



Kimberley Boys' High School

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CODE OF CONDUCT FOR LEARNERS

1. Preamble

The South African Schools Act 84 of 1996 obliges the Governing Body (SGB) of a public school to adopt a Code of Conduct for Learners. This document is aimed at establishing a disciplined and purposeful environment to facilitate effective education and learning in the school. **To set a framework for the learners behaviour while at school and outside the school environment to enable ambassadorship.** This policy shall uphold the rights of all individuals as enshrined in the Bill of Rights in the Constitution of South Africa.

2. Principles and Values: The Rights of the Learners

- a. All learners and parents shall have the democratic right to due process and participation in decision making on matters affecting them at school. Learners will have the right to agreed procedures with the SGB and Representative Council of Learners (RCL) for expressing and resolving school-related grievances.
- b. No person may unfairly discriminate against a learner who must enjoy the equal treatment, protection and benefit of the law.
- c. Respect for the human dignity of the learner shall be maintained and this includes religious, cultural and other convictions.
- d. All learners have a right to privacy and may not have their property searched without reasonable suspicion or pre-arranged searches.
- e. Discipline must be based on dignity and respect. No learner may be degraded or treated in an inhuman manner.
- f. There will be no application of corporal punishment.
- g. Learners may also not be locked in solitary confinement or detention.
- h. Learners have the right to freedom of expression. However, insubordination and insults (verbal or written) are not part of the freedom of expression. This freedom is also limited not to include an infringement on the rights of others or disruption of school of any form.
- i. Learners have a right to a clean, safe, harassment-free, and healthy environment with clean water, conducive to learning and teaching.
- j. Learners have the right to expect educators to maintain high standards of professional ethics in keeping with the Kimberley Boys' High School Staff Code of Conduct.
- k. Subject to the Kimberley Boys' High School Code of Conduct the right to education includes the right to:
 - i. Attend all classes in all approved subjects and school related activities;
 - ii. To be informed regularly about school progress, to make use of all school facilities and to have their potential fully developed;
- l. The following values / ethos of the school will also be promoted through the Code of Conduct:
 - i. self-respect and respect for others and authority;
 - ii. academic excellence;
 - iii. self-development;
 - iv. loyalty and pride;
 - v. social conscience; and
 - vi. well-rounded / balanced individual (academics, culture & sport).

3. Responsibilities of Learners

- a. Learners must commit themselves to doing all work assigned to them either in their classes or at home, and to catch up on lost work because of absence. Disruption of school activities is unacceptable. All learners have the responsibility to learn and to develop their potential.
- b. All learners have the responsibility of looking after the school property and any learner who intentionally misuses, damages or defaces school property shall have his parent / guardian paying for its repair.
- c. All learners have the responsibility to attend school regularly. Should a learner be unable to attend school on any particular day his guardian / parent must notify the school and provide reasons.
- d. The RCL shall represent the interests of learners and also promote proper conduct among learners.
- e. Respect for fellow learners, educators and people in authority must be fostered and promoted at all times.
- f. Act as ambassadors of the school at all times.

4. Responsibilities of Parents Regarding the Code of Conduct

- a. The ultimate responsibility for learner behaviour rests with the parent / guardian who are expected to:
 - i. Support the school and require learners to observe the school rules and regulations and accept responsibility for their misbehaviour.
 - ii. Take part in the child's education and ensure completion of schoolwork.
 - iii. Parents should attend meetings convened by the SGB for them.
 - iv. Parents may take legal action against any person who infringes on the rights of the learner.

5. The Operation of School Rules

- a. An educator shall have the same rights as a parent to discipline and control a learner during any activity of the school.
- b. Learners will be involved in the drafting and reviewing of school rules through the following channels: at class level; consultation at RCL level; Prefect Body; Senior Management Team (SMT) and SGB.
- c. The contents of the Code of Conduct shall be widely publicised within the school community.
- d. Ignorance of rules is not an acceptable excuse.
- e. The discipline process shall be expeditious, fair, just, corrective, consistent and educative. This shall be corrective or used to inflict penalty on an offender who must suffer the consequences of his deeds to maintain order in the school.
- f. Parents should be involved in the correction of learner conduct.
- g. Discipline of learners cannot be delegated to learners. The RCL and Prefect Body maintain and assist with discipline in a limited capacity.
- h. Every educator has a responsibility to maintain discipline at the school or any school activity and may correct learner behaviour where a need arises.
 - i. Serious misconduct must be referred to the Principal.
 - j. Corrective/punitive measures must match the offence and be more severe as the behaviour becomes repetitive.
- k. If a learner cannot adapt to the school environment he may be referred to the Principal who, in consultation with the parent, may bring in the education support services and or social work services, and if that does not assist the case may be referred to the SGB who must take a decision in the best interest of that child, other learners and educators of the school.
- l. Learners will also have explained as to why their misbehaviour is considered misconduct and the need to be disciplined.

- m. The Principal / Educator can upon reasonable suspicion search a learner for weapons, firearms, stolen property, drugs, alcohol, cigarettes and all other tobacco products or pornographic material. This shall, however, be done to preserve the human dignity of the learner. If a search is conducted of a learner's person, a staff member of the same gender as the learner being searched should conduct this wherever possible. A record of the outcomes shall be kept.
- n. The school, in accordance with the South African Schools Act and its amendments and in consultation with all role players, will determine the drug policy which may be reviewed as deemed necessary.
- o. The Principal can, upon reasonable suspicion based on behaviour, physical or performance indicators of probable illegal or unauthorised drug use, subject a learner to a drug test. This shall be done in accordance with the South African Schools Act and its amendments and the school's drug policy.
- p. Random drug testing will be conducted in accordance with the South African Schools Act and its amendments and the school's drug policy.

6. Ordinary Offences

a. *The following acts are considered as Ordinary Offences:*

- i. Homework not done
- ii. Books not at school
- iii. Stationery not at school
- iv. Incorrect dress, includes not shaving and wearing of jewellery
- v. Late for school, class or school activity
- vi. Use of a hand held electronic device other than a calculator on school property
- vii. Lying

- viii. Copying of homework
- ix. Unacceptable behaviour or disruption in class or assembly
- x. Disrespectful use of language (profanity, swearing etc)
- xi. Severe unacceptable behaviour or disruption of class or assembly
- xii. Fighting (squabbling)
- xiii. Intimidation / bullying
- xiv. Disrespect of an educator ie. backchat, arrogance, insolence etc
- xv. Bunking school / class / work-party / detention
- xvi. Loitering and entering designated out of bounds areas
- xvii. Graffiti

b. *Punishment of Ordinary Offences*

In cases of ordinary offences the following may be applied:

- i. Educators will award demerits. Merits may be awarded for behavioural changes and duties beyond expectation. The reasons for and values of merit and demerits will be decided in consultation with all role players and may be reviewed as deemed necessary.
- ii. Verbal or written warning / reprimand by educator, Head of House, deputy principal or principal.
- iii. Supervised school work (detention or work-party) intended at the behaviour, with the knowledge of parents, and the learner's safety assured.
- iv. Perform tasks that assist the offended person or make amends for the act.
- v. Agree on affordable compensation.
- vi. Replace or repair of damaged property.
- vii. Removal from class to allow teaching or learning to continue while the transgression is addressed.
- viii. Suspension from school extra-curricular activities e.g. trips, sports or cultural meetings etc.
- ix. Suspension from school shall be the last resort for repeated offences; after all other avenues of discipline have failed.
- x. Suspension or removal of achievement awards or positions of office held by the learner.

- xi. Suspension for a maximum of 3 days where bunking of detention follows a final written warning and an internal disciplinary hearing. Subsequent bunking of detention will result in further disciplinary action, the sanction of which may result in, but is not limited to, 7 days of suspension.
- xii. Suspension for a maximum of 3 days where a learner has been placed on detention 10 or more times for severe unacceptable behaviour or disruption of class or assembly [6a(xi)]. Reasons for the behaviour in 6a(xi) must be clearly stated on the appropriate documentation.

7. Serious Misconduct

7.1. Definition of Serious Misconduct

7.1.1 According to Northern Cape Provincial Gazette 1157 of 2007 and subsequent amendments, the following are defined a serious offence. In such cases the school will follow the procedures outlined in the following section:

- a. Rape;
- b. Indecent assault;
- c. Any form of harassment of a member of staff or fellow learner;
- d. Assault with the intent to do grievous bodily harm;
- e. Common assault of an educator;
- f. Serious intimidation of any staff or fellow learner;
- g. Malicious damage to state property;
- h. Theft where aggravating circumstances, in the opinion of the principal, exist;
- i. Robbery;
- j. Possession of dangerous objects on school premises or during any school activity;
- k. Possession or sale or abuse of illegal substances;
- l. Possession or dissemination of pornographic or obscene material including material depicting sexual intercourse in all its forms;
- m. Being on the school premises or at a school activity while under the influence of intoxicating liquor or illegal drugs;
- n. The possession or sale or consumption of intoxicating liquor while on school premises or during any school activity;
- o. The theft of examination papers or the possession or sale of such stolen examination papers;
- p. Repeated acts of ordinary misconduct as determined in the school's code of conduct;
- q. Having a sexual relationship with any staff member or educator at the school where the learner attends;
- r. Sexual intercourse or any other sexual activity among learners on school premises or during any school activity;
- s. Any contravention of the Regulations Relating to Safety Measures at Public Schools; and
- t. Any other act of misconduct that, in the opinion of the principal, reasonably constitutes serious misconduct.

7.1.2 In addition to the serious misconduct in the Northern Cape Provincial Gazette 1157 of 2007 and subsequent amendments, the school defines the following as serious offences:

- a. Vandalism and graffiti;
- b. Gambling in all its forms, including being a spectator;
- c. Smoking or possession of cigarettes or tobacco products and accessories, and being a spectator;
- d. Use or possession of any other intoxicating substances (e.g. glue and solvents);
- e. Unauthorised sale of any edible products;
- f. Any criminal offence committed outside the school, which brings the school into disrepute.

7.1.3 A learner may not be suspended or expelled because the parents cannot pay fines or school fees.

7.1.4 A learner may be tested for an illegal or banned substance should there be fair and reasonable suspicion. The procedures to be followed are found in the Drug and Substance Abuse Policy.

7.2 *Due Process in the Event of Serious Misconduct*

- a. In accordance with Government Gazette 18900 of 1998 and **Northern Cape Provincial Gazette 1157 of 2007**, the following procedure will be followed in the event of serious misconduct in order to ensure a fair hearing of the case. The penalties of suspension or expulsion can only be imposed after the due process described below has been followed.
- b. Any learner alleged to have violated any rule that may require suspension or expulsion, must be brought to the principal. The principal shall hear the evidence and then decide on the action to be taken.
- c. The principal may in writing under his or her hand charge a learner with serious misconduct if he or she is of the opinion that sufficient grounds for a charge of serious misconduct exist.
- d. The principal must make a written report of the case to the Regional Director explaining the decision to charge the learner.
- e. An original of the written charge shall be delivered to the learner concerned and his parents or guardian by handing it over to him personally; and by forwarding the charge by prepaid registered post to the parents or guardians last known residential address.
- f. The charge shall contain a direction calling upon the learner to send or deliver within a period of seven working days a written admission or denial of the charge, and if he desires, a written explanation regarding serious misconduct with which he is charged.
- g. If the learner admits the charge, either in writing or orally in person before the principal, he shall be deemed guilty of serious misconduct as charged. However, if the principal is of the opinion that the misconduct may warrant expulsion from the school by the Head of Department, a fair hearing will still be conducted notwithstanding the admission of guilt.
- h. The disciplinary proceedings must be completed within 7 days of the learner's written admission or denial of the charge as contemplated in sub-paragraph (c).
- i. In the event that the learner is to appear before a disciplinary committee (tribunal), the principal must inform the learner and the learner's parents or guardian in writing of the date, time and due process. This must be delivered to the learner concerned and the parents or guardian by handing it over to him personally; and by forwarding it be prepaid registered post to the parents or guardians last known residential address.
- j. The school governing body must designate a disciplinary committee consisting of three persons: The members of the tribunal shall at all times act in manner that is not intimidated to the learner.
- k. The chairperson of the tribunal must appoint, in writing, any member of the school community to act as prosecuting officer at the hearing.
- l. The principal must submit to the school governing body a copy of the written charge, proof of delivery to the learner, proof of delivery to the parent or guardian and any admission made by the learner.
- m. The appointed presiding officer must:
 - i. In the case where a learner admits his or her guilt on a charge of serious misconduct, makes a recommendation on the correctional measures to be imposed, to the Regional Director of Education, or in the event that expulsion of such learner is recommended, to the Head of Department; or
 - ii. In the case where the learner denies his guilt on a charge of serious misconduct, hears the charge in the manner set out below and, upon a finding of guilty, makes a recommendation on the correctional measures to be imposed.
- n. The hearing before the presiding officer shall be conducted as expeditiously and as informally as possible, but with due regard to the principles of fairness,

- reasonableness and due process which safeguard the interest of the learner and any other party involved in the hearing.
- o. At the hearing the prosecuting officer may
 - i. Present facts by way of adducing oral or written statements or documentary evidence;
 - ii. Question any witness;
 - iii. Advance arguments in support of the charge.
 - p. At the hearing the learner shall have the right to be personally present and to be represented by his parents or guardian or a person nominated by the learner or his parents or guardian who shall have the right;
 - i. To be heard by impartial persons
 - ii. To be treated with dignity during the process
 - iii. To present facts from the learner by adducing his statement, either in writing or orally;
 - iv. To adduce other statements either in writing or orally or documentary evidence in defence of the learner;
 - v. To question any witness called in support of the charge;
 - vi. To have access to documentary evidence produced in support of the charge.
 - vii. To be informed in writing of the decision if it is suspension or expulsion
 - viii. To be informed about the right to appeal to the MEC
 - q. A learner may at any time during the hearing admit his or her guilt on the charge, whereupon he shall be deemed to be guilty of serious misconduct as charged.
 - r. The chairperson of the tribunal must submit the findings and recommendations of the tribunal together with the record of the proceedings to the governing body, these must include any aggravating and mitigating circumstances he may find.
 - s. The governing body is obliged to keep complete records of proceedings.
 - t. The governing body must communicate in writing its decision to the learner and his or her parent within 7 days of the conclusion of the hearing.
 - u. In the event of a decision being reached that recommends expulsion the governing body must inform the Head of Department or person to whom this responsibility has been delegated within 3 days of the governing body's decision. This recommendation must be accompanied by the full record of the disciplinary proceedings.
 - v. Only the Head of Department can authorise expulsion. Parents of an expelled learner may appeal against the decision of the Head of House to the MEC within seven days of the judgment.
 - w. In the event of the learner being found guilty, the presiding officer may impose the following correctional measure upon the learner found guilty or deemed guilty of the charge:
 - i. Caution or reprimand the learner;
 - ii. Direct his or her detention or work party after school hours for a specified period of time;
 - iii. Suspension of seven school days;
 - iv. Suspension for a reasonable period while awaiting the approval of the Head of House for expulsion;
 - v. Impose a monetary fine not exceeding R500.00 which shall accrue to the school fund when paid;
 - vi. Impose any other correctional measure including those contained in 6.b, save expulsion from the school, which he may deem reasonable, fair and appropriate in the circumstances.
 - x. The disciplinary proceedings contemplated here shall be conducted in a fair, equitable, open and transparent manner, save and except that the hearing itself shall be closed to all persons other than the parties or officials involved in it.

8. Promotion of the Code of Conduct

- a. This code will be displayed openly in the school in the following ways;
 - i. In classes
 - ii. On the first day of the school year
 - iii. Announcements in assembly
 - iv. Each learner must be given a copy at the beginning of each year.
- b. This code will be publicised to parents and the wider school community via reports, SGB meetings and the Annual General Meeting.
- c. This policy shall clarify in positive terms what expectations of the school are.
- d. Classroom rules must be pasted in the class, with the consequence of breaking each rule clearly outlined.

9. Demerit and Merit System

- a. Ordinary offences will be awarded a demerit value, for example homework not done, 2 demerits.
- b. Merit worthy actions will include actions which are out of the ordinary and actions which are not normally expected from a learner, for example homework is done – this is expected and is not merit worthy; however a learner who has improved his marks by 10% in a test could be awarded a merit and using initiative in a positive manner.
- c. Merits and demerits will be decided in consultation with the teachers and the learners through their RCL and executive RCL.
- d. Individual teachers will control merit and demerits in their respective classes using a coded system.
- e. If a learner reaches a specific level of demerits – this will constitute a detention. Once the detention is sat, the learner will be given merits of an equivalent value to the demerits for the detention.
- f. If a learner reaches a specific level of merit – the learner will be rewarded.
- g. Repetitive behaviour will be referred to the Head of House and parents will be called in for an appointment.
- h. Defaulting of any detention will be referred to the Head of House and parents will be notified by SMS and a warning letter issued to the learner or in accordance with 6b(xi).

10. Cell phones

- a. Cell phones or MP3 players or any other electronic devices including earphones will be confiscated if used inside or outside the classroom (anywhere on school premises).
- b. Confiscated cell phones will be handed in to Mrs Bosman. The teacher handing in the cell phone must enter the phone in the confiscated goods book.
- c. Learners must pay a fine of R200 to Mrs Bosman who will then return the cell phone once the fine has been paid.
- d. Learners who refuse to hand over their cell phones or other electronic devices be fined R200. The teacher must fill in the cell phone confiscation form and hand it to Mrs Bosman.
- e. Mrs Bosman will check the file for outstanding fines before a phone is returned to its owner. ALL outstanding fines MUST be paid before a cell phone is returned.