



# LAERSKOOOL BEKKER

## CODE OF CONDUCT FOR LEARNERS

**This school discipline Code of Conduct for Learners outlines how discipline is implemented in Laerskool Bekker. It will inform and guide learners, staff and parents about the aims, underlying philosophy, expectations, strategies and responsibilities for learner discipline.**

### TABLE OF CONTENTS

1. **TITLE OF THE POLICY: CODE OF CONDUCT FOR LEARNERS OF LAERSKOOL BEKKER**
2. **EFFECTIVE DATE:**
3. **DATE OF NEXT REVIEW:**
4. **REVISION HISTORY**
5. **VISION AND MISSION OF LAERSKOOL BEKKER**
6. **PREAMBLE**
7. **PURPOSE AND AIMS OF THE CODE**
8. **DEFINITIONS AND ACRONYMS**
9. **Application and Scope of the Code**
10. **LEGISLATIVE FRAMEWORK**
11. **RELEVANT POLICIES AND PROVINCIAL CIRCULARS**
12. **POLICY STATEMENTS**
  - 12.1 **School Environment and Discipline**
  - 12.2 **Specific Acts/Offenses**
  - 12.3 **The Rights of the Learners (Also see the Bill of Responsibilities and Rights of Learners in the Appendix**
  - 12.4 **The Responsibilities of Learners (Also see the Bill of Responsibilities and Rights of Learners Appendix)**
  - 12.5 **Privacy/Confidentiality**
  - 12.6 **Accommodation of Religious or Cultural Rights of Learners**
  - 12.7 **The Legal Authority for the Control and Discipline of Learners**
  - 12.8 **Search and Seizure of Contraband**
  - 12.9 **Investigation Process for Serious Misconduct/Suspicion Based on a Balance of Probabilities for Misconduct**
  - 12.9 **Habitual Learner Transgressors**
  - 12.10 **Any Learner Who Is an Accomplice/ Accomplice Activity/In the Presence of Misconduct**
  - 12.11 **Use of CCTV Cameras in Laerskool Bekker and Surveillance (Also see Laerskool Bekker's CCTV Policy)**
  - 12.12 **Safeguarding Confiscated/Seized Items by Laerskool Bekker Authorities**
  - 12.13 **Educator Reporting Information**
  - 12.14 **Obligatory Learner Reporting of Violations of the Code**
  - 12.15 **School Notices, Circulars and any Other Written Communication**
  - 12.16 **School Documents/Other Documents**
  - 12.18 **School Learner Academic Reports**
  - 12.19 **Expected Behaviour of Learners**

- 12.20 **Behaviour during Assembly and Announcements during Laerskool Bekker Day/ School Activities**
- 12.20 **Searches Involving Outside Legal Agencies, Dogs, and/or Detection Devices**
- 12.21 **Obligatory Learner Identification**
- 12.22 **Learner Insubordination and Gross Insubordination**
- 12.24 **Legal Excused Absences for Non-attendance of School or Legal Reasons for Late Coming of a Learner**
- 12.24.1 **All other absences or late coming are considered unexcused and will be dealt with in terms of the Code and school rules by Laerskool Bekker.** Learners with unexcused absences are responsible for making arrangements with the educator to make up all work and assignments within five school days after their return to school. Arrangements to make up work are to be made with the educators and are the responsibility of the learner/parents of the learner in case of foundation phase learners.
- 12.25 **Participation in Laerskool Bekker Programme/Activities by a Learner**
- 12.26 **“In Loco Parentis” Responsibilities of Educators and Other School Staff**
- 12.27 **Behaviour of Learners Outside of Laerskool Bekker Premises**
- 12.28 **Gang Activity or Association**
- 12.29 **School-Sponsored Learner Publications and Activities**
- 12.30 **School Uniforms, Wear and General Appearance of a Learner**
- 12.30.1 **The Principal and staff members will enforce the dress code and will have the final word on uniform.**
- 12.31. **Dealing with Uniform/Appearance Offenders of a Learner by Laerskool Bekker Authorities**
- 12.31 **School Bags of Learners**
- 12.33 **General Appearance and Grooming of Learners Wearing of Civilian Clothes on “Civvies Days”**
- 12.34 **School Attendance and Truancy by any Learner**
- 12.35 **Food Sales and Sale/Bartering of Any Goods by Any Learner**
- 12.36 **Dismissal of Classes and School Activities**
- 12.37 **Health and Safety: General Duties of Learners**
- Out of Bounds Areas for any Learner on Laerskool Bekker Premises**
- 12.39 **Use of Toilets / Cloakrooms by a Learner**
- 12.40 **Attendance of Learner Social Events**
- 12.41 **Telephone Calls By and on Behalf of Learners to Parents or Other Persons**
- 12.42 **Behaviour of Learners in Public Places/Space**
- 12.43 **Learners with Chronic Repeated Disciplinary Issues**
- 12.44 **Positive Behavioural Interventions, Support, Rehabilitation and Counselling for Learners by the SBST/SMT of Laerskool Bekker**
- 12.45 **Unauthorised Persons on Laerskool Bekker Premises or at School Activities at the Urging of Learners or Entry to any school activity and/or function**
- 12.46 **Unsupervised Learners/Loitering on School Property at the end of Laerskool Bekker Day**
- 12.47 **Occupation/Admission/Assembly of Any Person at School**
- 12.48 **Electrical Installations/Laboratory Equipment at School/ICT Equipment**
- 12.49 **Library Rules**
- 12.50 **The Sick-Room and Illnesses**
- 12.51 **Fire Equipment**
- 12.52 **Satanism and Witchcraft**
- 12.53 **Practice of Traditional Medicine and Related Activities**
- 12.54 **Disruption of Classes/School Activities and the Educational Process by Any Learner**

a) and disrupt the functioning of Laerskool Bekker.

- 12.55 **School and Classroom Rules and Expected Behaviour of Learners**
- 12.56 **Examination and Test/Assessment Procedures**
- 12.57 **Unexcused Absence from Detention Class**
- 12.58 **Cleanliness of Laerskool Bekker Premises**
- 12.59 **Learner Conduct during Breaks**
- 12.60 **Learners' Bicycles, Motorbikes and Cars**
- 12.61 **Care of School Property**
- 12.62 **Property of Learners**
- 12.63 **Early Departure from School**
- 12.64 **The Property of Members of Staff, Visitors to Laerskool Bekker and Others**
- 12.65 **Burning and Possession of any Candles/Flammable Liquid/Incense/Other Flammable Herbal Products/Other Flammable Products and any other Acts of Arson or attempted Arson**
- 12.66 **Gambling/Games of Chance/Lotteries** (*Also see Laerskool Bekker's anti-gambling policy for learners*)
- 12.67 **Laerskool Bekker is a Violence, Drug, Alcohol, Gambling, Smoking (including e-cigarettes), Dangerous Object and Dangerous Weapon Free Zone**  
**Laerskool Bekker may test any learner for the use of illicit substances at any time and learners may not refuse or try and delay such testing.**  
**Learners are prohibited from using, transmitting, storing, concealing on their bodies in any way, have in their belongings in any way, bartering, dealing, providing to other learners, and/or being in possession of alcohol, drugs,**
- 12.68 **Use and Possession of Over-The-Counter (OTC) Medication**
- 12.69 **Prescription Drugs**
- 12.70 **Alcoholic Beverages and Any Substances containing Alcohol**
- 12.71 **Prohibition of Smoking/Vaping/E-Cigarettes**
- 12.72 **Drug Rehabilitation Programmes/Counselling**
- 12.73 **Sexual Harassment** (*Also see Laerskool Bekker's Sexual Harassment Policy*)
- 12.74 **Disability Harassment** (*See School's Policy on Inclusion, Equality and Diversity*)
- 12.75 **Reporting False Information of Alleged Inappropriate Behaviour by an Educator/ Learner, or any other School Employee or any other Person**
- 12.76 **Assault, Threaten to Assault, Threatening Gestures, Violence, Group Violence, Bullying and Foul/Unacceptable Language** (*See Other Related Policies of Laerskool Bekker*)
- 12.77 **Bomb Threats and False Fire Alarms**
- 12.78 **Physical Assault and/or Fighting with a Person Not Employed by Laerskool Bekker or who is not an Enrolled Learner of Laerskool Bekker**
- 12.79 **Displays of Inappropriate Affection, Indecent Exposure of Any Body Parts and/or Other Forms of Inappropriate Contact and/or Inappropriate Indecent/ Immoral/Sexual Behaviour of any kind**
- 12.80 **Dating Violence and Abuse**
- 12.81 **Misconduct While on a School Bus/Transport**
- 12.82 **Use of Drones (Unmanned Aircraft Systems (UAS)) on School Property**
- 12.83 **Use of Social Media/Electronic Communication** (*Also see Laerskool Bekker's Social Media Policy*)
- 12.84 **Recording without Permission**
- 12.85 **Production and/or Possession of Any Pornographic, Vulgar or Obscene Materials**
- 12.86 **School Lockers**
- 12.87 **Prohibition of Initiation Practices**

- 12.88 Grading of Offences
- 12.89 Derivative Misconduct
- 12.90 Learner Who Is an Accomplice
- 12.91 Due Process in the Event of Alleged Misconduct
- 12.92 Learner Evidence Through an Intermediary
  
- 12.93 Learner Mediation/Plea Bargaining
- 12.94 Detention/ In-School Academic Detention
- 12.95 Corrective Strategies and Disciplinary Intervention – Explanations
  
- 12.96 Investigation of Violations of the Code
- 12.97 Suspension of a Learner for Serious Misconduct
- 12.98 Serious Misconduct and the Law
- 12.99 External Disciplinary Committee (DC) for Serious Misconduct
  
- 12.100 Procedure for Hearing of Serious Misconduct by an External Disciplinary Committee of the SGB *(Please See General Notice 6903 of 2000 As Amended for the Procedures)*
- 12.101 Collective or Group Misconduct
- 12.102 Determining a Suitable Sanction
  
- 12.103 Examples of the Types of Sanction that may be issued in terms of an internal and External Disciplinary Hearing (See Levels of Misconduct)
- 12.104 Appeal Procedures
- 12.105 Attendance of Disciplinary Hearings/Interventions (Internal or SGB External)
  
- 13. PROMOTION OF LAERSKOOL BEKKER'S CODE OF CONDUCT
- 14. AMENDMENTS TO THE CODE OF CONDUCT
- 15. DISPUTES
- 16. SHORT TITLE
- 17. APPROVAL
  
- 18. ADDENDUM TO SCHOOL AND HOSTEL RULES REGARDING COVID-19

1. **TITLE OF THE POLICY: CODE OF CONDUCT FOR LEARNERS OF LAERSKOOOL BEKKER**

2. **EFFECTIVE DATE: 1 JUNE 2022**

3. **DATE OF NEXT REVIEW: 1 APRIL 2023**

4. **REVISION HISTORY**

<b>As amended on: (Specify dates)</b>
a.
b.

5. **VISION AND MISSION OF LAERSKOOOL BEKKER**

5.1 **VISION**

*A Value driven school striving towards excellence.*

5.2 **MISSION**

- *Creating a happy, positive and safe learning environment.*
- *Strive for positive partnership between parents, teachers, learners and community.*
- *Qualified and passionate staff who through dedicated teaching give every learner the opportunity to develop their potential.*

6. **PREAMBLE**

6.1 This code is governed by a Primary Rule that runs like a thread throughout: **NO UNRULY BEHAVIOUR OF ANY LEARNER MAY INTERFERE WITH TEACHING AND LEARNING.** The SGB of Laerskool Bekker has adopted this Code of Conduct (the Code) in accordance with the South African Schools Act, 1996 and the National Regulations for the Compilation of a School's Code of Conduct, in order to clearly communicate standards for all expected learner conduct, the disciplinary consequences which may be applied to all learners who violate those standards, and the applicable procedures for the implementation of disciplinary consequences.

6.2 **In terms of the South African Schools Act (Act No 84 of 1996) hereafter referred to as SASA, it is the duty and responsibility of Laerskool Bekker Governing Body to develop and adopt the Code of Conduct for learners. The Code has also been adopted taking cognisance of the prescripts of Provincial Gazette Notice 6903 of 2000 as amended, the relevant national education legislation and policies as well as the Constitution of the Country. In a case where the Code of Conduct is in contrast with any provincial or national legislation then such legislation shall take precedence. This code of conduct replaces any previous code of conduct. This legally enforceable Code is the version that will be used to implement any disciplinary actions against any learner of Laerskool Bekker and to which all learners of Laerskool Bekker must adhere to.**

**6.3 The Learner Code of Conduct was developed to assist learners, parents and educators to know their rights and concomitant responsibilities and for learners to avoid engaging in unacceptable conduct. A condensed form or extraction of the Code is published in the school dairy with referral to the complete code which is available from the office during school hours and/or on Laerskool Bekker web site. This code of conduct replaces all other disciplinary procedures, rules and regulations previously published and must be read in conjunction with all relevant policies of Laerskool Bekker.**

6.4 Discipline is the positive direction of behaviour toward established standards of conduct, fully understood, and based on reason, judgment, and the rights of others. Laerskool Bekker, community and parents share the responsibility for helping the learner develop self-discipline. If self-discipline fails, disciplinary actions must be imposed to protect the learner and to ensure the rights of others in Laerskool Bekker community. Therefore, all learners are obliged to comply with the Code without fail. Learners must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects learner attitudes and influences learner behaviour.

6.5 Laerskool Bekker has the legal authority to create and enforce rules related to learner conduct and behaviour while on school property, traveling to or in attendance at a school-sponsored or school-related event or activity, whether on or off school premises. Laerskool Bekker and the SGB, if escalated to an external disciplinary hearing of the SGB, has the authority to issue disciplinary consequences and sanctions for certain other learner conduct that relates to, affects, or shares a nexus with Laerskool Bekker, its learners, or its employees regardless of when or where the conduct occurs. Laerskool Bekker may also issue discipline based on a learner's use of any digital/ electronic/social media, whether on or off Laerskool Bekker premises. The Code of Conduct is published once a year and may not contain subsequent changes in policy or procedure. When a policy or procedure is revised, the change will be communicated through school newsletters/circulars or others means of communication, at which time the published revision shall replace previous information.

6.6 Learners and parents/guardians accept that sanctions implemented in terms of the Disciplinary Procedures is legitimate, impartial, absolute, binding, and is a consequence of the breach of Code of Conduct and other school regulatory policies. All participants involved are urged to refrain from bias, interpersonal difficulties, abuse of power, or dislike that may compromise the authority of Laerskool Bekker's Disciplinary Committee, due process, fairness, and equity.

6.7 Section 8(4) of the SA Schools Act provides that all learners attending the School are bound by the Code of Conduct of that School and nothing shall exempt any learner from complying with the code and all school rules. Parents and learners are encouraged to contact the disciplinary head with any questions or concerns regarding the requirements and provisions of the Code. Parents/Guardians should attend any meeting convened by the SGB/SMT for them. Ignorance of the prescripts of the Code, school rules and any related policies by a parent and any learner is no excuse.

**6.8 Parents and learners are expected to read and be familiar with the provisions of the Code. Lack of knowledge or awareness about any School rules, including**

this Code, will not excuse violations of the Code. All learners and/or their parents (*depending on the age of the learner and if in a Primary School only from Grade 4 upwards. Laerskool Bekker must also hold information sessions with all learners on the Code*) attending Laerskool Bekker are expected to sign a statement of commitment to the Code of Conduct in Laerskool Bekker Dairy or on the acceptance form which forms part as one of the appendices of the Code. Ignorance or lack of knowledge or any claim thereto of the prescripts of the Code of Conduct and any school rules and related policies is not an acceptable excuse.

**6.9** Parent cooperation is essential to achieving Laerskool Bekker's mission and ensuring that learners learn in a safe, secure and positive environment. Parental involvement and cooperation is vital in the discipline process. Parents should understand and be familiar with the Code, ensure that his or her child understands and seeks to comply with this Code, and assist Laerskool Bekker in counselling learners regarding appropriate behaviour and abide by the sanctions of Laerskool Bekker and/or the HoD. Parents are also obliged to accept that compliance with sanctions may, on occasion, cause disruption and inconvenience to the learner's family but that this is often a consequence of discipline and Parents agree to support Laerskool Bekker in its endeavours in this regard.

6.10 It is beyond the scope of this Code, related school rules and policies to identify all potentially relevant laws, rules, or regulations and national, provincial and school policies that may apply to a specific disciplinary case. It must be clearly noted that the Code of Learner Conduct, although comprehensive, is still not an exhaustive representation of every possible example of inappropriate behaviour for which any learner may receive a disciplinary consequence/sanction and any learner committing an act of misconduct not listed in the Code will still be subject to the discretionary disciplinary authority of the principal and/or his/her designate.

6.11 In this policy, any reference to any one gender includes the other genders (where applicable). The reference to any word in the singular shall include a reference to the plural (where applicable); and a reference to the plural shall include a reference to the singular.

## **7. PURPOSE AND AIMS OF THE CODE**

7.1 The purpose of the Code is to set out the parameters within which learners should behave in order to protect and promote the integrity and security of each learner and all members of Laerskool Bekker community. Laerskool Bekker is made up of a number of cultures and the Code of Conduct aims to promote and protect this unique character. It seeks to establish and maintain an attitude of respect, tolerance and reconciliation among learners themselves and respect for educators and other adults in the service of the school. Furthermore, the code aims to nurture an attitude to life characterised by self-discipline, exemplary behaviour and a striving for maturity. In accordance with the spirit of this Code of Conduct, it is expected of each learner to conduct him or herself in a manner which will promote the well-being name and image of Laerskool Bekker, as well as the self-image of each learner.

**7.2 All alleged acts of Serious Misconduct must be dealt with through the process described in this code of conduct and related policies and legislation, and this means that the Parents, Learners, Staff and the Management of Laerskool Bekker**



accept that the final decision as to whether or not an act of serious misconduct has occurred, rests with the principal who makes a recommendation to the SGB for the holding of a SGB Disciplinary Committee of Laerskool Bekker. These procedures make provision for an appeal and once again, the Parents, Learners, Staff and the Management of Laerskool Bekker accept that the outcome of the appeal hearing or appeal to the MEC in cases of a recommendation for expulsion of a learner from Laerskool Bekker, is final and binding and that no person outside the hearing is in a position to make a judgment of this nature, because they have not heard all the evidence.

### 7.3 Aims and Objectives of the Code:

- 7.3.1 To ensure that no learner is unlawfully and unfairly treated and conversely the rights of others in Laerskool Bekker is equally protected in the same manner.
- 7.3.2 To foster mutual respect and establish a culture of tolerance and peace amongst learners and educators in Laerskool Bekker.
- 7.3.3 To ensure that the administrative procedures for disciplinary processes are clearly defined and due process and fair treatment for every learner, assuring each an opportunity to be heard, provided that such opportunity is not misused to circumvent the process through disruptive and malicious behaviour during the processes.
- 7.3.4 To provide substantial guidance for behaviour standards and expectations for learners.
- 7.3.5 To define and establish the responsibilities and rights of learners.
- 7.3.6 The Code establishes the consequences for violations of the rules of conduct. Violations that are not considered serious, or those that do not require formal disciplinary action to be enforced, can be dealt with by the educator, without the consent of the principal. Informal disciplinary action is not generally recorded on the learner's record but in certain cases may still require communication with the parents/guardians. When and where a regular pattern of infringement/transgression is observed, the behaviour will be recorded in the learner's demerit record.
- 7.3.7 Describes the procedures for processing disciplinary violations.
- 7.3.8 The Code is the the foundation that should foster a wholesome learning and educational environment within school.
- 7.3.9 The Code affords each learner an uninterrupted opportunity to pursue academic excellence provided that the learner do not behave contra to the Code.
- 7.3.10 The Code provides rules for the safety and welfare of the whole school community.
- 7.3.11 The Code does not, in any sense, weaken the position of the Principal, SMT and educators and SGB with regard to the maintenance of good conduct and order in Laerskool Bekker.

## 8. DEFINITIONS AND ACRONYMS

### 8.1 Definitions

Term	Definition
After-school detentions	To be served when convenient for Laerskool Bekker: Learners' schedules are not considered when scheduling detention.
Aggravation	Factors given by the Evidence leader during the Disciplinary Hearing to convince the chairperson and members of the Disciplinary Committee regarding the sanction that should be given.

Term	Definition
Alcohol/Alcoholic Beverage	Those substances as defined in the Liquor Act as well as any drug, or substance or any liquid containing alcohol.
Arson	<p><b>Arson is:</b>  A crime and/or misconduct that involves starting a fire or causing an explosion with intent to destroy or damage:</p> <ol style="list-style-type: none"> <li>a. Any vegetation, fence or structure on open-space land; or</li> <li>b. Any building, property/belongings of others, habitation or vehicle.</li> <li>c. An act that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or</li> <li>d. An act that involves intentionally starting a fire or causing an explosion and in so doing: <ol style="list-style-type: none"> <li>i. Recklessly damages or destroys a building and/or any belonging of another, or</li> <li>ii. causes another person to suffer bodily injury or death as a result of the fire or attempt to start a fire in any way or as a result of any action.</li> </ol> </li> </ol>
Assault/Threaten to assault/Fighting (Physical)	<p>Assault (including any physical altercation or fight) consists of unlawfully and intentionally:</p> <ol style="list-style-type: none"> <li>a. applying force to the person of another;</li> <li>b. inspiring a belief in another person that force is immediately to be applied to him or her;</li> <li>c. an act done or undertaken with intent to cause fear in another of immediate bodily harm or even death;</li> <li>d. the intentional infliction of or attempt to inflict bodily harm upon another; or</li> <li>e. the direct or implied threat to do bodily harm to another with the power and present ability to carry out the threat.</li> <li>f. application of force, directly or indirectly, to another person, or</li> <li>g. threatening another with immediate personal violence in circumstances which lead the threatened person to believe that the other person or group of persons who is threatening him/her/a group of learners/any other person intends or has the power to carry out the threat.</li> <li>h. Harm may include, but is not limited to, significant injuries such as swelling, bleeding, concussions, broken bones, sprains, or where medical attention was sought for any injury and/or emotional stress.</li> </ol> <p><b>Note:</b>  A learner might be disciplined both for bullying and sexual harassment, in an appropriate situation, or bullying and assault.</p>

Term	Definition
Assault with intent to cause grievous bodily harm (GBH)	This is another form of assault, however, committed with the intention to cause serious bodily injury
At School/On school premises/ during any school activity	Is defined as in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, or at any school-sponsored activity or event whether or not it is held on school premises where a learner can be identified as a learner of Laerskool Bekker in or out of school uniform, in or out of school hours.
[The Principle of a] Balance of probabilities	Means a preponderance of evidence. In a disciplinary hearing of Laerskool Bekker, one party's case need only be more probable than the other. To state that a case is proven on a balance of probabilities means that it is more likely than not to have occurred. It means that it is probable, i.e., the probability that some event happened is more than 50%.
<b>Belief on reasonable grounds</b>	<b>In this regard what is reasonable depends on context and the nature of the item in question. "Belief on reasonable grounds" does not mean "absolutely certain" but based on the principle of a balance of probabilities.</b>
Best Interests of the Child Principle	This principle that the best interests of the child principle establishes that every decision or measure that is adopted and concerns or involves a child or a group of children, must be made by prioritising their rights, interests and needs. It promotes the dignity of all children without exception, and guarantees their integrity, their holistic development and the full and effective enjoyment of all the rights they are entitled to. The application of this principle involves an ongoing process of assessment of the effects of a given situation on the rights of children, taking into consideration the context, the moment and, of course, their opinion and any special needs they may have or the lawful restriction of such a right.
Breach of Computer Security	<ol style="list-style-type: none"> <li>1. Knowingly accessing a computer, computer, hand held mobile device, network, or computer system without the effective consent of the owner.</li> <li>2. Accessing a computer, computer network, or computer system owned by or operated on behalf of Laerskool Bekker and the learner knowingly alters, damages, or deletes school property or information; or commits a breach of any other computer, computer network, or computer system.</li> <li>3. Infects Laerskool Bekker system with any computer virus/hacking programme.</li> </ol>
Breaking and Entering	Means any act of unlawfully entering with force, or any unauthorised presence and/or entry into any building or other structure, or conveyance (vehicle) of Laerskool Bekker or any school employee or any learner with the

Term	Definition
	intent to damage or remove property without permission or theft of property or destruction of property, or harm to a person or persons in doing so.
Bullying/Cyber Bullying	<p>a) Written, online, digital or verbal expression or physical conduct that (1) has the effect of physically harming a learner, damaging a learner's property, or placing a learner in reasonable fear of harm to the learner's person or of damage to the learner's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a learner.</p> <p>b) Furthermore cyberbullying is also when a person is tormented, threatened, intimidated, extortion of any kind is exerted on another, black mailed (emotionally or otherwise), harassed, humiliated, embarrassed or otherwise targeted by another person using the Internet, interactive and any digital technologies and devices and/or cell/smart phones.</p>
Bunking	See Truancy.
[Unruly] Bus Conduct	The act of engaging in conduct or behaviour, which interferes with the orderly, safe, and timely transportation of learners.
Campus	See school premises.
Caution or Verbal Reprimand/Warning	Refers to an informal verbal caution/reprimand/ warning by the Principal or any other educator, in any circumstances or any place.
Cheating	<p>Cheating includes any attempt to give or obtain unauthorised assistance relating to the completion of any academic assignment/test/examination/assessment using any method, notes, textbook, script or device.</p> <p>This includes assisting another to commit an act of academic dishonesty or allowing someone to do these things for one's benefit.</p> <p>The act of inappropriately and deliberately distributing or using information, notes, materials, or work of another person in the completion of an academic exam, test, or assignment. Not telling the truth.</p>
[The] Code (CoC)	Means the code of conduct of Laerskool Bekker, rules national and provincial GDE regulations and related policies as stipulated in S8 of the South African Schools' Act ("SASA") 84 of 1996, as amended.
Contempt of Disciplinary Hearing Proceedings/ Disciplinary Committee	<p>Contempt of Laerskool Bekker's disciplinary proceedings/Disciplinary Committee consists of:</p> <p>a) Violating the dignity, repute or authority of a disciplinary committee member in his/her capacity as a member of the said committee; or</p>

Term	Definition
	<ul style="list-style-type: none"> <li>b) Unnecessarily disrupting or interrupting the disciplinary proceedings of the committee;</li> <li>c) Ignoring the directives of the presiding officer;</li> <li>d) Being disruptive and shouting or interrupting the presiding officer or any member;</li> <li>e) publishing information or comment concerning a pending proceeding which has the tendency to influence the outcome of the proceeding or to interfere with the proceedings or ignoring the lawful process pre, during or post the proceedings</li> <li>f) Involving officials of the GDE when it is contra the regulations regarding the disciplinary proceedings or before the HoD has made any findings.</li> </ul>
Contraband	Means any unauthorised item in the possession of any learner or in the possessions of any learner or which was in his/her possession before it was seized or observed, which is prohibited by the Code, any school rule, and/or school policy and/or any legislation law or stolen or taken or used without permission.
Controlled substance	See Drug/Medicine
Crimen Iniuria/ Affecting the dignity of another	Means the unlawful and intentional violation of the dignity or privacy of another person, in circumstances where such violation is not of a trifling nature.
Cyber Misconduct	Means any cyberstalking, cyberbullying, or online harassment. The use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites/platforms/Apps to harass, abuse, bully, or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, malware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, non-consensual recording of sexual activity, and non-consensual distribution of a recording of any sexual activity/improper behaviour. (Also see cyberbullying)
[School] Diary	Learners are issued with a School diary at the beginning of the year. The purpose of this diary, as with any diary, is to record any information necessary for a productive day at School. Homework, sports kit, events, research and personal reminders should be written down daily.
Dangerous Behaviour	Behaviour by a learner that is a threat to the safety of other learners and/or others in Laerskool Bekker Community.
Dangerous Object [possession of]	a. The act of possessing or using devices which are designed to inflict or could inflict pain or injury to another individual.

Term	Definition
	<p>b. The act of possessing any item, although not specifically designed to do harm to another person, which is used to cause or attempt to cause injury, or is used to put someone in reasonable fear or have them believe they are in danger of being injured or harmed in any way, and/or or the item is considered disruptive at school.</p> <p>(Also see assault).</p>
Days [School Days]	Means days of the week, excluding Saturday, Sundays, public holidays and any school holidays.
Deadly conduct	Deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly stabbing or injuring another person or discharging a firearm/weapon in the direction of an individual, habitation, building or vehicle.
Defamation	Defamation consists of the unlawful and intentional publication or distribution of matter that impairs another person's reputation and or dignity be it, orally, written or on line.
Defeating or obstructing the course of justice in terms of the Code	The transgression of defeating or obstructing the course of justice in terms of the Code consists of unlawfully and intentionally engaging in conduct which defeats or obstructs the course or administration of the orderly and lawful management of Laerskool Bekker. This may also include refusing to adhere to a lawful command or to be tested for the use any illicit substance, being subjected to a search and/or to adhere to any sanction.
Defiance of Authority/Wilful Disobedience / Insubordination/	Means a flagrant or hostile act challenging the authority of any school staff member, bus driver, or any other adult in authority and/or any act of deliberately refusing, or failing to follow a direction or an order from a school staff member, bus driver, or any other adult in authority at school.
Detrimentially Affect the Learning Environment	Anything in Laerskool Bekker environment that has a negative or disruptive effect on learning or general discipline.
Disciplinary Committee	<b>A Disciplinary Committee consisting of members of the Governing Body of Laerskool Bekker (elected or co-opted), having a vote, appointed and authorised by in terms of Laerskool Bekkers Act, 1996 and/or General Notice 6903 of 2000, as amended and authorised by a resolution of the Governing Body to represent it in the performance of its functions in terms of this code.</b>
Disciplinary Hearing	An administrative tribunal convened by the Disciplinary Committee of the SGB to facilitate the hearing of facts and/or, evidence regarding accusations of alleged misconduct by an accused learner and or group of accused learners. Hearings will take place in the language of learning and teaching of Laerskool Bekker.

Term	Definition
Disciplinary Process	Means the processes and procedures set out in this code of conduct and related GDE documents, DBE policies and regulations and SASA.
Dishonesty [Cheating/lying/ being/cribbing/untruthful]	Dishonesty, in connection with any school activity. Acts of dishonesty include, but are not limited to: a. The commitment of the acts of cheating, lying, stealing and deceit in any of their diverse forms is dishonest. b. Cheating, plagiarism or other forms of academic dishonesty c. Knowingly furnishing false information to any educator/staff member of Laerskool Bekker/any member of the SGB/any parent or other person. d. Knowingly aiding and abetting, directly or indirectly, other parties in committing dishonest acts is in itself dishonest. e. Forgery, alteration or the unauthorised use of any school documents, records or identification. f. Bribery or intimidation in relation to results of competency.
Disruptive learner	Means any learner who is substantially disruptive of the educational process/school activity or substantially interferes with the educator's or a coach's authority over the classroom/school activity or interferes with a bus driver's ability to safely operate a school bus or any other form of transport on or off school premises in or out of school hours and as described in the Code. (Also, see disruptive or obstructive conduct/behaviour).
Disruptive or obstructive conduct/behaviour	a. The term "disruptive" or "obstructive conduct" means conduct by a learner or parent, not protected by law, that interferes with, impedes, or otherwise unreasonably hinders the normal teaching, learning, administrative, or other functions, procedures, services, programmes, or activities of Laerskool Bekker. b. The term includes disorderly conduct, breach of the peace, lewd or obscene/immoral conduct, obstruction of pedestrian or vehicular traffic, or interfering with the orderly conduct of school investigations or disciplinary proceedings, including interfering with or retaliating against any complainant, witness, or other participant. (Also see disruptive learner). c. Any learner being openly disruptive during any class/school activity in or outside of school hours or on or off school premises in or out of any school uniform. d. Engaging in verbal outbursts, and talking loudly to other co-learners independent of class discussion/instruction during any school activity. e. Talking in an openly abusive manner or disrespectful manner to any educator/adult and/or to other learners in a class/during any school activity.

Term	Definition
	<p>f. Disregarding any lawful verbal and/or written instruction relative to expected conduct during classroom instruction.</p> <p>g. Initiating or participating in any inappropriate conduct that disrupts classroom activities.</p> <p>h. Using any device to cause disturbance inside or outside the classroom/school activity during educational instruction.</p>
District Director	Is the officer of the department responsible for the administration of education in a particular educational district
Dress Code	Means the established an acceptable dress code policy to which all learners shall comply unless deviations have been approved by the SGB for individual learners.
Drug abuse/Drug	Drug abuse refers to the use of any chemical substance which has the potential of being abused of which cocaine, Ibuprofen, marijuana [dagga/cannabis], heroin, LSD, ecstasy, alcohol, tobacco as well as appetite suppressants, caffeine pills, diet pills or liquids, cough mixtures, controlled substances, thinners, Valium, Welconol, synthetic drugs, cough mixtures, codeine, opiodes are but a few. It refers to the excessive use of any chemical substance which results in the impairment of an individual's mental, emotional or physical state of wellbeing.
Due Process	The recognition that certain procedures underpinned by fairness and just application of laws, rules and regulations are applied in decisions which may affect the right and interests of a learner.
E-Cigarette [Vaper/Twisp]	Means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, vaper, twisp or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.
Educator	Means any person, excluding a person who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services at school.
Electronic/ Social media/devices/mobile devices/handheld devices/cell phones	Refers to all forms, kinds and types of electronic devices, communication systems, networks, software, websites, and any other technology resources including, but not limited to, social media, text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing or file sharing Web sites, any



Term	Definition
	Apps, cellular telephones, smart phones, portable electronic devices, any type of computers.
Excessive use of alcohol, or abuse of alcohol	“Excessive” use of alcohol, or “abuse” of alcohol, is taken to mean sufficient use to bring persons into a clearly visible state of intoxication, such as would make one embarrassed to be associated with them.
Extracurricular Activities	“Extracurricular activities” are defined as: any school sponsored program where learners from one or more schools meet, work, perform, practice under supervision outside of regular class time, or are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition. Examples include, but are not limited to, inter/interscholastic athletics, sports activities and matches and competitions, choral, math, or science competitions, field trips, and club activities.
Excused absences	Include: medical, court, academic field trips, death in family, or exceptional circumstances. Absences shall be documented with parent notes, doctor’s notes, court notices, or other authorised documentation to verify the absences as determined and accepted by the principal.
Expulsion	Means the permanent removal of a learner from a school as instructed by the HoD.
Extortion	Extortion consists of taking any undue emotional or other advantage from another by intentionally and unlawfully subjecting that person to pressure which induces him or her to submit to the taking. In law, it is a criminal offense of obtaining money, property, or services from an individual or institution, through blackmail. (Also, see victimisation and intimidation).
Failure to comply	Means refusal or failure to comply with any lawful instructions, command or directions of any school official, refusing to comply with any term or condition of any disciplinary sanction.
False Alarm or Report	<p>A false alarm or report occurs when a person knowingly initiates, communicates or circulates a report of a present, past or future bombing, fire, offense or another emergency that he or she knows is false or baseless and that would ordinarily:</p> <ol style="list-style-type: none"> <li>a. Cause action by Laerskool Bekker to deal with emergencies;</li> <li>b. Cause action by an official agency organised to deal with emergencies;</li> <li>c. Place a person in fear of imminent serious bodily injury; or</li> <li>d. Prevent or interrupt the occupation of a building, room, space or place of assembly or any sports field or any other gathering place consisting of seating/standing space.</li> </ol>

Term	Definition
Fighting/Assault/Threat to assault	<p>The act of two or more persons/learners mutually participating in any form of oral/physical dispute and/or the use of force or physical violence/assault or threats of assault at school/ while in school uniform in or out of Laerskool Bekker premises/in or out of school hours that may or may not require physical restraint or results in injury requiring first aid or medical attention of any person. This may include pushing, shoving, or any altercations that stop or do not stop upon any verbal command by an authorised person. The physical nature of a fight could also include but is not limited to hitting, punching, biting, slapping, poking, grabbing, pulling, tripping, kicking, pinching, pulling of hair or any other bodily part/limb stabbing/hitting with an object and use of any object that can become or regarded as a dangerous weapon in context of the [bodily] harm caused to another person. Play fighting, hitting back or hitting 'because' shall be treated as a fight by Laerskool Bekker.</p>
Forgery and Uttering	<p>Means the act of making a false or misleading written communication, forging another person's signature on a document to a school staff member or purporting that it was signed by a staff member or any other person with either the intent to deceive or under circumstances which would reasonably be calculated to deceiving another person, or producing, possessing, or distributing any false document, changing marks on a report, producing a false copy of a document item, or any record represented to be as an authentic school document, item, or record or presenting such false document/record during a disciplinary hearing as evidence.</p> <p>Uttering consists of unlawfully and intentionally passing off a false document (forged) to the actual or potential prejudice of another.</p>
Gang/Gang Activity/Gang affiliation	<ol style="list-style-type: none"> <li>a. Means any ongoing organisation, association or group who may or may not use a common identifying name, sign or symbol consisting of two or more persons, whether formal or informal, who have a high rate of interaction among themselves to the exclusion of others and who are frequently involved in anti-social, delinquent or criminal activity;</li> <li>b. who may have as one of its primary activities the disruption of Laerskool Bekker educational process, to commit any other breach of the Code and/or any school activity and the commission, attempt to commit, conspiring to commit, or solicitation of one or more prescripts of the Code or any school rule or any school policy;</li> <li>c. are engaged in any criminal acts;</li> </ol>

Term	Definition
	<p>d. and which may have an identifiable name or identifying sign or symbol, and whose members individually or collectively engages in or whose members engage or engaged in a pattern of criminal gang activity or disruption of Laerskool Bekker educational process;</p> <p>e. or compromises the safety of any person on and off Laerskool Bekker premises with or without assault, threats, blackmail, intimidation and other sexual or criminal illegal acts.</p> <p><i>(Please note this is not a comprehensive description).</i></p>
Gang [Like] Activity	Activity that is associated or may be associated with or similar to gang activity. The act of engaging in any verbal, written, or physical act which is associated with becoming a member of a gang, being a member of a gang, or participating in gang identified rituals or behaviour.
Gang-Related Apparel/Appearance	Wearing or displaying any clothing, jewellery, accessories, makeup, tattoo, or any other appearance or apparel which may be considered gang related in any manner which is associated with being a member of or participating in a gang or gang related activity
General Rules of the Classroom/School	The rules referred to in this Code.
Grade	Means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the Executive Council of Education may deem to be equivalent thereto.
Graffiti	Graffiti are markings with paint, an indelible pen or marker, or an etching or engraving device or any other object on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, signs, insignia, emblems, drawings or paintings.
Group Violence	Three or more persons inflicting physical harm upon a victim or victims.
Harassment	<p>Harassment prohibited by this Code consists of physical conduct, offensive touching or any uncalled for or offensive verbal gesture and/or conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, gender, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, any physical characteristic, sexual orientation, or disability when the conduct:</p> <p>a. has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;</p> <p>b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;</p> <p>c. otherwise adversely affects an individual's academic opportunities;</p>

Term	Definition
	<p>d. prevents or interrupts any educator/coach from performing his/her duties as an educator in Laerskool Bekker environment;</p> <p>e. behaviour which is hostile or offensive to a reasonable person and which unreasonably interferes with an individual's social life and any behaviour that creates an undermining of the integrity or dignity and/or any emotional stress of any individual.</p> <p>Harassing behaviour can make a reasonable person feel uncomfortable, unsafe, frightened, embarrassed, and may be physical, verbal or non-verbal. The common link is that the behaviour would be unwanted by any reasonable person and could not be justified through a personal or family relationship.</p>
Harassment (Cyberbullying)	The act of using information and any communication technologies such as, but not limited to e-mail, cell phone, WhatsApp/ TikTok, Twitter, WeChat and other Apps, Facebook and other text messages, SMS, defamatory personal web sites and defamatory personal pooling web sites to support deliberate, repeated, and hostile behaviour by an individual or group that is intended to threaten or harm others or which substantially disrupts or interferes with the operation of Laerskool Bekker or a learner's academic performance.
Harassment (Racial/hate speech/homophobia)	The act of discriminating against another person which discrimination is prohibited by law – race, gender, national origin or sexual orientation, including any verbal, nonverbal, graphic, written, or physical conduct that denigrates or shows hostility or aversion toward any learner/educator/staff member/parent/visitor based upon the above, when such repetitive conduct substantially interferes with a learner's academic performance, or creates an intimidating, hostile, or offensive school environment. Such harassment may include, but is not limited to epithets and slurs, negative stereotyping, threatening, intimidating, or hostile acts and/or written or graphic material that show hostility or aversion toward an individual or group or wearing any clothing or symbols.
Harmful	Any situation, action or object that poses an immediate threat to the physical or emotional safety or dignity of any person.
Head of Department	Refers to the head of the GDE.
Horseplay/Rough Play	Means any act of engaging in rowdy, rough behaviour that interferes with the safe or purposeful order of Laerskool Bekker.
Illegal Act/Activity	Conduct of any kind that is in violation of any legislation/regulations.

<b>Term</b>	<b>Definition</b>
Incendiary Device	Any material/liquid/object that causes fire or is used to cause a fire or an explosion of any kind including any kind of firework.
Indecent assault	Indecent assault consists of unlawfully and intentionally assaulting, touching or holding another in circumstances in which either the act itself or the intention with which it is committed is indecent or can be construed as indecent in terms of the Code.
In loco parentis	Means acting in the place of a parent who has entrusted the custody and control of his or her child to an educator or another person during normal intramural or extramural school activities or during an external DC hearing.  The “In loco parentis” responsibilities to all learners by Laerskool Bekker diminishes immediately upon exit of Laerskool Bekker premises, unless in the care of an officially appointed person on behalf of Laerskool Bekker.
Initiation Practice	Means any act which in the process of initiation, admission into, or affiliation with, or as a condition for continued membership of Laerskool Bekker, any group, intramural or extramural activities, interschool’s sports team, or organisation that: a) endangers the mental or physical health or safety of a person; b) seeks to undermine the intrinsic worth of human beings by treating some as inferior to others; c) subject individuals to humiliating, any injurious or violent acts which undermine the constitutional guarantee to dignity in the Bill of Rights; d) undermines the fundamental rights and values that underpin the Constitution; e) impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern; or f) destroys school, public or private property.  Initiation of any kind or manner is prohibited at Laerskool Bekker and in terms of SASA.
Intimidation	a. The term “intimidation” as used in the Code means a threat or other physical harm and/or action in any way that is intended to cause fear or apprehension in a person, and includes the coercion or deterring any learner from participating in or taking advantage of any school programme, benefit, activity or opportunity for which the learner is or would be eligible. b. It also means any act by a person with the intent to compel or induce a particular person to do or to abstain from doing any act or to assume or to abandon a particular standpoint by means of-

Term	Definition
	<ul style="list-style-type: none"> <li>i. assault, injury or causing damage to that person or any other person; or</li> <li>ii. threats to kill, assault, injure or cause damage to that person or any other person or that person's property.</li> </ul>
[Gross] Insubordination	<ul style="list-style-type: none"> <li>a. Insubordination can be described as the [blatant] refusal to obey any reasonable and lawful instruction/command by any authorised educator, the principal, school personnel/ member of the SMT, member of the SBST, coach, instructor, therapist, counsellor, psychologist, member of the GDE or any other supervisor.</li> <li>b. In may further also be described as resistance to or defiance of authority or a disobedience, insolence, cheekiness, rudeness, bringing Laerskool Bekker's name into disrepute, and rebellious or mutinous behaviour resulting in an actual disruption of teaching and learning in Laerskool Bekker or frustrating teaching and learning in Laerskool Bekker or during any school activity.</li> </ul>
Item/object/device/image	<ul style="list-style-type: none"> <li>a. Any physical object/device; and/or</li> <li>b. Any information stored in digital form which includes a text, an image, an audio clip or track, and a video clip or movie.</li> </ul>
Jurisdiction	The power/delegated power to hear and determine a school matter.
Kidnapping	Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority.
Late to Class/Late coming	Learners are considered late to class after the bell has gone and the time to change classes have passed. Excessive lateness without a valid reason (8 minutes or longer) shall constitute truancy/bunking.
Learner	Means any enrolled learner of Laerskool Bekker receiving education or obliged to receive education in terms of relevant legislation an in the age/norm for the grade and/or school.
Leaving School Without Permission	The act of leaving school grounds/premises without proper administrative authorisation.
Loitering	A learner's unauthorised presence at or in any school premises, function or school activity or the act of being in or about Laerskool Bekker premises or any school activity or in a specified restricted area at unauthorised times or out of a classroom without permission of any school personnel.
Malicious Injury To Property	It consists of unlawfully and intentionally damaging the property of another.

<b>Term</b>	<b>Definition</b>
Medicine	Means for the purposes of the Code, any substance or mixture of substances used or purporting to be suitable for use or manufactured or sold for use in – (a) the diagnosis, treatment, mitigation, modification or prevention of disease, abnormal physical or mental state or the symptoms thereof in any person; or (b) restoring, correcting or modifying any somatic or psychic or organic function in any person, and includes any veterinary medicine.
Medium of Instruction	The language of Learning and Teaching in Laerskool Bekker.
Merits and Demerits	
Minor	Means any person under the age of eighteen (18).
Misconduct	Means in terms of the Code any act or omission that is punishable because it is contrary to a law, regulation and/or rule committed by any learner and includes the following: a. Misconduct committed on the premises of Laerskool Bekker, whether during or outside of school hours; b. Misconduct conducted committed during any school activity, irrespective of whether it is committed within or outside Laerskool Bekker premises, and during or outside school hours; and c. Any conduct, committed in or out of school uniform and within or outside of Laerskool Bekker hours or anywhere and anytime where the learner can be identified as a learner of Laerskool Bekker and within or outside Laerskool Bekker premises which – i. Tends to bring Laerskool Bekker in disrepute in any manner ii. Interferes with the governance, authority and proper administration of Laerskool Bekker iii. Interferes with the conditions necessary for any school activity or school sponsored activity iv. Subject to the reasonable exercise of the of the right TO assemble, demonstrate, picket and petition as provided in the Constitution, 1996 and the Code, is committed with the intention of preventing any person from exercising his or her rights powers or duties as a member of Laerskool Bekker community, or is committed in retaliation against such exercise; v. Disrupts Laerskool Bekker and education in Laerskool Bekker during in or out of school hours; or vi. Is prohibited by the Code of Laerskool Bekker.
Missed Detention	The act by any learner of not attending any assigned detention without being excused by Laerskool Bekker authorities.

<b>Term</b>	<b>Definition</b>
Missing from Class/Activity	Absent or late coming to class/a school activity without administrative approval
Mitigating Circumstances	The concept of “mitigating circumstances” refers to evidence brought by the accused learner and/or his representative that may persuade the chairperson and members of the SGB Disciplinary Committee to issues a lighter sanction for misconduct than would normally be imposed.
Murder	Murder is the unlawful and intentional killing of a human being
Non-consensual sexual contact/touching.	Non-consensual sexual contact, which is any form of sexual touching with any part of the body or other object, by any person upon another, without consent.
Not Cooperating/refusal to Co-operate	The act of failing to follow the lawful directions/instructions of an educator, a member of the SMT, SBST administrative staff, coach or volunteer in Laerskool Bekker setting. Also, see insubordination.
Offensive/Unwanted Touching	Means intentionally touching another person either with a limb or body part of his or her body and/or with any object, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with Any bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.
Outer clothing	Includes coat, jacket, jersey, dri-mac, blazer, track suit, sweat jacket, hoodie, rain coat and/or cardigan or any other similar clothing. Other clothing that can be required to be removed includes any head covering, gloves, footwear or socks (except tights or stockings).
Paraphernalia	Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, any controlled substance, or a dangerous drug into the human body, including but not limited to glass objects, rolling papers, needles, baggies with residue, bags containing illicit substances, razor blades, lighters, matches, bongos and pipes.
Parent	means – a. the parent or guardian of a learner; b. the person legally entitled to the custody of the learner; or c. the person who undertakes to fulfil the obligations of a person referred to in paragraph (a) and (b) towards the learner’s education at school.



Term	Definition
<b>Peer Pressure</b>	Means the influencing factor - a. whereby a learner feels pressured by any learner to act or not to act and to participate or not to participate in an activity in order not to be ostracised; b. Whereby a learner would not come forward after being initiated for fear of victimisation. (Also, see intimidation).
Personal possessions	Includes but is not limited to purses, wallets, suitcases, bags, tog bags, sports bags, backpacks, book bags, packages, any other bags and/or clothing, head covering, other objects and/or devices, cell phones belonging to any learner and includes footwear. (Also, see clothing).
Perjury (Also see Dishonesty)	Perjury consists in the unlawful and intentional making of a false statement in the course of a judicial proceeding by a person who has taken the oath or made an affirmation before, or who has been admonished by somebody competent to administer or accept the oath, affirmation or admonition.
<b>Physical Violence/Assault/ Threat of Violence/ Assault</b>	Means a. Intentionally making physical contact or directing such action of an insulting and provoking nature with the person or another; or, b. Intentionally making physical contact which causes physical harm to another, unless such physical contacts or physical harms were in self-defence (which must be proven) of himself or herself, as provided for in the Code; or c. Damage to the property of another person or persons or Laerskool Bekker. (Also, see extortion). d. Threatening gestures/language which can be interpreted as intimidatory or intended to intimidate/threaten another person.
Poisoning or Administering Poison or Other Noxious Substance	This serious misconduct consists of unlawfully and intentionally administering poison or other noxious (harmful) substance to another.
Positive drug test result	means a finding of the presence of drugs or their metabolites in the sample tested
Possession	Regardless of the learner's knowledge or intent to possess the item, to have in or on: a. any learner's person or in the learner's personal property, such as the learner's clothing, purse, or suitcase, backpack, tog bag, in any container or bag of any kind; b. in any vehicle used by the learner for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or c. any other school property used by the learner, such as a locker or desk or any "other hiding place".

<b>Term</b>	<b>Definition</b>
Principal	Refers to the educator appointed or acting as the head of a school.
Profanity/Obscene/Abusive Language	The act of using any profane, vulgar, or unnecessary crude utterance or gesture, whether directed towards a fellow learner, parent, visitor, staff member, educator, bus driver, security guard, administrator and/or coach, any member of the SMT and the SBST, SGB and volunteer or merely done overtly.
Prohibited item/Contraband	Includes but is not limited to: a. alcoholic beverages, marijuana, controlled substances, synthetic or plant based products or dangerous drugs; b. any drug or contraband related paraphernalia; c. prohibited [dangerous] weapons and items/objects; d. any other item prohibited by this Code.
Provincial Department/ "GDE"	Gauteng Department of Education.
Prosecutor/Evidence Leader	Means an educator or any person appointed by Laerskool Bekker principal who has SACE number, to present the charges and the case against an accused learner during a DC hearing.
Public Display of Affection	The act of failing to refrain from public displays of affection in school. The practice of embracing, and kissing in school is considered in poor taste and disruptive to the educational environment.
Public Indecency	This transgression in terms of the Code consists of immorally, unlawfully, intentionally and publicly engaging in conduct which tends to deprave the morals of others, or which outrages the public's or Laerskool Bekker community's sense of decency.
Public Violence	It consists of the unlawful and intentional commission, together with a number of people, of an act/s which assume serious dimensions and which are intended forcibly to disturb public peace and tranquillity or to invade the rights of others.
Receiving stolen property	The transgression of receiving [stolen property] consists of unlawfully receiving possession of stolen property knowing it to have been stolen.
Reasonable belief/suspicion	Means that a school official has grounds to believe that the search will result in evidence of a violation of the Code, policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a learner or staff member, a learner's suspicious behaviour, a learner's age and past history or record of conduct, or other reliable sources of information or on the principle of a balance of probabilities.
Refusal to Identify Self	Refusing to show an identification/dairy and/or to give a correct name when requested to do so by school personnel or a security guard.

<b>Term</b>	<b>Definition</b>
Repeated Misconduct	Learner misconduct that is chronic or continual even after the implementation of interventions and consequences.
Representative	Means a parent of an accused learner, and/or any other adult person chosen by the accused learner to represent the accused learner at a disciplinary hearing with the approval of the SGB and/or the DC. See Section 8 of SASA.
Retaliation/intimidation/ Threaten to harm	Harming or threatening to harm another: (1) on account of their service as a School employee or volunteer, (2) to prevent or delay another's service to Laerskool Bekker, or (3) because the person intends to report a crime or violation or of this Code and/or to act as a witness in any disciplinary hearing/investigation of Laerskool Bekker.
Robbery	The act of taking or attempting to take anything of value that is owned by another person or organization, under the confrontational circumstances of force or threat of force or violence and/or by putting the victim in fear. (Also, see theft).
Sanction	The sanction for an offence/misconduct/violation of the Code and/or any school rule and/or related policy.
School	Laerskool Bekker
School Bus/Transport	Means every vehicle operated for the transportation of learners, educators and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of learners and other persons acting in a supervisory capacity to or from school or school activities during or in or out of school hours.
School Day	Means days of the week, excluding Saturdays, Sundays, public holidays and school holidays (unless otherwise arranged). (Also, see days).
School Governing Body	Is the body responsible for Governance issues at ... School in terms of SASA.
School Function	Is any school activity and/or school sponsored activity which is privilege and not a right to attend which includes any sporting activity, concert, matric farewell or any similar events and/or functions.
School Management Team	The committee that assists the principal in managing Laerskool Bekker, consisting of the Principal, Deputy-Principals, Heads of Department and other co-opted educators.
School Premises	<ul style="list-style-type: none"> <li>a. School premises includes any school building or on any school premises;</li> <li>b. on any school-owned vehicle or in any other school-approved vehicle used to transport learners to and from school or school activities;</li> <li>c. any activity off school property at any school sponsored or school-approved activity, event or function, such as a</li> </ul>

Term	Definition
	<p>field trip or athletic event or any vehicle where learners are under the jurisdiction of Laerskool Bekker; or</p> <p>d. during any period of time an educator or coach is supervising learners on behalf of Laerskool Bekker or otherwise engaged in school business;</p> <p>e. The grounds adjacent to and owned or rented in common with any building or other structure owned or rented by Laerskool Bekker.</p>
Search	<p>a) A search is an examination of any learner or his/her property for something that is or may be hidden or in their physical possession and/or in their belongings.</p> <p>b) A search may include situations where a learner is required to remove items of outer clothing or to empty out his or her pockets.</p> <p>c) It can also involve a learner's 'correspondence' including written and electronic material (for example, in a diary, on a mobile phone any other digital/electronic device or on a laptop).</p> <p>d) It can also include a learner's locker, vehicle, bicycle, motorbike.</p> <p>e) It can also be undertaken by any law enforcement agency.</p> <p>f) A search may take place in terms of the legal process in SASA and other legislation/procedures prescribed by the authorities and in the Code.</p>
Self-defence	<p>When the person who is not the aggressor in an encounter uses the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defence.</p>
Serious Misconduct	<p>Means misconduct as contained in Schedule 1 and 2 of General Notice 6903 of 2000 as amended and the different levels of misconduct in the Code.</p>
Sexual Aggression	<p>Sexual aggression includes but is not limited to any unwanted sexual advances or actions intended to make the other person uncomfortable, embarrassed, or humiliated, and might include obscenities or gestures, exposure, or physical contact.</p>
Sexual Harassment	<p>Sexual harassment consists of unwelcome sexual advances, requests for sexual favours, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature in person or otherwise online or via any other method of communication.</p> <p>Sexual harassment may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>+unwelcome verbal harassment or abuse;</li> <li>a. unwelcome pressure for sexual activity;</li> <li>b. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of learners by educators, staff, or</li> </ul>

Term	Definition
	<p>other school personnel to avoid physical harm to persons or property;</p> <p>c. unwelcome sexual behaviour or words, including demands proposals, solicitation for sexual favours, accompanied by implied or overt threats concerning an individual's status;</p> <p>d. unwelcome sexual behaviour or words, including demands for sexual favours, accompanied by implied or overt promises of preferential treatment or not to be harmed or injured in any manner</p> <p>e. unwelcome/offensive behaviour or words directed at an individual because of gender.</p>
Sexual intimidation	The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex, including stalking (or cyberstalking), voyeurism, indecent exposure, or the non-consensual recording of sexual activity or distribution of such recording.
Sexual Molestation	Sexual molestation is defined as a learner doing any immoral or indecent act to or in the presence of another person, without that person's consent, with the intent to arouse or satisfy the sexual desires of either the learner or the other person. This includes a learner forcing another person to make physical contact with the learner's intimate body parts.
Sexual / Lewd Behaviour	The act of making unwelcome sexual advances, requests for sexual favours or other inappropriate verbal, non-verbal, written, graphic, or physical conduct of a sexual nature toward learner(s) and/or staff, educators, members of the SMT/SBST, coaches, volunteer when such conduct substantially interferes with academic performance, or creates an intimidating, hostile, or offensive school environment. Subjecting an individual to lewd, sexual gestures, comments, sexual activity, or exposing private body parts in lewd manner.
Sexual touching	Is any contact of a sexual nature, however slight?
Sexual Violence	<p>Sexual violence (which may include sexual harassment) is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts or forcing another person to participate in any sexual act of any nature.</p> <p>Sexual violence may include, but is not limited to:</p> <p>a. touching, patting, grabbing, or pinching another person's intimate parts, or any other body part, whether that person is of the same sex or the opposite sex;</p> <p>b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts or body parts in an inappropriate manner;</p>

Term	Definition
	<ul style="list-style-type: none"> <li>c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;</li> <li>d. threatening to force or coerce sexual acts, including the touching of intimate parts or any other body parts or intercourse, on another in any manner; or</li> <li>e. exposing any body part of another without consent during the act of sexual violence.</li> </ul>
Sexting	Sexting refers to an act (intentionally or unintentionally) of sending/sharing any sexually explicit photos, sound recordings, electronic/digital links, videos, film, You Tube and any other recording of any type, drawings, cartoons, images, text messages or e-mails through the means of a cell phone/smart phone and/or any other electronic device/computer of any kind on any social media platform/App e-mail address real or fake by using any digital/electronic programme or coding and any algorithm that belongs to or is in the possession of any other person.
Smoke/To smoke/Smoking/Vaping	Means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed, drug, synthetic drug, e-cigarette/vaper or plant, and ' <b>smoked</b> ' and ' <b>smoking</b> ' have corresponding meanings.
Soliciting	Requesting, commanding, or attempting to induce another learner to engage in specific conduct that would constitute a violation of the Code, and with the intent that a violation of the Code be committed.
Substance	Is taken to have the same meaning as “drug” indicated above and elsewhere in the policy.
Suspension	Means the temporary refusal of admission to a learner to a school, usually suspension precedes expulsion. A learner who is suspended may not attend school apart from undergoing assessments, writing tests or exams who must then leave Laerskool Bekker premises after such assessment or writing such test or exam.
Theft	Non-consensual taking or attempt to take the property of another or possession of property taken from another person. In terms of the Code thefts also consists of the unlawful taking of moveable property belonging to another/Laerskool Bekker with intent to deprive the owner/School permanently/temporarily of the property including but not limited to the unauthorised carrying, riding away with, or concealing the property of another person, including motor vehicles, with or without any threat, violence, or bodily harm. (Also, see Robbery)
Threat/Intimidation	Means any act of threatening or causing physical harm/injury to another person with or without the use of a weapon/dangerous object/item or any electronic/digital/mobile communication device that includes all of the following elements:

Term	Definition
	<ul style="list-style-type: none"> <li>a. intent - an intention that the threat is heard or seen by the person who is the object of the threat;</li> <li>b. fear - a reasonable fear or apprehension by the person who is the object of the threat that the threat could be carried out; and</li> <li>c. capability - the ability of the offender to actually carry out the threat directly or by a weapon/dangerous object/item or other object that can easily/or not so easily be obtained to cause any harm to the person being threatened or any other person.</li> </ul>
Threatening Language	Use of verbal, physical, or written threats to do bodily harm to a person or to damage personal property/school property.
Tobacco	Means cigarettes; cigars; cheroots; half smoked cigarettes, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; tobacco papers; and any other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in any form and/or in a pipe, bong, or other tobacco-related devices/ paraphernalia.
Tobacco Possession	The act of possessing, using, smoking, sniffing, distributing, or selling tobacco products on school grounds, at school-sponsored events/activities on or off school premises, smoking in school uniform or where a learner can be identified as a learner of Laerskool Bekker or on school transportation.
Trespassing	The act of entering or remaining on school grounds/premises, school transportation, or at or during any school-sponsored activities/event /on campus without any authorisation or invitation and with no lawful purpose for entry in and out of school hours and/or in or out of school uniform.
Truancy/ Skipping Class /Skipping School / Bunking	<ul style="list-style-type: none"> <li>a. Unauthorised absence from a classroom/ school activity/assembly/other place that any learner has been instructed to attend or absent from school without a valid reason.</li> <li>b. Absconding from school.</li> <li>c. Climbing over a school fence.</li> <li>d. Running away or hiding from school personnel on school premises or off Laerskool Bekker premises.</li> <li>e. The act of not reporting to class or school without receiving proper prior approval and/or following the established procedures for checking out of school.</li> </ul>
Unauthorised	Means any item/action dangerous to the health or safety of learners or school personnel, or disruptive of any lawful function, mission, or educational and other process of Laerskool Bekker, or any item described as unauthorised in

Term	Definition
	the Code, school rules and related policies. It also means any request denied or any contravention of the Code.
Unauthorised Area	The act of being present in buildings, rooms, classrooms, centres, hallways, or other areas of Laerskool Bekker premises restricted to learner access during all or a portion of a day.
Under the influence	<p>a. When in any educator’s professional judgment, the learner does not have the normal use of mental or physical faculties likely attributable to the learner’s use of marijuana, a controlled substance, any kind of medicine in any form, dangerous drug or alcoholic beverage. Such impairment may be evidenced the symptoms typically associated with drug or alcohol use or other abnormal or erratic behaviour. The learner need not be legally intoxicated.</p> <p>b. For school purposes, the term means any level of impairment and includes even the odour of alcohol or drugs on the breath of a learner. Also, it includes being impaired by reason of the abuse of any material used as a stimulant. In addition, “possession” of alcohol or drugs will be considered to have occurred for purposes of school rules if the learner is in such close proximity to alcohol or drugs (for example, a learner being in a car where alcohol is present and no adults are present in the car) or to others who are consuming alcohol or drugs (for example, being at a school activity at which other learners are consuming alcohol products) Laerskool Bekker officials/educators may reasonably determine that the learners was in “possession” of the items as well.</p>
Use	<p>a. With respect to substances, voluntarily injecting, ingesting, smoking, inhaling, or otherwise introducing a prohibited substance into the body.</p> <p>b. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.</p> <p>c. Use includes to sell, buy, distribute, hide, conceal, dispense, possess, use or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.</p>
Vandalism/ Malicious damage of property	Means any act of intentional destruction, damage, or defacement of public or private property and/or maliciously damaging property without consent of the owner or the person having custody or control of it.
Verbal Altercation/fight	An intense argument between two or more learners that disrupts the learning environment and may in some cases result in physical contact. (See fighting/assault)



<b>Term</b>	<b>Definition</b>
Verbal Reprimand/Warning	Refers to an informal verbal warning by the Principal, Deputy Principal or the Head of a Grade for violations of the Code or a school rule. The verbal warning to the learner may also include that more disciplinary measures may be taken if the negative behaviour continues and will be documented on the learner's debit record.
Vehicle Misuse by Learners who have driving licences (for High Schools)	Discourteous or unsafe driving on school property, or at a school activity whether on or off of school property, unregistered parking, failure to move a vehicle at the request of school officials, failure to follow directions given by school officials or failure to follow established rules for parking or driving on school property.
Violence	Violence in any form or action is prohibited by the Code and is a physical act of aggression or assault upon another or a group of individuals because of, or in a manner reasonably related to, race, gender, creed, religion, age, marital status, familial status, status with regard to public assistance, sexual orientation, or any form of disability or any disagreement, argument, or as a result of any physical or verbal or non-verbal act caused by one or more persons.
[Dangerous] Weapon/Object	Means any object, device or instrument designed as a weapon or an object that can be used as a weapon which through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury, or be used to threaten another person to injury that other person or any group of persons. Weapons may include firearms designed to propel a projectile by an explosive reaction, including starter guns, the components of any such devices, silencers, or other destructive devices such as fireworks, any incendiary device, matches or any other chemicals or any poisonous substance.

## 8.2 Acronyms

<b>Acronyms</b>	<b>Explanation</b>
CoC	Learner Code of Conduct of Laerskool Bekker
DBST	District Based Support Team
DC	Disciplinary Committee of the SGB
MEC	Member of Executive Council of a province who is responsible for education in the province.
SAIC	School Assessment Intervention Committee
SASA	South African Schools Act
SBST	School Based Support Team
SGB	School Governing Body
SMT	School Management Team

## **9. Application and Scope of the Code**

- 9.1 The South African Schools Act, 1996, empowers Laerskool Bekker authorities to discipline learners, but it is beyond the law to delegate this authority to learners. Learners are stakeholders with other members of Laerskool Bekker community but are not in charge of Laerskool Bekker. Enrolment at Laerskool Bekker automatically constitutes acceptance of compliance with the CODE OF CONDUCT by the learner and other criteria which may be enforced from time to time during the operation of Laerskool Bekker.
- 9.2 The Code of Conduct (“Code”) adopted by the SGB of Laerskool Bekker applies to learners when the learner is waiting for GDE transportation at a designated stop, being transported to and from school on School transportation, at school, or participating in a school-sponsored activity no matter where the activity is occurring. In addition, the learner may be subject to the Code for off-campus activities, regardless of the time or place where the conduct occurs, if the learner’s conduct is found to have a detrimental effect on the health, safety, and welfare of other learners as an enrolled learner of Laerskool Bekker and where such conduct affects the good name, honour and reputation of Laerskool Bekker.
- 9.3 In terms of section 6 the National Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (G.N. 776 of 1998 published in Government Gazette No. 18900 dated 15 May 1998) the ultimate responsibility for learners’ behaviour rests with their parents or guardians [care giver]. It is expected that parents will (a) support Laerskool Bekker, and require learners to observe all school rules and regulations and accept responsibility for any misbehaviour on their part; and (b) take an active interest in their children’s schoolwork and make it possible for the children to complete assigned homework and that Parents should attend meetings that the governing body convenes for them which also implies meetings with the principal and any staff member.
- 9.4 In terms of Section 8(4) of SASA, no learner shall be exempted from the obligation to comply with the CODE OF CONDUCT and must be adhered to all its prescripts except where exempted in writing by the SGB:
- a. On Laerskool Bekker premises before, during and after school hours;
  - b. at all official School events, activities and school sponsored events both within and outside regular school hours and on and off Laerskool Bekker premises; and
  - c. in any situation, on or off school premises, on line, where the learner is recognisable as a learner of Laerskool Bekker in or out of school uniform, related dress and/or insignia.
- 9.5 This Code is used to govern conduct and discipline at Laerskool Bekker. Therefore, each learner must obey the Code and school rules while on school grounds/premises; while being transported to or from school at school expense; and during school-sponsored events, field trips, athletic functions, and similar activities. During such times, all learners are subject to the immediate control and direction of educators, staff members, or bus drivers to whom such responsibility has been assigned by the principal/SGB.
- 9.6 The Code also applies to any learners who commit felonies, nefarious or delinquent acts which would be a crime if committed by an adult, off School premises or whose conduct off Laerskool Bekker premises in or out of school hours/days may have a detrimental effect on the orderly operation of Laerskool Bekker, or jeopardise the health, safety, or welfare of

learners and staff members of Laerskool Bekker. Furthermore, learners may be subject to school disciplinary sanctions when they commit acts away and apart from school that can be shown to pose a threat or danger to the safety of other learners, staff, educators, parents or school property, or will prevent the orderly delivery of the educational programme, or present a danger to the learner who committed the infraction.

- 9.7 This Code, **though not all-inclusive**, is intended to inform parents and learners about how our school operates and also to establish the expected standards of Laerskool Bekker learner community. **Parents must note that his Code is also intended to familiarise parents and learners with most of Laerskool Bekker rules and regulations so that we can avoid any future misunderstandings. It is therefore the responsibility of each learner and parent to read, understand, and abide by this Code of Learner Conduct, school rules and related policies of Laerskool Bekker and any other applicable legislation.**
- 9.8 School educators and members of the SMT/SBST are responsible for being aware of the specifics of the Code and applying them appropriately.
- 9.9 Laerskool Bekker may initiate various forms of informal and formal disciplinary measures and are entitled to apply disciplinary action that Laerskool Bekker believes is appropriate in circumstances, but within the guidelines provided in the Code procedure. However, the judgement and discretion of School/SGB with regard to disciplinary measures will, therefore, not be rigidly restricted by the procedure or the code.
- 9.10 Laerskool Bekker will contact parents (electronically, telephonically or in writing) whenever a child's behaviour becomes cause for concern and will endeavour, in a spirit of constructive partnership, to resolve the problem. The parents, however, remain the persons ultimately responsible for ensuring that their child meets the disciplinary standards required by Laerskool Bekker and the parent-body as a whole (as represented by the Governing Body).
- 9.11 When addressing occurrences of bad behaviour, breaches of discipline or serious misconduct with a learner, staff members, parents, the SGB, educators and learner leaders will not threaten any particular punishment and parents, learners and management are all encouraged to refrain from threats, abuse of power or any indication of bias, dislike or interpersonal difficulties, that may compromise the authority of the disciplinary process or the atmosphere of equity, of due process, and fairness in which a disciplinary process/hearing should take place.
- 9.12 To minimise classroom disruptions, staff do not deliver messages from parents/ guardians to learners in lesson time. In case of an EMERGENCY, parents may contact Laerskool Bekker Office to convey the message to the learner concerned at the first opportune moment. Laerskool Bekker/SGB kindly request that Parents/Guardians refrain from contacting educators/ any member of management directly. All appointments must be made through Laerskool Bekker Office/the principal's secretary. NB: Laerskool Bekker security guards or terrain caretakers/ any staff member or any other learner are not allowed to leave their posts to deliver items to Laerskool Bekker office on your behalf.
- 9.13 Laerskool Bekker's disciplinary policies do not normally extend to off-school premises or non-school sponsored activities. However, Laerskool Bekker does have a vested interest in the well-being of its learners and community. Laerskool Bekker reserves the right to

inform parents or law enforcement authorities if it has knowledge of illegal actions by a learner of Laerskool Bekker. Should untoward behaviour be deemed to have occurred, Laerskool Bekker may elect to suspend its normal disciplinary process and apply consequences up to and including suspension and disciplinary hearings. Such exceptions are at the discretion of the Principal of Laerskool Bekker.

#### 9.14 **Misconduct not specified or mention in the Code of Conduct**

9.14.1 The discipline code of conduct set out in this policy is intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct, which is not specifically listed in this policy and other related policies and legislation that may be deemed to warrant disciplinary steps up to and including a recommendation to the HoD by the SGB for expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by a SGB Disciplinary Committee/ Internal Disciplinary Committee or the Principal owing to mitigating or aggravating circumstances.

### 10. **LEGISLATIVE FRAMEWORK**

- 10.1 The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended.
- 10.2 The South African Schools Act, 1996 (Act No. 84 of 1996), as amended.
- 10.3 National Education Policy Act, 1996 (Act No. 27 of 1996), as amended.
- 10.4 Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- 10.5 Devices to be Used and Procedure to be followed for Drug Testing, GN 1140 in GG 31417 of 19 September 2008.
- 10.6 Employment of Educators Act (Act No.76 of 1998) as amended
- 10.7 South African Council of Educators Act (Act No 31 of 2000)
- 10.8 The Gauteng Schools Education Act, 1995 (Act No.6 of 1995).
- 10.9 Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act no 32 of 2007)
- 10.10 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”)
- 10.11 Regulations for Misconduct of Learners at Public Schools and Disciplinary Proceedings, 2001 (General Notice 2591 of 2001).
- 10.12 Drugs and Drugs Trafficking Act (Act 140 of 1992)
- 10.13 Child Justice Act 75 of 2008.
- 10.14 Medicines and Related Substances Act No 101 of 1965, As Amended.**
- 10.15 Regulations for Safety Measures at Public Schools Government Notice No. 1040, October 2001, as amended.
- 10.16 Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners, General Notice 776 of 1998.
- 10.17 RICA.
- 10.18 Relevant Court Judgments.
- 10.19 Regulations to Prohibit Initiation Practices in Schools, GN No. 1589, 13 December 2002.
- 10.20 Protection of Personal Information Act, 2013.
- 10.21 Protection from Harassment Act, 2011 and relevant regulations.
- 10.22 Children’s Act, 2005, as amended and relevant regulations.
- 10.23 National Policy on Learner Attendance, General Notice 361 in GG 33150 of 4 May 2010.
- 10.24 Disaster Management Act.

## **11. RELEVANT POLICIES AND PROVINCIAL CIRCULARS**

- 11.1 GDE Circular 74/2007.
- 11.2 Any other relevant policy of Laerskool Bekker relating to misconduct by learners.
- 11.3 The Bill of Responsibilities for Learners of the Department of Basic Education, 2008.
- 11.4 GDE Circular 4 of 2014 Banning Corporal Punishment.
- 11.5 School Policy on Cannabis Use by Learners.
- 11.6 School Policy on the Management of Drugs and Drug Use by Learners.
- 11.7 School Social Media Policy and Cell Phone Policy.

## **12. POLICY STATEMENTS**

### **12.2 School Environment and Discipline**

- 12.2.1 A safe environment that is conducive to education including security of property, security of person, well-cared for school facilities, school furniture and equipment, toilet facilities, absence of harassment in attending classes, writing tests and examinations, participating in school activities, extramural activities or sport, all create an atmosphere that is conducive to education and training. All parties have a responsibility to maintain such an environment.
- 12.2.2 Discipline must be maintained in Laerskool Bekker and the classroom to ensure that the education of learners proceeds without disruptive behaviour and offences perpetrated by other learners. Laerskool Bekkers Act, 1996 and related legislation and policies empowers school authorities to discipline learners, but it is unlawful to delegate this authority to learners.
- 12.2.3 Learners have the responsibility to learn and develop their own full potential and to allow fellow learners, without any hindrance, to reach their full potential.
- 12.2.4 Laerskool Bekkers engages in positive orientation which involves a process of induction that seeks to introduce learners to their new academic environment in a manner where dignity is enhanced as learners are advised, guided and mentored. This process focuses on self-discipline, self-motivation and self-respect together with academic and sporting achievements.

### **12.2 Specific Acts/Offenses**

- 12.2.1 Listed below are some examples of offenses that may result in discipline that is addressed in the policy in more detail. Other acts that are not listed below may result in discipline if a learner should have known that the act might hurt, injure, harass, or threaten others, affect the dignity of others, damages property, disrupt class or school, or violate a criminal law.
- 12.2.2 Some, but not all, of the acts that may result in discipline are:
  - a. arson;
  - b. blackmail;
  - c. bullying in all forms;
  - d. cellular telephones, electronic communication devices, and other electronic devices, the use of (See Laerskool Bekker's social media policy)
  - e. cheating
  - f. chemical spray, pepper, mace; possession of;
  - g. computers or electronic devices, improper use of;
  - h. cyberstalking;
  - i. defiance in any form;
  - j. disruptive demonstration, participation in;
  - k. drug paraphernalia, possession of;

- l. extortion;
- m. failure to give correct name;
- n. false alarm, making of (this includes pulling a fire alarm);
- o. falsifying or altering records (for example, computer records or attendance notes);
- p. fighting;
- q. gambling;
- r. gang participation or display of gang-like behaviour;
- s. hazardous material, possession of;
- t. hazing
- u. hitting someone
- v. interference with school personnel/educators;
- w. interference with the movement of another learner;
- x. leaving school grounds without permission;
- y. physical force, use of against someone;
- z. profanity;
- aa. recordings of fighting or acts of bullying, assault, or battery, whether staged or real; posting or disseminating or posting to the internet;
- bb. repeated misconduct;
- cc. school rule, violation of a; (e.g. dress code violation);
- dd. sexting;
- ee. sexual activity at school, at a school activity, or on a school bus;
- ff. sexual or other harassment;
- gg. stealing;
- hh. threatening to hurt someone;
- ii. tobacco, possession of;
- jj. toy or replica gun or knife, possession of;
- kk. trespassing;
- ll. vandalism;
- mm. verbal abuse of another;
- nn. other serious misconduct which will lead to disciplinary consequences include but are not limited to the aforementioned infractions.

### **12.3 The Rights of the Learners (Also see the Bill of Responsibilities and Rights of Learners in the Appendix)**

**12.3.1 While it is important that learners understand that they have rights and responsibilities, it is equally important that they understand that their individual rights are balanced against the rights of other learners, educators and staff within Laerskool Bekker or any other person connected to Laerskool Bekker e.g. parents, SGB members, SBST members or officials of the GDE. The Code outlines the learner's rights and responsibilities and provides a guide for the Principal to balance those rights against the Principal's responsibility to provide a safe and caring school.**

**12.3.2 At Laerskool Bekker all learners shall have the right to due process. Laerskool Bekker prides itself on its record of allowing learners to express and resolve school-related grievances together with the SMT and SGB in a responsible and courteous manner without infringing on the dignity of the others in Laerskool Bekker.**

**12.3.3 Any form of disciplinary measures and actions embarked upon by Laerskool Bekker is underpinned by dignity and respect.**

**12.3.4 Corporal punishment is prohibited at Laerskool Bekker.**

*A Value driven school striving towards excellence*

Page 38 of 147

Initialled by the Chairperson of the SGB and the Principal \_\_\_\_\_

- 12.3.5 Learners are protected by laws prohibiting the release of any personally identifiable information, (including any CCTV footage, documents, reports or any other electronic information or evidence) to any party (excluding school authorities or a DC), without the consent of parents/guardians, or learners 18 years of age even during any disciplinary process.**
- 12.3.6 Laerskool Bekker will endeavor to provide learners with a clean, safe, healthy environment with access to clean running water and toilets and an environment that protects them from harassment and intimidation from attending classes and writing tests and examinations thereby creating an atmosphere conducive for teaching and learning.**
- 12.3.7 Learners have the right to expect educators to maintain a high standard of professionalism, given the opportunity to teach and educate them without any disruptions.**
- 12.3.8 Learners have the right to privacy in his/her personal possessions unless the Principal or her designee has reasonable cause to believe that illegal or harmful materials are possessed by the learner and/or are being used to disrupt the educational process or to endanger the health, safety or welfare of the learner herself and/or others.**
- 12.3.9 Learners have the right to expect attend a school free of drugs, weapons, dangerous objects/items, inebriation or any person being under the influence of any illicit substance, drug verbal and physical bullying, intimidation or victimisation.**
- 12.3.10 Learners have the right to expect attend a school free of sexual harassment or criminal behaviour**
- 12.3.11 Learners have the right to expect develop his/her full potential.**
- 12.3.12 Learners have the right to expect be treated with courtesy, tolerance and consideration but in turn must treat others equally in the same way.**
- 12.3.13 Learners have the right to expect clean surroundings and hygienic premises but must do their part to keep it in such a condition.**
- 12.3.14 Learners have the right to expect essential and appropriate learning facilities provided they contribute to it being so.**
- 12.3.15 Learners are expected to be aware with each right they have, there is a concomitant responsibility to be exercised that in turn affects the rights of others.**
- 12.3.16 Learners have the right to attend all classes regularly, free from interference, disruption whether of a verbal or physical nature, by any other person especially fellow learners, but are not allowed to disrupt classes.**
- 12.3.17 Learners have the right to receive tuition in all preferred subjects, where practicable, according to the learner's abilities and subject to the core curriculum and standards required by the Provincial Department of Education.**
- 12.3.18 Learners have the right to receive regular feedback reflecting academic progress.**
- 12.3.19 Learners have the right to make responsible use of Laerskool Bekker facilities subject to availability and the limitations imposed thereon by school rules and general school organisation.**
- 12.3.20 Learners have the right to receive appropriate counselling within reasonable means for personal and/or educational problems within the limits of Laerskool Bekker otherwise it is the responsibility of parents when directed by school authorities or the outcome of any disciplinary action.**
- 12.3.21 Learners have the right to request in writing, to be excused from any activity which is against their religious beliefs provided the motivate such a request.**
- 12.3.22 Learners have the right to follow an agreed-upon procedure for expressing and resolving grievances provided that they follow the correct procedures in a**

courteous and respectful manner in terms of Laerskool Bekker's policies and the Code.

**12.3.23 As far as is possible, learners/educators who have been victims of certain offences committed by other learners, as well as the siblings of the learner victims, may request to be kept separated from the learner offender both at school and during school transportation and any other school activity as far as possible. Laerskool Bekker may forbid the offender to make contact or intimidate a victim in any manner and may institute further disciplinary procedures if it is not adhered to.**

## **12.4 The Responsibilities of Learners (Also see the Bill of Responsibilities and Rights of Learners Appendix)**

12.4.1 In the summary below, it is not possible to list the behaviour required of learners in **every** circumstance in the code. However, it **is** required of all learners to act, dress and behave sensibly, decently and in accordance with the code of behaviour generally accepted in the community served by Laerskool Bekker. This is so, even if such actions or behaviour are not specifically either required or barred in terms of the other sections of this code, rules, disciplinary guidelines and demerit system and therefore include but are not, necessarily limited to learners undertaking to:

- a. refrain from engaging in any behaviour that violates the provisions of this Code of Conduct any other rules, including classroom rules, instructions and other related school policies.
- b. have the responsibility to avoid any behaviour that is detrimental to achieving their own and other learner's educational goals to learn and to pass subjects;
- c. attend all classes daily on time and pay attention to educational instruction;
- d. do all academic assignments and activities, including homework;
- e. be in possession of the appropriate working materials and stationary items for all subjects;
- f. be responsible for their own work;
- g. respect all persons and property;
- h. greet staff and visitors to Laerskool Bekker courteously;
- i. refrain from abusive language and inflammatory actions, indiscreet sexual behaviour, teasing, intimidation, bullying in any form, emotional abuse, racist or sexist remarks or related inappropriate gestures, indecent or immoral behaviour, comments, remarks or actions, and any form of initiation;
- j. conduct themselves in a safe and responsible manner;
- k. be correctly attired or groomed in accordance with Laerskool Bekker rules;
- l. seek changes in an orderly and approved manner;
- m. protect school property;
- n. not litter or despoil the premises in any way;
- o. create mutual respect amongst themselves;
- p. strive towards being pro-active, independent, critical, disciplined and creative thinkers;
- q. observe, respect and uphold Laerskool Bekker rules;
- r. display a positive attitude and enhance the reputation of Laerskool Bekker wherever possible;
- s. encourage a disruption-free learning process;
- t. refrain from any form of assault, the carrying of dangerous weapons/objects, criminal or illegal activities, intimidation, verbal and physical bullying, sexual harassment, victimisation, intimidation, smoking, drunkenness, the possession or use of



drugs, or being in possession of pornographic material in any form or on any digital electronic device;

u. adhere to Laerskool Bekker's social media policy and the Code.

## **12.8 Privacy/Confidentiality**

12.8.1 Laerskool Bekker will respect the privacy of a complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with Laerskool Bekker's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations. All records generated and disciplinary hearings held under the terms of the Code and related policies and rules and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

12.8.2 The findings from a Disciplinary hearing and all other warnings/debit points and other reports recorded are to be regarded as Confidential Disciplinary Records and shall remain on the learner's file for the duration of their time at Laerskool Bekker. Disciplinary records are not to be forwarded to institutions of higher education.

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

12.9.1 Religious practices, conduct or obligations that relate to the core values and beliefs of a recognised 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:

- a. 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 rights of the learner. The application must be accompanied by a letter from the Religious Leader.
- b. The 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.
- c. This application must include a reasonable interpretation of the religious rights that the learner feels are offended and a suggestion of how the rules may be supplemented by Laerskool Bekker Governing Body, to accommodate such religious rights.
- d. The learner must provide written proof that she/he belongs to that specific religion and that the religious practices, rules and obligations that are in conflict with Laerskool Bekker's Code of Conduct are his/her true beliefs and commitments.
- e. The religious conduct or practice must be lawful and not cause any undue disruption to Laerskool Bekker educational process or any school activity.
- f. Laerskool Bekker 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.
- g. Laerskool Bekker Governing Body reserves the right to consult with other experts/knowledgeable persons on the requested deviation.
- h. 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.
- i. The deviation must specify the extent of the exception from the normal rules and must clearly identify the conduct that will be allowed e.g. the growing of facial hair; or the wearing of a specific hairstyle or jewellery/adornment and the conditions under which such deviation will be applicable to the learner.

- j. 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 emotional distress 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 Laerskool Bekker Governing Body that his/her cultural rights can be exercised only through a permanent intervention.
- k. 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 sub-para-graphs above.

12.9.2 The SGB shall consider the application for exemption from any other provision of the Code by any learner/parent that has been received in writing, with the necessary earnestness and responsibility, and within the framework of the Constitution, legislation and court judgements, and will inform the learner/parents of its decision in writing within 30 school days.

## **12.10 The Legal Authority for the Control and Discipline of Learners**

12.10.1 The South African Schools' Act empowers a governing body of a school to maintain discipline in a school. The Code of Conduct must prescribe behaviour that respects the rights of learners and educators.

12.10.2 Laerskool Bekker will make every effort to ensure that parents and learners understand that disciplinary action may be taken against any learner and/or learners if they contravene the Code of Conduct and school rules and related policies. In cases where action has to be taken Laerskool Bekker will inform the learners regarding the reasons for:

- a. Their conduct being considered as a transgression, misbehaviour, misconduct and/or serious misconduct in contravention of the Code.
- b. They are to be disciplined and/or sanctions may be imposed.

12.10.3 All enrolled learners (no matter what age even if they are adults in terms of the law) at Laerskool Bekker are subject to the Code, applicable school rules and related policies without exception. (Section 8(4) of SASA).

12.10.4 All learners will be informed about the Code's contents on enrolment at Laerskool Bekker and a summary of the CoC may be published in Laerskool Bekker diary and it is expected of every learner and parent to sign the learner undertaking to abide by Laerskool Bekker's CoC, Honour Code, classroom rules, instructions and any other related policy.

12.10.5 Any educator at Laerskool Bekker who has a SACE number shall have the same rights as a parent to control and discipline any learner of Laerskool Bekker, in accordance with the Code, school rules and related policies during the time the learner is in attendance at Laerskool Bekker or school related activities off or on school premises, within or outside of school hours or where and when such a learner can be identified as a learner of Laerskool Bekker, in or out of school uniform.

## **12.8 Search and Seizure of Contraband**

- 12.8.1 The Principal or any educator as delegated in writing by the principal, upon reasonable suspicion, or any intimidating display/threat or assault with any of the said item(s), has the legal authority to conduct a search of any learner or any property as indicated below but not restricted thereto in possession of any learner for:
- a. any dangerous weapon/object;
  - b. any contraband,
  - c. firearm;
  - d. illicit drugs and/or over the counter medication/prescribed medication,
  - e. any tobacco/nicotine containing product which includes cigarettes and or any electronic smoking device/vaper/vape products and/or the possession, use, or distribution of matches, lighters or any related product to the use of tobacco or any other nicotine product/ vaper flavouring liquid. It also includes tobacco products, which include cigarettes, chewing tobacco, snuff and e-cigarettes as well as vapers/vaping products possessed by any learner eighteen years of age or older;
  - f. any alcohol product or harmful dangerous substance;
  - g. synthetic (herbal) drugs;
  - h. any stolen property;
  - i. any pornographic material in any form or on any digital and/or electronic devices brought onto Laerskool Bekker property;
  - j. and/or any emblems/badgers/patches/paraphernalia/clothing illustrating any images/slogans/wording/advertisements of use related to the afore mentioned objects or any gang affiliation or any gang activities;
  - k. ammunition of any kind;
  - l. any type of fireworks,
  - m. toy weapons/replicas of any weapon;
  - n. laser beam devices;
  - o. any common pocket knife of any kind that may have one or more blades and utility tools or, a plastic knife, a blunt-bladed table knife, steak knife, any other kind of knife blade or any other type of blade or other item that is not designed or typically used as a weapon/dangerous object;
  - p. any intimidating display of the item(s);
  - q. any concealed weapon/dangerous object;
  - r. needles or other sharp objects that can be used as a weapon or dangerous object.
- 12.8.2 The principal and/or his/her delegate who has SACE number, shall fully document and may take photographs of contraband found and seized in and for every incident where a search is conducted. Such documentation shall include a detailed account of the search, items impounded, the learners(s) involved, a list of all witnesses present, and other information regarding the incident.
- 12.8.3 The power to search in terms of SASA, without consent, allows a personal search involving the removal of outer clothing and/or any head covering (hat, cap, beanie etc.) but not an intimate search (Intimate searches may only be carried out by someone with more extensive powers such as a police officer). The learner must also empty all his/her pockets in front of the persons conducting the search. (See Appendix for procedures to undertake searches of learners).
- 12.8.4 Laerskool Bekker is not required to inform parents/learners before a search takes place or to seek their consent to search a learner or his /her belongings. Nor is there any legal requirement for Laerskool Bekker to inform learners/parents when alcohol, illegal drugs or

potentially harmful substances are found in the course of a search, but after investigation Laerskool Bekker may do so, if circumstances permit.

12.8.5 If a learner realises that he/she is in possession of any contraband, and voluntarily surrenders such contraband to an educator/staff member/security guard/member of SAPS or any other person, before the start of an investigation or search and seizure investigation, then the learner may be eligible for mitigation in a disciplinary response from Laerskool Bekker or the SGB disciplinary committee.

12.8.6 The Principal or an educator as delegated in writing by the principal, upon reasonable suspicion, has the legal authority to test any learner for the use of any drug, illegal substance and/or any harmful dangerous substance, synthetic drugs and other medicines, pills and opiates.

12.8.7 The prescripts of Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners, General Notice 776 of 1998, forms part of this code of conduct as well as other policies of Laerskool Bekker.

## 12.9 **Investigation Process for Serious Misconduct/Suspicion Based on a Balance of Probabilities for Misconduct**

12.16.1 A member of staff who has a SACE number, will be appointed as an investigator by the Principal to investigate any allegations of acts of any serious misconduct/misconduct that may be possible serious.

12.16.2 All interviews with possible offenders and witnesses will be conducted confidentially. A second member of staff will be present for any interviews in cases where the alleged breach amounts to serious misconduct.

12.16.3 Laerskool Bekker may suspend a learner temporarily/provisionally during the course of the investigation or prior to a disciplinary hearing.

12.16.4 All learners involved in acts of serious misconduct are expected to tell the truth. Any deceit may be considered an aggravating factor in the determination of punishment, if guilt is established based on the principle of a balance of probabilities by the disciplinary committee.

12.16.5 An accused learner may decline to answer questions on the grounds that the answer may be self-incriminating during or prior to an investigation.

12.16.6 Any notes taken, videos/photos/objects seized by the investigator/evidence leader and/or a witness present during the investigation will be for the use of the investigator/evidence leader during a disciplinary hearing. The said notes and photos/video/seized object may form part of an official record of any disciplinary proceedings and may be used by the evidence leader to ask questions of the accused learner and/or any witnesses during a disciplinary hearing.

12.16.7 Learners may be asked to make written reports, which will be signed and dated and stamped with Laerskool Bekker stamped and signed by the investigator and the other educator witness. Such written reports may be used later in any disciplinary procedures

that follow the investigation. This document should contain all the information relating to the author's perspective on the alleged incidents and include a detailed description of the version of events. These reports remain the property of Laerskool Bekker and will not be released. It is paramount that the learners requested to write a report are absolutely truthful. Any person who makes a written report as provided for in this paragraph shall be entitled to read it before signing it and shall be given a personal copy to keep.

- 12.16.8 Once the matter has been investigated as fully as possible, the investigator may proceed as follows:
- a. refer the matter to the principal who may make a recommendation to the SGB for the institution of a disciplinary hearing and/or a determination of an appropriate sanction; or
  - b. refer the matter to the principal for discussion of the matter with the parents and the learner; or
  - c. the principal may convene an internal disciplinary hearing.

### **12.17 Habitual Learner Transgressors**

- 12.17.1 Learners must be aware that they are learners of Laerskool Bekker for 24/7 and may be disciplined for actions that brought Laerskool Bekker's name and honour in disrepute especially when it comes to transgressing Laerskool Bekker's social media policy.
- 12.17.2 The principal/head of discipline may institute disciplinary procedures against habitual transgressors including academic isolation, detention and suspension and disciplinary hearings.
- 12.17.3 Every educator is responsible to assist Laerskool Bekker governing body with discipline in a lawful manner at Laerskool Bekker and any school related activities.
- 12.17.4 Every educator has a duty to control the actions of learners when such actions may inflict harm to others or to the learner, or violate the rights of other learners or educators.
- 12.17.5 Educators must take reasonable measures where necessary to prevent a learner from harming himself or herself or others or the educator.
- 12.17.6 In cases where a learner cannot adjust to Laerskool Bekker and where his or her behaviour is objectionable in that it violates the rights of others, an educator has the obligation to refer such a learner to the principal and to inform the learner's parents and Laerskool Bekker governing body.
- 12.17.7 Violence against any School personnel/any other learner(s) by a learner or any learners is grounds for detention, out-of-school suspension, and recommendation for expulsion after due process by the disciplinary committee of Laerskool Bekker to the HoD, or imposition of other disciplinary action by Laerskool Bekker and may also result in criminal procedures being instituted by the affected staff member or learner/victim.

### **12.18 Any Learner Who Is an Accomplice/ Accomplice Activity/In the Presence of Misconduct**

*A Value driven school striving towards excellence*

Page 45 of 147

Initialled by the Chairperson of the SGB and the Principal \_\_\_\_\_

- 12.18.1 Any learner who is an accomplice or complicit in any activity that transgress the Code may be disciplined or a sanction can be imposed, if such a learner is an accomplice to another person in the commission of any misconduct. A learner is an accomplice to another person if, with knowledge that it will promote or facilitate the misbehaviour, he/she:
- Solicits, commands, encourages, or requests such person to engage in the misbehaviour, or
  - Aids/assists or agrees to aid such other learner in planning or committing the misbehaviour.
- 12.18.2 A learner is not an accomplice if he/she is the victim or participation is terminated prior to the misbehaviour and a timely warning/information is provided to any educator or school official that the misbehaviour may occur or is planned to occur.
- 12.18.3 If a learner engages in accomplice activity, he/she may be charged with the same offense that the learner who committed an offence and may receive the same sanction, with an indication to the disciplinary hearing that the learner committed the offense as an accomplice.
- 12.18.4 Any learner who is present when such misconduct occurs or has knowledge of such misconduct and do not report it to Laerskool Bekker authorities are guilty of misconduct in terms of the Code.
- 12.19 **Use of CCTV Cameras in Laerskool Bekker and Surveillance** (Also see Laerskool Bekker's CCTV Policy)
- 12.19.1 This serves to provide parents and learners notice that the installing of CCTV in Laerskool Bekker is sanctioned by school policy and the Code of Conduct and approved by the Governing Body and is legal in terms of the Protection of Personal Information Act, 2013.
- 12.19.2 The purpose of such a CCTV installation should always be for the strict control over any footage and the purpose for which the footage may be used and will be for the promotion of educational rights of the majority of the learners and also to protect the security of learners, educators, staff and visitors alike.
- 12.19.3 The Principal will have strict control over any footage and the purpose for which the footage may be used.
- 12.19.4 The learners and teaching staff have a constitutional right to privacy, but such right to privacy may be limited in terms of competing constitutional rights such **as security of the person and the right to education** amongst others and particularly where there would not be a legitimate expectation to privacy in any particular circumstances.
- 12.19.5 Laerskool Bekker shall be entitled to monitor any and all learner activities at Laerskool Bekker, on any school premises, facility, vehicle or premises and/or facilities of customers of Laerskool Bekker, therefore security cameras/CCTV installations may not be tampered with or re-aligned.

- 12.19.6 Monitoring of any footage and monitors may be carried out by personal observation, surveillance equipment, CCTV surveillance and/or searches of learner's property from time to time.
- 12.19.7 Learners shall be required to co-operate and/or assist and/or participate in any investigations or searches carried out by Laerskool Bekker and shall comply with any instructions given by Laerskool Bekker in this regard.
- 12.19.8 It is specifically recorded that learners and parents have been informed of, and is aware of the fact that such monitoring may take place from time to time.
- 12.19.9 All monitoring in terms of the Code and related policies are essential and necessary for the operational requirements of the business of Laerskool Bekker and in order to protect the business of Laerskool Bekker against unlawful activities, losses, shrinkage and any other form of harm or damage.
- 12.19.10 Any CCTV footage, information or evidence or documents obtained or procured by Laerskool Bekker through surveillance of activities may be used as evidence against any learner in any proceedings, whether internally in Laerskool Bekker or in any tribunal, forum or Court but will remain confidential and may not be released to any outside party and or even any parent without a court order or a police warrant.

#### **12.20 Safeguarding Confiscated/Seized Items by Laerskool Bekker Authorities**

- 12.20.1 As soon as practicable after confiscation of any item/contraband that is confiscated or found in a learner's possession/bag/locker or on reasonable suspicion is believed to belong to a learner or was in the learner's possession, should be photographed or videoed with commentary, may be downloaded to an USB or secure server or secured in an envelope or bag and marked with the learner's name, grade, description of the item and date of confiscation and signed into the register for confiscated items and placed in Laerskool Bekker's vault/safe. A receipt should be completed at the time of deposit and a copy either given to the learner directly or placed in their form folder and handed to them by his/her educator at the earliest opportunity.
- 12.20.2 Members of staff are permitted to **confiscate inappropriate items and even cell phones or any other digital/electronic device/smart watch which may be** considered harmful or detrimental to school discipline and Laerskool Bekker is protected from legal proceedings arising from the confiscation of the same if the items are brought on to school premises or used during any school activity or off Laerskool Bekker premises or after school hours, in contravention of the Code.
- 12.20.3 All reasonable steps will be taken to ensure that storage arrangements are secure, but all confiscated items are placed in the vault at the learner's risk and Laerskool Bekker accepts no responsibility for loss or damage of any kind if it is not an illegal item.
- 12.20.4 For some items, Laerskool Bekker will deal with it in terms of the provision of SASA and Laerskool Bekker will always seek specialist advice, for example suspected illegal drugs and items/objects which might be used as weapons. Laerskool Bekker is committed to working in partnership with Police and other specialist law enforcement and other

governmental agencies to cover such issues. Laerskool Bekker will not hesitate to access specialist support and advice if an incident occurs that warrants such intervention.

- 12.20.5 Items/contraband which might be considered for confiscation include, among other items not listed here:
- a. Any item posing a threat to others - for example, a laser pen being used to distract and possibly harm other learners or staff.
  - b. Any item/object/substance posing a threat to good order for learning.
  - c. Any item which is against school uniform/dress code and appearance rules.
  - d. Any item posing a health or safety threat.
  - e. Any drug, alcohol, medicine product, substance.
  - f. Any tobacco product or related paraphernalia, such as lighters, pipes, cigarettes which will be destroyed.
  - g. Any vaper and related paraphernalia which will be destroyed.
  - h. Any unauthorised jewellery item, which can be redeemed after paying a storage fee of R25.
  - i. Any weapon/dangerous object.
  - j. Any item which is counter to the ethos of Laerskool Bekker and/or which is illegal for a learner to have in his/her possession in terms of the Code or common law.
- 12.13.6 Cell phones and other electronic devices may be returned after the principal has given permission and a storage fee of R100 may be charged before the item is returned.

## **12.21 Educator Reporting Information**

- 12.21.1 Any educator has the authority, consistent with this code, school rules and related policies and applicable law, to manage his/or her classroom, discipline learners, and refer a learner to the principal/head of discipline or designee to maintain discipline in the classroom.
- 12.21.2 Any educator who has knowledge that a learner has exhibited behaviour which violates the learner code of conduct and repeatedly or substantially interferes with the educator's ability to communicate effectively with the learners in the class or with the ability of such learner's co-learners' ability to learn or receive education /instruction may file a report of such behaviour with the principal or his/her designate or act in terms of the Code.

## **12.22 Obligatory Learner Reporting of Violations of the Code**

- 12.22.1 Laerskool Bekker authorities believes that each learner can reasonably be expected to be responsible for his/her own behaviour.
- 12.22.2 All learners are expected to promptly report violations of the code of conduct by any learner to an educator, counsellor/social worker, the principal/deputy principal, head of discipline or his or her designate.
- 12.22.3 Any learner observing a learner possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to an educator, the principal, the principal's designee or any other adult they can trust on Laerskool Bekker premises.



## 12.23 **School Notices, Circulars and any Other Written Communication**

12.23.1 Every learner shall hand over to his/her parent any notice to parents/legal guardian issued to them for that purpose by the Governing Body, the Principal, the Administrative staff or any educator. Likewise, every learner shall promptly return to his/her register educator any return slip or acknowledgement of receipt, required to be completed by his/her parent/legal guardian.

## 12.24 **School Documents/Other Documents**

12.24.1 No learner may in any way alter any document belonging to and/or issued by Laerskool Bekker. This includes, but is not restricted to, school reports, receipts for monies paid to Laerskool Bekker, substitution lists, letters on Laerskool Bekker's letterhead etc. This will be viewed as fraud/forgery.

12.24.2 Parents will be notified via electronic means by Laerskool Bekker that an important document letter has been issued to the learner for his/her attention.

12.24.3 No learner may forge the signature of parents, guardians, educator, school officials, any medical doctor or any other person and/or alter any official document or commit any other fraudulent acts.

## 12.18 **School Learner Academic Reports**

12.18.1 Each learner will be issued with an academic report after each term. Parents will be informed via SMS or other electronic communication regarding the issue of reports.

## 12.20 **Expected Behaviour of Learners**

**12.20.1 Learners are expected at all times to behave in a courteous, respectful and considerate manner towards each other, RCL members, all members of staff and visitors to Laerskool Bekker.**

**12.20.2 Learners are required to communicate in the languages of learning and teaching in the classroom or when addressing any staff member. They may use another language provided it does not affect the dignity of any person and is not any type of profanity or any other offensive, immoral or indecent phrases which may be any form of bullying, intimidation, hate speech, any form of harassment, racism or xenophobic or discriminatory.**

**12.20.3 All learners will have the responsibility of showing respect for the authority and knowledge of school staff.**

**12.20.4 Learners must obey lawful instructions and directions and use only acceptable and courteous language and to avoid any actions that show or exhibit contempt, insolence and talking back. Assaults or any threat of assault on school staff will not be tolerated under any circumstances. Bullying, harassment, threats, intimidation and/or cyber bullying towards school staff are equally prohibited.**

**12.20.5 Learners are expected to abide by the Code, school rules and related policies with regard to their dress and appearance and behaviour when representing**

**Laerskool Bekker 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 Laerskool Bekker.**

- 12.20.6 Any learner refusing to open a book, write an assignment, work with another learner, work in a group, take a test, or do any other class or school-related activity not listed herein, refusing to leave any place on Laerskool Bekker premises or any school activity or any other location when instructed by any school staff member, or running away from school staff when told to stop constitutes unruly conduct and a violation of this code.**
- 12.20.7 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. Class pranks have become a serious problem and will not be tolerated. Such pranks cause disruptions of the educational process and reflect a negative image on the class and Laerskool Bekker in general.**
- 12.20.8 Only those learners with an official pass/written authorisation/pass to a specified location are permitted outside the classroom during educational time during Laerskool Bekker day. A written official pass includes the date, time, destination, and the signature of an educator/member of the SMT. While en-route, any educator may request the learner's pass/diary and name and class. Learners will be held accountable to the reason stated on the pass.**
- 12.20.9 Laerskool Bekker will contact parents/guardians when a learner's behaviour becomes a cause of concern and will endeavour, in a spirit of constructive partnership, to resolve the problem.**
- 12.20.10 The throwing of objects at any person by any learner on Laerskool Bekker premises in class/during any lesson or during any school activity is prohibited.**
- 12.20.11 Learners may not enter school premises before or after school hours, or use any of Laerskool Bekker's facilities and equipment, including those for sport or any other school activity, before or after school hours without permission.**
- 12.20.12 Learners are both encouraged and expected to display behaviour in accordance with Laerskool Bekker values i.e. respect, integrity, service and excellence.**
- 12.20.13 Appropriate action will be taken in the case of conduct that discredits Laerskool Bekker in any way in the eyes of the community and the greater community. Learners may not say or do anything that will discredit themselves or Laerskool Bekker.**
- 12.20.14 Failure to follow directives or lawful instructions and commands is a violation of the code.**
- 12.20.15 Every learner of Laerskool Bekker has the right to a reasonably quiet environment in which to study and write tests and exams and to receive and participate in educational activities in class and on Laerskool Bekker premises. Laerskool Bekker expects all learners to respect this right and to be aware of the**

**impact of their activities on other learners when moving around Laerskool Bekker during any time. Laerskool Bekker has several areas designated as quiet zones which includes the office admin block and other areas which will be indicated with the appropriate signs. Learners will not bring to school any Wi-Fi or Blue tooth loud speakers and equipment and will not play loud music through these devices or even through cell phones. This is also applicable to the use all cell phones, smart phones and other digital devices.**

- 12.20.16 Learners may not disrupt education, instruction or other school activities or operations in any way.**
- 12.20.17 Learners will arrive on time for all school activities and instruction,**
- 12.20.18 Learners will not make false statements or false accusations about any other person or about their identity or any other school matter or their work.**
- 12.20.19 Learners may not solicit or attempt to solicit any another learner to violate the Code, School policies and rules, or the law.**
- 12.20.20 It is expected that all learners in Laerskool Bekker will attend the classes to which they are assigned and write tests in the rooms as per their rosters and not interfere or enter or be in a class in which they should not be.**
- 12.20.21 A learner shall not refuse to show or wear an identification card and/or give his/her correct name when requested to do so by authorised school personnel. A learner shall not use another person's identification or give false identification to any school personnel to falsely obtain information, money, any property or a cell phone/smart phone and/or any other confiscated object.**
- 12.20.22 Disrespect towards the national symbols (national flag, anthem, etc.) of the Republic of South Africa as well as Laerskool Bekker flag and anthem will not be tolerated.**
- 12.20.23 Learners must not disregard/undermine the authority of the Principal or staff of Laerskool Bekker.**
- 12.20.24 Learners may not and will not harass others or misbehave in any manner that causes disruption or obstruction to any educational or instructional process. Disruption caused by talking, making noises or any other sound, gestures, body movements, clapping, knocking, clicking fingers and/or tongues, throwing any object anywhere on Laerskool Bekker premises or otherwise distracting behaviour of any manner or kind constitutes disorderly conduct and disruption of classes/activities and frustration of teaching and learning. Behaviour is considered disorderly conduct if an educator, member of staff, coach, therapist and instructor is prevented for starting teaching a lesson or activity or it takes place during a lesson or activity, or has to stop instruction/supervision to deal and address the disruption or the learner or learners who caused the disruption.**
- 12.20.25 Learners may not post or distribute literature or materials without written School authorisation on social media and may not place any notice or drawing or any**

**other form of document anywhere on Laerskool Bekker premises without permission of the principal/deputy principal.**

**12.20.26 No pets, insects, reptiles or any arichnidae are to be brought to school without the permission of the Principal or her delegate. Cruelty to animals are not allowed and will not be tolerated.**

**12.20.27 No learner may use the address of Laerskool Bekker premises to receive deliveries of any kind from any courier, delivery company or any other delivery service. The security guard and staff have been instructed to accept no parcel or other food stuff or any other object from any delivery service on behalf or for any learner and to send the delivery person away.**

**12.20.28 No form of Satanism/occult or the practice or promotion there-of or the wearing of any symbols associated with it or graffiti or any post on social media or any notices are allowed.**

**12.20 Behaviour during Assembly and Announcements during Laerskool Bekker Day/ School Activities**

12.22.1 When school is in session, announcements related to school concerns will be made at designated times on Laerskool Bekker intercom address system or during assembly or at other times during any school activities. During announcements, learners will be quiet and attentive during all announcements and assemblies and adhere to instructions that may be given where applicable.

12.22.2 No learner may pass any comment on what transpires in assembly, whistle, jeer or laugh in a manner designed to attract attention to himself during the assembly or any announcements or prayer. Learners are to follow instructions and show respect at all times. Interfering with other learners or making noise or causing disruptions during announcements/assembly will be an offence and will be viewed as disruption of the educational process of Laerskool Bekker and counts as a transgression of the Code.

12.22.3 The use of cell phones and electronic music players and any other digital/electronic device (hearing aids excluded) is prohibited during announcements/assembly and no learner may play games, access any app, social media platform, internet or are allowed to even use earphones, IPods or any other form of blue tooth or Wi-Fi enabled apps or equipment during the time of assemblies or announcements. This is a transgression of Laerskool Bekker's social media policy and the cell phone and related paraphernalia and will be confiscated by the educator in charge and locked away as per the search and seizure policy of Laerskool Bekker and may only be returned after a period as decide upon by the principal and after the payment of R100 storage fee.

**12.23 Searches Involving Outside Legal Agencies, Dogs, and/or Detection Devices**

12.23.1 Searches and seizures which involve outside (non-school) personnel, dogs, and/or detection devices are permitted and will be conducted when appropriate.

**12.24 Obligatory Learner Identification**

12.22.1 All learners must identify themselves upon request of school staff or any security guard. To refuse to do so or supplying a false name is a transgression of the CoC and school rules, including classroom rules. Supplying a false name or another learner's name as your own, is fraud.

## **12.25 Learner Insubordination and Gross Insubordination**

**12.25.1** A learner will not ignore or refuse to comply with lawful directions or instructions given by any educator or Laerskool Bekker authority.

**12.25.2** Any wilful and unjust refusal to submit to or comply with authority and or exhibiting open contempt or open resistance to a legal direct order from any educator or member of the SMT, including (but not restricted there-to):

- a. any form of refusal (verbal and physically) to stop disruption of any education and/or frustrates teaching or learning during any class or school activity;
- b. refusing to open a book, write an assignment, PAT, work with another learner, work in a group, take a test or perform other any other class or school- related activity;
- c. refusing to/not attending any detention class and/or community service or any other intervention, obligation or an internal or external disciplinary hearing without just cause
- d. refusing to leave a hall way, entrance to a door or any other school area or any other place, or running away from school staff when told to stop and other offences as directed by the principal all constitute insubordination; or jumping the fence of Laerskool Bekker, climbing through a window and/or leaving a class/assembly without permission or trespassing and/or being in a class room prohibited location on Laerskool Bekker premises or during any school activity or climbing over Laerskool Bekker fence.

## **12.24 Legal Excused Absences for Non-attendance of School or Legal Reasons for Late Coming of a Learner**

12.30.2 Illness or injury of the learner. (Documentary proof must be provided if absent).

12.30.3 Illness or injury of the learner's immediate family necessitating the learner's absence – immediate family includes, but is not limited to parent, brother, sister, grandparent, aunt, uncle, legal guardian or person in loco parentis, or member of the household. (Documentary proof must be provided).

12.30.4 Death of a member of the learner's immediate family. (Documentary proof in the form of a letter from the parent must be provided if absent afterward or before leave of absence is granted).

12.30.5 Urgent doctor or dental appointments which cannot be scheduled outside of school hours (School to be informed by the parent before the appointment or as early as possible in Laerskool Bekker day and documentary evidence to be provided for such appointment).

12.30.6 Pre-arranged absences of educational value/representing the province country at a sporting/cultural event and with the principal's prior approval - The request for pre-arranged absence must be at least five days in advance to be excused unless there are extenuating circumstances.

- 12.30.7 Pre-arranged absences can be for no more than five days and only one pre-arranged absence will be granted per school year.
- 12.30.8 Recognised religious holidays with the prior approval of the principal/SGB.
- 12.30.9 Judicial actions – subpoena/summons to appear in court or warrant of arrest issued (documentary proof to be provided).
- 12.30.10 Hospitalisation for psychological evaluation/rehabilitation programmes. (Documentary proof to be provided).
- 12.30.11 **All other absences or late coming are considered unexcused and will be dealt with in terms of the Code and school rules by Laerskool Bekker.** Learners with unexcused absences are responsible for making arrangements with the educator to make up all work and assignments within five school days after their return to school. Arrangements to make up work are to be made with the educators and are the responsibility of the learner/parents of the learner in case of foundation phase learners.

### **12.31 Participation in Laerskool Bekker Programme/Activities by a Learner**

- 12.31.1 A learner shall participate in the educational curriculum as prescribed by the Gauteng Education Department, unless exemption has been granted.
- 12.31.2 School activities provide additional opportunities for learners to pursue special interests that contribute to their physical, mental and emotional well-being. They are of secondary importance in relationship to the formal instructional program; however, they complement the educational instructional programme in providing learners with additional opportunities for growth and development.
- 12.31.3 All rules and prescripts of the Code pertaining to learner conduct and learner discipline extend and is applicable to all school activities.
- 12.31.4 When a learner has joined a co-curricular school activity, he/she shall fulfil his/her obligations and carry out his/her responsibilities in that connection, unless he/she is granted exemption by the principal/educator in charge of the activity for the duration of the season. As a learner of Laerskool Bekker participating in a sport/extra-curricular activity offered by Laerskool Bekker, the learner's first loyalty is always towards his/her school.
- 12.31.5 Participation any school activity is a privilege and not a right and any learner who transgresses the Code, school rules or any other related policy may be barred from participation in any activity and any award or colours received can be forfeited or any leadership position in Laerskool Bekker be revoked.
- 12.31.6 Laerskool Bekker expects all learner participants and any learner spectators at school sponsored activities, to behave in an appropriate manner at those activities.
- 12.31.7 Learners may be subject to discipline and sanctions for engaging in misbehaviour or inappropriate, illegal or unsportsmanlike behaviour at these activities or events.

12.32 **“In Loco Parentis” Responsibilities of Educators and Other School Staff**

12.32.1 “In loco parentis” responsibilities to all learners diminishes immediately upon exit of Laerskool Bekker premises, unless in the care of an officially appointed person on behalf of Laerskool Bekker. (Sports/cultural and other official School Representative events – unless a waiver/disclaim thereof is signed).

12.32.2 No learner may be on Laerskool Bekker property unless he/she is involved in an official school activity or must report to a detention class, study class or the aftercare school centre. Laerskool Bekker will only accept responsibility for any learner who is not involved in any activity for one hour after Laerskool Bekker has been dismissed for the day.

12.33 **Behaviour of Learners Outside of Laerskool Bekker Premises**

12.33.1 No learner of this school shall bring discredit to Laerskool Bekker by any unseemly behaviour in any public place or at any other school.

12.33.2 No learner of this school shall bring discredit to Laerskool Bekker by any unseemly behaviour during in school activity of Laerskool Bekker premises in terms of the Code and school rules, whether in or out of school uniform.

12.33.3 Learners waiting for transport before or after school shall do so in an orderly manner.

12.33.4 Learners using buses/transport shall behave in accordance with the instructions of the driver, or the person officially in charge of the vehicle.

12.33.5 Learners are to observe the rules of the road when waiting outside Laerskool Bekker.

12.34 **Gang Activity or Association**

12.34.1 For the purpose of these policies, a gang is a group of three or more people who:

- interact together to the exclusion of others;
- claims a “turf”, territory or area;
- have a name;
- have rivals/enemies; and
- exhibit antisocial behaviour often associated with crime or a threat to the community.

12.34.2 The type of dress, apparel, activities, acts, behaviour or manner, or grooming displayed, reflected or participated in by the learner shall not:

- lead school officials to believe that such behaviour, apparel, activities, acts or other attributes are gang related or would disrupt or interfere with Laerskool Bekker environment or activity and/or educational objectives;
- present a physical safety hazard to self, learners, staff members, or other employees;
- create an atmosphere in which the well-being of a learner, staff member, or other person is hindered by undue pressure, behaviour, intimidation, overt gesture or threat of violence; or

- d. imply gang membership or affiliation by written communication, marks, drawing, paint, design, or emblem upon any school or personal property or on one's person.

12.34.3 Additionally, inappropriate hand gestures of any type are not acceptable. If a learner's dress or behaviour is in violation of the Code of Conduct or any related policy or school rule, the principal or his/her designee may instruct the learner to make the appropriate correction. If the learner refuses, the parent/guardian will be notified and asked to make the necessary correction. The principal or designee will make the final decision and take appropriate corrective or disciplinary action.

### **12.35 School-Sponsored Learner Publications and Activities**

12.35.1 Laerskool Bekker may exercise editorial control over the style and content of learner expression in school-sponsored publications and activities.

12.35.2 Expressions and representations made by learners in school-sponsored publications and activities are not expressions of Laerskool Bekker and or SGB.

12.35.3 An appointed educator shall supervise learner writers to ensure compliance with the law and school policies.

12.35.4 Learners who believe their right to free expression has been unreasonably restricted in an official learner publication or activity may seek review of the decision by the principal whose decision will be final.

12.35.5 No one shall induce or coerce any learner or staff member to accept a learner publication.

12.35.6 Official learner school publications and activities shall be subject to the guidelines set forth below.

12.35.7 Expression in an official school publication or school-sponsored activity is prohibited when the material/content:

- a. Is deemed to be prejudicial to any person or obscene.
- b. Is libellous or slanderous or insults the dignity of another or Laerskool Bekker.
- c. Advertises or promotes any product or service not permitted for minors/any learner by law or is in contravention of the code, school rules or any related policy.
- d. Encourages learners to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
- e. Expresses or advocates sexual, racial, or religious harassment or violence or prejudice.

12.35.8 Expression in an official school publication or school-sponsored activity is subject to editorial control by Laerskool Bekker over the style and content so long as Laerskool Bekker's actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, the following:

- a. Assuring that participants learn whatever lessons the activity is designed to teach.
- b. Assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity.



- c. Assuring that the views of the individual speaker are not erroneously attributed to Laerskool Bekker.
- d. Assuring that Laerskool Bekker is not associated with any position other than neutrality on matters of political controversy.
- e. Assuring that Laerskool Bekker is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

**12.36 School Uniforms, Wear and General Appearance of a Learner**

- 12.36.1 Learners' general appearance directly influences the way in which a school is perceived in terms of the norms and standards advocated and upheld by that institution. It creates an undeniable sense of entity within Laerskool Bekker context and contributes positively towards issues such as discipline, orderliness and goal-orientated academic and sport and cultural achievement.
- 12.36.2 The policy of Laerskool Bekker is to encourage learners to be dressed appropriately in terms of Laerskool Bekker's dress and appearance code and in keeping with its standards. Learners are expected to wear the official school uniform and appear neat and tidy at all times.
- 12.36.3 Laerskool Bekker uniform is intended to give each learner of Laerskool Bekker an identification with Laerskool Bekker and is important to Laerskool Bekker tone.
- 12.36.4 The wearing of the uniform is a mark of loyalty to all Laerskool Bekker stands for. Learners are required to wear Laerskool Bekker uniform on all school occasions unless special instructions have been given by the principal or they have to wear dress for a school activity. This is a joint responsibility of the learner and the learner's parent(s) or guardian(s).
- 12.36.5 Learners shall at all times during school hours, or while involved in school activities, be dressed in the complete appropriate school uniform. No learner may wear a combination of uniform items and non-uniform items.
- 12.36.6 Parents have the responsibility to ensure their children leave home each school day correctly attired and that their grooming is of an acceptable standard. In all matters pertaining to the learners' appearance it must be borne in mind that learners' appearance must be suitable to Laerskool Bekker environment/activity, which is not necessarily the same as a social or work environment. Learners may not change from school uniform into other clothes (besides sports clothes) before leaving Laerskool Bekker premises, without permission from the Principal or his/her designate.
- 12.36.7 No learner may wear any regalia/school colours he/she has not earned.
- 12.36.8 All learners are expected to wear the uniform with pride. Uniforms should be kept neat and tidy, clean and in good condition at all times. Learners are not permitted to write on uniforms or get their uniform wet in any type of water fight.
- 12.36.9 Girls' skirts should be knee length neat and clean.

- 12.36.10 Learners should be neatly and correctly dressed in their school uniforms daily, unless otherwise determined by the Principal.
- 12.36.11 Learners' hair - Hair is a part of Laerskool Bekker uniform and appearance rules and must be clean, well-groomed and neat at all times.
- Girl's hair must have a neat appearance. If long, the hair must be neatly tied with the approved accessories. No hair extensions allowed.
  - No wigs are allowed unless for medical purposes.
  - Boy's hair must be short and evenly cut without any designs on the side or on the crown of the head.
  - No frayed ends are allowed for boys and girls.
  - Highlights and coloured hair are not allowed.
  - No hair gel allowed.
  - No combs in hair are allowed.
- 12.36.12 Jewellery
- All learners are allowed to wear a wristwatch.
  - Necklaces and bangles are prohibited for boys and girls. Only one set of small studs or sleeper earrings may be worn only by girls.
  - The above notwithstanding, no liability whatsoever can be accepted for the loss of, or damage to any confiscated jewellery or article regardless of the cause of such loss or damage by Laerskool Bekker under any circumstances.
- 12.36.13 Learners' nails
- Nails of both boys and girls must be clean, cut short and well cared for.
  - Polished nails are not allowed.
  - Fake nails of any kind are not allowed.
  - Nail polish and make-up are not appropriate for school.
- 12.36.14 No Make-Up - no form of eye or facial make-up (base or eyeliner, eye pencil) is permitted, unless for medical reasons in which case a Doctor's note has to be provided. No lip gloss or lipstick are to be worn.
- 12.36.15 Learners may not wear or display, any objectionable emblems, badges, symbols, signs, words, patches, objects or pictures on clothing or jewellery communicating a message that is racist, sexist, or otherwise derogatory to any group, evidences gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined.
- 12.36.16 When, in the judgment of the principal or his/her designate, a learner's appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities, or is not allowed in terms of the Code, or poses a threat to the health or safety of the learner or others, the learner will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.
- 12.36.17 All boys must be clean shaven. No **facial hair is allowed** (e.g. beards, moustaches, and goatees). Sideburns may not be longer than the bottom of the ears and not extend to the face or onto the cheeks.
- 12.36.18 Commercial sun glasses/shades/dark glasses will not be worn on top of the head, on Laerskool Bekker premises or in Laerskool Bekker building or anywhere else on Laerskool Bekker premises or during any school activity, unless prescribed by a

physician or another person who is professionally qualified to make such recommendations.

- 12.36.19 No coloured contact lenses are allowed to be worn if contact lenses are worn they must be clear. It must be stated on the learner's medical questionnaire if he /she wears contact lenses in case of any medical emergency.
- 12.36.20 Shirts must be tucked in. Only prescribed trousers are allowed. Belts must be tucked into the belt loops; belts may not hang.
- 12.36.21 Trousers should fit in a manner that they do not touch the floor, **or sag and reveal underwear** at any time. Shoes cannot be completely covered by pants and must be visible at all times.
- 12.36.22 No facial piercings of any kind are allowed at school, during any school activity or school function on or off Laerskool Bekker premises in or outside of school hours during such activities. Only one earring per earlobe may be worn. Earrings may not contain cut or coloured glass, cubic zirconia or any other gemstone. Any other piercings on the body must be covered at all times. No tongue rings are allowed. "Spacers" will not be allowed for facial piercings since the piercing is an obvious violation of school policy. Facial earrings (eyebrow, lip, nose, etc.) may not be worn by learners at school or at school activities
- 12.36.23 Laerskool Bekker dress and grooming policy will, after permission has been obtained in writing from the SGB, accommodate learners whose religious beliefs are substantially burdened by the rules
- 12.36.24 The Principal/deputy principal or any designated educator will be the final judge about whether a learner's clothing is appropriate for school or whether it will create any circumstances or incidents that is distracting to learning or the ethos of Laerskool Bekker.
- 12.36.25 **The Principal and staff members will enforce the dress code and will have the final word on uniform.** Failure to comply with the dress code will be handled similarly to other disciplinary infractions. Non-compliance may result in consequences including but not limited to detention, in-school suspension and loss of eligibility to participate or be barred from participation in extra-curricular school activities.
- 12.31 **Dealing with Uniform/Appearance Offenders of a Learner by Laerskool Bekker Authorities**
- 12.31.1 There will be no system of warnings. Jewellery will be confiscated immediately and sent to the Grade Educator who will have it stored in Laerskool Bekker safe. It will be returned after payment of R25 storage fees.
- 12.31.2 Incorrect items of clothing or clothing worn incorrectly will be confiscated. It will be returned after payment of R25 storage fees. Laerskool Bekker or a member of staff will not be held responsible if an item is lost or stolen.
- 12.31.3 Makeup will be removed when inappropriately worn during a school day/activity/function and hair fixed.

12.31.4 Learners with unacceptable hairstyles will be dealt with in a similar manner as stated above. If hair is however cut / shaven in an incorrect manner the parents will be phoned in order to fetch the learner and have his / her hair fixed before they return.

12.31.5 Boys who come to school with stubble beard will be requested to shave using a disposable razor which they will purchase from the front office for R20 and report to the Grade Manager for final inspection before being allowed back in class.

### **12.32 School Bags of Learners**

**12.32.1 All school bags must be made of a material strong enough to protect all schoolbooks. Bags should not attract attention by their design or colour. They should be neat, presentable and in line with the ethos of Laerskool Bekker. No graffiti of any sort is permitted on school bags.**

### **12.33 General Appearance and Grooming of Learners Wearing of Civilian Clothes on “Civvies Days”**

12.33.1 Learners shall not dress, groom, wear or use emblems, insignias, badges, or other symbols where the effect thereof is to distract unreasonably the attention of other learners or otherwise to cause disruption or interference with the operation of Laerskool Bekker. Apparel/dress that disrupts educational activities and processes of Laerskool Bekker will result in the removal of the learner from the regular school environment until acceptable apparel can be secured for the learner.

12.33.2 Clothing containing any objectionable logos and/or depicting any obscene, profane, lewd, or vulgar statements, clothing that promotes drugs or any illicit use of any substance in any form, clothing discourteous of school officials or authority, clothing that is disrespectful or distortive of religion is not allowed.

12.33.3 The Principal or other duly authorised educator shall determine whether any particular mode of dress, apparel, grooming, or use of emblems, insignias, badges, or other symbols result in such interference or disruption, as to violate this rule. Learners shall at all times ensure that their dress and appearance adhere to the rules with regard to body cleanliness, hygiene, modesty, and neatness of appearance and good grooming. Revealing clothing, which in any way exposes any undergarments, the torso, a naked back, front of body or cleavage of any kind, are not appropriate. Correctly sized clothing must be worn.

12.33.4 Hair colour and/or styles, any make up, body piercing, or style of dress that may cause a disruption to the learning environment or school programme will not be allowed.

12.33.5 Coats and jackets shall be the appropriate size for the wearer, shall not be overly baggy so as to distract or otherwise cause disruption or interference with the operation or safe conduct of Laerskool Bekker.

12.33.6 Shirts or Blouses - Unacceptable attire includes clothing that exposes the torso such as see through garments, halters, spaghetti straps, backless dresses, tube tops, tank

tops, or muscle shirts, bare midriff outfits, or shirts or blouses that are tied at, or may rise above the waist. All shirts and blouses must cover midriff, back, sides, and all undergarments including bra straps at all times. All shirts, tops, and dresses shall have sleeves and cover the shoulders.

- 12.33.7 Skirts, shorts, and pants of all kinds must be fitted at the waist and must be at a length at least equal to the longest part of the fingertip when hanging down by the side of the learner, which should be at least the mid-thigh area. The SGB deems miniskirts and short-shorts to be disruptive and they are not allowed. This includes skirts and dresses and includes any opening, such as a slit, that exposes the thigh above the fingertip/mid-thigh area previously described herein. Where appropriate belts must be worn.
- 12.33.8 All pants, trousers, slacks, including jeans, must be without cut-outs or holes that expose the skin above the fingertip/mid-thigh area previously described herein. They must be fitted at the waist and must not be baggy or oversized or undersized and not sagging. Pants must not drag on the floor. All trousers, pants, or shorts must totally cover undergarments, including boxer shorts. Where appropriate belts must be worn.
- 12.33.9 Leggings are considered an accessory and are to be covered by the appropriate length skirt, dress or other garment. Unacceptable shorts include, but are not limited to, spandex-style "bicycle" shorts, short-shorts, running shorts, and boxer-type shorts or any see-through garment.
- 12.33.10 See through or mesh fabric clothing may only be worn over clothing meeting requirements. Clothing must be appropriate size, with the waist of the garment worn at the learner's waist. Clothing not properly buttoned, zipped, fastened, or with inappropriate holes or tears shall not be worn.
- 12.33.11 Clothing and footwear traditionally designed as undergarments or sleepwear shall not be worn as outer garments.
- 12.33.12 Shoes/footwear- Shoelaces should be tied. No house slippers, or altered shoes, such as shoes with wheels, are allowed. At all times learner safety should be considered in shoe selection. Footwear that is deemed a safety hazard will not be allowed. No hang ten sandals or flip flops allowed.
- 12.33.13 Belts, if worn, must be secured at the waist and buckled. All straps must be fastened, and sashes must be tied. Excessively large belt buckles are prohibited.
- 12.33.14 No hats, balaclavas, scarves, sweatbands, bandannas, beanies, caps or other head covers may be worn in the building except for a medical or religious purposes as approved by the SGB.
- 12.33.15 Sunshades and/or any dark glasses/sun glasses will not be worn inside Laerskool Bekker building unless prescribed by a physician or another person who is professionally qualified to make such recommendations.

- 12.33.16 Learners shall not wear clothing (shirts, caps, etc.) that will in any way promote or advertise the use of narcotics, alcoholic beverages, tobacco or stimulant drugs which are illegal for any such learner to use.
- 12.33.17 Suggestive, vulgar, or obscene pictures, showing any inappropriate or indecent obscene gesture or picture and/or language on any clothing are forbidden.
- 12.33.18 Any symbol or article of clothing that is gang related or can be surmised is gang related, is prohibited and will be confiscated and destroyed by Laerskool Bekker.

**12.34 School Attendance and Truancy by any Learner**

- a) All learners are expected to attend school regularly and punctually every school day.
- a. Access to Laerskool Bekker is through the gates only, and then only when Laerskool Bekker is open. No learner may climb over or through any fence or over a gate!
- b) Learners may not stand/sit/loiter around school gates during school hours.
- c) All learners are required to assemble in designated areas by 07.20 each school day.
- d) Should a learner be absent from school, his/her parent is required to notify Laerskool Bekker in writing and the reason for the absence.
- e) Learner truancy/absence/slip from class and/or bunking will not be tolerated. A learner is truant if no valid explanation is provided for absences or the learner is absent for reasons other than those recognised as excusable.
- a. No learner may in the course of a lesson be outside the classroom without permission of the educator. Any learner leaving a class/school activity without a valid reason or permission from the educator in charge of is guilty of a misdemeanour. No learner may leave Laerskool Bekker premises of Laerskool Bekker without being dismissed or being given permission to do so.

**12.35 Food Sales and Sale/Bartering of Any Goods by Any Learner**

- a) **In keeping with Laerskool Bekker's fundraising policy, no food, drinks, candy, sweets, cakes, cool drinks or any other form of liquid etc., may be sold/bartered during school hours by any learner without the written permission of the principal.**
- b) **No learner may therefor sell, distribute, or take orders for any items (even any item deemed to be contraband or other illegal products/substances) for the purpose of raising money for personal gain or for non-school related activities at school or during school hours.**
- c) **Soliciting, selling, or collecting money from school personnel by learners without the permission of the principal is forbidden.**
- d) **Soliciting, selling, or collecting money from other learners without permission from the principal by learners is forbidden.**

- e) **Learners, may also not to go from door to door throughout the community selling items to raise money for school projects without the permission of the SGB.**
- f) **All sales must be school sponsored: no sales for outside agents, personal gain, parents or anybody else are allowed.**
- g) **There shall be no advertising/marketing of any goods/services etc. by any learner in any manner, on any social media platform or otherwise at Laerskool Bekker, sale, distribution and/or storage of any goods not approved by the principal, of any nature within Laerskool Bekker premises.**
- h) **All fundraising ventures shall be authorised by the SGB, Laerskool Bekker Principal or his/her delegate.**
- i) **These rules serves to protect the rights, wellbeing and best interest (health, safety and security) of learners, educators and all persons of Laerskool Bekker, within Laerskool Bekker environment and/or on Laerskool Bekker premises.**

### **12.36 Dismissal of Classes and School Activities**

- a) The bell schedule for school periods and activities will be strictly adhered to regarding the dismissal of classes.
- b) Classes will not to be dismissed before the sound of the bell ending each particular class period. In the event of a bell malfunction, learners should wait for verbal dismissal.
- c) Any learner leaving a class without permission during any class/activity, will be in breach of the code of conduct and it will be viewed as truancy.
- d) During breaks all learners must leave their classrooms and move either to the tuck shop or to their designated relaxation areas. Should a change in weather conditions necessitate that learners be inside, they should proceed to their designated areas.

### **12.37 Health and Safety: General Duties of Learners**

Every learner shall:

- a) Take reasonable care of the health and safety of themselves and of other persons who may be affected by their acts or omissions;
- b) Not obstruct any staff member in the carrying out of their duties;
- c) Not obstruct any doorway or entrance to prevent any learner from entering or passing unless instructed by an educator to do so.
- d) Carry out any lawful order given to them, and obey the health and safety rules and procedures laid down by the Principal or by anyone authorised thereto by the Principal, in the interest of health or safety;
- e) If any situation which is unsafe or unhealthy comes to their attention, as soon as possible report such situation to the Principal or to a member of staff, as the case may be, who shall report it within twenty-four hours;
- f) If the learner is involved in any incident which may affect their health or which has caused an injury to themselves or any other learner, report such incident to the Principal or to a member of staff as soon as possible, but not later than the end of the particular school day during which the incident occurred, unless the circumstances were such that the reporting of the incident was not possible, in which case the incident shall be reported within twenty-four hours or if it happens on a Friday the Monday (provided that it is a school day) first thing in the morning;
- g) Not intentionally or recklessly interfere with or misuse anything that is provided in the interest of health or safety e.g. fire extinguishers;
- h) All learners need to be aware of all uneven surfaces, drain coverings and wet floors;

- i) If learners encounter a stranger on Laerskool Bekker premises during Laerskool Bekker hours, they must notify reception/staff member immediately.
- j) Being in possession of or discharging any type of fireworks on Laerskool Bekker premises is prohibited

### **12.38 Out of Bounds Areas for any Learner on Laerskool Bekker Premises**

- a) Different areas may be considered out of bounds in different by Laerskool Bekker. Learners will be notified of these where they are applicable.
- b) These areas are out of bounds to all School Learners:
  - i. all access points to Laerskool Bekker and exits from Laerskool Bekker that are not designated as official entrances or exits;
  - ii. all areas outside Laerskool Bekker property during the course of Laerskool Bekker day, unless permission has been received to leave Laerskool Bekker premises;
  - iii. all building sites or areas where renovations are taking place, unless permission has been received from an educator;
  - iv. Admin office during school time unless permission has been received from an educator or during break time or before or directly after school;
  - v. staff room and offices, unless with the permission of a member of staff;
  - vi. the turf cricket pitches and the cricket nets, unless permission has been received from an educator,
  - vii. all jungle gyms, unless under adult supervision;
  - viii. all classrooms, halls, the pavilion and music practice rooms, unless a member of staff is present;
  - ix. the tuck shop during tuition periods unless permission has been received;
  - x. the swimming pool area without adult supervision;
  - xi. all change rooms, unless for the express purpose of changing for a sports activity; and
  - xii. all toilets and change rooms designated for adult use.
  - xiii. all electrical mains distribution boxes, fire extinguishers and hoses.
  - xiv. no learner is allowed in the vault.
- c) Learners may not loiter at Laerskool Bekker entrances, passages/corridors in driveways or along pathways. Learners shall not flock together in the corridors.
- d) Staff quarters, School workshops, storage areas, garages and other premises used by staff are out of bounds to any learner.
- e) Learners may not enter the swimming pool enclosure unless during swimming lessons or under the supervision of an educator/coach.

### **12.39 Use of Toilets / Cloakrooms by a Learner**

- a) **Unhygienic personal habits and improper use of school facilities and ablutions by learners are not allowed. Toilets/cloakrooms must be kept neat and clean. Toilets must be flushed after use.**
- b) Nothing may be carried into the cloakroom, especially food/drink or other contraband.
- c) No playing around is allowed in the cloakrooms.
- d) Learners may not congregate inside or outside the cloakrooms.
- e) Only one learner at a time from the same class may visit the cloakroom during class time and then only with the permission of the educator.
- f) Smoking and the use and of any illicit substances are prohibited in the cloakrooms.
- g) Only one learner at a time in a cubicle.
- h) No loitering allowed in the cloakrooms.



- i) Learners may not hide in the cloakrooms or play truant.
- j) Tampering with equipment or property of others are not allowed.
- k) No indecent, untoward or immoral behaviour, sexual harassment or sexually explicit behaviour by any learner or group of learners are allowed in the cloakrooms.
- l) No intimidating of others or other forms of invasive behaviour are allowed.

#### **12.40 Attendance of Learner Social Events**

- a) Social events are created for the learners of Laerskool Bekker only. Therefore, all social occasions, e.g. discos, are attended only by Laerskool Bekker's learners.
- b) Dress is casual, but neat and decent in terms of the Code. All school rules still apply, also in terms of appearance.
- c) No misconduct of any kind will be tolerated.
- d) No alcohol or use of any other illicit substances as described in the Code will be allowed.
- e) No smoking will be allowed of any tobacco or any other illicit substances.
- f) Learners may only consume foodstuffs/cold drinks sold or provided and may not bring any foodstuffs or any other liquids on to the property.
- g) Learners may not move around in Laerskool Bekker building during a disco/social event.
- h) The venue may not be dirtied and everyone is responsible for cleaning up after functions.
- i) Each social event held will determine whether there will be another one.

#### **12.41 Telephone Calls By and on Behalf of Learners to Parents or Other Persons**

- a) Learners may not phone or communicate with parents or any other persons during school hours whatsoever with their cell phones or any other electronic device. In urgent cases, the receptionist/educator/deputy principal may be asked to contact the parent. Depending on the circumstances the learner/parent must pay for the call.
- b) Messages for learners will only be conveyed to them when it is appropriate and no learner will be called from class to answer any telephone call.

#### **12.42 Behaviour of Learners in Public Places/Spaces**

- a) Laerskool Bekker is a place of safety where laws pertaining to public spaces are also applicable.
- b) No dangerous objects/weapons or illegal drugs as defined in the SA Schools Act or the Safety Regulations or in the Code will be brought onto and/or used on Laerskool Bekker property unless authorised by the Principal for educational purposes. Dangerous objects are any item that could harm or cause harm to a person in any way.
- c) The carrying and/or smoking of cigarettes and any lighters, lighter fluid, matches and other incendiary devices is prohibited.
- d) Alcohol use and the possession there-of is not permitted during any activity.
- e) The procurement, buying, dealing, provision and carrying of and/or consumption/ use of illegal chemical substances and drugs is prohibited in any public places/spaces

#### **12.43 Learners with Chronic Repeated Disciplinary Issues**

- a) Discipline must, wherever feasible, be applied progressively. Informal action for minor transgressions is generally applied at educator level, without a formal investigation being necessary. Repeated minor offences or similar or related offences will result in progressively more severe formal action being taken, particularly where a clear behavioural pattern or trend is indicated by the learner's continued misconduct.

- b) A "chronic disciplinary problem learner" is defined by Laerskool Bekker in terms of the Code as a learner who exhibits a pattern of repeated behavioural characteristics which interfere with the learning process of himself/herself and/or learners around him or her and which are likely to recur. Any time an educator or the principal/deputy principal identifies a learner as a chronic disciplinary problem learner, the principal/deputy principal shall inform the parent or guardian of the learner's disciplinary problem. Notification should be by either e-mail, SMS, by letter with the learner with return receipt requested and/or a telephone call.
- c) Notwithstanding the principle of progressive discipline, a serious first offence may justify a formal DC hearing and severe sanction, and mitigate against the imposition of a lesser form of action.

**12.44 Positive Behavioural Interventions, Support, Rehabilitation and Counselling for Learners by the SBST/SMT of Laerskool Bekker**

- a) Positive behavioural interventions, support, rehabilitation and counselling for learners includes proactive strategies for defining, supporting, and teaching appropriate behaviour to create positive learning environment in Laerskool Bekker. Attention will be focused on sustaining a level or system of support to enhance learners' positive social behaviour.
- b) Should any behaviour continue after any intervention programme the SBST will draft a report (SNA) to the DBST which may include a SIAS report of any learner for intervention by the ISS of the GDE.
- c) Disciplinary procedures by Laerskool Bekker are not excluded as part of the intervention.
- d) Laerskool Bekker's welfare worker/therapist is part of the SBST in the implementation of any rehabilitative programme/counselling/therapy for any learner.
- e) In short, the overall said intervention/strategies are based on three tiers:
  - i. Tier 1—All Learners - Includes the general curriculum enhanced by acknowledgments of positive behaviour, and clearly stated expectations that are applied to all learners.
  - ii. Tier 2—Targeted Interventions - Focuses on targeted individual learners or groups of learners who do not respond to universal efforts and requires more support and specific intervention.
  - iii. Tier 3—Intensive Individualised Interventions - Focuses on the needs of individual learners who exhibit a pattern of problem behaviour. Intervention involves identifying the function of the misbehaviour by conducting a functional behavioural assessment by the SBST or an external qualified psychologist/therapist or psychosocial team to develop an appropriate behavioural intervention plan (which may include a SIAS assessment/ neurological assessment) that reinforces functionally equivalent replacement behaviour or placement in another suitable school.

**12.45 Unauthorised Persons on Laerskool Bekker Premises or at School Activities at the Urging of Learners or Entry to any school activity and/or function**

- a) No learner may urge, incite, bring, or encourage any unauthorised persons to visit school premises/activities. The principal and the SGB is empowered to take appropriate action against non-learners who invade the building, premises, or other school property. Such action shall include the right to request assistance from police authorities and to take further legal action against such unauthorised persons and take any disciplinary action against any learner for soliciting and inducing such persons to do so.

- b) Laerskool Bekker, and within its rights, is free to refuse entry to anyone if they are of the view that such an action is warranted. Visual assessment at entry of learners' condition and behaviour may occur, and entry can be refused based on a judgement about a learner's condition. A search does not need to take place before arriving at that decision. Continued supervision of learners may be based on the same criteria.

**12.46 Unsupervised Learners/Loitering on School Property at the end of Laerskool Bekker Day**

- a) Learners are not to remain after school unless supervised an educator or coach or attending the after school centre.
- b) A learner shall not remain or linger/loiter on school property without a legitimate purpose and/or without proper authority in any way that may cause disruption of any regular school activity or function.
- c) A learner who has been suspended is not permitted on school grounds and if he she does so, it is considered to be trespassing without the authorisation of the principal.
- d) A learner shall not enter a location that is not accessible to learners before, during or after Laerskool Bekker day.
- e) Learners are not permitted to wander Laerskool Bekker building unsupervised or without permission after the end of a school day.
- f) Learners participating in after-school tutoring or other activities should remain in their assigned classroom or at the place they should be for an activity.
- g) Unsupervised learners will be asked to leave the building/school premises.
- h) Continued loitering may result in disciplinary measures.
- i) Parents must ensure they collect learners after an activity.

**12.47 Occupation/Admission/Assembly of Any Person at School**

- a) No learner or a group of learners may under any circumstances without lawful permission from the principal or his delegate:
  - i. Occupy or attempt to occupy any school building, gymnasium, school grounds, hallway, gate, entrance to school property or any other school premises, sports field or any part of the aforementioned with intent to deprive others of its use, or where the effect thereof is to deprive others of its use.
  - ii. Block or attempt to block the entrance or exit of any school building or property or corridor or room thereof so as to deprive others access thereto.
  - iii. Prevent or attempt to prevent the convening or continued functioning of any school, class, activity, or lawful meeting or assembly on Laerskool Bekker premises/grounds.
  - iv. Prevent any learner from attending a class or school activity.
  - v. Block or attempt to block normal pedestrian or vehicular traffic to Laerskool Bekker premises, except under the direct instruction of the principal or his/her delegate.
  - vi. Take part in any industrial action or initiate any protest action or participate in any such action involving any employee of Laerskool Bekker or protests against any action by any employee.

**12.48 Electrical Installations/Laboratory Equipment at School/ICT Equipment**

- a) Learners may not tamper with plugs, switchboards or any other ICT equipment, electrical or CCTV installations. They may not open electrical boxes on Laerskool Bekker premises and operate or tamper with the switches or any electrical connections.

- b) A learner may not tamper with light switches any other electrical equipment or fans or the gas-cocks and other laboratory equipment or any products store or used in the laboratories. If this rule is violated, Laerskool Bekker will not be held responsible for damage or injury.
- c) Learners may not charge cell phones at any electrical outlet without the permission of an educator/employee of Laerskool Bekker and if permission do so at their sole and own risk.

#### 12.49 Library Rules

The following rules apply to library use:

- a) Remain quiet when in the library.
- b) Use library materials effectively.
- c) Use time wisely, completing homework, reading, or conducting research.
- d) Take good care of library books and materials.
- e) Return borrowed books and materials on schedule.
- f) Be considerate of others when using the library.
- g) Use reference materials under educator supervision and with approval.
- h) No type of food or drink (candy, gum, sunflower seeds, etc.) may be brought into the library at any time.
- i) No littering allowed. Throw scrap paper in the wastebasket and do not leave it on tables, floor, or shelves.
- j) A learner will be charged the full replacement cost of all lost or destroyed books. If the book is out of print and therefore cannot be replaced, the learner will be charged the average cost of the newest books the library has received. Fines for damaged books will be assessed according to damage.
- k) Learners should bring pencils and library materials with them to regular library class periods.
- l) Do not occupy the computers in the media centre for any unnecessary length of time as others also want to use it.

#### 12.50 The Sick-Room and Illnesses

- a) Learners who are ill are expected to stay at home to aid their recovery and to avoid infecting other learners in the classroom/school.
- b) Any learner who becomes ill during school or classroom activities, are to report to their Class educator or respective HOD's. The learner's parent/guardian will then be notified and will be expected to make the necessary arrangements for the learner to leave Laerskool Bekker premises. It is therefore vital for all parents/guardians to update contact details with Laerskool Bekker Secretary or Class Teacher. No learner is permitted to contact their parents/guardians without the permission of the relevant school authority.
- c) The sickroom is a temporary waiting area for a learner who falls seriously ill during Laerskool Bekker day. Learners are not entitled to use this room *for any* other purpose.
- d) The procedure for learners who fall sick is as follows:
  - i. Learner may only be given Sick Acceptance Slip (SAC) by the Grade Head after 9:00
  - ii. The slip must be given to Laerskool Bekker secretary who will allow the learner to lie down for **ONE** period and/ or phone parents to fetch the learner from school.

- e) Laerskool Bekker does not provide any medical service and in case of serious injury or sickness/medical emergency will call the emergency services for assistance and render first aid as far as possible.
- f) Laerskool Bekker accepts no responsibility for any learner who falls ill or needs medical attention apart from making them comfortable and ensuring that they are safe.
- g) All costs will be for the account of the parent/guardian.

#### **12.51 Fire Equipment**

Fire equipment is off limits and is considered a serious offence if it is tampered with unless it is used for the extinguishing of fires.

#### **12.52 Satanism and Witchcraft**

The practice of the above by any learner is strictly prohibited at any time on Laerskool Bekker premises or during any school activity on or off Laerskool Bekker premises or in or out of school hours. Possession or distribution of any paraphernalia, literature, electronic communication in any form or format on the topic, as well as extortion, intimidation, victimisation, assault or threats of assault and any acts of recruitment of other learners and or any other person, will not be tolerated under any circumstances and will lead to a SGB disciplinary hearing and the involvement of other external legal agencies.

#### **12.53 Practice of Traditional Medicine and Related Activities**

- a) The practice of the above by any learner at any time on Laerskool Bekker premises or during any school activity in or out of school hours on or off Laerskool Bekker premises during any school activity without the explicit written permission of the SGB is not allowed, this includes providing any substance to any learner to inhale, eat, consume, ingest, sniff or use in any way in or on any part of their bodies.
- b) Parents of any learner who wish to go undergo any training with regard to any cultural practice which do not fall in a school holiday, must apply in writing to the principal as this entails being absent from Laerskool Bekker. The principal will direct the request to the Circuit Manager for a decision.

#### **12.54 Disruption of Classes/School Activities and the Educational Process by Any Learner**

- b) **The basic rule is that no learner may disrupt school life in any manner (violence, force of any kind, noise, insolence, rudeness, being discourteous, shouting, banging on a desk, coercion, threat, intimidation, fear, passive resistance, singing, making remarks out of context etc.) and/or intentionally cause the disruption or obstruction of any action or function of Laerskool Bekker nor shall he/she engage in such conduct if such disruption or obstruction is reasonably likely to result. For purposes of the code of conduct, a disruptive learner is a learner who is substantially disruptive of the educational process or substantially interferes with the any educator's authority over the classroom. A substantial disruption of the educational process or substantial interference with an educator's authority occurs when a learner demonstrates a persistent unwillingness to comply with the educator's instructions or repeatedly violates the educator's classroom behaviour rules. Behavior is also considered disorderly/disruptive if an educator is prevented from starting an activity or lesson or has to stop instruction to address the disruption.**
- c) **A learner shall not and may not and will not actively or passively aid, abet and/or otherwise encourage or coerce another learner or group of learners to violate and/or disobey the rules contained in this Code of Conduct.**

- d) Neither shall he/she urge other learners/persons/any member of staff to engage in such conduct for the purpose of causing such disruption or obstruction if such disruption or obstruction is reasonably likely to result from his/her urging.
- e) No learner may continuously or cause to make noises, sing, utter threats, utter phrases in any language or act in any other manner so as to interfere with the educator's ability and/or disrupt his/her ability to conduct the class in a lawful manner.
- f) No Learner may cause or attempt to cause the disruption of any lawful mission, process, or function of Laerskool Bekker in any manner, by the use of violence, intimidation, force, noise, coercion, threat, harassment, fear, passive resistance, technology, cell phones, smart phones, digital devices, internet or any other conduct, or engage in any such conduct causing the disruption or obstruction of any such lawful mission, process or function or obstruct or hinder any school employee from performing his or her assigned duty.
- g) No learner may engage in any verbal or physical assault during any school activity or educational activity in or out of class.
- h) No learner may defame or impugn the dignity of another person, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- i) No learner may incite or attempt to incite or produce imminent violence or be involved in any group violence directed against another person or group of persons, because of his or her race, religion, ancestry, disability, gender or sexual orientation in any manner or use any social media platform to do so.
- j) No learner may engage in any type of threatening/assaulting behaviour which is defined as any pattern of behaviour or isolated action, whether or not it is directed at another person, or a group of persons that can be construed as group violence that a reasonable person would believe indicates potential for future harm to learners, school personnel, or school property.
- k) No learner may prevent or attempt to prevent by physical act the convening or continued functioning of Laerskool Bekker, class or any school activity or of any lawful meeting or assembly of Laerskool Bekker.
- l) No learner may be engaged in any conduct occurring outside of the normal school day or off school property that has a direct and immediate negative effect on the discipline or educational process or effectiveness of Laerskool Bekker, or impact on the performance or discipline of any learner. Such behaviour will result in disciplinary action being taken against such learner. The principal or the SGB may refer such matters to law enforcement for investigation and prosecution and in certain cases may pursue criminal complaints and/or charges when a learner's actions are of a criminal nature.
- m) No learner may intentionally and/or premeditate, cause or behave in such a way as to cause a false fire alarm, false emergency or a fire alarm and/or bomb threat.
- n) No learner or group of learners may conspire, to incite, advise, urge, encourage, inform or counsel other learners or persons to violate any of the preceding paragraphs of this rule or any other rule of this Code of Conduct using any medium and mode of communication in any manner whatsoever.
- o) Get involved or participate or attempt to influence any strike/labour issue of any employee or group of employees of Laerskool Bekker and disrupt the functioning of Laerskool Bekker.

## 12.55 School and Classroom Rules and Expected Behaviour of Learners

Apart from each educator's classroom rules, the following rules are applicable to all classes and school activities:

- a) Every educator is responsible for discipline at all times at Laerskool Bekker and at school related activities. Educators have full authority and responsibility to correct the behaviour of learners whenever such correction is necessary at Laerskool Bekker. Serious misconduct will be referred to the Principal or his/her designate/the head of discipline.
- b) Chewing gum is not allowed on Laerskool Bekker premises. A learner may not chew gum while he/she is in his/her school uniform, including when he/she is in public.
- c) No learner may engage in any acts disruptive of the educational process, conspire with other learners to disrupt the educational process, including, but not limited to, disobedience, disruptive or disrespectful behaviour, defiance of authority, cheating, insolence, rudeness, discourteousness, insubordination and/or failure to identify oneself.
- c) Playing with water (i.e. hoses, taps, water bombs, squirting with water bottles or any other liquid, etc.) is prohibited.
- d) The moving between classes must proceed quickly, efficiently and in an orderly fashion. The shortest route between classes must be followed.
- e) Learners must commit themselves to do their school work during classes, complete assigned homework and catch up on work missed because of absence. Homework must be completed by the **due date**.
- f) An educator's instruction must be followed at all times. Under no circumstances will the undermining/disregard of an educator's authority be tolerated or allowed.
- g) Classrooms may only be left with the explicit permission of an educator.
- h) Learners must have their own stationary. Borrowing and lending stationary and books create disruptions in classes.
- i) Learners must turn off cell phones or other electronic media/digital devices during instructional time, put it away and otherwise will follow policies related to use of any digital technology, including the use of ear phones and/or ear buds or any other blue tooth and or Wi-Fi and internet technology.
- j) Learners will ensure they have the correct text books, scripts and notes for a particular subject before a class commences.
- k) Learners will be on time for class and not play truant.
- l) Cooperate with School personnel in maintaining safety, order and discipline.
- m) The desk and any document, object, electronic device, projector, stationary on it or in any drawer is of educators are out of bounds for all learners unless the permission of the educator has been given that a learner may access such property. No learner may be in the possession of any key, access code, card or any other device which allows the learner access to any premises of Laerskool Bekker.
- n) No learner may steal and/or commit any act of theft, use, damage, break or take another learner's or any other person's property without permission of the other learner or person.
- o) No learner may disrupt or upset any assessment process or test or examination in any way.
- p) No learner may access a classroom or other premises of Laerskool Bekker without valid permission to do so.

- q) No learner may insult, assault or attempt to do so to affect the dignity and/or defame any other person in class including any educator or any other person present.
- r) No learner may verbally assault or verbally abuse or use vulgar or profane or threatening language or gestures or exhibit disrespectful, boorish, rude and insolent conduct toward any other learner, educator, the principal, deputy principal, any other member of Laerskool Bekker management, any staff member, school bus driver, any other school personnel, or any other persons attending school related functions.
- s) No learner may switch on or use any mechanical/electronic equipment in the centres without supervision or permission.
- t) No learner may be involved in any form of lying, cheating, fraud, theft of test/examination material/documents/memorandums or copying the work of another without authorisation (plagiarism)
- u) No learner may engage in any opposition to any school authority using physical force, unacceptable language and/or gestures or violence at any time or place.
- v) Curtains, electrical equipment, electrical installations, electronic devices, computers and the projection screen are not to be touched or adjusted by learners, unless authorised to do so by the educator in charge.
- w) Learners may not remain in classrooms before school commences, during breaks or after school without the permission of an educator.
- x) Climbing on or over walls, gates and fences is not allowed.

#### **12.56 Examination and Test/Assessment Procedures**

- a) If a learner is suspected of cheating:
  - i. The educator/invigilator will remove the answer sheet and write the time on the page.
  - ii. The educator/invigilator will issue another answer sheet/folio paper to the learner. The learner will continue to write the test on the new answer sheet/folio paper.
  - iii. At the end of the test, the learner and the answer sheets will be taken to the deputy principal in charge of academics.
  - iv. The irregularity will be dealt with in accordance to the policy of the irregularities committee.
- b) Dishonesty in all forms is forbidden. Any dishonest action will result in the award of zero (0) for the examination or test and in further disciplinary action in accordance with the Disciplinary Procedures.
- c) Honesty, trust and integrity are vital components of the education process. As such, cheating is a serious offence.
- d) Anyone who copies another's work or turns in someone else's ideas as his own has engaged in cheating.
- e) Collaboration with another learner or learners could be considered cheating if learners are expected to complete an assignment independently.
- f) Educators have a responsibility to supervise tests carefully and to explain to learners when collaboration is and is not appropriate for assignments completed inside and outside of class.
- g) Examples of cheating include:
  - i. Copying homework.
  - ii. Allowing someone else to copy your work including tests/exams.
  - iii. Plagiarism (passing off another's ideas, writing, etc. as one's own).
  - iv. Copying from another's test/exams.



- v. Improperly obtaining and/or using tests, questions, or keys.
- vi. Using unauthorised notes/materials in a test/exam in any form or on any digital/electronic device or written/pasted on any part of the body.
- h) Once learners have entered the examination or test venue, they may not communicate with other learners in any manner.
- i) Learners may not eat or drink during an examination or test, save with the permission of the invigilator or as a requirement of the examination or test or where a learner has a chronic condition such as diabetes.
- j) Any materials (notes, textbooks, past papers electronic devices, etc.) that could aid the learner in any way during the writing of the test or examination are strictly prohibited from the learner's immediate vicinity and must be handed to the invigilator prior to the examination or test or stored in an acknowledged designated area in the examination or test venue.
- k) Learners may not have any electronic devices and/or smart watches with them in an examination or test, unless so specified as a requirement for the examination (e.g. calculators). All electronic devices must be handed to the invigilator prior to the examination or test.
- l) Learners may not use any digital device to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, learners are prohibited from using any digital device to receive such information.
- m) Learners are not allowed to borrow stationery or equipment during the examination or test and all stationery must be placed in a clear plastic folder or packet during examinations.
- n) The possession/use of any digital/electronic device (including but not limited to smart watches, cell phones, smart phones, smart watch, communication device, MP3 players, cameras, or other telecommunication devices capable of capturing or relaying information) is strictly prohibited during the administration of any test or exam. If a learner is observed using/handling any cell phone/ smart phone/digital device during the administration of a test or exam by any educator/invigilator /supervisor testing for the learner will cease, the device will be confiscated and the device is subject to a search, the learner will be dismissed from testing, and the learner's test will be invalidated and considered cheating and the learner will be subjected to a SAIC of Laerskool Bekker and/or including an external DC hearing.
- o) Violations of this rule will result in the electronic devices being held in Laerskool Bekker safe for a period as determined by the principal, at which time, a parent or guardian will be allowed to receive the electronic device.
- p) At the principal's discretion, a learner found to be in violation of this rule may receive disciplinary action as warranted upon the circumstances, which may include, but is not limited to, the revocation of the learner's privilege to have electronic devices at school. Additionally, where there is reasonable suspicion that a phone or other communication device has been used in the violation of school rules or regulations, Laerskool Bekker official can review the contents of the phone or device to the extent necessary to demonstrate evidence of a violation.
- q) Only electronic devices/calculators approved by Laerskool Bekker for use during assessments/tests exams will be permitted. Learners must use calculators and may not access the app on their cell phone/smart phone.

#### **12.57 Unexcused Absence from Detention Class**

- a) Unexcused absence from detention class will warrant further disciplinary action by Laerskool Bekker.

### **12.58 Cleanliness of Laerskool Bekker Premises**

- a) Every learner must take pride in the cleanliness and orderliness of his environment - i.e. Laerskool Bekker grounds, other school premises, - buildings, classrooms, ablution blocks, sports fields, etc. It is not just the job of the principal and staff, but also the duty of every parent and learner to assist with the maintenance of Laerskool Bekker premises.
- b) Littering is prohibited. It is everyone's duty to dispose of litter in the bins provided. This rule also applies when learners visit other schools.
- c) Educators should always nominate learners to place bins on the fields and clean the area after events.

### **12.59 Learner Conduct during Breaks**

- a) No learner may be on the corridors or in a classroom or school hall or any other prohibited area without supervision.
- b) No one may leave Laerskool Bekker grounds without the permission of the deputy principal/the principal.
  
- c) No one may conduct any conversations with any person outside the fence/gate or purchase any objects/substances through the fence or at the gate.
- d) No rough games may be played. Older learners may not interfere unnecessarily in the games of the younger learners or bother them.
- e) Learners may only be in the areas assigned to their specific grades, ages or groups.
- f) No fighting, bullying, intimidation, sexual harassment, unwanted touching, violence, arguments and profane or inflammatory statements are allowed.
- g) No smoking and using of other illicit activities as described in the code are allowed.
- h) Playing or being near any vehicle is prohibited.
- i) No gambling or any games of chance may take place nor any money lending schemes.
- j) No learner may loiter, beg for any money or any other goods or cause any disruption at the tuckshop or anywhere else on the premises.
- k) Learners will stay in the queue at the tuck shop until it is their turn to be served. "Pushing-in" is not permitted. Appropriate manners and language at all times.
- l) No stones or other objects may be thrown anywhere at school or during any school activity.
- m) Hanging around toilets is prohibited.

### **12.60 Learners' Bicycles, Motorbikes and Cars**

- a) Vehicles, including bicycles, motorbikes and motor vehicles, must be ridden at a safe speed (20 km/h or below) when on school property.
- b) Learners making use of a bicycle must park it in the bicycle racks, but do so at their own risk. Learners are advised to chain, lock or otherwise secure their bicycle to the rack.
- c) Learners may not park in staff/visitor or any other designated parking spots.
- d) School authorities may conduct random searches of all vehicles, motorbikes and

bicycles of learners at the discretion of school officials and they may also utilise the assistance of canines trained to detect drugs, explosives or weapons of any law enforcement agency.

- e) Learners are not permitted to transport other learners without written permission from both the drivers' and the passengers' parents/guardians.
- f) Laerskool Bekker grounds may not be used, under any circumstances, for people of any age to learn to drive or to drive for leisure.
- g) Laerskool Bekker is not liable for any damages whatsoever caused to any vehicle/bicycle/motorbike parked on school property.
- h) The privilege of using a vehicle/bicycle/motorbike on Laerskool Bekker grounds may be withdrawn, at Laerskool Bekker principal/deputy principal's discretion, at any time.

#### **12.61 Care of School Property**

- a) Every learner is expected to protect and use all school equipment and facilities with care and respect.
- b) Vandalism, graffiti, defacing property and damage and malicious damage of any school property will not be tolerated. The parents, guardian, or other person having control of any enrolled learner with whom the learner is living and who have custody of the learner (in case of a minor) shall be liable for the actual damages sustained to school property, plus the court costs (if applicable), caused by any intentional, wilful, or malicious act of the learner.
- c) Any learner who intentionally and wilfully misuses, damages or defaces any school property should replace it or pay for the damage to property incurred.
- d) Learners who damage school property (e.g. breaking a window) will be expected to pay for the repairs and must report such damage to Reception or to one of the Deputy Principals/Grade Educators.
- e) No learner may set or attempt to set light to any object or start a fire of any kind anywhere on Laerskool Bekker premises. If damage occurs, the learner his/her parents will be held liable for costs to restore/repair the room/place/equipment to its original condition or even criminal charges may be brought by Laerskool Bekker.

#### **12.62 Property of Learners**

- a) Learners are not allowed to bring computer games, CD players, radios, iPods, digital devices, toys, etc. to school unless permission to do so has been obtained from the Principal.
- b) Learners are encouraged not to bring any valuable items to school or large amounts of money. In cases where such items must be brought to school they should be handed in to the office for safekeeping.
- c) Stealing/Theft of any property is prohibited at Laerskool Bekker.
- d) No, learner may take, use, consume, eat or dispose of any other person's property without their explicit permission under any circumstances.
- e) All personal property of any learner must be clearly marked with the owner's name.
- f) Learners are discouraged from bringing large sums of money to school or other valuables.
- g) Lost items must be handed in at reception. If a learner has lost something, he/she may inquire at reception.
- h) Book covers, notebooks, folders, etc., cannot have inappropriate signs, pictures, or language, political slogans deemed to be inappropriate by the SMT and/or the principal.

NOTE: Laerskool Bekker will NOT be held responsible for any item of any learner's personal property or school property entrusted to the care of the learner that may be damaged, or may go missing anywhere. Lost items must be claimed on your parents' own insurance policy. Valuable items should not be brought to school.

#### **12.63 Early Departure from School**

- a) No learner may leave Laerskool Bekker premises without permission from the office during school hours.
- b) Laerskool Bekker prefers that appointments to e.g. doctors, dentists, etc. be made after school hours or over the holidays.
- c) A learner who has to leave during school hours must supply the office with a letter from the parent requesting permission for leave.
- d) A learner who falls sick during school hours must report to the class educator or the admin office, who will contact the parent.

#### **12.64 The Property of Members of Staff, Visitors to Laerskool Bekker and Others**

- a) Learners shall not and may not handle, damage, mark, deface, or in any way deal with the property of any member of staff, fellow learner, and visitor to Laerskool Bekker or member of the public without permission or justification.
- b) This rule applies to any property on Laerskool Bekker premises, in the vicinity of Laerskool Bekker, at or in the vicinity of the venue of any school activity, as well as any mode of transport, conveying learners to or from school or any school activity, and any property in it.
- c) This rule also applies to any object, laptop computer, desk top computer and related equipment, document, stationary, phone, book, text book and any other items on an educator's desk or in any drawer of an educator's desk irrespective it being the educator's property or anyone else's or school property or if it is stored or in any box, container or any other cupboard, shelf or store room.

#### **12.65 Burning and Possession of any Candles/Flammable Liquid/Incense/Other Flammable Herbal Products/Other Flammable Products and any other Acts of Arson or attempted Arson**

- a) A learner shall not intentionally, by means of starting a fire, cause harm to any property or person, or participate in the burning of any property or person. A learner shall not attempt to act or act in the burning or attempted burning of any item on school property or in any class or set fire to another learner and/or his/her possessions in any manner.
- b) There is a total ban of the use of candles/incense/flammable products and liquid of any kind in all school premises and the hostel and annexes.
- c) Laerskool Bekker only has to prove the use there-of based on the principle of a balance of probabilities of such products and they might not be brought on to the premises in the manufacturer's wrapping or any other wrapping or without any wrapping.
- d) All such products will be confiscated and immediately disposed of.
- e) If damage occurs to a room/property owing to the use there-of, the learner and his/her parents will be held liable for charges to restore the room/place to its original condition.
- f) In case of power outages only battery torches and only other non-flammable sources of light may be used.
- g) A transgression of this rule may lead to a disciplinary hearing of the SGB or even criminal charges.

#### **12.66 Gambling/Games of Chance/Lotteries** *(Also see Laerskool Bekker's anti-gambling A Value driven school striving towards excellence*

Page 76 of 147

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_

*policy for learners)*

- a) No learner may gamble or participate in gambling activity or any game of chance of any kind, or solicit others to gamble or participate in gambling activity on or off school premises in or out of school hours, in or out of school uniform and/or where the learner can be identified as a learner of Laerskool Bekker without permission.
- b) Gambling includes, but is not limited to, betting on any game or event, shooting dice, games of chance involving any gaming cards, matching or other games of chance for money, other rewards and/or other items and/or things of value/lists with numbers and/or purchasing of tickets etc.
- c) Learners who are found gambling may be suspended prior to a disciplinary hearing.

**12.67 Laerskool Bekker is a Violence, Drug, Alcohol, Gambling, Smoking (including e-cigarettes), Dangerous Object and Dangerous Weapon Free Zone**

Laerskool Bekker is a Drug, Alcohol, Smoke and a Dangerous Object and Weapon Free Zone as determined within the national Departmental policy:

- a) Smoking, use or possession of any alcohol, tobacco, drugs, opioids, medicines and the use of any synthetic drug or substance is not permissible at Laerskool Bekker.
- b) No cigarettes and any other tobacco products or related paraphernalia such as cigarette lighters and matches is allowed on school property.
- c) No dangerous weapons/objects are allowed onto Laerskool Bekker property or may be in the possession or any bag/container of any learner. This includes firearms (real or simulated/replica), any knives or a self-fashioned shank/knife/sharp object, pocket knives, blades and other dangerous weapons, oriental weapons, traditional sticks, "knob kieries" or similar objects, razors, slingshots, brass knuckles, and any other inherently dangerous object. It also includes any object used to endanger the life/assault another person or threaten to assault another person with such an object.
- d) No electronic cigarettes, hubbly bubbly pipes or vapers or any similar devices are allowed at school or may be used on school property at any time.
- e) Learners are prohibited from using, transmitting, storing, concealing on their bodies in any way, have in their belongings in any way, bartering, dealing, providing to other learners, and/or being in possession have in their possession, any drug/tobacco or any other related paraphernalia at school and or possess, transmit, store, buy, sell, barter or otherwise distribute or possess with intent to sell, or otherwise distribute or provide to any person any drug-related or tobacco paraphernalia, which may include vapers and hubbly bubbly pipes, bong, and other types of smoking devices or for personal use.
- f) No learner may falsely present or identify a substance to be alcohol or an illegal drug or use/consume/buy/sell/distribute/possess/transmit compounds or any substances meant to mimic/imitate the effects of drugs or alcohol or represent a substance as an illegal or controlled substance.
- g) No learner may possess or sell seeds, herbal products, plant products or pieces of marijuana or any other illicit substance even in small unusable amounts.
- h) Laerskool Bekker may test any learner for the use of illicit substances at any time and learners may not refuse or try and delay such testing.
- i) Learners are prohibited from using, transmitting, storing, concealing on their bodies in any way, have in their belongings in any way, bartering, dealing, providing to other learners, and/or being in possession of alcohol, drugs, any other narcotic drug, any type of substance containing any drug, stimulant, barbiturate, synthetic cathinone drugs,depressant, hallucinogenic, opiate, inhalant, counterfeit drug, or

other controlled dangerous substance or tobacco product including any substance which is capable of being eaten, ingested, inhaled, injected or absorbed into the body and/or affecting the central nervous system, vision, hearing, or other sensory or motor function, any brain function on Laerskool Bekker premises and/or whilst in school uniform or any place where they can be identified as a learner of Laerskool Bekker or any other substance believed by the learner and/or Laerskool Bekker to be alcohol or any illegal drug at any school activity in or out of school hours. No learner may abuse his/her own prescription drug, over the counter medicine, give, provide, transmit a prescription drug to another learner or possess or be under the influence of another person's prescription drug at school or at any school-related activity in or out of school hours or where he/she can be identified as a learner of Laerskool Bekker.

- j) No person/learner may use, transmit, deal, barter, provide to others, be in possession of any drug, habit-forming narcotic, alcohol, tobacco on Laerskool Bekker property or at any School function or excursion on tour, or whilst representing Laerskool Bekker in any manner or where he/she can be identified as a learner of Laerskool Bekker.
- k) Laerskool Bekker may undertake random searches of any learners' property and confiscate any contraband. If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal authorities for ultimate disposition. This search may include specially trained dogs and the use of metal detectors.
- l) No learner may have in his/her possession any article/object and/or caustic substance/liquid and/or any chemical substance which may be employed to cause bodily harm to a person or to render a person temporarily paralysed or unconscious or to cause damage to any property.
- m) Learners are encouraged to report any dangerous weapon/drug related issues to the Deputy Principal.
- n) No learner may refuse to be tested or use delaying tactics to be tested by Laerskool Bekker. Such refusal is a transgression of the Code.
- o) Should a learner be found in possession of drugs or alcohol and/or be suspected of drug or alcohol abuse or test positive, the parents will be contacted and summoned to Laerskool Bekker. A disciplinary hearing of the SGB may also follow.
- p) If no cooperation is given by the learner and/or parents the matter will be handed over to the SAPS immediately. (Refusal to do so is a criminal matter that have to be reported to SAPS).
- q) Where there are indications that a learner is involved or in any way connection with an offence in terms of the Drug and Drug Trafficking Act, the learner will be temporarily suspended and Laerskool Bekker will move for immediately expulsion by the HoD after an external disciplinary hearing.

#### **12.68 Use and Possession of Over-The-Counter (OTC) Medication**

- a) Possession of all over-the-counter medication must be authorised by the principal/deputy principal on written request of the parent of a learner on school property.
- b) Any learner is prohibited from selling, distributing, or possessing with intent to distribute any over the-counter medication. Over the counter medications specifically include, but are not limited to, stimulants (e.g., diet pills, caffeine pills, etc.), nicotine replacement therapies such as nicotine gum and candy, nicotine lozenges, nicotine patches, nicotine inhalers, nicotine nasal sprays and the like,

any type of cough medicine and other medication purportedly for headaches or other pain suppressing medication be of any nature including plant based remedies or other plant based or synthetic drug or herbal mixtures of any kind.

- c) Learners may not mix any OTC medication with any liquid or any other substance in any container and consume, sell, provide, distribute, barter or make such mixture, drug/alcohol product available to any other person on any school premises in or out of school hours or where he/she can be identified as a learner of Laerskool Bekker off Laerskool Bekker premises during or out of school hours.

#### **12.69 Prescription Drugs**

- a) Learners who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or [diabetic] syringe. All prescription medication prescribed for a learner must be in compliance with the written parent authorisation.
- b) The learner must provide a certified copy of the prescription to the principal or other designated staff to be kept on file, along with other emergency information. It is the responsibility of the learner or his/her parents to provide a copy of a renewal after a prescription has expired.
- c) It is the responsibility of the learner or his/her parents to inform the administration office if a learner has been prescribed any medication that he/she must take during a school day for any illness. This excludes medication that must be taken under supervision of Laerskool Bekker nurse or any other designated person.
- d) No learner may possess prescription medication not prescribed for the learner and if prescribed, written authorisation should be sought from the principal/deputy principal to bring it on school premises.
- e) No learner may sell, distribute, or possess with intent to distribute any prescribed medication on school property or during any school activity on or off Laerskool Bekker premises or where the learner may be identified as a learner of Laerskool Bekker in or out of uniform or in or out of school hours.
- f) Laerskool Bekker does not take responsibility for any learner to take any prescription medicine at stipulated as prescribed unless under supervision of a qualified nurse or the medical staff of Laerskool Bekker has been arranged.

#### **12.70 Alcoholic Beverages and Any Substances containing Alcohol**

- a) Any learner may not possess, sell or attempt to sell, distribute, provide, use, transmit or be under the influence of any alcoholic beverage, malt beverage, or intoxicant of any kind containing alcohol.
- b) Any learner shall not possess, manufacture, sell or transmit any substance under the pretences that it is, in fact, a prohibited substance as described in this Code:
  - i. On Laerskool Bekker premises during and immediately before or immediately after school hours;
  - ii. On Laerskool Bekker premises or any other time when Laerskool Bekker is being used by any school group
  - iii. Off Laerskool Bekker premises at a school activity, function or event;
  - iv. On route to and from school, including, but not limited to, Laerskool Bekker bus and Laerskool Bekker bus stop.

- v. Off Laerskool Bekker premises while the learner is in attendance at school or any school function, or is otherwise subject to the jurisdiction of school authorities.
- c) No learner shall solicit another learner and/or adult to purchase, procure or provide them with an alcoholic beverage or any other intoxicating substance.
- d) No learner may manufacture, sell, barter, consume, purchase or possess, use, deliver, transfer, provide any alcohol in any form to any other learner/person, bring it to school, provide it to any other learner/person for "safe keeping", consumption, hide, conceal and/or stash it for later use or be under the influence of any alcoholic beverages or intoxicant of any kind at school, in school uniform, on school premises in or out of school hours, during any school activity/function or where he/she can be identified as a learner of Laerskool Bekker.

#### **12.71 Prohibition of Smoking/Vaping/E-Cigarettes**

- a) It shall be a violation of this policy for any learner of Laerskool Bekker to use tobacco or tobacco-related/nicotine related devices at school.
- b) This prohibition extends to all facilities, premises, buildings, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls.
- c) This prohibition includes all school property and all off-school activities and any school sponsored events and activities.
- d) It is unlawful for any learner to purchase, use, possess, or transport tobacco or tobacco products or nicotine related products on to Laerskool Bekker premises or be in the possession of any paraphernalia associated with any tobacco/vaping uses.

#### **12.72 Drug Rehabilitation Programmes/Counselling**

- a) Laerskool Bekker may devise a rehabilitation plan with the assistance of the ISS of the department of education and any other appropriately qualified persons, including the learner's own medical practitioner/psychologist, and in consultation with the learner and his/her parent(s) devise a written rehabilitation plan incorporating at least the following:-
  - i. periodic testing and reporting at any time at school following the protocol for such testing;
  - ii. clear time frames;
  - iii. random searching for drugs;
  - iv. periodic consultation with parent(s) and the learner;
  - v. provision for carrying of an attendance card by the learner to every educator involved in his/her tuition for a specified period;
  - vi. random provision of a urine sample for independent testing;
  - vii. the bearing of the costs of testing or reporting by the parent;
  - viii. the written consent of the learner and parent to all the measures concerned;
  - ix. the indemnification of Laerskool Bekker, 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 implementation of the programme; and
  - x. the duration of the programme.
- b) 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. Should this happen Laerskool Bekker may once again institute disciplinary measures or even a disciplinary hearing.
- c) The SMT believes the substance abuse prevention programme shall include:
  - i. Age-appropriate, developmentally-based drug and alcohol curriculum for learners in all grades in the LO Curriculum, which address the legal, social, and



- health consequences of tobacco, drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use tobacco, drugs or alcohol;
- ii. A statement to learners that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- iii. Standards of conduct for learners that clearly prohibit, at a minimum, the unlawful possession, use, being under the influence of or distribution of illicit drugs and alcohol by any learner on school premises or as part of any of its activities;
- iv. a clear statement that disciplinary sanctions, up to and including suspension or recommendation for expulsion and if dealing and/or distributing drugs referral to the CPU, will be imposed on learners who violate the policy and a description of those sanctions;
- v. a statement that learners may be required/instructed to successfully complete an appropriate rehabilitation program;
- vi. information about drug and alcohol counselling and rehabilitation and re-entry programs available to learners;
- vii. a requirement that parents and learners be given a copy of the standards of conduct and the statement of disciplinary sanctions required in the learner diaries; and
- viii. notification to parents and learners that compliance with the standards of conduct is mandatory.

**12.73 Sexual Harassment** *(Also see Laerskool Bekker's Sexual Harassment Policy)*

- a) Section 12(1)(c) of the Constitution of South Africa provides that all persons have the right to freedom and security of the person, which includes the right to be free from all forms of violence invasion of privacy of his/her body from either public or private sources.
- b) The rights to bodily and psychological integrity, privacy and equality enshrined in the Bill of Rights further protects learners from any actions or comments which threaten their sense of safety and wellbeing.
- c) Sexual harassment is defined as any unwelcomed physical, verbal or non-verbal conduct that makes one feel uncomfortable, threatened or afraid.
- d) If a learner feel that he/she is the target of any form of sexual harassment/bullying, they must please contact one of the Deputy Principals.
- e) All matters will be treated in the strictest of confidence.
- f) Recording, sharing or disseminating recordings, or threatening to share or disseminate recordings, of sexual activity or nudity.

**12.74 Disability Harassment** *(See School's Policy on Inclusion, Equality and Diversity)*

- a) Disability harassment is oral or physical conduct, or any act as relating to an individual's disability that is sufficiently severe, pervasive, or persistent so as to limit or interfere with the ability of the individual to participate in or benefit from school activities; harassment that has the effect of unreasonably interfering with an educator's performance or creating an intimidating, hostile, or offensive working or school environment. Disability harassment, as defined above, may include, but is not limited to conduct directed at the characteristics of a person's disabling condition such as:
  - i. Imitating manner of speech.
  - ii. Interfering with necessary equipment.
  - iii. Negative stereotyping.
  - iv. Threatening, intimidating, or hostile acts.

- v. Any electronically transmitted, written or graphic material that shows an aversion or hostility towards an individual or group with disabling attributes.
- b) It is also disability harassment when any learner involve any learner with a disability in antisocial, dangerous, or criminal activity where the learner because of disability, is unable to comprehend fully or consent to the behaviour.

**12.75 Reporting False Information of Alleged Inappropriate Behaviour by an Educator/ Learner, or any other School Employee or any other Person**

- a) A learner shall not falsify, accuse, misrepresent, fraudulently, omit or erroneously report information regarding instances of alleged inappropriate behaviour by an educator, learner, staff member or other school employee towards a learner or make any false statements or give false evidence to the DC, educators, the principal or any person during an investigation of possible violation of this Code:
  - i. On Laerskool Bekker premises during and immediately before or immediately after school hours;
  - ii. On Laerskool Bekker premises or any other time when Laerskool Bekker is being used by a school group;
  - iii. Off Laerskool Bekker premises at a school activity, function or event;
  - iv. On route to and from school, including, but no limited to, Laerskool Bekker bus and Laerskool Bekker bus stop; and
  - v. Off Laerskool Bekker premises while the learner is in attendance at school or any school function, or is otherwise subject to the jurisdiction of school authorities.

**12.76 Assault, Threaten to Assault, Threatening Gestures, Violence, Group Violence, Bullying and Foul/Unacceptable Language** *(See Other Related Policies of Laerskool Bekker)*

Laerskool Bekker is a declared violence free zone:

- a) Bullying happens when a learner or group of learners set out deliberately to upset another learner again and again in any manner.
- b) Any learner alleged to have committed an act of physical violence assault or to have threatened or conspired or planned to assault any other person in any manner, shall be suspended in terms of SASA, pending a disciplinary hearing by an external DC of Laerskool Bekker.
- c) Apparent permission or consent by a learner or a group of learners being bullied does not lessen the prohibitions contained in the Code.
- d) The prohibition of bullying and assault or threat of assault, includes but is not limited to physical (e.g. hitting, kicking, spitting, pinching, shoving, pushing, pulling, poking, slapping, pulling/rubbing of hair or any limb of the body or other part, taking and/or damaging personal belongings or extorting money, blocking or impeding learner movement, unwelcome physical contact, any type of intimidatory behaviour), verbal (oral or written) (e.g. taunting, malicious teasing, insulting, name calling, sexual, religious, disability, or racial harassment, making threats), electronically transmitted (cyber or high-tech) (e.g. posting slurs or rumours or other disparaging remarks about a learner on a web site or on a web blog, sending e-mail or instant messages that are mean or threatening, or so numerous as to drive up the victim's cell phone bill/air time, using a camera and/or cell phone/digital device to take and send embarrassing photographs of learners; posting misleading or fake photographs of learners on web sites), and/or psychological abuse (e.g. spreading rumours, sex texting, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation, dehumanising gestures or public humiliation). Laerskool Bekker will not

- tolerate any gestures, comments, threats, or actions, which cause or threaten to cause bodily harm or personal degradation.
- e) Cyberstalking in all its forms are prohibited and is the action of engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to the person and serving no legitimate purpose.
  - f) False accusations or reports of bullying against another learner are prohibited.
  - g) Any learner who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with school's Code, policies and procedures.
  - h) Laerskool Bekker may take into account the following factors:
    - i. The developmental and maturity levels of the parties involved;
    - ii. The levels of harm, surrounding circumstances, and nature of the behaviour;
    - iii. Past incidences or past or continuing patterns of behaviour;
    - iv. The relationship between the parties involved; and
    - v. The context in which the alleged incidents occurred.
  - i) Consequences for any learner(s) who commit prohibited acts of bullying may range from positive behavioural interventions up to and including suspension and/or expulsion.
  - j) Consequences for other learners engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school activities and events and other sanctions.
  - k) Educators teach the learners about bullying in Life Orientation lessons.
  - l) Learners will learn how to identify bullying, how to respond when made a victim of bullying and how to handle bullying incidents they may observe.
  - m) Learners are encouraged to report any incident or suspected incident of bullying.
  - n) They will also learn how to identify and correct bullying behaviours that they themselves may exhibit. Staff will ensure adequate supervision of the learners around Laerskool Bekker, and will take special note of any identified bullying "hotspots" in Laerskool Bekker.
  - o) The reporting of bullying should be encouraged as the right thing to do. Learners or parents can report bullying to the learner's class educator. Staff members will take these reports seriously, investigate them thoroughly, provide feedback and appropriate action will be taken.
  - p) No violence, bullying, assault of any kind or intimidation or threatening behaviour of any kind is allowed at Laerskool Bekker towards any other person at any time.
  - q) Learners are not allowed to swear or use foul language at any time in any language, or any such language directed to any other person including to engage in name calling, ethnic, racial or gender slurs, other derogatory statements, or yelling or throwing temper tantrums.
  - r) No learner may assault or threaten to assault any other person and/or committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment.
  - s) No learner may defame or affect the dignity of any other person.
  - t) No learner may direct any cyber bullying, threaten any other person with assault of any kind or intimidate or defame any other person with threatening behaviour or any kind of offensive language, pictures, videos, sound, links, and/or any images by using any electronic device or cell phone to do so.
  - u) No learner may harass and or intimidate any other learner in any way including sexual harassment and indecent/immoral behaviour or be involved in pphysical or verbal

threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist.

- v) No learner may cause or be involved in any retaliation of any form against other Learner or School personnel. Retaliation against any victim, good faith reporter, or a witness of bullying is prohibited.
- w) Laerskool Bekker will discipline or take appropriate action against any learner who retaliates against any person who makes a good faith report of any act prohibited by this Code or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or a disciplinary hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, violence, [physical] assault or [verbal or gestures of] threat of assault, any form of harassment, or intentional disparate treatment or group violence.  
*Note: For purposes of the Code, the term Bullying (as also described in Laerskool Bekker's Anti- Bully Policy) will also apply to acts which occur in school, on school premises, on school vehicles, at school bus stops, at school related functions or activities, en route to and from school or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of Laerskool Bekker System. The term also applies to acts of cyberbullying which occur through the use of any electronic communication, whether or not electronic act originated on school property or with school equipment, if the electronic communication:*
  - i. *is directed specifically at any learner, parent or school personnel,*
  - ii. *is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of Laerskool Bekker, and creates a reasonable fear of harm to the learners' or school personnel's person or property or has a high likelihood of succeeding in that purpose. Ignorance of the relevant policy is no excuse by any learner or parent.*
- x) Learners or adults who knowingly fabricate allegations and falsely accuse a learner or member of staff of being a bully will be subject to disciplinary action up to and adults may be banned from Laerskool Bekker premises including the laying of criminal charges by the said learner or member of staff.

#### **12.77 Bomb Threats and False Fire Alarms**

- a) Notwithstanding any provision of this Code of Conduct, the mandatory minimum discipline for learners who make, cause or attempt to cause a bomb threat or false fire alarm to be received by or at school or any school function/activity shall be an external disciplinary hearing of the SGB with no other sanction than a recommendation to the HoD for permanent expulsion from Laerskool Bekker. Laerskool Bekker may also involve other agencies such as the Police.

#### **12.78 Physical Assault and/or Fighting with a Person Not Employed by Laerskool Bekker or who is not an Enrolled Learner of Laerskool Bekker**

- a) Any learner shall not enter into a fight or intentionally touch or strike another person with the intent to cause bodily harm. (For purposes of the Code a "fight" is defined as mutual participation involving physical violence with intent to harm where there is no one main offender. "Battery" is defined as "intentional touching or striking of another person with the intent to cause bodily harm." The difference between **battery** and **fighting** is that fighting involves mutual participation.):
  - i. On Laerskool Bekker premises at any time;
  - ii. Off Laerskool Bekker premises at a school activity, function, sporting activity/game /match or any school sponsored event;

- iii. On route to and from school, including, but not limited to, Laerskool Bekker bus and Laerskool Bekker bus stop.
- b) This may also include **assault**, which for purposes of the Code, is defined as: “to attempt, or threaten to do bodily injury to any person; or attempt to cause physical injury or behave in such a way as could reasonably cause physical injury to any person.”

**12.79 Displays of Inappropriate Affection, Indecent Exposure of Any Body Parts and/or Other Forms of Inappropriate Contact and/or Inappropriate Indecent/Immoral/Sexual Behaviour of any kind**

- a) Close physical contact is not appropriate for learners in an educational setting including inappropriate public sexual contact of any nature.
- b) Learners should keep their hands to themselves. Learners may not engage in displays of affection such as kissing, embracing, hugging, arms around waists, holding hands, touching any body part or other indiscreet/immoral/indecent behaviour that violates the norms of good taste or of behaviours that are deemed by Laerskool Bekker authorities that are not acceptable.
- c) No learner, a group of learners or any two learners may commit or engage in or attempt to commit or engage in any immoral, indecent, inappropriate or illicit acts or displays of affection in any form or kind, on Laerskool Bekker premises, or off Laerskool Bekker premises during any school activity or school sponsored activity, in or out of school hours, in or out of school uniform, or where the learner(s) can be identified as learners of Laerskool Bekker, or where any other school group or persons are present, this includes any form of sexual harassment or any other form of sexual conduct either by himself/herself or in consent with others.
- d) A learner shall not knowingly make any open or indecent exposure of his or her person or of the person of another No learner may cause any inappropriate or indecent exposure of body parts of his her/own or any other person in any manner whatsoever or be involved, engaged, exhibit and/or participate in any form of sexual exhibitionism.
- e) No learner may participate or cause any "dating" violence/argument thereby causing any form of immoral or indecent exposure or any such language or behaviour.
- f) No learner may be involved in any other inappropriate physical or sexual behaviour, including jokes, comments, gestures or unwelcome physical conduct or inappropriate touching or physical bodily contact of any form.
- g) Learners shall not engage in any kind of sexual activity or an act that can be construed of a sexual nature on school premises or at or during any school-sponsored activity, before, during and/or after school hours.
- h) No learner may expose themselves or any intimate body parts or cause it to any other learner by removing their clothing or pulling clothing up or down or holding them in any manner to cause such indecent exposure or engage in inappropriate or indecent exposure of their own or another person’s private body parts.
- i) Learners shall not engage in any consensual sexual activity/act on school premises or at or during any school activity on or off Laerskool Bekker premises. “Consensual” means all parties are willing participants in the activity.
- j) No learner may urinate/defecate anywhere on Laerskool Bekker premises or in public apart from using the toilet facilities provided.
- k) Public nudity/half nudity (being undressed or dressed in any form of underwear in public) by any learner is not allowed anywhere on Laerskool Bekker

- premises or off Laerskool Bekker premises or on any social media, where a learner can be identified as a learner of Laerskool Bekker.
- l) No learner or a group of learners shall commit any act of sexual molestation, violence, intimidation or the attempts thereof on school property, school transport, or at school-sponsored events, on or off school premises, in or out of school hours, in or out of school uniform or anywhere where the learner can be identified as a learner of Laerskool Bekker.
  - m) Other sexual misconduct may take the form of any of the following offenses:
    - i. Non-consensual sexual contact, which is any form of sexual touching with any part of the body or other object, by any person upon another, without consent. Sexual touching is contact of a sexual nature, however slight.
    - ii. Stalking, which is knowingly or intentionally engaging in a course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the individual to feel terrorized, frightened, intimidated, or threatened.
    - iii. Sex-based cyber-harassment in any form and/or format.
  - n. Learners who create or distribute information via cell phone, e-mail, or through a web site that results in or is likely to result in the disruption of the educational process, advocates a violation of the Learner Code of Conduct (i.e. videotaping a fight), or is sexually explicit (commonly called sexting) may face additional disciplinary actions as deemed appropriate by the Principal or the SGB Disciplinary Committee.

#### **12.80 Dating Violence and Abuse**

- a) It is the policy of Laerskool Bekker and SGB that all of its learners have an educational setting that is safe, secure, and free from dating violence and dating abuse. Laerskool Bekker shall not tolerate dating violence or dating abuse of any kind. Dating violence and dating abuse by any learner is prohibited on school premises, during any school related or school sponsored activity, or during school sponsored transportation.
- b) Dating violence is a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past intimate relationship to exert power and control over another when one or both of the partners is a learner.
- c) Dating abuse also includes but is not limited to mistreatment which may include insults, coercion, social sabotage, sexual harassment, threats, and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behaviour to gain power and maintain control over the dating partner.
- d) If the Principal or his/her designate believes a crime has been committed, law enforcement will be immediately notified.
- e) In those cases where teen dating violence and abuse is not substantiated, the Principal or designate may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Code.
- f) Dating violence and abuses is a form of bullying, intimidation and assault or threat to assault another learner of any gender and is prohibited and is serious misconduct that may lead to an external DC hearing.
- g) Laerskool Bekker will also take immediate steps to impose disciplinary action against learners engaging in any of the following prohibited acts:
  - i. Retaliating against a person who has made a report or filed a complaint alleging teen dating violence and abuse, or who has participated as a witness in an investigation of such an allegation.

- ii. Reporting a malicious or knowingly false report or complaint of teen dating violence and abuse.
- iii. Disregarding, failing to investigate adequately, or delaying investigation of allegations of teen dating violence and abuse, when responsibility for reporting and investigating allegations of teen dating violence and abuse comprises part of a learners' obligations to report such behaviour.

**12.81 Misconduct While on a School Bus/Transport**

- a) It is crucial for learners to behave appropriately while riding on school/municipal buses or buses under contract to Laerskool Bekker to ensure their safety and that of other passengers and to avoid distracting the bus driver. Learners are required to conduct themselves on the bus in a manner consistent with established standards for classroom behaviour. Excessive noise, pushing, shoving, fighting and indecent behaviour will not be tolerated.

**12.82 Use of Drones (Unmanned Aircraft Systems (UAS)) on School Property**

- a) Owing to the fact that airborne UAS / drones poses a safety hazard, Laerskool Bekker forbids anyone from operating/flying a drone or any remote-controlled aircraft/object in the skies over any of Laerskool Bekker premises or school property, including, sports fields.

**12.83 Use of Social Media/Electronic Communication (Also see Laerskool Bekker's Social Media Policy)**

- a) Learners are not to socialise or communicate with any staff member/ sports coach via electronic/social media. The formation of any social media group using any app/social media platform that may bring the name of Laerskool Bekker into disrepute, or be used for unauthorised activities/communication affecting Laerskool Bekker in any manner is also expressly forbidden.
- b) Cell phones and/or any other electronic communications devices, head phones, ear buds, Wi-Fi speakers, blue tooth speakers and devices etc. that are in view, are heard, or are in use without permission on school grounds/premises, during school hours and any school activity and especially in class during assembly or when announcements are made by authorised persons and/or during any assessment of any kind, will be confiscated.
- c) A learner may not use her cell phone as a radio or music player while at school or during any school activity or during Laerskool Bekker day.
- d) Permission to leave class in response to any electronic device shall not be granted.
- e) Sexting in any form or manner is prohibited.
- f) Threatening or harassing learners or school personnel over the phone, or any electronic medium and using message boards to convey threats, derogatory comments or post pornographic pictures of learners or school personnel is a violation of the Code.
- g) Learners are strictly forbidden to either use, operate or display cellular phones or other personal electronic devices in change rooms, cloak rooms and/or toilets.
- h) Learners are expected to comply with Laerskool Bekker's technology and social electronic media use policies and procedures.
- i) Learners are expected to demonstrate the same behaviour online or while using electronic media as is expected in the classroom, on school property, or at school-related events.
- j) Sending, posting, or possessing electronic messages that are disrespectful, disruptive, abusive, obscene, illegal, threatening, harassing or damaging to another person

disrupts the learning environment and will not be tolerated. This provision also applies to those learners that originate the transmission as well as those learners who distribute or post it in any manner. Laerskool Bekker will provide all such material to appropriate law enforcement authorities

- k) Learners may not take photographs or make video or audio recordings of learners, employees, or other persons without the consent of the other person or record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- l) No learner may make inappropriate or unauthorised use of School property, including posting or distributing literature or materials without School authorisation.
- m) No learner may deliberately, and without School authorisation, access, damage, or alter any School data and records, including but not limited to confidential records, electronic data, networks or systems.
- n) No learner may post anonymous or forge electronic email messages or alter, delete or copy another user's email.
- o) No learner may use Laerskool Bekker System's computer hardware or network for any illegal activity, which includes but is not limited to, copying or downloading copyrighted software, music or images, or violation of copyright laws.
- p) No learner may download, install, or play any unauthorised programme or content (including those created or downloaded at home) on any school's computer or network.
- q) No learner may bring any hardware on the premises or load any software that is designed to damage, alter, destroy or provide access to unauthorised data.
- r) No learner may attempt to vandalise or disassemble any network or computer component, including but not limited to, any attempt to alter network or computer configuration.
- s) No learner may use Laerskool Bekker system/cell phones/smartphones/digital devices to access, review, upload, download, store, print, post, receive, transmit and/or distribute:
  - i. Any pornographic, obscene or sexually explicit material, sound recordings, links, depictions in any format or other visual depictions that are harmful to minors;
  - ii. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - iii. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - iv. information or materials that could cause damage or danger of disruption to the educational process;
  - v. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination;
  - vi. Transmitting/posting any such material in violation of any national or provincial law and/or regulation.
  - vii. The use of chat rooms or the like in any form is prohibited.
  - viii. To gain access or attempt to access unauthorised or restricted network resources or the data and documents/information of another person.
  - ix. Send spam through email
- m) Laerskool Bekker and SGB will not accept liability or allow disruption for any lost/stolen cell phones/or tablets or any other digital device. Although school will make a reasonable effort to investigate reports of lost or stolen electronic



communication devices. Laerskool Bekker is not responsible for the return to owner. These items are to be used and brought to school at learners', parents' and the person in whose name the phone has been registered in terms of RICA, own risk.

- n) No learner may use Laerskool Bekker system to vandalise, damage or disable the property of another person or organization, will not make deliberate attempts to vandalise, degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change Laerskool Bekker system software, hardware or wiring or take any action to violate Laerskool Bekker system's security, and will not use Laerskool Bekker system or tamper with any school computers or any other equipment in such a way as to disrupt the use of the system by other users.
- o) If a learner inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school educator.
- p) Violation of this provision may result in the loss of the learner's privilege to possess a cell phone on school premises or during any school activity in addition to any other prescribed disciplinary intervention of the Code.
- q) Refusal to surrender a device will result in disciplinary action consistent with the code of conduct.
- r) In some circumstances, it may be possible to dispose of an electronic item (such as a photo or text message) by deleting it. Note that an electronic device cannot be disposed of and may be returned to the parents or handed the police depending on the circumstances.

#### **12.84 Recording without Permission**

- a) A learner or a parent shall not record by any means (i.e., audio, video, or digital, etc. with any device) a communication from or with any staff member, administrator, member of the SMT, any member of the SGB, educator, or other School District employee without the expressed permission of the person recorded for the particular communication recorded anywhere on Laerskool Bekker premises or any school activity in or out of school hours.
- a) Learners shall not photograph, record, or videotape other individuals at school or at school sponsored activities without their knowledge and consent, except for activities considered to be in the public arena such as sporting events or public performances.
- c) A learner shall not take, disseminate, transfer, upload, or share obscene, lewd, harmful, violent or illegal images, (including fights, bullying activities and assault), photographs, or video footage of learners or staff in Laerskool Bekker.
- d) Learners shall neither e-mail, post to the Internet, nor electronically transmit images of other individuals taken at school without their expressed written consent.
- e) Any video footage, photographs, or images, sound recordings, links, text on any social media platform and/or any app that fuel school conflicts, disrupt learning or the operation of Laerskool Bekker, spur bullying, and inflict harm as a result of the content is prohibited and subject to disciplinary consequences, including applicable criminal charges and/or referral to law enforcement agencies if deemed appropriate by the principal/SGB.

#### **12.85 Production and/or Possession of Any Pornographic, Vulgar or Obscene Materials**

- a) No learner may possess or produce any vulgar or obscene materials, magazines, books, pictures, poster or any other vulgar or obscene materials that are disruptive to

the education process on school premises or at any school activity off Laerskool Bekker premises.

#### **12.86 School Lockers**

- a) Should lockers be installed according to needs, lockers are put up, they will remain School property, and learners do not have a reasonable expectation of privacy in School property or in personal items placed inside School property. At no time does Laerskool Bekker relinquish its exclusive control of lockers provided for the convenience of learners. Authorised educators may monitor and search learners' desks and lockers for any reason.
- b) Lockers may be inspected by authorised educators at any time when there is reasonable suspicion without learner notice or consent, therefore learners should have no expectation of privacy with respect to School-owned property when in it comes to inspection or search of lockers by Laerskool Bekker.
- c) Learners assume full responsibility for the security of their lockers.
- d) Learners must not tamper with the locks securing the lockers of other learners.
- e) It is a violation of the Code for learners to use lockers and desks for unauthorised purposes or to store contraband.

#### **12.87 Prohibition of Initiation Practices**

- a) No learner may allow any other learner to participate in any act or practice which involves initiation practices or may cause or contribute to the humiliation, degradation, harassment, assault, crimen injuria, intimidation or maltreatment of learners
- a) No initiation practices may take place in Laerskool Bekker on or off Laerskool Bekker premises, including hostels, or during any school activities at or away from Laerskool Bekker premises or involving any newly elected RCL member.
- b) Any activity irrespective of its designation which has a similar effect and object as any initiation activity is deemed to be an initiation practice.
- c) If any initiation practices or acts take place through the actions of learners, Laerskool Bekker governing body as the authority responsible for the discipline of learners, must take appropriate action in terms of section 8 of SASA or the Code to prevent such practices and to protect learners from such practices.
- a) Laerskool Bekker may have non-discriminatory orientation practices in place.

#### **12.88 Grading of Offences**

- a) Offences are graded according to the nature and degree of seriousness of the offences, of which Level 4 offences are the most serious. Level 5 Offences are for the involvement of law enforcement agencies. See the tables for the list of the offences making up each of Level 1,2,3,4 and 5 offences which is deemed to be misconduct, but the listed misconduct is by no means an exhaustive list of violations of the Code.
- b) Also see the APPENDIX referring to Schedule 1 and 2 offences as stipulated in General Notice 6903 of 2000, as amended.

#### **12.89 Derivative Misconduct**

- a) Derivative misconduct arises where any learner possesses information that would enable Laerskool Bekker to identify wrongdoers, and those learners fail to come forward or is present where misconduct takes place and do not report it to Laerskool Bekker authorities.

#### **12.90 Learner Who Is an Accomplice**

- a) Should a learner violate this code, discipline can be imposed if a learner is an accomplice to another learner/person in the commission of an offense. A learner is an accomplice to another learner/person if, with knowledge that it will promote or facilitate the misbehaviour, he/she:
  - i. Solicits, commands, encourages, or requests such person to engage in the misbehaviour, or
  - ii. Aids or agrees to aid such other person in planning or committing the misbehaviour.
- b) A learner is not an accomplice if he/she is the victim or participation is terminated prior to the misbehaviour and timely warning is given to school officials that the misbehaviour may occur.
- c) If a learner engages in accomplice activity, he/she may be charged with the same offense that the principal actor committed and receive the same consequence, with a notation that the learner committed the offense as an accomplice.

### **12.91 Due Process in the Event of Alleged Misconduct**

a) In accordance with Government Gazette 189 of 1990 and Provincial Gazette 236 of 1997, the following procedure will be followed in the event of serious misconduct in order to ensure a fair hearing of the case. The hearing is an administrative tribunal. Any sanctions or sanctions of suspension or recommended expulsion, can only be imposed after the due process described below has been followed:

- i. Any learner alleged to have violated any rule of Laerskool Bekker that may require suspension or expulsion must be brought to the principal. The principal shall hear the evidence and then decide on any further action to be taken. Legal representation at a Principal's enquiry is **not** permitted, unless both Laerskool Bekker and the parents agree that it is appropriate for both parties to be professionally represented. The investigation and or internal hearing is an internal School procedure.
- ii. In the event that the accused learner is to be charged with serious misconduct, the principal must inform the learner's parents in writing of the proposed action and arrange for a fair hearing by a disciplinary committee consisting of members as designated by the SGB in terms of General notice 6903 of 2000 as amended and guided by Circular 74/2007.
- iii. If it includes an element of assault or any other serious matters, the principal must write a written report to the District Director.
- iv. A copy of written charges and a notice to appear before the DC, shall be delivered to the accused learner concerned and his/her parents/guardians by handing it over to him/her personally for which the accused learner and parents must sign not less than 5 school days and not later than 7 school days before a hearing takes place at a time, venue and date as determined by the SGB. By signing for the notice and charge sheet the learner does not admit to be guilty of the alleged charges.
- v. If the accused learner and/or his/her parent/guardian refuse to sign for the notice and charge sheet, it must be noted in writing of the time and date that the said document has been conveyed to the accused learner and/or the parents/guardian and brought to their attention and signed by the person handing over the document and a witness that it has been done and this will also serve as notice to attend the hearing.
- vi. All documents to be filed on the learner's disciplinary file.
- vii. The notice and charge sheet may also be forwarded by email to the parents or guardians and handed to the learner to deliver to his/her parents and/or the

- parent must be informed to collect the charge sheet in person at Laerskool Bekker and sign for it.
- viii. The charge sheet and notice determines the date, time and venue of the DC hearing as determined by the SGB. The charge sheet and notice is not intended to be a precise statement of the elements of the alleged misconduct by the accused learner. The charges only have to be sufficiently precise to allow the accused learner and/or his/parents (if he/she is a minor), to identify the alleged incident to allow him/her to prepare for the hearing.
  - ix. Laerskool Bekker will not and may not make any evidence available to the accused learner and/or the parents prior to the DC hearing, as it is an administrative tribunal and not a court case.
  - x. If the accused learner admits the charge, either in writing or orally in person before the DC, he or she shall be deemed guilty of serious misconduct as charged. Accused learners and any other witnesses may make voluntary reports about incidents to the Head of Discipline that may be used as evidence during a hearing.
  - xi. For any external disciplinary hearing the SGB will appoint a chairperson/presiding officer and members who qualifies to be a member or co-opted member of the SGB.
  - xii. In the case where a learner admits his or her guilt on a charge of serious misconduct, the presiding officer and members of the disciplinary committee must establish if the learner is guilty and make recommendation/s on the correctional measures to be imposed, to the SGB, or in the event that expulsion of such learner is recommended to the Head of Department.
  - xiii. In the case where the accused learner denies his/her guilt on a charge of serious misconduct, the disciplinary committee hears the charge and upon a finding of guilty based on the principle of reasonable doubt, makes a recommendation on the correctional measures to be imposed to the SGB.
  - xiv. For the hearing, any accused learner must be informed and understand the charge, with five (5) to seven (7) school days' notice, indicating time, place and date of the hearing which the accused learner must attend in full school uniform.
  - xv. At the hearing the prosecutor (evidence leader) may present facts by the way of adducing oral written statements or documentary evidence in any manner as the hearing is an administrative tribunal.
  - xvi. During the hearing the accused learner shall have the right to be personally present and to be represented by his/her parents/guardians or a person nominated by the learner or his/her parents/guardian who shall have the right:
    1. To be heard by the disciplinary committee consisting of impartial persons.
    2. To be treated with dignity during the process unless the accused learner and/or parents are discourteous or disruptive and the committee may found them in contempt of the process.
    3. To present facts from the learner by adducing his/her statement, either in writing or orally or documentary evidence in defence of the learner including expert psychological or educational testimony. Every opportunity must be afforded to a learner to put his/her version of relevant events and circumstances on record.
    4. An appreciation of the fact that the accused learner could be on an unequal footing when it comes to defending herself against aggressive accusations by those in authority over him/her.

5. An understanding that they must listen to the learner and inquire to ensure that proper justice is meted out, even if that means uncovering a problem which may embarrass colleagues.
6. To question any witness called in support of the charge.
7. The accused learner cannot be compelled to testify in the proceedings
8. To have access to documentary evidence produced in support of the charge during the hearing.
9. Be informed in writing of the decision of the DC within 5 school days of the hearing having taken place.
- xvii. Laerskool Bekker Governing Body is obliged to keep a complete record of proceedings and outcome of the disciplinary hearing in writing or electronically and produce minutes. 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.
- xviii. In the event of the learner being found guilty based on the principle of reasonable doubt, the presiding officer may impose a correctional measure upon the learner found guilty or deemed to be guilty of the charge and the Dc may also apart from the charges brought against the accused learner may find him/her guilty of other violations of the Code in their findings.
- xix. The School Governing Body shall have the right to accept, reject or vary any recommend sanction(s) of the Disciplinary Committee, provided that, before making a finding less favourable to the learner than that recommended by the Disciplinary Committee.
- xx. The disciplinary proceedings contemplated is an administrative tribunal and shall be conducted in a fair, equitable, and transparent manner although the proceedings are always conducted *in camera* and in terms of General Notice 6903 of 2000 as amended and guided by Circular 74/2007. The findings of the committee are done on the principle of a balance of probabilities. Any evidence placed before the Disciplinary Committee shall be confidential and privileged and may only be disclosed to the Governing Body for the purpose of enabling the Governing Body to consider the recommendations of the Disciplinary Committee and to make its final decisions as to the guilt of the learner whose conduct is being enquired into and, where applicable, the sanction to be imposed. The privilege referred to pertains to both Laerskool Bekker and to the learner concerned.
- xxi. All costs involved regarding a legal representative for a learner/interpreter and or the attendance of any witness for an accused learner is for the sole cost of the accused learner and his/her parents. Laerskool Bekker is not liable for any costs even if the learner may be found not guilty of any charge.
- xxii. Should a learner and his/her parent fail to appear before the DC at the venue, time and date without just cause the gearing may continue.

#### **12.92 Learner Evidence Through an Intermediary**

- a) The hearing, cross-examination or of a witness for whom an intermediary is appointed after the approval of the SGB in terms of SASA, will take place through the appointed mediator. Such an intermediary may, unless the Chairperson of the hearing decides otherwise, transfer any question to the witness concerned.**

- b) **If a mediator is appointed, the Chairperson of the Disciplinary Committee determines that the relevant witness deliver their testimony at such a place and time that:**
- i. **Is informally arranged to set the witness at ease.**
  - ii. **Any persons whose presence may upset the witness be out of sight and/or earshot of the witness.**
  - iii. **The Disciplinary Committee and any persons whose presence is necessary at the proceedings, with or without the medium of electronic devices or other devices, to hear the intermediary as well as the witness during his/her trial testimony.**

#### **12.93 Learner Mediation/Plea Bargaining**

- a) Laerskool Bekker/SGB may offer mediation/plea bargaining to resolve the issues. The parent/guardian/accused learner may also request for mediation prior to or during the hearing.
- b) Mediation is voluntary, and both the parent/guardian/accused learner and Laerskool Bekker/SGB must agree to participate and abide by the written outcome.
- c) Either party may terminate the mediation at any time.
- d) If the mediation is terminated without an agreement, Laerskool Bekker will continue to follow the procedures for conducting a DC hearing.

#### **12.94 Detention/ In-School Academic Detention**

- a) Detention is defined as a required period of time that may be used for study, isolation, or work detail before or after school by a learner who has transgressed the code or has accumulated a certain number of debit points or may even be part of a sanction as part of the outcome of a DC.
- b) Learners may be assigned to one or more sessions of detention or placed in in-school suspension for engaging in prohibited conduct under this Code.
- c) The learner's parent or guardian will be notified by SMS and/or by phone and in writing of the learner's conduct and assignment to detention or in-school suspension.
- d) Detention will be held outside of the instructional day, either before or after school, or during recess.
- e) In-school academic detention will require the learners to report to the in-school academic detention classroom for all or part of one or more school days.
- f) While in in-school academic detention, the learners will be provided the appropriate class assignments and will be expected to complete those assignments as if the learners were in a regular classroom.
- g) It is the parent's responsibility to provide transportation after a detention class and not Laerskool Bekker.
- h) Should a learner fail to attend detention without just cause, Laerskool Bekker may institute disciplinary procedures against such a learner.

#### **12.95 Corrective Strategies and Disciplinary Intervention – Explanations**

- a) Some disciplinary interventions require restitution for damages or the payment of a fee. Any fees from counselling on anger management, rehabilitation programmes for substance abuse, tobacco education, prevention or rehabilitation treatment programmes as part of a disciplinary sanction/intervention, are the responsibility of the learner and parent/guardian and not Laerskool Bekker who has the right to follow-up if a learner has participated in a stipulated programme.

- b) An anger management programme is a programme which is designed to aid learners in developing skills to deal with anger in an acceptable and appropriate manner.
- c) Behavioural Contract – A behaviour contract (plea agreement) is an agreement in which the learner must follow specific administrative directions in order to regain privileges and follows a request for mediation. A learner may be placed on a behaviour contract for serious misconduct or for repeated misconduct at the principal's/SGB's discretion. A learner placed on a behaviour contract may be required to attend anger management, mediation, rehabilitation or a life skills program as directed by the principal. The learner's parent/guardian is to be notified of this requirement in writing. Violation of the behavioural contract may result in the revocation of all privileges and the reinstatement of a DC hearing process.
- d) Confiscation of unauthorised materials/objects/contraband – A learner in possession of unauthorised materials, objects, or contraband may have items confiscated and not returned where appropriate. Laerskool Bekker will not be held responsible for items that are confiscated.
- e) Counselling – Laerskool Bekker may refer a learner with behaviour problems to certified school counsellors/social workers or request the parent to outside agencies as an intervention action. Parents may also use other certified psychologists registered with the authorities.
- f) Loss of Privileges – A learner may lose privileges afforded learners in good standing for violations of the Code and school rules.
- g) Mandatory Parent Conference – Laerskool Bekker may require a parent conference in order to prevent a learner's behaviour from rising to a level that may result in serious consequences.
- h) Parental Contact – Parents/Guardians will be notified by written, electronic or verbal communication of disciplinary procedures when taken as a result of a referral based on a learner's actions violating the Code and school rules.

#### **12.96 Investigation of Violations of the Code**

- a) In order to determine whether a violation of the Code has occurred, the principal/his/her designate or other authorised individuals may conduct an investigation and present their findings to the SGB.
- b) Investigations of learners' misconduct may involve, but are not limited to, interviews of other learners, employees, educators and other adults, review of Laerskool Bekker surveillance footage, review of relevant documents and reports from other persons and learners, review of information on School-owned computers, learners' cell phones, verification of tips received from other individuals, gathering of physical evidence, contact of or cooperation with parents and/or law enforcement agencies (such as the Child Protection Unit) and the Department of Social Development, the ISS of the GDE and the IDSO of the District and other district officials.
- c) Law enforcement may be contacted and informed of learners' conduct which may constitute a criminal offense as well as the parents of the learner.
- d) A learners' person or property may be searched by authorised school officials in terms of the regulations, if the educator has a reasonable belief that the search will result in the discovery of evidence of a violation of the Code or of Laerskool Bekker Act, 1996 or any other Regulation or prescript of the Code or any other related policy and/or rule of Laerskool Bekker. The search will be reasonable in its scope and intrusiveness in terms of the prescripts of the provincial department and in terms of Laerskool Bekkers act, 1996.
- e) Any personal property which is brought onto school property or to a school-sponsored or school-related activity or event, on or off school property, may be subject to search

(e.g., a learner's cell phone, smart phone, digital device, backpack, personal computer, purse, car, etc.).

#### **12.97 Suspension of a Learner for Serious Misconduct**

- a) According to Section 9(1) of SASA, a School Governing Body (SGB) may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension, after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension. Any learner with any kind of disability may be suspended.
- b) If a learner is suspended, the governing body must conduct the disciplinary proceedings within 7 (seven) days of the suspension, failing which, the governing body must obtain the approval of the HOD for the continuation of the suspension of such a learner.
- c) According to Section 9(1)(C) of SASA, a governing body may, after a fair hearing, suspend a learner from attending school, as a sanction for a period not longer than 7 (seven) school days.
- d) According to Section 9(1) (E) of SASA, a governing body may suspend or extend the suspension of a learner for a period not longer than 14 days, pending a decision as to whether the learner is to be expelled from Laerskool Bekker by the HOD, which may be extended after consultation with the Department by the principal.
- e) During a period of suspension, the suspended learner may not enter onto school property or participate in or attend school-sponsored or school-related events or activities.
- f) The learner's educators will provide assignments that the learner will be expected to complete during the period of suspension. Learner assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely fashion.
- g) The learner may come to school and report at Laerskool Bekker office should he/she be obliged to write a test during a period of suspension. Such test will be administered and written in academic isolation after which the learner will be escorted off Laerskool Bekker premises and where his parents/guardians may collect him/her or depart for his/her transport.

#### **12.98 Serious Misconduct and the Law**

- a) Serious misconduct which may include offences according to the law must be investigated by the police and referred to the Court if necessary.



### **12.99 External Disciplinary Committee (DC) for Serious Misconduct**

- a) Upon the advice of the principal, the SGB must appoint a DC to adjudicate the allegation of serious misconduct
- b) .The DC appointed by the SGB must comprise of three persons who are members of the SGB or are nominated by the SGB.
- c) The DC is subjected to the following conditions:
  - i. The chairperson of DC must be a parent member or community member of the SGB.
  - ii. The two remaining members of the disciplinary committee may not be the principal or a learner at Laerskool Bekker.
  - iii. No person may be appointed to the disciplinary committee if he or she has personal knowledge of any matter that may be in dispute at the hearing.
- d) In appointing members of the disciplinary committee, issues of representivity in terms of gender and race must if possible, be reflected in the composition of the committee.
- e) No other learner of Laerskool Bekker or outside person such as any representative of any learner organisation/association or political party, may attend as an observer/representative of any learner during a hearing.

### **12.100 Procedure for Hearing of Serious Misconduct by an External Disciplinary Committee of the SGB** *(Please See General Notice 6903 of 2000 As Amended for the Procedures)*

- a) Regulation 5 of General Notice 6903 of 2000 as amended, outlines the procedures for hearing of serious misconduct and other steps to be followed to ensure that the process is fair and transparent.
- b) Failure of the parent/guardian/learner to appear at a scheduled hearing (unless prior notification of absence was provided with good reason and approved by the Principal or unless just cause is shown) shall constitute a waiver of the parent/guardian's right to a personal appearance before the DC. The disciplinary committee must keep a full and accurate record (minutes) of all proceedings before it.
- c) All hearings may be held as determined by Laerskool Bekker at a time and place reasonably be that may convenient to the learner, parent, or guardian and shall be closed and be held *in camera*.
- d) The learner may have a right to a representative of the learner's own choosing, including legal counsel, at the learner's sole expense. If the learner designates a representative other than the parent or guardian, the representative must have a written authorization from the learner and the parent or guardian (if the learner is still a minor).
- e) The accused learner, parent or guardian, or authorised representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- f) The principle of fairness is expected to apply during the disciplinary proceedings.
  - i. The principles of fairness require that the accused learner understands all the allegations against him or her, and is given a fair opportunity to respond to those allegations.
  - ii. This would therefore require that an opportunity be provided for the cross examination of a person making allegations by the accused learner against whom the allegations are made.
  - iii. The learner has the right to be represented by a legal representative in the role of representative at the learner's sole expense, which costs are not recoverable from Laerskool Bekker or the Department, provided the parents of the learner has informed the principal at least 72 hours before the

commencement of the hearing, in writing stating the name of the person and his/her contact details.

- iv. The evidence before the DC must be fairly evaluated and considered, and a decision must be taken without bias, malice or prejudice against anyone on the principal of a balance of probabilities.
- v. The circumstance of the accused learner may be considered, and mitigation factors (such as the matter being a first offence) may be taken into account.
- g) If the learner fails to appear before the disciplinary committee after due notice and without just cause for not attending the hearing, the hearing may continue in the absence of the learner.
- h) The learner cannot be compelled to testify in the disciplinary proceedings.
- i) Only the SGB makes a recommendation for expulsion to the HOD after fair hearing after it has received a recommendation for the Disciplinary Committee to do so.
- j) This recommendation of the DC must be forwarded to the HOD in writing by the SGB.
- k) Situations where lawyers, parents/guardians and family members disrupt the processes by inappropriate technical arguments and/or discourteous behaviour in any manner will not be allowed.
- l) Legal advice is limited to only the accused learner to assist and guide him/her during before the hearing.
- m) The learner. Parent and or legal representative may not directly contact any witnesses of Laerskool Bekker.
- n) The legal representative is there to protect the learner's interests only with regard to the hearing.
- o) Legal representatives must note that the disciplinary hearing is an administrative tribunal process entirely different from a trial in court.
- p) If the HOD decides to impose on the learner a lesser sanction, other than expulsion, he/she may, after consultation with the SGB, impose a suitable sanction on the learner, or if he/she decides not to impose a sanction on the learner, he/she may also refer the matter back to the SGB for an alternative sanction.

#### **12.101 Collective or Group Misconduct**

- a) The disciplinary procedure is principally designed to deal with instances of misconduct by individual learners. Alleged misconduct by a group of learners, where the infringement(s) are of a similar nature or with a related intent, is considered as being "collective misconduct".
- b) Generally, collective misconduct is more effectively dealt with on a collective basis. An informal investigation into the alleged group misconduct is generally conducted initially by an assigned educator.
- c) This investigation will normally include a discussion with the learners involved, to attempt to get to the facts of the matter and to get the learners' perspective before deciding on the best way forward.
- d) Dependent upon the outcome of the initial investigation, informal or formal disciplinary action may be considered appropriate by the responsible educator for the individual learners involved.
- e) Should the alleged misconduct be considered to be of a serious nature, a single disciplinary hearing procedure may be conducted with all the learners concerned, with their parents/guardians present.
- f) The same procedures as provided for above (Disciplinary Hearing) are also followed in a collective disciplinary hearing.

- g) Despite the use of a collective hearing procedure, individual learners must still be provided with the opportunity of demonstrating that their own circumstances may be different from that of the group, or other learners, and for showing why they should be treated differently.
- h) Laerskool Bekker reserves its right to exercise its option to conduct individual or collective hearing procedures, the disclosure of its reasons for this decision to also be at its sole discretion.
- i) Laerskool Bekker reserves its right to initiate a separate or collective/group appeal review process, to deal with any appeals lodged by any learners affected.

#### **12.102 Determining a Suitable Sanction**

- a) In reaching a decision regarding a learner discipline matter, Laerskool Bekker/Disciplinary Committee may consider the specific facts and circumstances of the situation, including but not limited to:
  - i. The learner's intent;
  - ii. The manner in which the offence was committed;
  - iii. The place where the offence was committed;
  - iv. The learner's age and grade level;
  - v. The learner's past disciplinary history Whether the learner has previously engaged in similar conduct;
  - vi. Whether the learner's conduct may have been the manifestation of a disability;
  - vii. The extent of remorse for the conduct;
  - viii. The extent of the learner's cooperation during the investigation of the matter;
  - ix. The nature, seriousness and severity of the alleged conduct;
  - x. His/her home environment, background and upbringing;
  - xi. Has the learner undergone rehabilitation and counselling for previous other and/or similar conduct;
  - xii. Whether self-defence was involved;
  - xiii. The effect which the commission of the offence may have had on the interests, physical integrity or property of others, including Laerskool Bekker;
  - xiv. The learner's academic record;
  - xv. Any other circumstance relating to the commission of the transgression which the DC may consider relevant to the imposition of a sanction.
- b) Laerskool Bekker may also issue a disciplinary sanction based on a determination that a learner has engaged in conduct which meets the elements of a criminal offense. Laerskool Bekker has the authority to make such a determination without regard for whether the learner is arrested, charged, or otherwise processed by the criminal justice system for the criminal offense. Laerskool Bekker may consider information received from law enforcement or other entities within the criminal justice system in issuing discipline under this Code.
- c) Actions will not be based on a learner's race, ethnicity, national origin, gender, sex, religion, disability, or any other unlawful consideration.
- d) The interests of Laerskool Bekker and its learners and other persons, which includes:
  - i. The need to protect and/or restore the good name and reputation of Laerskool Bekker having regard to the prevalence of the offence at Laerskool Bekker and the nature of the offence.
  - ii. Whether the transgression impacts on the physical integrity, property or well-being of staff and fellow learner at Laerskool Bekker.
  - iii. The effect which the transgression may have had on the maintenance of discipline and order at Laerskool Bekker with particular reference to the

- likelihood of likeminded learners (especially junior learners) following the example of the transgressor in future.
  - iv. The effect which the offence has had on the good name and reputation of Laerskool Bekker.
  - v. Any other such factor which may have bearing upon the selection of an appropriate sanction.
- e) In determining an appropriate sanction, the purpose/goals of sanction must be considered. Of particular importance is the need to balance law and grace (mercy). Upon consideration of the above factors, discretion should be exercised in the selection of a particular sanction which is appropriate for the individual.

**12.103 Examples of the Types of Sanction that may be issued in terms of an internal and External Disciplinary Hearing (See Levels of Misconduct)**

- a) Available sanction/ disciplinary consequences include:
- i. Parent conference;
  - ii. Verbal correction/warning;
  - iii. Written warning;
  - iv. Final Written warning.
  - v. Carrying an attendance/behavioural chart/letter to be signed off by every educator after each class/activity;
  - vi. Financial restitution;
  - vii. Counselling with or without corrective measures and or that the learner be required to be referred to a drug or alcohol assistance or rehabilitation programme and/or to law enforcement officials where appropriate.
  - viii. Conference with head of discipline and educator;
  - ix. Education/training;
  - x. Agreed improvement plan;
  - xi. Community service;
  - xii. School-related assigned tasks or duties;
  - xiii. Loss or restriction of privileges (e.g., eligibility to hold special positions, exemption from exams, early release contract, etc.);
  - xiv. Consequences related to learner participation in extracurricular activities, including removal, suspension or restriction of participation in any school function (including but not limited to matric farewell etc.);
  - xv. Removal from class to be placed in academic isolation;
  - xvi. Issuance of demerits;
  - xvii. Confiscation of items;
  - xviii. Referral to police, other law enforcement agencies, or other appropriate authorities;
  - xix. Final written warning;
  - xx. Suspended Expulsion;
  - xxi. Recommendation for permanent expulsion from Laerskool Bekker by the SGB to the HoD.
  - xxii. Any other disciplinary action as deemed appropriate by Laerskool Bekker.
- b) The above list is not exhaustive and other conditions attached to a particular sanction may be put in place by the Disciplinary Committee and/or School. One or more of these disciplinary consequences/sanction may be issued to a learner found to have violated the Code.
- c) If the Code does not specify the appropriate disciplinary consequence for a particular type of learners conduct, Laerskool Bekker/SGB may issue whatever disciplinary

consequence is deemed reasonable and appropriate, with the exception of expulsion which may only be enforced by the HoD.

- d) Any educator may have additional rules and consequences for learners' conduct in the classroom which may result in discipline under this Code or may be enforced in addition to any discipline issued under this Code provided that it is in line with the principles of the Code.
- e) Other lawful sanctions may also be put in place such as a plea agreement between the SGB and the parent and the learner and an agreement to abide by the Code between Laerskool Bekker and the learner and parent.
- f) If a learner withdraws from Laerskool Bekker before the expulsion process is completed, Laerskool Bekker may choose to complete the expulsion process to the HoD.
- g) If a learner returns to enrol in Laerskool Bekker at a later date and has not been required to complete the disciplinary consequences previously required, Laerskool Bekker may require the learner to complete the discipline upon return.
- h) The Code shall be applied and enforced consistently and equitably among learners, with the understanding that every disciplinary situation will differ and decisions will be made based on the individual facts and circumstances of a given situation.

#### **12.104 Appeal Procedures**

- a) With the exception of expulsions, learner discipline decisions at Laerskool Bekker level are final and not appealable.
- b) A learner or the parent(s) of a learner who has been expelled or a representative designated by him/her may appeal against the decision of the HOD to the MEC, within 14 (fourteen) days in terms of Circular 74/2007.
- c) Alternative arrangements for the continued education of the learner who has appealed must be made by the HOD, until the appeal has been finalised.
- d) The MEC must, within 5 (five) days notify the HOD and SGB that the appeal has been lodged and furnish them with a copy thereof, and request them, within 5 (five) days after receipt of the appeal, to make comments with regard to the appellant's reasons for the appeal and any other information relevant to the appeal.
- e) After consideration of all the information, the MEC must, within 5 (five) days of receipt of the documentation, provide the learner with the decision regarding the appeal.
- f) If an appeal by a learner who has been expelled from Laerskool Bekker is upheld by the Member of the Executive Council, the Member of the Executive Council must ensure that a suitable sanction is then imposed on the learner within 14 days of the date on which the appeal was upheld.

#### **12.105 Attendance of Disciplinary Hearings/Interventions (Internal or SGB External)**

- a) The parent/guardian/representative and accused learner is expected to attend all disciplinary hearing/discussions when issued with a letter/notice of a hearing or requested in electronic format and/or a phone call to attend such an intervention.

### **13. PROMOTION OF LAERSKOOOL BEKKER'S CODE OF CONDUCT**

- a) This policy will be displayed openly in Laerskool Bekker.
- b) This policy will be made available to each learner in the official language of teaching and learning on registration.
- c) This policy shall clarify in positive terms what the expectations of Laerskool Bekker are.
- d) The following actions shall be taken to clarify the expectation of Laerskool Bekker to learners:

- e) Each learner to be given a copy of the code of conduct or a summary published in Laerskool Bekker dairy at the beginning of each year, younger learners at primary to be informed verbally or published for information Laerskool Bekker dairy every year,
- f) Classroom rules and the consequences for breaking these rules must be displayed in the class.

**14. AMENDMENTS TO THE CODE OF CONDUCT**

- a) This Code of Conduct must be reviewed by Laerskool Bekker’s Governing Body in consultation with parents, RCL and educators, annually, or whenever necessary.
- b) This Code may be amended only after consultation with the educators, parents and learners of Laerskool Bekker. Amendments will take effect upon adoption and ratification thereof by Laerskool Bekker Governing Body and the publication thereof to the educators, parents and learners of Laerskool Bekker by written notice, a copy whereof will be posted on Laerskool Bekker notice board and will be made available on the website and through any other electronic messaging.

**15 DISPUTES**

- a) Any dispute concerning the interpretation of this Code shall be finally settled by a ruling of the Governing Body.
- b) The Code of Rights and Responsibilities of Laerskool Bekker attached and referred to in this Code, must be read together with the Code of Conduct. The Code of Rights and Responsibilities sets out the respective rights and responsibilities of the learners of Laerskool Bekker and aims at the creation of a climate of mutual respect, understanding and tolerance between them in the interests of harmonious relations in a progressive and dynamic School.

**16. SHORT TITLE**

This policy shall be called **Code of Conduct for Learners of Laerskool Bekker**

**17. APPROVAL**

<b>Recommended by: (Principal) (print name)</b>		<b>Signature:</b>	
<b>Date:</b>			
<b>Approved by: (SGB Chairperson) (Print name)</b>		<b>Signature:</b>	
<b>Date:</b>			
<b>Verification by GDE: (District Director) (Print Name)</b>		<b>Signature:</b>	
<b>Date of Verification</b>			
<b>Certified by :(Print Name)</b>		<b>Signature:</b>	
<b>Date</b>			

**SCHOOL STAMP**

# LAERSKOOl BEKKER PRIMARY

Private Bag X5003  
Magaliesburg  
1791

Hoof/ Principal  
A.R. Opperman



014 577 1129  
info@lsbekker.co.za  
www.lsbekker.co.za

## APPENDIX

### CODE OF CONDUCT – LEARNERS COMMITMENT

1. I will not disrupt any teaching or learning activities, or distract others while they are engaged in these activities and recognise the authority of all educators and school officials.
2. I will be punctual for all activities and classes and in completing assignments and homework.
3. I will strive to improve my personal organisation and time management skills (e.g. having the correct books or equipment for classes and activities) in respect of academics and sporting activities.
4. I will make new members of the community and visitors welcome by being polite and helpful towards them.
5. I will display good manners towards all members of Laerskool Bekker community.
6. I will avoid uncouth and rowdy behaviour, and in particular avoid foul language.
7. I understand that graffiti of any kind will not be tolerated.
8. I understand that different areas and rooms within Laerskool Bekker are governed by their own sets of rules and I will familiarise myself with these and comply with them.
9. I understand that smoking, the use of alcohol, possession and/ or use of illegal drugs, bullying, cyberbullying, sex-texting, any obscenity/immoral behaviour, unbecoming behaviour, theft and vandalism are all serious, punishable offences which could result in expulsion from Laerskool Bekker.
10. I will not chew gum.
11. I will adhere to the dress and appearance code at all times.
12. I will remain within bounds at all times unless I have official permission to break Bounds.
13. I will not have any contraband, weapons or dangerous objects in my possession at any time.
14. I will recognise the authority of the Disciplinary Committee to hear and judge cases of serious misconduct.
15. I will not engage in any inappropriate/unwelcome physical contact which others might regard as sexual in nature.
16. I will not make myself guilty of racial discrimination or any other form of discrimination or hate speech.

I have read and understand the information laid out in the Code of Conduct and agree that it is my responsibility as a learner of the ... School to adhere to these rules as all times.

LEARNER'S NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

LEARNER'S SIGNATURE: \_\_\_\_\_

PARENT'S NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

PARENT'S SIGNATURE: \_\_\_\_\_

# LAERSKOOl BEKKER PRIMARY

Private Bag X5003  
Magaliesburg  
1791

Hoof/Principal  
A.R. Opperman



☎ 014 577 1129  
✉ info@lsbekker.co.za  
🌐 www.lsbekker.co.za

## APPENDIX

### PARENT COMMITMENT

I, the parent/guardian of \_\_\_\_\_ understand the rules and their implications and hereby commit to supporting and assisting my child who is an enrolled learner of Laerskool Bekker to adhere to the following:

1. Abide by the Code of Conduct and Disciplinary System and to explain it to my child and if I do not understand or have a query will contact the Grade Head to explain it to me.
2. That my child will behave in a courteous and considerate manner and respect other learners, the RCL/leaders, all members of staff and visitors to Laerskool Bekker.
3. That my child and I will treat everyone with respect regardless of differences in culture, religion, ability, race, gender, age, sexual orientation or social class.
4. To take responsibility for his/her learning by attending regularly and punctually and completing all his/her assessment tasks on time and learning for all exams and tests.
5. To co-operate with his/her educators and other School staff.
6. To assist in making Laerskool Bekker a safe place for all.
7. To seek help if h/she needs it.
8. To let the Grade Head know if I feel he/she feels that his/her rights have been infringed, or if he/she experiences any other difficulty.

**NAME, EMAIL AND CELL NO OF PARENT/GUARDIAN:**

---

---

**SIGNATURE OF PARENT/GUARDIAN:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## APPENDIX

*A Value driven school striving towards excellence*

Page 104 of 147

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_



## **LEARNER'S BILL OF RIGHTS AND RESPONSIBILITIES**

### **1. THE RESPONSIBILITY IN ENSURING THE RIGHT TO EQUALITY**

- a) The right to equality places on every learner the responsibility to:
- i. treat every person equally and fairly, and
  - ii. not to discriminate unfairly against anyone on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.

### **2. THE RESPONSIBILITY IN ENSURING THE RIGHT TO HUMAN DIGNITY**

- a) The right to human dignity places on every learner the responsibility to:
- i. treat people with reverence, respect and dignity;
  - ii. be kind, compassionate and sensitive to every human being, including greeting them warmly and speaking to them courteously.

### **3. ENSURING THE RIGHT TO LIFE**

- a) The right to life places on every learner the responsibility to:
- i. protect and defend the lives of others;
  - ii. not endanger the lives of others by carrying dangerous weapons or by acting recklessly or disobeying our rules and laws;
  - iii. live a healthy life, by exercising, eating correctly by not smoking, abusing alcohol, or taking any drugs, or indulging in irresponsible behaviour that may result in being infected or infecting others with communicable diseases such as HIV and AIDS.

### **4. ENSURING THE RIGHT TO FAMILY OR PARENTAL CARE**

- a) This right expects every learner to:
- i. honour and respect his/her parents/guardians, and to help them,
  - ii. Be kind and loyal to his/her family, to his/her brothers and sisters (if not an only child), his/her grandparents and all his/her other relatives.
  - iii. recognise that love means long-term commitment to such family members, and the responsibility to establish strong and loving families.

### **5. ENSURING THE RESPONSIBILITY IN ENSURING THE RIGHT TO EDUCATION OF ALL LEARNERS / EDUCATORS IN LAERSKOOL BEKKER**

#### **a) Responsibilities of learners**

- i. To attend school regularly, to learn, and to work hard,
- ii. cooperate respectfully with educators and fellow learners; and
- iii. adhere to all the rules and the Code of Conduct of Laerskool Bekker
- iv. Not to disrupt schooling and education in classes and school activities in any manner.

#### **b) Responsibilities of parents and caregivers:**

- i. Ensure that their child attends school and receive their support and to ensure that their child adheres to Laerskool Bekker's code of conduct and rules.

#### **c) The Responsibility of Educators:**

- i. To promote and reflect the culture of learning and teaching in giving effect to this right.

### **6. ENSURING THE RESPONSIBILITY IN THE RIGHT TO WORK**

- a) This right carries with it the responsibility for all learners, parents, caregivers and educators to:
- i. Work hard and to do their best in everything they do to excel in Laerskool Bekker community.

- ii. Recognise that living a good and successful life involves hard work, and that anything worthwhile only comes with effort.
- iii. This right must never be used to expose children to child labour in the context of the relevant legislation.

**7. THE RESPONSIBILITY IN ENSURING THE RIGHT TO FREEDOM AND SECURITY OF THE PERSON**

- a) The right is upheld by taking responsibility for:
  - i. not hurting, bullying, or intimidating others, or allowing others to do so, and
  - ii. solving any conflict in a peaceful manner.

**8. RESPONSIBILITY IN ENSURING THE RIGHT TO OWN PROPERTY**

- a) The right to own property places on every learner the responsibility to:
  - i. respect the property of others;
  - ii. take pride in and protect both private and public property, and not to take what belongs to others.

**9. RESPONSIBILITY IN ENSURING THE RIGHT TO FREEDOM OF RELIGION, BELIEF AND OPINION**

- a) The right to freedom of conscience requires every learner to:
  - i. allow others to choose and practice the religion of their choice, and to hold their own beliefs and opinions, without fear or prejudice;
  - ii. respect the beliefs and opinions of others, and their right to express these, even when he/she may strongly disagree with these beliefs and opinions. That is what it means to be a free democracy.

**10. RESPONSIBILITY IN ENSURING THE RIGHT TO LIVE IN A SAFE ENVIRONMENT**

- a) This right assumes the responsibility to:
  - i. promote sustainable development, and the conservation and preservation of the natural environment;
  - ii. protect animal and plant-life, as well as the responsibility to prevent pollution, to not litter, and to ensure that our homes, schools, streets and other public places are kept neat and tidy; and
  - iii. In the context of climate change, we are also obliged to ensure we do not waste scarce resources like water and electricity.

**11. RESPONSIBILITY IN ENSURING THE RIGHT TO CITIZENSHIP**

- a) The right to citizenship/being a resident in this country expects that each learner will be a good and loyal South African citizen. This means that learners are responsible for:
  - i. obeying the laws of our country;
  - ii. obeying Laerskool Bekker's code of conduct and rules;
  - iii. ensuring that others do so as well, and
  - iv. contributing in every possible way to making South Africa a great country.

**12. RESPONSIBILITY IN ENSURING THE RIGHT TO FREEDOM OF EXPRESSION**

- a) The right to free expression is not unlimited, and does not allow any learner of Laerskool Bekker to:
  - i. express views which advocate hatred, or are based on prejudices with regard to race, ethnicity, gender or religion.

- ii. disrespects the authority of Laerskool Bekker authorities or any other person and the RCL;
  - iii. impugns the dignity of any person or Laerskool Bekker;
  - iv. uses unsuitable or derogatory language, gestures or any other disrespectful behaviour that affects the good name and honour of Laerskool Bekker;
- b)** Every learner must therefore take responsibility to ensure this right is not abused by themselves in any manner or others, to not tell or spread lies, and to ensure others are not insulted or have their feelings hurt.

**Source: The Department of Basic Education**

## **APPENDIX**

## LEARNER LEVELS OF MISCONDUCT

The following only serves as a guide when considering an appropriate sanction in respect of certain specified conduct and is not exhaustive or definite. The principal or delegated authority in dealing with matters which are not referred for hearing and the committee conducting a disciplinary hearing may have regard to these guidelines, but shall at all times be entitled to impose a sanction / sanction, which they having regard to all the circumstances deem fit.

Although it is practice to have a disciplinary hearing after more serious infractions, the Principal shall however, be entitled, in her or his discretion not to follow such procedures in appropriate circumstances and shall further be entitled to also refer minor infractions, particularly, but not limited to, when they are repeated infractions for a disciplinary hearing.

### Level 1 (Minor Misconduct)

#### Consequences

The relevant person in authority will deal with Level 1 Misconduct immediately. Discipline will be administered by the person in authority and could typically be a verbal reprimand and/or the allocation of an appropriate task e.g. meaningful written work, tidying up the classroom, litter clean up, etc.

#### Misconduct

Level 1 Misconduct includes, but is not limited to:

1. **General misbehaviour on Laerskool Bekker premises (Assembly, Classroom, Playground, etc.).**
2. **Honour Code Violation(s).**
3. Late-coming, lack of punctuality: being late for school, class, meetings, assembly, extra-mural activity etc.; the taking of longer breaks than allowed.
4. Uniform / ID transgressions / Dress Code Violation
5. Grooming (hair; shaving; jewellery; make-up; nails etc.)
6. Playing music on cell phone at any time and the wearing of earphones/ear buds at school when it is not allowed
7. Defiance – failure to carry out an instruction.
8. Diary not at school/Diary not replaced within two weeks
9. Discrimination – racial/gender/religious (minor)
10. Disrespect for authority, adult, RCL or peer/Inappropriate gestures
11. Distraction of other learners or behaviour anywhere in Laerskool Bekker or its environs that obstructs others from learning.
12. Verbal intimidation of a learner.
13. Unauthorised organisations.
14. Loitering/Learner Presence in Any prohibited School Area.
15. Late coming for school, class or any other school activity.
16. Non-conformity to dress code and/or display of visible tattoos.
17. Disruption on a school bus or any other mode of transport of Laerskool Bekker or to or from school on public transport
18. Inappropriate public display of affection.
19. Unauthorized absence from class or school for part of a day (Truancy)
20. Refusal to complete class assignments/homework/work in class/not prepared for presentation of oral work
21. Unauthorised use of school or personal property

22. Littering of school property
23. Poor Sportsmanship
24. Cheating or dishonesty in school work (depending on seriousness of the level)
25. Any other violation which the principal and/or designees may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances
26. Crude language / behaviour
27. Misconduct on transport to and from school or to and from extra-mural activities; misconduct during before or after extra-mural activities; misconduct in public/social media when in school uniform/insignia or when identifiable as a learner of Laerskool Bekker, in or out of uniform on or off Laerskool Bekker premises.
28. Throwing objects (spit balls, paper aeroplanes) where no injuries are involved.
29. Refusal to participate in classroom activities.
30. Failure to bring appropriate material to the classroom.
31. Failure to bring required school documents.
32. Talking without educator's permission.
33. Sleeping in class.
34. "Bakkie jumping" and/or hitchhiking while in school uniform.
35. Neglect of textbooks.
36. Mass violations – talking, eating, disrespect, etc.
37. Eating and drinking in classroom.
38. Homework incomplete.
39. Over-exuberant horseplay and/or playing ball games or any other game in areas that are not designated for these games or at times when such games are not permitted.
40. Trespassing in those parts of Laerskool Bekker that are declared out of bounds.
41. Chewing bubble-gum or chewing gum while at school, at a school event or in school uniform.
42. Leaving bags unattended outside of the classrooms or in areas of Laerskool Bekker where bags are not allowed.
43. Failure to present a note from the parent or guardian on the day following an absence from school or a co-curricular activity, including a doctor's note where applicable.
44. Bus Violations.
45. Other non-stipulated misdemeanours at this level.

### **Disciplinary Sanctions**

1. Conference with the learner by the educator and the Disciplinary Head/Deputy Principal
2. Verbal reprimand/Written warning
3. Break detention.
4. Letter to Parents
5. Withdrawal of privilege(s)
6. Parent conference(s)
7. Educator/learner/Principal/Head of Discipline conference
8. Demerit(s)
9. Temporary removal from class (academic isolation)
10. Classroom interventions (assigned seats, etc.)
11. Social Worker intervention (for all levels of transgressions)
12. Referral to Appropriate Substance Abuse Counselling Services
13. Referral to school Mentoring Programme
14. Counselling with School Police Officer and/or other staff (for all levels of Misconduct)
15. Detention/ Friday afternoon detention.
16. Restitution

17. Other sanction(s) as approved by the SGB/SMT
18. Direct referral for a DC hearing (internal or external)

## **Level 2 (Serious Misconduct)**

### **Consequences**

Level 2 Misconduct will be dealt with formally by the person in authority. Corrective action could typically involve counselling (where appropriate) and/or appropriate disciplinary action such as detention, etc.

### **Misconduct:**

Level 2 Misconduct includes, but is not limited to:

1. Repeated Level 1 transgressions including serious disruption of any class, school activity, sporting event/activity.
2. Objections, impudence, brash, defiant, arrogant or inappropriate behaviour towards RCL, educators and members of staff.
3. Unauthorised absence (including the faking of illness or absence from a class, meeting, assembly or extra-mural activity that should be attended); leaving Laerskool Bekker early without permission.
4. Unauthorised entry into a school building or vehicle, and/or trespassing on school property school/class/school activity.
5. Disruption and/or misconduct during detention and/or any behaviour deemed by an educator to be serious interruption of teaching and learning at school.
6. Dropping objects over balcony
7. Failure to submit valid absentee notes.
8. Inappropriate physical contact between learners of a non-invasive nature.
9. Writing on school property, equipment or books.
10. Serious grooming / uniform default.
11. Misconduct in the form of shouting any remark out the windows, throwing litter out of transport, indecent exposure on school transport, damaging property etc. that puts Laerskool Bekker's reputation and good name in a negative light.
12. Truancy - bunking periods or detention, bunking Assembly or other legitimate school activities.
13. Refusal to identify oneself to appropriate authority
14. Non-stipulated misdemeanours at this level
15. Being an accomplice to colluding, conspiring, assisting, abetting or instigating dishonesty, fraud or theft.
16. Defiance, insubordination, insolence rudeness, discourteous behaviour or refusal to follow appropriate directive from any educator or member of Laerskool Bekker authority
17. Vandalism/property damage/theft of property use/taking of property of another without permission. Being in possession of another's property without their knowledge or consent or attempting to remove another's property without their knowledge or consent and/or theft or attempted theft and/or sale of another person's stolen property. Gambling/games of chance/money lending scheme/ placing bets and wagering money are not allowed under any circumstances.
18. Possession of stolen property with the knowledge that it is stolen. Passed Along Stolen Property.
19. Threats/extortion
20. Trespassing
21. Direct use of profane language, inappropriate gestures or obscene manifestation (verbal, written, gesture directed toward another person)
22. Repeated direct or non-direct use of profane language or obscene manifestations
23. Anti-authority or gang related behaviour.
24. Robbery

25. Unauthorized absence from school for a day or more
26. Written or verbal proposition to engage in sexual acts/immoral acts/Indecent and obscene behaviour
27. Inappropriate touching of another person
28. Possession of and/or use of matches or lighters and/or any other incendiary device
29. Unauthorised possession and/or use of cell phones, camera, electronic/digital device or any other electronic communication device or entertainment devices during school hours as stipulated in the cell phone policy.
30. Dishonesty and cheating.
31. Providing false information to any school employee or any false information about a school employee.
32. Possession and/or use of prescription, non-prescription medication, inhalants, aerosol sprays, or other over-the-counter products without permission from school authorities.
33. The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavour, and other chemicals via inhalation.
34. Harassment of any type or kind.
35. Verbal confrontation with another person on purpose through trying to provoke the other person or as a result of an incident and/or involving/attempting to involve outsiders in disputes between learners and/or educators.
36. Spitting at others.
37. Bullying.
38. Cyberbullying and or recordings of fighting or acts of bullying, assault, or battery, whether staged or real; posting or disseminating or posting to the internet or any social media platform.
39. Violation of Technology Acceptable Use Policy
40. Any other violation which the principal may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances
41. Prohibited Sales - items brought to school for the purpose of a sale unrelated to an approved school activity.
42. Obscene Language
43. Obscene materials – possession or distribution
44. Repetitively flouts the rules of physical appearance, hair and uniform.
45. Any action which is carried out with the intention of enabling a learner, or any other person, to gain an unfair advantage (even cheating or unfair sportsmanship in any school activity).
46. Possession of offensive material, excluding pornographic material
47. Any action which brings Laerskool Bekker's name into disrepute.

### **Disciplinary Sanctions**

1. Direct suspension and referral for an external DC hearing
2. Temporary removal from class (Academic Isolation)
3. Suspension from school activities or a selection thereof but not including academic activities.
4. Demerit points
5. Restitution
6. Confiscation of the cell phone or electronic device.
7. Detention
8. Written warning plus detention.
9. Alternative education programme (Rehab etc.)
10. Out-of-school suspension

11. Referral to Appropriate Substance Abuse Counselling Services
12. Referral to school Mentoring Programme
13. Referral to outside agency
14. Recommendation for Expulsion after SGB external DC hearing.
15. Any sanction(s) included in Level 1 and other sanction(s) as approved by the SGB after a DC hearing

### **Level 3 (More Serious Misconduct)**

#### **Consequences:**

Level 3 Misconduct will be escalated to and dealt with by the Grade Head/Deputy Principal or could involve a Governing Body hearing. The misconduct will be recorded in writing in the discipline control room. Corrective action could include parent(s)/guardian(s) involvement, counselling (where appropriate) and/or appropriate formal discipline such as extended detention, community service, etc.

#### **Misconduct:**

Level 3 Misconduct includes, but is not limited to:

1. **Repeated Level 2 transgressions and other non-stipulated misdemeanours at this level and any conduct that violates the rights or safety of others.**
2. **Tampering with safety and other equipment/installations on School premises.**
3. Fighting
4. Extortion.
5. Technology/computer misuse (inappropriate internet use, disabling, etc.) /computer/tampering /trespass/hacking/altering hard drives and/or refusal to comply with school rules or reasonable directions or commands of school staff regarding use of technology and/or visual recording devices without permission.
6. Possession or use of any fireworks,
7. Repeated absence from activities at which a learner should have been present, or truancy for a period of a full day or longer.
8. Smoking and/or possession of and/or holding of a cigarette and or cigarettes/tobacco/ product/matches/lighter/ association with smoker(s) at school or in uniform or at a school function.
9. Selling and or supplying cigarettes on/off School premises/at school.
10. Supporting smoking 'by association'/derivative misconduct.
11. Leaving school without permission (repeated offence)
12. Physical intimidation
13. Making false reports or statements (i.e. false emergency calls, false name, forgery, committing fraud, falsely accusing others of wrong actions, falsifying school records, letters, doctor's reports, alteration or unauthorised possession of school, government forms/records, etc.)
13. Initiation practices.
14. Sticking a sharp object e.g. pin, pen, nib etc. into a fellow learner.
15. Reckless or negligent driving whether in School uniform or not, and whether on Laerskool Bekker property or not.
16. Defacing school property
17. Vandalism/ damage to transport; serious misconduct or any transport and/or during, before or after extra-mural activities; serious; misconduct in public/social media when in school uniform or when identifiable as a learner of Laerskool Bekker.
18. Accommodating unauthorised persons on Laerskool Bekker grounds
19. Petty theft
20. Misrepresentation of the facts



21. Serious discrimination – racial/gender/religious.
22. Robbery and/or theft of property – valued at R250.00 or more.
23. Burglary of school property and/or vandalism or malicious damage to property/forceful entry.
24. Poisoning, or attempting to poison another person
25. Arson – *Zero Tolerance* – (intentionally setting a fire on school property) to damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents.
26. Fraud.
27. Bomb threat.
28. Cloak room violations of a serious kind.
29. Any sexual offense/indecent immoral behaviour, sexual activity, sexual abuse.
30. False Accusations
31. Ignoring/ wilfully and without just cause not abiding by sanctions imposed and terms of written warning.
32. Fighting, assault or threatening to assault another person/ group of persons. Provoking a fight and or encouraging violations of the code of conduct by other learners. Disturbance of the peace.
33. Inciting or participating in major learner disorder (mass bunking etc.).
34. Unjustified activation of fire alarm system or fire extinguisher
35. Assault on another person (learner, educator, staff member, visitor, etc.)
36. Possession of any weapon/dangerous object/contraband.
37. Preparing, possessing and/or igniting explosive device/fireworks of any kind.
38. Unlawful use, sale, purchase, furnishing or giving, or possession of illegal drug, drug paraphernalia or alcoholic beverage, or being under the influence of illegal drug or alcoholic beverage or testing positive for the use of an illicit substance. Refusal to be tested for an illicit substance or using subterfuge or any delaying tactics to be tested
39. Accessing or changing information in school computers to benefit one's self, or to endanger or cause harm to another individual.
40. Harming the image of Laerskool Bekker by placing any material, photograph or negative comments on social media and/or filming or photographing other learners or school activities and distributing this material via cell phone or any other electronic or social media for malicious reasons.
41. Seriously unruly behaviour: any act of bullying or assault or violence towards learners or staff: perpetration of an act that may endanger the safety of others or threatens fellow learners or educators or other staff members or members of Laerskool Bekker community or the general public. Repeated incidents of bullying. Verbal and/or physical abuse in a game or any other school activity.
42. Driving and/or parking a vehicle on Laerskool Bekker property without a valid drivers' licence; endangering the lives of any learner, parent, any person or member of staff by the way the learner drives (recklessness, negligence or speeding) and/or transporting other learners from Laerskool Bekker when the driver does not have a valid driver's licence.
43. Any other offense which the principal and/or designee may deem reasonable to fall within this category after investigation and consideration of extenuating circumstances.
44. Transgressions as defined under the bylaws of the municipality, province, education department or the country.

### **Level 3 Disciplinary Sanctions**

1. Any sanctions as defined for level 1 and 2 Misconduct other sanction(s) as approved by the Principal/SMT/SGB
2. Out-of-school suspension
3. Restitution

4. External DC hearing
5. Referral to Appropriate Substance Abuse Counselling Services
6. Referral to school Mentoring Programme
7. Referral to outside agency, including the criminal justice system
8. Recommendation for expulsion
9. Restitution of property and damages where appropriate

#### **Level 4 (Very Serious Misconduct)**

##### **Consequences:**

Level 4 Misconduct will be dealt with at the highest level within Laerskool Bekker i.e. Deputy Principal, Principal and/or SGB. Corrective action could involve counselling (where appropriate) and discipline could involve a formal disciplinary hearing with consequent suspension or expulsion.

##### **Misconduct:**

Level 4 Misconduct includes, but is not limited to:

1. **Level 1, 2 and 3 transgressions that is repeated and unreasonable repetition of such offences.**
2. **Striking/physical contact with a staff member who is intervening in a fight or other disruptive activity and/or attack against school personnel by physically attacking an employee or other adult, including intentionally striking a staff member who is intervening in a fight or other disruptive activity.**
3. Intentionally provoking and/or make physical contact of an insulting or provoking nature with a school employee and/or intentionally make physical contact which causes physical harm to a school employee, unless such physical harm was in defence of himself or herself.
4. Group Fight.
5. Arriving at school under the influence of drugs or alcohol
6. Possession/distribution/selling/trading of test or examination material prior to test or examination being written.
7. Premeditated fighting, assault and battery.
8. Gangs – promoting formation of/associating with/furthering activities of school gangs/ 'social groups'
9. Mutually participate in a physical altercation and or fight.
10. Committing an act of gross insubordination which will be regarded as such by the deputy principal or principal.
11. Extortion of another person's property/theft/money.
12. Repeated use or possession or sharing/distribution of pornographic /offensive material.
13. Physically or fatally injures a learner, parent or staff member, owing to negligence, recklessness or speeding while driving a vehicle on school premises.
14. Engagement in any act of public indecency or gross immorality in any form, on social media on or off Laerskool Bekker premises that impugns Laerskool Bekker's good name and honour.
15. Boycotts/Riots/Sit-ins/Walkouts/ sedition or inciting any form of illegal strike action/meeting/campaign at school even on behalf or in sympathy with others and even employees of Laerskool Bekker.
16. Forcefully abduct, transport and/or detain a person against his/her will
17. Vandalism resulting in serious damage
18. Cheating in an examination/test
19. Should a boy be caught in the girls' bathroom or a girl be caught in the boys' bathroom or a learner be in the wrong bathroom. Should a girl allow a boy into the girls' bathroom or a boy allow a girl into the boys' bathroom or any learner in the Staff bathrooms unauthorised.

20. Forging signatures / writing own letter / impersonation
21. Possession of a dangerous weapon/object and /or use there-of
22. Swearing at an educator/affecting the dignity of another person
23. Sexual harassment of educators, adults, peers
24. Inappropriate behaviour of a sexual nature including any sexual act at school.
25. Substance abuse and/or possession of drugs, alcohol, etc.
26. Satanic practices/witchcraft/cultural practices that damage property, emotional stress or cause harm to people or any other living creatures in any way.
27. Trespassing on school ground while a suspension is still in effect; ignoring sanctions imposed and terms of a final written warning.
28. Other serious misconduct which will lead to disciplinary consequences include but are not limited to the afore-mentioned misconduct.

#### **Level 4 Disciplinary Sanctions**

1. Any sanctions as defined for level 1,2 and 3 Misconduct other sanction(s) as approved by the Principal/SMT/SGB
2. Out-of-school suspension
3. Mentoring Programme Participation
4. Counselling/Life Skills Programme
5. External DC hearing
6. Referral to Appropriate Substance Abuse Counselling Services
7. Referral to outside agency, including the criminal justice system
8. Recommendation for expulsion
9. Restitution of property and damages where appropriate

#### **Level 5 (Criminal Acts – Violates School Code + Law)**

**Level 5 Misconduct relates to criminal acts and repeated serious violations of Laerskool Bekker Code. Any breach of the Law of the Republic of South Africa could lead to the South African Police Services being called in. All level 5 misconduct may be escalated to the appropriate authorities. In addition, Laerskool Bekker would reserve the right to implement Level 4 consequences. The procedures that may be applicable in accordance with criminal law have no direct bearing upon Laerskool Bekker/learner relationship. Laerskool Bekker is not obliged to wait until criminal/court proceedings have run their course before initiating any disciplinary steps against any offending learner. The imposition of disciplinary measures against a learner after investigation by Laerskool Bekker, such as expulsion for serious misconduct, will not be nullified or viewed as “double sanction” should the learner also be sentenced, if found guilty, by a court of law.**

The following behaviours are grounds for corrective strategies by Laerskool Bekker and may also result in criminal penalties:

1. Any offence punishable under common law
2. Illegal use, possession, or sale of controlled substances while on school grounds or attending a school function and use or possession of, dealing in, making available to anyone, handling or in any way procuring or being involved in the circulation or provision of any banned substance or material (including, but not limited to, drugs, alcohol or tobacco products or pornography.)
3. Off-site criminal misconduct that disrupts or substantially damages Laerskool Bekker/learner relationship and the educational process.
4. Use of a wireless communication device in the commission of a crime.

5. Possession of a firearm or weapon while on school grounds, school bus or at a school function or using it to commit a crime;
6. Violence against any School personnel or any other person;
7. Violation of Laerskool Bekker's sexual harassment policy;
8. Making a threat or false report involving destructive devices or explosives directed against Laerskool Bekker, school personnel property, school transportation, or school-sponsored activity; and;
9. Sexting of any kind.
10. Repeated theft of any items belonging to learners, staff members, the Hostel, Laerskool Bekker, visitors, guests or any other person involved in any way with Laerskool Bekker or Hostel, regardless of the value of the item(s) stolen.
11. Any act which may endanger the safety of the staff, other learners, guests, any other person or any part of the property or the contents thereof.
12. Any act or words directed at management, learners, guests or learners which, in the opinion of the Principal or the Governing Body, are insulting, derogatory or demeaning.
13. Assisting, aiding or abetting any learner to break the law, or school rules or regulations.
14. Involvement in any way whatsoever in any illegal/criminal activities.

## **APPENDIX**

**EXTRACT FROM GENERAL NOTICE 6903 OF 2000 (PG 144 OF 4 OCTOBER 2000)  
AS AMENDED BY GENERAL NOTICE 2591 OF 2001 (PG 72 OF 9 MAY 2001)**

## **SCHEDULE 1**

### **(SERIOUS MISCONDUCT THAT MAY LEAD TO SUSPENSION)**

A learner will be guilty of serious misconduct if he or she, intentionally and without just excuse-

- (a) seriously threatens, disrupts or frustrates teaching or learning in a class;
- (b) engages in a conspiracy to disrupt the proper functioning of Laerskool Bekker through collective action;
- (c) insults the dignity of or defames any learner or any other person, which includes racist remarks;
- (d) distributes, or is in the possession of any test or examination material that may enable another person to gain an unfair advantage in a test or examination;
- (e) cheats in a test or examination or any other form of assessment such as assignments;
- (f) engages in any act of public indecency;
- (g) sexually harasses another person;
- (h) is found in possession of or distributes pornographic material; or
- (i) is under the influence or in the possession of alcohol.

## **SCHEDULE 2**

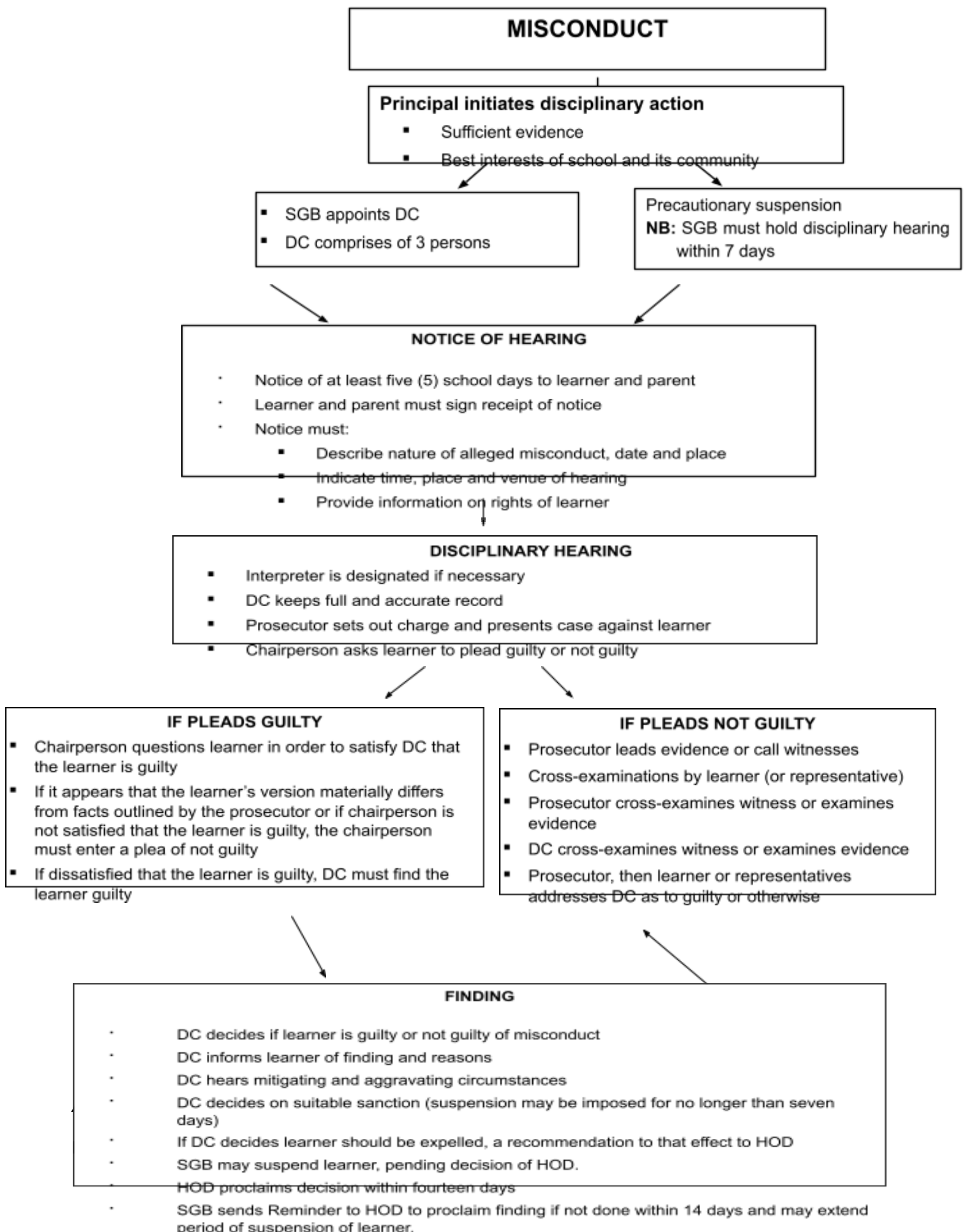
### **(SERIOUS MISCONDUCT THAT MAY LEAD TO EXPULSION)**

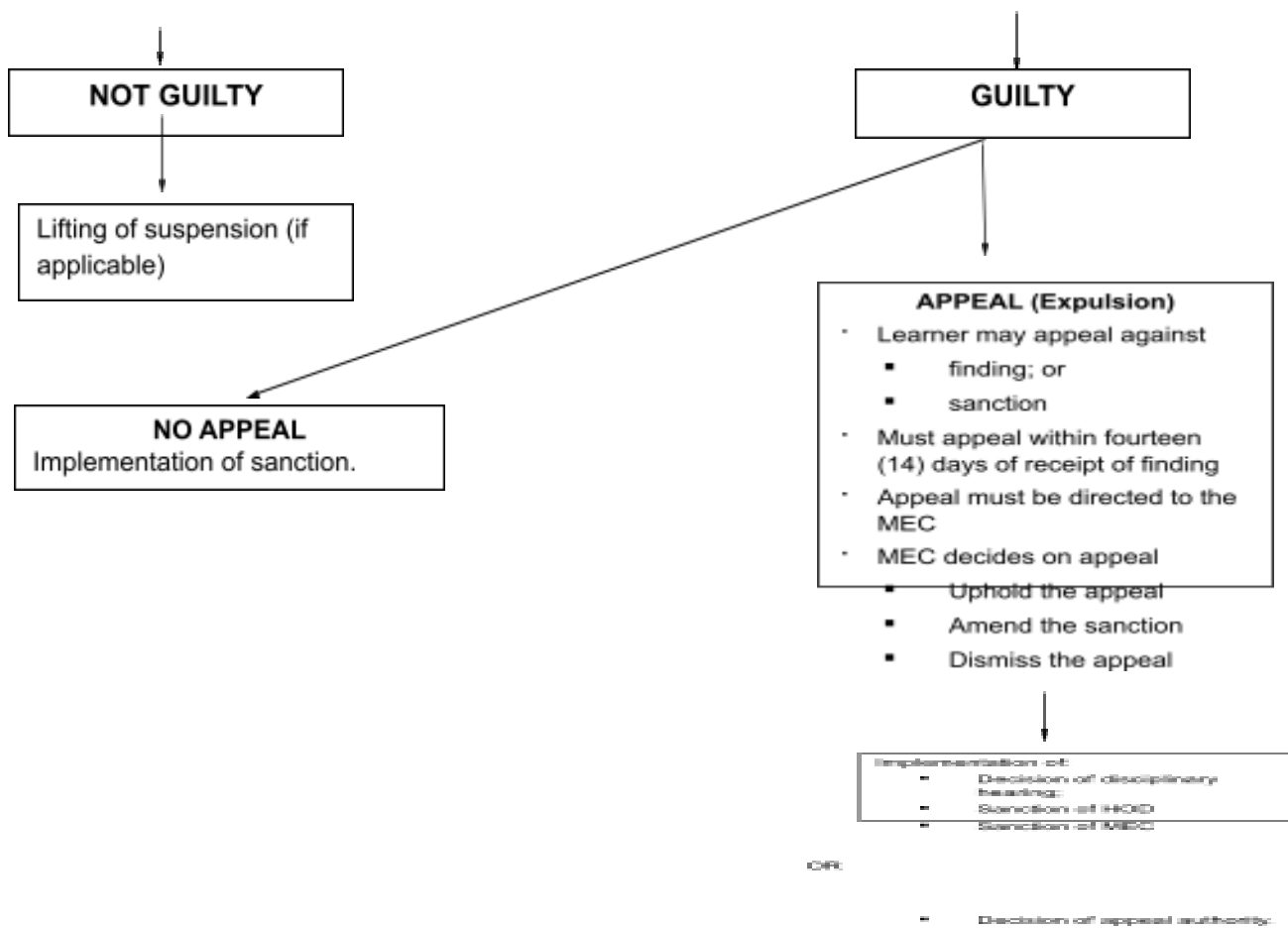
A learner will be guilty of serious misconduct if he or she-

- (a) is found guilty of misconduct as contemplated in Schedule 1 after having been found guilty of the same or similar misconduct on two previous occasions;
- (b) fails to comply with a sanction of suspension as a correctional measure; or
- (c) intentionally and without just excuse-
  - (i) forges any document or signature to the potential or actual prejudice of Laerskool Bekker;
  - (ii) trades in any test or examination question paper or in any test or examination material;
  - (iii) attempts to bribe or bribes any person in respect of any test or examination to enable himself or herself or another person to gain an unfair advantage therein;
  - (iv) engages in fraud;
  - (v) engages in theft, or otherwise acts dishonestly to the prejudice of another person;
  - (vi) is in possession, of, consumes or deals in any illegal substance or other harmful substance;
  - (vii) Is in possession of, uses or transmits narcotic or unauthorised drugs or on visible evidence of such possession, use or transmission;
  - (viii) is in possession of any dangerous weapon;
  - (ix) assaults or threatens to assault another person;
  - (x) holds any person hostage;
  - (xi) murders any person;
  - (xii) rapes any person, or engages in any sexual activity which amounts to an offence in law; or
  - (xiii) maliciously damages property.

## **APPENDIX**

<b>SCHEMATIC EXPOSITION: MISCONDUCT PROCEDURE FOR LEARNERS AT PUBLIC SCHOOLS (SASA AND THE REGULATIONS)</b>
---





**APPENDIX**

**MISCONDUCT TO BE REPORTED TO THE DISTRICT AND/OR ANY OTHER GOVERNMENT DEPARTMENT/ AGENCY (see Reporting Form)**

*A Value driven school striving towards excellence*

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_

1. The following incidents **WILL BE** reported to the District and or any other Government Department/Agency:
  - i. **Armed Robbery** - The taking of money or other property from a person or custody of another, with the intent to either permanently or temporarily deprive the person of the money or other property, when in the course of the taking there is the use of any weapon.
  - ii. **Arson** - Any wilful or malicious igniting of a fire that causes damage or is intended to cause damage to school property or the property of another of any person.
  - iii. **Assault** - Intentional verbal or physical threat to do violence to someone by a learner who possesses an apparent ability to do so and in doing so, creates a well-founded fear that such violence is imminent or an actual act of assault in any form directed or injurious to any person.
  - iv. **Aggravated Assault** - Assault with a weapon/dangerous object or threaten to do so.
  - v. **Battery** - An actual and intentional touching or striking of another person against his/her will or intentionally causing harm to an individual.
  - vi. **Aggravated Battery** - Intentionally or knowingly causing great bodily harm, permanent disability, or permanent disfigurement or using a weapon while committing a battery.
  - vii. **Battery or Aggravated Battery or Assault or threat of Assault on an Educator or Other School Personnel/Learner** - A battery or aggravated battery, as defined above, on any staff member official or school district employee whether it is committed on school property, on school-sponsored transportation, during a school-sponsored activity or while the elected official or employee is on official school business.
  - viii. **Bullying** - Repeatedly using hostile, intimidating, domineering, or threatening behaviour with the aim or purpose of physically or mentally hurting another individual.
  - ix. **Bomb Threat** - To threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with the intent to do damage to any property of any person.
  - x. **Breaking and Entering** - Entering or remaining in a structure or a conveyance vehicle with the intent to commit a criminal offense.
  - xi. **Sextexting/Cyberbullying** – In any form.
  - xii. **False Report** - Making a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite or other deadly explosive.
  - xiii. **Homicide** (Murder) -the unlawful killing of a human being; and **manslaughter** – the killing of a human being by culpable negligence of another without lawful justification.
  - xiv. **Inciting Individuals to disrupt any School Function or Class** - Advising, counselling, or instructing any learner or school employee with the intent to disrupt substantially any school function or classroom and the actual occurrence of such disruption with any threats of any kind/intimidation/victimisation involved.
  - xv. **Kidnapping or Abduction** - Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against that person's will and without lawful authority, with the intent to:
    - a) Hold for ransom or reward or as a shield or hostage.
    - b) Commit or facilitate commission of any felony.
    - c) Inflict bodily harm upon or to torture the victim or another person
    - d) Interfere with the performance of any governmental or political function
  - xvi. **Possession of Explosives** -The carrying or the concealing of a bomb, dynamite, or other deadly explosives.
  - xvii. **Property Damage** - Any wilful damage or attempted damage to the property of learners, school personnel, or school.



- xviii. **Possession, Use or Sale of Any Explosive Device** - An explosive is any chemical compound or mixture that has the property of yielding readily to combustion or oxidation to create an explosion, blasting caps, and detonators.
- xix. **Possession, Use or Sale of Any Firearm or Destructive Device** - Possession, use, or sale of any fire arm or destructive device on school property, school-sponsored transportation, or during a school- sponsored activity. A firearm is any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such a weapon; any firearm muffler or firearm silencer; any destructive device, or any machine gun. A "destructive device" means any bomb, grenade, mine, rocket, missile, pipe bomb, bullet, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage.
- xx. **Robbery** - The taking of money or other property from the person or custody of another by force, violence, assault, or placing in fear.
- xxi. **Sexual Battery** - Oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.
- xxii. **Sex Violation/Sexting** - An offense against common decency.
- xxiii. **Theft of School Property**-Taking property belonging to another, from another's possession, or from the possession of some person holding the property for another, without consent, with intent to deprive the owner of the value of the property and to appropriate it to the use or benefit of the person taking the property.
- xxiv. **Threat** - It is unlawful to say you are going to throw, place, or explode any destructive device so that it will hurt someone or damage their belongings.
- xxv. **Trespassing on School Property** – Entering Laerskool Bekker premises/facility without authorisation or invitation and without lawful purpose for entry, including entry by learners under suspension or expulsion.
- xxvi. **Weapon/Dangerous Object** -Any blade, knife, dagger, metallic knuckles, slingshot, billy, tear gas gun, electronic weapon or device, any stun device, chemical weapon or device, mace, or any other deadly weapon except a firearm.

## APPENDIX

DISTRICT INCIDENT REPORTING FORM TO THE CIRCUIT MANAGER

# LAERSKOOL BEKKER PRIMARY

To:

Private Bag X5003  
Magaliesburg  
1791  
Hoof/ Principal  
A.R. Opperman



014 577 1129  
info@lsbekker.co.za  
www.lsbekker.co.za

E-mail: \_\_\_\_\_

District Director  
Gauteng District

\*\*Station Commander: \_\_\_\_\_ Station  
South African Police Service  
(\* If necessary)

REPORTING OF INCIDENT: \_\_\_\_\_ SCHOOL

1. Date of Incident:

2. Place where incident occurred:

3.

Name(s) of transgressor(s)

4. Name(s) of victim(s)

5.

Name(s) of eyewitness(es)

A Val

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_

6. Description/nature of incident and any injuries


7. Immediate step(s) taken:


8. Other steps/action taken:


9. Name(s) of Staff during the incident or who it was reported to:


10. Reported by:


11. How it was reported (orally/in writing)

--


12. To whom reported:


\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

**ACTION(S) TAKEN BY PRINCIPAL**

Report to HOD and copy to District Office

Reported to SAPS \_\_\_\_\_ (Station)

Disciplinary Process initiated

**NOTES/COMMENTS**


\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
DATE

<b>SCHOOL STAMP</b>
---------------------

**APPENDIX**

# LAERSKOOL BEKKER PRIMARY

A  
Ini

Private Bag X5003  
Magaliesburg  
1791  
Hoof/Principal  
A.R. Opperman



☎ 014 577 1129  
✉ info@lsbekker.co.za  
🌐 www.lsbekker.co.za

**PROTOCOL/PROCEDURE TO FOLLOWED TO TEST A LEARNER FOR THE USE OF AN ILLICIT SUBSTANCE IN TERMS OF SECTION 8A OF THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO 84 OF 1996) AND RELATED REGULATIONS AND PROVINCIAL LEGISLATION AND LAERSKOOL BEKKER'S CODE OF CONDUCT, RULES AND RELATED POLICIES**

**DATE AND TIME TEST IS UNDERTAKEN** \_\_\_\_\_

**NAME OF LEARNER BEING TESTED** \_\_\_\_\_

**GRADE** \_\_\_\_\_

**AGE** \_\_\_\_\_

**PERSONS'S NAME CONDUCTING THE TEST** \_\_\_\_\_ (MUST BE THE SAME GENDER AS THE LEARNER)

**NAME OF ADULT WITNESS** \_\_\_\_\_ (MUST BE THE SAME GENDER AS THE LEARNER)

**NAME OF TEST DEVICE USED**

\_\_\_\_\_

The device must be kept at Laerskool Bekker under lock and key.

The device has not expired.

and The testing kit opened in the presence of both the learner who is about to be tested and the witness. Tester is wearing latex gloves

any The learner who is about to be tested, was asked whether he or she has taken any medicine/medication of any kind.

**Learner's answer**

\_\_\_\_\_

**Learner's and Tester and Witness's signature to confirm the above answer** \_\_\_\_\_

**It Testing Educator and witness Sign to confirm that it is the answer of the learner to the above-mentioned question** \_\_\_\_\_

It is confirmed that the test is conducted  
(a) By a person of the same gender as the learner  
(b) In the presence of an adult witness of the same gender as the learner; and  
(c) out of sight of any other person.  
(d) The person conducting the test is wearing latex gloves which will be kept with the test.

**Learner's signature to confirm the above** \_\_\_\_\_

Testing Educator and witness Sign to confirm the above

---

The person conducting the test is wearing latex gloves (which must be kept as evidence for a possible disciplinary hearing).

The person undertaking the test must, in the presence of both the learner and the witness, read the information contained in the package insert before the test is conducted and the test conducted as prescribed in the packaging insert. The tester must order the learner to provide a sample of urine.

The package insert of each device is read how the result of that test is to be interpreted.

Learner's and Tester and Witness's signature to confirm the above \_\_\_\_\_

**OUTCOME OF THE TEST IN TERMS OF THE PACKAGE INSERT INSTRUCTIONS ON THE DEVICE**

---

Learner's and Tester and Witness's signature to confirm the above \_\_\_\_\_

The urine sample that has been tested must be clearly and correctly labelled with full particulars of the learner who was tested and sealed in full sight of the learner that was tested.

Learner's signature to confirm the above \_\_\_\_\_

Testing Educator and witness Sign to confirm the above

---

**Notes:**

A new device should be used for each urine test to avoid cross contamination of urine. Test to be stored in a fridge to who no other persons have access to until the disciplinary hearing takes place to be provided as evidence.  
Gloves and instructions of test on which the learner and tester and witness have signed to be stored safely in a sealed envelope in the vault until the disciplinary hearing takes place to be provide as evidence.

**CONFIRMATION THAT THE PARENTS WAS INFORMED OF THE OUTCOME OF THE TEST**

The principal or his or her delegate must, within one working day after testing or searching the learner, inform the parent about the test or search that was conducted.

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**NAME AND SIGNATURE OF PERSON INFORMING THE PARENT OF THE OUTCOME OF THE TEST**

*A Value driven school striving towards excellence*

Page 126 of 147

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_

**Notes:**

If the learner has tested positive for illegal drugs, a discussion must be held with the parent so that he or she may understand the consequences of the use of illegal drugs.

The principal or his/her delegate may, if the parent so requests, refer the learner to a rehabilitation institution for drug counselling but he/she may still be subjected to a disciplinary hearing by Laerskool Bekker by the principal or his or her delegate against the learner who has tested positive for illegal drug

In a case where the learner refused to be tested for drugs, the principal or his or her delegate must inform the police, who would take the relevant steps in terms of the Criminal Procedure Act, 1977.

Only the learner and his or her parent must be informed about the outcome of the drug test and by the evidence leader should a disciplinary hearing be held.  
After the test the identity of the learner may not be revealed, except to his or her parent or during the disciplinary hearing.

If the result of a test conducted at school is disputed, a secondary test by means of gas chromatography coupled with mass spectrometry (GC/MS) must be done to confirm the result at the cost of the parent.

The document on the Guidelines of the DBE is just that a guideline.

The only document that is of use during a disciplinary hearing is Notice 1140 of 2008 of the Department Of Education issued in terms of the South African Schools Act 84 of 1996 - Devices to Be Used for Drug Testing and the Procedure to Be Followed

**APPENDIX NOTICE OF HEARING AND CHARGE SHEET**  
CONFIDENTIAL

# LAERSKOOl BEKKER PRIMARY

Private Bag X5003  
Magaliesburg  
1791  
Hoof/Principal  
A.R. Opperman



014 577 1129  
info@lsbekker.co.za  
www.lsbekker.co.za

Date

Dear ###

## RE: NOTICE OF DISCIPLINARY HEARING AND CHARGE SHEET

LEARNER: ###  
GRADE: ###  
AGE: ###

You and your child are hereby notified and requested to appear before a Disciplinary Committee of Laerskool Bekker Governing Body of ###.

### 1. The particulars of the disciplinary hearing are as follows:

Place: ###  
Date: ###  
Time: Around or about ###/during school hours

### 2. The alleged charge/s against the learner are the following:

#### Charge 1:

### - PLEASE REMEMBER THAT THE CHARGE MUST BE IDENTIFIABLE. REFER TO A DATE, TIME, PLACE AND CONDUCT.

#### Charge 2:

###

### 3. The learner has the following rights during the disciplinary hearing:

1. To be represented by a parent/guardian or any adult of the learner's choice at his/her own expense/ A legal person is only there in locus parentis and not in his/her professional capacity.
2. To make use of the services of an interpreter at his/her own expense as the hearing will take place in the language of learning and teaching of Laerskool Bekker.



3. To call witnesses, cross-examine witnesses and to testify. Please note that you are responsible to ensure that your witnesses are present during the disciplinary hearing and that witnesses who are minors are accompanied by their parents/guardians.
4. To have the right to remain silent during the disciplinary proceedings in order not to incriminate yourself.
5. The accused learner must appear in the prescribed school uniform before the disciplinary committee.

Please take note that should you fail to attend the disciplinary hearing without a valid reason or excuse the disciplinary hearing may continue in your absence.

Yours faithfully

\_\_\_\_\_  
**SGB Chairperson**

Date: ###

\_\_\_\_\_  
**Principal**

Date: ###

RECEIVED BY LEARNER: \_\_\_\_\_

DATE: \_\_\_\_\_

RECEIVED BY PARENT/GUARDIAN: \_\_\_\_\_

DATE: \_\_\_\_\_

## APPENDIX

# LAERSKOOl BEKKER PRIMARY

Private Bag X5003  
Magaliesburg  
1791  
Hoof/Principal  
A.R. Opperman



☎ 014 577 1129  
✉ info@lsbekker.co.za  
🌐 www.lsbekker.co.za

Dear (Name of Principal)

## APPOINTMENT AND COMPOSITION OF THE SGB DISCIPLINARY COMMITTEE FOR SERIOUS MISCONDUCT

1. In terms of paragraph 4 (3) General Notice 6903 of 2000 the Disciplinary Committee is constituted by the governing body which reads as follows:

- “(3) *The appointment of persons to a disciplinary committee is subject to the following conditions:*
- (a) *The chairperson of the disciplinary committee must be a parent member or community member of the governing body;*
  - (b) *the principal or a learner at Laerskool Bekker are not eligible to be members of the disciplinary committee; and*
  - (c) *no person may be appointed to the disciplinary committee if the person has personal knowledge of or any interest in any matter before the disciplinary committee.*
- (4) *An executive committee member of the representative council of learners (RCL) may attend the hearing as an observer (but it is not necessary, if you deem it so).*
- (5) *A decision of such committee is a decision of the governing body.”*

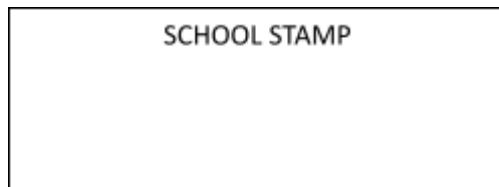
2. Paragraph 6 of Circular 74 of 2007 states the following:

- “6. **DISCIPLINARY COMMITTEE (DC) FOR SERIOUS MISCONDUCT**
- 6.1 *Upon the advice of the principal, the SGB must appoint a DC to adjudicate the allegation of serious misconduct.*
- 6.2 *The DC appointed by the SGB must comprise of three persons who are members of the SGB or are nominated by the SGB.*
- 6.3 *The DC is subjected to the following conditions:*
- 6.3.1 *The chairperson of DC must be a parent member or community member of the SGB.*
  - 6.3.2 *The two remaining members of the disciplinary committee may not be the principal or a learner at Laerskool Bekker.”*

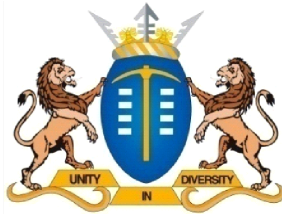
3. It follow thus that in terms of the above, the SGB may appoint any person who qualifies to be a community member of the SGB, to also be appointed as the Chairperson of the DC Committee.
4. The SGB has therefore resolved that the following persons may serve as a chairperson and/or member of the SGB Disciplinary Committee of Laerskool Bekker until further notice (maximum 3 members) and a person to act as secretariat plus the social worker as observer if you deem it necessary.

Yours sincerely

**CHAIRPERSON OF THE SGB**  
**DATE:**



**APPENDIX**



**GAUTENG PROVINCE**

EDUCATION  
REPUBLIC OF SOUTH AFRICA

---

**APPEAL TO THE MEMBER OF THE EXECUTIVE COUNCIL AFTER THE OUTCOME OF THE HOD**

A learner or representative may appeal against the following:

Appeal against any finding of guilt by the Head of Department in respect of which a penalty of expulsion has been imposed.

Appeal against a penalty of expulsion imposed by the Head of Department.

Appeal against an order made by the Head of Department who has expelled a learner of compulsory school age and admits such learner to another school or centre of learning within the province.

Appeal against an order made by the Head of Department who has expelled a learner of compulsory school age and requires that such learner attends counselling and procures regular progress reports in respect of such counselling.

Please note such an appeal against any of these decisions must be lodged with the Member of the Executive Council within 14 days. The notice of appeal together with the grounds for the appeal must be hand-delivered to the office of the Member of the Executive Council.

**I. DETAILS OF THE LEARNER**

NAME :

AGE IN YEARS :

DATE OF BIRTH :

IDENTITY NO :

ADDRESS :

---

(IF NOT LIVING WITH THE PERSON LODGING THE APPEAL)

POSTAL CODE :

**II. DETAILS OF PERSON LODGING THE APPEAL (IF NOT THE LEARNER)**

NAME :

RELATION TO THE LEARNER (E.G. FATHER, MOTHER, GUARDIAN, CUSTODIAN OR  
PERSON RESPONSIBLE FOR THE EDUCATION OF THE LEARNER)

ADDRESS :

POSTAL CODE :

TELEPHONE :

NAME OF PRINCIPAL:

### III. NATURE OF THE APPEAL

IN THE EVENT OF THE APPEAL LODGED IN TERMS OF IV (1) IV (2) IV (3) OR IV (4), BELOW THE REASONS FOR THE APPEAL ARE (PLEASE TICK IN THE APPROPRIATE BOX)

1. AGAINST ANY OF FINDINGS OF GUILTY BY THE HEAD OF DEPARTMENT IN RESPECT OF WHICH A PENALTY OF EXPULSION HAS BEEN IMPOSED.
2. AGAINST A PENALTY OF EXPULSION IMPOSED BY THE HEAD OF DEPARTMENT.
3. AGAINST AN ORDER MADE BY THE HEAD OF DEPARTMENT WHO HAS EXPELLED A LEARNER OF COMPULSORY SCHOOL GOING AGE AND ADMITS SUCH LEARNER TO ANOTHER SCHOOL OR CENTRE OF LEARNING WITHIN THE PROVINCE.
4. AGAINST AN ORDER MADE BY THE HEAD OF DEPARTMENT WHO HAS EXPELLED A LEARNER OF COMPULSORY SCHOOL AGE AND REQUIRES THAT SUCH LEARNER ATTENDS COUNSELLING AND PROCURES REGULAR PROGRESS REPORTS IN RESPECT OF SUCH COUNSELLING.

### IV. REASONS FOR THE APPEAL

IN THE EVENT OF AN APPEAL BEING LODGED IN TERMS OF IV (1), IV (2), IV (3) OR IV (4), THE REASONS FOR THE APPEAL ARE [PLEASE TICK IN THE APPROPRIATE BOX (ES)]:

1. THE GOVERNING BODY OF LAERSKOOL BEKKER DID NOT APPOINT A DISCIPLINARY COMMITTEE.
2. THE GOVERNING BODY OF LAERSKOOL BEKKER DID NOT DESIGNATE ONE OF THE MEMBERS OF THE DISCIPLINARY COMMITTEE AS CHAIRPERSON TO ADJUDICATE THE ALLEGATIONS OF SERIOUS MISCONDUCT.
3. THE DISCIPLINARY COMMITTEE DID NOT COMPRISE THREE PERSONS WHO WERE EITHER MEMBERS OF THE GOVERNING BODY OR PERSONS WHO ARE ELIGIBLE TO BE ELECTED AS MEMBERS.

4. THE CHAIRPERSON OF THE DISCIPLINARY COMMITTEE WAS NOT A PARENT OR COMMUNITY MEMBER OF THE GOVERNING BODY.
5. THE PRINCIPAL OF LAERSKOOL BEKKER WAS A MEMBER OF THE DISCIPLINARY COMMITTEE.
6. A LEARNER AT LAERSKOOL BEKKER WAS A MEMBER OF THE DISCIPLINARY COMMITTEE.
7. A MEMBER OF THE DISCIPLINARY COMMITTEE HAD PERSONAL KNOWLEDGE OR INTEREST IN THE MATTER.
8. AN EXECUTIVE COMMITTEE MEMBER OF THE REPRESENTATIVE COUNCIL OF LEARNERS WAS NOT PRESENT AT THE DISCIPLINARY HEARING, ALTHOUGH THIS WAS REQUESTED.
9. THE LEARNER WAS NOT GIVEN AT LEAST FIVE SCHOOL DAYS WRITTEN NOTICE OF THE DISCIPLINARY HEARING.
10. THE NOTICE OF THE DISCIPLINARY HEARING DID NOT CONTAIN SUFFICIENT PARTICULARS OF THE DATE, PLACE, TIME OR NATURE OF THE CHARGES TO ENABLE THE LEARNER TO IDENTIFY THE INCIDENT IN QUESTION AND TO RESPOND TO THE CHARGES.
11. THE NOTICE OF THE DISCIPLINARY HEARING DID NOT INFORM THE LEARNER OF HIS OR HER RIGHTS.
12. THE LEARNER WAS NOT GIVEN A COPY OF THE NOTICE OF THE DISCIPLINARY HEARING.
13. A COPY OF THE NOTICE OF THE DISCIPLINARY HEARING WAS NOT DELIVERED TO THE PARENT.
14. AT LEAST ONE OF THE PARENTS OF THE LEARNER, WHO IS YOUNGER THAN 18 YEARS OF AGE, DID NOT ACCOMPANY THE LEARNER AT THE DISCIPLINARY HEARING.
15. AN INTERPRETER WAS NOT PRESENT AT THE DISCIPLINARY HEARING, ALTHOUGH REQUESTED BY THE LEARNER.

16. THE DISCIPLINARY COMMITTEE DID NOT KEEP A FULL AND ACCURATE RECORD OF THE PROCEEDINGS OF THE DISCIPLINARY HEARING.
17. THE LEARNER WAS NOT ASKED TO PLEAD GUILTY OR NOT GUILTY TO THE CHARGE(S).
18. THE LEARNER, OR HIS OR HER REPRESENTATIVE, WAS NOT PERMITTED TO QUESTION ANY WITNESS OR EXAMINE ANY EVIDENCE PRESENTED BY THE PROSECUTOR
19. THE LEARNER, OR HIS OR HER REPRESENTATIVE, WAS NOT PERMITTED TO ADDRESS THE DISCIPLINARY COMMITTEE AS TO THE GUILTY CHARGE OR NOT GUILTY CHARGE OF THE LEARNER.
20. THE LEARNER WAS NOT GIVEN A FAIR HEARING.   
 ADDITIONAL INFORMATION RELATING TO THE CHARGES SHOULD BE GIVEN IN THE SPACES BELOW.

IN THE EVENT OF AN APPEAL BEING LODGED IN TERMS OF IV (3), THE REASONS FOR THE APPEAL ARE (PLEASE TICK IN THE APPROPRIATE BOX):

THE LEARNER IS NOT SATISFIED WITH LAERSKOOL BEKKER RECORD OR CENTRE OF LEARNING WITHIN THE PROVINCE.

REASONS FOR THE DISSATISFACTION MUST BE GIVEN IN THE SPACES BELOW.



IN THE EVENT OF AN APPEAL BEING LODGED IN TERMS OF IV (4), THE REASONS FOR THE APPEAL ARE [PLEASE TICK IN THE APPROPRIATE BOX (ES)]

1. THE LEARNER DOES NOT REQUIRE COUNSELLING.

2. THE LEARNER DOES NOT FEEL THAT THE HEAD OF DEPARTMENT NEEDS TO PROCURE REGULAR PROGRESS REPORTS IN RESPECT OF SUCH COUNSELLING.

REASONS MUST BE GIVEN IN THE SPACES BELOW.

**V. ADDITIONAL INFORMATION**

PLEASE GIVE ANY ADDITIONAL INFORMATION WITH REGARD TO THIS APPEAL IN THE SPACES PROVIDED BELOW.

**VI. DOCUMENTATION TO BE SUBMITTED**

CERTIFIED COPIES OF ALL THE RELEVANT DOCUMENTATION AND CORRESPONDENCE MUST BE SUBMITTED WITH THIS APPEAL.

**VII. DECLARATION**

I DECLARE THAT ALL THE INFORMATION SUPPLIED IN THIS DOCUMENT IS TRUE AND ACCURATE.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**APPENDIX – SEARCH AND SEIZURE PROTOCOLS**

(Also refer to SASA and the National Legislation and Policies)

How is a search conducted?

1. The search must be conducted by the principal or his delegate, appointed in writing, providing he/she is of the same gender as the learner.
2. The search must be conducted in a private area out of view of other persons and any search should be carried out in a manner that gives the learner the greatest degree of privacy and dignity consistent with the purpose of the search. It is important for educators to be aware of relevant sensitivities when considering a search, in particular learners of a particular faith.
3. The search may NOT be conducted in the presence of other learners.
4. The search must be conducted in the presence of another adult witness of the same gender as the learner preferably the deputy principal or another member of management.
5. The object or illegal drug/substance found on the learner or in his/her property should be photographed whenever it is reasonably practical to do so.
6. A body search includes a visual search and a "pat down" by the learner himself/herself involved.
7. The search MAY NOT be extended to a search of any body cavity of the learner and the learner's body and genitalia may not be touched.
8. The learner will be requested to place loose items from pockets and clothing on a table or desk for inspection. To facilitate the pat-down search, the learner must remove all articles from his or her pockets and remove any secondary outer clothing (e.g. blazer, sweater, head coverings etc.) worn over the primary clothing.
9. The search will require a learner to surrender any bag, school bag or any other container to be searched. When searching a learner's bag, the learner could be asked

to open and hold the bag/container open and move the contents around or to remove and pack out the items one by one until the bag/container is empty so that they can be more easily viewed by the educator conducting the search. If during the search, any item/object/substance that is likely to detrimentally affect the learning environment is found, then the educator may confiscate it and record it in the prescriber manner for further steps to be taken if necessary. Whether an item is found or not, the clothing or footwear or bag or other belongings must be returned to the learner immediately. The learner has no claim or legal recourse against Laerskool Bekker/ education authorities/law enforcement because of a search being undertaken correctly as prescribed.

10. The educator conducting the search will, wherever possible, wear latex gloves to touch any item seized and/or search any removed clothing or any bag/locker of the learner. Any such search shall be carried out in a manner as is consistent with discovering anything that may have been concealed.
11. Educators can slow down the process to give a learner time to consider his or her behaviour and choices. If it is explained what is being looked for and/or why it is believed there is an immediate threat to safety and the reason the educator is of the opinion that the item is likely to be found, and some learners may then choose to produce the item voluntarily.
12. If any educator begin a search and it becomes unsafe to continue, he/she must cease the search and may call for additional assistance. The educator and the educator witnessing the search must ensure the learner and the belongings in question are under supervision in a safe place, and contact the parents and/or the Police. A search may be recorded by Laerskool Bekker on video and sound and in any written format.
13. If an educator and the witness begin a search and the learner takes the item and runs away, he/she must consider their options. It may not always be wise to run after the learner. All actions that have taken place must then be recorded in writing by the educators and disciplinary action may be taken against the learner/learners involved.
14. The person undertaking the search must be careful not to be injured by any sharp objects.
15. If it is suspected that the learner has swallowed a suspicious object, the matter must be handed directly over to the police.
16. A search and seizure operation cannot be cancelled or postponed because the principal is not available.
17. If a learner seeks to obstruct a search the educator must, if reasonably practicable, contact the parent by telephone or a message should be sent to the parent in some other way to inform the parent that the learner is unwilling to cooperate in a lawful search and seizure procedure as provided for by SASA, and that the learner will be handed over to the police if he/she does not have a valid reason.
18. If either the learner or the parent refuses to co-operate, the matter and the learner will be handed over to the police so that they may conduct a search in terms of the Criminal Procedure Act. The parent and the learner must be informed that the outcome of such a search is linked to a Criminal Court Process with the possibility of criminal prosecution.

#### **Seizing and disposing of a dangerous object/electronic device or illegal drug**

- a) Any dangerous object, electronic device or illegal drug that has been seized must be clearly and correctly labelled and photographed and/or videoed with sound with full particulars recorded on the search and seizure form/register, including the name of the learner in whose possession it was found.

- b) The time and date of search and seizure.
- c) The name of the person who searched the learner and the name of the witness.
- d) Any other details that may be necessary to identify the item and the incident.
- e) Placed in a sealed envelope and labelled and placed in Laerskool Bekker vault:

#### **Recording in the Register**

1. All details of the seizure must be recorded in Laerskool Bekker register for search and seizures save that where a stolen item is recovered and no criminal charge against the learner in whose possession the stolen good was found is contemplated, the stolen item may be returned to its owner.
2. After the dangerous object has been seized, the principal/his/her delegate may hand the object to either the police or the parent after an investigation has been completed or a DC hearing held, depending on what the item is. Any object deemed to be a dangerous weapon or any drug/illegal substance/alcohol and/or related paraphernalia will be handed over to a member of the South African Police Services immediately to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
3. If the object is illegal, the principal/his/ her delegate is obliged to hand it to the police.
4. The principal/his/ her delegate must take the object concerned to the nearest police station if the police cannot collect it.
5. The police officer who receives the object must issue a receipt to this effect.

#### **Disciplinary Procedure Instituted**

A learner may be subjected to disciplinary proceedings in terms of Laerskool Bekker's Disciplinary Procedure if a prohibited item/contraband is found in his or her possession.

#### **Search and Seizure of an Electronic/Digital Device**

If a staff member has been informed of or has a reasonable suspicion that may require a learner to reveal an item that is stored on any electronic device, and may then require the device to be surrendered, especially where it is suspected the device has been stolen or obtained without permission. There is a difference between a device and an item/object. For the purposes of these guidelines, a device can be thought of as something electronic (for example, a mobile phone, smart phone, smart watch, a tablet, laptop or a computer). An item/object is everything else.

#### **Searches by a Law Enforcement Agency**

Legislation does not stop the Police or any law enforcement agency from carrying out any of their lawful functions. Laerskool Bekker may bring a trained search dog to school to undertake a search of any school property/premises and learner property while any learner is present or not present.

#### **Reasonable Suspicion**

Laerskool Bekker can always act on good information or if a reasonable suspicion exists. Educators do not need to have recovered an item or catch a learner "red-handed" in order to decide what to do. Laerskool Bekker is entitled to also rely on other evidence (circumstantial or witness statements) to take disciplinary action notwithstanding the learner's denial and an absence of a search to recover an item. As an example, staff do not need to see any alcohol/drug in order for a learner to be tested or undergo a sobriety test. The important thing is whether a staff member has a *belief* on reasonable grounds that a certain situation exists. Laerskool Bekker can respond to a believable report that a learner had a certain item in the past (and therefore probably no longer has the item at school), in the same way they can respond to a report from the present.

**APPENDIX**

# LAERSKOOL BEKKER PRIMARY

Private Bag X5003  
Magaliesburg  
1791  
Hoof/Principal  
A.R. Opperman



☎ 014 577 1129  
✉ [info@lsbekker.co.za](mailto:info@lsbekker.co.za)  
🌐 [www.lsbekker.co.za](http://www.lsbekker.co.za)

The Principal  
Laerskool Bekker

*A Value driven school striving towards excellence*

Page 142 of 147

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_

**PERMISSION FOR A PERSON TO ACT AS REPRESENTATIVE FOR ..... (Name of learner) DURING THE EXTERNAL DISCIPLINARY HEARING SCHEDULED FOR ..... (Date and time)**

I... (Full names of Parent) ID No: ....., hereby nominate and appoint with the agreement of my child, ..... ( full name of ), .....( full names of adult person), ID No..... that he/she to act as representative in terms of section 8(6) of Laerskool Bekkers Act, 1996 and General Notice 6903 of 2000, as amended.

Yours Faithfully

**SIGNATURE OF PARENT**

**SIGNATURE OF ACCUSED LEARNER**

**Date:** .....

This letter of permission must be handed in at Laerskool Bekker at least 2 school days before the hearing or sent by e mail to: .....

The representative must please present their ID document/drivers licence to the evidence leader before the commencement of the hearing to prove their identity.

**APPENDIX**

# LAERSKOOL BEKKER PRIMARY

Private Bag X5003  
Magaliesburg  
1791  
Hoof/Principal  
A.R. Opperman



☎ 014 577 1129  
✉ info@lsbekker.co.za  
🌐 www.lsbekker.co.za

The Chairperson  
Disciplinary Committee  
LAERSKOOL BEKKER

*A Value driven school striving towards excellence*

Page 143 of 147

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_

**APPOINT OF AN INTERMEDIARY IN THE DISCIPLINARY HEARING: ..... (date)**

1. Whenever disciplinary proceedings are pending before any governing body, and it appears to such governing body that it would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, Laerskool Bekker governing body may, appoint a competent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary.
2. After receiving a legitimate request from a witness that he/she testify through an intermediary the governing body has resolved that ..... be appointed as an intermediary to put questions to the witness and answer on behalf of the witness in accordance with Sections 7 to 9 of the South African Schools Act, 1996, as amended
3. The examination, cross-examination or re-examination of the witness in respect of whom the governing body has appointed an intermediary, except examination by the governing body, must not take place in any manner other than through that intermediary. Such intermediary may, unless the governing body directs otherwise, convey the general purport of any question to the relevant witness.
4. The governing body has directed that the relevant witness(es) must give his/her/their evidence in another place on Laerskool Bekker premises, than the place where the hearing is taking place, which – (a) is informally arranged to put that witness at ease; (b) is arranged in a manner in which any person whose presence may upset that witness, is outside the sight and hearing of that witness; and (c) enables the governing body and any person whose presence is necessary at the relevant proceedings to hear, through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.
5. As chairperson/presiding officer you are therefore directed to ensure that this resolution of the governing body is adhered to and inform all the parties present at the disciplinary hearing accordingly.

Sincerely

**CHAIRPERSON OF LAERSKOOL BEKKER GOVERNING BODY**

**DATE:**

**LODGING OF APPEAL LEARNER/PARENT – SCHOOL DISCIPLINARY FINDING TO THE SGB APPEAL COMMITTEE WHERE RECOMMENDATION FOR EXPULSION IS NOT THE SANCTION**

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

Name of Appellant:.....

Please note the appeal can only be made on one of the following The appeal is made on the following grounds (the appropriate areas to be marked with an X).

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

*A Value driven school striving towards excellence*

Initialled by the Chairperson of the SGB and the Principal \_\_\_\_\_



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.

Nature of offence:

.....

The following reasons/dispute are submitted in support of this appeal:

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

.....  
**DATE APPEAL LODGED**

.....  
**APPELLANT SIGNATURE**

**Please note the any District or any other GDE Official may not interfere with the disciplinary process of Laerskool Bekker.**

**ADDENDUM TO SCHOOL AND HOSTEL RULES REGARDING COVID-19**

**1. Physical contact:**

- 1.1. No physical contact (touching, handshakes, hugs, kisses etc.) between learners is permitted.
- 1.2. Learners must keep a safe distance (1.5m) from other learners at all times.
- 1.3. Learners won't be allowed to share electronic devices, sharing of utensils and meals or drinks, books/ textbooks or stationery or any other items.

**2. Fabric facemasks:**

- 2.1. Learners must wear fabric face masks at all times according to the requirements of the Department of Health.
- 2.2. Die mask must cover the nose and mouth entirely.
- 2.3. Masks may not be pulled down for purposes of speaking, coughing or sneezing.

*A Value driven school striving towards excellence*

Page **145** of **147**

Initialed by the Chairperson of the SGB and the Principal \_\_\_\_\_

- 2.4. Masks may not be removed while learners are on the school premises.
- 2.5. Learners may not exchange facemasks with other learners.
- 2.6. Wash fabric face masks daily with soap and hot water and iron when dry.

**3. Personal hygiene and cough etiquette.**

Learners are encouraged to do the following:

- 3.1. Frequent washing of hands, with soap and water, for at least 20 seconds at a time.
- 3.2. Learners must maintain personal hygiene. This includes daily cleaning of their teeth and nails, daily shower/bathing and wearing a clean uniform every day in so far as it is possible.
- 3.3. Learners should avoid touching their faces and more specifically avoid touching their eyes, mouths and noses.
- 3.4. Learners must cover a sneeze or cough with a flexed elbow or tissue and then immediately dispose of the tissue and then also properly sanitise their hands afterwards.

**4. Reporting:**

- 4.1. Learners must report to the school/educator if they experience the following

ches		ng	lea	ess or tiredness
------	--	----	-----	------------------

- 4.2. Learners must report to the school/educator if/when a learner has been in contact with someone who has tested positive for Covid-19.
- 4.3. Learners that feel sick or experience any of the abovementioned symptoms must rather stay home and/or seek medical attention.

**5. Hostel:**

- 5.1. Learners must adhere to physical distancing guidelines by keeping at least 1.5m or 2m apart and also ensuring this spacing between beds.
- 5.2. Learners must bathe/shower daily with warm water and soap and wear shoes when going to the bathroom.
- 5.3. No learner will be allowed to socialise in another learner’s room.
- 5.4. Learners are not allowed to share brushes, beds, toothbrushes, towels, washcloths, any eating utensils and/or food and drinks or any other items.
- 5.5. Learners must wear face masks at all times.

**6. Misbehaviour:**

- 6.1. No behaviour of learners or any person, which constitutes a threat to the health of others, will be permitted.  
This includes:
  - 6.1.1. Any behaviour that may lead to the potential spreading of Covid-19 in the school community;
  - 6.1.2. Any behaviour contradictory to the health regulations and rules described in national legislation and regulations; and
  - 6.1.3. Any behaviour contradictory to the school policy/protocol in terms of Covid-19.

- 6.2. Any form of bullying or harassment towards a person that is sick, experiencing symptoms of Covid-19 or share any characteristics with people linked to Covid-19 is strictly prohibited.
- 6.3. Disciplinary proceedings may be instituted against any learner who violates above-mentioned rules/regulations.