

DEFINITION OF SERIOUS MISCONDUCT

Regulations Relating to Disciplining, Suspension and Expulsion of Learners at Public schools in the Western Cape

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Serious Misconduct

- (1) Subject to the provisions of the Act, a learner at a school who –
- a) Used or had in his or her possession or sells or distributes a dangerous object, alcoholic liquor or illegal drugs;
 - b) Commits an act of bullying, assault, theft, arson or malicious damage to property;
 - c) Commits an act of gross insubordination or engages in immoral conduct;
 - d) Is in possession of or uses any unauthorised copy of a test or examination question paper, or cheats, distributes, trades, bribes or attempts to bribe any person in respect of any test or examination, with the intention of enabling himself or herself, or any other person, to gain an unfair advantage;
 - e) Uses hate speech, makes himself or herself guilty of racism, sexism, sexual harassment, possesses or distributes pornographic material or engages in any act of public indecency;
 - f) Endangers the safety or threatens fellow learners or educators, disrupts the school programme or violates the rights of others;
 - g) Falsely identifies himself or herself, or knowingly and wilfully supplies false information or falsified documentation to gain an unfair advantage at school;
 - h) Has repeatedly been found guilty of transgressing the learner's code of conduct; or
 - i) Conducts himself or herself, in the opinion of the governing body, in a disgraceful, improper or unbecoming manner, and may be guilty of serious misconduct.
- (2) Subject to the provisions of the Act, a learner at a school may be suspended by the governing body or expelled by the Head of Department if, after a fair hearing, he or she is found guilty of serious misconduct as contemplated in sub-regulation (1)