



Code of Conduct for Learners

Preamble

Under the terms of the **South African Schools Act, 84 of 1996**, a School Governing Body must adopt a *Code of Conduct* aimed at establishing a **disciplined and purposeful environment to facilitate effective education and learning in schools.**

This *Code of Conduct* is subject to the **Constitution of the Republic of South Africa Act, 1996, the South African Schools Act, 1996** and also subordinate **provincial legislation.**

The *Code of Conduct* is also intended to reflect the constitutional **democracy**, regard for **human rights** and transparent **communication** which underpin South African society.

The main **stakeholders** (learners, educators and parents) must take **ownership** of this *Code of Conduct*.

Pearsonites' basic code of conduct

- Respect for authority
- Respect for others
- Respect for self
- Respect for property
- Regular attendance
- Preparation for classes
- Punctuality

Mission statement

Pearson High School aims to be a sought-after school, achieving the highest possible educational standards, educating the whole child academically, culturally, spiritually and through sport to his/her full potential, in order to become a useful, achieving and well-adjusted member of society.

Philosophy

In striving to achieve this mission, the school is guided by the following philosophy:

- The maintenance of a Christian ethos, while at the same time instilling an awareness, knowledge, tolerance, appreciation and recognition of other religions.
- Inculcation of sound moral values.
 - Acceptance
 - Accountability
 - Compassion
 - Forgiveness
 - Perseverance
 - Self-control
 - Honesty
 - Responsibility
 - Tolerance
 - Humility
- Development of sound social skills, emphasising:
 - the development of character, leadership qualities, physical fitness, cultural enrichment and aesthetic appreciation
 - respect for and awareness of the individual and his/her culture, language and religion
 - self-discipline through the acceptance of authority
 - responsibility for the consequences of one's actions
 - adaptability to change
 - the importance of good citizenship
 - dedication to high academic standards, by encouraging the development of skills and talents, the acquisition of knowledge, creativity and inquisitiveness and positive attitudes
 - the promotion and fostering of a culture of *caring* and of *life-long learning* at the school.
 - The setting of values driven examples for others.

- The notion that every pupil must remember is that he/she is a member of Pearson in public and private. All learners are expected to behave in a responsible, tolerant, courteous and sensible manner. Any action that is discourteous, dishonest or destructive or that may have a detrimental effect on the reputation of Pearson High School will be regarded as an offence justifying, disciplinary action.

Rights and obligations

The rights, obligations and expectations of learners, educators and parents are outlined over the next three pages.

Learners

Any person enjoying a recognised right shall exercise or enjoy that right in a manner which will not infringe the rights of any other person:

Learners' rights

- Worth and human dignity
- Protection from all forms of unfair discrimination on the basis of race, colour, gender, language or religion.
- The opportunity to learn in an environment conducive to the learning process.
- Freedom of speech and other forms of expression.
- The opportunity of being heard.
- An education that helps him/her to live his/her life to the full.
- Conservation and protection of his/her environment.
- Safety and good care.
- Due process in disciplinary matters.
- Due consideration to the educators' obligations set out on page 5.

Learners' obligations

- Respect for the dignity of the individual and demonstrating appropriate courtesy to elders and one another.

- Respect of differences of race, colour, language, religion or gender in others.
- Ensuring that the learning process of other learners is not unduly disturbed or prejudiced by his/her behaviour.
- Respecting another's right to freedom of expression.
- Hearing and respecting contrary views.
- Making optimum use of the educational opportunities provided.
- Respecting the natural environment.
- Respecting another's right to safety.
- Being proud of his/her school.
- Obeying the school rules.
- Giving consideration to educators' rights and expectations set out below.

Educators

An educator at the School shall have the same rights as a parent to control and discipline learners according to the Code of Conduct during the time the learner is in attendance at Pearson in any classroom thereof, school function, school excursion or school-related activity.

Educators' rights and expectations

- Learners will behave appropriately in the classroom so as not to interfere with others' learning and the educators' responsibility to educate.
- Learners will respect the dignity and fundamental rights of educators.
- Learners will be courteous and respectful towards their educators.
- Parents will be courteous and respectful towards the educators of their children.
- Learners will be prepared to participate fully in school life.
- Parents will co-operate with educators with regard to their child's/children's behaviour and progress.

Educators' obligations

- Establish and maintain a safe and consistently disciplined learning environment in their classrooms.
- Respect the dignity and fundamental rights of learners.
- Treat learners fairly and courteously.
- Treat parents with courtesy and respect.
- Encourage each learner to achieve his/her maximum potential in all aspects of school life.
- Communicate information, when deemed necessary, on behaviour and progress of learners to parents and administration.

Parents

Parents' expectations

- The school will promote safety, cleanliness, fairness and respect for others.
- Learners will be encouraged to achieve to the best of their abilities.
- Lessons and other activities will be planned in a professional and orderly manner.
- Parents will receive regular reports of their children's progress via processes determined by the principal.
- A healthy, balanced, fair and constructive disciplinary code will prevail.
- Parents will be informed of misbehaviour sufficiently early to facilitate correction.

Parents' obligations

- Ensure that their child/children attend school regularly and punctually.
- Encourage their child/children to achieve to the best of their abilities, in their academic, sporting and cultural endeavours without undue intrusion.
- Co-operate with the school in fostering self-discipline and respect for the school in their child's/children's mind(s).
- Inform the school of any special circumstances which may affect the learner's progress and behaviour.

- Make themselves available for necessary discussions.
- Support the school and ensure as far as possible that learners observe all school rules and regulations.
- Honour their financial commitments to the school.

Disciplinary procedures

A. Discipline

Discipline needs to be maintained at Pearson in order to ensure that the educational process is allowed to proceed without disruptive behaviour from any of our learners. Our educators have the full authority and responsibility to correct any form of unacceptable behaviour from our learners. The purpose is to instil a sense of self-discipline so that the rights of all Pearsonites, and ultimately citizens, are protected.

Appropriate disciplinary action will be taken as required, bearing in mind that such action:

- should be expeditious, procedurally fair, just, corrective, consistent and educative
- could include the involvement of the parents, where deemed necessary, so that they may assist in the corrective and educative process
- should not violate the rights of the learner
- should be reasonably administered
- will not expose the learner to any form of abuse
- should not contravene the common law or the South African Schools Act of 1996 or the Constitution.

Categories of offences

Infringements of the school rules and/or *Code of Conduct* are divided into three categories:

- | | | |
|------------|---|-----------------------|
| CATEGORY 1 | - | lesser offences |
| CATEGORY 2 | - | more serious offences |

CATEGORY 3 - serious misconduct

Guidelines are given over the next three pages.

CATEGORY 1: Lesser offences, examples of which, not being exhaustive, are the following:

- Unacceptable conduct in corridors, hall etc. e.g.
 - shouting
 - back-chat
 - not walking in single file

- Bad manners/bad behaviour in:
 - public
 - classroom/hall/corridors
 - buses etc.

- Disregarding instructions and general school rules, e.g. eating in class or in corridors.
- Late for class e.g. loitering in changing-rooms, going to lockers during periods.
- Absent last day/s of term with no reason
- Absentee notes not handed in
- Reply-slips not handed in
- Disobeying the dress code with regard to: hairstyles / jewellery and/or nail-polish / uniform / school bags/sports bags
- Homework not done or incomplete, work not handed in on time
- Copying homework
- Writing on desks or any school property
- Littering
- Being in out-of-bounds areas
- Poor attendance at sports practices
- Playing ball games on the netball courts

CATEGORY 2: More serious offences, examples of which, not being exhaustive, are the following:

- Repeatedly committing less serious offences.
- Use of cell phone during school time
- Disorderly, insulting or insolent behaviour, e.g. swearing and lack of respect for authority or property.
- Defamation of character, e.g. malicious gossip.
- Physical or emotional abuse.
- Absenteeism without reason from school or class.
- Failure to arrive at extra-mural activities without a valid reason.
- In possession of, or the smoking of cigarettes / e-cigarettes while under school jurisdiction, or in school uniform.
- Being in possession of objectionable reading, video or musical matter while under the jurisdiction of the school or in school uniform, either in printed, written or electronic format.
- Dishonesty e.g. copying tests, caught with a cell phone on person during tests/examinations, missing tests or examinations without a valid reason and cheating in tests or exams.
- Disregarding and undermining a student leader's authority.
- Computer abuse, e.g. misuse of internet; interference with another's work; settings, plagiarism in projects: 'copy and paste' directly from a source.
- Misbehaviour in public while recognisable as a Pearson learner.
- Coming late for school.

CATEGORY 3: Serious misconduct

A learner at Pearson High School who:

- has been convicted by a court of a criminal offence or has transgressed any other law
- uses or is under the influence of intoxicating liquor or drugs during a school activity while in school uniform or under the authority of the school
- is guilty of assault, theft, gross insubordination or immoral conduct

- has been repeatedly absent without leave from school and/or classes without valid reasons
- intentionally, and without just excuse:
 - seriously threatens, disrupts or frustrates teaching or learning in a class
 - engages in a conspiracy to disrupt the proper functioning of the school
 - insults the dignity of a staff member
 - repeatedly cheats in a test or examination
 - copies during an examination or test
 - distributes any test or examination material that may enable another person, or himself or herself to gain an unfair advantage
 - sexually harasses another person
 - is found in possession of, or distributes, pornographic material
 - supplies false information, or falsifies documentation to gain an unfair advantage at school
 - is in possession of a dangerous weapon, or uses a potentially dangerous item to threaten any person
 - engages in any act of public indecency
- is party to harmful/humiliating initiation procedures involving learners:
 - endangers the safety and/or violates the rights of others
 - fights, swears, or falsely identifies himself or herself
 - threatens fellow learners or educators, or intimidates, victimises or bullies such persons
 - uses hate speech, engages in racism or harmful graffiti
 - vandalises, defaces or destroys school property
 - repeatedly violates school rules, or the Code of Conduct
 - conducts himself or herself in a disgraceful, improper or unbecoming manner that would bring discredit to the school
 - repeatedly arrives late for school
 - deceit, including the forging of any person's signature
 - any form of initiation, not specifically authorised in writing by the principal.

- fails to report any serious misconduct or fails to assist with the investigation of any serious misconduct.
- is found guilty of offensive or oppressive behaviour
- takes computer equipment without permission
- being in possession of drugs or alcohol while under the jurisdiction of the school or in school uniform.

will, on the grounds of alleged serious misconduct, be referred to either an internal disciplinary hearing or a formal Governing Body Disciplinary Hearing.

Searches

These are now governed by Section 8A of the South African Schools Act, which sets out the procedures to be adopted.

Note

- It will be the Governing Body's prerogative to suspend a learner from attending school for a period of time if he/she deems this necessary for the safety or in the interests of other learners in terms of Section 9 of the South African Schools Act.
- The provisions of the Regulations for Safety Measures at Public Schools, is published under Government Notice 22754 of 12 October 2001, as amended by Government Notice R1128, of 10 November 2006.

Consequences of an offence

- Learners must recognise that they will be obliged to suffer the consequences of misconduct, as listed below.
- Educators and other disciplinarians, (student leaders, where applicable) will resolve disciplinary problems which are not serious enough to be referred to the principal.

Possible punishment

1. Verbal/written warnings	8. Community Service
2. Writing out of a passage	9. Service to the school
3. Time-out chair	10. Agreed affordable compensation, or the replacement of damaged or stolen property
4. Assignments and posters relevant to offence	11. Suspension from one or more school activities and privileges
5. Daily report system	12. Disciplinary hearings
6. Calling in of parents by Grade Heads or Management Team	
7. Detention after school hours	

Disciplinary hearings may be of two sorts:

• Internal Disciplinary Hearings

- Will be conducted by members of the school's Management Team, the appropriate educator, Grade Head, Head Boy and/or Head Girl.
- To provide a mechanism to enable the school on a domestic and informal level to discipline learners and if necessary to implement punishment of a lesser order.
- An Internal Disciplinary Hearing could follow warnings, repeated occurrence of prior offences, or when more serious transgressions have been committed.
- The Internal Disciplinary Committee may impose a suitable punishment or decide that the case is serious enough to be referred to a Formal Disciplinary Hearing.
- The Internal Disciplinary Committee will submit its findings to the principal.
- There is no provision in this code for parents to be involved in the process.

• Formal Disciplinary Hearing

- Convened by the School Governing Body
- A Formal Disciplinary Hearing will be held where the offence is one of serious misconduct (*see above*) which could have been referred by an Internal Disciplinary Committee or where the learner is in defiance of the internal Disciplinary Hearing.

THE PROCEDURE FOLLOWED MUST COMPLY WITH THE PRESCRIBED REGULATIONS, AS PRINTED IN THE PROVINCIAL NOTICE NO. 32 OF 25 JUNE 1999 – PROVINCIAL GAZETTE VOL. 6 NO. 415 (EXTRAORDINARY) (“*the regulations*”).

COPIES OF THIS NOTICE WILL BE MADE AVAILABLE ON REQUEST. THE COMPREHENSIVE FOUNDING DOCUMENT OF THIS CODE OF CONDUCT, CONTAINING FULL DETAILS OF PROCEDURES, IS AVAILABLE FOR INSPECTION AT THE SCHOOL, ON REQUEST.

ADDENDUM TO CODE OF CONDUCT: THE FRAMEWORK FOR A DISCIPLINARY HEARING

Decision to institute disciplinary proceedings

1. If a learner is accused of serious misconduct:
 - (a) the principal must immediately appoint an educator to investigate the alleged serious misconduct; and
 - (b) a committee of the governing body members, which members will not serve on the disciplinary committee, must grant the learner a reasonable opportunity to make representations to it regarding the alleged serious misconduct.

2. If the committee of governing body members, after considering the representations made to it by the learner as contemplated in regulation 6(b), decides to suspend the learner as contemplated in section 9(1) of the South African Schools Act (“*the Act*”):-
 - (a) the governing body must, subject to section 9(1B) of the Act, conduct disciplinary proceedings against the learner within the period stipulated in section 9(1A) of the Act;

- (b) the investigator appointed in terms of regulation 6(a) must collect evidence related to the alleged serious misconduct to be presented at the hearing contemplated in regulation 8(a); and
- (c) the investigator appointed in terms of regulation 6(a) must submit a written report to the principal and to the governing body within two (2) school days of the learner being suspended, and may thereafter continue to collect evidence related to the alleged serious misconduct until the hearing contemplated in regulation 8(a) commences.

Institution of disciplinary proceedings

3. If the governing body, acting in terms of section 9 (1A) of the Act, institutes disciplinary proceedings against a learner:
 - (a) the learner is entitled to a hearing to be adjudicated upon by a disciplinary committee;
 - (b) subject to regulation 10 and section 30(1)(a) of the Act, the governing body must appoint a disciplinary committee, one of whose members must be designated by the governing body as the chairperson of the disciplinary committee; and
 - (c) the principal must give the learner and the parent(s) of the learner at least five (5) school day's written notice of the hearing contemplated in paragraph (a) of this regulation.
4. The notice contemplated in regulation 8(c) shall, in a manner that is comprehensible to the learner and the parent(s) of the learner substantially correspond with Form A and:-
 - (a) contain sufficient particularity of the date, place and nature of the alleged serious misconduct to enable the learner and the parent of the learner to identify the alleged serious misconduct in question and to respond thereto;

- (b) inform the learner and the parent (s) of the learner of the place, date and time of the hearing;
 - (c) inform the learner and the parent(s) of the learner of the relevant powers and obligations of the governing body, of the relevant powers and obligations of the Head of Department, of the definitions of serious misconduct as set out in regulation 5 and of the learner's rights as set out in paragraph (a) of regulation 8, in
 - (d) Chapter F of these regulations and in section 9 (1), (1A), (1B), (2), and (4) to (10) of the Act; and
 - (e) inform the learner and the parent(s) of the learner of the nature of the disciplinary proceedings as set out in Chapter G of these regulations.
5. (a) Subject to paragraphs (c) and (d) of this regulation, the disciplinary committee shall comprise three (3) members as follows:
- (i) the Chairperson of the Disciplinary Committee who must be a member of the governing body;
 - (ii) the two remaining members of the Disciplinary Committee shall not be the principal or a learner at the school; and
 - (iii) no person shall be appointed to the Disciplinary Committee if he or she has personal knowledge of any matter that may be in dispute at the hearing.
- (b) the investigator may not be a member of the disciplinary committee; and
 - (c) a relative of the learner may not be a member of the disciplinary committee;
6. The principal must give the notice contemplated in regulation 8(c) to the learner and the parent(s) of the learner together with a copy of the written report contemplated in

regulation 7(c) by delivering a copy of the relevant notice and a copy of the relevant written report to the learner and the parent(s) of the learner at the address of the learner that is indicated in the school register.

Rights of learner accused of serious misconduct

7. A learner accused of serious misconduct must be accompanied by his or her parent(s) or a person designated by the parent(s) at a hearing as contemplated in section 8(6) of the Act, unless good cause is shown by the governing body for the continuation of the proceedings in the absence of the parent(s) or the person designated by the parent(s).
8. At a hearing a learner accused of serious misconduct and his or her representative have the right:
 - (a) to be present;
 - (b) to present evidence;
 - (c) to respond to evidence;
 - (d) to call witnesses;
 - (e) to put questions to any person called as a witness; and
 - (f) to inspect any document or article submitted as evidence.
9. If the language or languages to be used at a hearing are not sufficiently understood by the learner, by a parent of the learner present at the hearing, by the learner's representative, by any member of the disciplinary committee, by the investigator or by any witness, the disciplinary committee must not proceed with the hearing until an interpreter who is sufficiently competent in appropriate languages is present and able to remedy the defect: Provided that such interpreter need not be a formally qualified interpreter.
10. The learner and his or her parent(s) have the right to obtain a copy of the record of the hearing contemplated in regulation 20 as soon as such record is available and not later than seven (7) days after the completion of the proceedings and deliberations contemplated in regulations 17, 18 and 19.

Procedure at hearing

11. If a learner accused of serious misconduct fails to appear at a hearing after due notice has been given in terms of regulation 8 (c) and without just cause for not attending the hearing, the hearing may continue in the absence of the learner.

12. The chairperson of the disciplinary committee must open the hearing by:
 - (a) welcoming all participants to the hearing;
 - (b) explaining the reason for the hearing;
 - (c) confirming that all due procedures have been followed to institute the disciplinary proceedings; and
 - (d) confirming that the learner and his or her parent(s) have been given the information contemplated in regulation 9(c) and, if the learner is present, that he or she has understood that information.

13. After the chairperson of the disciplinary committee has opened the hearing as contemplated in regulation 17:
 - (a) the investigator must set out the charge against the learner and thereafter present the evidence that he or she has collected as contemplated in regulation 7(b) and (c);
 - (b) the chairperson of the disciplinary committee must invite the learner to plead guilty or not guilty to the charge;
 - (c) should the learner fail to respond, the learner will be deemed to have pleaded not guilty to the charge; and
 - (d) should the learner plead guilty to the charge:
 - (i) the chairperson of the disciplinary committee must question the learner with reference to the evidence presented by the investigator in terms of

- (ii) paragraph (a) of this regulation in order to satisfy the disciplinary committee that the learner is indeed guilty of the charge; and
 - (iii) if, after the learner has been questioned as contemplated in subparagraph (i) of this paragraph, it appears that the version of the learner materially differs from the version of the alleged serious misconduct as outlined by the investigator, or if the chairperson of the disciplinary committee is not satisfied that the learner is guilty of the charge, the chairperson of the disciplinary committee must enter a plea of not guilty in respect of the charge on behalf of the learner and proceed to act in terms of paragraph (e) of this regulation; or
 - (iii) if, after questioning the learner, the members of the disciplinary committee or the majority of its members are satisfied that the learner is guilty of the charge, the disciplinary committee must enter a plea of guilty in respect of the charge and proceed to act in terms of regulation 19 (b) and (c).
- (e) Subject to section 8(7), (8) and (9) of the Act, if the learner pleads not guilty to the charge:
- (i) the investigator may call witnesses in respect of the allegations against the learner;
 - (ii) the learner or the representative of the learner may call witnesses or present other evidence in respect of the allegations against the learner;
 - (iii) the members of the disciplinary committee, the investigator and the learner or the representative of the learner may, under the direction of the chairperson of the disciplinary committee, question any witness and examine any evidence presented;

- (iv) after all the evidence has been presented, first the investigator and then the learner or the representative of the learner may make a summative statement regarding the alleged serious misconduct; and
 - (v) the chairperson of the disciplinary committee must thereafter adjourn the hearing for not more than one (1) school day to a specified place, date and time in order to decide whether the learner is guilty or not guilty of the alleged serious misconduct.
14. (a) At the date and time contemplated in regulation 18 (e)(v), the disciplinary committee must inform the learner of the findings of the disciplinary committee.
- (b) If the learner is found guilty of the charge, the investigator and the learner or the representative of the learner may present evidence to the disciplinary committee relevant to an appropriate penalty, including but not limited to evidence of the personal circumstances of the learner, his or her general record of past conduct at the school, the nature and seriousness of the misconduct in question, the interests of the learner and the interests of the school community.
- (c) After considering any evidence presented in terms of paragraph (b) of this regulation, the disciplinary committee must impose an appropriate penalty on the learner as contemplated in section 9(1C)(a) of the Act or make a recommendation to the Head of Department to expel the learner from the school as contemplated section 9 (1C)(b) of the Act, and must inform the learner in writing of its decision.
15. The disciplinary committee must keep a full and accurate record of the proceedings and deliberations contemplated in regulations 17, 18 and 19 and, subject to section 8 (7), (8) and (9) of the Act, such record shall contain the names of the participants in the proceedings and deliberations and the roles played by such participants and such record is to be kept for safe-keeping for a period of not less than 3 years.

16. If the Head of Department, acting in terms of section 9(1D) of the Act, decides to expel a learner and if the learner or the parent(s) of the learner decides to appeal against such decision to the Member of the Executive Council as contemplated in section 9 (4) of the Act:
- (a) the learner or the parent(s) of the learner must notify the Member of the Executive Council in writing of the appeal within fourteen (14) days of receiving notification of the expulsion;
 - (b) the Member of the Executive Council must notify the learner or the parent(s) of the learner, as the case may be, of his or her decision regarding the appeal within fourteen (14) days of receiving the notification contemplated in paragraph (a) of this regulation; and
 - (c) the decision of the Member of the Executive Council contemplated in paragraph (b) of this regulation shall be final.

**POLICE INTERVENTION MAY BE SOLICITED BY THE SCHOOL FOR
SERIOUS MISCONDUCT THAT CONSTITUTES A CRIMINAL OFFENCE.**

Possible outcome of disciplinary hearing

- Final written warning
- Temporary suspension from school
- Professional help with regular feedback (in writing)
- Community service
- Service to the school
- Remedial tasks that address the misconduct
- Internal action that will be carried out at the highest level
- Recommendation that the learner be expelled (refer to Education Department)