibition against representing the school or attending at any sporting, cultural or social occasion organised by the school for such period as may be deemed appropriate, or the deprivation or suspension of any honours such as prefectship, honours, colours or other symbols awarded by the school;
- 9.2 The Governing Body is empowered to impose any of the following punishments for any contravention of this code which has been referred to the Disciplinary Committee for adjudication in terms of clauses 13, 14 and 15 hereof:
- 9.2.1 suspension or expulsion of the learner from the Boarding Establishment of the school;

- 9.2.2 suspension of the learner from the school, in terms of regulation 3(1)(a) for a period of not more than one week;
- 9.2.3 a recommendation to the Secretary for Education that the learner be expelled from the school in accordance with the procedure prescribed by regulation 5(7)(e) of the Regulations;
- 9.2.4 suspension of the learner from the school coupled with a recommendation to the Secretary for Education that the learner be expelled in accordance with the procedure prescribed by regulations 3(1)(b) and 5(7)(e) of the Regulations. Such suspension shall apply pending the decision of the Secretary for Education as to whether the learner concerned is to be expelled or not.
- 9.2.5 any of the lesser punishments listed in clause 9.1 and deemed to be appropriate in the particular circumstances of the case;
- 9.3 The operation of any of the punishments mentioned in paragraphs 9.1 and 9.2 above may be suspended for such period and on such conditions as may be appropriate.

10 Enforcement of Code

- 10.1 In all cases of misconduct by a learner, save for those referred to the Disciplinary Committee in terms of clause 13.3, the disciplinary functions are to be carried out by the Principal who may, in his sole discretion, delegate authority to impose any punishment designated in clause 9.1, including a suspension of any such punishment in terms of clause 9.3, to any other educator either in general or ad hoc.
- 10.2 The Principal may, for any period during which he is to be absent from the school and pending his return, delegate authority to perform any disciplinary function designated in clause 9.1 to any Deputy Principal or Deputy Principals.
- 10.3 In enforcing this code and imposing punishment, the Principal and his delegates or nominees shall proceed in a summary manner but shall act fairly. In particular, before a decision is made on whether a learner is guilty, the learner shall be asked to respond to the charges and, before punishment is imposed, a learner shall be given the opportunity to make brief oral submissions in mitigation.

11. Suspension Prior to Inquiry

- 11.1 A Governing Body may, on the request of the Principal, order the suspension of a learner in terms of regulation 3(2) before misconduct charges are put to a learner if any of the following requirements are met:
 - 11.1.1 the learner is accused of serious misconduct on or off the school premises which could lead, if the truth of the charge is established, to the expulsion of the learner from school;
 - 11.1.2 it is the opinion of the Governing Body that the continued presence of the learner -
 - 11.1.2.1 endangers the maintenance of discipline, order or social well-being at the school, or
 - 11.1.2.2 hinders or prevents the investigation into his conduct.

- 11.2 Before making an order for the suspension of a learner in terms of sub-rule 11.1 above, the Governing Body must, in terms of regulation 3(3) :
 - 11.2.1 inform the learner and his parents/guardians of the allegations made regarding the conduct of the learner and the reasons why suspension is being considered;
 - 11.2.2 afford the learner and his parents/guardians an opportunity to advance reasons why the learner should not be suspended pending the outcome of an enquiry in terms of paragraphs 12 and 13.
- 11.3 If the Governing Body, after consideration of the representations referred to in paragraph 11.2, decides to order the suspension of a learner, it must -
 - 11.3.1 inform both the learner and the parent in writing of its decision; and
 - 11.3.2 ensure that charges are put to the learner within two school days after the day on which the suspension takes place.
- 11.4 A learner who is suspended from the school pending an enquiry in terms of this clause, shall be entitled to give notice to the Disciplinary Committee to accelerate the date of the enquiry to a specified date, not less than two school days after the date on which such notice is delivered.

12. The Disciplinary Committee

- 12.1 While the primary duty to impose discipline rests on the Principal and the academic staff, certain functions must be carried out by the Governing Body, which shall appoint a disciplinary committee to assist it in this respect. It may also assist the Principal in imposing discipline should the need arise.
- 12.2 The Governing Body shall designate two people to form a Disciplinary Committee.
- 12.3 One of the Disciplinary Committee members shall be designated by the Governing Body as chairperson thereof. It is desirable that such person shall have had at least five years' experience as a practising lawyer.
- 12.4 The Governing Body may designate two alternative members of the Disciplinary Committee to take the place of any member who is unavailable for a particular hearing.
- 12.5 The Chairperson of the Governing Body shall decide which alternative members should take the place of an unavailable member.
- 12.6 Should the Chairperson of the Disciplinary Committee be unavailable for a particular hearing, the Chairperson of the Governing Body shall designate an acting Chairperson.
- 12.7 Notwithstanding the appointment of a Disciplinary Committee and alternates, the Governing Body may, from time to time, appoint an ad hoc Disciplinary Committee consisting of a Chairperson and another person.
- 12.8 A representative on the Governing Body of the Learners' Representative Council shall be notified of all meetings of the Disciplinary Committee and shall be entitled to be present thereat but shall not be entitled to vote or participate in the deliberations except insofar as he is invited to do so by the Chairperson of the Disciplinary Committee. Such representative shall be entitled to designate another member of the Learners' Representative Council to be present at the meeting in his stead unless the learner whose conduct is the subject of the enquiry, or his parents, object.

- 12.9 The Disciplinary Committee shall be entitled to co-opt any other person to attend any such meeting of the Disciplinary Committee and to act as non-voting advisor.
- 12.10 Any evidence placed before the Disciplinary Committee shall be confidential and privileged and may only be disclosed to the Governing Body for the purpose of enabling the Governing Body to consider the recommendations of the Disciplinary Committee and to make its final decisions as to the guilt of the learner whose conduct is being enquired into and, where applicable, the punishment to be imposed. The privilege referred to pertains to both the school and to the learner concerned, but the Principal shall be entitled, at his discretion, to publish to the staff, learners and parents of learners at the school, a summary of the charges laid against the learner concerned, the findings of the Disciplinary Committee and the decision of the Governing Body as to guilt or innocence and, where applicable, as to punishment.

13. Procedure Prior to Disciplinary Committee Enquiry

- 13.1 Whenever the Principal receives information of misconduct which may justify suspension or expulsion, he shall cause the matter to be investigated and statements to be made by the learner concerned (who will hereinafter be referred to as "the accused learner") and any persons who may be in a position to give direct evidence relevant to the investigation of the misconduct.
- 13.2 Thereafter the Principal shall consider the evidence.
- 13.3 If the Principal is of the opinion that the accused learner's conduct might justify one of the punishments listed in clause 9.2, or whenever, for any other reason, he considers it necessary, desirable or expedient to do so, he shall inform the Chairman of the Disciplinary Committee who shall, as soon as may be convenient, convene a meeting of the Disciplinary Committee.
- 13.4 The Principal shall, as soon as a date, time and venue of the meeting has been determined, give at least one week's written notice to the accused learner and his parents/guardians of the date, time and venue of the meeting of the Disciplinary Committee. The notice shall:
- 13.4.1 set out the conduct of the accused learner which will be the subject matter of the enquiry before the Disciplinary Committee in sufficient detail so that the date, time, place and nature of the alleged misconduct are ascertainable;
- 13.4.2 inform the parents/guardians of their right to be present at the meeting;
- 13.4.3 point out, where applicable, that the hearing could result in the expulsion or suspension of the learner from the school;
- 13.4.4 state, in any matter in which the accused learner may be in jeopardy of being expelled or suspended from the school, that the learner shall be entitled to legal representation, or to be represented by a fellow learner, an educator, or a parent/guardian;
- 13.4.5 inform the learner, in any matter other than one referred to in clause 13.4.4, as to whether he will be entitled to be represented at the hearing and, if so, what form that representation may take;
- 13.4.6 inform the learner that if he fails to attend the hearing it will proceed in his absence and a decision as to his guilt or innocence will be made and, where applicable, an appropriate punishment will be decided upon and may be imposed by the Governing Body.

- 13.5 The Principal shall furnish, together with the said notices, copies of all documents or statements in his possession relevant to the charges. The names of informants or other witnesses may, before the commencement of the enquiry, be kept secret in the discretion of the Principal. In the event of the accused learner or his representative disputing the Principal's decision to keep the source of any information secret in terms of this provision, the accused learner may make representations in support of his contentions to the chairperson of the Disciplinary Committee whose decision shall be final.
- 13.6 A learner involved in disciplinary proceedings must be counselled by the school counsellor or any other member of staff appointed by the Principal

14. Procedure at Enquiry

- 14.1 The Principal shall generally appoint a member of staff to act as pro-forma prosecutor at the disciplinary enquiry but may, in his discretion and having regard to the nature of the matters being investigated, appoint any other person whom he considers suitable to act as pro-forma prosecutor.
- 14.2 In any enquiry in which one of the punishments listed in clauses 9.2.3 or 9.2.4 may be imposed, the accused learner shall be entitled to legal representation at the hearing, but in any other matter the Chairperson shall have discretion as to whether legal representation is to be permitted.
- 14.3.1 The Chairperson of the Disciplinary Committee shall, in his sole discretion, prescribe the procedure for the hearing and consideration of evidence at any disciplinary enquiry, subject always to the requirements of regulations 5(4) and 5(5) of the Regulations, the other legislation referred to in clause 1.2 and the principles of fairness and justice.
- 14.3.2 The Chairperson shall, at the commencement of the hearing, inform the parties of the procedure to be adopted in this regard and shall give the parties the opportunity to make representations to him in connection with the proposed procedure.
- 14.3.3 His decision after consideration of any such representations shall be final and binding on the parties.
- 14.4 The statements and other documents sent to the accused learner with the notice referred to in clause 13.5 shall, unless the Chairperson of the Disciplinary Committee otherwise directs, constitute evidence before the Disciplinary Committee subject to the accused learner's right to question the author of any statement or document as to the veracity or accuracy of its contents or as to any relevant matter relating thereto.
- 14.5 The pro-forma prosecutor may place any evidence in addition to that in the statements and documents referred to in clause 14.4, above, before the Disciplinary Committee, subject to the accused learner's right to be given an adequate opportunity to consider such evidence and to challenge it insofar as it conflicts with his defence.
- 14.6 The accused learner shall, when the pro-forma prosecutor has presented all the evidence on behalf of the school, be entitled to present the evidence in support of his defence.

- 14.7 The Chairperson of the Disciplinary Committee shall decide, in his discretion, whether the pro-forma prosecutor and/or the accused learner shall be entitled to address the Disciplinary Committee after all the evidence has been presented and may direct that such address shall be limited to particular aspects of the enquiry.
- 14.8 After receiving all of the evidence and hearing any address permitted in terms of clause 14.7, the Disciplinary Committee shall state its decision as to the guilt or innocence of the accused learner. Such decision may be that the accused learner is not guilty of the misconduct complained of but of some less serious misconduct which falls within the ambit of the misconduct complained of and the facts constituting which are contained in the statements and documents referred to in clause 13.5, above; provided always that the accused learner has been informed, during the course of the proceedings, that he stands in jeopardy of being convicted of such lesser offence and has been afforded an adequate opportunity of dealing with the evidence relating to it.
- 14.9 If the accused learner is held to be guilty of an offence, he shall be given an adequate opportunity to place mitigatory facts before the Disciplinary Committee and to make submissions in mitigation of punishment and the pro-forma prosecutor shall be entitled to place the accused learner's school records before the Disciplinary Committee and to furnish any other information which he may consider relevant to the question of punishment.
- 14.10 After considering the material placed before it in terms of clause 14.9, the Disciplinary Committee shall state its decision as to the punishment which it considers appropriate; provided that the Disciplinary Committee shall have the power, in any case in which it considers that punishment should be imposed by the Principal, to refer the matter to the Principal for the imposition of such punishment in terms of clause 9.1 as the Principal may, in his discretion, consider appropriate.
- 14.11 The Disciplinary Committee shall inform the accused learner and his parents/guardian of the date of the next meeting of the Governing Body, of the procedure prescribed by clause 15, and of the accused learner's right to make written representations to the Governing Body concerning his conviction and/or punishment.
- 14.12 The Chairperson of the Disciplinary Committee shall ensure that an accurate record of the proceedings is kept for subsequent submission to the Governing Body in accordance with the provisions of clause 15, below, read with regulation 5(5) of the Regulations.

15. Procedure After Enquiry

- 15.1 The Disciplinary Committee shall report to the Governing Body as soon as possible after each enquiry, enclosing a copy of the record of the enquiry and all the relevant documents.
- 15.2 The learner or his representative and the Principal shall be entitled to make written representations to the Governing Body concerning the recommendations made by the Disciplinary Committee.

- 15.3 Apart from such written representations, the learner or his representative shall have no right of appearance at the meeting of the Governing Body.
- 15.4 Should the Principal request the Governing Body not to confirm a Disciplinary Committee recommendation that a learner be found not guilty, or to impose a punishment more severe than that recommended by the Disciplinary Committee, he shall notify the accused learner to that effect and the learner or his representative shall have the right to make written representations to the Governing Body in connection with such request.
- 15.5 The Governing Body shall have the right to accept, reject or vary any recommendation of the Disciplinary Committee, provided that, before making a finding less favourable to the learner than that recommended by the Disciplinary Committee, and if representations have not been made in terms of paragraph 15.4, the learner or his representative and the Principal shall have the right first to make written representations to the Governing Body.
- 15.6 Should the Governing Body decide to change a finding of not guilty to one of guilty, it shall refer the matter back to the Disciplinary Committee for purposes of considering punishment, after which paragraphs 14.12 to 15.5 shall apply, *mutatis mutandis*.
- 15.7 If the Disciplinary Committee resolves to recommend expulsion or suspension from the school, the Governing Body shall convene within five days to consider this resolution and, if it approves, to forward the recommendation to the Department of Education forthwith or to put into force the suspension as the case may be.

16. Procedure After Governing Body Decision

- 16.1 The Governing Body shall notify the learner and his parents/guardians in writing as soon as possible after making a decision on the recommendation of the Disciplinary Committee:
- 16.1.1 of the decision(s) taken by it on both the charges and punishment, and if applicable, of any suspension or recommendation relating to expulsion;
- 16.1.2 of the right to appeal to the Secretary for Education.
- 16.2 If the Governing Body recommends an expulsion or suspends a learner, it shall notify the Secretary for Education thereof within 24 hours.

17. Appeal

- 17.1 A person who is aggrieved by a decision taken by the Governing Body, including a decision to expel a learner from a hostel, may appeal to the Secretary for education.
- 17.2 A learner or his parent, who is aggrieved by a decision of the Secretary for Education made in terms of clause 17.1, may appeal to the MEC.
- 17.3 A Governing Body which is aggrieved by a decision of the Secretary for Education made in terms of clause 17.1 may appeal to the MEC.

18. Prefects

- 18.1 The Principal may, in consultation with the Disciplinary Committee and the Learners' Representative Council, draw up a list of offences that may be dealt with by any prefect together with a list of punishments that the prefect may impose.
- 18.2 In exercising any of the powers conferred on them in terms of clause 18.1, prefects must endeavour to act fairly to the learner concerned, with due regard to any extenuating factors that may be brought to their attention.
- 18.3 The list mentioned in paragraph 18.1 shall be displayed on the official notice board and the attention of all learners shall be drawn to its existence and import.