



## **Hillcrest Cambridge Academy**

### **School Code of Conduct**

#### **A. Preamble**

HCA is committed to providing an environment for the delivery of quality teaching and learning by:

Promoting the rights and safety of all learners and teachers and parents.

Ensuring learners' responsibility for their own actions and behaviours.

Prohibiting all forms of unfair discrimination and intolerance.

Eliminating disruptive and offensive conduct.

The Code of Conduct spells out the rules regarding learner behaviour at the School and describes the disciplinary system to be implemented by the School concerning transgressions by learners. The Code of Conduct applies to all learners while they are on the School premises or when they are away from the School representing it or attending a School function.

Section 8(4) of the SA Schools Act provides that all learners attending a School are bound by the Code of Conduct of that School. All learners attending the School are expected to sign a statement of commitment to the Code of Conduct (Annexure A). The administration of the Code of Conduct is the responsibility of the Disciplinary Committee of the School.

#### **B. School Rules**

For an individual to enjoy the privileges of a community, club or institution, he or she must abide by the rules and norms of that body. When a child enters HCA, he automatically becomes a member of our community. Rules and regulations exist to encourage the highest possible standards of behaviour and to enable the HCA community to run as smoothly as possible. Underpinning any system of rules and regulations must be common sense, decency and concern for the well-being of others. HCA pupils are expected to recognize the need to behave in a way which graces the School, wherever they are.

## **General Principles**

The basic rule is that no-one may disrupt school life.

Discipline is important. Self-discipline is preferred, but if anyone is incapable thereof, the school must provide the necessary procedures to enforce discipline.

Respect must be shown for the needs and interests of others. Regular communication and consultation between learners and educators is essential. This will ensure the necessary dissemination of information and make for harmonious relationships.

It is the collective responsibility of all to ensure that all school facilities are adequately and properly cared for.

No form of intimidation, political or otherwise is allowed.

No learner has the right at any time to behave in a manner that will disrupt the learning activity of other learners, or will cause another learner physical or emotional harm.

Learners are expected to abide by the School rules with regard to appearance and behaviour when representing the School both during School hours and after School hours, at School and away from School. Learners may not say or do anything that will discredit themselves or the School.

## **2. School and Class Attendance**

Parents/guardians, learners and teachers are jointly responsible for ensuring that all learners attend School.

The class teacher must keep an accurate register of learner attendance and must keep copies of all communication to parents when absence from the classroom is reported.

All learners are to arrive at School before the official starting time. Learners who are late for School will be marked absent as registers are completed at the beginning of each School day.

Absence from a class, without the permission, is prohibited.

Any learner who is absent from School must hand an absentee note from a parent/guardian to his teacher.

Should a learner be absent from School for a period of three (3) days or longer, this leave of absence must be supported by a letter from a registered medical practitioner.

Any absence from a formal examination, test or task must be supported by a letter from a registered medical practitioner.

No learner may leave the School during School hours without a letter from a parent/ guardian requesting the release of their child and the permission of the principal.

All learners will attend assembly unless permission has been obtained from the principal.

### **3. School Uniform and General Appearance**

Learners are expected to wear the official School uniform and appear neat and tidy at all times.

No additions to the uniform that are not in accordance with the regulations will be allowed.

No earrings, jewellery, accessories, coloured contact lenses or visible tattoos are allowed.

The hair regulations are as follows:

Hair to be short, neat and clean at all times.

Hair to be above the collar and off the ears.

The fringe must be above the eye brows.

No undercuts.

Hair may not be tinted, curly, punky, dyed or coloured.

No closely shaven heads.

No steps are allowed.

No extensions or dreadlocks.

No form of spiking of hair.

No form of gel, wax or other styling substance may be used in hair.

Side-burns may not extend further than mid-ear.

Face should be clean shaven at all times

Only learners that have applied, submitted relevant supporting documents and received the necessary permission from the School Governing Body, may deviate from official School uniform for religious and cultural reasons.

No Badges to be worn on the uniform other than those approved by the school.

The dress criteria are as follows:

**(PLEASE REFER TO THE UNIFORM LIST SUPPLIED)**

### **4. Valuables and Personal Belongings**

The School will not be held responsible for theft of or damage to personal belongings on School premises (e.g. cell phones, bags, books and clothing).

Learners should avoid bringing cell phones, large sums of money and valuables to School. Cell phones may not be switched on during a normal School day. If the learner brings a cell phone to School, the learner must carry a written request from the parent, which must provide for an indemnification against loss of or damage to the cell phone.

Learners may not bring computer games, iPods or similar electronic devices to School.

### **Examination or Test Rules**

No learner may talk or communicate in any way with any other learner once inside the examination/ test venue.

No learner may eat or drink during an examination/ test.

No learner may have in his possession, or in his immediate vicinity, any material (such as notes or textbooks) which could assist them in any way during the writing of the examination/ test.

No learner may have in his possession, or in his immediate vicinity a cellphone or any other electronic device (besides an approved calculator) during the writing of the examination/ test.

No learner is permitted to borrow any equipment from or lend any equipment to another learner once the examination has started.

### **6. General Rules**

All learners are expected to co-operate in maintaining the attractive appearance of the School. Above all, this would include an active participation in the prevention of littering.

Willful damaging, vandalizing or neglect of School property and the property of others, either by writing or by a physical act, is prohibited.

Theft of School and private property is also prohibited.

Disruptive, unruly, rude and/or offensive behaviour will not be tolerated.

The timeous handing in of work is the responsibility of each learner.

Learners who fail to produce a medical certificate on absenteeism during formal examinations/tests/assessment tasks will obtain a mark of "0" (nought) for the particular examination/test/assessment task.

The learner will respect the beliefs, culture, dignity and rights of other learners, as well as their right to privacy and confidentiality.

Language that is seen as pejorative, discriminatory or racist is prohibited.

Any act that belittles, demeans or humiliates another learner's culture, race or religion is prohibited.

All learners have the right to an education free of interference, intimidation and/or physical abuse. The learner will respect the property and safety of other learners. Fighting or threatening of other learners is forbidden.

The learner will respect those learners in positions of authority. A learner who is in a position of authority will conduct himself in a manner befitting someone in authority. He will respect the rights of other learners and will not abuse such authority bestowed upon him through his position.

The carrying, copying and/or reading of offensive material is prohibited.

Learners must keep clear of areas that are indicated as out of bounds. These include:

- The School motor vehicles garage or parking bays.
- Electrical mains distribution boxes, fire extinguishers and hoses (with exception of emergencies).

## **7. Rules Governing Public Places**

The School is a place of safety where laws pertaining to public spaces are applicable.

No dangerous objects or illegal drugs as defined in the SA Schools Act or the Safety Regulations will be brought onto and/or used on the School property unless authorised by the Principal for educational purposes. Dangerous objects include knives, firearms or any item that could harm a person.

The carrying and/or smoking of cigarettes is prohibited.

Alcohol is not permitted on School premises or during any School activity.

The carrying of and/or consumption of illegal chemical substances and drugs is prohibited.

## **Transport**

Learners wishing to park motor cycles/motor vehicles on the School grounds must first obtain permission from the School to do so and make use of the areas specifically demarcated for this purpose.

All learners park their vehicles and bikes (pedal or motorized) on the School premises at their own risk.

Specific areas are provided for the parking of bikes, etc. and must be used by learners.

Learners may ride or drive a vehicle on the School grounds provided the learner has a license to drive such vehicle and provided extreme caution is exercised.

Reckless behaviour is forbidden.

The Code of Conduct is applicable when making use of public transport to and from School.

Learners may not hitchhike while in School uniform, whether formal or sports dress.

## **9. Extra-curricular activities**

Involvement in activities making up the School Extra-curricular Programme forms a valuable and integral part of the holistic education of every learner. All learners are, therefore, expected to become actively involved in at least one (1) sport, cultural and/or service activity per term.

The learner is expected to adopt the correct etiquette pertaining to the specific activity at all times.

Once a learner has committed himself to an activity, he will be bound to meet the rules and obligations related to that activity.

Involvement in a particular activity will span the entire season/duration in which that activity takes place.

Attendance of all practices is compulsory.

Appropriate kit/uniform will be worn to practices.

The correct match kit/uniform will be worn to inter-school league fixtures.

Learners travelling to an away fixture will travel in full School uniform, unless other arrangements have been made.

Sports and other kit must be carried in an appropriate bag.

Learners playing in home league fixtures must arrive at the venue in their appropriate sports kit/uniform with their School blazer.

### **Accommodation of Religious or Cultural Rights**

Religious practices, conduct or obligations that relate to the core values and beliefs of a recognized religion and that are in conflict with any rule contained in this Code of Conduct will be accommodated by a deviation from this Code of Conduct by the Governing Body under the following conditions:

The learner, assisted by the parent, must apply for a deviation from the standard School rules if such rules are in conflict with or infringe on any religious right of the learner.

This application must be in writing and must identify the specific rule/s that is/are offensive to the learner's religious right/s as contained in the Constitution of the Republic of South Africa.

This application must include a reasonable interpretation of the religious rights that the learner feels are offended and a suggestion on how the rules may be supplemented by the Governing Body to accommodate such religious rights.

The learner must provide proof that he belongs to that specific religion and that the religious practices, rules and obligations that are in conflict with the School's Code of Conduct are his true beliefs and commitments.

The religious conduct or practice must be lawful.

The Governing Body must consider the application and, if it is satisfied that the application is justified in terms of Constitutional principles, the application will be granted in writing.

When the Governing Body allows for deviations from the standard rules, such deviations must be based on core religious beliefs inherent to the religion, and it must be compulsory for the learner to comply with such beliefs.

The deviation must specify the extent of the exemption from the normal rules and must clearly identify the conduct that will be allowed – e.g. the wearing of a head scarf, including colours and details of design; the growing of a beard; or the wearing of a specific hairstyle or jewellery – and the conditions under which such deviation will be applicable to the learner.

Cultural rights will be considered in the event that they do not relate to a religion, if such cultural rights manifest in conduct of a permanent nature that is compulsory for the cultural group. This refers to cases where the removal of the cultural jewellery or mark will cause considerable pain to the learner.

Normally, cultural rights are exercised through marks and expressions of a temporary nature that are justified for a specific cultural gathering. The learner must convince the Governing Body that his/her cultural rights can be exercised only through a permanent intervention.

Any request for a deviation from the Code of Conduct based on cultural rights must be in writing and must be based on a process similar to that contained in the first 8 bullets above.

**NOTE:**

Good manners are important at all times. We stress the basic courtesies of boys to girls and pupils to adults. This includes the customary greetings and assistance to each other and our visitors. Lack of manners, including veiled insolence, snide comments and rudeness will not be tolerated.

While the above guidelines may primarily apply to school hours, it should be clearly understood that where applicable, these guidelines apply beyond the school gates.

**C. Disciplinary System**

Every teacher is responsible for discipline and has the full authority and responsibility to correct the behaviour of learners whenever such correction is necessary. Any corrective measure or disciplinary action will correspond with and be appropriate to the offence. All learners will abide by the discipline system that has been developed to assist and guide learner behaviour in the School.

**Intervention Programme (IP)**

**PROCEDURE TO BE FOLLOWED:**

A teacher may issue a notification form to any learner who transgresses in class. This will need to be signed by the teacher and the learner.

Every learner has the right of appeal to the Disciplinary Committee.

The notification forms will be forwarded to the administrator for entering on the computer.

The administrator will produce a list of all those who qualify for IP.

The learner will attend IP at given times on the day after the offence, unless the housemaster gives permission for a postponement. The learners are subject to the normal punishment system rules in the IP session. If a pupil disrupts the IP session, he will be sent home and no credits will be awarded. He will then be placed on further detention.

The administrator will record the names of those who attended the IP session and hand this list to the Disciplinary Committee.

Any learner who fails to adhere to the rules will be required to attend punishment. Learners may also be required to attend hearings if they commit more serious offences.

## **2. Serious Offences**

Conduct that may lead to suspension/exclusion includes, but is not limited to, the following:

- has been convicted by a court of a criminal offence;
- sells, distributes (whether by sharing or otherwise), keeps or stores for sale or distribution, uses, possesses and/or is under the influence of any of the following while on the school premises, or whilst in school uniform or carrying any item of apparel identifying him or her as a learner enrolled at the school:
  - intoxicating liquor;
  - illicit drug or narcotic; or
  - prescribable drug without a prescription issued by a medical practitioner.
- abuses and/or is under the influence of, or possesses, with the intention of abusing and falling under the influence of any intoxicating or stupefying substances, including inhalants, such as glue, thinners, petrol, aerosol spray, paint, solvents and others.
- is guilty of assault, theft, gross insubordination or immoral conduct;
- has been repeatedly absent without leave from school and/or classes; 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;
- cheats in a test or examination;
- distributes any test or examination material that may enable another person or himself or herself to gain an unfair advantage or is in possession of any examination material or other material which may unfairly assist him or her in the writing of the examination
- 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 it to threaten any person
- engages in any act of public indecency;
- endangers the safety and violates the rights of others;
- fights, swears, or falsely identifies himself;
- threatens fellow learners or educators;
- uses hate speech, makes himself or herself guilty of racism or applies harmful graffiti;
- vandalizes, destroys or defaces school property or the property of any member of the school community;
- repeatedly violates school rules or the code of conduct;
- conducts himself or herself in a disgraceful, improper or unbecoming manner.
- is guilty of offensive or oppressive behaviour. This is a broad category of misconduct. Sufficiently serious cases or types of misconduct are targeted. Examples are given without limiting the breadth of the category. Serious insult; denigration of religion or culture; racial slur; intimidation; blackmail; sustained psychological abuse; bullying; coercion; obscene language; gestures, conversational topics, jokes, anecdotes, etc; false reporting and accusation causing a fellow learner to suffer degradation, distress and suspicion.
- is guilty of any misconduct regarded as serious in terms of societal norms.

Should a learner be found guilty by a court of law for breaking the law of the Republic of South Africa, the School has the right, after a fair hearing through the Governing Body.

A disciplinary hearing will be convened with a view to recommending expulsion. In such instances the recommendation for expulsion will be submitted to the relevant authorities to approve the decision.

Where approval for expulsion is not granted, learners will attend counseling or the relevant life skills programme before they may return to class. Such learners will be accommodated in an exclusion room in the interim to continue with schoolwork until they have completed the series of counseling sessions or the stipulated life skills programme.

### **3. Suspension of a Learner by the Principal as a Precautionary Measure**

The Governing Body authorizes the Principal to institute suspension, as a precautionary measure, with regard to a learner who is charged with a serious misconduct offence.

Before a learner is suspended, the learner and his parents must be given an opportunity to indicate why the suspension should not be considered.

The disciplinary proceedings must commence within one (1) week after the suspension. If the proceedings do not commence within one (1) week, approval for the continuation of the suspension must be obtained from the Head of Department.

This suspension will be applicable until a finding of not guilty is made or, in the case of a finding of guilty, until the appropriate sanction is announced.

#### **4. Disciplinary Hearings**

The following official forms will be used for misconduct and disciplinary hearings:

Written warning (disciplinary warning form) (Annexure D)

Final written warning (Annexure E)

Notice of disciplinary hearing (Annexure F)

Record of disciplinary hearing (Annexure G)

Review form (lodging of appeal) (Annexure J)

Written notice of a disciplinary or tribunal hearing will be given at least five (5) School days before the hearing, which could imply temporary suspension from classes, excluding formal scheduled tests and examinations which count towards the year mark.

When a notice is issued to a learner the learner must acknowledge receipt of notice by signing for it. This is not an admission of guilt.

Should a learner not attend the hearing at the specified date and time, the school may, after a reasonable enquiry into such non attendance, proceed in his absence.

A written verdict of the hearing will be issued to the offender. The offender must acknowledge the content by signing the document.

A learner has the right to request a review of the disciplinary action taken against him if sufficient grounds exist. Disregard of punishment of the Disciplinary Committee will lead to temporary suspension pending a hearing.

The Disciplinary Hearing Commission will consist of the following members:

a Governing Body representative who will be the chairperson;

the School Principal or Discipline Officer delegated to oversee this function who will when necessary provide guidance on the procedure to be followed (this person may not be the complainant);

a teacher

The hearing will also be attended by the learner, and any other learner he may need for his defense.

Disciplinary measures that a Disciplinary Hearing Committee may impose include:

Detention

Community Service

Suspension from School for a minimum of two days up to a maximum of five (5) days, ratified by the Governing Body, to be effective immediately.

Recommendation with respect to counseling/ attendance of a life skills programme.

Progress monitoring process initiated for a minimum of two (2) weeks, followed up with a progress report.

A written conduct and behaviour warning issued. A signed copy of acknowledgement will be kept on record.

Payment to cover the cost of repair or replacement of the damaged, lost or stolen item.

## **5. Procedure during Hearings**

The Chairperson of The Committee must lead the proceedings and:

Introduce those present and state their functions.

Ensure that witnesses are present only while giving their evidence.

The Chairperson must inform the learner of his rights:

The right to a formal hearing.

The right to be present at the hearing.

The right to be given time to prepare for the hearing case.

The right to be given advance notice of the charges.

The right to be represented at the hearing by one (1) internal representative.

The right to be accompanied at the hearing by parents/guardian if the learner is a minor.

The right to ask questions on any evidence produced, or on statements of witnesses.

The right to call witnesses to testify on his/her behalf.

The right to an interpreter, to be requested 24 hours prior to the hearing.

The right to appeal within five (5) days against any penalty imposed by the Disciplinary Committee.

Should a learner not attend the hearing at the specified date and time, the school may, after a reasonable enquiry into such non attendance, proceed in his absence.

The Chairperson is to explain the nature of the alleged breach or misconduct to those present at the hearing.

The procedure of enquiry is to be explained by The Chairperson. The evidence of the complainant and his/her witnesses will be heard first. The learner and panel may ask questions about the evidence. The learner and his witnesses may then give evidence and the complainant and Committee may ask them questions.

When all the evidence has been heard, The Chairperson must close the enquiry, dismiss the complainant, the accused, their representatives, the parent/guardian and all the witnesses.

The Disciplinary Committee must discuss and weigh the evidence and come to a decision.

The Chairperson must reconvene all interested parties.

The Chairperson is to communicate the decision of The Committee.

The Chairperson will then allow the complainant and learner to present aggravating or mitigating circumstances.

The Disciplinary Committee will then consider the aggravating or mitigating circumstances.

The Chairperson must explain the decision of The Committee and the reasons for the penalty (if any) that has been imposed.

The learner must be advised of his right to appeal to the Head of the Education Department (Annexure J) and to the Member of the Executive Council.

The complainant and learner must sign the disciplinary form and a copy must be handed to the learner. (If the learner refuses, a witness must sign in the presence of the learner).

The signing of the document by the learner does not imply an acknowledgement of guilt.

#### D. Guides for Punishment

Punishment and the process by which it is imposed must be:

Fair

Reasonable

Appropriate (not only to the offence but also to the child and the school community)

Relatively immediate

Acceptable having regard to the Bill of Rights and the ethos of the school community

Consistent

Disciplinary action taken by the school should be as “transparent” as possible. Effective discipline demands effective communication between the disciplinary structures, the staff and the pupils and the

parents. Written reasons must be furnished at the request of parents. Nothing in this Code detracts from the desirable approach that disciplinary matters be resolved by way of counseling and/ or other less formal methods. The SGB may formulate and adopt a policy regarding pardon for and expungement of records of punishment after consultation with the educators, parents and learners of the School. The rights of parents and learners to appeal against convictions of learners and/ or the imposition of punishment for misconduct are set out in the Code of Conduct.

#### E. Appeal

There is a right of appeal by the learner or his/ her parent(s) to the Principal against a conviction and/ or sentence imposed by any of the other Internal Disciplinary Structures (ie disciplinary committees or structures other than the committee referred to in point 4 above). The appeal must be in writing and lodged with the Principal's Secretary 24 (twenty four) hours after the conviction and sentence have been communicated to the learner. No late appeals will be allowed. The decision of the Principal in such cases will be final (there will be no further right of appeal). The procedure for appeal must comply with the following:

Only the written appeal and written decision of the relevant disciplinary structure will be considered

The relevant and applicable requirements for adjudication by Internal Disciplinary Structures must be observed

The onus is on the appellant to show on a balance of probabilities that the conviction is unjustified and/ or that the punishment is inappropriate

The Principal may uphold the appeal, or dismiss it, wholly or in part, and may substitute his own finding on conviction and/ or punishment, provided that where he is of the view that a conviction for another or more serious misconduct and/ or harsher punishment is warranted, he shall give notice to the parties, giving them adequate time to prepare, and re-hear the matter as a Disciplinary Structure of the first instance. After the hearing, he may:

Set aside the original conviction and punishment and substitute it with his own: or

Acquit the learner of the new charge, but deal with the original appeal in the manner prescribed

Where he substitutes his own conviction and sentence on re-hearing, advise the learner of his/ her right to appeal to the SGB's Disciplinary Committee

The decision on appeal or on re-hearing must be given in writing with reasons to the appellant and the relevant Disciplinary Structure.

The conviction and/ or sentence are suspended, pending the decision on appeal, which once given, must be executed forthwith.

A learner or his parent(s) may appeal to the SGB's Disciplinary Committee against a conviction and/ or sentence of the Principal, sitting as a tribunal of first instance. The provisions above apply equally to such an appeal. The decision of the SGB's Disciplinary Committee shall be final.

#### **Annexure A**

##### **STATUTORY MATRIX FOR THE CODE OF CONDUCT**

The Code of Conduct for learners of HCA derives from the following statutory matrix:

The South African Schools Act, 1996 (Act No. 84 of 1996)(as amended)("SASA")

The Constitution of the Republic of South Africa (Act No. 28 of 1996), including the Bill of Rights

Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Government Notice No. 776: Gazette No. 18900 of 15 May 1998)("the Ministerial Guidelines")

Education Laws Amendment Act (Act no. 31 of 2007)

Free State Education Act (Act 2 of 2000)

Promotion of the Administrative Justice Act (Act 3 of 2000)

The Control of Access to Public Premises and Vehicles Act 1985 (Act No. 53 of 1985), including regulations made under it ("the Public Premises Act")

Ministerial Regulations for Safety Measures at Public Schools in terms of section 61 of SASA (Government Notice No. 1040: Gazette No. 22754 of 12 October 2001)("the Safety Regulations")

National Policy on the Management of Drug Abuse by Learners (General Notice No. 3427: Government Gazette No. 24127 of 13 December 2002)("the Policy on Drug Abuse – PDA")

Regulations to Prohibit Initiation Practices in Schools made under section 61 of SASA (Government Notice No. 1589: Gazette No. 24165 of 13 December 2002)

Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act no 32 of 2007)

#### **Annexure B**

##### **RIGHTS AND DUTIES OF THE RESPECTIVE STAKEHOLDERS IN THE SCHOOL COMMUNITY**

###### **PUPIL'S RIGHTS**

Pupils should be entitled to:

educational facilities and resources necessary for effective learning

be taught in a clean, safe and orderly environment

be taught each lesson in an atmosphere conducive to learning and free from interruptions by other pupils

be treated as an individual, enjoying the respect of others, and treated in a fair and dignified manner

be able to express themselves, to ask questions, and be heard

be taught in a disciplined environment in which punishment is fair and consistent

be recognised for their achievements

a balanced education which prepares them adequately for life after school

the democratic right to due process and to have their views heard

### **PUPILS' DUTIES AND RESPONSIBILITIES**

Pupils should:

accept the code of conduct of the school, obey all school rules and regulations, and so enhance the school as a place for ordered and orderly learning

attend school in the correct uniform, be neat in appearance, and have the correct equipment

ensure that books, desks and all school equipment and property, and the property of others, are treated with respect

attend school and classes regularly, be punctual, respect the rights of others to learn in a learning environment, and complete homework and class assignments

be responsible for their actions, respect others, not interfering with their right to a good education, and respect authority

be involved fully in the sporting and cultural activities of the school and meet all obligations in this regard

keep the environment clean and generally have pride in the school, so enhancing its name

### **TEACHERS' RIGHTS AND EXPECTATIONS**

Teachers should:

be able to teach in a safe, orderly, clean and quiet environment in which the necessary materials and equipment are provided and maintained

expect pupils to be prepared for lessons, having completed all homework assignments

expect pupils to be punctual, courteous and respectful

be treated fairly and be respected as professional persons

be supported by parents and colleagues and receive the support of those in authority

be able to teach without interruption

enjoy privacy in their private lives, with the assurance that their personal property at school will be respected

#### **TEACHERS' OBLIGATIONS AND RESPONSIBILITIES**

Teachers must:

be professional in appearance and approach, and provide an environment which is conducive to effective learning

be well prepared for each lesson, teach each lesson effectively, and effectively evaluate work done

maintain a clean, disciplined and safe environment in the classroom

be punctual, consistent and fair, and sensitive to the needs of pupils

treat pupils as individuals, respecting their rights, and encouraging each pupil to reach his full potential in all spheres of school life

guide pupils, help them to identify problems that they have, and help them to resolve such problems

communicate with parents and keep them informed of the progress of pupils

keep up to date with developments in education, in the subjects taught, and in the teaching of the subjects

set the correct example as a professional person and provide pupils with life skills

keep up to date with all administrative duties and attend all official school functions

#### **PARENTS' EXPECTATIONS**

Parents expect from the school:

teachers who are well qualified and competent to teach their subjects of instruction

a school that respects cultural diversities and which is non-discriminatory



teachers who are professional in their approach to their work and who set and maintain correct standards

the promotion of high moral standards and good ethics, with learners being taught in a safe disciplined environment that is conducive to learning

that their children receive a well-balanced education and that they will be treated fairly and as individuals

support from approachable teachers who communicate with parents on work and behaviour problems

### **PARENTS' OBLIGATIONS**

Parents should:

support and encourage their children in their involvement in all spheres of school life

ensure that pupils attend school regularly, that they are correctly dressed, are properly equipped, and are punctual

support the school, the staff, the code of conduct and school rules, and ensure that their children do likewise

inform the school of any problem areas and communicate with individual teachers where this is necessary or desirable

pay school fees on time

fetch their children on time after school functions, and attend official school functions such as PTA meetings

### **Annexure C**

### **POLICY AND PROCEDURE IN CASES OF DRUG ABUSE**

#### **INTRODUCTION**

On 13 December 2002 the Minister of Education, acting in terms of section 3 (4) (N) of the National Education Policy Act, 1996, declared national policy on The Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions ("the drugs policy").

The drugs policy emerged from growing awareness of the scale of drug abuse in schools. In para. 4 of the drugs policy it is stated –

"Studies on drug usage in the country point to an increase in drug abuse across all communities, irrespective of wealth .... Evidence indicates that school communities are particularly vulnerable and drug use by learners is on the increase in both rural and urban schools.

These reports also indicate a high correlation between drug abuse and other anti-social and high-risk

behaviour typical of countercultures such as violence, sexual violence, gangsterism and theft. Equally, reports link drug abuse with prevalence levels of HIV/AIDS and hence early death.”

In the drugs policy, the Minister recognizes the role played by drugs in seriously undermining the most critical element for the successful delivery of quality education, namely a safe and disciplined learning environment.

The drugs policy complements the Ministerial Regulations for Safety Measures at Public Schools, promulgated on 12 October 81 (“the safety measures) (see later). It follows three approaches -d (1). The habitual abuse of, or dealing in drugs is condemned and must be punished (para. 3).d (2). It seeks to support and assist learners, who have developed a dependency on drugs, especially as a result of experimentation or peer pressure, if they are prepared to co-operate with educators and other professionals involved in the treatment and rehabilitation process. (paras. 6, 8 and 9).d (3). It seeks to help and support learners and educators, who do not use / abuse drugs, but who may be affected by the use/abuse of it by others, as well as to prevent such use/abuse.

The drugs policy contains various provisions aimed at contributing towards the effective prevention, management and treatment of drug use, misuse and dependency in schools and Further Education and Training Institutions.

This policy aims at giving expression to the provisions of the drugs policy, whilst simultaneously setting out the position taken and the approach to be followed by the community of St Andrew’s School in dealing with the problem of drug distribution, abuse and dependency in the school context.

The point of departure of this policy is that in terms of the School’s Code of Conduct a learner commits serious misconduct if he/she –

sells, distributes, or keeps or stores for sale or distribution, uses, possesses and/or is under the influence of any of the following while on the school premises or at or in transit to or from any school activity, or whilst in school uniform or carrying any item or apparel identifying him or her as a learner of the school:-

intoxicating liquor;

illicit drug or narcotic; or

prescribable drug without a prescription issued by a registered medical practitioner.

abuses and/or is under the influence of, or possesses, with the intention of abusing and/or falling under the influence of any inhalants, such as glue, thinners, petrol, aerosol spray, paint, solvents and others.

The safety measures prohibit the possession of any unlawful intoxicating or stupefying substance on the school premises, as well as entry onto the school premises whilst under the influence of any such substance or alcohol. There are similar provisions in the drugs policy.

Subject to 4, below, the aforesaid serious misconduct must be firmly and consistently prosecuted and dealt with as such in accordance with the Code of Conduct and due process. If a learner is found guilty of such serious misconduct, the committee presiding over the proceedings concerned shall have regard to and in appropriate circumstances give effect to the relevant provisions of the drugs policy on restorative justice, as well as any School Management Plan contemplated by para. 33 thereof. In such a case, the presiding committee must satisfy itself that a clear plan for restorative justice has been formulated, with time frames, requirements and monitoring mechanisms, and that the learner and his/her parents have undertaken to co-operate in the fulfillment of the plan, whereupon the proceedings may be adjourned, indefinitely, subject to the right of the committee to reconvene them at any time on reasonable notice for monitoring the fulfillment of the plan. If the proceedings are reconvened and it appears from evidence that the plan has failed due to non-co-operation by the learner, the committee must proceed to impose an appropriate punishment, which may include the reference of the matter to the Provincial Head of Department for the expulsion of the learner or the taking of the steps contemplated by para. 6 of the drugs policy.

The approach set out in 3, above may be deviated from in the following circumstances:-

- 4.1. where a learner or the parent of a learner voluntarily discloses that the learner has a drug dependency problem; or
- 4.2. where an educator, whether by observation, counseling or both, determines on reasonable grounds that a learner has a drug dependency problem. In such a case, the matter must be referred to the Principal or an educator designated by him, who must –

immediately engage with the learner's parent(s) and in consultation with them determine whether or not the learner has a drug-dependency problem and whether rehabilitative intervention is required or justified.

In this regard, the drugs policy, and particularly para. 28 thereof must be followed;

ascertain whether or not the learner and his/her parents will co-operate in the support appropriate rehabilitation intervention;

(if (i) and (ii) are in the affirmative) devise a rehabilitation plan with the assistance of the department of education and any other appropriately qualified persons, including the learner's own medical practitioner, and in consultation with the learner and his/her parent(s) devise a written rehabilitation plan incorporating at least the following:-

periodic testing and reporting

clear time frames

random searching for drugs

periodic consultation with parent(s) and the learner

provision for carrying of a report card by the learner to every educator involved in his/her tuition for a specified period.

random provision of a urine sample for independent testing

the bearing of the costs of testing or reporting

the written consent of the learner and parent to all the measures concerned

the indemnification of the school, the monitoring person (Principal or designate) and the department of education against any claims by the parent(s) or learner, or both arising from the enforcement of the programme.

the duration of the programme

If the programme fails to achieve the rehabilitation of the learner, whether through lack of co-operation or otherwise, the Principal or his designate may discontinue it whether or not it has run its course.

The relevant stakeholders must, as soon as possible, develop a comprehensive Drug Use, Misuse and Dependency Management Plan in accordance with the drugs policy (para. 33 in particular), incorporating the following elements:-

6.1. Education of learners and parents

6.2. Training of educators (identification and management)

6.3. Confidential whistle-blowing

6.4. A core programme

6.5. Involvement of outside agencies, such as SAPS, Department of Health and Social Welfare for advice, support, law enforcement, education and training.

6.6. Involvement of SANCA and similar persons for advice and support.

6.7. Prosecution

6.8. Investigation (including searches)

6.9. Vision, mission, objectives

6.10. Guiding Principles (including confidentiality and human rights considerations)

Annexure D

Hillcrest Cambridge Academy

Learner Commitment

I, ....., a learner at Hillcrest Cambridge Academy, understand the rules and their implications and hereby commit to:

Abide by the Code of Conduct and Disciplinary System.

Behave in a courteous and considerate manner and respect other learners all members of staff and visitors to the School.

Treat everyone with respect regardless of differences in culture, religion, ability, race, gender, age, sexual orientation or social class.

Take responsibility for my learning by attending regularly and punctually and completing all my assessment tasks on time.

Cooperate with my teachers and other School staff.

Assist in making the School a safe place for all.

Seek help if I need it.

Let the School know if I feel my rights have been infringed, or if I experience any other difficulty.

.....

Learner

.....

Parent/Guardian

.....

Date

## **Annexure E**

### **Hillcrest Cambridge Academy**

#### **Written Warning**

Name of learner: .....

Subject: .....

Teacher: .....

The above learner has breached the disciplinary code.

Date of offence: .....

Description of offence: .....

.....

.....

.....

Learner's statement: .....

.....  
.....  
.....  
.....

Learner

.....

Teacher

.....

Witness

.....

Witness

.....

Date

One (1) copy to learner, original to be kept by the class teacher.

Learner's signature does not signify admission of guilt, but that charges and action taken have been explained.

#### **Annexure F**

#### **Hillcrest CAMBRIDGE ACADEMY**

#### **Final Written Warning**

Name of learner: .....

Subject: .....

Teacher: .....

The above learner has breached the disciplinary code.

Please take note that this is a final warning. If the disciplinary code is breached again, in any way, it will lead to a disciplinary hearing.

Date of offence: .....

Dates of previous warnings: .....

Description of offence: .....

.....

.....

.....

Learner's statement: .....

.....

.....

.....

Learner

.....

Teacher

.....

Witness

.....

Witness

.....

Date

One (1) copy to learner, original to be kept By the class teacher.

Learner's signature does not signify admission of guilt, but that charges and action taken have been explained.

**Annexure G**

**Hillcrest Cambridge Academy**

**Notice of Disciplinary Hearing**

Name of learner: .....

Subject: .....

Teacher: .....

A formal disciplinary hearing will be held and you are obliged to be present:

Date of hearing: .....

Venue of hearing: .....

Time of hearing: .....

Date served: .....

The charge against you is as follows: .....

.....

Date of offence: .....

Description of offence: .....

.....

.....

### **Suspension from class**

You are further advised that you have been suspended from class from: .....

until ..... During your period of suspension, you will not be permitted on the School premises unless written permission has been given to you by the Principal, or for purposes of attending this hearing.

### **Note:**

Should you require any learner to act as a witness or a representative on your behalf in this matter you are required to advise the principal in order for him to make the necessary arrangements for you to consult with the representative and/ or witnesses in preparation for the hearing

Should you not attend the hearing at the specified date and time, the school may, after a reasonable enquiry into such non attendance, proceed in your absence. Your failure / refusal to attend the hearing will be recorded and will be accepted by the school as a waiver of your rights to present your defence.

“As this is a serious matter you are reminded that:

You are entitled to a representative of your choice from amongst the learners of Saint Andrew’s School to assist you in the hearing.

If you are under the age of eighteen (18) you are entitled to be accompanied by your parents/ guardian.



At the hearing you will be afforded an opportunity to answer to the allegation against you.

You have the right to question witnesses and to call your own witnesses.

The proceeding will be conducted in English. Should you require the services of an interpreter you are required to advise the principal at least twenty four (24) hours prior to the hearing in order for him to arrange for an interpreter.

Should you be found guilty, you may lead evidence in mitigation before any action is taken by the school.”

Note: Learner receives one (1) copy and the signed copy must be kept and filed.

## **Annexure H**

### **Hillcrest Cambridge Academy**

#### **Record of Disciplinary Hearing**

Present:

Witnesses for complainant

Witnesses for learner

Nature of alleged breach or misconduct (charge, date, place and brief description of the incident/s)

Plea: The learner admits/denies the charges.

.....

Learner

.....

Teacher

.....

Witness

.....

Witness

.....

Date

**Annexure J**

**Hillcrest Cambridge Academy**

**Lodging of Appeal (Review form)**

In terms of the School's disciplinary procedures, I wish to lodge an appeal against the decision of the Disciplinary Committee (within five (5) School days).

Name of Appellant: .....

The appeal is made on one of the following grounds (indicate the appropriate area).

The disciplinary measure imposed was not in line with the grade of offence.

Disciplinary procedures were not followed.

New or further evidence or witnesses are available, which could bring new facts to light and affect the result of the previous hearing.

Description of offence: .....

The following reasons are submitted in support of this appeal: .....

.....  
.....  
.....  
.....  
.....

Learner

.....

Learner

.....

Date