CODE OF CONDUCT FOR LEARNERS

INCORPORATING THE SCHOOL RULES

As approved by the SGB on 30 September 2025

INTRODUCTION

This document presents the code of conduct and school rules of Port Alfred High School. These rules aim to create an environment that is orderly, predictable, safe, and enjoyable for the entire Port Alfred High School community. We ask that both parents and learners study this code and support us in living this code that expresses the values of our school.

In terms of Section 8 of the South African Schools Act No 84 of 1996, (SASA) the Governing Body (SGB) must, subject to any provincial or national law, adopt a Code of Conduct for the learners of the school after consultations with them, their parents and educators of the school.

The Code of Conduct must aim at establishing a disciplined and purposeful school environment dedicated to the maintenance and improvement of the quality of the learning processes of the school. Its purpose is to promote positive discipline, self-discipline and exemplary conduct.

The underlying philosophy of the Code of Conduct is the mutual respect and upholding of the values required for each and every learner to be able to enjoy his or her Constitutional Rights. Examples of these principles and values are: democracy; non-discrimination and equality; respect and dignity; non-violence and the freedom and security of a person; due process; and a safe school environment which is conducive to teaching and learning. These rights all imply concomitant responsibilities.

Every learner of the school is legally bound by this code. Copies of the Code of Conduct (incorporating the School Rules) are available for scrutiny on the school website and at the school reception and it is the responsibility of every learner to familiarise themselves with this document. In addition, the Code of Conduct will be explained to all learners in a special meeting during the first two weeks of term in each new school year.

In the School Rules, the word “Principal” means “Principal or his appointed delegate”.

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A. THE SCHOOL RULES

The school rules comprise all the main rules we ask learners to follow to ensure the school experience for everyone in the school community is orderly, effective, safe, and pleasant. The school rules are not exhaustive, and rules may be added through communication from the Principal.

1. GENERAL

1.1 The physical well-being of each individual learner and teacher must at all times be respected. Bullying, harassing, swearing, taunting, gossiping, threatening, extortion, or any behaviour that infringes on the rights of others is not allowed.

1.2 No learner may interfere with learning and teaching through disruptive or disrespectful behaviour.

1.3 No learner may have in their possession any dangerous weapon and nor may they be involved in bullying, harassing, threatening etc., of any other person.

1.4 Initiation in any form is forbidden.

1.5 No learner may be in the possession of, or smoke cigarettes, vapes or any other smoking device, nor be in the possession of, or smoke, consume or use, any form of drug or alcohol while on the school premises, at any school function, while representing the school or in a public place. A learner may not attend school, school functions nor represent the school while under the influence of any non-prescribed drug or form of alcohol.

1.6 No learners may have objectionable material in their possession. This includes electronic media.

1.7 Honesty is expected from all learners. This relates to work done, cheating in tests or exams, or telling lies.

1.8 No learner may bring the name of the school into disrepute. This includes occasions when a learner is off the school property but in school uniform, school outings and tours, or any part thereof that is sufficient to establish a link with the school in the public eye.

1.9 No learner may use a cellphone inside the school building. If a cellphone is in the possession of a learner, it must be switched off.

1.10 A learner in school uniform may not use earphones on school premises. Speakers are not permitted at school.

1.11 Gambling and “money games” such as dice and cards are prohibited.

1.12 No learner may drive an unregistered vehicle, nor drive without a license on school property.

1.13 It is the responsibility of every learner to take health, safety and security precautions seriously at all times.

1.14 No learner may throw stones or other objects. Staplers, books, rulers etc. may not be thrown across classrooms or on school grounds.

1.15 Public Displays of Affection are not allowed on school property nor in public in school uniform.

1.16 The wearing of name tags from Grade 7 - 12 is compulsory. Name tags may not be swopped between learners and may be treated as falsely identifying oneself.

1.17 Learners must complete misdemeanor slips legibly and honestly.

1.18 The chewing of gum during all school activities is prohibited.

2. ATTENDANCE

2.1 A learner may NOT be absent from school unless he/she is ill, or unless the Principal has given permission prior to the day of absence.

2.2 No learner may be absent from class or leave the school premises during school without the permission of the Principal.

2.3 Only in exceptional circumstances may learners leave school early for private affairs. All appointments should be made well in advance for the afternoon.

2.4 Learners who wish to leave school during school hours for whatever reason must approach the teacher of the lesson during which they wish to leave school. This must be done at the beginning of the lesson so as not to disrupt the class during the lesson. If the teacher is satisfied that the learner does have good reason to leave school early the "Permission to Leave School Form" must be completed by the teacher. The particular teacher must complete details on both sections of the form. This form must then be taken to the Deputy Principal at the end of a lesson. The Deputy Principal will then sign the form, which must then be presented at the office. The office will retain Section A of the form and Section B will be returned to the learner who must safeguard it as proof of permission to leave school during school hours.

If learners know in advance that they will have to leave early, a letter from a parent or notice of appointment must be submitted to the teacher in charge of absentees at the beginning of the day.

Learners who fall ill whilst at school must be collected at school by a parent or other responsible person and taken home or to the doctor, depending on the circumstances. Learners will not be allowed to leave school unless satisfactory transport arrangements have been made.

2.5 If an assessment or examination is missed due to absence, a medical certificate must be provided the following day for a learner to be eligible for a rewrite.

3. PUNCTUALITY

3.1 In the morning, learners must be on the property by the first bell.

3.2 Learners must position themselves in lines and be quiet by the second bell.

3.3 Learners must not eat or drink whilst standing in lines.

3.4 When the bell rings for the commencement of school or the end of a break, learners must get into their lines as quickly and as quietly as possible.

3.5 Learners must also ensure that they arrive in good time for extra-mural functions, detention and classes.

4. MOVEMENT OF LEARNERS

4.1 When learners are moving between classes or to assembly learners must keep left, walk quickly and limit their sound levels.

4.2 Learners may use the toilets during breaks, but not after lines or between periods.

Learners may only go to the toilet during class time or between periods when there is an emergency and after first obtaining the permission and a hall pass from the teacher.

4.3 When entering a class, learners must be orderly and quiet and must go immediately to their tables. Learners are expected to greet the teachers before sitting down.

4.4 No suitcases / school bags may be left in the school corridors at any time, unless it rains. Is this still necessary – we leave bags outside classrooms during tests etc.

4.5 Learners may go to their lockers before and after school and during breaks, but not after lines or between periods.

4.6 If a teacher is delayed, learners must, (unless otherwise instructed), enter the class, sit down and take out their books. One class representative must go to the front office to report the fact that there is no teacher.

5. IN / OUT OF BOUNDS

5.1 Learners may not be in the building before school starts unless otherwise directed.

5.2 Learners must move onto the school premises upon arrival at school and may not leave the school grounds until after school or without permission.

5.3 The building is out of bounds at break, except for learners going to and from meetings, the toilet, the library, i.e. when on official business.

5.4 Only matric learners may enter and use the front door entrance. Other learners may use the foyer only when they are on official business and may not use the main entrance as a thoroughfare. Learners must give way to adults when they are waiting at the counter.

5.5 The following areas of the school are out of bounds for learners before school, during breaks and after school unless a learner is involved in a sporting or other activity necessitating the use of these areas:

a) All sections of the bush which includes the cross-country route.

b) On or between the tennis courts

c) On the netball courts and the astro turf.

d) The sports fields beyond the low wooden fence (excluding the area between the low wooden fence and the hockey field on the new classroom side of the tennis courts)

e) The steps and veranda of the outside classrooms.

f) The garages

g) The area next to the swimming pool walls.

h) The Clubhouse.

5.6 Learners may not congregate or wait for their friends in front of the school, in front of the library or any stairwell in the school.

5.7 Learners may only visit the tuck shop during breaks and after school.

6. BREAKS

6.1 Learners must observe the out of bounds regulations

6.2 Learners must keep to their own sections of the playgrounds at all times.

6.3 Any trouble in the playground must be reported immediately to whichever prefect or staff member who is available.

6.4 There must be no wild behaviour (bullying, fighting, etc) during break.

6.5 There must be no climbing of trees in the playground.

6.6 The patronising of street hawkers is prohibited.

6.7 Learners must observe the tuck shop rules at all times.

7. CARE OF PROPERTY

7.1 Learners must show care in the use of buildings, grounds, furniture and equipment. No desks, tables or any other furniture or equipment may be moved unless instructed to do so by a member of staff.

7.2 Learners may not deface notice boards, or put up advertisements or notices on walls or the notice boards unless approved by the Principal.

7.3 In cases where learners damage (or contribute to the damage of) property, they may be required to pay for the damages.

7.4 The possessions of other learners must be respected and no learner may be in possession of or remove items belonging to other learners.

7.5 All books and personal effects must be clearly marked with the owner's name.

7.6 The intentional damaging or defacing of property is considered as 'vandalism' and is specified under section 11.

8. EXTRA-MURAL ACTIVITIES

8.1 Since extra-murals are an integral part of the school day, all learners are encouraged to participate in one winter and one summer sport.

8.2 Learners are urged to participate in the cultural activities of the school. It is considered compulsory for learners who have committed themselves to participating in sport or cultural activities to attend practices and be available for matches.

9. UNIFORM AND APPEARANCE

Port Alfred High School considers its uniform and appearance rules important to maintain a disciplined educational environment by promoting education, student safety, and attendance whilst decreasing dropout rates and socioeconomic tensions amongst its learners.

9.1 General Requirements for Uniform and Appearance

9.1.1 All learners must be familiar with the uniform, appearance and hair regulations. Only the prescribed PAHS items of uniform may be worn. Specific dress requirements for the different grades are available at the office.

9.1.2 Outside of school hours, learners may not wear part of their school uniform – they must either be in civvies or full school uniform or full track suit.

9.1.3 Uniforms must be clean, tidy and well-pressed at all times. Worn-out items of uniform must be replaced.

9.1.4 Learners may not put their hands in their pockets.

9.1.5 No visible tattoos or piercings are allowed. Girls may only have a single piercing in each ear lobe.

9.1.6 Only regulatory PAHS caps, beanies and scarves may be worn. Beanies may only be worn to and from school, not in the school building during class.

9.1.7 Boys who have been initiated may wear caps whilst in school uniform outside of school premises.

9.1.8 Blazers are to be worn by Grade 7 to 12 learners every day and at all times when arriving at, and when leaving school. Blazers may not be removed while still in uniform outside the school grounds and after school hours. Learners will be allowed to remove blazers for storage in their lockers AFTER assembly on a Monday and lines in the morning on the other days of the week. Blazers must be put on again before the learners leave school at the end of the day.

9.1.9 Tour tops and jackets are only worn on tour and may not be worn at school or as part as uniform.

9.1.10 No slides/slip slops to be worn with tracksuits, unless it is for a swimming gala.

9.2 SPECIFIC APPEARANCE REQUIREMENTS FOR GIRLS

9.2.1 Girls may not change the natural colour of their hair.

9.2.2 Hair must be clean, neat and tidy.

9.2.3 Ponytails/plaits may be worn down the front. However, if it becomes an obstruction to the face or is untidy, it must be tied back.

9.2.4 Hair must be neatly tied up if it touches the collar.

9.2.5 No hair may be loose on the face in front of the ears. If hair is layered, long pieces must be tied back. Fringes must be above the eyebrows.

9.2.6 Only white, navy blue or black hair elastics and silver, navy blue or black clips may be used to tie up hair.

9.2.7 Head bands and Alice bands may only be plain white, black or navy but should not be 'lacy' and may not be worn on the forehead and cover the whole ear.

9.2.8 Skirts must be no shorter than four fingers above the knees and may not be rolled over at the top.

9.2.9 Regulation navy pants may be worn instead of skirts. Socks with pants should be grey or navy blue.

9.2.10 Shirts must be neatly tucked in and not hang over the skirts.

9.2.11 White or skin-coloured bras must be worn under the white school shirts.

9.2.12 Socks must be neatly folded down to just above the ankle and may not be rolled down.

9.2.13 Black stockings may only be worn during the winter uniform period. Black stockings or tights may not be worn under shorts.

9.2.14 No make-up may be worn. This includes shiny lip-gloss, base and mascara.

9.2.15 Nails must not be longer than the tips of the fingers and must be kept neat and clean and only clear polish may be worn on nails.

9.2.16 No jewelry may be worn other than identical gold or silver studs or identical gold or silver sleepers in the lobe of each ear (bottom perforation and only one per ear). The maximum measurements for the earrings are as follows:

- Studs: diameter 4 mm
- Sleepers: length 15 mm, width 1 mm.

9.3 Specific Appearance Requirements for Boys

9.3.1 No 'way-out', stepped, undercut or overlong/overshot styles or artificial colouring are permitted. Boys may not wear braided hair or "corn rows".

9.3.2 Hair must at all times be neat and clean, clear of the collar with fringes not hanging over the eyes. It must be tapered at the back.

9.3.3 A tie is to be worn at all times. (Grades 7 – 12)

9.3.4 Only plain black or grey socks may be worn with the school uniform.

9.3.5 A black belt must be worn with trousers. No decorative buckles are allowed.

9.3.6 No jewellery, including earrings, may be worn.

9.3.7 School shirts are to be tucked in at all times.

9.3.8 Boys may not add gel or any other hair additives to their hair.

9.3.9 Boys must shave regularly and no stubble or moustaches are allowed. Sideburns may not extend to lower than halfway down the ear.

9.3.10 Nails may not be longer than the tips of the fingers and must be kept clean and neat at all times.

9.3.11 Shoes must be clean and shoelaces must be tied neatly and properly.

9.3.12 No makeup may be worn.

9.4 Reasonable Accommodation

To provide for reasonable accommodation of cultural and religious expression, parents or caregivers may apply to the School Governing Body in writing stating the desired deviation and its cultural or religious significance prior to allowing the learner in their care to deviate from any of the rules under section 9.

10. RESPECT

10.1 Learners must show respect for adults and their teachers. This includes greeting, and using an appropriate tone of voice and body language when expressing an opinion.

10.2 Learners must respect the authority of the prefects at all times.

10.3 No learner may show disrespect to the National Symbols of the Republic of South Africa, the codes of the school or school colours.

11. LITTER

11.1 Learners must not litter.

11.2 Any litter seen by a learner should be picked up and placed in the bins provided.

11.3 Classrooms must be left clean and tidy at the end of each period.

11.4 No suitcases or school bags, books or clothing may be left lying in the school building or grounds after school.

12. VANDALISM

12.1 Vandalism is defined as any action that involves the deliberate damaging or defacing of property and is considered serious misconduct.

12.2 Learners must never make themselves guilty of vandalism and must report acts of vandalism immediately to a member of staff. Acts of vandalism may include, but are not limited to:

12.2.1 Writing on walls, doors, ceilings, pin boards, blackboards, posters, desks, tables, chairs and lockers or any other surface.

12.2.2 The damaging or defacing of school equipment, textbooks, library books, exercise books and stationery is not allowed.

12.2.3 The tampering, damaging or defacing the property of other students.

12.2.4 The forcing of doors or climbing through windows.

13. EXAMINATION RULES

With regards to examinations in the school, a learner may not:

13.1 Have a cell phone, any book, notes or any other document or paper, including used paper, or other material, which may be of help in the examination. Only approved, non-programmable calculators may be used where the question allows such use.

13.2 Help other candidates, try to get help from other candidates, or try to communicate with any other person except an invigilator.

13.3 Create a disturbance in the examination venue or behave in an improper or unseemly manner.

13.4 Arrive late at the examination centre.

13.5 Be absent from an examination without a doctor's certificate.

13.6 Copy an answer or part of an answer, from another person or from a book or any other source.

13.7 Refuse to obey a reasonable instruction of an invigilator.

13.8 Leave the examination centre during the examination.

13.9 Bring water, cold drink, sweets, etc. into the examination centre.

13.10 Continue to write when an invigilator has declared that the time allocated for the examination has expired.

B. THE DISCIPLINARY PROCESS

Port Alfred High School seeks to rectify unacceptable conduct through graduated disciplinary measures unless an offence is so serious that alternative measures are required to ensure the safety and well-being of the wider school community. The disciplinary process differentiates between less serious misconduct and more serious misconduct.

1. LESS SERIOUS MISCONDUCT

In enforcing the Code of Conduct and imposing sanctions on less serious misconduct, the Principal and her/his delegates or nominees shall proceed in a summary manner but shall act fairly. In particular, before a decision is made on whether a learner is guilty, the learner shall be asked to respond to the charges and, before punishment is imposed, the learner shall be given the opportunity to make brief oral submissions in mitigation.

The Principal, or a member of staff, to whom the power has been delegated to by the Principal, is empowered to impose any one or more of the following sanctions for contravention of this code:

a) reprimand
b) warning
c) an order to perform work on the school premises
d) detention
e) the payment of compensation
f) The deprivation of privileges enjoyed by the learner such as a prohibition to attend sporting, cultural or social functions organized by the school.
g) The deprivation of honours enjoyed by learners such as awards, prefectship and other school symbols awarded.
h) The submission to counselling.
i) Any other lawful and reasonable instruction to mitigate the effects of the transgression or rectify behaviour.

A computerized Misdemeanour System operates for less serious misconduct. Each teacher is issued with Misdemeanour Slips on which the following information is recorded:

a) The date.
b) The teacher's name and code.
c) The learner's code (each learner is expected to memorise their own unique computer code)
d) The code for the offence committed.

At the end of every week, the misdemeanour slips are handed in and recorded on computer. This results in a misconduct profile being built up for each learner.

The type of incidents classed as less serious misconduct are, amongst others, the following:

a) Homework not done
b) Disruptive behavior
c) Drinking or eating in class
d) Disrespect towards a teacher
e) Assignment not completed
f) Ignoring instructions from teacher, etc.

More than one misdemeanour may be issued for an offence, depending on the severity of the incident.

Misdemeanours result into sanctions as follows, and they may become classified as “serious misconduct” should they accumulate:

- 4 misdemeanors: 1 X Principal’s Friday Detention. (2 hours)
- 12 misdemeanors: Grade head will phone parents
- 25 misdemeanors: Grade Head writes to parents.
- 30 misdemeanors: Grade Head calls in parents for an interview with the Principal.
- 40 misdemeanors: Intervention by School Management Team and the SGB.

1.2 SERIOUS MISCONDUCT

As a public fee-paying school, Port Alfred High School is bound by the relevant acts with most of its protocols, including the protocols on dealing with serious misconduct. The following is an extract from the Provincial Gazette Extraordinary dated 25 June 1999 and updated by Provincial Notice No 10 of 2003"

A learner may be suspended or expelled from the school or be subject to lesser punishment if he/she contravenes or violates any of the following; a learner at the school who:

a) Has been convicted of a criminal offence.
b) Used or had in their possession intoxicating liquor, cigarettes, vapes or drugs during a school activity.
c) Has been repeatedly absent without leave from school and or classes intentionally and without just cause
d) Seriously threatens, disrupts or frustrates teaching or learning in a class
e) engages in a conspiracy to disrupt the proper functioning of the school
f) Cheats in a test or examination
g) Steals any possession from another person.
h) Distributes any test or examination material that may enable another person or himself or herself to gain an unfair advantage
i) Sexually harasses another person
j) Is found in possession of or distributes pornographic material
k) Supplies false identification or falsifies documentation ~~to gain an unfair advantage at school~~
l) Is in possession of a dangerous weapon or uses it to threaten any person
m) Engages in an act of public indecency
n) Endangers the safety and violates the rights of others
o) Bullies another learner (including, physical, sexual, verbal, cyber or any other)
p) Fights, swears
q) Falsely identifies himself or herself
r) Threatens fellow learners or educators
s) Uses hate speech, makes himself or herself guilty of racism or applies harmful graffiti
t) Vandalises, destroys or defaces school property
u) Repeatedly violates school rules or the code of conduct
v) Conducts himself or herself, in the opinion of the Governing Body in a disgraceful, improper or unbecoming manner
w) Is guilty of offensive or oppressive behaviour.

1.3 DISCIPLINARY PROCEDURES TO BE FOLLOWED IN CASES OF SERIOUS MISCONDUCT

1.3.1 PRELIMINARY INVESTIGATION

If a learner is accused of serious misconduct, the Principal may appoint a person as Investigator. The Investigator must collect evidence to enable the Principal to determine whether there are serious grounds for a disciplinary hearing. To allow the investigation to take place, the learner may be asked to go home and return the following day with a parent. The learner and witnesses may be asked to write a statement. The investigator must submit a written report to the Principal The Principal must then decide whether the transgression warrants a disciplinary hearing.

1.3.2 DISCIPLINARY HEARING IN A CASE OF SEROUS MISCONDUCT

When the Principal has called for a disciplinary hearing, the Investigator must:

a) Draw up a charge, setting out all the details of the transgression. The notice must contain sufficient particulars of the date, place and nature of the alleged misconduct to enable the learner to identify the incident and to respond to it.
b) A written notice calling on the learner and his or her parents to attend a disciplinary hearing, specifying place, date, and time, must accompany the charge as it is sent to the parents. At least five school days must be allowed between the handing over of the notice and the hearing.
c) The investigator must also notify all witnesses to be present at the hearing.

1.3.3 HEARING BY DISCIPLINARY COMMITTEE

The governing body of the school concerned must appoint a disciplinary committee to conduct the hearing which must fulfill the following requirements:

a) The majority of members of the disciplinary committee must be members of the school Governing body.
b) In a secondary school one member of the disciplinary committee must be a learner selected by the accused learner.
c) The disciplinary committee must be chaired by a member of the school governing body who is not an employee or member of staff of the school.
d) No person who has anything to do with the investigation of the charge of misconduct, including the principal, may serve on the disciplinary committee or be present at the meeting of the school governing body when the report or recommendations of the disciplinary committee are discussed, and a decision is taken on a sanction; and
e) No person who is a relative of the accused learner or has a personal interest in the hearing may serve on the disciplinary committee or be present when the school governing body discusses the report of the disciplinary committee.

1.3.4 PROCEDURE AT DISCIPLINARY HEARING

The investigator must adduce evidence and arguments in support of the charge. He or she must also put questions to any person who has given evidence in rebuttal of the charge.

At the hearing a learner will have the right to be present, to be represented by a representative, to give evidence and:

a. to be heard
b. to call witnesses
c. to put questions to any person called as a witness in support of the charges
d. to inspect documents submitted in evidence.

If a learner or his or her parents fail to attend the proceedings without just cause, the hearing may be conducted in their absence.

No person other than the learner, his or her representative, his or her parents and the members of the disciplinary committee may be present at the hearing.

At the conclusion of the hearing the disciplinary committee must submit the record of the hearing to the governing body together with the findings with regard to the learner's guilt or not and where appropriate recommendations as to corrective measures to be imposed, including suspension or suspension with a view to expulsion, and consequent expulsion.

The governing body must, after considering the findings and recommendations of the disciplinary committee, impose a penalty of summary suspension, or make recommendations to the head of Department of the Department of Education on the appropriate action to be taken.
A proper record must be kept of all proceedings.

1.3.5 SUSPENSION AS A CORRECTIONAL MEASURE

Where the governing body imposes a penalty of summary suspension as a correctional measure, it must, within five days, in writing inform the learner and his or her parents of the period of suspension, which must not exceed five school days. The disciplinary committee must also advise the district manager of the suspension in writing.

1.3.6 SUSPENSION WITH A VIEW TO EXPULSION

1. Where the governing body suspends a learner with a view to expulsion by the Head of Department from the Department of Education, it must in writing inform the learner and his or her parents-
    a) of the suspension from attending school;

b) of the reason for suspension and that the matter has been referred to the head of Department with a recommendation that the learner be expelled;
c) that the suspension takes immediate effect and will last until the head of Department has decided whether to expel the learner; and
d) that they have the right to make written representations to the head of Department concerning the findings of the disciplinary committee.

2. The principal must, within three school days, submit to the head of Department, via the district office, a report that must include the following.
    a) the full particulars of the learner;
    b) the record of the proceedings;
    c) the learners past disciplinary record;
    d) a copy of the school rules and disciplinary code
    e) proof that the disciplinary committee compiled with the provisions of paragraph (1); and
    f) reasons why expulsion is the appropriate punishment in the circumstances.

3. After considering the report in (2) above, and any other representations made by the learner, his or her representative, or his or her parents, the Head of Department must –
    a) approve the recommendation of expulsion made in terms of (2) (f) above, or
    b) find that the transgression of the learner does not warrant expulsion and if deemed appropriate impose or recommend the imposition of a lesser punishment permitted by the code for such transgression, or
    c) find the learner not guilty and acquit him or her, and notify the governing body, the learner, his or her representative and his or her parents accordingly.

4. A learner or his or her parents who wishes to appeal must submit a notice to this effect to the principal of the school. The principal must in turn submit it to the head of Department who must submit it to the MEC. The parents must submit the notice to the principal within five school days after being notified of the decision of the head of Department. The principal must submit the notice to the head of Department within two school days after receipt thereof from the parents of the learner concerned. The head of Department must submit the notice to the MEC within five school days after receipt thereof from the principal. The notice must be accompanied by the record of the disciplinary proceedings.

5. The lodging of an appeal must suspend the penalty imposed by the head of Department until the MEC has decided the appeal. This will mean that the learner will be allowed back at the school pending the appeal.

6. the MEC may convene an appeal hearing within ten school days of receipt of the notice of appeal. The learner and his or her parent are entitled to address the MEC at the appeal hearing.

7. After considering the appeal the MEC must-
    a) dismiss the appeal and confirm the expulsion; or
    b) find that the transgression of the learner does not warrant expulsion and if deemed appropriate impose or recommend the imposition of lesser punishment permitted by the code for such transgression; or
    c) find the learner not guilty and acquit him or her.

8. The decision of the MEC is final.

1.3.7 DUE PROCESS

The procedure to be followed at the hearing must be in accordance with the provisions set out in this paragraph. The procedure may be adapted to suit the needs of a particular school. The essential safeguards in order to ensure due process must, however, are complied with.

The Chairperson must upon the commencement of the disciplinary hearing-

- welcome everybody to the meeting;
- explain the reason for meeting;
- ask the investigator to read the charge;
- ask the learner to react to the charge (plead);

If the learner pleads GUILTY-

(1) ensure that the learner knows what he or she pleads guilty and that it is not a stratagem just to get the matter over and done with.

(2) ask the learner and his or her representatives or his or her parents whether they wish to say something before a penalty is imposed.

(3) ask the learner, his or her representative, his or her parents and any other parties, except the members of the disciplinary committees, to leave the room while the committee decides on a suitable sanction;

(4) Decide on an appropriate sentence, keeping in mind the object of correcting the behaviour and what the learner and parents said in (2) above. This will ensure that the committee applies its mind to the matter;

(5) call the excused parties in and inform them of the sanction.

(6) remind the parents and learner of his or her right to appeal and the procedure thereof. If the sanction is suspension, they must be informed that they can appeal to the head of Department.

If the learner pleads **NOT GUILTY –**

1) The Chairperson requests the investigator to submit evidence which may include the calling of complainant and/or witnesses;
2) After each witness has stated his or her case the learner or his or her parent must be given the opportunity to put questions to the witness. The purpose is to give him or her the opportunity to refute the evidence. This is not cross-questioning.
3) Chairperson and committee members may also ask questions to get clarification on uncertainties;
4) Ask the learner if he or she wishes to say something. This is an opportunity to state his or her case.
5) The investigator can ask questions;
6) The Chairperson and committee members may also ask questions to clarify uncertainties;
7) Excuse the parents, learner and his or her representatives while the committee reviews the evidence and decides on a verdict;
8) Call parents and learner in and inform them about the committee's decision;
9) If the committee finds the learner guilty, ask him or her of his or her representative or the parents whether they wish to say something before a decision is made on an appropriate sanction
10) Decide on an appropriate sanction, keeping in mind the object of correcting the behaviour and what the learner and parents said in above. This will indicate that the committee applied its mind to the matter;
11) Call the learner, his or her representative and his or her parents and inform them of the sanction;
12) Remind the parents and learner of the learners right to appeal and if the punishment is suspension that they can appeal to the Head of Department of the Department of Education.