LAERSKOOL VRYBURG



Code of conduct

Code of conduct for learners

Part 1

Code of ethics

I hereby solemnly commit myself to the Constitution of the Republic of South Africa, and undertake to respect, comply with and promote the law and the legal system.

I commit myself to:

- Live out the values of the school at all times;
- adhere faithfully to this code of conduct and all the rules and regulations of *Vryburg Primary*;
- maintain high moral and ethical standards;
- strive for conduct that is responsible at all times and that does the school credit;
- do my school work diligently, conscientiously and with dedication; and
- display the necessary courtesy and respect towards all staff, fellow learners and visitors.

I subject myself to any disciplinary measure should I fail to comply with any provision or measure contained in the school's code of conduct.

(The school is free to insert more specific values here.)

SIGNED AT ON THIS DAY OF 20

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Code and rules of conduct

1. Introduction

This document is the code of conduct of *Vryburg Primary*, as approved by the governing body on *31 August 2023*. The governing body has consulted the school's parents, learners and educators on the content of the code of conduct. The code of conduct has been drafted in accordance with the relevant provisions of the Constitution of the Republic of South Africa, Act 108 of 1996; the South African Schools Act, Act 84 of 1996 ('SASA'); the National Education Policy Act, Act 27 of 1996; Guidelines for a Code of Conduct for Learners (General Notice 776 in Government Gazette 18900 dated 15 May 1998); the Regulations on Devices to be used for Drug Testing and the Procedure to be followed (GN 1140 in Government Gazette 31417 dated 19 September 2008); Regulations for Safety Measures at Public Schools (GN 1040 in Government Gazette dated October 2001, as amended) and relevant provincial legislation. Amendment of section 9 of Act 84 of 1996, as amended by section 7 of Act 48 of 1999, section 2 of Act 24 of 2005 and section 7 of Act 15 of 2011

Objective

Although the State is obligated to make education available and accessible, this must be enhanced by the dedication and commitment of responsible role players, namely educators, learners and parents. This code of conduct is intended to promote such dedication and commitment.

This code of conduct aims to establish a disciplined and purposeful school environment, which is dedicated to promoting and maintaining the quality of the learning process.

The code of conduct endorses the school's mission statement.

Learners and their parents/guardians are expected to acquaint themselves with the school's code of conduct and its provisions. As soon as learners are enrolled at the school/hostel, they are subject to the code of conduct, and must strictly adhere to it. Should learners transgress or violate the code of conduct, they will be acted against in accordance with the disciplinary procedure for learners.

2. Code of conduct

General rules

3.1 Learners shall be good ambassadors of the school, and shall conduct themselves in accordance with the school's code of ethics at all times.

3.2 While wearing the school uniform, or any part thereof that is sufficient to establish a link with the school in the public eye, or while representing the school, either directly or indirectly, as participants, supporters, assistants, spectators or otherwise, learners shall refrain from any conduct that could bring the school, staff or their fellow learners into disrepute.

3.3 In their interaction with the principal, vice-principal, educators and other staff of the school, learners shall be courteous and respectful at all times and shall refrain from any action that constitutes disrespectfulness or rebelliousness.

3.4 In their interaction with one another, learners shall practise self-restraint as far as possible, and shall display mutual respect and tolerance. In particular, learners shall refrain from any action aimed at harming, or that could possibly cause harm to, any other learner's physical, spiritual and moral well-being. Any sexual or improper physical contact between learners on school grounds, or in any other place where they could be identified as learners of the school, is strictly prohibited.

3.5 A school educator shall have the same rights as a parent with regard to controlling and disciplining the learner according to the code of conduct, both during such learner's school attendance as well as at any school activity.

3.6 Learners may not eat or drink in the classroom, school hall or library. The chewing of gum during school activities is prohibited.

3.7 The use of cell phones during school activities is strictly prohibited. Calls may be made in emergencies only and only with the school principal's permission.

3.8 The smoking, possession and/or use of tobacco products, nicotine-containing products, e-cigarettes, liquor, other alcoholic substances or drugs during any school activity, or when learners are dressed in school uniform, is strictly

prohibited. A learner may not be under the influence of alcohol and/or intoxicating substances of any nature during any school activity, or when learners are dressed in school uniform. The *principal* or his or her delegate may at random administer a urine or other non-invasive test to any *learner* or group of *learners* that is on fair and reasonable grounds suspected of using *liquor* or **[*illegal*]** *drugs*.

3.9 The possession, display, distribution, creation, manufacture or production of pornographic material in printed, electronic or any other format, during any school activity or when learners are dressed in school uniform and identifiable as learners of the school by the public, is prohibited.

3.10 In case of a reasonable suspicion that learners have violated this code of conduct or the laws of the country, the school principal or an educator is entitled to search such learners and/or the property in their possession for any dangerous weapons, guns, drugs or other harmful and dangerous substances, stolen goods or pornographic material that the learners may have brought onto the school grounds. Throughout, learners' dignity will be respected, and therefore, the search will be conducted in private, by persons of the same sex, and in the presence of another person. The search process and outcome must be recorded.

3.11 Any conduct that unfairly prejudices the administration, discipline or efficiency of the school shall be regarded as a violation of this code of conduct.

3.12 A conviction of a criminal offence in a court of law shall be regarded as a violation of this code of conduct.

3.13 The governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is **[suspected]** accused of serious misconduct from attending school, but may only enforce such suspension **[only after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension.]**

3.14 Where a learner is accused of committing the following acts of serious misconduct—

(i) physical assault of a learner, employee, or other person related to the school, with the intention to cause grievous bodily harm, or the imminent threat to commit such an act, while on school premises or during any school activity, or
in any circumstance that could reasonably be connected to the school;

(ii) any form of harassment, including sexual harassment of a learner, employee or other person related to the school, including via electronic and social media;

(iii) repeated offences related to bullying, or the imminent threat to commit such an act;

(iv) the illegal possession of a drug or liquor;

(v) the repeated disruption of the school programme, or the imminent threat to commit such an act;
serious transgressions relating to any test, examination or examination paper;

(vi) fraud;
theft or any other dishonest act to the prejudice of another person;
the possession of a dangerous object while on school premises, or during any school activity, or in any circumstance that could reasonably be connected to the school;

(vii) the possession or distribution of pornographic material;
engaging in sexual activity on school premises or committing an act of sexual assault, or the imminent threat to commit such an act; and any other serious act contemplated in Schedule 1 to the Criminal Procedure Act that prejudices the constitutional rights of learners, employees, or other persons related to the school, such learner may be suspended only after the learner has been granted a reasonable opportunity to make representations in relation to the accusation of such serious misconduct; or

3.15 where a learner is accused of committing the following acts of serious misconduct—
murder and attempted murder;

(i) culpable homicide;

(ii)

(iii) any sexual offence including rape;

(iv) robbery;

(v) theft;

(vi) assault with intent to do grievous bodily harm;

(vii) breaking or entering any premises with an intent to harm a person;

(viii) any offence under any law relating to the illicit possession of any dependence-producing drugs; or

(ix) the conveyance or supply of dependence-producing drugs at school and to
learners, which occurs on a school premises or at a school activity, and the learner has been formally charged by the South African Police Service, the governing body must suspend such learner immediately without granting the learner an opportunity to make representations in relation to the accusation of such serious misconduct.".

4. Class rules

4.1 The class educator and learners shall formulate class rules upon the adoption of this code of conduct, and at the beginning of each ensuing school year, after having consulted the learners in the class as well as their parents.

4.2 The class rules must be compiled in writing and –

4.2.1 immediately be tabled to the principal and school governing body;
4.2.2 be displayed in a legible format in a prominent spot in the classroom; and
4.2.3 be made available to all learners and their parents.

4.3 Learners are expected fully and promptly to comply with the class rules as well as any verbal instruction given by the class educator or any staff member that is reasonably essential to give effect to this code of conduct and/or for the sound and professional management of the school.

4.4 Any violation of the class rules shall be regarded as a violation of this code of conduct and school rules.

5. Rules with regard to appearance and school wear

5.1 School wear

5.1.1 The prescribed school wear shall be worn during school hours as well as other school activities, as determined by the governing body.

5.1.2 School wear must be clean and neat at all times. As for vests, boys may wear only plain white vests, which may not be visible under any circumstances. School shirts must be tucked in at all times.

5.1.3 **Clothing rules**

Boys: **Winter:**

Girls and boys wear a school tracksuit top or jersey with a long sleeve white shirt, long grey socks or white short socks for girls, with black shoes.

Summer:

Boys must wear grey school shorts, white shirt sleeve school shirt, long grey school socks and black school shoes with laces. (Compulsory for grade 6 +7.)

Girls:

Winter:

Girls and boys wear a school tracksuit top or jersey with a long sleeve white shirt, long grey socks or white short socks for girls, with black shoes.

Summer:

Girls must wear a green checker school dress with white socks, black buckled shoes,
(Compulsory for grade 6 + 7) and a school jersey on cold days.

Sportswear:

Tennis - white shorts/scorts, green shirt, short white socks and tennis shoes
Athletics - athletics outfit with sneakers
Cricket - green sport shirt, white shorts, long green socks, sneakers
Soccer - Soccer outfit, socks and sneakers
Hockey - green sport shirt/scorts, green skirt, long green socks, sneakers
Netball green sport shirt/scorts, green sport skirt, white socks, sneakers
Rugby - green sport shirt, white short, socks and rugby shoes.
PT uniform: School PT shirt/scorts and black PT short. No ski pants
In winter all sport teams may wear their school tracksuit over their outfits.

Any caps or headgear other than those prescribed in the clothing rules are prohibited.

1.1.4 The governing body or principal may use its own discretion to grant permission for learners to wear civilian clothes to certain events. Such clothes mu st be neat and proper.

1.2 Appearance

5.2.1 Hair

Girls

- Hair colour must seem natural at all times. No unnatural highlights or lowlights are allowed.
- Hair that extends over the collar must be tied and display neatly.
- Only hair accessories (ribbons, combs and bobbles) that fit in with the school's colours may be worn.
- Only green, white, black and brown hair accessories may be used.

- Hair accessories must not be used excessively and no beads in hair.

- Fringes must not cover eyes.
- Hair must be properly tied.
- No funny, modern styles and "Afro" styles.
- A girl may not colour or bleach her hair.
- Gel may be used for styling of hair but no wet looks will be permitted.
- Braided hair also tied. (longer than 30 cm.)

Boys

- Hair must be short and neatly cut.
- There may be no hair in the section around the ears. Hair may not touch the ears when it is combed straight down.
- If a boy has very curly hair and wants to wear his hair longer, his hair must meet the standards as set for learners with straight hair. It must also be neat.
- When hair is combed down, it may not touch the eyebrows.
- Sideburns may extend up to the middle of the ear.
- Hair may not bush out excessively. No foreign hairstyles are allowed. No funny modern hairstyles will be permitted and no "Afro" hairstyles.
- No dreadlocks or hairpieces for boys.
- Hair colour must seem natural at all times. No unnatural highlights or lowlights are allowed.
- No caps may be worn.

- No patterns may be cut in hair of boys.

- A boy may not bleach or colour his hair. A boy may also not sheer his hair short and leave a lengthy fringe.

- Gel may be used for styling, but no wet looks will be permitted.

- 5.2.2 **Jewellery**

Girls

- All jewellery items, such as rings, bracelets (elastic or leather) or chains are prohibited.
- No necklaces of any sort will be allowed around the neck, arms or legs.
- Medical bracelets attire will be allowed with a letter from parents.
- No religious bracelets or other jewellery will be allowed without a letter from parents.
- Only wristwatches are allowed, but only plain, gold/silver/brown/black straps.
- The wearing of body jewellery, such as nose, tongue and eyebrow jewellery is strictly prohibited.
- . A signet ring may not be worn
- As for girls' earrings, only one gold or silver stud or standard gold or silver ring will be allowed per ear, worn in the bottom hole if the ears had been pierced more than once.
- No other studs or gems will be allowed.

Boys

- Watches may be worn, but only plain gold/silver/brown/black straps.
- No other jewellery permitted at all.
- Medical bracelets attire will be allowed with a letter from parents.
- No religious bracelets or other jewellery will be allowed without a letter from parents.

5.2.3 Nails

- Nails may not extend beyond fingertips.
- No nail polish may be worn.

5.2.4 Make-up

- No mascara, eyeliner or blusher will be allowed.

2. Sports and extracurricular activities

6.1 Participants in sports and extracurricular activities

6.1.1 Learners who are selected to represent the school as participants in any sports or other extracurricular activities must be dressed in the sportswear, school wear or other prescribed clothing as determined by the educator responsible for the activity concerned, both during and after participation in such activity.

6.1.2 All learners who participate in the aforementioned activities shall be loyal to the school and fellow participants. In particular, participants must report promptly and on time at the venue of the activity or the venue from where participants depart to the activity. Learners who have been selected to represent the school in an activity may only be excused from attendance if a written apology is handed to the sports or cultural head in advance. Unforeseen absence from an activity will only be excused if the sports or cultural head receives a written apology no later than three days following the relevant activity.

6.1.3 Learners who represent the school at sports activities will at all times be courteous towards, and comply with the rulings, prescripts and instructions of:

6.1.3.1 the sports head and the educator involved in the relevant sports code;

6.1.3.2 the referee or adjudicator with regard to the relevant activity; and

6.1.3.3 the team captain.

6.1.4 Although it is assumed that learners who participate in sports activities shall do so with commitment and dedication, such learners are expected also to practise self-restraint and self-discipline. In particular, no learner may display bad sportsmanship, use foul or offensive

language, get involved in fights or incidents, or engage in any foul or improper play.

6.2 Spectators and supporters at sports and other extracurricular activities

6.2.1 Apart from their duty to comply with the provisions of this code of conduct, all learners attending any school activity as spectators or supporters shall also refrain from any disruptive, improper, rebellious, unnecessarily inciting or indecent behaviour. In particular, learners may not respond negatively to any ruling by an adjudicator or referee.

6.2.2 Learners who attend any school activity as spectators or supporters shall abide by and obey any instructions and directives they receive prior to, during and after the activity concerned from the principal, any educator, or parents appointed by the principal to assist with the transport, supervision or control of learners who need to be transported to and from the activity concerned, or who attend the activity.

6.2.3 The abovementioned rules equally apply to any participation in any extracurricular activity apart from sports activities, except cases on which the rules obviously have no bearing.

7. School property

7.1 ‘School property’ includes the following:

7.1.1 The grounds and buildings occupied by the school, as well as any permanent addition to such grounds and buildings

7.1.2 All other property, including equipment, books, stock, motor vehicles and the like that the school owns, rents or stores, or with regard to which the school could be held legally liable in case of any damage or loss

7.2 As the school has been developed and erected for the use of all learners who attend it, all learners are obligated to do everything in their power to protect the school’s property in order for it to be utilised to the benefit of all current and future learners of the school.

7.3 No learner may remove any school property from the school grounds without the prior consent of the principal or an educator of the school.

7.4 Learners may not handle, damage, mark, deface or destroy any property of the staff of the school, fellow learners, visitors to the school, or members of the public. This rule applies to property on the school grounds, in the immediate vicinity of the school, at or near the venue of any school activity, as well as any vehicle with which learners are transported, and the property contained therein.

7.5 Learners may not damage, deface or destroy any school property. Any learner who deliberately misuses, damages or vandalises any school property shall replace or pay for such property. Destruction of and/or damage to property is a criminal offence.

8. School leaders

8.1 The school leaders, in conjunction with the staff of the school, are responsible for general school discipline.

8.2 School leaders shall bring transgressing learners to the staff of the school; where after line functions will be followed.

8.3 All learners shall obey any reasonable instruction school leader, and shall support and cooperate with the school leaders in properly executing their duties.

9. School notices

9.1 All learners are obligated to hand to their parents all school notices that were distributed to learners for such purpose by the governing body, principal or an educator of the school, as well as promptly return to the class educator any acknowledgement of receipt that was to be completed by the parents.

10. School work and homework

10.1 There shall be an orderly atmosphere in the classroom at all times. Learners may not disrupt or hinder teaching.

10.2 Learners must promptly carry out instructions in class.

10.3 All learners must have and maintain such homework book as may be required by the principal or class educator.

10.4 All learners must do their prescribed homework and promptly return it to the relevant educator by the due date. Failure to comply with this rule shall be excused only if, on the day on which the homework was to be completed, the learner hands to the educator a written note from his/her parents with an acceptable excuse for such failure.

10.5 All learners must do their prescribed homework enthusiastically, diligently and with dedication in order to develop a consistent work ethic. Failure to comply with this rule without an acceptable excuse shall be regarded as a transgression of this rule.

10.6 Learners are obligated to catch up as soon as possible on any work that they have missed.

10.7 Learners shall move swiftly and in single file from one class to the next. Chatting in groups or visits to the restroom between classes are not allowed.

11. Tests and examinations

11.1 All learners are obligated to abide by the tests and examinations that educators may require. Failure to comply with this rule shall be excused in exceptional cases only, provided that the parents of the learner concerned supply the principal with a full and acceptable written explanation at the earliest possible opportunity.

11.2 Learners shall refrain from any form of dishonesty when tests and examinations are conducted.

12. Motor vehicles and motorcycles

12.1 Learners may not bring motor vehicles or motorcycles onto the school grounds, Gert Lubbe.

12.2 The driving of a motor vehicle or motorcycle by a learner is prohibited onto the school grounds (including Gert Lubbe).

13. Punctuality

13.1 Learners are expected to arrive on the appointed time at the beginning of the school day and the start of any other school activity. When learners arrive late, they must provide a written apology from their parents. Learners who arrive late must first report to the office before proceeding to their particular class.
(School hours: 7:15 – 13:45)

14. Absence from school

14.1 Learners may be absent from school in exceptional cases only, and only with the written consent of the principal, or his/her representative if the principal is not available.

14.2 When any learner is absent from school without an acceptable excuse, it shall be regarded as truancy, which is strictly prohibited.

14.3 Learners who are absent from school for one to three consecutive days must upon their return to school submit a written explanation by their parents. Absence for more than three consecutive days shall be excused only if a certificate from a registered medical practitioner is submitted, except in the case of death or trauma in the learner's family, or another reason approved by the principal.

15. Environment

15.1 Learners have the right to a safe environment and school that are conducive to education.

15.2 Learners may not litter on school grounds or in school buildings.

15.3 Learners who attend any school activity as spectators or supporters are expected to leave the grounds they have occupied in a neat and clean condition, and must ensure that all litter is picked up and placed in garbage bins.

15.4 Learners must leave restrooms in a clean condition.

15.5 Any action or failure by learners that constitutes or could constitute a health risk to other learners must be avoided.

15.6 The application of slogans (graffiti), stickers, posters and the like to any surface at the school is strictly prohibited, unless it is done with the principal's consent.

15.7 Learners shall comply with any reasonable instruction from the principal, any educator, school leader with regard to maintaining a clean and hygienic school environment.

16. Exemption from provisions of the code of conduct

16.1 Learners may submit a written application to the governing body for total or partial exemption from one or more of the items contained in the code of conduct based on cultural, religious or medical grounds.

16.2 Such application must include full reasons as well as confirmative evidence. Therefore, the onus of proof still lies with the learner to substantiate the application for exemption.

16.3 Applications for exemption will be considered at the start of the school year only, unless the applicant can prove that the matter is urgent or necessitated by a change in circumstances.

16.4 In considering an application for exemption, the governing body shall be entitled to obtain any information that it deems necessary for a fair adjudication of the application.

16.5 The governing body shall consider the application for exemption with the necessary earnestness, objectivity and responsibility, and within the framework of the Constitution and court judgements, and will inform the learner of its decision in writing.

17. In case of a violation of any provision in this code of conduct or the school's hostel rules, the prescribed disciplinary procedure shall be followed.

SIGNED AT _____ ON THIS _____ DAY OF _____

_____

Governing body chair

_____

School principal

Part 3

Procedure for disciplinary action against learners

In case of a violation of any provision prescribed in the code of conduct for learners, this disciplinary procedure is to be followed. In order to enforce this disciplinary procedure, misconduct is divided into five categories. These correspond with the various disciplinary steps that could be taken and the various procedures that could be followed in handling misconduct.

For the purposes of procedural matters, a violation of hostel rules shall be regarded as a violation of the code of conduct, and the same procedural requirements shall apply, with the necessary amendments, depending on the circumstances.

Any reference to the governing body in this disciplinary procedure includes the disciplinary committee of the governing body.

1. Disciplinary action

1. **Category of offence Category1:**

   Demerits loaded on the D6 app by teachers. A sms notice will be send to parents for every transgression.

2. **Category of offence Category 2:**

   Demerits loaded on the D6 app by teachers. A sms notice will be send to parents for every transgression.

3. **Category of offence Category 3:**
   Staff member send serious offence directly to the head of discipline and principle handles it. Demerits loaded on the D6 app by principal / Deputy principal. A sms notice will be send to parents for every transgression.

4. **Category of offence Category 4:**
   Staff member send serious offence directly to the principle who handles it. Demerits loaded on the D6 app by principal / Deputy principal. Parents will be contacted for this transgression.

5. **<u>Category of offence Category 5:</u>**
   Staff member send serious offence directly to the principle who handles it alongside with the SGB / a Social worker / SAPS. Demerits loaded on the D6 app by principal / Deputy principal. Parents will be submitting to school immediately for this transgression.

a) Any of the sanctions in 1 to 5 above, to which the following could be added:

b) If a learner has 10 demerits, rewards will be taken away.

c) If a learner reaches 20 demerits, they will be excused from privileges such as dances and grade 7 farewell, as well as detention classes.

d) In the case of a violation of the code of conduct for learners by members of the RCL or other school leaders:

   In conjunction with or as alternative to the above, if a leader has 20 demerits, they will lose their badge for two weeks or dismissal and permanent removal from the RCL or other leadership position in the school. If a grade 6 learner reaches 20 demerits, they will not have a chance to be a leader in grade 7.

e) Following a hearing in which any learner is found guilty of violating the provisions of the code of conduct, the governing body may impose any of the aforementioned sanctions on such learner, or suspend the learner, or recommend the learner's expulsion from the school to the Head of Education.

1.2.2 Should the governing body opt for suspension as the only sanction, they may suspend the learner for up to seven school days.

1.2.3 Should the governing body decide to recommend to the Head of Education that the learner be expelled, the governing body may suspend such learner for a reasonable period of up to fourteen school days, pending the Head of Education's decision.

1.2.4 Following a hearing in which any learner is found guilty of violating hostel rules, the governing body may impose any of the aforementioned sanctions on such learner, or suspend the learner from the hostel for any appropriate period of time, or expel the learner from the hostel.

Letters:

Laerskool Vryburg discipline system makes use of merits / acknowledgement. (Category of merits 1-5) and demerits (category of offence entry 1-5):

10 demerits: 1ste Notice of offence of Code of Conduct personal interview with learner. Verbal Warning issued.

20 demerits" Personal interview with parents written warning issued.

30 demerits: Personal interview with parents final written warning issued.

40 demerits: Disciplinary Hearing

Letters will be send to parents explaining all processes:

- Notice of infringement of the Code of Conduct
- Notice of parent conversation
- Final written notice
- Notice of disciplinary hearing

Procedures:

Category of Acknowledgement Category 1-5:

Only staff members/coaches/organizers can give learners demerits.

Category of offence: General:

This type of infringement takes place in the classroom or on the school ground, the teacher in the classroom / or on duty will handle it according to the policy with the learners.

- When 10 demerits are reached, verbal warning issued by principal.

- As soon as the learner has reached 20 demerits arrange an appointment with learners and parents/ guardian by the disciplinary committee, as well as detention classes.

- Notice of final written warning is issued to parents as soon as learner reached 30 demerits, as well as detention classes.

- As soon as a learner reaches 40 demerits a disciplinary hearing takes place, as well as detention classes.

Cameras:

There are a total of 72 cameras installed in the school. Every class on the terrain has a camera to help with discipline. The goal of the cameras is to create a quiet classroom atmosphere, to help staff with learners with behavioral problems and to address enquires regarding learners and teachers.

NB!! Staff member / parent / learner complete an enquiry form regarding an incident in class / terrain.

If enquiry form is completed, then the discipline head or principal will review the camera system and do a follow up, if necessary.

6. Preventative suspension

Based on reasonable grounds and intended as a precautionary measure, the governing body may suspend a learner from attending school for up to seven school days if such learner is suspected of having committed serious misconduct (Category C). However, such suspension may only be imposed after the learner has been afforded a reasonable opportunity to make representations with regard to such suspension to the governing body.

7. Disciplinary hearing

3.1 Preliminary inquiry

When a learner is suspected or alleged to have committed a major transgression (Category C), the school principal may appoint an investigating officer. The latter will collect information for the school principal to decide whether a disciplinary hearing is warranted.

3.2 Hearing

3.2.1 The investigating officer shall draw up a charge sheet, and the parents and learner shall receive written notice of the charge and the date, time and venue of the hearing. These arrangements must be made in consultation with the disciplinary committee.

3.2.2 The notice must contain sufficient information on the date, place and nature of the alleged transgression.

3.2.3 At least five school days must lapse between the delivery of the notice and the hearing.

3.2.4 The governing body shall appoint the disciplinary committee. The chair of the committee must be a governing body member. The disciplinary committee shall have the power to take charge of and finalise the disciplinary hearing, as if it has been done by the governing body themselves, and shall be entitled to do everything that the governing body may do in terms of applicable legislation, including imposing and enforcing any sanction, and recommending expulsion to the Head of Education.

3.2.5 The learner must be assisted by his/her parent or a person appointed by the parent. In case of major transgressions, the learner is entitled to apply for representation by a legal representative or any person who is appointed by the parent of the learner. Such application must be directed to the chair of the disciplinary committee at least two school days before the start of the hearing. No other persons, apart from those mentioned above, may attend the hearing on behalf of the accused learner.

3.2.6 When a learner has legal representation, he/she may choose to expedite the disciplinary procedure by entering into a plea bargain with the presiding officer.

3.2.7 Apart from minor learners' right to testify through mediators, as envisaged in Section 8(7)– (9) of SASA, minor learners (either accused or witnesses) will also be entitled to be assisted by their parents or an educator of their choice during disciplinary proceedings. However, a person who assists a learner may not answer any questions on behalf of the learner or address the disciplinary committee.

3.2.8 Learners who are involved in disciplinary proceedings shall also be entitled to receive support, advice and counselling from educators who have been appointed for such purpose by the school principal or the governing body, provided that such educator may not assist the learner at the disciplinary hearing, unless the parent of the learner authorises the educator to do so.

3.2.9 Should the learner and/or his/her parents and/or representative fail to attend despite proper notification, the hearing may proceed in their absence.

3.2.10 The hearing must be fair and just, and shall be conducted in terms of the prescripts of the applicable provincial legislation. The prosecutor and learner (or the learner's representative on behalf of the learner, if applicable) must be afforded the opportunity to put their case, may put questions to witnesses, may call witnesses, and may scrutinise or table documents related to the matter.

3.2.11 The members of the disciplinary committee themselves shall also be entitled to call witnesses, request additional witnesses or testimony, put questions to the witnesses, or investigate or have investigated further any aspect that could promote fairness and justice.

3.2.12 After testimony has been heard, the committee shall decide whether the learner is guilty or innocent. For this purpose, or for the purposes of settling any dispute that may arise during the proceedings, the committee shall be entitled to adjourn for a reasonable period of time in order to consider its ruling. Such consideration shall occur behind closed doors and may be attended by committee members only.

3.2.13 Should the learner be found guilty, both the learner and the prosecutor shall receive another opportunity to testify and/or make representations on extenuating and aggravating circumstances that the committee needs to consider in order to impose an appropriate sanction. In order to consider an appropriate sanction, the committee shall be entitled again to adjourn for a reasonable period of time. Such consideration shall occur behind closed doors and may be attended by committee members only.

3.3 Finding and sanction

3.3.1 In case of a guilty finding, the disciplinary committee's ruling, including the imposed sanction, must be communicated in writing to the learner and his/her parents as well as the prosecutor within a maximum of five school days.

3.3.2 Despite any guilty finding and sanction imposed by the governing body, any stakeholder may refer any transgression of the code of conduct that may constitute a criminal offence to the South African Police Service for investigation.

4. Internal appeal

4.1 A party who is aggrieved with the outcome of disciplinary proceedings before the governing body's disciplinary committee shall be entitled to appeal in writing to the chair of the governing body against the guilty finding, imposed sanction, or both, within 24 hours of receiving written notice of the outcome.

4.2 The notice of appeal must clearly outline the grounds for the appeal.

4.3 The chair of the governing body must appoint an appeals committee within 24 hours of receiving the notice of appeal, which committee must consist of a member of the governing body as chair, and at least two other experts. The members of the disciplinary committee who had heard the matter may not serve on the appeals committee as well.

4.4 The chair of the governing body must hand the notice of appeal to both the chair of the appeals committee and the other party to the proceedings before the disciplinary committee, and must ensure that the record of the disciplinary proceedings be made available to the appeals committee.

4.5 Within 24 hours of receiving the notice of appeal, the other party shall be entitled to make representations in response thereto to the chair of the appeals committee.

4.6 In considering the appeal, the appeals committee shall be restricted to considering the record of the proceedings before the disciplinary committee, the notice of appeal, and any representations that the other party may submit.

4.7 Any party who wishes to submit to the appeals committee for its consideration any evidence that does not form part of the record of proceedings before the disciplinary committee, must apply in writing for permission to the chair of the appeals committee. In case of the appellant, such application must be

contained in the notice of appeal, and in the case of the other party, application must take place within 24 hours of receiving the notice of appeal.

4.8 The application to submit new evidence must contain a full explanation why the evidence had not been available or tabled during the disciplinary proceedings, must outline the nature of the evidence, and must explain in what way the evidence bears reference to the consideration of the appeal.

4.9 The appeals committee must announce its decision to the parties in writing within seven school days of receiving the notice of appeal.

4.10 In considering the appeal, the appeals committee may:

a) set aside or uphold the disciplinary committee's guilty or not guilty finding and/or imposed sanction;

b) impose an alternative sanction (including a heavier sanction); and

c) deliver any other ruling that the appeals committee deems fair and just under the circumstances.

5. General provisions

The governing body is expected to keep proper record of the disciplinary proceedings. For this purpose, the governing body may appoint a person to minute or electronically record the proceedings. Such person shall not form part of the committee.

SIGNED AT _____ ON THIS _____ DAY OF _____

_____

Governing body chair

_____

School principal

Part 4

Specimen documents

1. Notice of a disciplinary hearing
2. Notice of the outcome of a disciplinary hearing
3. Plea and sentence agreement (plea bargain)

NOTICE OF THE DISCIPLINARY HEARING OF A LEARNER, TO BE PRINTED ON THE SCHOOL'S LETTERHEAD

Name of the learner:

Address:

By hand

Notice of a disciplinary hearing

Please note that you will be expected to appear before the disciplinary committee of the governing body as per the date, time and venue stated at the end of this notice to answer to the charge(s) brought against you, the details of which appear below:

Charge(s)

You are charged with misconduct, as you are alleged:

1 to have violated rule (*insert rule number)* of the school's code of conduct on _____ (*insert date of transgression*) at _____ (*insert place of transgression*) by _____ (*provide brief summary of the details of the transgression*); and

2 (*Repeat the above if more violations are alleged.)*

Please note the following:

1. You are entitled to be represented during the proceedings, either by your parent or a person appointed by your parent.
2. Should you plan to make use of legal representation, the process to obtain the necessary permission, as prescribed in the school's code of conduct, must be followed. Any legal representation shall be for your own cost.
3. You will be entitled to question witnesses who may testify against you; to testify yourself; to call witnesses; to scrutinise documentary evidence brought against you, and to table your own documentary evidence as well.

4. You are responsible to ensure that witnesses whom you wish to call to testify on your behalf attend the proceedings and remain present for as long as their presence is required.
5. You will be entitled to address the committee on any matter with regard to the proceedings.
6. The inquiry shall be conducted in the language of the school. Should you require the services of an interpreter, you will be responsible for the necessary arrangements?
7. Should you fail to attend the proceedings or remain present until the proceedings have been finalised, the hearing may proceed or be finalised in your absence.
8. You are responsible to acquaint yourself with the school rules with regard to disciplinary proceedings, as contained in the school's code of conduct.
9. Please attend the proceedings in your school uniform.

Date of hearing:

Time of hearing:

Venue of hearing:

_____ _____

SCHOOL PRINCIPAL **DATE**

Hereby, I, _____, acknowledge receipt of the letter on _____.

_____ _____

Signature of learner Signature of parent

NOTICE OF THE OUTCOME OF THE DISCIPLINARY HEARING OF A LEARNER, TO BE PRINTED ON THE SCHOOL'S LETTERHEAD

Name of the learner: **Name of the prosecutor:**

Address:

By hand

Notice of the outcome of a disciplinary hearing

Please be informed of the outcome of the disciplinary hearing held on _____ (*insert date)* with regard to the charge(s) brought against _____ (*insert name of learner)*.

Charge(s)

1. (*Merely insert 'guilty' or 'not guilty'.)*
2. *(Repeat the above if more than one violation had been alleged.)*

Reasons for finding:

(*Supply full reasons for the committee's finding.)*

Sanction

The following sanction will be imposed:

1. (*Insert details of the sanction.)*
2. *(Repeat the above if guiltier findings have been made.)*

Reasons for the sanction

(Supply full reasons for the committee's decision on the sanction.)

_____ _____

Chair: Disciplinary committee **DATE**

Hereby, I, _____, acknowledge receipt of the letter on _____.

_____ _____

Signature of learner Signature of parent

_____

Signature of prosecutor

Plea bargain between the governing body of Vryburg Primary and (learner)

1. INTRODUCTION

Whereas:

1.1 the learner is charged with _____ (*outline the details of the charge/charges here)*,

the parties hereto now agree as follows:

2. CONSULTATION

2.1 The prosecutor, _____(name), has been authorised in writing by the governing body to negotiate with the learner and to enter into an agreement.

2.2 The prosecutor and the learner, as represented by _____ (lawyer), have negotiated and entered into this agreement with regard to a guilty plea by the learner as well as an appropriate sanction that is to be imposed by the governing body.

2.3 The prosecutor has consulted the governing body and the victim concerned (*if a fellow learner/the school or someone else has suffered losses or damage due to the learner's actions*) and afforded them the opportunity to make recommendations on the content of the agreement. The relevant parties are satisfied with the content of the agreement.

3. THE LEARNER'S RIGHTS

3.1 The learner acknowledges that he/she had been fully informed of the following rights before he/she has entered into this agreement:

3.1.1 That he/she is deemed innocent until proven guilty beyond a reasonable doubt

3.1.2 That he/she may remain silent and is not forced to testify during the proceedings

3.1.3 That he/she is not forced to give self-incriminatory evidence

3.1.4 That he/she is not forced to enter into this agreement

4. SUMMARY OF THE MATERIAL FACTS

OUTLINE FACTS HERE

5. PLEA AND FORMAL ACKNOWLEDGEMENT

5.1 The following facts are common cause and have been agreed between the parties. The learner pleads as follows, and also wishes to acknowledge the following:

5.2 The learner acknowledges that he/she has read through the charge, as outlined in the charge sheet; that he/she understands the nature and meaning thereof, and that he/she pleads guilty on the charge of _____ (*briefly repeat the details of the charge/charges),* and wishes to confirm the following:

5.3 The learner acknowledges that he/she has entered into the agreement voluntarily, unrestrained, knowingly and without undue influence.

5.4 The learner further acknowledges that he/she is personally aware of the admissions of guilt below:

5.5 *OUTLINE FACTS OF TRANSGRESSION HERE*

5.6 The learner further acknowledges that, throughout, he/she had been aware that his/her actions were contrary to the school's code of conduct, and that he/she might be punished.

6. ATTENUATING CIRCUMSTANCES

6.1 The learner has pleaded guilty.

6.2 The learner has no previous convictions (if applicable).

6.3 *MENTION FURTHER CIRCUMSTANCES THAT MAY APPLY*

7. AGGRAVATING CIRCUMSTANCES

7.1 The transgression concerned is of a serious nature.

7.2 The transgression had been premeditated (if applicable).

7.3 *MENTION FURTHER CIRCUMSTANCES THAT MAY APPLY*

8. AGREEMENT ON A FAIR SANCTION

8.1 The parties concerned have agreed on an appropriate sanction, and requests the governing body to impose it.

8.2 All parties have taken into account the gravity of the agreement, the interests of the school community, and the personal circumstances of the learner.

8.3 The parties agree that the following constitutes a fair and just sanction under the particular circumstances:

OUTLINE SANCTION HERE

SIGNED AT _____ ON THIS _____ DAY OF _____20__

_____

LEARNER

_____

LEGAL REPRESENTATIVE OF THE LEARNER

_____

PROSECUTOR

Part 5

Hostel rules

A **Hostel Policy**

1 Introduction
2 General
3 Admission
4 Boarding Fees

B **Hostel Rules**

1 Code of Conduct and Discipline
2 Visitors
3 Illness
4 Signing Out
5 Study Times
6 Meals
7 Telephones
8 Washing Breakage
9 Hostel Prefects
10 Lights out and getting up
11 Other

C **Hostel Disciplinary Policy**

1 Disciplinary Action

HOSTEL POLICY AND RULES

1. INTRODUCTION

This document is the hostel policy of Vryburg Primary, as approved by the Governing Body on _____ This policy was drafted in accordance with the relevant provisions of the constitution of the Republic of South Africa, Act 108 of 1996; the South African schools act, act 84 of 1996 (SASA); the Norms and Standards for School Funding, and applicable provincial legislation.

2. GENERAL

2.1 Boarders are expected to know and obey the hostel policy and rules, a copy of which will be displayed on the hostel notice boards.

2.2 Each boarder is bound by the school's Code of Conduct for Learners, over and above the hostel policy and rules.

3. ADMISSION

3.1 Admission to the school does not imply automatic admission to the hostel. There is no constitutional right to hostel boarding.

3.2 The Governing Body alone is responsible for the regulation and control of hostel admissions.

3.3 The Governing Body may ask the new applicant to write an admission test.

3.4 The Governing Body reserves the right to ask for a report from the present school regarding the behaviour and academic performance of an applicant.

3.5 If a learner does not meet die promotion requirements the Governing Body may refuse the learners' reapplication to the hostel. Learners still have the right to attend the school as day scholars.

4. BOARDING FEES

4.1 A deposit becomes due as soon as the Governing Body approves and confirms a learner's application for admission to the hostel.

4.2 The deposit is non-refundable and will be deducted from the first month's payment.

4.3 Each hostel parent / guardian is responsible for full boarding and school fees.

4.4 Boarding fees are payable in advance each month, term or year, or as agreed in writing with the Governing Body.

4.5 Learners may stay on in the hostel only if their boarding fees are paid up. If an account is not paid up by the seventh of each month, or an arranged date with the Governing Body, the boarder will be asked to leave the hostel and become a day scholar until the full amount has been settled.

4.6 Boarders must give one term's notice if they will be leaving the hostel at the end of the year. Boarders must give one month's notice if they want to leave at the end of a term or during the term.

B HOSTEL RULES

1. CODE OF CONDUCT AND DISCIPLINE

1.1 The hostel head, his/her staff and hostel leaders are responsible for maintaining discipline in the hostel.

1.2 Initiation in any form is prohibited.

1.3 Fighting and physical handling among boarders are prohibited.

1.4 Boarders may not smoke, consume any alcoholic beverage, or be in possession of any tobacco, alcoholic beverage and related substances such as drugs on the school or hostel grounds or in any other place where they may be identified as learners of the school / boarders of the hostel.

1.5 Hairstyles must adhere to the school's Code of Conduct.

1.6 Any sexual or indecent physical contact between boarders on the school or hostel grounds is strictly prohibited.

1.7 Boarders must adhere to the school's Code of Conduct with regard to school uniform during school time. Boarders must wear decent attire after school.

1.8 No boarder may climb through any hostel window or on any hostel roof, or enter the hostel in any other way than through the designated doors.

1.9 No boarder may enter any hostel room apart from his/ her own, unless with the necessary permission, or accompanied by the relevant fellow boarder.

1.10 Boarders shall at all times treat all persons, including hostel staff, fellow boarders and visitors, with respect and dignity.

1.11 All rules in the school's Code of Conduct shall be included herein.

2. VISITORS

2.1 All visitors must report to the staff member on duty. The relevant boarder will be called.

2.2 Visitors are subject to, and must respect, the hostel rules.

2.3 Boarders will be held responsible for their visitors' conduct.

2.4 Visitors may not enter any hostel room without the permission of the staff member on duty.

3. ILLNESS

3.1 Should a learner fall ill during school time they must go to the office. The staff members will get permission from parents to administer medicine. Only after receiving permission, medicine will be administered.

3.2 Medicine must be handed in to the matron. It must be clearly marked.

3.3 No boarder who has fallen ill may stay behind / go and lie down in the room without the necessary permissions.

3.4 Parents may contact the matron with regard to their children/s illness and treatment.

4. SIGNING IN & OUT

4.1 The signing in & out policy is meant to protect the boarders and the school and hostel.

4.2 Weekends: During weekends all boarders must leave the hostel. However, if the boarder is not going to his / her parents' house, the parent must inform the hostel head in writing of where the boarder will stay for the weekend.

4.3 Holidays: The same procedures that pertain to weekends, apply to signing in and out for the holidays.

4.4 The hostel has a signing in & out register. All boarders must be signed in & out by their parents or persons responsible for collecting them. If someone else than the parents sign a child out, permission must be given in writing to the specific person by the parents / guardians and it must be shown to staff members before signing the child out.

4.5 All boarders travelling by bus may not board the bus unless signed out by the staff member on duty and the bus driver.

4.6 All boarders travelling by taxi must be signed out by the taxi drivers.

4.7 All boarders must be signed in by the person bringing them in.

4.8 There are dedicated staff members on bus duty every Friday.

5. STUDY TIMES

5.1 The following rules apply during study times:

- Learners may not talk to one another
- Learners may not eat or drink
- Learners may not walk around or leave their desks
- No furniture may be moved around
- Learners may leave the room only with the supervisor's permission

5.2 Study times are as follow:

- Afternoons: 17:15 – 18:00 (compulsory).
- Evenings: 18:30 – 19:15 (compulsory)
- Gr 1 - 7 study in the study hall.
-

5.3 Study hall must be tidied up after each study time

- All papers and litter must be deposited in the waste bins
- Windows must be closed

- The lights must be switched off and the doors locked
- Hostel leaders are responsible to ensure that study halls are left in the abovementioned condition after study time.

6. MEALS

6.1 Meal times are as follow:

Weekdays

Breakfast	:	06:30
Lunch	:	13:40 – 14:00
Dinner	:	18:00 – 18:20

6.2 Staff will do roll call before learners enter the dining hall.

6.3 The duty doing staff members are responsible for discipline in the dining room

6.4 Boarders must enter the room quietly and orderly

6.5 No boarder may be deprived of a meal for any reason

6.6 No boarder may be forced to eat or drink anything against his / her will

6.7 Boarders must clear the tables after each meal. No food may be wiped off onto the floor. Plates and cutlery must be placed in designated containers.

6.8 No food, plates, cutlery, glasses or any other kitchen equipment may be removed from the dining room.

6.9 If a boarder is unable to attend a meal or will arrive late, he / she must inform the hostel head or teacher on duty well in advance.

7 CELLPHONES

The importance of cell phones as communication tools are acknowledged by the school and hostel. Due to a number of reasons the Governing Body decided to implement the following policy for the following devices:

- Cell phones
- Tablets
- Laptops
- Smart Watches

- Learners hand in cell phones as they arrive on Monday mornings, to the teachers on duty.
- Cell phones must be clearly labelled, fully charged and switched off before handed in.
- Teachers on duty sign for receipt of the phone in the presence of the learner.
- Cell phones will be handed out on Wednesdays directly after lunch. Learners will sign for receipt of the phone.
- Learners use cell phones to make transport arrangements and to chat with their parents.
- Cell phones will be handed back at 17:00 before supper and the same procedure will apply as on Monday mornings.
- Cell phones will be handed back on Fridays at 13:30.
- Teachers on duty are responsible for cell phones.
- If a learner doesn't hand in his/her phone and is caught with it, we will confiscate the phone for the remainder of the term and only parents will be able to collect the phones. This is not negotiable.

8 WASHING

a. Each boarder's clothes must be clearly marked
b. Each boarder is personally responsible for taking his / her washing home every weekend.
c. Each learner must have a laundry bag for this purpose. The hostel will not provide black bags to take washing home.

9 BREAKAGE

a. Breakage must immediately be reported to the relevant staff member or hostel prefect.
b. Deliberate damage to hostel or school property will lead to disciplinary action
c. Boarders must handle all hostel property with the necessary care
d. Boarders will be held accountable for breakage and will receive an invoice.

10 HOSTEL PREFECTS

a. Hostel prefects are responsible for general hostel discipline, and must assist the
hostel head and other staff in maintaining discipline.

11 LIGHTS OUT AND GETTING UP

a. Lights out is at 20:00 and will be indicated by a bell. Boarders must go to their beds immediately.
b. Following the lights out bell, silence must be maintained.
c. Getting up time is as 05:45, which will also be indicated by a bell, at which time boarders must get up immediately.
d. Boarders may get up before the norming bell only with the permission of the hostel head or staff member on duty.

12 OTHER

a. All forms of pornography are strictly prohibited
b. Boarders may not run, scream, whistle or make undue noise in the corridors.
c. If a boarder, for whatever reason, will arrive late for any particular activity, the hostel head must be informed well in advance.
d. Boarders must ensure that their hostel rooms are kept neat and tidy
e. Boarders shall refrain from any conduct that could bring the school and / or hostel into disrepute. Any conduct that unfairly prejudices the administration, discipline or efficiency of the hostel will be regarded as a transgression of this Code of Conduct.
f. A conviction of a criminal offence in a court of law shall be regarded as a violation of this Code of Conduct
g. Transgressions that may lead to suspension and / or expulsion include but are not limited to:
    - Conduct that poses a threat to others' safety and infringes upon others' rights
    - Possessing, threatening with or using dangerous weapons
    - The possession, use, trading or any visible sign of narcotic or unauthorized drugs, alcohol, and intoxicating substances of any nature
    - Fighting, assault or abuse
    - Indecent behaviour or swearing
    - Adopting or assuming a false identity
    - Any form of hate speech, sexism, Racism or any other anti-social behaviour

- Theft, or the possession of stolen goods
- Unlawful conduct towards and / or vandalizing, destroying or damaging school property, including the application of graffiti
- Disrespectfulness, offensive behaviour and verbal abuse aimed at educators or other school and hostel staff or learners and fellow boarders
- Repeated violations of school rules or this Code of Conduct
- Criminal and oppressive behaviour, such as rape and gender based harassment
- Victimization, bullying and intimidation of other learners and
- Intentionally and knowingly providing false information, or forging documents, in order to obtain an unfair advantage

h. From time to time, the Governing Body may amend, supplement, change or adapt this policy.

C. HOSTEL DISCIPLINARY POLICY

See “Code of Conduct for Learners: Procedure for disciplinary action against learners”.

1. DISCIPLINARY ACTION

Minor transgressions

1.1 **Grade 1 offences**

In case of the violation of any of the abovementioned provisions, such violation shall be referred to a staff member of the hostel, who will be entitled to impose the following sanctions:

- A verbal or written warning
- Supervised school work that will contribute to the learner’s progress at school o Detention for repeated misconduct
- Suspension from participation in school and / or hostel activities, such as sports, and cultural activities (excluding social events)

1.2 **Grade 2 offences**

In case of the violation of any of the abovementioned provisions, such violation shall be referred to the hostel head, who will be entitled to impose the following sanctions:

- Any of the sanctions in 1.1 (a) to (c) above, to which the following could be added:
- Exclusion from participation in social events of the school and / or hostel
- Agreed, affordable compensation

- The repair or replacement of damaged property
- Detention

1.3 **Major transgressions**

In case of the violation of any of the abovementioned provisions, such violation shall be referred to the hostel committee of the Governing Body, who will be entitled to impose the following sanctions:

- Any of the sanctions in 1.1 (a) to (c) and 1.2 (a) to above, to which the following could be added:
- In the case of a violation of the Code of Conduct hostel prefects:
  In conjunction with or as alternative to the above, suspension from their duties for a period of up to two weeks, or dismissal and permanent removal from their leadership positions at the hostel.

- Following a hearing in which any boarder is found guilty of violating the provisions of the Code of Conduct, the Governing Body may impose any of the aforementioned sanctions on such boarder, or suspend the boarder, or recommend the boarder's expulsion from the hostel.

1.4 Should the Governing Body opt for suspension as the only sanction, they may determine the period of suspension.