



EST. 1863

MARITZBURG
COLLEGE

Code of Conduct for Learners

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1. Definitions:

In this document (including its Annexures), unless an alternate meaning is clear –

- 1.1. **"College"** or **"the School"** means Maritzburg College;
- 1.2. **"the Code"** or **"this Code"** means this Code of Conduct for Learners (and the former School Rules, as incorporated therein), as amended from time to time – including its Annexures;
- 1.3. **"a/the Learner"** means a learner enrolled at College, from the date of his enrolment at the School until his formal removal from the School roll or the day on which his National Senior Certificate results are released – whichever date is the later;
- 1.4. **"the BE"** means the College boarding establishment;
- 1.5. **"the Headmaster"** means the headmaster for the time being of College, or his designated appointee;
- 1.6. **"the SGB"** means the College governing body;
- 1.7. **"the Disciplinary Committee"** means the disciplinary sub-committee of the SGB;
- 1.8. **"the HOD of the DOE"** means the Head of Department of Education for the time being in the Province of KwaZulu-Natal; and
- 1.9. **"the MEC for Education"** means the member of the Executive Council / provincial cabinet of KwaZulu-Natal responsible for the education portfolio.

2. Preamble:

- 2.1. This Code sets out:
 - 2.1.1. the conduct expected of all Learners;
 - 2.1.2. the conduct of such Learners that will constitute misconduct;
 - 2.1.3. the sanction that may be imposed in respect of such misconduct;
 - 2.1.4. the procedures to be adopted for the imposition of the sanction; and
 - 2.1.5. matters relating to the above.
- 2.2. The Code shall be interpreted with reference to the provisions of the following legislation:
 - 2.2.1. the Constitution of the Republic of South Africa;
 - 2.2.2. the South African Schools Act, No. 84 of 1996;
 - 2.2.3. the *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners*, published in Govt. Gazette Notice No. 776 of 1998;
 - 2.2.4. Provincial Gazette – Extraordinary – 22 June 2015. Volume 9 No. 1385; and
 - 2.2.5. any provincial legislation promulgated from time to time by the MEC for Education, and any national and provincial regulations, guidelines, circulars and policies.
- 2.3. This Code aims to advance the principles enshrined in the Constitution and in the preamble to the South African Schools Act and, in so doing, to promote a culture of reconciliation, teaching, learning, mutual respect, tolerance, integrity, efficiency of administration and good governance.
- 2.4. The success of College, and of this Code, depend on the commitment of all Learners, educators and parents of Learners to the aims and objects set out in clause 2.3 above.

3. Applicability:

This Code applies to all Learners.

4. Personal conduct:

- 4.1. The personal conduct of a Learner shall exemplify the following principles:
 - 4.1.1. 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.
 - 4.1.2. Pride in himself, the School, his appearance and his contribution to the School.
 - 4.1.3. Awareness of his proper role in the School and in society.
 - 4.1.4. Obedience to the legitimate requests or orders of the Headmaster, members of staff, prefects and any person who has lawful authority over him at the particular time and place (e.g. a team captain).
 - 4.1.5. Observation of and compliance to the Code.
- 4.2. Any conduct at variance with these norms shall be deemed to be misconduct.
- 4.3. Without taking away from the above, the specific rules set out 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.

5. Attendance:

- 5.1. Learners should be at school by 07h30. Latecomers shall report to the Pupil Office on arrival and sign the "late book".
- 5.2. A Learner wishing to leave the School grounds during school hours or periods of compulsory attendance at school shall obtain an exeat from his Housemaster.
- 5.3. Any and every absence by a Learner from school shall be explained by a note to his Housemaster from his parents on the day of return. A doctor's certificate is required for absence from common tests, examinations or compulsory School events, or when the Learner has been absent for longer than two consecutive school days.

6. General:

- 6.1. Learners shall act modestly and sensibly. For example, there shall be no running on the corridors of the School block, and movement about the School should take place in an orderly manner and with due consideration for other people.
- 6.2. Instructions from staff and prefects shall be obeyed and carried out with good grace.
- 6.3. All Learners are registered as users of the Margaret A'Bear Media Centre and the computer rooms of the School, and shall abide by the rules and procedures that have been set to facilitate maximum accessibility of all resources.
- 6.4. There shall be no disorderly behaviour (i.e. fighting, littering, writing on walls or other structures, malicious damage to property, bullying or bad language etc.).
- 6.5. After tea break, Learners shall move promptly to class.
- 6.6. Homework is compulsory and shall be diligently completed by all Learners.
- 6.7. Ball games of any kind are prohibited in the School block, and impromptu ball games involving the use of

squash, golf or similar sized balls are not allowed on the School grounds due to possible eye damage or damage to School property.

- 6.8. Learners are allocated lockers and it is compulsory that they are padlocked with a good quality lock.
- 6.9. All personal belongings, including bags containing books, sports kit etc., shall not be left unattended, particularly in change-rooms and the School block, but should be locked in lockers.
- 6.10. Large sums of money and valuable items shall not be brought to school, but, if this is unavoidable, they should be handed to the relevant Housemaster for safekeeping.
- 6.11. The use of cellphones and other technology is governed by the **Devices Policy (Annexure A)**.
- 6.12. Motorbikes shall not be ridden in the School grounds. Cars driven by Learners shall be parked outside the School grounds or on the Terraces, with the necessary permission.
- 6.13. Learners may not hitchhike.
- 6.14. Team-testing for juniors is accepted practice at College and is carried out under published guidelines.
- 6.15. The School has a long-established hierarchical system that aims to foster loyalty, a sense of belonging, respect etc. All Learners are required to adhere to and support the privilege system (including the duties, responsibilities and traditions enunciated in its guidelines).

7. Out-of-bounds:

The following areas are out-of-bounds to a Learner, except when he has express permission from the relevant member of staff:

- 7.1. Classrooms before school, during breaks and after school.
- 7.2. The School foyer, staffroom, staff offices, prefects' study, staff cars and the staff parking areas.
- 7.3. The BE during school hours, including the kitchen and the Keith Guise-Brown Dining Hall. During those hours, boarders may only enter a boarding house if permission has been granted by the relevant BE Housemaster.
- 7.4. For a day scholar, at all times, the BE.
- 7.5. For a boarder, at all times, any boarding house of which he is not a resident.
- 7.6. Staff quarters.
- 7.7. Cycle and motorcycle parking areas – unless for the purpose of parking or removing one's own vehicle.
- 7.8. During break – the playing fields of the School and the Terraces.
- 7.9. Any room or building that is not normally accessed without supervision by a Learner on the School grounds (for example laboratories, workshops and audio-visual rooms, the Olivier Cultural Centre, the Pearson Music Centre, the Ron Jury Sports Centre, the School halls, the computer rooms etc.).
- 7.10. The area around the entrance to the College Shoppe. Learners shall make their purchases and depart.
- 7.11. The School block, 30 minutes after the ringing of the final school bell for that day.
- 7.12. The Dudley Forde Aquatic Centre – especially the swimming pool area.
- 7.13. Specifically, no Learner may access any ceiling or so-called "dungeon" (whether locked or not) on the School grounds, including (but not limited to) within the School block or BE. Due to (amongst other reasons) the fire risks posed by such access, any Learner found to be in such a location may be charged with "serious misconduct".

8. Co-curricular activities:

- 8.1. All Learners are expected to participate in at least one co-curricular activity per term. All 2nd and 3rd Formers are expected to be involved in a summer and a winter sport.
- 8.2. Membership of a College team, club or society implies a commitment to attend all games, practices and functions.
- 8.3. Learners shall travel to and from all formal or sporting occasions on organised School transport, unless prior permission is obtained.
- 8.4. 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.

9. Compulsory attendances:

- 9.1. College prides itself on its Learners' all-round participation, including their attendance and support given at important School functions (including all prize-givings), as well as at various extra-mural performances.
- 9.2. Moreover, new 2nd Formers are required to attend Borver Week, and all Learners are required to attend, *inter alia*, the annual camps arranged as part of the School's leadership programme.
- 9.3. A Learner who fails to attend these functions, performances, camps etc. without an appropriate letter to his Housemaster or doctor's note (as the case may be) must expect to be punished.

10. General appearance:

- 10.1. A Learner's personal appearance reflects his pride in himself and in the School. At all times, a Learner is required to be neat and tidy – and shall, by his dress, appearance and deportment be a credit to himself, his family and College.
- 10.2. If a Learner arrives at school incorrectly dressed, he shall immediately obtain an exeat from his Housemaster for the purpose of correcting his dress.
- 10.3. Parents are to ensure that all items of clothing, all school bags, all co-curricular equipment etc. are clearly and permanently marked with the Learner's name.
- 10.4. No visible jewellery or charity-type bangles is/are allowed to be worn while the Learner is in School uniform.
- 10.5. Watches, lapel badges issued by the School and Medic-alert discs are permitted.
- 10.6. A Learner may not have his ears, nose, tongue or any other ordinarily visible portion of his body pierced.
- 10.7. A Learner may not have any visible tattoos, wear nail polish or have any other form of body art.

11. Uniform:

- 11.1. The prescribed School uniform is the so-called winter uniform and/or the so-called summer uniform.
- 11.2. Unless otherwise provided, either the winter or the summer uniform may be worn during the normal school day.
- 11.3. The winter uniform (known generally as "full School uniform" or "numbers 1s") is worn at all formal School occasions, on visits to other schools and public places, travelling to and from School, and at School.
- 11.4. It is comprised of a black blazer with College badge, grey trousers, grey socks, long-sleeved white shirt (semi-stiff collar – no button-down collars), College tie, grey V-neck jersey with College badge, plain black lace-up shoes, and straw basher with hatband.

- 11.5. The College scarf may be worn by all Forms knotted below the neck with the winter uniform from the start of the 2nd term until 30 August.
- 11.6. The grey trousers may not be tapered and shall cover a Learner's shoelaces when standing.
- 11.7. Only 6th Formers may wear the prescribed white jersey.
- 11.8. The summer uniform is comprised of a black blazer with College badge, grey shirt (with College badge), grey shorts, long grey socks, plain black lace-up shoes, and straw basher with hatband.
- 11.9. Away from the School grounds, the grey V-neck jersey (with School badge) may be worn as an outer garment, if the Learner is wearing the summer uniform.
- 11.10. However, when in full School uniform when away from the School grounds (including when travelling to and from school), a College blazer shall be worn at all times.
- 11.11. When a Learner is in School uniform away from the School grounds, a basher shall (unless otherwise provided) be worn at all times. However, this does not include the drop-off and collection of day scholars.
- 11.12. Where the wearing of a basher is inappropriate, a Learner is encouraged to wear a College cricket cap when outdoors, e.g. at away sports fixtures.
- 11.13. Any Learner supporting College activities during term time shall wear the prescribed School uniform, and shall sit with his fellow Learners.
- 11.14. The dress for all assemblies includes a College blazer.
- 11.15. A motor-cyclist wearing winter uniform shall wear his blazer under protective clothing, but is excused from wearing a basher.
- 11.16. A cyclist is excused from wearing a basher while cycling to and from School, and may wear protective clothing when it is raining. Otherwise, the College badge (on a grey shirt, jersey or blazer) shall be visible. The wearing of cycling headgear is compulsory.
- 11.17. Physical education during school time requires black shorts, a black T-shirt and/or a College speedo costume.
- 11.18. Drama requires black shorts and a black T-shirt.
- 11.19. A tracksuit is reserved as a sports garment only. It may not be worn with the School uniform, or to or from School (except after 14h00 for sport). A (full) tracksuit may be worn home after practice or, in certain instances, after a match.
- 11.20. "Boxer" type shorts or a T-shirt shall not be visible, if worn under the normal College uniform.
- 11.21. At least one of the two buttons on a grey shirt shall be fastened.
- 11.22. Gloves and scarves – other than a College award scarf – are prohibited. A tied-up / wrapped College scarf may be worn with the No 1 uniform only and from the start of the 2nd Term to 30 August.
- 11.23. Any deviation from the above dress regulations shall be authorised in writing by the Deputy Headmaster: Discipline or the Deputy Headmaster: Behaviour Management.

12. Hair and shaving:

- 12.1. See the **Hair & Shaving Policy (Annexure B)**.
- 12.2. The regulations contained in Annexure B shall be used as a guideline, and the final decision as to the acceptability of any particular hairstyle / facial hair shall rest with the Senior Deputy Headmaster or the Deputy Headmaster: Behaviour Management.

13. Boarding Establishment:

- 13.1. In addition to this Code, College boarders have further specific rules, as contained in the BE Handbook and certain *ad hoc* guidelines brought out from time to time by the Deputy Headmaster: Boarding and the relevant Housemasters.
- 13.2. Where there is a clash between any of these documents, the Deputy Headmaster: Boarding shall in the best interests of the School and the BE decide which document shall apply.

14. "Serious misconduct":

- 14.1. 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:
 - 14.1.1. Any form of bullying, fighting, assault, battery or victimisation.
 - 14.1.2. Possession, use, being in the presence of a learner using, transmission, distribution or visible evidence of any "Drug", as defined in the **Substances Policy (see Annexure C)**, other than offences outlined at clause 15.1.3 below.
 - 14.1.3. The relevant offences in terms of the **Devices Policy (Annexure A)**.
 - 14.1.4. Any irregularity relating to examinations (see the **Cheating & Plagiarism Policy – Annexure D**).
 - 14.1.5. Threats or acts of violence towards a fellow Learner, any member of staff, or any other person.
 - 14.1.6. Deliberate and serious undermining of the authority of the Headmaster, or any member of staff.
 - 14.1.7. Any form of racism, illegal discrimination (see the **Anti-discrimination Policy (Annexure E)**), xenophobia or harassment.
 - 14.1.8. Robbery.
 - 14.1.9. Distribution, possession or viewing of obscene and/or pornographic material.
 - 14.1.10. Sexual coercion (any acts used or aimed at procuring sexual favours).
 - 14.1.11. Sexual activities (including all and any sex-related activities amongst Learners, or between Learners and members of staff).
 - 14.1.12. Sexual assault (sex-related acts, including flashing, groping, rape and indecent assault).
 - 14.1.13. Any initiation practices.
 - 14.1.14. Using, selling or being in possession of any dangerous object that is non-educational in purpose and which may cause harm or be used to threaten or cause harm to another person.
 - 14.1.15. Participating or orchestrating any party-political activities on the School premises, which shall mean –
 - 14.1.15.1.1. all premises under the control of the School or its affiliated bodies;
 - 14.1.15.1.2. 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 therefrom; and/or
 - 14.1.15.1.3. any place, wherever situated, wherein and while a Learner is wearing College uniform or any item of clothing identifying him as, or where he can otherwise be identified as, a Learner.
 - 14.1.16. Absent without leave from any formal assessment task, including an examination, a test, a practical etc.
 - 14.1.17. Truancy for more than three school days in an academic year.

- 14.1.18. Forgery of an official document.
- 14.1.19. Conviction in a court of law of a criminal offence.
- 14.1.20. Incites or instigates or procures a fellow Learner to contravene any regulation or any rule of the School.
- 14.1.21. Damages, destroys, uses without authority, steals, or appropriates property of the School or any other person or body (excluding petty theft).
- 14.1.22. Engages in conduct that endangers the safety and/or violates the rights of others.
- 14.1.23. Commits repeated violations of the Code.
- 14.1.24. Being disrespectful in any way to the current and/or former School badge (including as it appears on School attire), and/or the colours of the School.
- 14.1.25. Bringing the School's good name and reputation, and that of any of its community (including the Headmaster, a member of the SGB, a member of staff, a parent, or another Learner), into disrepute.
- 14.1.26. Improper, unbecoming or disgraceful conduct towards the School, the Headmaster, the SGB and/or a member of the SGB, a member of staff, a parent, or another Learner.
- 14.1.27. Is out-of-bounds, as described by clause 7.13.
- 14.2. The above list of serious offences is not exhaustive and the School may include any other offences that may arise from time to time.
- 14.3. The Headmaster may, from time to time, designate specific conduct to be "serious misconduct", provided that this is not done with retrospective effect.
- 14.4. The offences referred to in clause 14.1 above shall be dealt with in accordance with the disciplinary procedure set out in clause 19 below.
- 14.5. The sanctions as listed in clause 26.3 below shall be applicable to offences listed in clause 14.1 above.

15. "Less serious misconduct":

- 15.1. The following misconduct could result in a lesser penalty than the misconduct listed in clause 14.1 above:
 - 15.1.1. Petty theft,
 - 15.1.2. Truancy and/or regular absenteeism, and/or failing to supply an absentee note.
 - 15.1.3. Use of or being in the presence of a learner who is using any tobacco-related products, including cigarettes, e-cigarettes and vapes, snuff/"pack", as well as sniffing and huffing.
 - 15.1.4. Any irregularity relating to academic work.
 - 15.1.5. Graffiti.
 - 15.1.6. Bunking class, a compulsory School event etc.
 - 15.1.7. Dishonesty, cheating and "serious plagiarism" (see the **Cheating & Plagiarism Policy – Annexure D**).
 - 15.1.8. Disobeying a reasonable instruction e.g. relating to homework, dress or hair.
 - 15.1.9. Failing to attend detention.
 - 15.1.10. Disruptive behaviour in class that would result in a learner being sent out.
 - 15.1.11. Anti-social behaviour e.g. teasing another learner, involvement in a scuffle, pestering another Learner for money at the tuck shop etc.

- 15.1.12. The relevant offences in terms of the **Devices Policy (Annexure A)**.
- 15.1.13. Being out-of-bounds, with aggravating circumstances.
- 15.1.14. Using bad language.
- 15.1.15. Hitch-hiking.
- 15.1.16. Engaging in poor sportsmanship of a serious nature.
- 15.1.17. Committing any act of insubordination towards an educator or other person who occupies a position of authority over him at the School.
- 15.1.18. Being in 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.
- 15.1.19. Preventing or attempting to prevent any member of staff from carrying out his/her normal duties.
- 15.1.20. Repeated breaches of the School's hierarchical privilege system.
- 15.1.21. Contravening a "minor" offence more than three times.
- 15.2. The above list of offences is not exhaustive and the School may include any other offences that may arise from time to time.
- 15.3. Where the circumstances of the offences referred to in clause 15.1 above are so serious or are aggravated, such offence may be deemed to be "serious misconduct" and dealt with in accordance with clause 19 below.
- 15.4. The offences referred to in clause 15.1 above shall be dealt with in accordance with the disciplinary procedure set out in clause 23 below.
- 15.5. The sanctions as listed in clause 26.1 below shall be applicable to offences listed in clause 15.1 above.

16. "Minor misconduct":

- 16.1. The following offences are regarded as "minor misconduct" and generally fall within the authority of the educators and the relevant Housemaster:
 - 16.1.1. Late for class.
 - 16.1.2. Not doing homework.
 - 16.1.3. Being out-of-bounds, without aggravating circumstances.
 - 16.1.4. Bad language.
 - 16.1.5. Poor sportsmanship of a less serious nature.
 - 16.1.6. Unacceptable dress, no basher etc.
 - 16.1.7. Long hair, not shaving etc.
 - 16.1.8. Distraction in class.
- 16.2. The above list of offences is not exhaustive and the School may include any other offences that may arise from time to time.
- 16.3. Minor offences that are contravened more than three times by a Learner shall be dealt with as "less serious misconduct" (see clause 15.1.20 above).
- 16.4. The sanctions as listed in clause 26.1 below shall be applicable to offences listed in clause 16.1 above.

17. Searches:

- 17.1. The Headmaster or a male educator may, on reasonable suspicion, search a Learner or property in the possession of a Learner, for a dangerous weapon, firearm, 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 the Code.
- 17.2. 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 Headmaster, in a private place and in the presence of another male educator.
- 17.3. A written record shall be kept of the search proceedings and the outcome.
- 17.4. Drug searches are covered in the **Substances Policy (Annexure C)**.

18. Drug testing:

Drug testing is covered in the **Substances Policy (Annexure C)**.

19. Disciplinary process – “serious misconduct”:

- 19.1. Whenever the Headmaster receives information of alleged “serious misconduct”, as set out in clause 14.1 above, he shall cause the matter to be investigated.
- 19.2. Thereafter the Headmaster shall consider the evidence, and where disciplinary action is required to be taken in a matter relating to such “serious misconduct”, refer the incident to the Disciplinary Committee.
- 19.3. The Disciplinary Committee shall appoint a disciplinary tribunal in terms of clause 20 below, to attend to the disciplinary matter and to conduct the disciplinary hearing against the Learner who allegedly committed the “serious misconduct”.
- 19.4. A Learner involved in the disciplinary proceeding may be counselled by the School Psychologist or any other member of staff duly appointed by the Headmaster.
- 19.5. No form of persuasion to remove a Learner from the School in order to avoid disciplinary action is permitted.

20. Disciplinary tribunal:

- 20.1. The disciplinary tribunal shall –
 - 20.1.1. consist of at least three members;
 - 20.1.2. be chaired by a member of the SGB;
 - 20.1.3. conduct all proceedings in a fair and just manner, which includes conducting proceedings in a language that accommodates all parties; and
 - 20.1.4. make recommendations on its findings to the Disciplinary Committee.
- 20.2. An effort shall be made to ensure that the composition of the tribunal is representative of the School’s demographics.
- 20.3. The tribunal shall be constituted with the necessary expertise to deal with different disciplinary matters, as and when they arise.
- 20.4. Where necessary, the SGB may consult with experts to assist the tribunal with the disciplinary proceedings. However, such experts need not be part of the SGB or tribunal.
- 20.5. In the event that, as a sanction, a recommendation for the suspension or expulsion of a Learner from College

itself is made, such recommendation shall be tabled by the Disciplinary Committee at an SGB meeting for discussion and approval. No Learner may, as a sanction, be suspended or recommended for expulsion from the School without the approval of the SGB.

21. Suspension as a precautionary measure:

- 21.1. The SGB, via the Disciplinary Committee, may, on reasonable grounds, suspend a Learner who is suspected of “serious misconduct” from attending school as a precautionary measure, pending a disciplinary hearing.
- 21.2. Such precautionary suspension may not exceed a period of seven school days.
- 21.3. Suspension as a precautionary measure may be implemented for –
 - 21.3.1. conduct which endangers the safety and violates the rights of others;
 - 21.3.2. possession, threat or use of a dangerous weapon;
 - 21.3.3. possession, use, transmission, distribution or visible evidence of any “Drug”, as defined in the **Substances Policy (see Annexure C)**, but excluding tobacco and vapes;
 - 21.3.4. fighting, assault or battery;
 - 21.3.5. immoral behaviour or profanity;
 - 21.3.6. falsely identifying oneself;
 - 21.3.7. harmful graffiti, hate speech, sexism, racism;
 - 21.3.8. theft or possession of stolen property including test or examination papers prior to the writing of tests or examinations;
 - 21.3.9. unlawful action, vandalism, or destroying or defacing School property, disrespect, objectionable behaviour and verbal abuse directed at educators or other School employees or Learners;
 - 21.3.10. repeated violations of this Code;
 - 21.3.11. criminal and oppressive behaviour such as rape and gender-based harassment;
 - 21.3.12. victimisation, bullying and intimidation of other Learners;
 - 21.3.13. infringement of examination rules; and
 - 21.3.14. knowingly and wilfully supplying false information or falsifying documentation to gain an unfair advantage at school.
- 21.4. Any such precautionary suspension may be enforced only after the Learner has been granted a reasonable opportunity to make representations to the duly appointed, representative body of the SGB, namely the Disciplinary Committee.
- 21.5. The SGB via the Headmaster shall obtain the approval of the HOD of the DOE to continue to suspend the Learner, if the disciplinary hearing has not been conducted within seven days after that Learner’s suspension.
- 21.6. If the approval referred to in clause 21.5 is not obtained from the HOD of the DOE, the Learner may return to School after the seven days’ suspension period has expired, even if no hearing has been held.

22. External Disciplinary hearing:

- 22.1. An external disciplinary hearing shall be conducted, where reasonably practicable, within seven school days of the incident being reported to the Disciplinary Committee in accordance with clause 19.2 above.

- 22.2. An external disciplinary hearing shall be conducted in instances where a learner's suspension or expulsion from the school could reasonably be expected to be granted.
- 22.3. The School and/or the disciplinary tribunal shall, as soon as a date, time and venue of the hearing has been determined, give at least five calendar days' written notice to the Learner and his parents/guardians to attend the disciplinary hearing and shall stipulate the date, time and venue of the disciplinary hearing.
- 22.4. The notice referred to above shall further:
 - 22.4.1. Set out the allegations against the Learner that 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.
 - 22.4.2. Inform the parents/guardians of their right to be present at the hearing.
 - 22.4.3. Point out, where applicable, that the hearing could result in the expulsion or suspension of the Learner from the School and/or the BE if found guilty of the allegations of "serious misconduct".
 - 22.4.4. State that the Learner is entitled to be accompanied and represented by a fellow Learner, an educator, or a parent/guardian.
 - 22.4.5. 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.
 - 22.4.6. Inform the Learner that he has a right to call witnesses to give evidence and to produce any books or documents at the disciplinary hearing. The Learner shall arrange for his witnesses to be present at the hearing, and any failure to do so shall not entitle him to a postponement of proceedings.
 - 22.4.7. Inform the Learner of his right (in terms of clause 22.22 hereof) to appeal against the decision of the disciplinary tribunal.
- 22.5. The Headmaster shall generally appoint a member of staff to act as the representative of the School at the disciplinary hearing, but may, at his discretion and having regard to the nature of the matters being investigated, appoint any other person whom he considers suitable to act as such representative.
- 22.6. The Learner has the right to be present at the disciplinary hearing and to be accompanied and represented by his parents or a person designated by his parents, unless good cause is shown why the tribunal should not proceed in the absence of the parent/s or the designated person.
- 22.7. The tribunal may proceed with the hearing in the absence of the Learner, if the Learner does not attend the hearing and does not –
 - 22.7.1. provide good cause for not attending; and/or
 - 22.7.2. provide documentary proof, where applicable.
- 22.8. No legal representation at the disciplinary hearing shall be permitted, unless exceptional circumstances exist and the disciplinary tribunal, after considering an application for legal representation, determines it necessary and fair.
- 22.9. The chairperson of the disciplinary tribunal shall inform the Learner of the due process and the Learner's right, as set out in clauses 22.9 to 22.19 below.
- 22.10. The tribunal during the disciplinary hearing shall:
 - 22.10.1. Consider representations made by all parties during the hearing.

- 22.10.2. Ensure that the disciplinary hearing safeguards the interest of the Learner and any other party involved in the proceedings.
- 22.10.3. Allow the Learner to be accompanied to the hearing by his parent/s or by a person designated by the parents.
- 22.10.4. Ensure, where practicable, that a witness under the age of 18 gives evidence through an intermediary, if it appears that such a witness may be exposed to undue mental stress or suffering when testifying at the proceedings.
- 22.10.5. Ensure that the hearing is conducted in a fair and humane manner.
- 22.10.6. Conduct the hearing in a language that the Learner understands – or provide an interpreter.
- 22.10.7. Take into consideration the appropriate needs of a Learner with special education needs and shall create an environment that is conducive to such a Learner with special education needs, whether such a Learner is a Learner against whom disciplinary action is taken or is a witness at the hearing.
- 22.11. The chairperson of the disciplinary tribunal shall prescribe the procedure for the hearing and for consideration of evidence at any disciplinary enquiry and shall notify the parties present accordingly.
- 22.12. The School representative may submit any statements and other documents as evidence before the disciplinary tribunal subject to:
- 22.13. 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.
- 22.14. 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.
- 22.15. 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.
- 22.16. 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.
- 22.17. 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/she may consider relevant to the question of sanction.
- 22.18. After considering the evidence placed before it, and in the event that the disciplinary tribunal finds the Learner guilty of “serious misconduct”, the disciplinary tribunal shall make a recommendation as to the sanction to the Disciplinary Committee.
- 22.19. The chairperson of the disciplinary tribunal shall ensure that an accurate record of the proceedings is kept for subsequent submission to the Disciplinary Committee.
- 22.20. The recommendations of the disciplinary tribunal shall be reported to the Disciplinary Committee for discussion and approval – unless clause 20.5 above applies.
- 22.21. The School and/or the Disciplinary Committee shall as soon as reasonably practicable inform any Learner who is found guilty of the sanction imposed and the reasons for such decision.
- 22.22. Inform the Learner of his right to appeal against the decision of the disciplinary tribunal in writing to the Chairperson of the SGB within 5 calendar days of the recommendation being delivered.
- 22.23. A disciplinary tribunal and/or the School may not suspend a Learner after the finalisation of the disciplinary

hearing but before a decision by the SGB has been made. Learners who await the final decision of the SGB may attend school and may receive all necessary academic support, but may not participate in any School activities and may be kept in a separate classroom until the decision is made known.

23. Internal Disciplinary hearing:

- 23.1. An internal disciplinary tribunal shall be constituted to deal with offences for which the school would not reasonably expect a learner to be expelled or suspended from the school, but are none the less serious in nature.
- 23.2. The internal disciplinary tribunal shall:
 - 23.2.1. Consist of at least three members, namely the Deputy Headmaster Discipline, a Deputy Headmaster and the relevant Housemaster/assistant Housemaster, or their delegated nominee in the event that such member is not available.
 - 23.2.2. Be chaired by the most senior and/or most experienced (in matters of discipline) member of staff.
 - 23.2.3. Provide written notification of at least three calendar days' notice to the accused Learner and his parents/guardians, which notification shall stipulate:
 - 23.2.3.1. the date, time and venue of the internal disciplinary hearing;
 - 23.2.3.2. the allegations against the Learner, and the conduct that will be the subject matter of the disciplinary hearing;
 - 23.2.3.3. the parents/guardians of their right to be present at the meeting; and
 - 23.2.3.4. the rights of the Learner during the disciplinary hearing;
 - 23.2.4. Ensure that the disciplinary hearing safeguards the interest of the Learner and any other party involved in the proceedings.
 - 23.2.5. Inform the Learner of his right to appeal against the recommendations of the disciplinary tribunal in writing to the Headmaster within 3 calendar days of the recommendation being delivered
 - 23.2.6. 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.
 - 23.2.7. Retain a record of the proceedings.
 - 23.2.8. Make recommendations on its finding to the Headmaster.
- 23.3. The internal disciplinary tribunal may recommend any of the sanctions listed in clause 26.1 to the Headmaster, for any contraventions in relation to the offences listed in clause 15.1 above.

24. Disciplinary interview in the result of "less serious misconduct":

- 24.1. If it is the shared view of the Headmaster and the relevant Deputy Headmaster that an internal disciplinary hearing outlined above does not meet the immediate needs of the School and/or the Learner, then the said internal hearing may, at their discretion, be replaced with a "disciplinary interview" with the accused Learner, conducted by the Deputy Headmaster: Behaviour Management (or his delegated nominee) and the Housemaster, assistant Housemaster, (Academic) Head of Department or Subject Head concerned.
- 24.2. In such a case, the requirements of clauses 23.1 and 23.2.1 to 23.2.3 above shall not apply, although the chairperson of the disciplinary interview shall ensure that the requirements of clauses 23.2.4 to 23.2.7 above protecting the rights of the Learner are met.
- 24.3. The interview panel shall have the right to issue an immediate sanction (including a precautionary suspension from the BE (not from the School), so long as clause 21.4 has been satisfied).

24.4 If aggrieved, a Learner and his parents have the right to appeal to the Headmaster in writing within three calendar days of the outcome being delivered.

25. Rights of a Learner at a disciplinary hearing:

The chairperson of a disciplinary tribunal shall inform the Learner of the due process and the Learner's right to:

- 25.1. a formal but fair hearing;
- 25.2. be present at the hearing and the Learner to be alerted to the consequences of being absent;
- 25.3. be given time to prepare for the hearing;
- 25.4. be given notice of the charges, in writing, prior to the hearing;
- 25.5. be accompanied and represented by his parent/s or a person designated by the parent/s into the hearing venue;
- 25.6. be assisted through an intermediary if he is under 18 years of age or is appearing as a witness at the proceedings;
- 25.7. ask questions on any evidence produced or on statements of witnesses;
- 25.8. call witnesses to testify on his behalf;
- 25.9. request for an interpreter, provided the request for an interpreter is made at least 48 hours prior to the disciplinary hearing; and
- 25.10. appeal in writing against any finding or sanction or against both the finding and sanction, see the applicable clauses 22.22; 23.2.5 and 24.4.

26. Sanctions:

- 26.1. In respect of "minor misconduct", the relevant member of staff is empowered to impose any of the sanctions allowed by school policy, i.e. warning, detention, demerit, extra homework, punishment essay etc.
- 26.2. In respect of "less serious misconduct" and or "serious misconduct", the disciplinary tribunal and/or relevant member of staff is empowered to impose any one or more of the following sanctions:
 - 26.2.1. a written warning;
 - 26.2.2. a reprimand and recorded warning;
 - 26.2.3. a reasonable educational punishment, including but not limited to:
 - 26.2.3.1. community service, as determined by the School, of a reasonable nature and length of time;
 - 26.2.3.2. detention after school hours or during breaks, in a locale and for the purpose designated and for such reasonable periods as may be determined;
 - 26.2.3.3. 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 at or attending any School activity for such period as may be deemed appropriate, or the deprivation or suspension of any School awards; and/or
 - 26.2.3.4. counselling with the School Psychologist;
 - 26.2.4. suspension and/or expulsion from the BE;

- 26.2.5. a final written warning; and/or
- 26.2.6. any other form of punishment deemed appropriate to the degree of seriousness of the offence.
- 26.3. In respect of “serious misconduct”, for which the Learner has been found guilty at an external disciplinary hearing convened in accordance with clause 22 above, the following sanctions may be imposed by the SGB (including via its Disciplinary Committee) on a Learner who is found guilty of such “serious misconduct”:
 - 26.3.1. any sanction contemplated in clause 26.2 above;
 - 26.3.2. suspension from the School for not more than seven school days; and/or
 - 26.3.3. recommendation of expulsion, to be submitted to the HOD of the DOE in accordance with clause 27.1 below.
- 26.4. The granting, suspension and removal of any positions of leadership at College is at the sole discretion of the Headmaster or his delegated appointee – and do not fall within the ambit of this Code.
- 26.5. The continuation, suspension and removal of any College scholarship is at the sole discretion of the relevant scholarship committee – and also do not fall within the ambit of this Code.

27. Expulsion from the School:

- 27.1. A Learner who is found guilty of “serious misconduct” may only be expelled by the HOD of the DOE, at the recommendation of the SGB.
- 27.2. Such recommendation shall be submitted in the manner determined by the HOD of the DOE.
- 27.3. Pending the decision of the HOD of the DOE:
 - 27.3.1. The SGB may suspend or extend the suspension of a Learner from the School for a period of not more than 14 school days.
 - 27.3.2. However, the SGB shall inform the Learner and his parent/s in writing of the decision to suspend the Learner while awaiting the decision of the HOD of the DOE.
 - 27.3.3. The Learner may continue to receive schooling with the support of his parent/s and the School.
 - 27.3.4. The School shall ensure that the Learner has access to learning material and resources.
 - 27.3.5. His parent/s shall be responsible for ensuring that he utilises whatever provision is available for him to access education (including online education).
- 27.4. At the expiry of the 14 days’ suspension, and whilst awaiting the decision of the HOD of the DOE, the Learner may return to school and continue with his schooling, but shall not be allowed to participate in any School activities and may be kept in a separate classroom until the decision of the HOD of the DOE is made known.
- 27.5. The HOD of the DOE shall consider the recommendations of the SGB and, within 14 days, make a decision on whether or not to expel the Learner.
- 27.6. Should the HOD of the DOE make a decision not to expel the Learner, he or she –
 - 27.6.1. shall give reasons, in writing, for the decision not to expel the Learner;
 - 27.6.2. may, after consultation with the SGB, impose another suitable sanction on the Learner; or
 - 27.6.3. shall refer the matter back to the SGB to impose any other sanction contemplated in the Code.
- 27.7. Should the HOD of the DOE decide to expel the Learner, the HOD of the DOE shall –
 - 27.7.1. inform the SGB, the Learner and his parent/s, in writing, of the decision to expel the Learner and the

reasons for the decision;

- 27.7.2. inform the Learner or his parent/s of the right to appeal against the HOD of the DOE's decision to the MEC for Education within 14 days of receiving the notice of expulsion; and
- 27.7.3. make alternate arrangements for the placement of the Learner who is subject to compulsory attendance at another public school.

28. Suspension and/or expulsion from the BE:

- 28.1. A College boarder who is found guilty of "serious misconduct" by the School may also be suspended or expelled by the Headmaster from the BE.
- 28.2. If he is found guilty of "less serious misconduct" by the School, he may also be suspended by the Headmaster from the BE.

29. Appeal - expulsion:

- 29.1. A Learner or a parent who is aggrieved by the decision of the HOD of the DOE to expel a Learner may appeal to the MEC for Education within 14 days of receiving the notice of expulsion.
- 29.2. If the MEC for Education upholds the appeal from a Learner who had been expelled, he/she shall ensure that a suitable sanction is imposed within 14 days from which the appeal is upheld.
- 29.3. Pending an appeal against the decision to expel a Learner, the HOD of the DOE –
- 29.3.1. shall ensure that the Learner is given access to education in a manner contemplated by the HOD of the DOE;
- 29.3.2. shall ensure that he/ she takes reasonable steps to protect the rights of other Learners; and/or
- 29.3.3. may consider an alternative method of providing education to the Learner who has appealed.

30. Amendment of and deviation from this Code:

- 30.1. This Code may be amended by the SGB, following emailed consultation with the Learners (via the representative council of Learners), parents (via their representatives on the SGB) and educators (via the executive committee of the School and the Housemasters).
- 30.2. Permission for any deviation from this Code shall be applied for in writing from the Deputy Headmaster: Behaviour Management – unless prescribed otherwise herein.

Signed and authorised at Pietermaritzburg on 12 January 2024 by –



Mr IS Colenbrander

Chairman: SGB



Dr CJ Luman

Headmaster



MARITZBURG
COLLEGE

Devices Policy

(Annexure A to the Code of Conduct, as amended in October 2022)

1. Additional definitions:

- 1.1. **“the Logos”** shall mean the badges, other trademarks, logos and/or the badges of College, including all present and past variations and adaptations thereof.
- 1.2. **“User”** shall mean any Learner.
- 1.3. **“Digital Media”** refers to all social media, websites and blogs.
- 1.4. **“Post”** shall mean any blog, comment, post, instant message, e-mail or any other form of communication on any social media platform, as made by a User.
- 1.5. **“Device”** shall mean any device that has connectivity to the internet and/or Digital Media or is able to send or receive calls, Posts, messages or notifications from such a device.
- 1.6. **“Banned Content”** shall mean criminal and/or unlawful content, defamatory content and any other content which contains items or comments including but not limited to the below:
 - 1.6.1. speech that discriminates based on any individual characteristic including but not limited to gender, race, sexual orientation, religion, ethnicity etc. (see also the **Anti-discrimination Policy (Annexure E)**);
 - 1.6.2. explicit or pornographic images or content of any type including suggestive content relating to a minor;
 - 1.6.3. any content that promotes the use of tobacco, alcohol, banned or controlled substances, firearms or weapons;
 - 1.6.4. content that is graphic, violent or otherwise offensive;
 - 1.6.5. defamatory content;
 - 1.6.6. content that is harassing or threatening and could cause someone physical, mental or emotional harm;
 - 1.6.7. any content that could negatively affect College or any person associated with it;
 - 1.6.8. any content that promotes or supports or opposes any political candidate or party, or to makes political statements;
 - 1.6.9. any content that discloses private information about College, other Users, or any other person associated with College;
 - 1.6.10. any content that does not belong to Users (i.e. is someone else’s intellectual property);
 - 1.6.11. any content that is fraudulent or untrue;
 - 1.6.12. any content that brings College’s good name into disrepute; and
 - 1.6.13. any other content that may be deemed inappropriate.

2. Policy statement:

- 2.1. Devices are an integral part of daily life. However, the use of them by Users without strict guidelines may be detrimental to teaching and learning, as well as the maintenance of order and discipline at College.
- 2.2. College supports Digital Media as learning tools, but recognises that there are many aspects that are beyond College's direct control and therefore the use of such media has to be regulated.
- 2.3. Due to the popularity and public nature of Devices and Digital Media, it is necessary for College to provide rules and guidelines, in order to maintain the integrity of College and to offer protection to its staff, Learners and parents.
- 2.4. College believes that one of the means of building a consistent, professional and distinct image is through the use of the Logos, which are easily recognised and associated with College.
- 2.5. Both the MARITZBURG COLLEGE™ name and the School logo are registered trademarks. They and the Logos are important assets and their use shall be protected.

3. Policy application:

- 3.1. All Users are subject to this policy.
- 3.2. This policy applies to Devices and Digital Media in their broadest sense and any Post made or received, irrespective of the source, device or network used in generating and receiving the Post.

4. Devices:

- 4.1. Devices are generally not permitted to be used by Users at school between the hours of 07h25 and 14h00. However, in some instances they may be allowed with the express approval of the staff member concerned. Their use is not permitted in the College media centre at any time. Devices (notably, cellphones) may be carried on the User's person, but they may not be visible.
- 4.2. Devices are not permitted to be used by Users while taking part in or supporting sport practices or fixtures. They may be carried on the User's person, but they may not be visible.
- 4.3. If a Device is confiscated from a User, it will be for the minimum duration of three weeks. There will also be a penalty of two two-hour detentions.
- 4.4. No Device may be used to photograph, film, record or save any Banned Content.
- 4.5. Devices are not allowed in an examination or test venue.
- 4.6. Users who bring Devices to school do so entirely at their own risk. Should they go missing, College will not be responsible for this loss.
- 4.7. The use of speakers, earphones, ear buds or headphones is not allowed during school hours and/or in public, except with the express approval of the relevant teacher or coach.
- 4.8. The use of Devices in the BE is governed by the rules of the BE, but is subject to the principles outlined in this policy.

5. Social media:

- 5.1. No User may use College's name and the Logos in any way that associates it with Banned Content.
- 5.2. No User may post Banned Content.

- 5.3. Any use of College's name or the Logos requires the express prior consent of the Headmaster. College shall require any User to stop using the same if the belief exists that any usage falls outside of these rules or the scope of any permission given to a User.
- 5.4. Permission to use College's name and/or the Logos may not be transferred or extended to any other person.
- 5.5. Should any User make any reference to College on any Digital Media, this policy, as well as all other College rules and policies, shall apply.
- 5.6. No User may develop or manage any Digital Media in College's name, except with the express permission of the Headmaster or his delegated representative.
- 5.7. Users may not incorporate the Logos into their own Digital Media, branding or Posts.

6. New accounts / Access to existing accounts:

- 6.1. Any User or group of Users (e.g. a club, class, department, sport or other organisation) who want to either start a new Digital Media or maintain an existing one related to College shall make a written application to College's Director: Marketing & Communications.
- 6.2. The login details shall be provided by the administrator, and at least one member of College's marketing department shall be made an administrator of the Digital Media.
- 6.3. All requests for applications or queries shall be directed to the Director: Marketing & Communications at marketing@mcollege.co.za.

7. Guidelines for interacting through Digital Media:

- 7.1. To encourage positive use and success in Digital Media, the following guidelines are intended to protect Users' and College's reputations. Users shall adhere to these guidelines.
 - 7.1.1. Remember that the internet is not anonymous. Authors can be easily traced. Posts are easily cross-referenced and linked, often without the Users' knowledge or consent.
 - 7.1.2. Users shall scrutinise their content. Users shall not post materials that are Banned Content. If they are in doubt, they shall neither say it nor publish it.
 - 7.1.3. Users shall remember that it is against the College rules to bring its good name into disrepute.
 - 7.1.4. Users shall respect College's and others' privacy. Users shall not air College's private affairs or information on Digital Media.
 - 7.1.5. The internet does not forget. All Users shall appreciate that their information is backed up continually and may be replicated by other Users or the administrators of the Digital Media page that is used.
 - 7.1.6. Users shall bear in mind that they are representatives of College. Users shall be selective of any photos and other content that they may upload or link to their Digital Media. Users shall keep their interactions appropriate and polite, and shall always be responsible.
 - 7.1.7. It is imperative that all Users maintain the highest level of integrity in social interactions.
 - 7.1.8. Users shall appreciate that the line between their public and private lives is not clear. Users are expected to be mindful of this as any personal Posts may reflect on College.
 - 7.1.9. Users shall ensure that their Digital Media communication with other Users, staff or any other member of the public is in line with the expected interactions.

- 7.1.10. Users should follow the same behavioural standards online as they would in other aspects of their lives. If you wouldn't say something face to face, then don't post it.
- 7.1.11. Digital Media is not a platform for venting, ranting or any other form of expressing dissatisfaction.

8. Reporting:

- 8.1. Users are encouraged to report any contraventions of this policy by other Users.
- 8.2. Contraventions may be reported:
 - 8.2.1. via the anonymous reporting app;
 - 8.2.2. to the relevant Housemaster or assistant Housemaster; or
 - 8.2.3. to the Deputy Headmaster: Behaviour Management or the Senior Deputy Headmaster.

9. Disciplinary action:

Failure to comply with this policy, or any Digital Media behaviour or communication which could be regarded as unreasonable, irresponsible, malicious or in any way underhanded, shall be an offence for which appropriate action may be taken against a User.



MARITZBURG
COLLEGE

HAIR & SHAVING REGULATIONS

(Annexure B to the Code of Conduct, as amended in October 2022)

The purpose of the regulations below is to ensure that a Learner is at all times neat and tidy, and that the state of his hair, generally, brings no discredit to the School.

1. HAIR - ACCEPTABLE:



2. HAIR - UNACCEPTABLE:



3. HAIR GENERALLY:

- The general hair-related principles and expectations at Maritzburg College are:
 - A Learner's hair shall be tidy (combed) at all times.
 - His hair shall 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 shall be clear of the collar ("short back 'n' sides").
 - His hairstyle is to be "neat" – but not a "fashion cut". It should not draw undue, negative attention.
 - A fringe on or below the eyebrows when the hair is combed forward is prohibited.
 - Hair gel, dying and bleaching are prohibited.

- In judging a Learner’s hair, the teacher concerned needs to be sensitive to various cultural or demographic nuances. For example, a cleanly-shaved head on an African Learner is acceptable – but on a White or Indian Learner it is not. Where he/she is unsure, they are to send the Learner concerned to the Senior Deputy Headmaster or the Deputy Headmaster: Behaviour Management, who may consult the appointed “demographic appointee” on the staff, for a final decision. As at the date of signature, those appointees were Messrs R Paterson, O Kajee and SJ Mhlongo.
- Any of the following is likely to cause the School’s haircut rules to be broken:
 - A discernible “step”.
 - Dreadlocks, cornrows, “sculptured” sideburns, or sideburns that are too long.
 - A shaved pattern, including a “wedge” or shaved parting – and any shaving of eyebrows.
 - Hair touching the shirt collar and/or an ear.
 - Material differences in hair length, especially between the sides and the top, that render the hairstyle an unacceptable “fashion cut” rather than an acceptable and desired “short back ‘n’ sides”.

4. SHAVING GENERALLY:

- All Learners are generally required to be clean-shaven.
- Where a Learner begins to display a moustache, beard and/or side-burns, he is required to promptly ensure that he is clean-shaven.
- A Learner who fails to adhere to these provisions must expect to be punished.
- A Learner who claims that, for medical reasons, he is unable to shave shall provide the appropriate written medical justification to the Deputy Headmaster: Behaviour Management, who is solely entitled to issue a shaving exeat.
- Where such a Learner alleges that he needs to have a shaving exeat for longer than three weeks, a formal letter from his specialist physician is required.

5. SHAVING FOR MUSLIM BOYS:

- As a constitutional democracy, South Africa affords scholars the constitutional right to follow certain protected and accepted religious beliefs/traditions.
- Against this backdrop, a Learner of Islamic faith has the keeping of a beard strongly recommended/encouraged as part of his teachings and College endeavours to accommodate this traditional religious practice.
- Accordingly, while all Learners in Forms 2-3 shall be clean-shaven, College allows Muslim Learners from the start of 4th Form onwards the opportunity to either be **clean-shaven** or to **keep a beard**, based on their personal preference.
- However –
 - A Learner who elects to be clean-shaven shall at all times ensure complete compliance, and (once that election has been made) shall not be allowed to be unshaven at any time thereafter.
 - Such election shall be made by no later than 15 February of a given academic year – in the vast majority of cases it will be by 15 February of a Learner’s 4th Form year.
 - A Learner who intends to grow and keep a beard shall before that date submit an original, signed letter to the Deputy Headmaster: Behaviour Management (or his designated delegate) from a *Moulana* (Islamic priest) or other religious leader substantiating the Learner’s particular religious reasons for the beard. Only

then will he be permitted to keep a **neatly groomed** beard for the remainder of his School career – and only after a shaving exeat has been issued to the Learner concerned by the Deputy Headmaster: Behaviour Management.

- It must be clearly noted that, after the shaving exeat has been granted, the Learner concerned may not choose to keep a beard or to shave as he desires; the beard must be kept on a daily basis (in and out of school), for the remainder of the Learner's school career at College.
- New shaving exeats will be issued by the Deputy Headmaster: Behaviour Management at the start of each academic year. All supporting documents shall have been submitted to him, by no later than 15 February of that year.



*The Maritzburg College policy on alcohol, drugs and other illegal or forbidden substances – the “Substances Policy”
– as incorporated as Annexure C to the Code of Conduct in October 2022*

1. Introduction:

1.1. In this Substances Policy –

1.1.1. “**Illegal Substance**” means –

1.1.1.1. any drug as defined in the Drugs & Drug Trafficking Act, 1992 (Act 140 of 1992), that is used or possessed in contravention of section 4 of that Act;

1.1.1.2. any illegal substance as determined by the South African Institute for Drug-Free Sport (SAIDS);

1.1.1.3. any substance that has a psychological or physiological effect; and/or

1.1.1.4. any substance that has an intoxicating or stupefying effect.

1.1.2. “**Drug**” or “**Drugs**” means any Illegal Substance, as well as (unless clearly intended otherwise) any related product or paraphernalia (including, but not limited to, cigarettes, snuff/“pack” and loose tobacco, a “bong”, tobacco pipe, vape/e-cigarette etc.).

1.2. This document, as amended from time to time, sets out the policy on Drugs that applies to all Learners.

2. Framework:

2.1. The following legislation and other documents are pertinent:

2.1.1. Constitution of the Republic of South Africa, 1996 (Act 1 of 1996);

2.1.2. Drugs & Drug Trafficking Act, 1992 (Act 140 of 1992);

2.1.3. National Education Policy Act, 1996 (Act 27 of 1996);

2.1.4. *Regulations for Safety Measures for Public Schools* (Government Gazette 1040);

2.1.5. South African Schools Act, 1996 (Act 84 of 1996); and

2.1.6. the Code.

2.2. In particular, the following provisions from the Code apply:

2.2.1 Clause 14.1.2: *“Possession, use, being in the presence of a learner using, transmission, distribution or visible evidence of any “Drug”, as defined in the **Substances Policy (see Annexure C)**, other than offences outlined at clause 15.1.3 below.*

.”

2.2.2 Clause 15.1.3: *“Use of or being in the presence of a learner who is using any tobacco-*

related products, including cigarettes, e-cigarettes and vapes, snuff/“pack”, as well as sniffing and huffing.

.”

2.2.3 Clauses 21.1. – 21.2, and 21.3.3: *“The SGB, via the Disciplinary Committee, may, on reasonable grounds, suspend a learner who is suspected of serious misconduct from attending School as a precautionary measure, pending a disciplinary hearing. Such precautionary suspension may not exceed a period of seven school days. Suspension as a precautionary measure may be implemented for – . . . possession, use, being in the presence of a learner using, transmission, distribution or visible evidence of any ‘Drug’, as defined in the Substances Policy (see Annexure C), but excluding tobacco and vapes”.*

3. Overview:

- 3.1. The Learners and educators at College consider a safe and disciplined learning environment to be a critical element to the successful delivery of quality education, and recognize the role played by Drugs in seriously undermining this.
- 3.2. The key thrust of this Substances Policy is to help and support the majority of Learners who do not use Drugs, but who may be affected by the usage of Drugs by others. College draws a distinction between habitual abusers, abuse at school, dealing and distribution, and experimentation.
- 3.3. This Substances Policy is mindful of the contents of the *Policy Framework for the Management of Drug Abuse* (Government Gazette 13.12.02).
- 3.4. The use of Drugs by a Learner – whether on College property (including in its BE), at a College-related event or elsewhere – and/or the dealing, distribution in and/or the possession of Drugs shall be punished in accordance with the Code and the South African Schools Act.

4. Drug searches:

- 4.1. When there are signs that a Learner is carrying, using or abusing Drugs, initiating a search for Drugs and testing for their use is a sensitive issue, since it can appear that Learners are being singled out.
- 4.2. The *Regulations for Safety Measures at Public Schools* are designed to make sure that Learners are not shamed, and are designed to help principals and teachers use drug-testing in a thoughtful and careful manner that supports the health and dignity of all young people.
- 4.3. If a College educator suspects that a Learner is using Drugs, because of his behaviour in class or in the BE, it would be prudent for that teacher to ask a colleague for a second opinion, before approaching the Headmaster about his/her suspicions.
- 4.4. According to the South African Schools Act, in the absence of a police officer, the Headmaster may, without a warrant, search any person on College premises if he has reasonable suspicion that Drugs may be present.
- 4.5. Furthermore, anyone who goes against these regulations may be removed from the College premises.
- 4.6. It is important to note that “reasonable suspicion” guides how and where the search may be conducted.
- 4.7. If there is no such reasonable suspicion, then the search would be considered random, and not allowed.

- 4.8. According to *Devices to be Used for Drug Testing and the Procedure to be Followed* (Government Gazette 1140), reasonable suspicion may be established in different ways:
- 4.8.1. by other Learners informing the Headmaster of the presence of Drugs on College premises;
 - 4.8.2. the scent of Drugs, such as dagga;
 - 4.8.3. reports from parents;
 - 4.8.4. traces of Drugs found on the College premises; and
 - 4.8.5. any other reasonable indication (see clause 5 below for guidelines in this regard).
- 4.9. In addition to respecting the importance of establishing reasonable suspicion that a Learner is using Drugs, searches should only be conducted when the educator concerned has received sufficient guidance in that regard.
- 4.10. Key considerations when conducting a search include the following:
- 4.10.1. The Headmaster shall conduct the search.
 - 4.10.2. The person searching shall be of the same gender as the Learner.
 - 4.10.3. The search shall be conducted in private and not in front of other Learners.
 - 4.10.4. It shall be conducted in the presence of an adult witness of the same gender as the Learner.
 - 4.10.5. If Drugs are found, they should be photographed whenever possible.
 - 4.10.6. The search may not extend to the private parts or any body cavity (for example, mouth or anus) of the Learner.
 - 4.10.7. While no private parts of a Learner may be touched, as a last resort a Learner *may* be requested to strip down to his underwear while his clothes are searched.
 - 4.10.8. The only reason why a Learner would normally be allowed to leave the area is in the case of an urgent need to use the bathroom, and then he would need to be accompanied.
- 4.11. If a Learner is suspected of carrying Drugs in his pockets, only his pockets may be searched. It would not be appropriate to (for example) search his bags or locker.
- 4.12. If a Learner is found to be in possession of Drugs, but does not willingly hand them over, then he may be requested to turn out his pockets and school/sports bag.
- 4.13. If the Learner is unwilling to participate, his parent/guardian should be contacted to see if they can come to College and convince their son to co-operate. In such a case, the Headmaster shall explain the reason for the search or test. If the Learner still refuses, the matter may be handed over to the SA Police Services.

5. Symptoms of possible drug use:

The South African Council on Alcoholism & Drug Dependence has issued the following list of symptoms as guidelines to enable detection of drug use:

- 5.1. *Noticeable changes in the physical condition of the Learner:*
- 5.1.1. change in level of activity: periods of lethargy common with the use of dagga, alcohol, sedatives, cocaine and heroin, and periods of hyperactivity associated with dagga, stimulants and alcohol;
 - 5.1.2. change in appetite, varying from increased to decreased levels;

- 5.1.3. unexplained increase or decrease in weight;
 - 5.1.4. lack of co-ordination, staggering or slow movements, dropping of objects, clumsiness and falling;
 - 5.1.5. alterations in speech pattern, resulting in slurred or garbled speech, abnormally rapid speech, forgetfulness, incomplete sentences and incoherent conversation;
 - 5.1.6. unusual shortness of breath, persistent coughs, strange odour on breath and on clothing (common with use of dagga and inhalants);
 - 5.1.7. red-rimmed, bloodshot eyes, watery eyes and drooping eyelids;
 - 5.1.8. little sores around the mouth and unexplained chapped or cracked lips (inherent users);
 - 5.1.9. yellow-brown stains on hands;
 - 5.1.10. continuous runny nose and Learner continually fidgets with nose;
 - 5.1.11. unexplained bleeding of nose;
 - 5.1.12. increased susceptibility to infections and colds;
 - 5.1.13. change in sleeping habits, e.g. staying up all night, but sleepy all day, and restless sleep;
 - 5.1.14. change in physical appearance, e.g. changes in style of clothing and appearance which may be sloppy and unkempt;
 - 5.1.15. severe agitation and lack of concentration;
 - 5.1.16. unexplained shaking, tremors, nausea, vomiting, and sweats or chills, which may be early withdrawal symptoms;
 - 5.1.17. distorted perception of time;
 - 5.1.18. reaction time becomes sluggish;
 - 5.1.19. needle marks, which may result in the Learner wearing long-sleeved shirts, even in hot weather, so as to conceal marks caused by intravenous injection of drugs;
 - 5.1.20. unexplained and on-going headaches;
 - 5.1.21. drowsiness, especially during the day;
 - 5.1.22. unusually dreamy and absent-minded demeanour; and
 - 5.1.23. unusual persistent dry mouth and thirst.
- 5.2. *Behavioural indicators:*
- 5.2.1. sudden aggressive and violent behaviour exhibited through unexplained outbursts of anger;
 - 5.2.2. unexplained restlessness;
 - 5.2.3. destructive behaviour, e.g. punching walls, swearing, fighting etc.;
 - 5.2.4. unexplained irritability;
 - 5.2.5. lack of motivation, e.g. sudden loss of interest in hobbies or sport previously enjoyed;
 - 5.2.6. continual episodes of unexplained giggling; and
 - 5.2.7. saddened and apathetic attitude to life in general.

5.3. *Emotional indicators:*

- 5.3.1. sudden unexplained and continual nervousness;
- 5.3.2. low self-esteem;
- 5.3.3. decreased sense of responsibility;
- 5.3.4. sudden feelings of depression, despondency and hopelessness;
- 5.3.5. severe mood alterations, mood swings varying from euphoria to sudden anxiety and depression, including hypersensitivity; and
- 5.3.6. thought pattern alterations, strange and bizarre thinking, hallucinations, paranoid delusions, abnormal suspiciousness, depressed and suicidal thoughts.

5.4. *Social indicators:*

- 5.4.1. sudden withdrawal from family and friends;
- 5.4.2. sudden secretiveness, deviousness, vagueness, lies, deceit;
- 5.4.3. sudden change in friends, usually friends who are older and suspected of using drugs, and reluctance to introduce friends to family;
- 5.4.4. deterioration in school performance exhibited by an overall lack of motivation towards school work;
- 5.4.5. playing truant regularly;
- 5.4.6. resentment of and disregard of rules, both at home and at school;
- 5.4.7. unusual interest in money; and
- 5.4.8. claims of "lost" clothes, equipment, money etc., which cannot be accounted for.

6. Drug testing:

- 6.1. Once reasonable suspicion has been established for the use or possession of Drugs, the parents/guardians of the Learner concerned ought to be notified as soon as possible.
- 6.2. The Drug test shall be conducted by a person of the same gender as the Learner, in the presence of an adult witness of the same gender as the Learner, and out of sight of any other person.
- 6.3. The test shall be conducted as prescribed on its packaging.
- 6.4. The Learner shall first be asked by the Headmaster if he is taking or has recently taken any medication.
- 6.5. The Learner is required to provide a sample of urine (some tests require hair or saliva).
- 6.6. Where the Learner is unable to immediately provide a sample of urine, he shall be afforded the opportunity to drink water.
- 6.7. However, where the Learner is unable to provide a suitable sample of urine within 30 minutes of his having first being asked to do so, the Learner shall be deemed to have tested positive for the use of Drugs, and College may act accordingly.
- 6.8. The testing kit shall be opened by the Headmaster in the presence of both the Learner who is about to be tested and the witness.

- 6.9. The Headmaster shall remove the drug-testing device from its sealed packaging in the presence of the Learner and the witness.
- 6.10. The Headmaster shall, in the presence of both the Learner and witness, read the information contained on the packaging of the testing device before the test is conducted.
- 6.11. The Headmaster shall test the urine using the testing device, according to the appropriate method.
- 6.12. The packaging of each device indicates how the result of that test is to be interpreted.
- 6.13. Should a Learner and/or his parents/guardians refuse to cooperate with the School, the Learner shall be deemed to have tested positive for the use of Drugs, and College may act accordingly.

7. What happens after the test?

- 7.1. An important aspect of maintaining the confidentiality and dignity of the Learner is not humiliating him by exposing positive drug test results to the larger College community. This may lead to stigma, or a sense of being disgraced, and have lasting negative impacts on a Learner's social and academic life.
- 7.2. Only the Learner and his parents/guardians, and the relevant College staff (including College's Psychologist and the relevant Housemaster/s) may be informed of the test results.
- 7.3. The Headmaster shall inform the parents/guardians of the test results and, if the Learner has tested positive for Drugs, a discussion shall be held with the parents/guardians about the consequences.
- 7.4. Parents/guardians of a Learner may, understandably, be upset and feel confused about how best to help their son. They may want a referral for counselling.
- 7.5. College is required to keep accurate records regarding referrals for further treatment and incidents of Drug abuse.
- 7.6. While the Headmaster has the right to commence disciplinary proceedings, no criminal proceedings may be brought against the Learner arising from a positive Drug test result.
- 7.7. In all cases, the primary goal is to get the Learner off Drugs and back into school.
- 7.8. Efforts shall always be taken to assure that every case is handled with respect for the Learner's privacy (as mandated by the Bill of Rights).
- 7.9. However, where a Learner tests positive for the use of Drugs, even where the said Drug was consumed away from College, he shall immediately be suspended from the school itself (i.e. from classes/lessons) until his parents/guardians have submitted the results of a formal laboratory urine test confirming a negative result and a letter of undertaking addressed to the Headmaster from a counsellor outlining the programme of rehabilitation that he is to undergo. The same principle applies to a boarder – who shall immediately vacate the BE.
- 7.10. Upon submission of a negative laboratory result mentioned in 7.9, the school may at its discretion conduct its own test in order to verify this result before allowing a learner back to school or the boarding establishment.

8. Counselling and corrective/rehabilitative measures:

- 8.1. In accordance with the South African Schools Act, College recognises its social responsibility regarding the rehabilitation of a Learner after he has been found guilty of using or dealing in Drugs.
- 8.2. As part of the Learner's sentence, College shall impose certain rehabilitative measures, in an attempt to ensure that he corrects his habits and behaviour. Depending on the nature of the serious misconduct, corrective measures may include community work, e.g. working at police stations, hospitals, drug rehabilitation centres and the SPCA.
- 8.3. However, habitual offenders who do not respond to rehabilitation shall be referred to the Head of Department for expulsion from College.
- 8.4. The *National Strategy for the Prevention and Management of Alcohol and Drug Use amongst Learners in Schools* supports learners who abuse substances, as well as staff and learners who are affected by substance abuse. It makes it clear that the results of testing should be kept confidential and that learners should be referred to the appropriate resources for counselling or treatment if found to test positive for the use of Drugs.
- 8.5. Counselling shall be conducted by the College Psychologist, or by an external social worker/counsellor.

9. Amnesty programme:

- 9.1. College shall support any individual who voluntarily comes forward, is honest about his Drug use, and shows a willingness to receive help for his Drug use.
- 9.2. A Learner who approaches the College Psychologist and asks for assistance with a Drug-related problem shall not be subjected to any initial disciplinary action – so long as he asks for such assistance before he is tested by College and, indeed, even before he is under immediate threat of being tested.
- 9.3. The matter shall be treated as confidential, provided the Learner agrees to –
 - 9.3.1. the management of his Drug-related problem; and
 - 9.3.2. a management plan, as devised by the College Psychologist, which shall include –
 - 9.3.2.1. a contract to discontinue the Drugs;
 - 9.3.2.2. counselling to address any underlying issues; and
 - 9.3.2.3. consent to follow-up drug screens.
- 9.4. In cases where the Learner does not comply with the management plan, the College Psychologist shall have no option but to bring the matter to the attention of the Learner's parents/guardians and to the Headmaster, who may decide to conduct a disciplinary hearing.



MARITZBURG
COLLEGE

Cheating & Plagiarism Policy

(Annexure D to the Code of Conduct, as amended in October 2022)

1. Additional definitions:

- 1.1. **“Cheating”** means any means of gaining an unfair advantage in academic work.
- 1.2. **“Plagiarism”** means any form of copying or taking credit for work that is not one’s own.
- 1.3. **“Irregularity”** means any suspected Cheating or Plagiarism.
- 1.4. **“AI”** means any artificial intelligence website, algorithm, computer system, app or program including but not limited to ChatGPT, Alexa, Siri, Lensa, Bard etc

2. Policy statement:

- 2.1. The integrity of academic standards at College is maintained by consistent teaching, learning and assessment.
- 2.2. Cheating and Plagiarism undermine the integrity of any academic assessments.
- 2.3. This policy aims to support and uphold the academic standard at College, as well as remediate anyLearner who commits an Irregularity.

3. Policy application:

This policy applies –

- 3.1. To all Learners.
- 3.2. To all forms of academic work by Learners, including but not limited to examinations, tests, assignments, projects and homework exercises; whether that work was done at College or any other place; and/or whether the work is a formal or informal assessment task.

4. Cheating:

- 4.1. Cheating by a Learner is not acceptable.
- 4.2. Cheating may include the inappropriate:
 - 4.2.1. Possession of notes in any form.
 - 4.2.2. Possession of textbooks, dictionaries, books, study guides or any other study materials.
 - 4.2.3. Possession of any device that can be enabled to send or receive any messages, such as iPads, cellphones, smart watches, earphones, laptops etc.
 - 4.2.4. Copying of another Learner’s work.
 - 4.2.5. Attempting to assist another Learner.
 - 4.2.6. Communication in any form with any other Learner.

- 4.2.7. Writing on one's person or personal effects.
- 4.2.8. Gaining copies or portions of any question paper before the assessment date and time.
- 4.2.9. Changing or attempting to change any answer, once the task is complete.
- 4.2.10. Adding ticks, numbers or changing any marking done by an educator.

5. Plagiarism:

- 5.1. Plagiarism by a Learner is also not acceptable.
- 5.2. No copying of any academic work or portions of academic work from other Learners or any other source is permitted, including homework.
- 5.3. No Learner may purchase or sell academic work in any form.
- 5.4. No Learner may perform academic work for another Learner or request another Learner to perform academic work for him.
- 5.5. Where another person's ideas or research are used, he/she must be acknowledged.
- 5.6. Where another person's wording is used, it should be appropriately indicated.
- 5.7. Plagiarism includes (but is not limited to) when –
 - 5.7.1. A Learner has submitted a purchased paper (from on-line or other sources).
 - 5.7.2. He has copied another person's work (writing, photograph, sound or video recording, musical composition) in its entirety.
 - 5.7.3. He has committed word-for-word plagiarism (e.g. whole paragraphs have been copied).
 - 5.7.4. So-called "mosaic plagiarism" has taken place – defined as the process of using embedded keywords or apt phrases ("catch phrases") from a source, without differentiating it from one's own writing. This often amounts to the stealing of ideas.
 - 5.7.5. The use of AI to write academic work or portions of academic work on a learner's behalf.
 - 5.7.6. Any AI technology and Wikipedia are not considered reliable academic resources and the use of these for an assessment task would constitute plagiarism.

6. Procedure in cases of suspected Cheating or Plagiarism:

- 6.1. In the case of an Irregularity during a test or examination –
 - 6.1.1. The Learner's script is to be removed, as well as any item that may be deemed to have been of assistance to him.
 - 6.1.2. The Learner is to be issued with a new script, for him to continue writing.
- 6.2. As soon as the Irregularity is discovered, or at the conclusion of the test/examination, the Learner shall be escorted to the relevant Subject Head or (Academic) Head of Department, upon which both parties must make a formal written statement.
- 6.3. Should neither the Subject Head nor the (Academic) Head of Department be available, both parties are to make a formal written statement with at least one other witness present. These statements are to be forwarded to the relevant Subject Head or

(Academic) Head of Department.

- 6.4. The Subject Head or (Academic) Head of Department shall forward any Irregularity that warrants serious or less serious disciplinary action to the Deputy Headmaster: Behaviour Management or the Deputy Headmaster responsible for either discipline or academics.

7. Guidelines for Learners:

To encourage academic achievement, protect Learners' reputations and the academic standard at College, each Learner shall adhere to the following guidelines:

- 7.1. Ensure that you are well prepared for tests and examinations.
- 7.2. Submit your own best effort.
- 7.3. Know and follow the test and examination rules.
- 7.4. Follow the educators' instructions for referencing and quoting in projects and assignments.
- 7.5. Maintain your integrity by being honest in all your academic work.

8. Reporting:

- 8.1. Learners are encouraged to report any Irregularities by other Learners.
- 8.2. Irregularities may be reported:
 - 8.2.1. via the anonymous reporting app;
 - 8.2.2. to the relevant Subject Head or Head of Department; and/or
 - 8.2.3. to the Deputy Headmaster: Behaviour Management or the Deputy Headmaster responsible for either discipline or academics

9. Disciplinary action:

- 9.1. Failure to comply with this policy, or any other action that could be deemed an Irregularity, will be an offence for which appropriate action may be taken against a Learner.
- 9.2. The standard punishment for a first offence of Cheating or Plagiarism is:
 - 9.2.1. Depending on the severity of the case, a disciplinary interview, internal disciplinary hearing or external disciplinary hearing is conducted and the parents of the Learner are invited to attend.
 - 9.2.2. The Learner is awarded '0' for the task.
 - 9.2.3. A letter of warning is issued and placed on the Learner's file and as a "consequence" on EdAdmin.
 - 9.2.4. Three detentions are issued.
 - 9.2.5. As the offence is a breach of College's Core Values of honesty and integrity, the Learner will *generally* be prohibited from holding a leadership position as per the Leadership Selection Policy.



Anti-discrimination Policy

(Annexure E to the Code of Conduct, as amended in October 2022)

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Background

It is not uncommon for the views of learners at "traditional" South African schools — in which instructions and opinions have a tendency to flow in one direction — to go unheard. The SATT is committed to fostering an environment in which Maritzburg College schoolboys will feel comfortable to voice their opinions, concerns, anxieties and hopes. They have already been consulted in the drafting of this Statement of Intent and they will also play the leading role in drafting the school's Anti-Discrimination Policy. (Maritzburg College, Statement of Intent, 2019)

The SATT (Social Awareness Task Team) now SAC (Social Awareness Council) is indebted to the work done by members of the Maritzburg College community in preparing numerous drafts of a policy and complaints procedure. The committee also referenced the ISASA Toolkit for Transformation and Diversity. These have been incorporated as far as possible. We acknowledge St John's College, whose policy formed a guideline to formulating our own. The following members contributed to this policy, which was then submitted to EXCO and the SGB for consideration:

- Mrs Rodelle Govender (Head of Social Awareness)
- Mr Keith Guise-Brown (Deputy Headmaster, EXCO)
- Mr Ryan Kyle (Head of Leadership)
- Mr Wilfred Zuma (Estates Staff)
- Miss Cashel Hackland (Administration)
- Mrs Ghemma Wylde (Educator, Social Awareness Forum)
- Mr Ngcebo Thembela (Educator, MCOBA)
- Mr Osama Salim (Chair - Social Awareness Forum)
- Mr Nhlanhla Lushozi (Chair - RCL)
- Mr Sanele Mntungwa (Prefect)
- Mr Dean Dyer (Deputy Head Prefect - Boarding)
- Mr Skye Banks (RCL - Form 2 representative)
- Mr Carl Martin (RCL)

In addition to the policy, the following actions are proposed with regard to the implementation of this policy:

- (a) To preserve the “*Statement of Intent*” as a core document;
- (b) To implement any practical actions outlined in the Statement of Intent which have not yet been implemented (e.g. The College Credo); and
- (c) To implement a comprehensive programme to create awareness, understanding, engagement and adoption of this policy throughout the Maritzburg College community.

The policy approved by the School Governing Body is set out below:

Preamble

1.1 We the community of Maritzburg College:

- Remains committed to celebrating the individuality of every College boy bearing in mind we are also part of a broader socially and economically diverse community.
- Acknowledge the challenges of our society, which have been shaped by our country's past history, but we are determined to move forward and build a positive future for our boys.
- Are firm in our belief that any difference — racial, cultural or economic — is not a dividing factor in our school and that we should embrace a "College Culture" that is supportive of every person associated with our school, regardless of difference.

1.2 We therefore commit to:

- Be proactive in addressing occurrences of Unfair Discrimination to create a safe and enabling school environment;
- Educate and engage with our school community, transparently, and, in the best interest of our boys, to pursue an ethos of diversity and inclusivity in our school.
- Respect everyone's human rights and fundamental freedoms as entrenched in the Constitution of the Republic of South Africa;
- The dignified and fair treatment of everyone within the school community irrespective of race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, pregnancy, family responsibility, marital status, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground;
- Establish a structure, representative of the Maritzburg College community and accountable to the SGB to oversee all transformation and diversity initiatives designed to redress past and present Unfair Discrimination and safeguard against future Unfair Discrimination.

1.3 Values of the Policy

In a modern world, that at times shows some neglect for the virtues of character, Maritzburg College has retained an unashamed focus on its core values of HONESTY, INTEGRITY, COURAGE, SELF-DISCIPLINE, COMMITMENT and RESPECT, which all College boys are expected to embrace and live out each day.

These CORE VALUES represent the spirit of this policy and are the driving force for the implementation of this policy.

Purpose and Rationale

The aim of this policy is to ensure that every member of our school community — parent, staff, schoolboy and past scholar — feels that this environment is a safe space for him/her to thrive and feel accepted as a valued member of the College family.

We want our boys to be able to hold their own in any company, but be humble enough to listen to and respect the views and differences of others. We want them to imbibe a sense of tolerance for any aspect of difference and to see that prejudice in any form has no place in a thriving and successful community. We want them to learn to be better people so that the boys of this school may leave its "Old Walls" fully able to take their rightful place as valuable citizens of our world.

Scope

This policy applies to all members of the Maritzburg College community.

This includes (but is not limited to) the following people in their *direct* interactions or associations with the school:

- College boys
- Teachers
- Employees
- Parents, guardians and families of College boys
- SGB Members
- EXCO
- Past learners
- Contractors, sub-contractors and business associates
- Visitors / Guests of the school

Right of admission to all visitors on the Maritzburg College campus is reserved and as part of that right, everyone is expected to comply with this policy.

While the principles of this policy are applicable to the whole of the Maritzburg College community, appropriate procedural variations will apply to different stakeholders and College boys in the different areas of the school without detracting from the intention and spirit of this policy. The policy further recognises the South African Schools' Act and the school's obligation to acknowledge the procedures of the Department of Basic Education in dealing with any matter that pertains to this Act.

Definitions

'Alleged perpetrator' means a person or group of people against whom a complaint has been lodged regarding an alleged violation of this policy, according to this policy.

'Advisory Committee' means the minimum group of three (3) people comprising the Head of Social Awareness and the Deputy Headmaster – Discipline, and one or more representatives from the

stakeholder groups as described in section 5.3 below.

‘Complainant’ means the person who has lodged a complaint regarding an alleged violation of this policy according to the terms of this policy. An *anonymous* complaint does *not* satisfy the definition of Complainant.

‘Complainant’s representative’ means the parent or guardian of a College boy, the fellow employee of a teacher or employee or a designated representative of the complainant.

‘SGB’ means the School Governing Body of Maritzburg College as set out in the Constitution of Maritzburg College.

‘Diversity’ means recognising that each individual is unique. It affirms the process of moving from simple tolerance, to embracing and celebrating the rich dimensions of diversity contained within each individual within the school environment.

‘Harassment’ means any conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment; or is calculated to induce submission by actual or threatened adverse consequences by virtue of a person’s race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, pregnancy, family responsibility, marital status, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground. Harassment is a form of unfair discrimination.

‘Representative’ excludes formal legal representation in the resolution of complaints in terms of this policy.

‘Transformation’ means a profound re-orientation from past values and practices to a future defined by non-racialism, non-sexism and social relationships based on the greater observance of human rights and equity. Transformation involves understanding the strategic, educational and moral imperatives for transformation, a fundamental change at a personal and school level and seeing transformation as a strategy for creating an excellent, relevant and socially just school.

‘Head of Social Awareness’ means the member of staff who has been designated by the Headmaster, in consultation with the SAC, to champion social awareness initiatives of the school.

‘Unfair Discrimination’ means any act or omission, including a policy, rule, practice, condition or situation which directly or indirectly-

- a. imposes burdens, obligations or disadvantage on; or
- b. withholds benefits, opportunities or advantages from any person on one or more of the following grounds: race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, pregnancy, family responsibility, marital status, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground where discrimination based on that other ground -
 - i. causes or perpetuates systemic disadvantage;
 - ii. undermines human dignity;
 - iii. adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner.

It is not Unfair Discrimination to take affirmative action measures consistent with the purposes of the Employment Equity Act 55 of 1998 (as amended) or to distinguish, exclude or prefer any person on the basis of an inherent requirement of a job.

It is not Unfair Discrimination to take measures designed to protect or advance persons or categories of persons disadvantaged by Unfair Discrimination or the members of such groups or categories of persons as referenced in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (as amended) (the Equality Act).

Maritzburg College is a government school. Decisions taken as a consequence of its obligations to the Department of Basic Education do not constitute unfair discrimination.

Policy

- 5.1 The discipline procedure of the school has already been established through the South African Schools Act (No. 84 of 1996); and the School Code of Conduct. This policy falls within the ambit of these two policies.
- 5.2 Any person referred to in 3. Scope (page 4) above may lodge a complaint regarding an alleged violation of this policy including alleged Unfair Discrimination or harassment that has arisen as a direct consequence of their interaction or association with the school. Such complaint should be lodged as soon as possible after the incident giving rise to the complaint. Categories and examples of Unfair Discrimination, Harassment and hostile environment are contained in Annexure A.

5.3 Complainants (or their representatives) may lodge a complaint using the channel with which they are most comfortable, within the relevant section of the school. These channels include, but are not limited to:

- The Headmaster
- A Maritzburg College HOD or Housemaster
- A Maritzburg College staff member (e.g. mentor teacher, school counsellor)
- A school prefect, member of the RCL Executive Committee and/or house leader (in the event that the complainant is a school College boy)
- A member of the Social Awareness Council (SAC)
- The Estates Manager or a nominated representative
- The Chair of the School Governing Body (SGB)
- Mobile and web applications adopted for this purpose

5.4 Irrespective of whether the complainant is seeking a formal or informal outcome, the person receiving the complaint must provide a written record of the complaint (See Annexure B) to the Advisory Committee (see below) within forty-eight (48) hours of receiving the complaint. This report must be completed for all complaints, including those that are not handled formally by the Advisory Committee.

The **Head of the Advisory Committee** will be the designated **Head of Social Awareness** in the school. The Head of the Advisory Committee, in consultation with the School Head of Discipline will engage with a minimum of the following one (1) or more people depending on the nature of the complaint:

- The Headmaster
- The Head of Leadership
- The Chairman of the Social Awareness Forum
- The Chairman of RCL
- The School Counsellor
- Any other member of the school, staff or College boy, who may be able to offer insight to the specific complaint.

5.5 Should the complaint involve two or more stakeholder groups; the other implicated parties will also have representation on the Advisory Committee. Where possible the composition of the Advisory Committee should display diversity within itself, to gain a wider range of perspectives and greater representativeness.

- 5.6 The Advisory Committee should endeavour to report to the Headmaster (and if necessary his/her representative) within twenty-four (24) hours of receiving the complaint. The group must evaluate the written statement of the complainant if there is one, and may pre-emptively investigate certain aspects of the case in preparation for the meeting. The Advisory Committee will make recommendations, based on the procedure to be followed by the School Code of Conduct, and other related documentation; and with advice from the Headmaster and the SGB. The process must adhere to strict timeframes and confidentiality.
- 5.7 The meeting to address the complaint must ensure that the complainant/s is/are made aware prior to the meeting, that he/she may nominate a representative to join him/her in this meeting. In the case of a College boy/s, the parent(s)/guardian(s) should attend where possible.
- 5.8 In the case of a matter involving a College boy/s, the pastoral needs of the boy/s involved may be met by his/their Housemaster/s and Staff Mentor/s as well. The Housemaster/HOD/School Representative must ensure that the emotional and psychological needs of the boy/boys involved are addressed and the School Counsellor should be involved where necessary.
- 5.9 Should the matter be resolved before being referred to the Advisory Committee, the most senior person addressing the matter is obliged to provide a written report to the Head of Social Awareness as per Annexure B. This record will be kept for review and a copy should be placed in the file of the complainant and alleged perpetrator, as well as by the Head of Social Awareness.
- 5.10 It is recognised that in some instances a person may feel offended or hurt by another's comments and/or behaviour but may not want a formal outcome. The reason for the existence of the informal option is not to delegitimise the seriousness of the incident, but to offer a procedure that is flexible enough to capture the nuances of Unfair Discrimination whilst also normalising complaints and, in doing so, make people more comfortable and inclined to lay complaints when they have been hurt or offended. Under no circumstance should someone affected by an alleged violation of this policy feel pressured into taking an informal approach.
- 5.11 The Advisory Committee is obliged to follow-up, formally or informally depending on the nature of the complaint, all procedures and consequences. Further to this, the Advisory Committee should ensure that transparency, fairness and consistency is applied through all stages of the process. There is also a further

obligation to ensure that the complainant/s and alleged perpetrator/s is/are made aware of possible outcomes of different approaches to dealing with the complaint. They should endeavour to ensure that the complainant receives appropriate emotional support and or counselling within one week of the complaint being received.

5.12 Ultimately, the perpetrator will have to face the consequences of his/her actions; however, the school favours an opportunity for mediation, education, pastoral care and reconciliation and ways in which the perpetrator and the wider school community can be educated and rehabilitated.

Roles and Responsibilities

6.1 The role of EXCO is to ensure that all stakeholders in the Maritzburg College community are made aware of this policy. These stakeholders include:

- Members of the SGB
- College boys
- Teachers
- Employees
- Contractors and Subcontractors
- Parents and guardians of students
- Members of the Old Boys' Association
- Past learners

In addition, EXCO should ensure that any appropriate procedural variations to this policy are identified and communicated to stakeholders and all College boys.

6.2 The role of the Advisory Committee is to offer advice on how specific cases of alleged Unfair Discrimination at Maritzburg College are handled. This can be on a disciplinary, pastoral, reconciliatory or legal level. This must be done within the time-frames specified and with appropriate confidentiality.

6.3 The role of the Advisory Committee is to engage with the complaint, without prejudice.

6.4 The role of the Advisory Committee is to safeguard against future Unfair Discrimination and to monitor compliance with this policy.

6.5 The Head of the Advisory Committee and the Head of Discipline undertake to review all matters that have arisen during the year, at the end of the year. This process allows for an appraisal of the system to identify consistencies to assist in future recommendation; and to offer insight to the SAC for future initiatives.

Addenda

Addendum 1

This Annexure is designed to raise awareness of what could constitute Unfair Discrimination either in person or in any form of communication, including social media.

1. **This section breaks down offences of unfair discrimination. These may include, but are not limited to, the following:**

- Verbal abuse and threats;
- Written Unfair Discrimination (e.g. graffiti);
- Provocative behaviour (e.g. wearing discriminatory badges or insignia);
- Discriminatory comments in the course of discussions;
- Discriminatory comments made in the classroom;
- Ridicule of an individual's differences;
- Attempts to recruit other individuals into exclusive groups on prohibited grounds;
- Physical assaults;
- Any distinction, exclusion, limitation or preference made by a person in an authoritative position who uses unfair grounds to distinguish, exclude, limit or prefer certain persons from being part of sporting codes, education, positions, activities or benefits of any kind meant for any person within the school environment. *This excludes the **accepted** Form privileges which forms part of the traditions of the school but which is open to review and is NOT intended to harm any person/s, but constitutes a part of the 'spirit' of the school.*

2. **This section breaks down more specific examples of potential offences in the categories of Unfair Discrimination:**

On the grounds of race, religion or cultural association:

- Dissemination of any propaganda or idea, which propounds the racial superiority or inferiority of any person, including incitement to, or participation in, any form of racial violence;

- Engagement in any activity which is intended to promote, or has the effect of promoting exclusivity, based on race, religion or culture;
- Exclusion of persons of a particular race, religious or cultural group under any rule or practice that appears to be legitimate but which is actually aimed at maintaining exclusive control by a particular racial, religious or cultural group;
- Inferior treatment of a specific racial group, compared to those from another racial group;
- Denial of access to opportunities, or failing to take steps to reasonably accommodate the needs of such persons;
- Use of derogatory language to undermine a certain racial group;
- Making fun of clothes, food or physical appearance of people from a different cultural context than your own;
- Having lower expectations for students of different cultural or racial groups;
- Telling or sharing jokes directed against people from particular racial groups;
- Using insulting language against particular cultural or racial groups;
- Making fun of peoples' accents or names;
- Demonstrating a lack of tolerance for understanding peoples' accents
- Refusing to work or play with or sit next to other people who are from a different culture or race group or speak a different language;
- Telling people to 'go back to where they came from' or making similar derogatory remarks;
- Allocating tasks or classes to teachers or students according to their culture or background;
- Laughing at a racist joke;
- Not reporting racist behaviour;
- Promoting publications online that are opposed to, or insult, others based on race, religion or culture;
- Wearing clothes with slogans that would offend any racial group;
- Suggesting that a member of a particular race group only got to where they are because of their race;
- Associating the presence of any group of people with racial or cultural stereotypes;
- Saying that you don't see colour;

On the grounds of gender:

- Dissemination of any propaganda or idea, which propounds the objectification of women, including incitement to, or participation in, any form of sexual violence;
- Dissemination of any propaganda or idea, which propounds the abuse of any person based on his/her sexual identity, including incitement to, or participation in, any form of such abuse – emotional, physically or psychological;
- Inferior treatment of any person due to his/her gender or sexual orientation;
- Use of derogatory language to undermine a person based on his/her gender or sexual orientation;
- Telling or sharing jokes directed against females;
- Undermining a person by making sexist jokes or innuendos;
- Mocking or belittling someone because of his/her sexual identity;
- Gender-based violence and other forms of sexual harassment;
- The denial of fair access to opportunities, or failing to take steps to reasonably accommodate the needs of such persons;
- Undermining the contribution of women.

On the grounds of disability:

- Mocking or belittling someone because of his/her disability.

Addendum 2
INCIDENT REPORT

Name and designation of person attending to Complaint	
Date of Complaint	
Name/s of Complainant	
Name of Person to Whom Complaint is Addressed	
<u>DETAILS OF COMPLAINT</u> Please be as specific as possible: <ul style="list-style-type: none">• What happened?• Where?• When?• Who? Did anyone witness what happened?	

OUTCOME (Give details as to the steps taken to deal with the Complaint)

Signature of Person dealing
with Complaint

Signature of Head of
Advisory Committee

Signature of Head of
Discipline

Reflection/General Comment