



EST. 1863

MARITZBURG  
COLLEGE

SCHOOL RULES

AND

CODE OF CONDUCT

FOR LEARNERS

## CONTENTS

<b>SECTION A:</b>	<b>SCHOOL RULES</b>	<b>3</b>
1.	Preamble	3
2.	Applicability	3
3.	Personal Conduct	4
4.	Attendance	4
5.	General	4
6.	Out of Bounds	6
7.	Co-Curricular Activities of the School	6
8.	Appearance	7
9.	Boarding Establishment	8
<b>SECTION B:</b>	<b>CODE OF CONDUCT</b>	<b>9</b>
1.	Serious Misconduct	9
2.	Less serious misconduct	10
3.	Minor misconduct	11
4.	Searches	12
5.	Testing	12
6.	Disciplinary Process	12
7.	Disciplinary Tribunal	13
8.	Suspension as a Precautionary Measure	13
9.	Disciplinary Hearing, in the event of allegations of serious misconduct	14
10.	Disciplinary Hearing, in the event of allegations of less serious misconduct (Clause 2.1)	16
11.	The Rights of a Learner	17
12.	Sanctions	18
13.	Expulsion from the School	18
14.	Suspension and Expulsion from Boarding Establishments	19
15.	Appeal	20

### **Definitions:**

In this document –

*“Head of Department”* means the Head of Department of Education in the Province of KwaZulu-Natal.

*“Boarding Establishment”* or *“BE”* means hostel accommodation.

## SECTION A: SCHOOL RULES

### 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 sanction that may be imposed in respect of such misconduct;
  - 1.1.4. the procedures to be adopted for the imposition of the sanction; 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:
  - 1.2.1. The Constitution of the Republic of SA (“the Constitution”);
  - 1.2.2. The South African Schools Act, No. 84 of 1996 (“The Act”);
  - 1.2.3. The Guidelines published in Govt. Gazette Notice No. 776 of 1998 (“The Guidelines”);
  - 1.2.4. Provincial Gazette – Extraordinary – 22 June 2015. Volume 9 No. 1385; and
  - 1.2.5. Any Provincial Legislation promulgated from time to time by the Member of the Executive, and National and Provincial regulations, guidelines, circulars and policies.
- 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 clause 1.3, above.

### 2. Applicability

- 2.1. This code is applicable to all learners presently enrolled at Maritzburg College while on the school premises.
- 2.2. The “school premises” shall be deemed to include:
  - 2.2.1. all premises under the control of the school or its Governing Body or the Maritzburg College and Old Boys’ Memorial Trust;
  - 2.2.2. 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;
  - 2.2.3. any public place, wherever situated, wherein and while a learner is wearing school uniform or any item of clothing identifying him as or where he can otherwise be identified as, a learner at Maritzburg College; and
  - 2.2.4. in the case of boarders, any place whatsoever during a school term while away from the boarding establishment.

### **3. Personal Conduct**

- 3.1. The personal conduct of a Maritzburg College learner shall exemplify the following principles:
- 3.1.1. 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;
  - 3.1.2. Pride in himself, his school, his appearance and his contribution to the school;
  - 3.1.3. Awareness of his proper role in the school and in society;
  - 3.1.4. 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); and
  - 3.1.5. Observation and compliance with the School Rules.
- 3.2. Any conduct at variance with these norms shall be deemed to be misconduct.
- 3.3. Without derogating from the generality of the above the specific rules set out in clauses 4 to 9 below, shall apply. This is not an exhaustive list and may be expanded to include any other offences that may arise from time to time and depending on the circumstances.

### **4. Attendance**

- 4.1. Learners should be at school by 7:30 am. Latecomers must report to the Pupil Office on arrival and sign the 'Late Book'.
- 4.2. 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.
- 4.3. 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 Common Tests, Examinations or when the learner has been absent for longer than a week.

### **5. General**

- 5.1. Learners should act modestly and sensibly. There should be no running in corridors and movement about the school should take place with due consideration for other people.
- 5.2. Instructions from staff and prefects should be obeyed and carried out with good grace.
- 5.3. 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.
- 5.4. 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.
- 5.5. 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).

- 5.6. After breaks and between breaks, learners will move promptly to classes.
- 5.7. Homework is compulsory and must be diligently completed by all learners.
- 5.8. Team-testing for juniors is accepted practice and is carried out under published guidelines.
- 5.9. 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 or damage to the school.
- 5.10. 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.
- 5.11. All personal belongings including bags containing books, sports kit, etc. must not be left unattended, particularly in change rooms, but should be locked in lockers.
- 5.12. 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.
- 5.13. Cell phones are not permitted to be used by learners at school between the hours of 07:25 and 14:00. They may be carried on the learners' person, but they may not be visible.
- 5.14. If a cell phone is confiscated from a learner, it will be for the minimum duration of three weeks. There will also be a penalty of three two-hour detentions.
- 5.15. Cell phones or smart technology devices may not be used to photograph, film, record or save any anti-social or inappropriate content. Cell phones or smart technology devices may also not be used to disseminate, comment on or post such content via any social media platform.
- 5.16. Learners may not interact or engage inappropriately on any school social media content or platform.
- 5.17. Cell phones or smart technology devices, except for an approved calculator, are not allowed in an examination or test venue.
- 5.18. Learners 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.
- 5.19. The use of tape, CD and MP3 players, iPods etc. is not allowed during school hours except with the express approval of the subject teacher in the classroom environment. These devices are also banned while learners are in school uniform or dressed in sports kit off the school premises.
- 5.20. Bicycles and motorised bicycles shall not be ridden in the school grounds. Cars must be parked outside the school property or on the school terraces off the College Road.
- 5.21. There is to be no hitch-hiking.
- 5.22. Any deliberate or repeated contravention of, or failure to comply with, any of the rules of conduct set out above will constitute misconduct.

## **6. Out of Bounds**

- 6.1. The following areas are out of bounds to learners except when they have express permission from a member of staff:
- 6.1.1. Classrooms before school and during breaks.
  - 6.1.2. The school foyer, staff room, staff and administration offices, prefects' rooms, staff cars and the staff parking area.
  - 6.1.3. The Boarding Establishment during school hours, including the kitchen and dining hall. Boarders will only be allowed back into the boarding houses if permission has been granted by the BE Housemaster.
  - 6.1.4. Staff quarters.
  - 6.1.5. Cycle and motor-cycle parking areas - unless for the purpose of parking or removing one's own vehicle.
  - 6.1.6. During break - playing fields and terraces.
  - 6.1.7. Laboratories, workshops and audio-visual rooms, Olivier Cultural Centre and computer room unless an educator is present.
  - 6.1.8. Toilets and the music rooms on Barns, before the end of school, unless accompanied by, or under the supervision of, an educator.
  - 6.1.9. The area around the entrance to the College Shop. Learners must make their purchases and return to their quads.
  - 6.1.10. No learner may remain in the school block after 15:00 unless he is going to, or leaving, the media centre or computer room [K20].
  - 6.1.11. The swimming pool area, unless under the supervision of an educator.
  - 6.1.12. The school halls including the Alan Paton Memorial Hall, Victoria Hall, Olivier Cultural Centre and the Ron Jury Sports Centre, unless accompanied by, or under the supervision of, an educator.

## **7. Co-Curricular Activities of the School**

- 7.1. All learners are expected to participate in at least one co-curricular activity in each term. All Second and Third Form learners are expected to be involved in a summer and a winter sport.
- 7.2. Membership of a team, club or society implies a commitment to attend all games, practices and functions.
- 7.3. Learners must travel to and from all formal or sporting occasions on organised school transport, unless prior permission is obtained.
- 7.4. Learners committing themselves to a sport played in two terms of the year are required to play that sport in both terms. The exception to this is the Form 6 group, non-first team players, in the fourth term.

## 8. Appearance

### 8.1. General Appearance:

- 8.1.1. 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.
- 8.1.2. If a learner arrives at school incorrectly dressed, he must immediately obtain an exeat from the Housemaster for the purpose of correcting his dress.
- 8.1.3. 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.
- 8.1.4. No visible jewellery or charity-type bangles are allowed to be worn on the school premises or whilst in school uniform.
- 8.1.5. Watches, School Lapel Badges and Medic-alert discs are permitted.
- 8.1.6. Learners may not have their ears, noses, tongues or any other ordinarily visible portions of their bodies pierced.
- 8.1.7. Learners may not have any visible tattoos.

### 8.2. Uniform:

- 8.2.1. 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.
- 8.2.2. 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.
- 8.2.3. 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.
- 8.2.4. Motor cyclists must wear blazers under protective clothing but are excused from wearing bashers.
- 8.2.5. 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. The wearing of cycling headgear is compulsory.
- 8.2.6. Physical Education requires black shorts, black T-shirt and College costume.
- 8.2.7. Drama requires black shorts and black T-shirt.
- 8.2.8. Tracksuits are reserved as sports garments only. They may not be worn to or from school, except after 14:40 for sport. Full track suits may be worn home after practices or, in certain instances, matches.

- 8.2.9. 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.
- 8.2.10. No 'boxer' type shorts or T-shirts may be visible if worn under the normal uniform.
- 8.2.11. At least one of the two buttons on grey shirts must be fastened.
- 8.2.12. Scarves, other than the Award Scarves, are not allowed to be worn.

### 8.3. Hair Regulations

- 8.3.1. 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.
- 8.3.2. Hair must be tidy (combed) at all times.
- 8.3.3. 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.
- 8.3.4. Hair must be cut with no discernible steps.
- 8.3.5. No fringes, below the eyebrows when the hair is combed forward, are allowed.
- 8.3.6. No gel may be used to disguise unacceptable fringes etc.
- 8.3.7. No dyeing or bleaching of hair is allowed.
- 8.3.8. No very short-cropped hair is allowed (a minimum Number 3 is allowed).
- 8.3.9. No 'dreadlocks' or 'cornrows' are allowed.
- 8.3.10. Learners must have their faces clean-shaven at all times and no beards, sideburns or stubble are allowed. Learners wishing to grow beards for religious purposes must seek written permission from the Deputy Headmaster responsible for Discipline.

- 8.4. 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.

## 9. Boarding Establishment

- 9.1. In addition to all the above, boarders have further specific rules.
- 9.2. For boys from Forms Two to Six these are contained in the Boarding Establishment Handbook.
- 9.3. In terms of the Boarding Establishment Code of Conduct, certain offences committed in the BE may also constitute offences in terms of the School Code of Conduct, where such an offence is committed the provisions as set out in the School Code of Conduct may apply and may regulate the manner in which disciplinary action is taken in respect of such an offence.



## **SECTION B: CODE OF CONDUCT**

### **1. Serious Misconduct**

- 1.1. A learner may be suspended or expelled from the School, or be subject to any lesser sanction if he contravenes or violates any of the following:
  - 1.1.1. all forms of bullying, fighting, assault, battery, or victimisation;
  - 1.1.2. uses, sells or is found in possession of illegal drugs and intoxicating substances;
  - 1.1.3. tests positive for illegal drugs or intoxicating substances following a test administered by the school;
  - 1.1.4. contravening the school rules pertaining to cell phones (Section A: clauses 5.15 and 5.16);
  - 1.1.5. commits any form of irregularity relating to examinations;
  - 1.1.6. threats or acts of violence towards fellow learners, educators, members of staff and any other person on school property;
  - 1.1.7. deliberate and serious undermining of the authority of the principal, educators and members of staff;
  - 1.1.8. all forms of harassment;
  - 1.1.9. racism in any form;
  - 1.1.10. robbery;
  - 1.1.11. all forms of theft excluding petty theft that is classified as a lesser offence;
  - 1.1.12. distribution, possession or viewing of obscene or pornographic material;
  - 1.1.13. sexual coercion (any acts used or aimed at procuring sexual favours);
  - 1.1.14. sexual activities (sex related activities amongst learners or between learners and educators, between learners and members of staff or between learners and any other person including those persons involved in a school activity);
  - 1.1.15. sexual assault (sex related acts including flashing, groping, rape and indecent assault);
  - 1.1.16. any initiation practices;
  - 1.1.17. using, selling or being in possession of dangerous objects for non-educational purposes, which can cause harm or be used to threaten or cause harm to others;
  - 1.1.18. acts of xenophobia;
- 1.2. The above list of serious offences is not exhaustive and the school may include any other offences that may arise from time to time.
- 1.3. The Principal may, from time to time, designate specific conduct to be misconduct, provided that this is not done with retrospective effect.
- 1.4. The offences referred to in clause 1.1 above shall be dealt with in accordance with the disciplinary procedure set out in Clause 6 below.
- 1.5. The sanctions as listed in clause 12.2 below shall be applicable to offences listed in clause 1.1 above.

## **2. Less serious misconduct**

- 2.1. The following misconduct could result in a lesser penalty than the misconduct listed in clause 1.1 above:
- 2.1.1. theft including cell phone, sports equipment etc.;
  - 2.1.2. truancy;
  - 2.1.3. smoking or 'packing';
  - 2.1.4. irregularities relating to academic work;
  - 2.1.5. graffiti;
  - 2.1.6. bunking class, compulsory school event etc.;
  - 2.1.7. dishonesty including signing own misconduct slip;
  - 2.1.8. disobeys reasonable instruction e.g. dress or hair;
  - 2.1.9. failing to attend detention;
  - 2.1.10. disruptive in class that would result in a boy being sent out;
  - 2.1.11. anti-social behaviour in the quad e.g. teasing another boy, a scuffle, pestering another boy for money at the tuck shop;
  - 2.1.12. regular absenteeism;
  - 2.1.13. failing to supply an absentee note;
  - 2.1.14. usage of cell phone and tablet at wrong time;
  - 2.1.15. being out of bounds;
  - 2.1.16. bad language;
  - 2.1.17. hitch-hiking;
  - 2.1.18. poor sportsmanship;
  - 2.1.19. petty theft;
  - 2.1.20. any other act involving deliberate dishonesty;
  - 2.1.21. the possession, 'sniffing', or consumption of any tobacco, alcohol or drugs and the unauthorised inhalation of any volatile substances;
  - 2.1.22. giving false information to the principal or any educator;
  - 2.1.23. 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 aforementioned educators or persons in authority;
  - 2.1.24. possession of any stolen property, including stolen test or examination papers or test or examination papers unlawfully acquired before the date of such test or examination;
  - 2.1.25. any form of misconduct committed on the school premises, or off the premises, with a cell phone or any other social media device including but not limited to, pornography, gambling, inciting to violence, defamation, racism, sexual harassment and politicking;
  - 2.1.26. any act involving intentional dishonesty, including forgery or falsification of documents;
  - 2.1.27. conviction in a court of law of a criminal offence;
  - 2.1.28. refuses, without good reason, to attend classes or to receive tuition, or without good reason, deliberately absents himself from school or classes;

- 2.1.29. prevents or attempts to prevent any educator or member of staff from carrying out his/her normal duties;
  - 2.1.30. incites or instigates or procures a fellow learner to contravene any regulation or any rule of the school;
  - 2.1.31. damages, destroys, uses, steals or appropriates property of the school or any other person or body;
  - 2.1.32. engages in conduct which endangers the safety and/or violates the rights of others; and
  - 2.1.33. minor offences contravened more than three times.
- 2.2. The above list of offences is not exhaustive and the School may include any other offences that may arise from time to time.
- 2.3. Where the circumstances of the offences referred to in clause 2.1 above are so serious or are aggravated, such offence may be deemed to be a serious offence and dealt with in accordance with clause 6 below.
- 2.4. The offences referred to in clause 2.1 above shall be dealt with in accordance with the disciplinary procedure set out in clause 10 below.
- 2.5. The sanctions as listed in clause 12.1 below shall be applicable to offences listed in clause 2.1 above.

### **3. Minor misconduct**

- 3.1. The following offences are regarded as minor misconduct and generally fall within the authority of the teachers and the day housemaster:
- 3.1.1. Late for class;
  - 3.1.2. Not doing homework;
  - 3.1.3. Out of bounds;
  - 3.1.4. Bad language;
  - 3.1.5. Poor sportsmanship;
  - 3.1.6. Unacceptable dress, no basher etc.;
  - 3.1.7. Long hair, not shaving etc.;
  - 3.1.8. Distraction in class.

- 3.2. The above list of offences is not exhaustive and the school may include any other offences that may arise from time to time.
- 3.3. Minor offences that are contravened more than three (3) times by a learner shall be dealt with as a serious misconduct (see clause 2.1.33 above).
- 3.4. The sanctions as listed in clause 12.1 below shall be applicable to offences listed in clause 3.1 above.

#### **4. Searches**

- 4.1. 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.
- 4.2. 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.
- 4.3. A written record shall be kept of the search proceedings and the outcome.

#### **5. Testing**

- 5.1. Once reasonable suspicion has been established for the use or possession of drugs, the parents or guardians should be notified as soon as possible.
- 5.2. A test is permitted to be conducted in privacy in the sickbay, but it must be done in a thoughtful and dignified manner, and in the presence of an authorised educator.
- 5.3. At every stage the search and test procedures will follow the school's policy on alcohol, drugs and other illegal or forbidden substances.

#### **6. Disciplinary Process**

- 6.1. Whenever the Principal receives information of alleged serious misconduct, as set out in clause 1.1 above, he shall cause the matter to be investigated.
- 6.2. Thereafter the Principal shall consider the evidence, and where disciplinary action is required to be taken in a matter relating to serious misconduct, report the incident to the Governing Body.
- 6.3. The Governing Body shall appoint a disciplinary tribunal in terms of clause 7 below, to attend to the disciplinary matter and to conduct the disciplinary hearing against the learner who allegedly committed the serious misconduct.

- 6.4. A learner involved in disciplinary proceedings may be counselled by the school counsellor or any other member of staff duly appointed by the Principal.
- 6.5. No form of persuasion to remove a child from a school in order to avoid disciplinary action is permitted.

## **7. Disciplinary Tribunal**

- 7.1. The disciplinary tribunal must –
  - 7.1.1. consist of three members;
  - 7.1.2. be chaired by a member of the school’s governing body;
  - 7.1.3. be representative of the school’s demographics;
  - 7.1.4. conduct all proceedings in a fair and just manner, which includes conducting proceedings in a language that accommodates all parties; and
  - 7.1.5. make recommendations on its findings to the governing body.
- 7.2. A tribunal will be constituted with the necessary expertise to deal with different disciplinary matters as and when they arise.
- 7.3. Where necessary, the Governing Body may consult with experts to assist the tribunal with the disciplinary proceedings, however, such experts need not be part of the Governing Body or tribunal.

## **8. Suspension as a Precautionary Measure**

- 8.1. The Governing Body may suspend a learner who is suspected of serious misconduct from attending school as a precautionary measure, pending the disciplinary hearing.
- 8.2. Suspension as a precautionary measure shall be implemented if –
  - 8.2.1. the presence of the learner at the school compromises the safety of other learners and staff at the school;
  - 8.2.2. the presence of the learner at the school may result in damage to property;
  - 8.2.3. the presence of the learner at the school will cause disruption of the teaching and learning process; or
  - 8.2.4. the presence of the learner in the boarding establishment will compromise the safety of staff and other learners.
- 8.3. The learner must be given a reasonable opportunity to make written representation to the Governing Body as to why he should not be suspended as a precautionary measure.
- 8.4. The Governing Body will consider such representations and give reasons in writing to the learner and to his parents for the decision to continue with the precautionary suspension;

8.5. The Governing Body must obtain the approval of the Head of Department of Education in the Province of KwaZulu-Natal (hereinafter referred to as the 'Head of Department') to continue to suspend the learner if the disciplinary hearing is not conducted within seven days after suspension.

8.6. If the approval referred to in clause 8.5 is not obtained from the Head of Department, the learner must return to school after the seven days' suspension period has expired.

## **9. Disciplinary Hearing, in the event of allegations of serious misconduct**

9.1. The tribunal must conduct the disciplinary hearing, referred to in clause 7 within seven school days from the date of suspension of a learner.

9.2. In the event that the learner is not suspended in accordance with clause 8 above, the disciplinary hearing must be conducted, where reasonably practicable, within 7 days of the incident being reported to the Governing Body in accordance with clause 6.2 above.

9.3. The Disciplinary Tribunal shall determine the date, time and venue of the disciplinary hearing and notify the parties accordingly and in accordance with the provisions set out below.

9.4. The Disciplinary Tribunal shall, as soon as a date, time and venue of the hearing has been determined, give at least 5 school days' written notice to the learner and his parents/guardians to attend the disciplinary hearing and stipulate the date, time and venue of the disciplinary hearing.

9.5. The notice referred to above shall further:

9.5.1. set out the allegations against the learner which will be the subject matter of the hearing before the Disciplinary Tribunal in sufficient detail so that the date, time, place and nature of the alleged misconduct are ascertainable;

9.5.2. inform the parents/guardians of their right to be present at the meeting;

9.5.3. point out, where applicable, that the hearing could result in the expulsion or suspension of the learner from the school if found guilty of the allegations of serious misconduct;

9.5.4. state, that the learner shall be entitled to be accompanied and represented by a fellow learner, an educator, or a parent/guardian;

9.5.5. inform the learner that if he fails to attend the hearing it may proceed in his absence and the learner shall be bound by any decision taken during his absence.

9.6. The Principal shall generally appoint a member of staff to act as the School Representative at the disciplinary hearing 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 the School Representative.

9.7. The learner has the right to be present at the disciplinary hearing, and accompanied and represented by his parents or a person designated by the parents into the hearing venue; unless good cause is shown why the tribunal should proceed in the absence of the parent/s or the designated person;

- 9.8. The tribunal may proceed with the hearing in the absence of the learner if the learner does not attend the hearing and does not –
- 9.8.1. provide good cause for not attending;
  - 9.8.2. provide documentary proof, where applicable; or
  - 9.8.3. give written notice to the tribunal that he will not be attending the hearing and provide reasons for not attending and documentary proof, where applicable.
- 9.9. No legal representation will be permitted unless exceptional circumstances exist and the Disciplinary Tribunal, after considering an application for legal representation, determines it necessary and fair.
- 9.10. The Chairperson of the Disciplinary Tribunal must inform the learner of the due process and the learner's right, as set out in clauses 9.11 to 9.21 below.
- 9.11. The tribunal during the disciplinary hearing:
- 9.11.1. must consider representations made by all parties during the hearing;
  - 9.11.2. must make a recommendation to the Governing Body on its findings;
  - 9.11.3. must ensure that the disciplinary hearing safeguards the interest of the learner and any other party involved in the proceedings;
  - 9.11.4. must allow the learner to be accompanied to the hearing by his parent/s or by a person designated by the parent;
  - 9.11.5. must ensure, where practicable, that witnesses under the age of 18 give evidence through an intermediary if it appears that such witnesses may be exposed to undue mental stress or suffering when testifying at the proceedings;
  - 9.11.6. must ensure that the hearing is conducted in a fair and humane manner;
  - 9.11.7. must conduct the hearing in a language that the learner understands or provide an interpreter; and
  - 9.11.8. must take into consideration the appropriate needs of learners with special education needs and must create an environment that is conducive to such learners with special education needs, whether such learner is a learner against whom disciplinary action is taken or is a witness at the hearing.
- 9.12. The Chairperson of the Disciplinary Tribunal shall prescribe the procedure for the hearing and consideration of evidence at any disciplinary enquiry, and notify the parties present accordingly.
- 9.13. The School representative may submit any statements and other documents as evidence before the Disciplinary Tribunal subject to:
- 9.13.1. The 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.
  - 9.13.2. The learner's right to be given an adequate opportunity to consider such evidence and to challenge it insofar as it conflicts with his defence.

- 9.14. The learner shall, when the School Representative has presented all the evidence on behalf of the school, be entitled to present the evidence in support of his defence.
- 9.15. The learner shall be given an adequate opportunity to place mitigating facts before the Disciplinary Tribunal and to make submissions in mitigation of the sanction.
- 9.16. The School Representative shall be entitled to present aggravating factors in respect of sanction, including but not limited to placing the learner's school records before the Disciplinary Tribunal and to furnish any other information which he may consider relevant to the question of the sanction.
- 9.17. After considering the material placed before it, the Disciplinary Tribunal shall make a recommendation to the Governing Body on its findings.
- 9.18. The Chairperson of the Disciplinary Tribunal shall ensure that an accurate record of the proceedings is kept for subsequent submission to the Governing Body.
- 9.19. The Governing Body shall determine in accordance with the recommendations of the Disciplinary Tribunal, an appropriate sanction as set out in clause 12 below.
- 9.20. The Governing Body shall as soon as reasonably practicable inform a learner, who is found guilty, of the following in writing –
- 9.20.1. the sanction imposed;
  - 9.20.2. the reasons for such decision; and
  - 9.20.3. the learner's right of appeal to the Head of Department against the sanction imposed by the Governing Body (excluding expulsion), in accordance with Clause 15 below.
- 9.21. If the Governing Body recommends an expulsion or suspends a learner, it shall notify the Head of Department thereof within 24 hours and the procedure as set out in clause 13 below must be followed.

**10. Disciplinary Hearing, in the event of allegations of less serious misconduct (Clause 2.1)**

- 10.1. An internal disciplinary tribunal will be constituted to deal with the offences described in clause 2.1 above.
- 10.2. The internal disciplinary tribunal must:
- 10.2.1. consist of three members, namely the senior deputy discipline, a deputy head and the housemaster/assistant housemaster (day boy or boarder, whichever is relevant), or their delegated nominee in the event that such member is not available.
  - 10.2.2. be chaired by the member of school management responsible for discipline;



- 10.2.3. Provide written notification of at least 5 days' notice to the accused learner and his parents/guardians, which notification shall stipulate:
    - 10.2.3.1 the date, time and venue of the internal disciplinary hearing;
    - 10.2.3.2 the allegations against the accused learner, and the conduct which will be the subject matter of the disciplinary hearing;
    - 10.2.3.3 the parents/guardians of their right to be present at the meeting; and
    - 10.2.3.4 the rights of the learner during the disciplinary hearing.
  - 10.2.4. ensure that the disciplinary hearing safeguards the interest of the learner and any other party involved in the proceedings;
  - 10.2.5. inform the learner of his rights as set out in clause 11 below, with the exception of right contained in clause 11.10;
  - 10.2.6. prescribe the procedure for the hearing and consideration of evidence at any disciplinary enquiry, provided that all proceedings are conducted in a fair and just manner;
  - 10.2.7. retain a record of the proceedings;
  - 10.2.8. make recommendations on its finding to the Principal.
- 10.3. The internal disciplinary tribunal may recommend any of the sanctions listed in clause 12.1 to the Principal, for any contraventions in relation to the offences listed in clause 2.1 above.
- 10.4. There is no right of appeal against the decision of the internal disciplinary tribunal.

## **11. The Rights of a Learner**

The chairperson of the tribunal must inform the learner of the due process and the learner's right to:

- 11.1. a formal but fair hearing;
- 11.2. be present at the hearing and the learner to be alerted to the consequences of being absent;
- 11.3. be given time to prepare for the hearing;
- 11.4. be given notice of the charges, in writing, at least five days prior to the hearing;
- 11.5. be accompanied and represented by his parent/s or a person designated by the parent/s into the hearing venue; and
- 11.6. be assisted through an intermediary if the learner is under 18 years of age or is appearing as a witness at the proceedings;
- 11.7. ask questions on any evidence produced or on statements of witnesses;
- 11.8. call witnesses to testify on his behalf;
- 11.9. request for an interpreter, provided the request for an interpreter is made at least 24 hours prior to the disciplinary hearing;
- 11.10. appeal against any finding or sanction or against both the finding and sanction.

## **12. Sanctions**

12.1. **In respect of less serious or minor misconduct**, 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 sanctions for any contravention of this code:

12.1.1. a written warning;

12.1.2. a reprimand;

12.1.3. a reasonable educational punishment; including but not limited to:

12.1.3.1 community service, as determined by the School, of a reasonable nature and length of time;

12.1.3.2 detention after school hours or during breaks, in a locale and for the purpose designated and for such reasonable periods as may be determined;

12.1.3.3 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.

12.1.4. suspension / expulsion from the Boarding Establishment;

12.1.5. a final written warning;

12.1.6. any other form of punishment deemed appropriate to the degree of seriousness of the offence.

12.2. In respect of serious misconduct, for which the learner has been found guilty at a disciplinary hearing convened in accordance with clause 9 above, the following sanctions may be imposed by a Governing Body on a learner who is found guilty of serious misconduct –

12.2.1. any sanction contemplated in clause 12.1 above

12.2.2. a final written warning;

12.2.3. suspension from the school for not more than seven school days;

12.2.4. expulsion from the boarding establishment;

12.2.5. recommendation of expulsion, to be submitted to the Head of Department in accordance with clause 13.1 below.

## **13. Expulsion from the School**

13.1. A learner who is found guilty of serious misconduct can only be expelled by the Head of Department on the recommendation of the Governing Body. The recommendation must be submitted in the manner determined by the Head of Department.

13.2. Pending the decision of the Head of Department –

13.2.1. the school Governing Body may suspend or extend the suspension of a learner from school for a period of not more than 14 school days;

- 13.2.2. the Governing Body must, however, inform the learner and his parent/s in writing of the decision to suspend the learner while awaiting the decision of the Head of Department;
  - 13.2.3. the learner must continue to receive schooling with the support of the parent/s and the school at the same school;
  - 13.2.4. the school must ensure that the learner has access to learning material and resources; and
  - 13.2.5. the parent will be responsible for ensuring that the learner utilises whatever provision is available for the learner to access education.
- 13.3. At the expiry of the 14 days' suspension and whilst awaiting the decision of the Head of Department, the learner must return to school and continue with his schooling at the same school;
- 13.4. The Head of Department must consider the recommendations of the Governing Body and must, within 14 days, make a decision on whether or not to expel the learner.
- 13.5. Should the Head of Department make a decision not to expel the learner, he or she –
- 13.5.1. must give reasons, in writing, for the decision not to expel the learner;
  - 13.5.2. may, after consultation with the governing body, impose a suitable sanction on the learner; or
  - 13.5.3. must refer the matter back to the Governing Body to impose any other sanction contemplated in the school's code of conduct.
- 13.6. Should the Head of Department decide to expel the learner, the Head of Department must –
- 13.6.1. inform the governing body, the learner and his parent/s, in writing, of the decision to expel the learner and the reasons for the decision;
  - 13.6.2. inform the learner or his parent/s of the right to appeal against the Head of Department's decision to the Member of the Executive Council within 14 days of receiving the notice of expulsion; and
  - 13.6.3. make alternate arrangements for the placement of the learner who is subject to compulsory attendance at another public school.

#### **14. Suspension and Expulsion from Boarding Establishments**

- 14.1. A learner who is found guilty of serious misconduct by the School may be suspended or expelled from the school boarding establishment in which he resides, in accordance with the provisions of the Boarding Establishment Code of Conduct.
- 14.2. A learner may be suspended or expelled from a boarding establishment in which he resides in accordance with the Boarding Establishment code of conduct, without being suspended or expelled from school.

## **15. Appeal**

- 15.1. A learner or a parent who is aggrieved by a decision taken by the Governing Body, may appeal to the Head of Department.
- 15.2. A learner or a parent who is aggrieved by the decision of the Head of Department to expel a learner may appeal to the Member of the Executive Council within 14 days of receiving the notice of expulsion.
- 15.3. If the Member of the Executive Council upholds the appeal from a learner who had been expelled, he or she must ensure that a suitable sanction is imposed within 14 days from which the appeal is upheld.
- 15.4. Pending an appeal against the decision to expel a learner, the Head of Department –
  - 15.4.1. must ensure that the learner is given access to education in the manner contemplated by the Head of Department;
  - 15.4.2. must ensure that he or she takes reasonable steps to protect the rights of other learners;  
or
  - 15.4.3. may consider an alternative method of providing education to the learner who has appealed.