

SCHOOL CODE OF CONDUCT (July 2025)



CODE OF CONDUCT: EVOLVE ONLINE SCHOOL

Contents

CODE OF CONDUCT: EVOLVE ONLINE SCHOOL	1
1 The Code of Conduct	4
2 Applicability	4
3 Rationale for the code and its provisions	4
4 General Rules and requirements	5
4.1 Reporting	5
4.2 Legal conduct	6
4.3 Disciplinary action at a previous school	6
4.4 Presence at school, school functions and community days	7
4.5 School rights and responsibilities for searches and synchronous classfootage	7
5 Inclusion, Justice, and Dignity	7
5.1 Anti-stereotype, anti-discrimination, and anti-prejudice	7
5.2 Duty of care including the duty not to cause hurt or offence or exclusion or to damage dignity	8
6 Academic Conduct	9
7 Coherence between online/digital and in-person conduct: Digital Citizenship	10
8 Acceptable Use of Information and Communications Technology	11
8.1 Context and general requirements	11
8.2 Security, settings, and downloads	12
8.3 Focus on instructional time and other activities	13
8.4 Specific provision for conduct in online classes and sessions	13
8.5 Social Media and Content	13
9. Drugs, Cigarettes, and Other Dependence Producing Substances	15
10. Weapons and Other Dangerous Items	16
11. Bullying, Campaigns of Exclusion or Marginalisation, Belittling, Physical, Emotional, Verbal, or Sexual Assault or Threats of Any of These	16
12. School Dress Codes, Uniforms, School symbols and Associated Matters	16
a. Detailed Explanatory Guidelines and Activity Specific Directions	16
b. Dress Code	17
13. General Principles Related to Investigation and Hearings	17
a. Values and Philosophy	17
c. Rights of an Accused Student	18
14. Grievances	18
15. Level 1 Transgressions: Day-to-day Violations of the Code of Conduct or Other Policy	19
16. Level 2 and 3 Transgressions	19
a. Reporting or Initiating an Investigation	19
b. Conducting a Preliminary Investigation	20
c. Decision to Proceed with the Case Against the Student	20
d. Notice of a Hearing	20
e. The Committee	21

f.	Hearing Process	21
g.	Evidence and Testimony	22
h.	Deliberation and Finding	23
i.	Sanctions.....	23
17.	Records	24
18.	Appeal (School Disciplinary Appeals Committee).....	25
a.	General	25
b.	Process of appeal	26
c.	Meeting Procedure	27
19.	Sanction and Level and Process Guidelines	28
20.	SPECIFIC PROVISIONS: SEARCH AND SEIZURE	31
a.	Definitions for this section of the policy	31
b.	Prohibition	31
c.	Search and Seizure	31
21.	SPECIFIC PROVISIONS: SUBSTANCE ABUSE.....	34
a.	Introduction.....	34
b.	Educational interventions on substances	35
c.	Illegal Substances	35
d.	The Distribution and Possession of Illegal Substances/Drugs	35
e.	Testing for Prohibited Substances	36
f.	Procedure to be followed if an illegal drug or substance is found on astudent	36
g.	Grounds for reasonable suspicion	37
h.	Disciplinary Action	37

1. The Code of Conduct

At Evolve Online School, we endeavour to promote positive behaviour and interaction amongst all.

The main purpose of this Code of Conduct is to promote positive behaviour through ongoing positive reinforcement by staff. The reward for good behaviour is intended to encourage all the creative and talented pupils to realise their full potential within a healthy, balanced, and safe environment.

The school supports a partnership between students, teachers, and parents/guardians to fulfil the obligation to teach students the role of responsible citizenship in a school community.

The promotion and protection of a safe, disciplined, and inclusive learning environment is necessary for effective teaching and learning in the school.

2. Applicability

- (a) The Code of Conduct applies to all students registered at the school, whether they are on the school premises, representing the school or identified as a member of the school community in their personal capacities in person or online including on social media.
- (b) References to the school include all the school's activities and places of presence – physically and digitally.

3. Rationale for the code and its provisions.

- (a) The Code of Conduct (hereafter referred to as "The Code"), seeks to protect the learning environment and the well-being of those at the school so that positive learning and development can take place. The Code aims to maintain or restore just, inclusive relationships and maintain an engaged, respectful learning environment.

As such, engagements in terms of the Code of Conduct as well as violations of that code draw on the principles of restorative justice. This always means that the process of managing the Code of Conduct is guided by the following:

- i. The processes will be guided by competent and impartial adults who enjoy the trust of the school community and who are conscious of and responsive to power imbalances, discrimination, and

the developmental needs of young people. It follows that the amount of authority given to senior children over the conduct of other children should be very limited. The sanctions that students can impose on other students will equally be limited and managed very tightly and transparently with a high level of transparency. This is also true for adult-imposed sanctions.

- ii. Wherever possible, the process will be inclusive and collaborative with clear and ample opportunities provided for those involved to express their opinions. Where appropriate, it is also preferred that expert facilitation is used to try to resolve problems between parties.
- iii. Those that have been harmed should not be compelled to participate in processes they do not wish to participate in and should be protected and supported when they do, except where a law compels otherwise.
- iv. The details of the process are confidential although the sanction may not be if there is a need, determined by the Principal or dedicated representative of Evolve, for the sanction to be communicated. In such an instance, the communication is limited to the directly impacted people or those that need to know.
- v. The process will be respectful.
- vi. The Code of Conduct seeks to ensure a healthy teaching and learning environment characterised by respect, diversity and inclusion, and violations of the code undermine the rights of others to enjoy such an environment. In considering sanctions, it is imperative to consider how the dignity, rights, and well-being of those impacted by the violation will be protected or restored.
- vii. The process will give attention to genuine remorse and personal growth and development.
- viii. The process will make the obligations of the offending student clear to both those more immediately impacted and the community.
- ix. The process will aim to achieve transformative outcomes that equip people better for their futures and that serve societal interests best.
- x. There are some offences where the penalty cannot be reintegration into the school environment of the student who offended because it does not serve the needs of the dignity, safety, or emotional wellbeing of others in the school community.

4. General Rules and requirements

4.1 Reporting

- (a) Any person who reports, or otherwise brings to the attention of the school any violations of the Code of Conduct, in which they were not involved, shall not be subject to any sanction or prejudice because of having done so.
- (b) Anyone making a false report or making a report in a manner that violates the Code of Conduct may be subject to disciplinary action and sanctions themselves.
- (c) Any person who provides information, particularly in order to avoid harm to any person, or to draw attention to conduct in which they have not been involved, will have this provision of information taken into consideration in any disciplinary process they may be involved in.
- (d) This code assumes the goodwill of all involved and the rules are designed to promote inclusivity. They do not undermine or diminish any person's right to stand up against bullying or intimidation or to report any disrespect or harm. The school has channels to report matters of concern and the school has mechanisms for escalation of matters that have not been attended to.

- (e) The dignity of any person reporting a matter will be protected as will the dignity of any person against whom a matter is reported.

4.2 Legal conduct

- (a) Students may not engage in any illegal conduct.
- (b) Students may not collude in hiding the illegal conduct of others.
- (c) The school will cooperate with the police or other authorities and will report crimes it is required to report.

4.3 Disciplinary action at a previous school

- (a) While the school adopts a restorative approach wherever possible and would not automatically preclude an enrolment based on a prior disciplinary issue, it is necessary to understand prior conduct when making admission decisions so that conditions can be set or support programmes implemented.
- (b) The school has a responsibility to the development of the students and the ongoing protection of the school community and thus reserves the right to consider previous disciplinary matters when making admission decisions.
- (c) Students are required to disclose if they have left their previous schools for reasons in any way associated with disciplinary issues and must disclose these reasons.
- (d) Students are required to disclose if they have ever been expelled or suspended from a school.

4.4 Presence at school, school functions and community days

- (a) Students are required to attend synchronous lessons according to the timetable on official school days (online) as required by the school unless incapacitated and authorised to stay away from synchronous online lessons by a parent/guardian.
- (b) Students must log on and be prepared for each synchronous class, and all scheduled activities, punctually and remain until the official end of that activity.
- (c) Students must follow the school's online protocols on late coming or absence from scheduled synchronous classes, Town Halls, and mentoring sessions.
- (d) Students may not leave events or activities without permission until they have officially concluded.

4.5 School rights and responsibilities for searches and synchronous classfootage

- (a) The school reserves the right to record all synchronous classes and online assessments and may consider student behaviour during those classes and assessments for purposes of disciplinary action.
- (b) The school reserves the right to conduct searches of devices for content that is harmful or could be evidence of an offence.

5. Inclusion, Justice, and Dignity

5.1 Anti-stereotype, anti-discrimination, and anti-prejudice

The school requires members of its community to, in particular, actively work against the legacy of racism and thus will not tolerate any conduct that seeks to undermine the dignity of any person based on race or that actively discriminates against or prejudices any person based on race.

The school requires the same standard of care as other stereotypes, prejudices, bias, and discrimination. The school is an environment of respect, diversity, and inclusion.

Any discriminatory conduct, in person or online, including bullying, intimidation, victimisation, demeaning and belittling, exclusion and other forms of bigotry and prejudice will not be tolerated.

- (a) No person can be discriminated against, because of prejudice or stereotype or bias, based on any personal characteristic including but not limited to race, nationality, sexual orientation, gender, ability/disability, religion, health status, or language.

- (b) Any conduct is prohibited that demeans, humiliates, intimidates, threatens or creates a hostile or exclusionary environment, or is calculated to induce shame or submission by actual or threatened adverse consequences or social isolation by virtue of any characteristic of that person. It follows that any form of bullying or other intimidation is prohibited.
- (c) Any distinction, exclusion, limitation or preference made by a person in an authoritative position of any type, formal or informal, who uses unfair grounds to distinguish, exclude, limit or prefer certain persons for any role or activity or benefit is prohibited.

5.2 Duty of care including the duty not to cause hurt or offence or exclusion or to damage dignity

- (a) It is the responsibility of each member of the community not to cause or allow hurt or offence or exclusion or any action that would damage the dignity of any other person.
- (b) All members of the community have a positive responsibility to manage their own conduct in such a manner as not to cause hurt or offence or exclusion of any other member/s of a community.
- (c) Engagement and disagreement are encouraged but must be expressed in such a manner as to remain focused on the content of the engagement and not on the person with whom the disagreement is. As such, labelling or ridiculing of an individual for their actions or statements is prohibited.
- (d) Students should not display or allow themselves to be associated with images, words or symbols associated with discrimination or hate or those that are not legal or are anti-social in their legacy or intent.
- (e) Any use of language or imagery that is discriminatory in any way will be viewed as a deliberate attempt to propagate hurt and discrimination, which are prohibited.
- (f) Language or imagery that is profane, obscene, offensive, or inflammatory is not permitted.
- (g) Students should refrain from the use of profanities including those terms which would cause offence to members of religious groups.
- (h) Slurs are prohibited. It is recognised that previously weaponised slurs have been adopted in groups to remove their power to hurt and there is thus tolerance for the use of these previously weaponised slurs (such as the n or k or c words) only in the groups against whom they were originally intended to be used for purposes of hurt. No member of such a group can give consent to anyone else to use these slurs and they are prohibited for use by others.
- (i) Students should always engage with each other, staff, the school and its activities and the rest of the school community with respect, integrity, and honesty to create an environment focused on respect, dignity, and inclusion.

- (j) Students should always engage with each other in a manner designed to protect dignity and not result in shame or humiliation.
- (k) Students should respect the right to privacy of members of the community which means that students should not share personal information about members of the community without first obtaining their informed consent.
- (l) Students should establish the truth/authenticity/veracity of information before sharing it and are accountable if the information they share is later shown to be false or fake.
- (m) Students that manipulate, crop, or distort social media images, text and videos or any other image or wording to cause harm or create a false impression or incriminate a person may be subject to disciplinary action. Similarly, students who deliberately provoke reactions for the exclusive reason of wanting to cause harm or create a distorted impression may be subject to disciplinary action.
- (n) Students are not prohibited from sharing information of an individual already shared by that individual but should do so in a respectful manner and should wherever reasonable, when that information was shared in a limited manner or privately, obtain the permission of that person before further sharing it.
- (o) There can be no expectation of privacy when what has been shared is harmful or contrary to the principles of this policy and the school.
- (p) Students must not damage or alter the property of the school or others whether through neglect or deliberate acts of damage or vandalism.
- (q) Students must not steal the property of others – including their intellectual property through acts such as cheating and copying.

6 . Academic Conduct

- (a) Students must comply with any specific academic policies of the school that may exist in addition to this Code of Conduct.
- (b) Students must display respect for teachers and other instructors including, but not limited to, following reasonable instructions, and conducting themselves as required by the person in charge so as not to undermine their own learning or that of anyone else.
- (c) Students are expected to devote appropriate time and effort to engage with asynchronous learning and academic studies.
- (d) Active participation in class and class activities is required, including necessary participation in group activities.
- (e) Students must develop the skills and habits to work independently through asynchronous learning opportunities and to seek to achieve at an incrementally better level all the time

which necessitates doing more than the minimum required.

- (f) Deadlines and standards for mastery assignments must be met.
- (g) Preparation for mastery assessments and examinations is required.
- (h) Copyright and intellectual property laws must be honoured, which includes students giving credit for the use of someone else's words, images, or ideas.
- (i) Plagiarism is not permitted. This includes not giving credit, or sufficient credit, for work found online or in a physical format, is not permitted.
- (j) Students must reference the work of any other person and should, where possible and where required in the digital or physical publication, obtain permission before using someone else's work.
- (k) Illegal or unauthorised or unlicensed copies of programmes, documents, text, images, or files cannot be made, downloaded, installed or transmitted.
- (l) Academic honesty is required so cheating or copying is prohibited.
- (m) Collusion with cheating or dishonest conduct is not permitted.
- (n) Students may not disrupt the learning of others.

7 . Coherence between online/digital and in-person conduct: Digital Citizenship

- (a) The school holds a student's online conduct to the same standards and requirements as for their face-to-face or in-person conduct. It follows that any conduct (such as bullying or discrimination) which are not permitted in person is not permitted when using a digital platform, whether or not such a platform is provided by, or under the control of, the school.
- (b) Students may never use any form of electronic communication to harass, frighten or bully anyone. Speech that is not appropriate in a classroom is not appropriate for technology-enabled communication.
- (c) As such students who engage online, including but not limited to online learning, should:
 - i. Behave in a manner that is inclusive, which includes remaining open to hearing and respectfully recognising multiple viewpoints and engaging with others online with respect and empathy.
 - ii. Not use technology to intimidate, bully, demean or hurt others.
 - iii. Keep themselves both critical and informed by evaluating the accuracy, perspective, and validity of digital media and social posts.
 - iv. Remain engaged by using technology and digital channels for inclusive

- engagement to solve problems, achieve mastery and be a force for good in both physical and virtual communities.
 - v. Remain balanced by making informed decisions about how to prioritise time and activities online and off.
 - vi. Be alert and safe by being aware of online actions and know how to be safe and create safe spaces for others online. Students must be aware that their digital footprint never disappears, even if posts are deleted, and must thus be responsible, sensible, and ethical.
- (d) Students will not use technology to communicate in a manner that:
- i. Contravenes the ethos or letter of the school's Code of Conduct.
 - ii. Contains profanity.
 - iii. Contains any violence or pornographic or sexually explicit or implicit material.
 - iv. Communicates any stereotype or prejudice.
 - v. Contains any information about the school that does not belong in the public domain.
 - vi. Contains any confidential, harmful/hurtful, and/or private information about any other students or staff.

8 . Acceptable Use of Information and Communications Technology

8.1 Context and general requirements

- (a) The school expects good digital citizenship and conduct of its students (see above) which includes coherence between in-person and online conduct and expectations.
- (b) The school allows, within express parameters, students to be in possession of electronic devices at school functions.
- (c) The school requires responsible, age-appropriate, socially conscious use of such devices and as such may limit the use or possession of devices for specific reasons.
- (d) These requirements include all electronic data storage, receiver, transmitter, or similar devices, including but not limited to mobile phones, Tablets, Personal Data Assistants ("PDA's"), Laptop Computers and smartwatches. For ease of application, these are all designated as '**electronic devices.**'
- (e) These requirements apply also to the use of any computer or device that is owned by the school and any **electronic device** not owned by the school that is on the premises of the school or connected to the service provider or facilities of the school or is used for school assigned work.
- (f) Where the school prescribes a device or set up on a device or devices to ensure that the

educational process is not interrupted or to ensure that the safety of children is protected, this prescription is binding on the student.

- (g) **The school** provides the privilege of access to its computer network, technology tools and the Internet for educational purposes only. This access will be available to students if they use it in a responsible, efficient, courteous, and legal manner. Misuse of this privilege may lead to disciplinary procedures including expulsion.
- (h) The school reserves the right to limit, filter or withdraw student/pupil access to the Internet or wireless systems at their discretion and without prior notice.
- (i) Any electronic devices used by students must comply with Council by-laws.
- (j) The school cannot be held responsible for the loss or damage to the student's electronic devices or information on those devices, under any circumstances. Such loss or theft or damage must be reported.
- (k) The school is not responsible for lost or damaged data or information and students must independently back up information and other files regularly.

8.2 Security, settings, and downloads

- (a) Students may not change any network of computers or individual computer setups/configurations, including passwords, on the school's network, other computer facilities or servers.
- (b) Students must not share their passwords or other access information and must change these when instructed to do so. Students must not allow others to use their access information or profiles.
- (c) Any use of software that aims to bypass content filters imposed on the network like VPNs and proxy servers is strictly prohibited.
- (d) Students are not allowed to load software without written permission from the computer teachers nor may they delete any files, change passwords/names or hack into any of the computer systems or fellow students' or staff files.
- (e) Students found using other student's passwords or changing names to gain access to other students' files will be charged, normally with cheating, and will face disciplinary action, which may lead to suspension or expulsion.
- (f) Students will not be allowed to be in possession of any electronic devices including computerised watches or any other article containing information, in the venue during assessments or examinations, unless expressly authorised. Such possession will be deemed 'cheating' even if access to information cannot be proven.

8.3 Focus on instructional time and other activities

- (a) Ring tones and volume controls must be set to 'silent' or 'mute' during all teaching and/or organised activities.
- (b) Students may not use their devices to contact, or respond to, other people during teaching or organised activities unless expressly authorised to do so. This includes calls, text, or other messages, or to any form of social media.
- (c) The conventions required by the teacher must be followed and these include the starting times of lessons as well as whether cameras are required.
- (d) It is best practice to mute an online system when entering a meeting or class and not to disrupt a physical class when entering.
- (e) Contributions and responses should minimise disruption so use should be made of hand raising or the textmessage chat to draw attention when online.
- (f) No bullying, flaming, exclusion or similar, that will undermine inclusion and respect are permitted. This includes things like muting others or deleting members in online classes.

8.4 Specific provision for conduct in online classes and sessions

- (a) Only content that is inclusive and respectful can be posted or shared.
- (b) Posts must be in line with the teaching and learning topic underway.
- (c) Personal and private content such as addresses or contact numbers may not be shared except by the person to whom such information belongs.
- (d) In discussion forums or chat features, the following applies:
 - i. All student chat groups will be registered with the school Digital Lead and must have a teacher as a member.
 - ii. Members may not be added to groups by children without their consent.
 - iii. Members have a right to remain in or leave a group and no pressure or victimisation of these decisions is permitted.
 - iv. Student to student communication should remain ethical and inclusive and respectful.
 - v. Bullying is not permitted.

8.5 Social Media and Content

- (a) Students may not make, share, post or otherwise engage with posts that are not aligned with the anti-discrimination values of the school, or bring the school into disrepute, or share any personal information of any class member, activator or representative of the school in accordance with the 2021 POPI Amendment Act other than to report the same to the

school.

- (b) Any demeaning, crude, graphic or unacceptable content (including sounds, text, video, or graphics) are not permitted on school forums or networks. Unacceptable content includes, but is not limited to, any pornographic or erotic images, bad language, sexually explicit drawings or cartoons, inflammatory, defamatory, racist, sexist or homophobic content, bullying/victimisation, violent or aggressive images and any other content considered socially unacceptable or that contravenes the school's commitment to mutual respect.
- (c) If a student has such content on their own devices this may not be accessed, displayed, or shared with others while at school or a school event.
- (d) The fact that such content is on a personal device or has not been shared at school or at a school event or was not intentionally made available to anyone in the school community is not a mitigating factor when such content is contrary to the anti-discrimination and anti-harm requirements of the school and a student thus retains such content at their own risk.
- (e) The recording of people (voice, photo, or video), other than as part of a legitimate security system or as part of the official academic programme or when done at a school event by an authorised person, cannot be done without their consent and cannot be done in situations where it is not possible for consent to be given such as disputes or fights.
- (f) Where a student deems it essential to make a recording to protect a right, that recording should immediately be handed to the school and not circulated further.
- (g) It is prohibited to take or show any content including photographs, recordings or videos that invade privacy of, or demean any person, or demonstrate gratuitous violence, prejudice, or any other socially unacceptable conduct.
- (h) The school will accept no liability for the content on a group messaging platform, such as, but not limited to, a WhatsApp group even if a member of staff or contractor is part of the group.
- (i) The establishment of any such messaging group must be authorised by the person designated by the Principal or dedicated representative of Evolve, prior to it being created.
- (j) No such messaging group will be authorised by the school, unless a teacher/coach is a member with admin rights of the group.
- (k) Students will be held wholly responsible for all content stored on their electronic devices or transmitted or shared from them.
- (l) Although the school respects the students' rights to privacy, it reserves the right to monitor and intercept electronic communications in accordance with the provisions of The Regulation of Interception of Communications and Provision of Communications related - Information Act of 2002.
- (m) Files stored, and information accessed, downloaded, or transferred on devices or networks that are school-owned are not private.

9. Drugs, Cigarettes, and Other Dependence Producing Substances

- (a) These rules apply to all dependence-producing substances, irrespective of their form or the form in which they are ingested or administered including, but not limited to, smoking, eating, injecting, drinking, vaping, or sniffing.
- (b) The only dependence-producing substances which may be brought to a school event is prescription medication for which a current prescription is required.
- (c) Students may not when at a school-sanctioned event, be in possession of, or using, or be under the influence of, or have in their system any dependence producing substance other than the above-stipulated prescription medicines.
- (d) Whether or not they are at a school event, students may not break the law and thus their use of substances, even when not at school, is prescribed by the law and it would be a violation of this code to act unlawfully.
- (e) Any substance for which a current and appropriate prescription cannot be produced will be confiscated. After confiscation, illegal substances will be given to the police and other substances (such as, but not limited to prescription medication for all students or alcohol if the student is over 18) to the parents/guardians.
- (f) Students who are legally permitted, by virtue of their age, to use certain dependence-producing substances such as, but not limited to, cigarettes, marijuana or alcohol may not be in possession of, or using, or under the influence of those substances when at any school event and when identifiable as members of the school community.
- (g) Students may not ever encourage or induce any other student to use any dependence-producing substances.
- (h) Students may not collude with other students to hide the possession or use of such substances.
- (i) It is prohibited to be in the presence of anyone who is using a dependence-producing substance at a school event.
- (j) The school Principal or dedicated representative of Evolve, may designate a person to carry out searches of the person or possessions of any student or arrange for the police or other designated authority to conduct such a search.
- (k) These searches will comply with the requirements of the relevant legislation.

10. Weapons and Other Dangerous Items

- (a) No one may have any weapon or other dangerous item to any Evolve-sponsored event or during any activity associated with the school. A dangerous item is something that could be used to hurt someone and is not required for schoolwork (such as art knives in the possession of Art students).
- (b) No one may threaten, or use, any item to cause or threaten physical harm to anyone else.

11. Bullying, Campaigns of Exclusion or Marginalisation, Belittling, Physical, Emotional, Verbal, or Sexual Assault or Threats of Any of These.

- (a) No one may assault, harass, intimidate, or threaten to assault, harass, or intimidate anyone.
- (b) Any unwanted, repeated, direct or indirect verbal, physical, social, sexual, or psychological behaviour that is intended to cause another student emotional and/or physical harm is not permitted.
- (c) Any efforts to influence others to behave negatively towards other people will be considered as equivalent to having acted accordingly oneself.
- (d) The level of harm or potential harm does not increase or diminish the seriousness with which such conduct will be evaluated.

12. School Dress Codes, Uniforms, School symbols and Associated Matters

a. Detailed Explanatory Guidelines and Activity Specific Directions

- (a) Schools will, where required, issue detailed explanatory guidelines including lists of items that are optional and compulsory. These guidelines will adhere to the principles in this policy and must thus be followed.
- (b) Students are expected to comply with the requirements set and communicated in the policy and associated guidelines.
- (c) The school reserves the right to have more stringent requirements for participation in activities where safety is an issue such as laboratory work for subjects like science.
- (d) The school reserves the right to have more stringent requirements for students representing the school in events and activities and for formal occasions.

b. Dress Code

- (a) Evolve students do not wear specific school uniform. During lessons clothes should reflect the values of the school and must not show any symbols, pictures or wording that could be deemed aggressive or discriminatory towards any other persons.

13. General Principles Related to Investigation and Hearings

a. Values and Philosophy

- (a) The principles of dignity and respect and restoration and development which permeate the code must also apply to the investigations, hearings and sanctions associated with the Code of Conduct.
- (b) Those in authority in the school are expected to manage violations of the Code of Conduct with respect, in a graduated manner and with a focus on restorative justice before any punitive sanction is considered, except in cases with the violation threatening the physical or emotional safety of others.
- (c) The process must be fair, objective, and respectful.
- (d) The nature of sanctions is determined after an assessment of mitigating and aggravating circumstances which include prior violations, remorse, willingness to engage in restorative actions, impact on others and the preservation of a harmonious and safe learning environment.

b. General Principles - Responsibility of the School

- (a) Each school will have a senior member of staff in each phase, designated by the Principal or dedicated representative of Evolve, who is the school Disciplinary Officer (SDO), who has authority and responsibility for this code.
- (b) When the SDO is directly involved in the matter then the Principal or dedicated representative of Evolve, assumes all roles ascribed to the SDO in this Code of Conduct.
- (c) This person must be trained to conduct investigations impartially.
- (d) No legal representation is permitted for the student or the school.
- (e) The standard to be used for determining guilt is the balance of probabilities that an event happened as reported or argued.

c. Rights of an Accused Student

- (a) The student is entitled to a fair and objective process.
- (b) The student is entitled to have access to information about the alleged violation (what is alleged to have happened, when it is alleged to have happened and who was involved), the process to be followed and how to appeal.
- (c) The student is not entitled to have access to evidence in advance of any hearing.
- (d) The student is entitled to request the presence of a staff member of their choosing for support (whether that person becomes their representative) when being questioned about an alleged offence but the person may not participate in the interview.
- (e) The student is entitled to be supported by the presence of a parent/guardian in a hearing, but the parent/guardian may not participate in the proceedings.
- (f) The student is entitled to be represented by either staff or fellow student representatives, but only one (either the student or their representative) may examine witnesses or ask questions during the hearing.
- (g) No legal representation is permitted for the school or the student.

14. Grievances

- (a) A grievance is a cause for complaint normally after unfair or discriminatory treatment and while it may be associated with a provision in this Code of Conduct, it could be a more general concern.
- (b) A student who wishes to state a grievance against another student or staff member must contact the school Disciplinary Officer (SDO) and state the nature of their grievance and their preferred outcome.
- (c) The process is a mediated meeting in which an amicable and restorative solution is sought which may include an apology.
- (d) A grievance meeting can be conducted by any person agreeable to the complainant.
- (e) Normally a meeting is held within 48 hours of the grievance being lodged but can be later if agreed by both parties.
- (f) The person called to the hearing and the reporting student may each have the support of a parent/guardian or teacher during the meeting but may not be represented by them.
- (g) Should either party feel the matter is not resolved they will indicate accordingly to the SDO who must then handle the matter as an investigation for a formal disciplinary process.

15. Level 1 Transgressions: Day-to-day Violations of the Code of Conduct or Other Policy

- (a) As per the table of transgression and sanctions, Level 1 Transgressions can be managed without formal investigation or hearings as the impact of the offence is limited and the sanctions are relatively inconsequential.
- (b) Any sanction issued by another student must be recorded with the SDO.
- (c) Any student who believes they have been handled unfairly must approach the SDO or if the sanction was issued by the SDO or the Principal or dedicated representative of Evolve.
- (d) The SDO (or alternative as above) must review the sanction and interview the person who issued the sanction and the student and may then:
 - i. Support the sanction.
 - ii. Remove the sanction.
 - iii. Refer the matter for a full disciplinary process.
- (e) The SDO must give the reasons for their decision to all parties in writing.

16. Level 2 and 3 Transgressions

a. Reporting or Initiating an Investigation

- (a) As soon as anyone in the community becomes aware of a matter that may result in a disciplinary hearing, the SDO must be informed, and an investigation must be initiated.
- (b) The SDO can either investigate themselves or delegate this to another staff member known as the Investigating Officer (IO).
- (c) Wherever possible, the investigation must be completed within three school days of being brought to the attention of the SDO.
- (d) The SDO must assess the report and ask for a written statement that includes details of when, where, what and who to understand the scope of the allegation or complaint.

b. Conducting a Preliminary Investigation

- (a) The SDO or IO initiates a process of gathering information to ascertain if a hearing is required. This is done by examining immediately available evidence and conducting preliminary interviews of the accused student and any witnesses.
- (b) Where a person has been accused of an infraction, which is not also potentially a crime, they may be interviewed without notice and without notice to their parents/guardians.
- (c) Where a person has possibly witnessed an infraction, they can be interviewed without notice and without notice to their parents/guardians.
- (d) The interviewee must be informed before the interview starts of the purpose of the interview and the infraction being investigated and, that they are permitted not to answer the questions or make a statement.
- (e) Witnesses and the student concerned must also be asked to prepare a written statement that will be required if the decision is made to proceed to a hearing.

c. Decision to Proceed with the Case Against the Student

- (a) The SDO may decide to proceed with the matter or to terminate the investigation. In the case of the latter, the SDO must meet with the complainant to explain the reasoning for the termination of the investigation. If the complainant is a student, the grievance process can be followed if the student disagrees with the decision.
- (b) If the SDO decides to proceed, a written statement from the witnesses and the student concerned are requested.
- (c) Students and witnesses are not normally given more than 24 hours to produce the statements so that they can consult with their parents before submitting the statements.
- (d) If statements are not provided, the information from earlier interviews can still be used.
- (e) A formal notice of a disciplinary hearing is then issued to the student.

d. Notice of a Hearing

- (a) If it is decided to take a matter to a disciplinary hearing, a notice of the date, time, and venue of the hearing, as well as a copy of the Code of Conduct, is provided to the student against whom a charge of violating the code is being instituted and their parents/guardians.
- (b) A student must be given at least 72 hours' notice of the hearing, as well as a formal statement of the sections of the Code of Conduct that has been violated and the reasons that the school has decided that there is a case to answer.

- (c) A student must explicitly be referred to their rights in terms of this Code of Conduct.
- (d) A student must explicitly be told that they can waive a hearing if they wish to submit a guilty plea and a formal discussion on mitigating and aggravation of the sanction is then all that is required and can be held with the Principal or dedicated representative of Evolve, of the school and the SDO present.
- (e) A student who elects to waive a hearing must do so in writing and is then committed to that decision. The right to appeal a sanction remains.

e. The Committee

- (a) The SDO or IO who leads the investigation, will formulate the charge, and present the evidence to The Committee and represent the school.
- (b) Where the school is the complainant, the IO is the complainant on the school's behalf.
- (c) The school Disciplinary Committee (SDC) will be made up of any two adults who have no conflict of interest and are able to be objective as appointed by the Principal or dedicated representative of Evolve; at least one of whom must be a black person and one of whom must be the same gender as the student facing the hearing. If the student is gender-fluid the person must be of a gender preferred by the student if they have a gender preference.
- (d) At the sole discretion of the Principal or dedicated representative of Evolve, , an independent Chair may be appointed to achieve objectivity on the matter. This is not a requirement.
- (e) The SDC is provided with the notice of the hearing in advance of the hearing but none of the statements or evidence.

f. Hearing Process

- (a) At the start of the hearing, the Chair needs to confirm that the student received the notice of the hearing and the Code of Conduct and that they thus understand their rights.
- (b) Those present must introduce themselves and sign a register of participation which must record their role in the hearing.
- (c) Support and representative parties must confirm they understand their roles.
- (d) The Chair reads each charge and/or each one asks the student how they plead. This must be recorded on the record of the hearing.
- (e) The SDO then presents the case and shares written statements with the SDC, the student, and the student's representative.

- (f) If needed and requested by the student, student representative or the Chair, time needs to be given to all to read the statements.
- (g) Witnesses called by the SDO/IO can present their statements and then be cross-examined by the SDO and the student or their representative but not both.
- (h) The student may then present their case and call witnesses.
- (i) The SDO may cross-examine the witnesses.
- (j) The Chair may ask questions.
- (k) The hearing shall be recorded but the recording is not transcribed.

g. Evidence and Testimony

- (a) An accused student is entitled to details of the alleged violation, including approximate dates where a specific date cannot be determined, and the nature of evidence being used. An accused student is not entitled to information about who reported the violation and is not entitled to cross-examine the person who made the report if they are not a witness at the hearing.
- (b) The school IO/SDO represents the school and as such, is also the complainant or co-complainant in all matters.
- (c) An accused student may ask for an adjournment at any stage during the hearing to consult their parents/guardians or representative. This is subject to the Chair stipulating how long an adjournment is reasonable. The Chair may refuse further adjournments as their sole discretion and opinion if it is the Chair's opinion that adjournments are only being used as a delay tactic.
- (d) The student may give evidence but is not required to do so.
- (e) No student can be compelled to give evidence or make a statement.
- (f) Parental consent is needed for a student to be a witness against another student if they are under 18.
- (g) Where giving evidence is likely to cause distress, a witness can be supported by a parent/guardian or staff member of their choosing, but this support person may not participate in the proceedings in any way.
- (h) The student may amend their plea of not guilty at any point before or during the hearing and this may be used as a mitigating factor in determining the sanction.

h. Deliberation and Finding

- (a) After the evidence is presented to the SDO, witnesses and the accused student leave the room and the Disciplinary Committee deliberates. This is not recorded but the key areas of discussion are recorded on the record of the meeting as well as the finding.
- (b) In reaching a verdict, the balance of probability that the events occurred as alleged is weighed and the seriousness of a transgression is measured by at least the following:
 - i. Frequency of the transgression.
 - ii. What is impacted by the transgression with disruptions to the ability of the school to conduct its programme (academic or other) and disruptions to the wellbeing (physical or emotional) of any member of the community being considerably more serious than violations that largely impact only on maintenance of conventions related to the school or brand.
 - iii. The impact on relationships of trust and future positive relationships in the school.
- (c) Normally, the finding on each charge is then presented immediately to the student and the student representative/support people with reasons.
- (d) If the Chair determines that a finding cannot be immediately reached, the communication of the finding and the sanction can be extended to the next school day.
- (e) Once the finding has been shared, the SDO argues in mitigation or exacerbation of sanction and the same opportunity is given to the student/their representative.
- (f) The committee then deliberates on the sanction without the presence of the SDA, accused student or their representatives and support.
- (g) The meeting is reconvened, the sanction is shared along with timelines if relevant and the appeal process is communicated if relevant.
- (h) None of the deliberations are recorded.
- (i) The finding and sanctions are communicated in writing by no later than the end of the next school day.

i. Sanctions

- (a) The sanction for misconduct will always be proportionate to the transgression and will, wherever possible, have the intention of restoring the educational environment and the relationships between people while not minimising the impact of harm caused.
- (b) The sanction should as far as possible be a natural consequence of the conduct.
- (c) The emotional well-being of the other students as well as the stability of the learning environment must be taken into consideration.

- (d) This code does not prescribe sanctions, but the onus is on the Chair of the committee to impose a sanction that will assist in the moral and behavioural development of the student found guilty of the misconduct.
- (e) The details of hearings and sanctions are not shared with anyone other than the student and their family.
- (f) Where the conduct has compromised the safety or wellbeing of any other student and the conduct is so serious that expulsion is a possibility, the student whose safety or wellbeing was compromised must be informed of the reasons why a sanction of expulsion was not imposed and how their wellbeing and dignity will be protected going forward.
- (g) The harm caused often damages these values: respect, honesty, humility, mutual care, accountability, and trust and thus, where restorative sanctions are imposed, will generally seek to (1) repair the harm; (2) enable the harmed person to heal or recover or restore harmony and dignity through an encounter/engagement with the transgressor if they wish to do so and (3) develop insight in the transgressor so that transformative change is possible.
- (h) As such, when a person has violated the Code of Conduct of a school the questions to be asked once guilt has been determined are:
 - i. What harm was caused? What would it take to repair that harm?
 - ii. What principle was violated and what learning process will take this student forward in their own development?
 - iii. Who was hurt and what do they need?
- (i) The level of sanction is determined by:
 - i. The seriousness of the offence.
 - ii. Prior sanctions can still be considered and have not lapsed.
 - iii. Genuine remorse and willingness to engage in restoration.
 - iv. Proportionality to the offence.
 - v. Relevance to the offence – a warning cannot be over-generalised or too narrowly specified.
 - vi. Discretionary boundaries of the person issuing the sanction are premised on transparency, consistency, fairness, dignity, and restorative intent.
 - vii. The ongoing well-being of members of the school community including their safety.
 - viii. Appropriate and proportionate time periods – sanctions (that are not one-off) and warnings need to expire at a point that is proportional to the event. An active warning if there is a re-offence is an exacerbating factor, but an expired warning is irrelevant.

17. Records

- (a) An audio recording of the hearing is kept until the matter is resolved – either after the appeal has been heard or if there is no appeal, it is destroyed 10 days after the hearing.
- (b) The student against whom the allegation is made may also make a recording. There can be no expectation of receiving the recording from the school although it will be provided if possible.

- (c) A written record (not verbatim) is kept in the form of a Chair's report.
- (d) An attendance register signed by each person present is retained.
- (e) The evidence is retained for the duration of the sanction.
- (f) The copy of the sanction and finding letter is retained on the file only for as long as the sanction (including an associated warning) applies but a record is kept, off the file of the student, indefinitely for audit of precedents.

18. Appeal (School Disciplinary Appeals Committee)

a. General

- (a) A student may appeal the matter on procedural or substantive grounds or can appeal the sanction to a Group Disciplinary Appeals Committee.
- (b) Any student or staff member can appeal against the outcome of a school disciplinary process.
- (c) Appeals against the outcomes of disciplinary hearings at schools are heard by a central committee to ensure equity, consistency, and objectivity across the schools and within each process.
- (d) The Appeals Committee consists of:
- (e) ADvTECH's Group Academic Director or in their absence the Academic Head of the Schools Division, a member of the Group Legal Team, or the National Admin and Operations Manager of the Schools Division or in their absence, a person nominated by the Academic Director.
- (f) The appeals committee will not rehear the matter but will look only at the reports of the process as well as the appeals document submitted.
- (g) The SDAC is authorised to consider the appeal and make a binding decision which may include upholding or overturning the finding and/or penalty and may include setting a different penalty or requiring that a matter be reheard at the school.
- (h) There is no internal recourse beyond the Disciplinary Appeals Committee.

b. Process of appeal

- (a) The student or the student's parents/guardians or the Principal or dedicated representative of Evolve, of the school or the SDO can appeal the finding or sanction within five working days of it being handed down.
- (b) A parent/guardian acting on behalf of the child concerned, or the student who wishes to appeal against the outcome of a disciplinary hearing will in the first instance log that appeal with the Principal or dedicated representative of Evolve, of the school copied to the schoolsadmin@advtech.co.za address.
- (c) The appeal, with reasons and substantiation, is then submitted to the Schools Disciplinary Appeal Committee according to that process.
- (d) The appeal must detail the reasons for the appeal and specify the remedy sought.
- (e) Supporting documentation can be provided.
- (f) The Principal or dedicated representative of Evolve, or SDO is required to submit the disciplinary appeal pack by email schoolsadmin@advtech.co.za to the Administrator within two school days of receiving the appeal request.
- (g) The pack must consist of the following documents:
 - i. The parent/guardian/student's email or letter of appeal OR the Principal or dedicated representative of Evolve, 's letter of appeal.
 - ii. Notice for the student to attend their disciplinary hearing.
 - iii. Notices issued to the complainant or any witnesses to attend the disciplinary hearing.
 - iv. Information about who the investigating officer and the disciplinary committee were.
 - v. Notice of the student's suspension if the student was suspended.
 - vi. A copy of the Chair's disciplinary report (reflecting findings and sanction/s)/the case book.
 - vii. Statement by the complainant or investigating officer (i.e. normally Principal or dedicated representative of Evolve, , Deputy Principal or dedicated representative of Evolve, or teacher).
 - viii. Statement by the student accused of the transgression.
 - ix. Statement/s by the witnesses (i.e. for the complainant and the accused).
 - x. Completed attendance register for the disciplinary hearing.
 - xi. Notice of the outcome of the disciplinary hearing (i.e. outlining the verdict and sanction/s).
 - xii. Any documents provided by the school or the student in support of their evidence, that were considered by the disciplinary committee.
- (h) Once received, the Administrator checks the completeness of the appeal documents and ensures any gaps are remedied within 48 hours.
- (i) The meeting of the SDAC must be not sooner than three working days after the pack being determined to be completed and not more than 10 school days after the appeal was lodged.

- (j) The committee members must have a full set of documents at least two working days before the meeting –electronically or in hard copy and must be given a copy of the Code of Conduct and any other specific School policies at the same time.

c. Meeting Procedure

- (a) Only committee members are present in the meeting.
- (b) The meeting includes completion of the required documents and confirmation the requisite preparation has been done with due access to the disciplinary appeals pack.
- (c) The Chair confirms that there is no conflict of interest.
- (d) The appeal is considered narrowly – that is, matters not raised in the appeal are not considered.
- (e) Each point of the appeal is considered and then deliberated.
- (f) The meeting proceeds until consensus is reached.
- (g) The meeting is not recorded.
- (h) Minutes are kept in the form of the Chair's report only.

19. Sanction and Level and Process Guidelines

The seriousness of the transgression	Applicable sanctions	Authorised person and process
Level 1 (L1) transgressions		
<ul style="list-style-type: none"> These are infrequent, minor, or less serious transgressions by the student and/or a student who is an accessory to the transgression. They include, but are not limited to absenteeism, swearing, littering, not adhering to dress requirements, failure to complete allocated tasks or assignments, etc. 	<ul style="list-style-type: none"> Written warnings of three to six months accompanied by a restorative requirement such as an apology or essay or information campaign. Re-write or re-submission of the test or task. Additional academic work. Some form of service to the school such as duty for monitoring late arriving of others. Denial of minor privilege for period. Short term detention (period of detention to include restorative process such as essay on topic). Supervised arrival and leaving of school. Merit point deductions/demerits as appropriate and where relevant. 	<ul style="list-style-type: none"> Members of staff. Contracted professionals such as coaches. Prefects or equivalent under strict limits. <p>Process: Informal and immediate but must be recorded if meted out by another student.</p>

The seriousness of the transgression	Applicable sanctions	Authorised person and process
Level 2 (L2) transgressions		
<ul style="list-style-type: none"> ▪ These are more serious transgressions or frequent L1 transgressions. ▪ These are transgressions that disrupt the normal functioning of the school or reflect conduct that is dangerous and potentially illegal. ▪ These include transgressions that include socially inappropriate behaviour. ▪ These also include transgressions that undermines safety such as leaving the school without permission. ▪ They include but are not limited to: persistent absenteeism, academic dishonesty (e.g. cheating or plagiarism or copying work of others), disruption of an academic or other activity, disrespect for those in authority including all staff and contractors, inadequate effort in the student's academic work, having a weapon or alcohol or any unauthorised dependence producing substance at the school or at an authorised school event, being under the influence of alcohol or unauthorised drugs, violation of ICT policy, possession or use of inappropriate or undesirable images, dishonesty etc. 	<ul style="list-style-type: none"> ▪ Written warning with appropriate additional sanction designed to develop skills of the student. ▪ Final written warning (which would mean that a further similar transgression would result in expulsion). ▪ Repeated after-school requirements in the form of late homework or other forms of detention as per school convention – must be a constructive use of time. ▪ Confiscation of the weapon or substance and may include handing it over to the police or other authorities. ▪ Suspension. ▪ Suitable restorative sanction. 	<ul style="list-style-type: none"> ▪ The school Disciplinary Officer or Deputy or Principal or dedicated representative of Evolve, of the school must be involved. <p>Process: this is normally handled through the formal processes and at the very least must involve parents/guardians.</p>

Level 3 (L3) transgressions		
<ul style="list-style-type: none"> These are very serious transgressions or a second or subsequent L2 transgression. These include transgressions that have resulted in direct harm (physical or emotional) to others. They include, but are not limited to - sexual harassment, racism, intimidation, bullying or victimisation including any form 	<ul style="list-style-type: none"> Suspension. Expulsion. Demerits or similar sanction which would result in expulsion if there are any further transgressions (having same impact of final written warning) Final written warning. 	<ul style="list-style-type: none"> The Principal or dedicated representative of Evolve, Deputy Principal or dedicated representative of Evolve, or SDO must be involved. <p>Process: Formal</p>

The seriousness of the transgression	Applicable sanctions	Authorised person and process
<p>of discrimination such as religious intolerance, assault, fighting, the use of any dangerous weapon, vandalism, theft (including stealing a question paper or test), sharing or sale or other distribution of alcohol or unauthorised drugs or substances, victimisation, violation of ICT policy in a manner that causes harm, etc.</p>	<ul style="list-style-type: none"> Criminal charges and/or reporting the matter to the police or other authorities. 	

20. SPECIFIC PROVISIONS: SEARCH AND SEIZURE

a. Definitions for this section of the policy

- (a) "dangerous object" means:
 - i. any explosive material or device.
 - ii. any firearm or gas weapon.
 - iii. any article, object or instrument that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious.
 - iv. any other object similar in nature to the objects listed above.
- (b) "Illegal drug" means any unlawful substance that has a psychological or physiological effect; or any substance having such effect that is possessed unlawfully.
- (c) "School activity" includes any educational, cultural, recreational, sporting, or social activity of the school within or outside the school premises; and
- (d) "Illegal activity" means the wilful possession of an illegal drug, dangerous object, or stolen item.

b. Prohibition

- (a) No person may:
 - i. Allow any dangerous object to be brought onto school premises or to a school activity.
 - ii. Carry any dangerous object in school premises or at premises at which a school activity is carried out.
 - iii. Store any dangerous objects in school premises or premises at which a school activity is carried out.
 - iv. Possess illegal drugs in contravention of the substance abuse policy.
 - v. Possess any stolen item on school premises or at a school activity.

c. Search and Seizure

i. General provisions

- a) The Principal or dedicated representative of Evolve, or their delegate may, at random and without a warrant, search any student or group of students, or the property of a student or group of students, for any dangerous object, stolen item or illegal drug (hereafter, collectively referred to as "prohibited good"), if they have a reasonable suspicion that:

- i. A prohibited good may be found on school premises or during a school activity; or
 - ii. One or more students on school premises or engaged in a school activity are in possession of a prohibited good.
- b) The Principal or dedicated representative of Evolve, or their delegate may, without a warrant, seize any prohibited good found on school premises or during a school activity, or found on any person who is on school premises or engaged in a school activity.
- c) A search may only be conducted after considering all relevant factors, including:
 - i. The best interest of the students in question or any other student in the school.
 - ii. The safety and health of the students in question or of any other student at the school.
 - iii. Reasonable evidence of illegal activity; and
 - iv. All relevant evidence received (which may include rumours, with supporting evidence).
- d) A student's person and/or personal effects (for example book bag, blazer, sports bag etc.) may be searched whenever the Principal or dedicated representative of Evolve, or their delegate has a reasonable suspicion to believe that the student is in possession of a prohibited good.
- e) Student lockers are always the property of the school and remain under the control of the school. Students are, however, expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by the Principal or dedicated representative of Evolve, or their delegate for any reason, and at any time, without notice, without student consent, and without a search warrant.
- f) Any seizure of a prohibited good will be recorded in a school record book and the prohibited good will be handed over to the police, save that where a stolen item is recovered and no criminal charge against the student in whose possession the stolen good was found is contemplated, the stolen item may be returned to its owner.
- g) A student may be subjected to disciplinary proceedings if a prohibited or stolen item is found in their possession.

- h) Students, who are legally licenced to drive, are permitted to park on school premises as a matter of privilege, and not of right. The Principal or dedicated representative of Evolve, or their delegate may conduct routine patrols of student parking lots and inspections of the exteriors of student vehicles on school property. The interiors of student vehicles may be inspected whenever the Principal or dedicated representative of Evolve, or their delegate has reasonable suspicion to believe that a prohibited good is contained inside such a vehicle. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

ii. The procedure for conducting a search

- a) All searches contemplated in this policy will be conducted in a manner that is reasonable and proportional to the suspected illegal activity.
- b) Where a search entails a body search of a student (see 12 below), such search may only be conducted by the Principal or dedicated representative of Evolve, if they are the same gender as the student, or by the Principal or dedicated representative of Evolve, 's delegate, who must be the same gender as the student. A second staff member of the same gender must be present as a witness.
- c) The types of searches that may be conducted by the Principal or dedicated representative of Evolve, or their delegate are set out below.

iii. The procedure to be followed in a body search of a student

- a) Nobody search can be undertaken without the consent of the Principal or dedicated representative of Evolve, .
- b) A body search includes a visual search and a "pat down" body search.
- c) Anybody search will be conducted in a private area and not in view of another student.
- d) The student 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 student must remove all articles from their pockets and remove any secondary outer clothing (e.g., jackets, sweaters, head coverings etc.) worn over the primary clothing.
- e) The person conducting the search will, wherever possible, wear latex gloves and use an open hand to pat down the primary layer of clothing of the student. Any such search shall be carried out in a manner as is consistent with discovering anything that may have been concealed.
- f) There always need to be two adults present, one of whom must be of the same gender as the child concerned,

- iv. **The procedure to be followed in conducting a search of a minor under the age of 12 years**
 - a) Consent will be obtained from the parent or guardian for a body search that is required in respect of a minor under the age of 12.
 - b) The parent or the guardian of the student must be present during the search, if practical and if requested by the parent or guardian. If the parent or guardian of a student is present, they may conduct the search if they wish.
- v. **Procedure to be followed when a prohibited good is found on a student**
 - a) Any prohibited goods that are seized will be labelled with full particulars, including:
 - i. The name of the student in whose possession it was found.
 - ii. The time and date of the search and seizure.
 - iii. An incident reference number.
 - iv. The name of the person who searched the student.
 - v. The name of the witness present at the search; and
 - vi. Any other details that may be necessary to identify the item and the incident.

21. SPECIFIC PROVISIONS: SUBSTANCE ABUSE

a. Introduction

- (a) The issue of respecting the rights of our students and the implementation of this policy is of paramount importance to the school and is one of the cornerstones of this policy. It is a principle of the policy that the school will work as closely as possible with the parents/guardians of students in implementing the policy.
- (b) As part of a greater community, the school confronts issues head on and deals with them in a structured and considered manner, in partnership with the parents/guardians of the school to ensure the best for their children. Substance abuse is detrimental to one's physical, social, emotional, mental, and spiritual health. The concept of a healthy lifestyle will, always, be propagated and encouraged by the school.
- (c) The purpose of this policy is two-fold:
 - ii. To protect and assist any individual student by outlining the approach taken by the school to rehabilitation and counselling.
 - iii. To protect other students and the school by outlining the procedures for disciplinary action, as detailed in the school Code of Conduct: Students, which can be found on the school's website.

b. Educational interventions on substances

- (a) In keeping with the core values of the school and the principle that prevention is better than cure, the school ensures that all students, parents/guardians, and staff are regularly educated about the problems of drug abuse and dependency through:
 - i. Talks, workshops, and other informal activities including special assemblies at the school.
 - ii. Lessons during appropriate subjects in the school curriculum.
 - iii. Proactive involvement with other professional and community-based organisations involved in the fight against alcohol and drug abuse and dependency.

c. Illegal Substances

- (a) “Illegal substances” in the context of the school Code are defined as:
 - i. Any unlawful substance that has a psychological or physiological effect (including alcohol); or
 - ii. Any substance having such effect that is possessed unlawfully.
- (b) Application of the policy: The policy applies to the use and distribution of any illegal drug by a student whilst on the school property, or while involved in any school activity which is any official educational, cultural, recreational or social activity of the school within or outside the school premises.
- (c) The use of any illegal drug is strictly forbidden.
- (d) If the behaviour of a student indicates that they may be using an illegal drug, the information may be referred to the relevant Counselling Department at the School.

d. The Distribution and Possession of Illegal Substances/Drugs

- (a) Unless authorised by the Principal or dedicated representative of Evolve, for legitimate educational purposes, no person may bring an illegal drug onto school premises or have such drug in their possession on school premises or during school activity.
- (b) Any form of distribution of any illegal drug to any other person is strictly forbidden.
- (c) In particular, the selling or purchasing of illegal drugs is a criminal offence. If any student is suspected of, or caught, selling, or purchasing such illegal drugs, the school will investigate and, if necessary, refer the matter to the appropriate authorities for further investigation and action.

e. Testing for Prohibited Substances

- (a) In accordance with section 8A of the South African Schools Act of 1996 (“the Schools Act”), the Principal or dedicated representative of Evolve, or their delegate may administer a urine or other non-invasive test to any student or group of students that is on fair and reasonable grounds suspected of using illegal drugs. To the extent possible the consent of the parent/guardian and the consent of the student will be obtained. In this regard, the consents will be provided by the parent/guardian or student concerned on the prescribed forms. However, the school reserves the right, as contemplated in section 8A of the Schools Act, to test for illegal drugs without such consent.
- (b) The school will be in control of the testing programme. The costs will accrue to the parents/guardians. In the event of a test being required for the abuse of anabolic steroids, the school will bear the cost, given the expense of such tests. If the student tests positive, the costs of any subsequent testing (for anabolic steroids) will be for the account of the student.
- (c) Details of when such tests occur will be kept strictly confidential and only disclosed to those persons who are required to know such details, to ensure that students cannot determine or anticipate when testing will take place or who will be selected for a test.
- (d) Once a student has been notified of selection for a drug test, the student will be accompanied and observed by a member of the testing team from the time of notification until the testing process is complete.
- (e) When the student arrives at the testing area, they will be informed of the testing process that is about to take place and the consequence of a positive test result, before testing commences.
- (f) The test will be conducted in the presence of a witness of the same gender as the student, and out of sight of any other person.
- (g) A test report with a unique reference number will be completed for every test. It will include the full details of the person being tested, details of any medication or supplements which the student claims to have ingested in the last 48 hours, any comments that members of the testing team or the student may wish to record, and the test result.

f. Procedure to be followed if an illegal drug or substance is found on a student

- (a) Any illegal drug that has been seized (in terms of the School’s Search and Seizure Policy) must be clearly and correctly labelled with full particulars, including:
 - i. The name of the student in whose possession it was found.
 - ii. The time and date of the search and seizure.
 - iii. An incident reference number.

- iv. The name of the person who searched the student.
 - v. The name of the witness or witnesses; and
 - vi. Any other details that may be necessary to identify the item and the incident.
- (b) Any such seizure will be recorded in the school record book. The illegal drug(s) concerned will be handed over to the police for disposal in terms of section 31 of the Criminal Procedure Act, 1977.

g. Grounds for reasonable suspicion

- (a) A search or drug test contemplated above will only be conducted after considering all relevant factors, including:
- i. The best interest of the students in question or of any other student at the school.
 - ii. The safety and health of the students in question or of any other student at the school.
 - iii. Reasonable evidence of illegal activity; and
 - iv. All relevant evidence was received.
- (b) Individual symptoms will not be considered as indicators, but a pattern of indicators (e.g., a decline in academic achievement, a lack of willingness to participate in school activities, change in behaviour, irregular school attendance, etc.) will be investigated. Marked changes in physical appearance may be grounds for suspecting the use of performance-enhancing drugs such as anabolic steroids.

h. Disciplinary Action

- (a) If the rehabilitation and counselling route has not been followed, or has been unsuccessful, the school reserves the right to take appropriate disciplinary action.
- (b) Save as otherwise provided in this policy, any evidence obtained against the student because of a drug test or search, whether in the form of a positive drug test or the confiscation of an illegal substance, will not result in criminal proceedings being instituted against the student.
- (c) Each case will be dealt with confidentially, but parents/guardians will be informed and involved.
- (d) The school will do its best to create a confidential zone for students to speak up if their information is motivated by a willingness to help both with the addiction and interface with parents.
- (e) Selected educators, who will be specifically trained in this area, will undertake the investigations and a professional external organisation will participate in the intervention process.
- (f) Students who have been found to have transgressed will be referred to an identified organisation for assessment and treatment.
- (g) Parents/guardians will be held responsible for any expenses incurred.

- (h) If it is established that a student is engaged in the use of illegal drugs, the student will be required to submit to a rehabilitation programme which will include:
- i. The treatment option as determined by all parties.
 - ii. Urine testing or other non-invasive testing can take place on an ad hoc basis. The control of such testing is the school's responsibility.
 - iii. An expectation that the student will improve with respect to behaviour, academic achievement, and school attendance.
 - iv. The authorisation and support by the parents/guardians of the treatment.
 - v. That the designated institution undertaking rehabilitation and treatment will supply the school with progress reports addressed to a designated, trained person. Such report is furnished with the student's written consent.
 - vi. If necessary, the rehabilitation programme can be adapted after negotiation with the relevant parties.
 - vii. The proviso that if the parents/guardians and/or student take it upon themselves to stop treatment, the school will consider the rehabilitation programme suspended and the school reserves its right to implement disciplinary procedures, in terms of the school Code of Conduct.