

# **PREPARATORY SCHOOLS CODE OF CONDUCT:** **ELKANAH HOUSE PREP (July 2025)**

## **Contents**

<b>1</b>	<b>The Code of Conduct .....</b>	<b>4</b>
<b>2</b>	<b>Value and brand statement.....</b>	<b>4</b>
<b>3</b>	<b>Applicability.....</b>	<b>4</b>
<b>4</b>	<b>Rationale for the code and its provisions .....</b>	<b>5</b>
<b>5</b>	<b>General Rules and requirements .....</b>	<b>6</b>
	<b>5.1 Reporting .....</b>	<b>6</b>
	<b>5.2 Legal conduct.....</b>	<b>6</b>
	<b>5.3 Disciplinary action at a previous school.....</b>	<b>7</b>
	<b>5.4 Presence at school.....</b>	<b>7</b>
	<b>5.5 School rights and responsibilities for searches and security camera footage.</b> <b>.....</b>	<b>7</b>
<b>6</b>	<b>Inclusion, justice, and dignity.....</b>	<b>8</b>
	<b>6.1 Anti-stereotype, anti-discrimination and anti-prejudice .....</b>	<b>8</b>
	<b>6.2 Duty of care including the duty not to cause hurt or offence or exclusion or</b> <b>to damage dignity.....</b>	<b>9</b>
<b>7</b>	<b>Academic Conduct .....</b>	<b>10</b>
<b>8</b>	<b>Coherence between at school and away from school conduct.....</b>	<b>11</b>
<b>9</b>	<b>Coherence between online/digital and in person conduct: Digital Citizenship .....</b>	<b>11</b>
<b>10</b>	<b>Acceptable Use of Information and Communications Technology.....</b>	<b>12</b>
	<b>10.1 Context and general requirements.....</b>	<b>12</b>
	<b>10.2 Security, settings, and downloads.....</b>	<b>13</b>
	<b>10.3 Focus on instructional time and other activities (in physical classes and</b> <b>online).....</b>	<b>14</b>
	<b>10.4 Specific provision for conduct in online classes and sessions.....</b>	<b>14</b>
	<b>10.5 Social Media and content.....</b>	<b>15</b>
<b>11</b>	<b>Drugs, Cigarettes, and other dependence producing substances .....</b>	<b>16</b>
<b>12</b>	<b>Weapons and other dangerous items .....</b>	<b>17</b>
<b>13</b>	<b>Bullying, campaigns of exclusion or marginalisation, belittling, physical,</b> <b>emotional, verbal, or sexual assault or threats of any of these. ....</b>	<b>18</b>
<b>14</b>	<b>School dress codes, uniforms, school symbols and associated matters.....</b>	<b>18</b>

14.1	General .....	18
14.2	Activity specific .....	18
14.3	Hair .....	19
14.4	Jewellery .....	19
14.5	Nails and make up .....	19
14.6	Uniform/Multiform .....	19
15	General principles related to investigation and hearings .....	20
15.1	Values and Philosophy .....	20
15.2	General Principles -responsibility of the School .....	20
15.3	Rights of an accused pupil .....	21
16	Grievances .....	21
17	Level 1 transgressions: day to day violations of the code or other policy .....	22
18	Level 2 and 3 transgressions .....	22
18.1	Reporting or initiating an investigation .....	22
18.2	Conducting a preliminary investigation .....	24
18.3	Decision to proceed with the case against the pupil .....	24
18.4	Notice of a hearing .....	25
18.5	The Committee .....	25
18.6	Hearing process .....	26
18.7	Evidence and testimony .....	26
18.8	Deliberation and finding .....	27
18.9	Sanctions .....	28
19	Records .....	29
20	Appeal (School Disciplinary Appeals Committee) .....	30
20.1	General .....	30
20.2	Process of appeal .....	31
20.3	Meeting procedure .....	32
21	Sanction and Level and Process Guidelines .....	33
22	Specific Provisions: Search and Seizure .....	35
22.1	Definitions .....	35
22.2	Prohibition .....	35
22.3	Search and Seizure .....	36
22.4	The procedure for conducting a search .....	36



22.5	The procedure to be followed in a body search of a pupil .....	37
22.6	The procedure to be followed in conducting a search of a minor under the age of 12 years .....	37
22.7	Procedure to be followed when a prohibited good is found on a pupil .....	37
23	Specific Provisions: Substance Abuse .....	38
23.1	Introduction .....	38
23.2	Educational Programmes .....	38
23.3	Illegal Drugs .....	38
23.4	Rehabilitation and Counselling .....	39
23.5	The Distribution and Possession of Illegal Drugs .....	39
23.6	Testing for Prohibited Substances .....	40
23.7	Procedure to be followed if an illegal drug is found on a pupil .....	40
23.8	Grounds for reasonable suspicion .....	41
23.9	Disciplinary Action .....	41

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# 1 The Code of Conduct

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

In line with the philosophy of a commitment to excellence, mutual respect between the school and its pupils and an age appropriate and dignified interaction is always expected. This code applies to both pre-primary and primary schools, although very young children are not expected to be as considered in their behavioural responses as older children, and this will be taken into consideration as behaviour is managed. The aim is always to develop the skills of children in managing their behaviour in a respectful and inclusive manner.

The School supports a partnership between pupils, teachers, and parents/guardians to fulfil the obligation to teach pupils 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.

Where necessary, the school will issue guidelines to expand on the general provisions below to provide additional direction.

## 2 Value and brand statement

Trinityhouse offers academic excellence whilst maintaining a healthy balance across all disciplines with a specific emphasis on sport. A traditional and overtly Christian ethos permeates every aspect of the school and governs every interaction and teachable moment. Matriculants leave Trinityhouse as responsible, moral and well-rounded young men and women.

## 3 Applicability

- a) The Code of Conduct applies to all pupils who are 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 social media.
- b) References to the School include all the School's activities and places of presence – physically and digitally.

## 4 Rationale for the code and its provisions

The Code of Conduct 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:

- a) 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 particularly in these grades is very limited and managed very tightly. The sanctions imposed by adults are equally limited and applied with high levels of transparency.
- b) Where formal disciplinary processes are required, particularly in the higher grades, the process will be inclusive and collaborative with clear and ample opportunities provided for those involved to express their opinions.
- c) Those that have been harmed will not be compelled to participate in processes they do not wish to participate in and will be protected and supported when they do, except where a law compels otherwise; in which case, full support will be given for their participation.
- d) The details of any process are confidential although the sanction may not be. Consent is needed to share information provided, other than the sanction.
- e) The process will be respectful.
- f) The implementation of the school's Code of Conduct is not similar to a legal trial and therefore no legal representation is allowed.
- g) The Code of Conduct seeks to ensure a healthy teaching and learning environment characterised by respect, diversity, and inclusion; 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 wellbeing of those impacted by the violation will be protected or restored.
- h) The process will give attention to genuine remorse and personal growth and development.
- i) The process will make the obligations of the offending pupil clear to both those more immediately impacted and the community where appropriate and necessary for the restoration of an inclusive and respectful environment.

- j) The process will aim to achieve transformative outcomes that equip pupils for their futures and that best serve societal interests.
- k) There are some offences where the penalty cannot be reintegration into the school environment of the pupil who offended because it does not serve the needs of the dignity, safety, or emotional wellbeing of others in the school community.

## **5 General Rules and requirements**

### **5.1 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 as a result 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 property, 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 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.

### **5.2 Legal conduct**

- a) Pupils may not engage in any conduct that is illegal.
- (a) Students' unreasonable conduct/utterances or failure to act reasonably may not bring the school's name into disrepute.
- b) Pupils may not collude in hiding the illegal conduct of others.
- c) The School will cooperate with the SAPS and other authorities and will report crimes it is required to report.

### **5.3 Disciplinary action at a previous school**

- a) While the School adopts a restorative approach wherever possible and would not automatically prevent 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 pupils and the ongoing protection of the school community and thus reserves the right to take previous disciplinary matters into consideration when making admission decisions.
- c) Parents/Guardians are required to disclose if the pupil has left their previous schools for reasons in any way associated with disciplinary issues and must disclose these reasons.

### **5.3 Presence at school**

- a) Pupils are required to attend school on every official school day (online or in person as may be required by the school) unless incapacitated and authorised to stay away by a parent/guardian.
- b) Pupils must arrive punctually at school, each class, and all scheduled activities, and remain until the official end of that activity.
- c) Pupils must follow the School protocols on late coming or absence from a scheduled activity or school day.
- d) Pupils may not leave the school premises without permission when they are expected to be on the premises.
- e) Pupils may not leave events or activities without permission until they have officially concluded.

### **5.4 School rights and responsibilities for searches and security camera footage**

- a) The School reserves the right to conduct searches of person or physical property for stolen goods and illegal or prohibited items and substances.
- b) The School reserves the right to conduct searches of devices for content that is harmful or could be evidence of an offence.
- c) Searches will always be conducted with due regard to the dignity of persons and the rule of law (including both the South African Schools Act no.84 of 1996 and The Children's Act no.

38 of 2005) and will always be witnessed by another competent adult to preserve the integrity of the process.

- d) The School reserves the right to test for substance abuse (see below).
- e) Where a school has security camera footage from these cameras, along with any other footage that the school has access to, it can and will be used in disciplinary investigations and proceedings.

## **6 Inclusion, justice, and dignity**

### **6.1 Anti-stereotype, anti-discrimination and anti-prejudice**

- a) 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 on the basis of race.
- b) The School requires the same standard of care in relation to other stereotypes, prejudices, biases, and discrimination. The School is an environment of respect, diversity, and inclusion.
- c) 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.
- d) No person can be discriminated against, as a result of prejudice or stereotype or bias, on the basis of any personal characteristic including but not limited to race, nationality, sexual orientation, gender, ability/disability, religion, health status, language, socio-economic status and culture.
- e) Any conduct which targets the characteristics of a person and demeans, humiliates, intimidates, threatens, or shames them is prohibited.
- f) Any bullying activity is prohibited. This includes any behaviour that intends to make others submit through threats of violence or social or other exclusion.
- g) Any exclusion or preference on any unfair grounds, whether formal or informal, is prohibited.



## **6.2 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, offence, 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, 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 topic of the disagreement and not on the person with whom the disagreement is. As such, labelling/name calling or ridiculing of an individual for their actions or statements is prohibited.
- d) Pupils 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) Pupils should refrain from the use of profanities, including those terms which would cause offense to members of religious groups.
- h) Slurs are prohibited. It is recognised that previously weaponised slurs have been adopted in groups they were used against, to remove their power to hurt. But, in these instances, they are not then intended to be used to cause hurt, offence or exclusion to anyone else. This will be taken into consideration when the use of slurs is managed.
- i) Pupils 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) Pupils should always engage with each other in a manner designed to protect dignity and not result in shame or humiliation.
- k) Pupils should respect the right to privacy of members of the community which means that pupils should not share personal information about anyone without first obtaining their informed consent.

- l) Pupils 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.
- m) Pupils that manipulate, crop or distort social media images, text and videos or any other image or wording in order to cause harm, create a false impression, or incriminate a person may face disciplinary action. Similarly, pupils who deliberately provoke reactions for the exclusive reason of wanting to cause harm or create a distorted impression may face disciplinary action.
- n) Pupils are not prohibited from sharing information of an individual already shared by that individual; however, when sharing information, pupils are required to do so in a manner that is respectful. Privacy is important and thus, pupils should get permission to share information that was originally privately shared.
- 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) Pupils must not damage, steal or alter the property of the School or others whether through neglect or deliberate acts of damage or vandalism.
- q) Pupils must not steal the property of others – including their intellectual property through acts such as cheating, copying and plagiarism.

## **7 Academic Conduct**

- a) Pupils must comply with any specific academic policies of the School that may exist in addition to this Code of Conduct.
- b) Pupils must be respectful to 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) Pupils are expected to devote appropriate time and effort to academic studies.
- d) Active participation in class and class activities is required, including necessary participation in group activities.
- e) Pupils must develop the skills and habits to work independently and seek to achieve at an incrementally better level all the time, which necessitates doing more than the minimum required.
- f) Deadlines and standards for homework and assignments must be met.
- g) Preparation for tests and examinations is required.

- h) Copyright and intellectual property laws must be honoured, which includes pupils 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.
- j) Pupils must reference the work of any other person and should obtain permission before using someone else's work, both for digital and physical publications.
- 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) Pupils may not disrupt the learning of others.

## **8 Coherence between at school and away from school conduct**

The School holds a pupil's off campus conduct to the same standards and requirements as for their conduct at school. It follows that any conduct not permitted at school, which is carried out outside of school and could in any way result in harm to the reputation of the school or the wellbeing of any member of the school community or broader society is considered a violation of the code.

## **9 Coherence between online/digital and in person conduct: Digital Citizenship**

- a) The School holds a pupil's online conduct to the same standards and requirements as for their face-to-face or in person conduct. Any conduct (such as bullying or discrimination) which is not permitted in person is not permitted when using a digital platform, whether such a platform is provided by, or under the control of, the School.
- b) It follows logically that those who are attending online learning experiences/classes will conduct themselves in the same manner as expected in face-to-face classes.
- c) Pupils 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.

- d) As such, pupils 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 respecting other people's viewpoints and engaging respectfully with others online.
  - ii) Not use technology to intimidate, bully, demean or hurt others.
  - iii) Keep themselves both critical and informed by evaluating the accuracy of digital media and social posts.
  - iv) Remain engaged by using technology and digital channels for inclusive engagement to solve problems 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. Pupils must be aware that their digital footprint never disappears, even if posts are deleted, and must thus be responsible, sensible, and ethical.
- e) Pupils will not use technology to communicate in a manner that:
- i) violates 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 pupils or staff.

## 10 Acceptable Use of Information and Communications Technology

### 10.1 Context and general requirements

- a) The School expects good digital citizenship and conduct of its pupils (see above) which includes coherence between in-person and online conduct and expectations.
- b) The School allows pupils to be in possession of electronic devices at school or school functions if they stay within the parameters as detailed by the school.
- c) The School requires responsible, age appropriate, socially conscious use of such devices and 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

("PDAs"), Laptop Computers, iPods, MP3 players and smart watches. For ease of application, these are all designated as 'electronic devices.'

- e) These requirements also apply 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 sets 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 pupil.
- 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 pupils 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 pupil/pupil access to the Internet or wireless systems at their discretion and without prior notice.
- i) Any use of software that aims to bypass content filters imposed on the network, like VPNs and proxy servers, is strictly prohibited.
- j) Any electronic devices used by pupils must comply with Council by-laws.
- k) The School cannot be held responsible for the loss or damage to the pupil's electronic devices or information on those devices, under any circumstances. Such loss or theft or damage must be reported.
- l) The School is not responsible for lost or damaged data or information and pupils must independently back up information and other files regularly.

## **10.2 Security, settings, and downloads**

- a) Pupils may not change any network of computer or individual computer setups or configurations. This includes unauthorised changing of passwords on the School's network, other computer facilities or servers.
- b) Pupils must not share their passwords or other access information and must change these when instructed to do so. Pupils must not allow others to use their access information or profiles.

- c) Pupils 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 pupils' or staff files.
- d) Pupils found using other pupils' passwords or changing names to gain access to other pupils' files will be charged with cheating, and will face disciplinary action, which may lead to suspension or expulsion.
- e) During assessments and examinations, pupils will not be allowed to be in possession of any electronic devices unless they have been clearly authorised to do so; this includes computerised watches or any other device containing information. Such possession will be deemed 'cheating' even if the school is not able to prove that the electronic device was used to access information.

### **10.3 Focus on instructional time and other activities (in physical classes and online)**

- a) Ringtones and volume controls must be set to 'silent' or 'mute' during all teaching and/or organised activities.
- b) Pupils 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, and 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 and use should be made of hand raising or the text message chat to gain attention when online, or in person in physical class.
- 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.

### **10.4 Specific provision for conduct in online classes and sessions**

- a) Only content that is inclusive and respectful can be posted or shared.
- b) When participating in online classes, students are required to wear clothing that is consistent with Respect, Diversity and Inclusion (RDI), and they are required to have neutral backgrounds with no symbols or images that have the potential to disrupt teaching and learning.

- c) Posts must be in line with the teaching and learning topic underway.
- d) Personal and private content such as addresses or contact numbers may not be shared except by the person to whom such information belongs.
- e) In discussion forums or chat features, the following applies:
  - i) All school related pupil 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 the teacher's consent.
  - iii) For private and social groups, we expect the same respectful conduct.
  - iv) Members have a right to remain in or leave a group and no pressure or victimisation of these decisions is permitted.
  - v) No posts can be made between 19:00 and 07:00 unless it is an emergency.
  - vi) Pupil to pupil communication should remain ethical and inclusive and respectful.
  - vii) Bullying is not permitted.

## **10.5 Social Media and content**

- a) Pupils may not make, share, post or otherwise engage with posts that are not aligned with the anti-discrimination values of the school, other than to report the same to the School.
- b) We expect our pupils to be honest including about their age and they should thus not be registered on or use social media platforms if they are below the legal age for those platforms.
- c) Any demeaning, crude, graphic or unacceptable content (including sounds, text, video, or graphics) is not permitted on school devices and networks. Unacceptable content includes, but is not limited to, any pornographic or erotic images, offensive 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.
- d) If a pupil has such content on their own devices, this may not be accessed, displayed, or shared with others while at school or at a school event.
- e) 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 opposed to the anti-discrimination and anti-harm requirements of the school and a pupil thus retains such content at their own risk.
- f) 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.

- g) Where a pupil deems it essential to make a recording to protect a right, that recording should immediately be handed to the School and not circulated further.
- h) 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.
- i) 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.
- j) The establishment of any such messaging group must be authorised by the person designated by the Principal prior to it being created.
- k) No such messaging group will be authorised by the School, unless a teacher/coach is a member with admin rights of the group.
- l) Pupils will be held wholly responsible for all content stored on their electronic devices or transmitted or shared from them.
- m) Although the School respects the pupils' 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.
- n) Files stored, and information accessed, downloaded, or transferred on devices or networks that are school-owned are not private.

## **11 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 the school, or a school event, are prescription medication for which a current prescription is required.



- c) Pupils may not, when at school or 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 school or at a school event, pupils 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 to the parents/guardians.
- f) Pupils may not ever encourage or induce any other pupil to use any dependence producing substances.
- g) Pupils may not collude with other pupils to hide the possession or use of such substances.
- h) It is prohibited to be in the presence of anyone who is using a dependence producing substance at school or at a school event.
- i) The school Principal may designate a person to carry out searches of the person or possessions of any pupil or arrange for the police or other designated authority to conduct such a search.
- j) Targeted searches or testing will be conducted when there is reasonable suspicion, but school or section wide random searches are also permitted. These searches will be carried out with due regard to the dignity of the pupils but as they are intended to keep the school campus substance free, participation cannot be refused.
- k) Similarly, testing of an individual based on reasonable suspicion, or a group as part of the programme to keep the school drug free, will be undertaken.
- l) These searches will comply with the requirements of the Schools Act.

## **12 Weapons and other dangerous items**

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

### **13 Bullying, campaigns of exclusion or marginalisation, belittling, physical, emotional, verbal, or sexual assault or threats of any of these.**

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

### **14 School dress codes, uniforms, school symbols and associated matters.**

#### **14.1 General**

- a) The School will not discriminate against the religious or cultural practises required of any child and will, when presented with a documented requirement that will require the child to deviate from these elements of the code, make a formal exception for that child.

#### **14.2 Activity specific**

- a) The School reserves the right to have more stringent requirements for events where safety is an issue, such as sport or laboratory work for subjects like science. These must be complied with.
- b) The School reserves the right to have more stringent requirements for pupils representing the School in events and activities and for formal occasions. Where these exist, they must be stipulated.
- c) Pupils are expected to comply with the requirements set and communicated.

### **14.3 Hair**

- a) Hair or braids should not impede a pupil's ability to engage academically or safely in sport, so it should not cover the eyes.
- b) Hair colour should be a natural shade. Where a pupil dyes their hair, the colour should be a naturally occurring hair colour such as black, brown, auburn and blonde.

### **14.4 Jewellery**

- a) A single simple earring may be worn in each ear.
- b) Pupils who are required or wish to wear a bracelet, necklace, or other item of clothing for religious or cultural reasons may do so.

### **14.5 Nails and make up**

- a) Nails should be kept neat and clean and short enough not to pose a safety risk or to impede typing or other school activities. Clear nail varnish is permitted which includes French manicures.
- b) More stringent limits on nails will apply for safety reasons for pupils who participate in sport and who will be required to comply.
- c) Make-up is not permitted.

### **14.6 Uniform/Multiform**

- a) Uniform and "home/personal clothing" should not be mixed unless expressly permitted by the school uniform guidelines.
- b) Uniform should be worn in line with the stipulated requirements and must be clean and neat.
- c) Pupils can select the items from the prescribed list that they would prefer to wear.

## **15 General principles related to investigation and hearings**

### **15.1 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.
- 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 threatens the physical or emotional safety of others. Given the age of the children in this phase of schooling, additional effort is made to resolve the matter without formal disciplinary hearings when appropriate to do so.
- 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 the age of the child, prior violations, remorse, willingness to engage in restorative actions, impact on others and the preservation of a harmonious and safe learning environment.

### **15.2 General Principles -responsibility of the School**

- a) Each school will have a senior member of staff in each phase, designated by the Principal, who is the School Disciplinary Officer (hereafter, referred to as "SDO"), who has authority and responsibility for this code.
- b) When the SDO is directly involved in the matter, then either the Deputy Principal or Principal assume all roles ascribed to the SDO in this Code.
- c) This person must be trained to conduct investigations impartially.
- d) No legal representation is permitted for the pupil 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.
- f) The parent/guardian is involved throughout the process if a formal process is to be followed.

### 15.3 Rights of an accused pupil

- a) The pupil is entitled to a fair and objective process.
- b) The pupil and the parent/guardian are 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 pupil is not entitled to have access to evidence in advance of any hearing.
- d) The pupil or parent/guardian is entitled to request the presence of a staff member of their choosing for support (whether or not that person becomes their representative) when being questioned about an alleged offence but the person may not participate in the interview.
- e) The pupil 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 pupil is entitled to be represented by either a staff or fellow pupil representative but only one (either the pupil or their representative) may examine witnesses or ask questions during the hearing.
- g) No legal representation is permitted for the school or the pupil.
- h) Should the accused pupil fail to attend their disciplinary hearing without a valid reason, despite official notification to that effect, it will go ahead without them.

## 16 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, it could also be a more general concern.
- b) A pupil who wishes to state a grievance against another pupil or staff member must contact the 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 upon by both parties.

- f) The person called to the hearing and the reporting pupil 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 must indicate accordingly to the SDO, who must then handle the matter as an investigation for a formal disciplinary process.

## **17 Level 1 transgressions: day to day violations of the code or other policy**

- a) According to the table of transgression and sanctions, level 1 transgressions can be managed without formal investigation or hearings because the impact of the offence is limited, and the sanctions are relatively inconsequential.
- b) Any sanction issued by another pupil must be recorded with the SDO.
- c) Any pupil who believes they have been handled unfairly must approach the SDO or if the sanction was issued by the SDO, then the Deputy Principal or the Head of the School.
- d) The SDO (or alternative as above) must review the sanction and interview the person who issued the sanction and the pupil, 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.

## **18 Level 2 and 3 transgressions**

### **18.1 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 complete 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.



Code of Conduct Prep V401072027

## 18.2 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 pupil and any witnesses.
- b) Where a person has been accused of a violation, which is not also potentially a crime, they may be interviewed without notice and without notice to their parents/guardians if and only if a delay in interviewing them will jeopardise gaining a full understanding of what has happened. If a delay will not have a negative impact on the investigation, parents/guardians must be informed and invited to be present when the child is interviewed or to designate another adult to be present. No more than two hours' notice is required although longer notice is preferred where possible without harming the investigation.
- 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 pupil concerned must also be asked to prepare a written statement that will be required if the decision is made to proceed to a hearing.

## 18.3 Decision to proceed with the case against the pupil

- a) The SDO may decide to proceed with the matter or to terminate the investigation, but in the case of the latter, must meet with the complainant and their parents/guardians to explain the reasoning.
- b) If the SDO decides to proceed, the written statements of the witnesses and the pupil concerned are requested.
- c) Pupils and witnesses are not normally given more than 24 hours to produce the statements so that they are able to consult with their parents/guardians 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 issued to the pupil via the parent/guardian.



## 18.4 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 and a copy of the code is provided to the pupil and their parents/guardians against whom a charge of violating the code is being instituted.
- b) A pupil must be given at least 72 hours' notice of the hearing as well as a formal statement of the sections of the code that have been violated and the reasons that the school has decided that there is a case to answer.
- c) A pupil must explicitly be referred to their rights in terms of this Code of Conduct.
- d) A pupil 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 of the School and the SDO present.
- e) A pupil who elects to waive a hearing is then committed to that decision and must do so in writing. The right to appeal a sanction remains.

## 18.5 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 will be made up of any two adults appointed by the Principal who have no conflict of interest and are able to be objective, at least one of whom must be a black person and one of whom must be the same gender as the pupil facing the hearing.
- d) At the sole discretion of the Principal, an independent Chair may be appointed to improve objectivity on the matter.
- e) The Committee is provided with the notice of the hearing in advance of the hearing but none of the statements or evidence.

## 18.6 Hearing process

- a) At the request of the pupil or their parents/guardians or the witnesses or their parents/guardians, the school counsellor may be present during any hearings.
- b) At the start of the hearing, the Chair needs to confirm that the pupil received the notice of the hearing and the Code of Conduct and that they thus understand their rights.
- c) Those present must introduce themselves and sign the register which records their role in the hearing.
- d) Support and representative parties must confirm they understand their roles.
- e) The Chair reads each charge and/or each one asks the pupil how they plead. This must be recorded on the record of the hearing.
- f) The SDO then presents the case and shares written statements with the Committee members and the pupil and the pupil representative.
- g) If needed and requested by the pupil/pupil representative or the Chair, time needs to be given to all to read the statements.
- h) Witnesses called by the SDO/IO can present their statements and then be cross examined by the SDO and the pupil or their representative, but not both.
- i) The pupil or their representative may then present their case and call witnesses.
- j) The SDO may cross examine the witnesses.
- k) The Chair may ask questions.
- l) The hearing shall be recorded but the recording is not transcribed.

## 18.7 Evidence and testimony

- a) An accused pupil 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 pupil 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 pupil may ask for an adjournment at any stage during the hearing in order to consult their parents/guardians or representative, subject to the Chair stipulating how long an adjournment is reasonable and subject to the Chair being able to refuse further adjournments if in their sole discretion and opinion the adjournments are only being used as a delay tactic.
- d) The pupil may give evidence but is not required to do so.
- e) No pupil can be compelled to give evidence or make a statement.
- f) Parental consent is needed for a pupil to be a witness against another pupil 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 pupil 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.

## **18.8 Deliberation and finding**

- a) After the evidence is presented to the SDO, witnesses and the accused pupil leave the room and the Disciplinary Committee deliberate. 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 pupil and the pupil 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 the sanction and the same opportunity is given to the pupil/their representative.
- f) The Committee then deliberates on the sanction without the presence of the SDO, accused pupil or their representatives and support.
- g) The meeting is reconvened, and 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 sanction are communicated in writing by no later than the end of the next school day.

## 18.9 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 pupils 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 pupil found guilty of the misconduct.
- e) The details of hearings and sanctions are not shared with anyone other than the pupil and their family.
- f) Where the conduct has compromised the safety or wellbeing of any other pupil and the conduct is so serious that expulsion is a possibility, the pupil whose safety or wellbeing was compromised must be informed of 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, they 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 pupil 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 that 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 wellbeing 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.

## 19 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 pupil 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 Chairperson'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 pupil, indefinitely for audit of precedents.

## 20 Appeal (School Disciplinary Appeals Committee)

### 20.1 General

- (a) A student or their parent/guardian may appeal the matter on procedural or substantive grounds or can appeal the sanction to a Group appeals committee called the Schools Disciplinary Appeals Committee (SDAC).
- (b) A parent/guardian whose child was a victim of a transgression of the school's code of conduct or who may be an interested observer may appeal the outcome of the disciplinary hearing, on account that:
- there were (prejudicial) procedural flaws,
  - the Chairperson's verdict was incorrect or was of a lesser transgression; and/or
  - the Chairperson's sanction was lenient or disproportionate to the serious transgression.
- (c) In the event where the disciplinary hearing was chaired by an independent Chairperson, the Principal or Executive Head may appeal the verdict and/or sanction, based on one or all of the reasons outlined in (b) above.
- (d) The outcome of the school's disciplinary hearing shall remain valid until otherwise reviewed by the SDAC; and accordingly communicated to the school.
- (e) Once the appeal is received, the principal/Executive Head will be required to:
- i) Respond to it, using Annexure J. This is one of the templates that forms part of the implementation of the school's code of conduct; **and**
  - ii) Forward the appeal, the response referred to in (e)(i) above, and a full record of the disciplinary hearing to [schoolsadmin@advtech.co.za](mailto:schoolsadmin@advtech.co.za)
- (f) Appeals against the outcomes of disciplinary hearings at schools are heard by the Group's central committee to ensure equity, consistency, and objectivity across the schools and within each process.
- (g) The Schools Disciplinary Appeals Committee (SDAC) consists of:
- i) Head, Schools Compliance and Regulation, who is the Chairperson of the Committee.
  - ii) A member of the Group Legal Team
  - iii) Academic Head, Schools Division
  - iv) **OR** The Chairperson may delegate his responsibility to one of the Managing Directors (MDs); or may appoint one of the MDs as an ad-hoc member of the SDAC. However, the matter being processed by the SDAC should not be from one of the

appointed MD' schools.

- (h) The appeals committee will not rehear the matter but will conduct a desk top evaluation of the record of the disciplinary hearing. This includes documents, statements, images and or video recordings, etc. which were submitted as part of the disciplinary hearing, and on the basis of which the outcome of the disciplinary hearing was determined by the Chairperson.
- (i) 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.
- (j) There is no internal recourse beyond the SDAC.

## 20.2 Process of appeal

- (a) The student or the student's parents/guardians or the Principal/Executive Head 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/Executive Head of the School copied to the [schoolsadmin@advtech.co.za](mailto: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 SDO is required to submit the disciplinary appeal pack by email [schoolsadmin@advtech.co.za](mailto: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'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, Deputy Principal 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, which were considered by the disciplinary committee.
  - xiii) The school's response to the student's appeal (i.e., Annexure J)
- (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.

### **20.3 Meeting procedure**

- (a) Only committee members are present in the meeting.
- (b) The meeting includes completion of the required documents and confirmation of 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.



- (i) The Chair sends out the appeal outcome letter to the appellant, after consultation with committee members. A copy of the letter is also sent to the principal and Chairperson of the school's disciplinary hearing.

## 21 Sanction and Level and Process Guidelines

The seriousness of the transgression	Applicable sanctions	Authorised person and process
<b>Level 1 (L1) transgressions</b>		
<ul style="list-style-type: none"> <li>These are infrequent, minor, or less serious transgressions by the pupil and/or a pupil who is an accessory to the transgression.</li> <li>They include, but are not limited to absenteeism, swearing, littering, not adhering to dress requirements, failure to complete allocated tasks or assignments, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Written warnings of three to six months accompanied by a restorative requirement such as an apology or essay or information campaign.</li> <li>Re-write or re-submission of the test or task.</li> <li>Additional academic work.</li> <li>Some form of service to the school such as duty for monitoring late arriving of others.</li> <li>Denial of minor privilege for period.</li> <li>Short term detention (period of detention to include restorative process such as essay on topic).</li> <li>Supervised arrival and leaving of school.</li> <li>Merit point deductions/demerits as appropriate and where relevant.</li> </ul>	<ul style="list-style-type: none"> <li>Members of staff.</li> <li>Contracted professionals such as coaches.</li> <li>Prefects or equivalent under strict limits.</li> </ul> <p><b>Process:</b> Informal and immediate but must be recorded if meted out by another pupil.</p>
<b>Level 2 (L2) transgressions</b>		
<ul style="list-style-type: none"> <li>These are more serious transgressions or frequent L1 transgressions.</li> <li>These are transgressions that disrupt the normal functioning of the school or reflect conduct</li> </ul>	<ul style="list-style-type: none"> <li>Written warning with appropriate additional sanction designed to develop skills of the pupil.</li> <li>Final written warning (which would mean that a further</li> </ul>	<ul style="list-style-type: none"> <li>The School Disciplinary Officer or Deputy or Head of the School must be involved.</li> </ul>



<p>that is dangerous and potentially illegal.</p> <ul style="list-style-type: none"> <li>These include transgressions that include socially inappropriate behaviour.</li> <li>These are generally not transgressions that have resulted in direct harm (physical or emotional) to others.</li> <li>They include, but are not limited to: leaving the school without permission, 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 pupil'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.</li> </ul>	<p>similar transgression would result in expulsion).</p> <ul style="list-style-type: none"> <li>Repeated after school requirements in the form of late homework or other forms of detention as per school convention – must be constructive use of time.</li> <li>Confiscation of the weapon or substance and may include handing it over to the police or other authorities.</li> <li>Suspension.</li> <li>Suitable restorative sanction.</li> </ul>	<p><b>Process:</b> this is normally handled through the formal processes and at the very least, must involve parents/guardians.</p>
<b>Level 3 (L3) transgressions</b>		
<ul style="list-style-type: none"> <li>These are very serious transgressions or a second or subsequent L2 transgression.</li> <li>They include, but are not limited to: sexual harassment, racism, intimidation, bullying or victimisation including any form of discrimination such as religious intolerance, assault, fighting, the use of any dangerous weapon, vandalism,</li> </ul>	<ul style="list-style-type: none"> <li>Suspension.</li> <li>Expulsion.</li> <li>Demerits or similar sanction which would result in expulsion if there are any further transgressions (having same impact of final written warning).</li> <li>Final written warning.</li> </ul>	<ul style="list-style-type: none"> <li>The Head, Deputy Head or SDO must be involved.</li> </ul> <p><b>Process:</b> Formal</p>

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.	<ul style="list-style-type: none"> <li>▪ Criminal charges and/or reporting the matter to the police or other authorities.</li> </ul>	
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## 22 Specific Provisions: Search and Seizure

### 22.1 Definitions

a) For the purposes of this policy:

i) "dangerous object" means:

- (1) any explosive material or device.
- (2) any firearm or gas weapon.
- (3) 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.
- (4) any other object similar in nature to the objects listed above.

ii) "illegal drug" means any unlawful substance that has a psychological or physiological effect; or any substance having such effect that is possessed unlawfully.

iii) "school activity" includes any educational, cultural, recreational, sporting, or social activity of the school within or outside the school premises; and

iv) "illegal activity" means the wilful possession of an illegal drug, dangerous object, or stolen item.

### 22.2 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.

## 22.3 Search and Seizure

- a) The Head or their delegate may, at random and without a warrant, search any pupil or group of pupils, or the property of a pupil or group of pupils, for any dangerous object, stolen item or illegal drug (hereafter, collectively referred to as "prohibited good"), if he or she has a reasonable suspicion that:
  - i) a prohibited good may be found on school premises or during a school activity; or
  - ii) one or more pupils on school premises or engaged in a school activity are in possession of a prohibited good.
- b) The Head 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 pupils in question or any other pupil in the school.
  - ii) the safety and health of the pupils in question or of any other pupil at the school.
  - iii) reasonable evidence of illegal activity; and
  - iv) all relevant evidence received (which may include rumours, with supporting evidence).
- d) A pupil's person and/or personal effects (for example book bag, blazer, sports bag etc.) may be searched whenever the Head or their delegate has a reasonable suspicion to believe that the pupil is in possession of a prohibited good.
- e) Pupil lockers are always the property of the school and remain under the control of the school. Pupils are, however, expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by the Head or their delegate for any reason, and at any time, without notice, without pupil consent, and without a search warrant.

## 22.4 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 pupil (see 12 below), such search may only be conducted by the Head, if they are the same gender as the pupil, or by the Head's delegate, who must be the same gender as the pupil. 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 Head or their delegate are set out below.

## **22.5 The procedure to be followed in a body search of a pupil**

- a) A body search includes a visual search and a "pat down" body search.
- b) A body search will be conducted in a private area and not in view of another pupil.
- c) The pupil 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 pupil must remove all articles from their pockets and remove any secondary outer clothing (e.g. blazer, sweater, head coverings, etc.) worn over the primary clothing.
- d) 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 pupil. Any such search shall be carried out in a manner as is consistent with discovering anything that may have been concealed.

## **22.6 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/guardian for a body search or a strip search that is required in respect of a minor under the age of 12.
- b) The parent/guardian of the pupil must be present during the search, if practical and if requested by the parent/guardian. If the parent/guardian of a pupil is present, he or she may conduct the search if he or she wishes.

## **22.7 Procedure to be followed when a prohibited good is found on a pupil**

- a) Any prohibited goods that are seized will be labelled in full, including:
  - i) the name of the pupil 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 pupil;
  - 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.
- b) Any seizure of a prohibited good will be recorded in a school record book and the prohibited good will be handed over to the South African Police Service, save that where a stolen item

is recovered and no criminal charge against the pupil in whose possession the stolen good was found is contemplated, the stolen item may be returned to its owner.

- c) A pupil may be subjected to disciplinary proceedings if a prohibited good is found in their possession.

## 23 Specific Provisions: Substance Abuse

### 23.1 Introduction

- a) The issue of respecting the rights of our pupils 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 pupils 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:
  - i) To protect and assist any individual pupil by outlining the approach taken by the School to rehabilitation and counselling.
  - ii) To protect other pupils and the School by outlining the procedures for disciplinary action, as detailed in the School Code of Conduct: Pupils which can be found on the School's website.

### 23.2 Educational Programmes

- a) In keeping with the core values of the School and the principle that prevention is better than cure, the School ensures that all pupils, 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.

### 23.3 Illegal Drugs

- a) "Illegal drug" in the context of the School Code is 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 pupil whilst on the School property, in school uniform or while involved in any school activity which is any official educational, sporting, 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 pupil indicates that he/she may be using an illegal drug, the information may be referred to the relevant Counselling Department at the School.

### **23.4 Rehabilitation and Counselling**

- a) It is policy not to condemn pupils but to support those who need help. Where possible, this will be managed in a way that least impacts on the pupil's school career.
- b) Pupils who voluntarily request help and/or those referred by parents/guardians or teachers will be sent to the school counsellor. The approach will be one that is non-judgmental and non-disciplinary. The school counsellor will help in recommending the best possible course of rehabilitation. An appropriate agreement for rehabilitation will be drafted by the School, and signed by the pupil, the parent/guardian, the Head of School, and the counsellor. The confidentiality of the pupil and the family is paramount throughout this process.
- c) Confidentiality should always be maintained by all stakeholders. Whilst the School and its employees can make this professional commitment, real confidentiality will depend on whether the pupil and/or their parents/guardians can avoid telling their friends or anyone else.

### **23.5 The Distribution and Possession of Illegal Drugs**

- a) Unless authorised by the Head 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 pupil 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.



## 23.6 Testing for Prohibited Substances

- a) In accordance with section 8A of the South African Schools Act of 1996 (“the Schools Act”), the Head or their delegate may administer a urine or other non-invasive test to any pupil or group of pupils 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 pupil will be obtained. In this regard, the consents will be provided by the parent/guardian or pupil 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 pupil tests positive, the costs of any subsequent testing (for anabolic steroids) will be for the account of the pupil.
- 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 pupils cannot determine or anticipate when testing will take place or who will be selected for a test.
- d) Once a pupil has been notified of selection for a drug test, the pupil 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 pupil arrives at the testing area, he/she 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 pupil, 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 pupil claims to have ingested in the last 48 hours, any comments that members of the testing team or the pupil may wish to record, and the test result.

## 23.7 Procedure to be followed if an illegal drug is found on a pupil

- 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 pupil 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 pupil.



- 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.

### **23.8 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 pupils in question or of any other pupil at the school.
  - ii) the safety and health of the pupils in question or of any other pupil at the school.
  - iii) reasonable evidence of illegal activity; and
  - iv) all relevant evidence 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.

### **23.9 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 pupil as a result 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 pupil.
- 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 pupils to speak up if their information is motivated by a willingness to help both with the addiction and interface with parents/guardians.
- 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) Pupils 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 pupil is engaged in the use of illegal drugs, the pupil 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 pupil 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 pupil'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 pupil 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.