

**INVESTIGATING LEARNERS' HUMAN RIGHTS  
PROTECTION DURING DISCIPLINARY HEARINGS IN  
SECONDARY SCHOOLS IN SEKGOSESE CENTRAL  
CIRCUIT, LIMPOPO PROVINCE**

**by**

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## DECLARATION

I, Seima Athur Leriba, hereby declare that the dissertation titled *'Investigating Learners' Human Rights Protection during Disciplinary Hearings in Secondary Schools in Sekgosesa Central Circuit, Limpopo Province'* represents my original work. All sources have been properly cited and credited. This work has not been previously submitted to any other university or the University of South Africa. I grant the University of South Africa permission to use Turnitin for plagiarism checking.

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## ABSTRACT

The study investigated issues with South African schools' application of disciplinary hearing processes and procedures, which often lead to the violation of learners' human rights. Unequal educational opportunities stem from the unfair handling of disciplinary matters. The research aimed to explore measures that school principals and disciplinary committee members take to safeguard learner rights during disciplinary hearings, to assess the School Governing Body's policy comprehension, and to probe into factors leading to learner rights breaches in disciplinary scenarios.

A qualitative methodology and case study design were employed, equipping the researcher with the tools necessary to achieve the study's objectives. Purposive sampling was utilised to select four secondary school principals, disciplinary committee members, and **Representative Council of Learners** representatives in the Sekgosesse Central Circuit as participants. Data were gathered through face-to-face semi-structured interviews, with content analysis deciphering the collected information.

The study revealed that schools inadequately communicate the Code of Conduct to learners and parents, and some even misuse it to screen admissions. RCL members and class representatives are improperly engaged in investigating misconduct, and their findings are directly used to make disciplinary tribunal decisions. Moreover, during disciplinary hearings, parents lack proper guidance on defending their children against unjust treatment. SGB members are sometimes unjustly excluded from sensitive cases. Lastly, inconsistencies were found in the suspension periods assigned across different schools.

**KEYWORDS:** Constitution, Discipline, Due process, Equal education, Fairness, Code of conduct, Misconduct, Policies

## ACRONYMS AND ABBREVIATIONS

DBE	Department of Basic Education
DoE	Department of Education
HoD	Head of Department
MEC	Member of the Executive Council
NGO	Non-Governmental Organisations
PAM	Personnel Administrative Measures
POPIA	Protection of Personal Information Act
RCL	Representative Council of Learners
RSA	Republic of South Africa
SASA	South Africa Schools Act
SA-SAMS	South African School Administration Management System
SGB	School Governing Body
SMT	School Management Team

## TABLE OF CONTENTS

<b>DECLARATION</b> .....	<b>i</b>
<b>ABSTRACT</b> .....	<b>iii</b>
<b>ACRONYMS AND ABBREVIATIONS</b> .....	<b>iv</b>
<b>TABLE OF CONTENTS</b> .....	<b>v</b>
<b>LIST OF TABLES</b> .....	<b>x</b>
<b>CHAPTER 1: INTRODUCTION AND BACKGROUND</b> .....	<b>1</b>
1.1 INTRODUCTION AND BACKGROUND .....	1
1.2 RATIONALE FOR THE STUDY .....	2
1.3 STATEMENT OF THE PROBLEM .....	3
1.4 RESEARCH QUESTIONS.....	3
1.5 AIM AND OBJECTIVES OF THE STUDY .....	3
1.6 LITERATURE REVIEW .....	4
1.6.1 Disciplinary Hearings .....	5
1.6.2 Professional Discipline and Misconduct .....	5
1.6.3 Public Interest and Private Interest in Discipline .....	6
1.6.4 Disciplinary Action and the Legal System .....	7
1.6.5 Unclear Demarcations of Responsibilities .....	8
1.7 THEORETICAL FRAMEWORK.....	9
1.8 Research Methodology .....	10
1.8.1 Research Paradigm.....	10
1.8.2 Research Approach.....	10
1.8.3 Research Design .....	10
1.8.4 Research Methods .....	11
1.8.5 Population and Sampling .....	11
1.8.6 Data Collection and Analysis .....	13
1.9 Trustworthiness and Ethics.....	13
1.9.1 Credibility and Dependability: .....	13
1.9.2 Ethical Considerations: .....	14
1.9.3 Trustworthiness.....	14
1.9.4 Credibility.....	14
1.9.5 Dependability .....	14
1.9.6 Confirmability .....	15
1.9.7 Transferability.....	15

1.10	Research Ethics .....	15
1.11	DELIMITATIONS OF THE STUDY .....	16
1.12	DEFINITION OF KEY CONCEPTS .....	16
1.12.1	Secondary School.....	16
1.12.2	Discipline.....	16
1.12.3	Code of Conduct.....	17
1.12.4	Violation of Human Rights.....	17
1.12.5	Disciplinary Procedures.....	17
1.13	CHAPTER OUTLINE.....	17
1.14	CONCLUSION.....	18
<b>CHAPTER 2:</b>	<b>LITERATURE REVIEW .....</b>	<b>19</b>
2.1	INTRODUCTION.....	19
2.2	LEGAL ENVIRONMENT.....	21
2.2.1	The Constitution of the Republic of South Africa .....	22
2.2.2	Sense of Ownership in the South African School Context.....	23
2.2.3	Education as a Right.....	23
2.2.4	Freedom and Safety.....	24
2.2.5	Privacy Act Protection.....	25
2.2.6	Administrative and Fair Processes.....	26
2.2.7	National Education Policy Act (27 of 1996).....	26
2.2.8	South African Schools Act (84 of 1996) .....	27
2.2.9	Disciplinary Procedures Adoption Guideline .....	28
2.2.10	South African and African Legal Differences .....	30
2.3	DELINEATION OF ROLES AND RESPONSIBILITIES.....	31
2.4	PROFESSIONAL MISBEHAVIOUR AND DISCIPLINE .....	34
2.5	INTERESTS OF THE PUBLIC AND PRIVATE SECTORS.....	36
2.6	COMMUNICATING THE CODE OF CONDUCT .....	37
2.7	ADOPTING THE CODE OF CONDUCT .....	38
2.8	PRACTISING FAIRNESS AND IMPARTIALITY.....	39
2.9	EFFECTIVE SCHOOL DISCIPLINARY PROCEDURES AND ACCOUNTABILITY .....	39
2.10	RESTORATIVE DISCIPLINE IN EDUCATION .....	40
2.11	THEORETICAL FRAMEWORK .....	41
2.11.1	William Glasser's Educational Transformation Theories.....	41
2.11.3	The Assertive Behavioural Model.....	43

2.12	CONCLUSION.....	44
<b>CHAPTER 3: RESEARCH METHODOLOGY .....</b>		<b>45</b>
3.1	INTRODUCTION.....	45
3.2	RESEARCH METHODOLOGY .....	45
3.2.1	Research Paradigm .....	45
3.2.2	Research Approach .....	47
3.2.3	Research Design.....	47
3.3	RESEARCH METHODS.....	48
3.3.1	Population and Sampling.....	48
3.3.2	Instrumentation and Data Collection Techniques .....	49
3.3.3	Data Analysis.....	51
3.4	TRUSTWORTHINESS.....	53
3.4.1	Credibility .....	53
3.4.2	Dependability.....	54
3.4.3	Confirmability.....	54
3.4.4	Transferability.....	54
3.5	RESEARCH ETHICS.....	55
3.5.1	Informed Consent and Volunteerism .....	55
3.5.2	Privacy, Anonymity and Confidentiality .....	56
3.5.3	Harm and Risk.....	56
3.6	CONCLUSION .....	56
<b>CHAPTER 4: PRESENTATION OF RESEARCH FINDINGS, ANALYSIS AND INTERPRETATION OF RESULTS.....</b>		<b>58</b>
4.1	INTRODUCTION.....	58
4.2	RESEARCH DEMARCATION AND BIOGRAPHICAL DETAILS OF PARTICIPANTS .....	58
4.2.1	Research Demarcation .....	58
4.2.2	Biographical Details of Participants .....	59
4.3	PRESENTATION OF THE FINDINGS .....	61
4.3.1	Communicating the Code of Conduct.....	61
4.3.2	Adopting the Code of Conduct.....	65
4.3.3	Practising Fairness and Impartiality.....	67
4.3.4	Effective School Disciplinary Procedures and Accountability.....	72
4.3.5	Restorative Discipline, Continuity in Education and Preventative Measures in Education .....	77
4.4	CONCLUSION .....	82

<b>CHAPTER 5: ANALYSIS OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS</b> .....	<b>83</b>
5.1 INTRODUCTION.....	83
5.2 COMMUNICATING THE CODE OF CONDUCT TO RELEVANT STAKEHOLDERS .....	84
5.2.1 Analysis of communicating the Code of Conduct to stakeholders. ....	84
5.2.2 Recommendations for effective communication .....	85
5.3 ADOPTING THE CODE OF CONDUCT .....	85
5.3.1 Overview of adoptability among disciplinary committee members.....	85
5.3.2 Comparative analysis of adoption rates .....	86
5.3.3 Recommendations for enhancing adoption.....	86
5.4 PRACTISING FAIRNESS AND IMPARTIALITY .....	86
5.4.1 Examination of fairness and impartiality in disciplinary proceedings ....	86
5.3.2 Recommendations for ensuring fairness and impartiality .....	87
5.5 EFFECTIVE SCHOOL DISCIPLINARY PROCEDURES .....	87
5.5.1 Evaluation of existing procedures.....	87
5.5.2 Identification of Procedural Strengths and Weaknesses .....	88
5.5.3 Recommendations for streamlining procedures.....	89
5.6 ACCOUNTABILITY AND RESTORATIVE DISCIPLINE .....	90
5.6.1 Assessment of accountability measures .....	90
5.6.2 Integration of Restorative practices .....	90
5.6.3 Recommendations for Strengthening Accountability and Restoration ..	90
5.7 CONTINUITY IN EDUCATION.....	91
5.7.1 Analysis of impact on learner education.....	91
5.7.2 Measures for Ensuring Educational Continuity .....	92
5.7.3 Recommendations for Seamless Educational Transition .....	92
5.8 PREVENTATIVE MEASURES IN EDUCATION.....	93
5.8.1 Examination of Preventative Strategies .....	93
5.8.2 Evaluation of their effectiveness .....	93
5.8.3 Recommendations for Strengthening Preventative Measures .....	93
5.9 IMPLICATIONS FOR HUMAN RIGHTS PROTECTION .....	94
5.9.1 Relating findings to the Human Rights framework.....	94
5.9.2 Assessment of the degree of protection.....	95
5.9.3 Recommendations for strengthening Human Rights safeguards.....	95
5.10 KEY FINDINGS AND CONCLUSIONS .....	95

5.11	RECOMMENDATIONS FOR FURTHER RESEARCH .....	97
5.12	LIMITATIONS OF THE STUDY .....	97
5.13	FINAL THOUGHTS .....	98
<b>REFERENCES .....</b>		<b>99</b>
<b>ANNEXURES .....</b>		<b>116</b>
	Annexure A: Ethical Clearance Certificate .....	116
	Annexure B: Permission to Conduct Research.....	118
	Annexure C: Certificate to Conduct Research .....	119
	Annexure D: Permission to Conduct Research in Schools .....	120
	Annexure E: Consent letter for permission to conduct in schools- Attention to Department of Education Limpopo .....	121
	Annexure F: Consent letter for Permission To Conduct Research In schools: principals .....	124
	Annexure G: Consent Letter For Permission To Interview Participants.....	126
	Annexure H: Consent Letter For Permission To Interview Learners Under The Age Of 18.....	127
	Annexure I: Consent Letter For Permission To Interview Learners Of 18 Years And Above.....	130
	Annexure J: Interview Questions.....	132
	Annexure K: Participants Data Sheet.....	133
	Annexure L: Proof of Editing.....	157
	Annexure M: Turnitin Report.....	159

## LIST OF TABLES

Table 4.1: Principals .....	60
Table 4.2: Members of the Disciplinary Committees.....	60
Table 4.3: Representative Council of Learners (RCL) members.....	60

# CHAPTER 1: INTRODUCTION AND BACKGROUND

## 1.1 INTRODUCTION AND BACKGROUND

The South African Schools Act (No. 84 of 1996) and the Constitution of the Republic of South Africa (Act 108 of 1996) collectively aim to uphold human rights and ensure a safe, equitable educational environment. Despite these frameworks, challenges persist in implementing disciplinary measures in schools, which can infringe upon learners' rights. The Act empowers School Governing Bodies (SGBs) to establish Codes of Conduct that prohibit corporal punishment and mandate fair disciplinary procedures. However, the execution of these policies often falls short, leading to potential human rights violations and adverse psychological impacts on learners (Melber, 2020).

The South African Constitution guarantees the right to education and prohibits discrimination, emphasizing the need for a safe learning environment (Kreuser & Payne, 2023). Complementing these rights, the African Children's Charter advocates for non-discrimination and the protection of all learners, including marginalized groups such as transgender students (Kreuser & Payne, 2023). Nonetheless, there are instances where school authorities bypass established procedures, resulting in unfair disciplinary actions (Melber, 2020). Poorly managed disciplinary processes can lead to psychological harm, academic struggles, and increased dropout rates among learners (Plasket, 2022).

The necessity for psychological support following disciplinary incidents is critical to mitigating the negative impacts on learners (Swanepoel, 2021). Ensuring fair and transparent hearings is essential for protecting learners' rights and maintaining a conducive learning environment (Melber, 2020). While South Africa's legal frameworks are robust, the gap between policy and practice remains a significant challenge. The discrepancy between constitutional ideals and their implementation in schools highlights the ongoing struggle to fully realize human rights in education. This underscores the importance of continuous advocacy and reform to bridge these gaps, ensuring that all learners' rights are respected and protected.

## 1.2 RATIONALE FOR THE STUDY

During my years of being a teacher, the issue of learner discipline in secondary schools is a complex challenge, particularly in South Africa, where the prohibition of corporal punishment has left educators seeking effective alternatives. The ineffectiveness of current policies and a lack of stakeholder understanding exacerbate the problem, often resulting in violations of learners' rights during disciplinary processes. This situation is further complicated by the absence of clear guidelines and the emotional decision-making of educators and school governing bodies. The following sections explore the key aspects of this issue. Research indicates that existing policies and government acts regarding learner discipline are ineffective in managing indiscipline in schools (Moremi & Themane, 2024). Stakeholders, including educators and school governing bodies, often lack adequate knowledge of these policies, leading to improper implementation (Moremi & Themane, 2024).

The transition from corporal punishment to positive disciplinary measures has proven challenging for educators, who struggle to adapt to new methods (Sithole et al., 2024). Codes of conduct for learners, intended to promote positive discipline, are often not reviewed, or communicated effectively, rendering them ineffective (Zondo & Mncube, 2024). Disciplinary strategies, such as temporary suspension and verbal reprimands, have been associated with negative psychosocial outcomes, including poor mental wellbeing and problematic classroom behaviour (Ijaz et al., 2024). The lack of clear guidelines, combined with the emotional nature of disciplinary decisions, can lead to unfair treatment and violations of learners' rights (Sithole et al., 2024).

Principals play a critical role in guiding disciplinary processes and ensuring that proper procedures are followed (Moremi & Themane, 2024). There is a pressing need for increased training and awareness among all stakeholders to improve the understanding and implementation of disciplinary policies (Moremi & Themane, 2024). While the challenges of managing learner discipline are significant, there are opportunities for improvement. By enhancing stakeholder training and revising disciplinary policies to align with democratic principles, schools can better protect learners' rights and foster a positive educational environment. Additionally, involving parents and the broader school community in the disciplinary process can create a more supportive and effective approach to managing learner behaviour.

### **1.3 STATEMENT OF THE PROBLEM**

Despite the implementation of the South African Schools Act (No. 84 of 1996), numerous reports indicate that learners' human rights in South African schools are being violated during disciplinary proceedings (Mabasa & Makhubela, 2023). This issue adversely affects learners psychologically, with some students even dropping out of school due to unfair disciplinary hearings (Mokhathi & Makhetha, 2024). This study investigates the role of school principals and disciplinary committee members in safeguarding learners' human rights.

### **1.4 RESEARCH QUESTIONS**

The main research question for this research was: *How do school principals protect the learners' human rights during disciplinary proceedings?*

Sub-questions were formulated to support the main research question:

1. What are the levels of understanding and interpretation of the South African Schools Act (84 of 1996) and learner's human rights by the School Governing Body?
2. Which role does the school principal play in guiding disciplinary committees regarding the correct steps of disciplinary procedures?
3. What causes violations of learners' human rights during disciplinary proceedings?
4. How do the disciplinary committee members protect the rights of accused learners during disciplinary hearings?

### **1.5 AIM AND OBJECTIVES OF THE STUDY**

This study examined how school principals protect the learners' human rights during disciplinary proceedings in Sekgosese Central Circuit secondary schools. The following objectives guided the investigation of this study:

1. To understand and interpret the South African Schools Act (84 of 1996) and learner's human rights by the School Governing Body.

2. To explore the school principal's role in guiding disciplinary committees concerning the correct steps of disciplinary procedures.
3. To examine the causes of learners' human rights during disciplinary proceedings.
4. To understand the role of disciplinary committee members in protecting the rights of accused learners during disciplinary hearings.

## **1.6 LITERATURE REVIEW**

Discipline in schools is a global issue, and as indicated in the South African Schools Act (SASA) (No. 84 of 1996), the School Governing Body (SGB) of each school is required to establish a Code of Conduct to which all learners must adhere. While the Code outlines disciplinary proceedings for violations, the manner in which these proceedings are handled often presents challenges. South African schools are perceived as hotspots for violence, with significant issues such as bullying, physical aggression, prejudice, sexual abuse, and gender-based violence (Mathebula, Runhare, & Marishane, 2023). These concerns should be addressed through the procedures outlined in the Misconduct of Learners in Public Schools and Disciplinary Actions Gazette (DoE, 2591 of 2001).

In Zimbabwe, traditional disciplinary tactics, such as physical punishment, are considered criminal offenses due to their violation of human rights (Chiromo, 2024). Physical punishment is prohibited under Section 53(1) of the Constitution of the Zimbabwe Amendment (No. 20) Act 2013. The *in loco parentis* principle entrusts educators with the responsibility to discipline learners in a constructive and non-harmful manner. However, there is a lack of specific guidance on how disciplinary processes and procedures should be implemented (Sibanda & Mpofu, 2023).

Similarly, in Nigeria, educators still resort to corporal punishment to manage disciplinary issues instead of employing acceptable disciplinary procedures and regulations. Many Nigerian teachers believe that physical punishment is the only effective method to deter learners from repeating misbehaviors (Nkomo & Mayanchi, 2023).

In Mauritius, school administrators face significant challenges in implementing and managing disciplinary strategies in state secondary schools, often influenced by parental political pressure during disciplinary proceedings. Parents frequently do not engage fully in their children's disciplinary processes, leading to strained relationships among parents, teachers, and school administrations (Jinot, 2023).

Lumadi (2024) argues that schools should cultivate a positive attitude towards behavior as outlined in the Code of Conduct. Such an approach creates a conducive environment for teaching and learning, ensuring learners' right to equal education. Each school should establish a Code of Conduct aimed at fostering a disciplined and purposeful educational environment dedicated to enhancing and maintaining the quality of the learning process. In the event of a breach of the Code, the SGB should initiate disciplinary proceedings against the offending learner, following the due process provisions set out in the Code of Conduct and other relevant laws and policies (Equal Education Law Centre, 2023).

### **1.6.1 Disciplinary Hearings**

The primary objective of disciplinary hearings is to cultivate discipline among learners, ensuring that corrective measures are implemented in a manner that does not harm their psychological well-being or infringe upon their human rights, which could otherwise lead to disengagement from the learning process (Wheldall, 2023). Simba, Agak, and Kabuka (2023) argue that effective discipline should motivate learners to recognise the significance of positive behaviour, enabling active participation in the teaching and learning process. Disciplinarians are tasked with ensuring that learners are not demoralised by unjust disciplinary procedures. Thus, the aim of discipline must align with achieving the school's vision and mission and fulfilling curriculum objectives. It is crucial for disciplinarians to foster a positive school environment where learners feel safe and emotionally free to express themselves, interact, and experiment without fear (Bush & Glover, 2024).

### **1.6.2 Professional Discipline and Misconduct**

Professional discipline entails fostering self-control, adherence to school rules, and respect among learners. This involves implementing disciplinary procedures that

ensure a safe school environment, making clear the expectations and consequences of misconduct. Learners should be guided towards exhibiting good behaviour through corrective measures that respect their rights (Slee, 2023). School managers play a critical role in addressing disciplinary issues professionally. Principals must cultivate a culture of positive behaviour in schools and ensure compliance with school rules (Segalo & Rambuda, 2024) by ensuring that: All stakeholders understand policies regarding student conduct. The Code of Conduct is actively enforced. Regular discussions about the Code of Conduct involve all stakeholders. Accurate records of misconduct are maintained. Educators receive training on handling disciplinary matters. Parents are engaged in discussions regarding their children's behaviour. Newly admitted learners are informed about school policies. Disciplinary processes are executed fairly. According to the Guidelines for the Consideration of Governing Bodies in the Adoption of a Code of Conduct for Learners (776 of 1998), misconduct is defined as actions that contravene laws or school policies. The document identifies two levels of misconduct: Level 1 pertains to behaviour within the classroom, while Level 2 refers to violations of school rules. Neither level warrants suspension unless such misconduct is repeated. Although the South African Schools Act (84 of 1996) does not specify classifications for serious or minor misconduct, school principals should be capable of distinguishing between them, guided by the types outlined in the school's Code of Conduct.

### **1.6.3 Public Interest and Private Interest in Discipline**

Public interest in discipline involves all stakeholders and the broader school community. It is essential that all parties participate in the disciplinary process and ensure the fairness of disciplinary procedures. Should serious misconduct arise that attracts public attention, it becomes a matter of public interest (Wheldall, 2023). Community members, including victims' families and disciplinary committee members, may form opinions about cases prior to the conclusion of due processes. The media can exacerbate tensions by closely following such cases and publicising comments from non-community members. It is crucial that disciplinary committee members refrain from disclosing sensitive information to the public, as such revelations can introduce bias influenced by public sentiment (Kennedy, 2024). Private interest in discipline addresses the complex backgrounds of learners who commit misconduct. Many offenders may struggle with social or psychological challenges, often stemming

from unstable home environments or difficult socioeconomic circumstances. Members of the disciplinary committees, including principals, educators, and the SGB, should consider these factors when addressing disciplinary cases (Motseke, 2023). For learners exhibiting psychological distress due to external factors, disciplinary actions should lean towards counselling and support rather than punitive measures. Du Plessis (2024) underscores the necessity for disciplinarians to adhere strictly to due process, as failing to do so may lead to interventions from parents, civic organisations, NGOs, or political entities that could escalate to legal proceedings.

#### **1.6.4 Disciplinary Action and the Legal System**

Disciplinary action, as delineated in the Guidelines for the Consideration of Governing Bodies in the Adoption of a Code of Conduct for Learners (776 of 1998), refers to actions taken against learners who have committed misconduct. Educators are responsible for managing minor infractions within their classrooms; however, if these behaviours persist or serious misconduct occurs, the principal must convene a disciplinary hearing. The School Governing Body (SGB) is tasked with appointing members to the disciplinary committee. Disciplinary actions are intended to amend inappropriate behaviours and misconduct. Joubert and Prinsloo (2009) and Mollo (2023) indicate that disciplinary actions must adhere to the following conditions: Learners should be made aware of the specific misdemeanours committed. All steps taken during the disciplinary process must be documented, with necessary forms completed. Rules should be consistently applied to all learners. Evidence must show serious or repeated minor misconduct. Tangible evidence of the misconduct, along with witness statements if required, should be presented. Proposed corrective measures must align appropriately with the offence committed. The legal framework mandates that members of the disciplinary committee adhere to procedures that uphold learners' human rights. Sections 8(1) and (2) of the South African Schools Act (84 of 1996) empower the SGB to adopt the school's Code of Conduct, aiming to promote purposeful discipline that enhances teaching and learning quality. Sub-section 5 emphasises the need for the Code to safeguard the interests of learners and all stakeholders involved in disciplinary processes. Furthermore, Section 7 of the Guidelines for the Consideration of Governing Bodies in the Adoption of a Code of Conduct for Learners (776 of 1998) stipulates that disciplinary processes must be expeditious, fair, just, corrective, consistent, and educative. Parents should be

involved in efforts to correct learner behaviour, and measures must be implemented to protect learners from abuse, whether by adults or peers. The Guidelines (776 of 1998: 10-14) provide a framework for managing disciplinary cases while respecting learners' rights. Section 10 advises educators and principals to address minor misconduct without resorting to harsh penalties meant for serious violations. Section 9(1) states that if learners are found guilty after a fair hearing, their suspension should not exceed one week, with the school required to provide psychological support and daily access to schoolwork and important assessments. This aligns with Section 29(1) of the Constitution of the Republic of South Africa (RSA, 1996), which guarantees the right to basic education.

### **1.6.5 Unclear Demarcations of Responsibilities**

The Guidelines for the Consideration of Governing Bodies in the Adoption of a Code of Conduct for Learners (776 of 1998) defines expulsion as the permanent removal of a learner from school. While the provincial Head of Department is tasked with providing psychological support to the learner and affected parties, it is the responsibility of the SGB, principal, and educators to avoid expelling learners. According to Section 9(2) of the South African Schools Act (84 of 1996), only the provincial Head of Department may expel a learner based on recommendations from the disciplinary committee following fair hearing proceedings. If the Head of Department approves the expulsion, the Department of Education must facilitate the learner's admission to another school. Suspension, as outlined in the Guidelines (776 of 1998), refers to the temporary prohibition of a learner from attending school. During this period, the learner cannot participate in classroom or extracurricular activities, but arrangements must be made for the learner to receive assignments through their parents. Provisional suspension allows the principal to suspend a learner immediately after an offence, provided reasonable grounds exist, in consultation with the chairperson of the SGB. Precautionary suspension is employed when the SGB believes it necessary to protect the learner or other students, requiring consultation with both the learner and their parent, along with a notice period of two to three days. Suspension is capped at a maximum of seven days. Concerns arise from Bipath's (2023) findings indicating that many learners lack awareness of their school's Code of Conduct. A learner arriving at a disciplinary tribunal without a clear understanding of their offences may encounter unfair treatment. Bipath (2024) further highlights that

negative attitudes from educators and SGB members towards disciplinary procedures can result in unjust hearings and violations of learners' human rights. During such proceedings, members of the School Management Team (SMT) may display bias, allowing personal emotions to sway their decisions. A lack of consistency in the procedures followed by disciplinary committee members can lead to preferential treatment for learners with personal connections to staff, while those from lower-income families or without familial ties may face more severe consequences.

## **1.7 THEORETICAL FRAMEWORK**

William Glasser's Choice Theory underscores the significance of learner agency and self-determination within educational contexts. It advocates for a transition from traditional disciplinary methods to those that empower students through choice and personal responsibility. This theory posits that learners are primarily motivated by internal factors and should be granted the autonomy to make decisions about their educational experiences, which can ultimately lead to improved self-discipline and behaviour. The transformative potential of Choice Theory is evident in its capacity to redefine educational paradigms by prioritising intrinsic motivation and personal growth. This approach aligns with broader educational trends that favour personalised and contextualised learning experiences. Establishing strong, supportive relationships among peers is essential for creating a positive learning environment. This aligns with transformational teaching practices that highlight motivation and personal growth through shared experiences (Mudd-Fegett, 2024). Encouraging students to make informed decisions regarding their learning can yield better academic and behavioural outcomes, particularly for those with emotional and behavioural disorders (Gushanas & Smith, 2023).

A central tenet of Choice Theory is empowering students to exert control over their actions and thoughts, thereby promoting self-determination and positive behaviour (Rajaraman et al., 2023). Choice Theory has demonstrated its ability to facilitate personal transformation and foster increased empathy among students, particularly evident in its implementation within alternative educational settings (Lyngstad, 2022). The theory advocates for a shift towards personalised and collaborative education, which is essential for equipping students with the skills necessary for success in a dynamic knowledge economy (Khan et al., 2023). While Choice Theory

presents a compelling framework for educational transformation, it is crucial to consider the challenges associated with its implementation. Incorporating meaningful opportunities for choice-making can be complex and necessitates careful consideration of individual needs and potential barriers (Rajaraman et al., 2023). Furthermore, the successful application of Choice Theory may be contingent upon the broader educational context and the willingness of educators to adopt innovative teaching methodologies.

## **1.8 Research Methodology**

The research methodology presented in this study constitutes a robust framework for investigating a specific phenomenon, emphasizing qualitative approaches and a case study design. This methodology is vital for ensuring the reliability and validity of the research findings, encompassing the theoretical framework, research questions, and data collection techniques. The study adopts a phenomenological and interpretivist paradigm, which is particularly effective for examining complex human behaviors and social realities. This qualitative approach enables a profound understanding of participants' experiences and perspectives, while the case study design facilitates detailed analysis of specific events.

### **1.8.1 Research Paradigm**

The study employs phenomenological and interpretivist paradigms, which are adept at uncovering subjective experiences and social phenomena (Ojoboh & Igben, 2024). These paradigms enable researchers to reveal the reality and relevant information about the phenomenon under investigation (Aguiar, 2024).

### **1.8.2 Research Approach**

A qualitative research approach is adopted, concentrating on capturing the human aspects of the issue, including emotions, beliefs, and cultural influences (Ojoboh & Igben, 2024; Nur et al., 2024). This approach is particularly advantageous for exploring intangible elements such as beliefs and cultural contexts (Aguiar, 2024).

### **1.8.3 Research Design**

The case study design is employed to analyze specific occurrences, aiming to illustrate general principles and foster a deeper understanding of real-world behaviors (Ojoboh

& Igben, 2024; Nur et al., 2024). This design is especially useful for elucidating educator behavior and its implications for human rights violations during disciplinary measures (Rochester, 2024).

#### **1.8.4 Research Methods**

Purposive sampling is utilized to select participants who are knowledgeable about the research problem, ensuring the collection of relevant data (Ojoboh & Igben, 2024). Semi-structured interviews serve as the primary data collection technique, yielding rich, descriptive data that enhance understanding of participants' social realities (Rochester, 2024).

While the outlined methodology provides a solid framework for the study, it is essential to acknowledge potential challenges and limitations. For example, qualitative research may encounter issues related to the generalizability of findings, and the case study design may restrict applicability to broader contexts. Additionally, the reliance on semi-structured interviews requires careful consideration of ethical and methodological concerns to ensure data quality and reliability (Ojoboh & Igben, 2024; Rochester, 2024).

#### **1.8.5 Population and Sampling**

The study of population and sampling is a critical element of research design, as it influences the validity and applicability of research findings. Sampling entails selecting a subset of a population to represent the entire group, which is particularly important when direct study of the whole population is impractical due to size and resource constraints. Purposive sampling, a non-random technique, is often employed to achieve specific research objectives by selecting participants who possess significant knowledge of the research problem. This method is both cost-effective and time-efficient, making it a popular choice across various research contexts. The following sections explore the key aspects of population and sampling, drawing insights from relevant literature.

##### ***1.8.5.1 Importance of Sampling***

Sampling enables researchers to make inferences about a population without the necessity of studying every individual, a task often impractical due to limitations in size

and resources ("Sampling Techniques," 2023). A representative sample ensures that research findings are generalizable and useful, thereby reducing the risk of bias and enhancing the credibility of the study (Beck, 2024).

#### ***1.8.5.2 Purposive Sampling***

Purposive sampling is a non-probability method in which participants are selected based on their familiarity with the research problem, facilitating targeted data collection (Hossan et al., 2023). This approach is particularly beneficial in qualitative research, where the depth of understanding is prioritized over generalizability (Srivastava & Mittal, 2024).

#### ***1.8.5.3 Challenges and Considerations***

Non-probability sampling methods, such as purposive sampling, do not provide every member of the population with a known chance of selection, which may introduce bias (Srivastava & Mittal, 2024). Researchers must meticulously plan their sampling strategies to ensure that the sample accurately reflects the population, thereby preserving the validity of the study ("Sampling Techniques," 2023). While purposive sampling offers advantages in terms of cost and efficiency, it is crucial to recognize its limitations, particularly concerning representativeness and potential bias. Researchers should weigh these factors against their study's objectives to determine the most appropriate sampling method. By understanding the intricacies of various sampling techniques, researchers can enhance the robustness and impact of their studies.

#### ***1.8.5.4 The Importance of Sampling Techniques in Research***

The study of sampling techniques is essential in research as it enables the selection of a representative subset of a population, facilitating efficient and effective data collection. Purposive sampling, a non-random method, is particularly advantageous when specific characteristics are necessary to address the research question. This method is cost-effective and time-efficient, making it suitable for studies with limited resources. In the current study, purposive sampling was employed to select participants from four secondary schools in South Africa, focusing on individuals familiar with the research problem. This approach ensured that the sample accurately represented the population of interest, providing meaningful insights into the issue of ill-discipline among adolescents.

### **1.8.5.5 Sampling Techniques**

**Purposive Sampling:** This non-random method involves selecting participants based on specific characteristics relevant to the research question. It is both cost-effective and time-efficient, making it ideal for studies with limited resources (Hossan et al., 2023; "Sampling Techniques," 2023).

**Sample Representation:** The target sample consisted of four secondary schools in Sekgosese Central Circuit, Botlokwa Village, Limpopo, South Africa. Each school had a principal, a deputy principal, Heads of Departments (HoDs), post-level one educators, and a disciplinary committee with representatives from the School Governing Body (SGB), educators, and learners. Secondary schools were selected due to the higher incidence of ill-discipline during adolescents. Four school principals, four learner disciplinary committee members (SGB, HoDs, and post-level one educators), and four members of the Representative Council of Learners (RCL) were randomly chosen, taking proximity to the researcher into account to facilitate data collection. Ensuring that the sample accurately reflects the population is crucial for the generalizability of findings. Purposive sampling aids in achieving this by focusing on individuals with pertinent traits (Beck, 2024; "The Study Population," 2022).

### **1.8.6 Data Collection and Analysis**

**1.8.6.1 Semi-Structured Interviews:** This method yields rich, descriptive data by allowing participants to articulate their beliefs and opinions. It was utilized to gather insights from school principals, disciplinary committee members, and representatives of the Representative Council of Learners (RCL) (Shah, 2023).

**1.8.6.2 Content Analysis:** A systematic approach to data analysis, content analysis involves coding and categorizing data to identify patterns and themes. This method was applied to interpret the interview data ("The Study Population," 2022).

### **1.9 Trustworthiness and Ethics**

**1.9.1 Credibility and Dependability:** Ensuring the credibility of findings involves validating data with participants and maintaining consistency throughout the data collection and analysis processes (Hossan et al., 2023).

**1.9.2 Ethical Considerations:** Adhering to ethical guidelines, such as obtaining informed consent and ensuring participant anonymity, is crucial in research ("Sampling Techniques," 2023).

While purposive sampling is effective for targeted research, it may introduce bias due to its non-random nature. This potential bias can limit the generalizability of findings, as the sample may not fully represent the broader population. Researchers must carefully consider these limitations when interpreting results and applying them to other contexts.

### **1.9.3 Trustworthiness**

To ensure the trustworthiness of the data, it is essential to validate the information gathered with participants. In research, the following norms are crucial: credibility, dependability, confirmability, and transferability (Lincoln & Guba, 1985).

### **1.9.4 Credibility**

The credibility of the data analysis, findings, and conclusions rests on the meaningfulness of the information obtained from research participants (Maree, 2017). Credibility can be enhanced through early engagement with study participants, purposeful sampling, effective data gathering techniques, and triangulation (Moon et al., 2016). Interpretation of data also impacts credibility, as it reflects the reliability of summaries or assumptions derived from participant data. Individual interview transcripts were utilized to substantiate the study's credibility, with periodic debriefings conducted with the supervisor to ensure consistency in the recording summaries (Grant, 2021).

### **1.9.5 Dependability**

Dependability refers to the likelihood that consistent results can be achieved if the data collection process is replicated (Taherdoost, 2016). It involves documenting the research process to allow for auditing and scrutiny, ensuring that readers can comprehend how conclusions were reached (Shenton, 2004). The researcher provided relevant and sufficient information derived from participant input, ensuring consistency in summarizing and concluding data.

### **1.9.6 Confirmability**

Confirmability is defined by Lincoln and Guba (1985) as the degree of neutrality of findings, emphasizing that interpretations should be shaped by participant input rather than the researcher's biases. Regular updates and discussions with the supervisor were undertaken to validate findings and mitigate potential researcher bias (Chowdhury, 2015).

### **1.9.7 Transferability**

Transferability refers to the ability to apply the study's findings to similar contexts. This process requires others to evaluate the applicability of outcomes based on the comprehensive narrative of the study environment, participant selection, and findings (Mabuza et al., 2014). Rather than seeking generalizations, transferability ensures that readers can relate their experiences to elements of the study (Maree, 2017). The researcher produced a detailed report derived from voice recordings, transcripts, and analyses, enabling others to assess the transferability of findings to analogous study conditions.

### **1.10 Research Ethics**

Research ethics involve adherence to established protocols. Ethics encompass a set of guidelines for effectively navigating complex situations and issues (Gajjar, 2013). This study followed suitable methods to uphold ethical standards and prevent any violations.

Firstly, all necessary paperwork was completed to request permission to conduct the research. The university issued an Ethical Clearance Certificate. Subsequently, the Limpopo Education Department was approached for permission to conduct research in their schools. After approval, letters were sent to selected schools seeking authorization to conduct research. Upon obtaining consent from the schools, participants were invited to partake in the study.

Appointments were scheduled with participants to clarify the research's purpose, protocols, data collection methods, credibility, and data usage. Participants were informed of their voluntary involvement, with the option to withdraw at any time. They were assured of their safety, and their anonymity was preserved, with schools labeled

as School 1, School 2, School 3, and School 4. Consent forms were signed by participants prior to their involvement.

### **1.11 DELIMITATIONS OF THE STUDY**

Delimitations of the study relate to the limited demographic scope of the study (Akanle, Ademuson & Shittu, 2020). This study focused on secondary schools, including disciplinary committees and school principals as participants. The research's study is delimited to Sekgosese Central Circuit, which has eight secondary schools, but only four were chosen for this investigation.

### **1.12 DEFINITION OF KEY CONCEPTS**

The key concepts utilised in this study are explained below as follows:

#### **1.12.1 Secondary School**

According to the South African Schools Act (84 of 1996), a 'school' is defined as a public school or an independent school that enrolls 40 learners in more than one grade between Grades 1 and 12. The Employment of Educators Act (76 of 1998) defines a 'school' as an educational institution or such an institution at which educate and train learners. As a result, a secondary school is a school that teaches Grades 8 through 12. Learners in Grade 8 should have 8 years of school experience, while those in Grade 12 should have 13 years of school experience.

#### **1.12.2 Discipline**

The term 'discipline' means the practice of training people to obey the rules or a code of behaviour, using punishment to correct the misconduct. Discipline in this study refers to what the educators do to assist the learners to behave acceptably in classroom situations. Discipline is intended to suppress and redirect learners' misbehaviour (Mtsweni, 2008:20). Discipline is constructive counsel to rectify learners' behaviour by indicating the correct ways to do things and ensuring they do things the right way (Wolhuter & Steyn, 2003). In school, discipline refers to **learners'** correct behaviour following educators' expectations and adherence to school laws and standards (Masingi, 2017:6).

### **1.12.3 Code of Conduct**

Bray (2005:01) defines the Code of Conduct as a written document implemented by the SGB. It comprises the learners' disciplinary standards and expectations, which are critical to school discipline. The South African **Schools** Act (84 of 1994), Section 8, specifies how the Code of Conduct should be created and implemented, taking into consideration learners' constitutional and human rights.

### **1.12.4 Violation of Human Rights**

The act of breaking the law, a principle or an agreement is a violation. It is the failure to obey a set of norms that may result in harm to others. The infringement of existing laws established in the country's constitution or internationally is a violation of human rights (Hantzopoulos & Bajaj, 2021). Allendoerfer (2021) presents factors that influence the violation of human rights as lack of knowledge of the Constitution and law, negligence, social problems, economic pressure denial of human rights and economic pressure.

### **1.12.5 Disciplinary Procedures**

According to Chiromo (2021), disciplinary procedures are steps to be followed to resolve **learner** misconduct and take corrective measures and actions resulting from misbehaviour. The SMT, the SGB, post-level one **educators** and RCL members make up the disciplinary committee and the RCL

## **1.13 CHAPTER OUTLINE**

This dissertation is made up of five chapters:

*Chapter 1:* introduced the study and outlined the background. The research problem was outlined leading to the research questions, aim and objectives. A brief literature review was given with an idea of the theories underpinning the study. The research methodology followed in this study was briefly outlined and included the trustworthiness of the study and the ethics followed. Concepts used in this research were clarified and the chapter ended with the study format.

*Chapter 2:* reviews the literature pertinent to the phenomenon under study. In addition, the theoretical foundation on disciplinary processes and procedures is presented.

*Chapter 3:* describes the research methodology followed in the conduct of this research. The methodology includes the research paradigm, approach and design, while the methods describe the population, sampling, data collection methods and data analyses. The final sections focus on trustworthiness and ethics.

*Chapter 4:* presents the findings emerging from the analysis of data.

*Chapter 5:* the final chapter presents a summary of the research findings, draws conclusions and offers recommendation.

## **1.14 CONCLUSION**

The study's overview was presented in this first chapter. The background, purpose, and objectives of the study were explained, as well as research questions. This research aimed to find out how school principals protect the learners' human rights during disciplinary proceedings in Sekgoses Central Circuit secondary schools. The study's literature review and conceptual framework were briefly **discussed but** covered in greater depth in Chapter 2. The research methodology and methods were briefly outlined and included the trustworthiness of the study and the ethics followed. Concepts used in this research were clarified and the chapter ended with the study format.

## **CHAPTER 2: LITERATURE REVIEW**

### **2.1 INTRODUCTION**

The research background, problem, questions, and rationale for the study were described in detail in the preceding chapter. This chapter reviews significant literature on disciplinary processes and procedures, incorporating various local and international perspectives. Key aspects considered include the legal environment, the inconsistent definition of roles and responsibilities, professional discipline and misconduct, as well as public and private interests. Finally, the theoretical framework is presented.

Discipline is a critical component that enhances the effectiveness of teaching and learning, enables learners to focus on their studies, and improves overall school performance. In this study, discipline is identified as the most essential factor (Okonofua, Paunesku, & Walton, 2016). As previously indicated, the School Governing Body (SGB) of each institution is guided by the South African Schools Act (No. 84 of 1996) in establishing a Code of Conduct, meaning that all learners attending school are bound by this Code. Should an infringement of the Code occur, the SGB and the School Management Team (SMT) are mandated to conduct disciplinary hearings. It is believed that schools lacking a defined and implemented Code of Conduct see learners underperforming in their final year results. Consequently, school effectiveness is contingent upon its ability to maintain discipline (Bush & Glover, 2016; Mahabeer & Reddy, 2022).

The theories presented in this chapter are interconnected with the legal framework. When addressing disciplinary issues, the learner's best interest should be considered paramount. The learners' voices must be acknowledged and professionally directed. Building positive relationships with learners, understanding them better, and managing discipline appropriately (Jinot, 2018; Thong & Wong, 2021) will assist in creating a conducive learning environment and positively develop learners' cognitive abilities.

### **2.2 LEGAL ENVIRONMENT**

In this section, the legal processes and procedures related to learners' educational rights and due processes regarding disciplinary measures are outlined. Schools

operate within a legal framework primarily governed by the South African Constitution and other relevant policies to ensure equal opportunities for quality education.

### **2.2.1 The Constitution of the Republic of South Africa**

The country's supreme law is the Constitution, which serves as the foundational framework by which the government governs the people. The first constitution was drafted in 1910 to serve the Union of South Africa. In 1960, South Africa gained independence from Britain and became a republic, resulting in a second draft that conferred special rights to white citizens. The subsequent third draft, which considered the rights of whites, coloured people, and Indians, was passed in 1983. Notably, South Africa's first three constitutions discriminated against black people (Gloppen, 2019).

Following the establishment of a democratically elected government in 1994, a new Constitution of the Republic of South Africa was developed and enacted in 1996 (Act 108 of 1996). The aim of this Constitution is to foster a non-racial, non-sexist, united nation with equal opportunities for all. It safeguards the rights of every citizen and promotes fairness in the administration of both public and private sectors. Consequently, schools must consider the human and constitutional rights of learners when addressing disciplinary matters.

Section 9(1) of the South African Constitution (Act 108 of 1996) states that everyone in this country is equal before the law and entitled to equal protection and benefits under the supreme law. Subsection 2 affirms that every citizen should enjoy rights and freedoms equally. Thus, every child has the right to be treated with dignity, and their constitutional rights must be taken into account when managing disciplinary cases within schools. Subsection 3 further stipulates that no citizen should be unfairly discriminated against based on gender, pregnancy, beliefs, sexual orientation, culture, colour, age, religion, or disability.

The SGB should incorporate human and constitutional rights when adopting the school's Code of Conduct, ensuring that disciplinary hearings are guided by the principles of the Constitution. During disciplinary proceedings, no accused learner should be treated unfairly based on their family background, gender, beliefs, language, or race. The chairperson of the disciplinary committee must remain vigilant to prevent any infringement of the constitutional rights of the accused learner. All members of the

disciplinary committee should be mindful that they are law-abiding citizens of South Africa; thus, they must uphold the law prior to their appointment to the disciplinary panel. The disciplinary proceedings must align with the Constitution of South Africa (Act 108 of 1996) to prevent violations of learners' constitutional rights.

The research background, problem, questions, and rationale for the study were described in detail in the preceding chapter. Important literature on disciplinary processes and procedures is addressed in this chapter with various local and international literatures being reviewed. Aspects considered are the legal environment, inconsistent definition of roles and responsibilities, professional discipline and misconduct and public and private interest. Finally, the theoretical framework is also presented in this chapter.

Discipline is a critical component that promotes the effectiveness of teaching and learning, assists learners in concentrating on their studies, and improves school performance. In this study, discipline is the most essential factor (Okonofua, Paunesku & Walton, 2016). As previously indicated, the SGB of each school is guided by the South African Schools Act (No. 84 of 1996) to establish a Code of Conduct which means that all learners attending school are bound by the Code. If there is an infringement of the Code, the SGB and the SMT are mandated to implement disciplinary hearings. There is a belief that if schools do not have a defined Code of Conduct which is implemented, learners underperform in their final year results. As a result, school effectiveness is dependent on its ability to maintain discipline (Bush & Glover, 2016).

The theories presented in this chapter are linked to the legal framework. When discussing disciplinary issues, the learner's best interest should be regarded in most circumstances. The learners' voice should be heard and professionally directed. Building a good relationship with learners, getting to know learners better and dealing with discipline in an appropriate manner (Jinot, 2018), will assist in creating an environment conducive to learning and positively develop learners' thinking.

## **2.2 LEGAL ENVIRONMENT**

In this section, the legal processes and procedures related to the **learners** educational rights, and due processes of disciplinary measures are outlined. The school, situated

within the legal environment, is guided firstly by the South African Constitution and other policies related to the effective running of the school to ensure that there is equal opportunity for quality education.

### **2.2.1 The Constitution of the Republic of South Africa**

The country's supreme law is the Constitution. It is the fundamental concept by which the government governs the people. The first constitution was drafted in 1910 to serve the Union of South Africa. In 1960, South Africa gained independence from Britain and became a republic and a second draft of the constitution was drafted to give white people special rights. The third draft which solely considered the rights of whites, coloured and Indians was passed in 1983. South Africa's first, second, and third constitutions all discriminated against black people (Gloppen, 2019).

In 1994, after the newly elected democratic government assumed power, the new Constitution of the Republic of South Africa was developed and enacted in 1996 (Act 108 of 1996). The purpose of the South African Constitution (Act 108 of 1996) is to create a non-racial, non-sexist, united country with equal opportunities for all people. The Constitution also protects the rights of every citizen and brings fairness to administration in the public and private sectors. As a result, schools need to consider the human and constitutional rights of learners when dealing with discipline or any disciplinary related matter. Section 9(1) of the Constitution of South Africa (Act 108 of 1996) indicates that everyone in this country is equal to the law and may be subjected to equal protection and all the benefits of the supreme law of this country. Subsection 2 states that every citizen should enjoy the rights and freedom equally. It is therefore every child's right to be treated with dignity and to consider their constitutional rights when dealing with disciplinary cases in schools. Subsection 3 states that no citizen should be treated unfairly based on gender, pregnancy, beliefs, sexual orientation, culture, colour, age, religion and disability.

The SGB should consider human and constitutional rights when adopting the school's Code of Conduct so that the disciplinary hearings are guided by the tenets of the Constitution. During disciplinary proceedings, no accused learner should be treated unfairly on the ground of his/her family background, gender, belief, language and race. The chairperson of the disciplinary committee should be vigilant and guard against any member of the disciplinary committee infringing the constitutional rights of the

accused learner. Everyone should be a law-abiding citizen; therefore, the members of the disciplinary committee should know that before they are appointed to the disciplinary panel, they are the citizens of this country. The Constitution of South Africa (Act 108 of 1996) guides every person who lives in South Africa to act according to the law. The disciplinary proceedings should be in line with the Constitution of South Africa (Act 108 of 1996) to avoid infringements of learners' constitutional rights.

### **2.2.2 Sense of Ownership in the South African School Context**

Every choice the school makes should serve the interests of the **learners** guided by rules and instruments for due process. Every adoption of a school law, programme or activity should involve all stakeholders, notably **learners** (Benji-Rabinovitz, & Berkovich, 2021). According to Section 8(1) of the South African Schools Act, 84 of 1996, the Code of Conduct should be adopted by the SGB after consultation with the **learners** and according to Section 11 of this Act, the RCL should be established in secondary schools, to safeguard **learners'** interests. When making decisions and rendering judgement during disciplinary proceedings, schools should not be biased. Every person in South Africa is equal before the law and everyone has the right to exercise that right without encountering any kind of discrimination, according to Section 9 of the South African Constitution (Act 108 of 1996).

### **2.2.3 Education as a Right**

Education is the process of acquiring knowledge, truth and skills (Chazan, 2022) and it aims to change human-animal into human beings (de Ruyter & Wolbert, 2020). People need education to understand everything around the world (Chazan, 2022), to develop their critical thinking (Tsabar, 2021), to realise their goals and value in life. Therefore, education is not a privilege but a right.

Section 29 (1) of the Constitution of South Africa (Act 108 of 1996), states that every child has a right to basic education. Education should be accessible to every individual but in reasonable measures that will not be abusive or affect the physical or psychological well-being of a learner. According to Section 3(1) of the South African Schools Act (84 of 1996), it is the responsibility of every parent to ensure that their children, beginning at the age of seven, attend school. Subsection 5 also states that if the learner fails to attend school, the provincial Head of Department must examine the

situation and take appropriate action to assist the child in completing compulsory education. If the learner's parents do not comply with Subsection 6, they will face criminal charges and may be fined or imprisoned for up to six months. According to Section 5(1) of the South African Schools Act (84 of 1996), every learner shall be accepted to any school of their choosing without prejudice.

Every child has the right to a formal education in the language of their choice, but that language must be one of the official languages of South Africa, according to Section 29(2) of the Constitution (Act 108 of 1996). Educators should keep in mind that discipline should be presented to **learners** in a language that they can comprehend. One of the challenges to learning and understanding educator's instructions is a lack of language proficiency. Disciplinary committees should thus communicate with the accused learners in the language of their choice regarding the misconduct committed.

#### **2.2.4 Freedom and Safety**

Freedom refers to the ability to openly express one's views, opinions and ideas. It is the ability to be treated fairly by the authority with the proper procedure followed and no violations of human rights by obtaining protection or being protected against being harmed, experiencing no risk, being assaulted or being unfairly treated (Whittington, 2019). Every citizen has the right to freedom and security, according to Section 12(1) of the Constitution of the Republic of South Africa (Act 108 of 1996), which includes the following:

- a) Not to have his/her freedom restricted arbitrarily for no reason;
- b) Not to be prosecuted without trial;
- c) To be free from all forms of violence;
- d) Not to be tortured in any way; and
- e) Not to be subjected to any cruel punishment.

At school, safety refers to the safeguarding of **learners**, employees, educators and the principal. Every school should adopt safety guidelines to ensure that there is no violence in the classroom. The SGB of public schools has the authority to adopt the school's Code of Conduct under section 8(1) of the South African Schools Act (84 of 1996). As a result, the SGB should guarantee that no learner in the school is bullied or treated unfairly and that fair processes and procedures are followed. If **learners**

violate the adopted Code of Conduct, it is the responsibility of the governing body and school disciplinary committee to ensure that the appropriate procedures are followed.

### 2.2.5 Privacy Act Protection

Every citizen has the right to privacy, according to section 14 of the Constitution of the Republic of South Africa (Act 108 of 1996), which includes the right not to have their personal belongings and families searched, their assets searched, their properties seized and/or their privacy for communications violated. According to Herschel and Miori (2017), infringing or violating privacy is the situation in which others interfere with or access the information of other people without their permission.

It is the right of every learner to have their privacy protected. According to Section 35(1) of the Protection of Personal Information, this includes their personal information (Act 4 of 2013). When implementing the Code of Conduct, as well as during the disciplinary processes and procedures, the school principal and SGB should regard the privacy rights of learners. The following major concepts are included in the concept of privacy:

- a) *Data privacy* covers sensitive data such as **learner** performance, disciplinary records and medical and health records. During disciplinary hearings, schools should avoid disclosing the learner's disciplinary records to anyone who is not a member of the disciplinary panel.
- b) *Accessibility **privacy includes*** breaching the privacy of **learners** by examining their backpacks and lockers, searching their bodies and spying on them with a surveillance camera. The evidence submitted in disciplinary proceedings should have been obtained legally. If the case is founded on evidence that breached a learner's privacy, then the learner's human rights have been infringed. Cases like these should be dismissed.
- c) *Expressive privacy* relates to key lifestyle decisions. Issues such as the **learner's** religion and health decisions should not be viewed as wrongdoing on the part of the learner. The majority of **learners** decide their sexuality and dress accordingly based on their gender preference. Disciplinary committees must respect learners' lifestyles, and no learner should be subjected to a disciplinary hearing because of a lifestyle that is legal (RSA, 2013)

### **2.2.6 Administrative and Fair Processes**

Administration is defined as the activity of planning, organising and controlling the processes and procedures of a certain task (Berry, Broadbent & Otley, 2016). A fair process refers to the correct approach for carrying out a specific task. Section 33(1-3) of the Constitution of the Republic of South Africa (Act 108 of 1996) declares that everyone has the right to lawful, logical and procedurally fair administrative action. Anyone whose administrative rights have been infringed upon has the right to written explanations. Anyone dissatisfied with the administrative action has the right to take the matter to court. Educators, the SGB and the SMT should make sure that administrative procedures are followed appropriately and legally in the school environment.

To ensure that learners' human and constitutional rights are safeguarded, the relevant documentation should be completed and used during disciplinary proceedings. The Notice on assessing what constitutes significant infringement, disciplinary processes, and due process for learner punishment was published in the Limpopo Government Gazette, with Annexure 1 to 4 including the relevant documentation to be used during disciplinary hearings. The hearing's chairperson should send out notice of the hearing, as well as a suitable time and date for both parties. During disciplinary hearings, administrative acts should be considered carefully because they may produce conflict during the procedures.

### **2.2.7 National Education Policy Act (27 of 1996)**

The National Education Policy Act (27 of 1996) empowers the educational minister to implement educational policies to ensure that South Africa's educational system is both equitable and consistent with citizens' constitutional rights. In accordance with Section 3(4), the Minister may implement the following policies regarding:

- a) Information system management
- b) Organising the management of government in national education
- c) Developing educational research
- d) Teacher-to-learner ratio
- e) Professional education development
- f) Determining how to pay for educational instruction

- g) Compulsory education
- h) Learner admission to public schools
- i) School duration each day according to phases
- j) Number of school days each term
- k) Curriculum policy and evaluation framework
- l) Language policy
- m) Administration

The policies listed above help to ensure that the educational system is innovative, conducive and beneficial to society. All educational stakeholders should collaborate to guarantee that the educational system serves as an ambassador for education to achieve its aims, objectives and goals.

### **2.2.8 South African Schools Act (84 of 1996)**

Post 1994, the White Paper on Education and Training (Notice 196 of 1995) was adopted with the goal of addressing historical unfair educational discrimination. Once White Paper on Education and Training, the National Education Policy Act (27 of 1996) was passed, the minister of education had the authority to create national education policy in collaboration with other stakeholders. The South African Schools Act (84 of 1996), which aims to provide a standard structure for educational institutions (primary and secondary) in South Africa, was then passed.

Learner compulsory attendance, admission policy in public schools, language policies, freedom of religion, school code of conduct, suspension and expulsion, corporal punishment prohibition, management and structure of the RCL and constitution of governing bodies are all covered by the South African Schools Act (84 of 1996).

Of importance in this study are the processes and procedures followed if the Code of Conduct has been infringed. According to Section 9(3), members of the provincial Executive Council should decide the following:

- a) Learner conduct which may determine serious misconduct;
- b) Disciplinary hearing to be followed;
- c) Guidelines of disciplinary proceedings with the interest of protecting the rights of a learner; and

- d) A guardian of a learner or a learner may appeal the decision of the Head of the Department (HoD) in writing.

Suspension and expulsion in public schools are addressed under Section 9 of this statute. Section 1 provides that the School Governing Body (SGB) may suspend the learner for no more than seven days following the fair hearing, pending the decision to expel the learner from the school. The learner may only be expelled from school if, according to subsection 2, the following conditions are met:

- a) If the decision is taken by the provincial Head of Department (HoD) and
- b) If a learner has committed serious misconduct

A learner is subjected to compulsory education in terms of Section 3(1), therefore Section 9(5) states that it is the responsibility of the Head of the Department to find alternative ways to ensure that the learner is admitted to another school. According to section 10(1), no learner should receive any form of punishment.

### **2.2.9 Disciplinary Procedures Adoption Guideline**

The Disciplinary Adoption Guideline was created by the provincial government to direct school disciplinary panels to utilise uniform processes during hearings. The Notice on Defining what Constitutes Significant Misconduct, Disciplinary Processes, and Due Process for Learner Punishment, published by the Limpopo Provincial Government (Gazette 28 of 2020) aims to keep schools disciplined, instil a culture of protecting human rights protection and strengthen positive discipline. Only when **learners** engage in serious misbehaviour is a disciplinary hearing convened.

The principal of the school will inform the SGB about the misconduct committed by the learner, according to Section 8, on 'Assessing what Constitutes Serious Misconduct, Disciplinary actions, and Due process for learner discipline' (Gazette 28 of 2020). A disciplinary panel will then be formed by the SGB. The presiding officer (**SGB delegate**), initiator (**Delegated member of the school**) and the two evaluators (**SGB delegates**) should **constitute** the disciplinary panel. The matter will be decided by the presiding officer, who is also the chairperson. The disciplinary panel's appointments are subject to the following conditions:

- a) The presiding officer must be a member of the SGB or s adopted member of the **SGB who have a legal background**.
- b) The initiator should be the principal or a delegated member of the SMT,
- c) SGB members may be appointed as assessors.
- d) No one should be appointed if he/she has any interest in the matter before the disciplinary committee.
- e) The RCL must delegate its executive member to be an observer.

Section 09 of this Gazette (28 of 2020) clarifies the procedure of the disciplinary for serious misconduct as follows:

- (1) The presiding officer of the disciplinary panel shall give a notice that discloses the charges.
- (2) The notice is written by the school principal and the presiding officer.
- (3) The provisions in Annexure 1 of the (Gazette 28 of 2020) should be used to issue the notification.
- (4) Before the seventh-day term, the offender should be issued **with** a written notice.
- (5) Under some circumstances, a shorter period of notice may be required, but only if the SGB so directs.
- (6) Only the presiding officer has the authority to render a decision on the case prior to the disciplinary hearing.

A disciplinary action notice should include the following information:

- a) Complete information about the misconduct and the nature of the misconduct;
- b) Inform an offender about the misconduct committed, the date and time of the disciplinary case;
- c) The clause of misconduct on the school code of conduct;
- d) Should inform learners about their legal rights (bringing evidence, witnesses, etc);
- e) A notice of disciplinary hearing shall be sent to both the learner and the parent;

- f) Parents and **learners** should sign a form acknowledging receipt of the notice;
- g) During the disciplinary hearing, a learner's parent(s) should be present; and
- h) If a **learner** fails to appear at the hearing for any reason, the hearing may proceed without him or her.

### **2.2.10 South African and African Legal Differences**

South Africa is a democratically free country that protects all its inhabitants' human rights. Every citizen has the right not to be penalised in any way, according to Section 12(1) of the Constitution of the Republic of South Africa (108 of 1996), children should not be maltreated, ignored or mistreated, according to Section 28(1) of this Act. No physical punishment shall be used in schools, according to Section 10 of the South African Schools Act (84 of 1996). However, teachers have a right to discipline learners, the “discipline should be corrective and educative, rather than punitive and punishing” (DBE, 2010:13). Acts like the South African Council of Educators (Act 31 of 2000) and the Employment of Educators Act (76 of 1998) ensure that educators conduct themselves professionally and uphold the country's highest law. If educators violate the policies, their professional council certificate will be cancelled, and they will be suspended or fired.

When **learners** in Botswana commit wrongdoing, they are subjected to corporal punishment. Article 29 of the Education Act of 1967 empowers the education minister to adopt a policy on the administration of corporal punishment. The principal or educators should administer physical punishment in the presence of the principal, according to Article 2 of the Education Regulations (1968). They use a light cane with a maximum of ten strokes. Male educators do not reprimand female **learners** under the age of 10. Only when the **learners** commit severe infractions are they subjected to punishment. According to Article 3 of the Education Regulations (1968), a record of the punishment inflicted, the number of strokes, the date of the punishment, and the name of the punisher must be kept (Garca, Scharpf, Hoeffler, & Hecker, 2021).

Mozambique, Tanzania and Egypt are among the 68 nations that use corporal punishment instead of a fair disciplinary procedure that safeguards learners' dignity and their human rights. Traditional **disciplinary** measures such as physical punishment, according to Chiromo (2021), are considered criminal offenses in

Zimbabwe since they violate human rights. Section 53 (1) of the Constitution of Zimbabwe Amendment (No.20) Act 2013 prohibits physical punishment of schoolchildren. In Zimbabwean schools, the *in loco parentis* concept is employed to administer disciplinary punishments. *In loco parentis* is a concept that entrusts instructors with the responsibility of disciplining learners in a constructive and non-harmful manner. According to Sibanda and Mpofu (2017), Zimbabwe has no defined instructions for carrying out disciplinary processes and procedures. Nigerian educators, according to Nkomo and Mayanchi (2016), still use corporal punishment to deal with disciplinary issues rather than using approved disciplinary procedures and standards. Nigerian educators believe that corporal punishment is the sole effective disciplinary approach for preventing children from repeating previous mistakes.

Every person has the right to education, according to Article 26 of the CESCR General Comment, The Right to Education (Art 13 of 1999). Every country should safeguard all human beings. As Sital, Getgen and Koh (2017) point out, education should be a right in and of itself because it allows people to empower themselves through bad economic times, avoid hard labour, be skilled and know what is right or wrong.

### **2.3 DELINEATION OF ROLES AND RESPONSIBILITIES**

The roles and responsibilities of stakeholders involved in disciplinary situations in schools are outlined in Section 5 of the Notice on assessing what constitutes serious misbehaviour, disciplinary processes and due process for learner discipline (Gazette 28 of 2020):

The roles of the School Management Team (SMT) are:

- a) Managing positive behaviour and fostering a favourable attitude toward the school system;
- b) Incorporating a well-thought-out learner code of behaviour into the classroom; and
- c) Being responsible for disciplining learners and maintaining a safe school environment.

The principal oversees:

- a) Establishing a safe environment within the school grounds.

- b) Ensuring that all stakeholders in the school community are aware of the school legislation and learner behaviour requirements.
- c) Ensuring that the school code of conduct is followed by **learners**.
- d) Holding meetings with all stakeholders to discuss discipline issues.
- e) Keeping track of **learners** misbehaviour.
- f) Organising workshops for educators to improve their skills in dealing with disciplinary issues
- f) Inviting parents to come to school to talk about their children's behaviour.
- h) Educating newly accepted **learners** about school policies.
- l) Ensuring that disciplinary procedures and processes are carried out in a fair manner.

The Deputy Principal **performs the following functions**:

- a) Holds responsibility for enforcing discipline.
- b) **Assist** the principal with disciplinary responsibilities.
- c) **Assist** the principal by **enforcing** discipline in the learners.
- d) Explaining the roles and responsibilities of class representatives.

The Departmental Head is

- a) In charge of scheduling subject sessions with educators and class teachers to discuss disciplinary issues.
- b) Collaborating with disciplinary committees across the educational department at all levels.

The **e**ducator is tasked with:

- a) Setting up a classroom in such a way that learners can will not easily participate in the misconducts.
- b) Preparing lessons that promote effective teaching and learning while maintaining a consistent discipline environment
- c) Giving learners instructions and ensuring that they are followed.
- d) Making professional comments without threatening learners.
- e) Using different strategies to ensure that learners are behaving well, as well as to praise good behaviour.

- f) Making classroom rules and using the proper procedures of discipline.
- g) The corrective disciplinary procedure should be applied to individual offenders rather than the entire class.
- h) Staying away from programmes that disturb teaching and learning.
- i) Ensuring that learners are in class and **always participating in lessons**.
- j) Consulting with the Department Head and submitting any disciplinary actions.

The School Governing Body (SGB) is involved with:

- a) Adopting learners' code of conduct with input from learners, educators, and parents.
- b) Ensuring that the disciplinary procedures are carried out in accordance with the South African Schools Act (84 of 1996).
- c) Ensuring that a disciplinary committee is appointed.
- d) Holding a fair disciplinary hearing with the goal of enacting discipline corrective measures.
- e) Keeping track of disciplinary hearings and provide recommendations to the head of the department.
- f) Holding meetings with stakeholders on disciplinary issues.

The Representative Council of Learners (RCL) are tasked with:

- a) Creating and promoting a positive learning atmosphere in the classroom.
- b) Encouraging other learners to participate actively in school activities.
- c) Holding meetings to ensure that learners are disciplined.
- d) Providing learners with access to counselling services and a forum where they can openly express themselves.
- e) Fostering a positive relationship with educators and School Management Team (SMT).
- f) Planning activities that include all learners.
- g) Attending meetings of the School Governing Body (SGB).
- h) Serving as a representative for the community and school.

In many cases, the roles and responsibilities of stakeholders involved in disciplinary situations in schools are inconsistent. In most circumstances, it is determined by who is involved in day-to-day activity, rather than by seniority (Mintrop, 2020)

## 2.4 PROFESSIONAL MISBEHAVIOUR AND DISCIPLINE

Failure to follow guidelines issued by a professional structure is referred to as professional misbehaviour. Due to the adolescent stage and the situation in which they find themselves, learners frequently fail to obey provided directions (Granero-Gallegos, Ruis-Montero, Baena-Extremera & Martnez-Molina, 2019). Pressures of the educational environment, as well as familial circumstances, contribute to misbehaviour. Every child in school comes from a variety of family origins and has various parents. Some of the behaviour is not perceived as harmful since much of the negative behaviour becomes the standard at home or in the community where they are growing up, and it is no longer deemed bad (Hsu, Li, & Pan, 2017).

According to Section 6 of the Notice on Determining what Constitutes Serious Misconduct, Disciplinary Proceedings, and Due Process for Learner Discipline (Gazette 28 of 2020), the following distinctions exist between misconduct that may result in learner suspension and misconduct that may result in an authorised expulsion:

Serious misconduct that might lead suspension of a learner:

- a) Disrupting school activities;
- b) Involved in a conspiracy to disturb or threatened the proper running of the school;
- c) Makes racist remarks against any learner or insult the image of any person;
- d) Being in possession of examination materials, tests, or assignments that will help him/her or other learners to pass illegally;
- e) Copying during assignments, tests, or examinations;
- f) Acting indecency publicly;
- g) Harassing other learners sexually;
- h) Being in a position of pornography: or
- i) Being under influence of drugs or alcohol.

Serious misconduct that could result in a learner to expulsion:

- a) If a learner is found guilty same serious misconduct twice;
- b) Failing to obey a given sentence of suspension; or
- c) Deliberately and without a valid reason for the following:

- i. Falsifying official school signatures or documents;
- ii. Selling stolen formal assessments;
- iii. Bribing or attempting to bribe educators or **administrator** staff to gain access to examination or other formal assessment materials with the purpose of copying;
- iv. Participating in a scam;
- v. Stealing or being dishonest;
- vi. Dealing with illegal substances that may endanger the health of other learners;
- vii. Possession of drugs;
- viii. Possession of dangerous weapons;
- ix. Assaulting or threatening others on the school premises;
- x. Holding anyone hostage;
- xi. Murder or attempted murder;
- xii. Sexual assault; or
- xiii. Properties destruction.

Professional discipline entails encouraging learners to exercise self-control, adhere to school rules and treat others with respect. Professional discipline refers to disciplinary measures that help to create a secure learning environment by ensuring that learners understand what is expected of them and the consequences of misbehaving. Learners are taught proper behaviour and etiquette **using** corrective disciplinary methods that do not compromise their human rights or their rights to education (Slee, 2020). The main aim of school discipline is to rectify undesirable behaviour in a positive manner without causing bodily or emotional harm. Discipline should not evoke negative memories in a child's mind, but rather win the learner's desire in studying and actively participating in educational programmes. During the process of a discipline hearing, the learning opportunity should not be compromised (Wettach & Owen, 2015)

According to Wettach and Owen (2015), the professional discipline behaviour should be maintained in the following approaches:

- a) Firstly, the school should introduce programmes that encourage the staff to work together. The programmes should aim to develop educators in such a

way that they work together to **strategize** the implementation of positive disciplinary measures.

- b) Secondly, there should be professional development programmes that are aimed at **equipping** educators with the relevant knowledge and skills to teach behavioural management. Programmes such as teaching about adolescent stages, anger management, learner and educator relationship, and safety measures should be included.
- c) Thirdly, the school should work with community social wellness programmes to help individual learners and prevent them from committing misconduct. Learners who are troublesome, bullies, drug abusers, and/or are depressed, should be identified and given the necessary assistance such as **referred to the psychologists for counselling**.

## **2.5 INTERESTS OF THE PUBLIC AND PRIVATE SECTORS**

Discipline is a sensitive matter in schools. Most offenders or learners who engage in misconduct have social or psychological issues. Learners from unstable households, impoverished family backgrounds and child-headed families are among those that commit misconduct regularly. It is vital to develop an intellectual and strong relationship between a learner and school activities, also known as school interest. It is critical that schools devote their time and attention to engaging school programmes and interesting exercises to assist educators in communicating with their learners about disciplinary issues and reporting to their parents (Cheung, 2018).

Discipline is a concern for all stakeholders and the surrounding population. All stakeholders must participate in the disciplinary process and adhere to the fairness of the disciplinary procedures. The subject will be of public interest if the wrongdoing committed is deemed to be highly serious and is brought to the attention of the public (Wheldall, 2017). However, community members, family members and other members of the disciplinary committee frequently adjudicate such situations before the proper procedures are followed. By tracking the case and publicising the comments made by non-school community members, the media in this instance fuels the flames and puts the offender's life in jeopardy. Members of the disciplinary community are forbidden from sharing sensitive facts and evidence with the public since the disciplinary hearing may be skewed due to public pressure (Kennedy, 2018).

When dealing with disciplinary concerns or cases, members of disciplinary committees, principals, educators and the SGB should consider the learners' family history and psychological well-being (Motseke, 2020). Such learners who are experiencing psychological difficulties **because of** other causes, should not be penalised, but rather receive counselling by professional healthcare workers, spiritual leaders and their educators. Disciplinarians should remember that if they do not follow due process, other parties such as the offender's parents, civic organisations, non-governmental organisations and political parties may take the disciplinary hearing to court (du Plessis, 2021). To minimise embarrassment, the disciplinary hearing should follow the necessary processes of disciplinary proceedings.

## **2.6 COMMUNICATING THE CODE OF CONDUCT**

There have been a variety of papers, articles, books and studies that have reported on the repercussions and many expressions of misbehaviour, as well as the methods used to convey the Code of Conduct to **learners**. It is essential for schools to have the Code of Conduct openly placed on school property (such as walkways or boards), discussed in classes and written into handbooks that are available to all **learners** and parents to foster a discipline-free learning environment. Learners are constantly reminded of the importance of the material because of its wide usage in their daily lives (Camacho & Krezmien, 2020).

It is crucial to promote good conduct among **learners** by actively participating in daily talks about the consequences of indiscipline. Learning individuals are motivated to maintain appropriate behaviour inside the school by taking note of the potential consequences of suspension or expulsion (Jinot, 2018). It is equally essential to acknowledge and commend exemplary performance within this framework, with active participation from school administrators and teachers in this process. Fostering a collaborative approach to preserving an optimal learning environment is achieved by concurrently informing parents on a frequent basis on their child's conduct (Jinot, 2018).

According to Poswa (2022), a comprehensive strategy is recommended for disseminating the Code of Conduct. This strategy should include several essential components that effectively communicate the expected standards of conduct to **learners**, provide an exhaustive description of all undesirable behaviour categories,

explicitly and transparently outline the repercussions that **learners** will encounter for misconduct and offer **learners** an understanding of the disciplinary system's processes and procedures.

The establishment of an atmosphere in which **learners** are educated, behaviourally aware and attentive of the repercussions and disciplinary processes linked to misbehaviour is facilitated using the communication tactics defined by Poswa (2022). Fostering a school culture that is distinguished by good conduct and the safeguarding of **learners'** rights **require** this proactive approach as a foundation (Wandasari, Kristiawan & Arafat, 2019). In this context, parent meetings prove to be an exceptionally efficacious approach, as they provide an avenue for parents to participate in dialogue, seek elucidation and actively contribute to the protection of the rights of **learners** (Wandasari et al., 2019).

## **2.7 ADOPTING THE CODE OF CONDUCT**

The Code of Conduct, guided by the South African Schools Act (84 of 1996), contains the official rules that all **learners** are required to abide by while attending school. The School's Code of Conduct contains specific information, including procedures and classification for undesirable actions. The responsibility for ensuring that the appropriate procedures are adhered to throughout the implementation of the Code of Conduct lies with the SGB (Hanslo, 2020). The implementation of a Code of Conduct serves to protect pupils from potentially dangerous learning environments. Before approving the Code of Conduct, the SGB needs to possess a comprehensive understanding of learner's constitutional rights and school regulations. Parents, **learners**, teachers and other important stakeholders' feedback should be requested by the SGB before proceedings. Although the establishment of a Code of Conduct is a legal requirement for the SGB, it is the educators' duty to handle the everyday behaviour of **learners**. Therefore, their contribution is vital in the Code's adoption (Makiwa, 2021).

Training on school discipline and the Code of Conduct is the responsibility of the Department of Basic Education (DBE), and all elected SGB members are required to attend training. The South African Schools Act (84 of 1996) mandates that the SGB consult with **learners**, parents and educators before enacting the Code of Conduct, with the latter's stated purpose being to "provide for a more ordered and conducive

learning environment for children", The Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Notice 776 of 1998) states that learners must abide by the regulations outlined in the school's Code of Conduct, which must include appropriate disciplinary tribunal processes and procedures and all available means of counselling for troubled learners should be included in the school's Code of Conduct.

## **2.8 PRACTISING FAIRNESS AND IMPARTIALITY**

The most important aspect to remember while conducting disciplinary hearings is that it should be impartial, fair and respect the rights of the learners being always disciplined (Malutinok, 2018). Paragraph 13 of the Guidelines for the Consideration of Governing Body in Adopting a Code of Conduct for Learners (Notice 776 of 1998) states that learners who are accused of wrongdoing must be given a fair hearing. The accused person should feel comfortable and safe at the disciplinary hearing. Learners should not be questioned without their parents' presence. Learners are entitled to a fair and unbiased disciplinary hearing, as outlined in paragraph 13.4.

- a) Learners should be given written notice of the hearing at least five days in advance to give them time to review the allegations and ask questions. The hearing's location, start time, and end time must all be clearly communicated.
- b) Infractions should be specified in the charges.
- c) Every learner deserves a fair chance to share their perspective.
- d) If the matter is not very severe, the learner may be represented by RCL, a parent or a teacher.
- e) The chairperson of the meeting must be objective.
- f) Learners have a right to an impartial disciplinary hearing.
- g) The SGB's ruling on the disciplinary hearing should be sent in writing.
- h) The right to appeal to the MEC's complaint procedures should they feel they were treated unfairly during the hearing or after receiving a ruling.

## **2.9 EFFECTIVE SCHOOL DISCIPLINARY PROCEDURES AND ACCOUNTABILITY**

In accordance with Section 8A of the South African Schools Act (84 of 1996), specific procedures must be adhered to when undertaking searches to gather evidence related

to learner misconduct. However, schools are being searched without a search warrant by educators and the police, in collaboration as members of the school community. The school principal possesses the authority to assign educators the right to carry out searches, as outlined by Mosoge and Mataboge (2021).

- (1) A random check for drugs or random inspections to keep an educational setting safe. Schools prohibit the use of dangerous weapons.
- (2) The principal has the power to delegate educators to search for a learner or group of learners if there are suspicions.
- (3) Random searches should be in the interest of learners. The health and safety measures should be observed when searching for learners. Searching of learners should be done in a proper manner with no harm to the learner.
- (4) Body search should be done in the following manner:
  - a) The principal may search for learners of his/her same gender or delegate educators of the same gender;
  - b) The search may be done in a private place not in public;
  - c) The search be done in the presence of an adult witness;
  - d) It should not damage or cause harm to the body of the learner.
- (5) If drugs or any unauthorised weapon has been found, the following procedures **must** be followed:
  - a) The evidence must be clearly labelled, with the following information:
    - i. The name of the learner in which unauthorised material was found;
    - ii. The date and the time;
    - iii. The reference number of the misconduct
    - iv. The name of the person who was **conducting a** search;
    - v. **Names of the** witnesses;
    - vi. Other witnesses who can identify the unauthorised material seized;
  - b) The incident must be reported in the school incidents record book;
  - c) Be handed to the police immediately after being seized according to section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

## **2.10 RESTORATIVE DISCIPLINE IN EDUCATION**

**Learners** who misbehave are brought back into good standing with the school and its community through restorative discipline. Its goal is to provide positive, user-friendly

disciplinary environments in which teachers and learners may readily communicate and collaborate on disciplinary issues (Rainbolt, Fowler & Mansfield, 2019). When learners make errors, teachers are obliged to show them how to fix the problem in a new way. Learners are too young while they are still developing their capacities for learning for punishment to be implemented in educational settings. The ultimate purpose of education is to shape youthful minds into those of mature, responsible adults (Huguley, Wang, Pasarow & Wallace 2020). The school may feel better in the short term, but the learner's behaviour will not improve because of the punishment (Schiff, 2018).

Discipline for misbehaving learners include suspension and expulsion. This should be carried out in a way that is consistent with the Constitution and for learners to reconcile with their instructors and peers. Every individual needs to be given the chance to enhance their previous performance. It is recommended that learners who experience emotional distress during disciplinary proceedings be provided with counselling services accordingly (Hinze-Pifer & Sartain, 2018).

## **2.11 THEORETICAL FRAMEWORK**

In this section, the theory related to study is discussed with the aim of understanding helping the schools to understand the behaviour of the learners.

### **2.11.1 William Glasser's Educational Transformation Theories**

William Glasser's educational transformation theory focuses on giving learners maximum choice in their school experience which includes Choice theory.

#### **2.11.1.1 Theory of Choice**

Choice Theory, developed by William Glasser with the goal of changing and renewing teaching in schools so that an individual's direction is chosen by a fundamental human motive (Glasser, 1997). The goal of Choice Theory is for learners to develop self-discipline and self-control through (building and nurturing quality relationships with their peers, making informed choices about their learning and development and taking direct control over their actions and thoughts. Glasser has greatly influenced thought and practice in school discipline. He was the first to insist that learners are in control

of their behaviour, that no unseen factors are forcing them to do this or that, and that they **choose** to behave as they do.

Learners should be encouraged to participate in the creation of disciplinary policies such as the school's Code of Conduct. For learners, love, competence, freedom of choice, and power are all necessary attributes. Learners should have the freedom to experiment, take risks, and make decisions that will help to reduce classroom disciplinary difficulties. Educators should use choice theory to discipline issues **to** prevent disruptive behaviour and promote equal participation in disciplinary hearings (Mushaandja et al., 2018).

Learners, **according to Farangi and Sanjarani (2023)**, have an inner person or internal behaviour that fights external activities that control their behaviour. Learners observe the world and respond depending on their mental analysis. Individuals, according to choice theory, construct their desires (Allen, Shankman & Haber-Curran, 2016). As a result, the ideal example of positive discipline should be disciplinary committees. Offenders should be motivated in such a way that their internal motivation changes. Their mentality should be intellectually matured. Discipline is intended to avoid future misbehaviour and not to punish **learners**. It is critical to keep emotions and anger aside during disciplinary hearings. Disciplinarians should focus on showing affection to the child so that he or she has a positive perception of the world. Corrective actions should also **consider** a **learner's** psychological well-being. Some **learners** engage in misbehaviour **because of** their dissatisfaction with society (Curran, 2016).

#### **2.11.1.2 Quality Control**

Glasser's educational theories include quality control which states that no one should be swayed or pushed to do good work in any way. Offenders invariably do not change their ways of being ill-disciplined by the harsh decisions made by the disciplinary hearing (Aibinuomo, 2021). Children behave well not because they are punished, but because their inner recognition and affection are satisfied when they do so. To effectively manage **learners**, schools should adopt and interpret the school's Code of Conduct in a straightforward manner that is appropriate to the environment. Disciplinarians should also put themselves in the shoes of the offender **to** persuade and change undesirable behaviour (Slee, 2020).

### **2.11.1.3 Reality Therapy**

This is also Glasser's approach, which emphasises that rather than focusing forcefully on the wrongdoing committed, learners should be counselled to solve disciplinary problems. During disciplinary hearing decisions, the offender should always be counselled. Psychological counselling should be required **because the hearing environment might affect the learner mentally**. At the conclusion of the proceedings, **learners** may be emotionally or mentally harmed. It is thus crucial to consult with all parties involved (Glasser, 2019). No one can be coerced into doing anything, according to this notion. On school grounds, school administrators should create a safe environment. Learners must gain their educators' or disciplinarians' trust. Learners will be easily persuaded if they and their educators have mutual trust (Wubbolding & Brickell, 2017).

### **2.11.3 The Assertive Behavioural Model**

Canter's assertive behavioural model is founded on the premise that rather than being aggressive and abusing learners' rights, educators should explain how they feel about disciplinary situations. The assertive behavioural model allows educators to democratically govern discipline (Ngozwana, 2020). Assertive discipline aids educators in confronting inappropriate behaviour encouraging teachers to remain cool and impartial when judging the offenders' behaviour. Assertive teachers can urge **learners** to learn and observe classroom regulations (Blynova et al., 2020). Educators who are assertive have a positive response to **learners** who are acting badly but ensure that the rights of the **learners** are not infringed upon.

Aggressive educators are frowned upon in this model. Educators should be trained and equipped to deal with disciplinary situations using the proper procedures and protocols (Syaodih & Handayani, 2016). The Assertive Behavioural Model is based on the idea that educators should communicate how they feel about disciplinary matters rather than being abusive and violating the rights of learners. The assertive behavioural model helps educators challenge behaviour they come across using constructive responses to learners who are behaving inappropriately and use their skills to persuade learners to follow classroom rules (Blynova et al., 2020). They make sure that the learner's rights are not abused. However, educators should be developed

to ensure that they have the skills to handle disciplinary cases with the right processes and procedures (Syaodih & Handayani, 2016).

The cornerstone for effective discipline should be school regulations. Assertive educators are involved in the development of the school's Code of Conduct, which allows them to voice their concerns and prevent future wrongdoing (Jackson et al., 2020). To avoid violations of a learner's human rights, the repercussions of misconduct should be conveyed to learners and other stakeholders for open debates and criticism. Assertive educators are always willing to assist their bosses with disciplinary issues.

## **2.12 CONCLUSION**

According to **the** review of literature, mishandling or failure to defend learners' rights during disciplinary hearings leads to increased disruptive behaviour in schools. The setting in which **learners** find themselves has an impact on the behaviour they exhibit at school. The next chapter will focus on the methodologies that the researcher will use to conduct the research.

## CHAPTER 3: RESEARCH METHODOLOGY

### 3.1 INTRODUCTION

The literature on the protection of **learners'** rights during the disciplinary procedures and processes in secondary schools was reviewed in the preceding chapter, which provided an overview that assisted in identifying any existing gaps in the studies. This chapter provides a description of the research methodology which guided the study. The methodology includes the research paradigm, the research approach and design as well as the methods appropriate for the study, which includes sampling, the data collection methods and instruments and the data analysis. In addition, this chapter presents the quality assurance norms to check the data obtained and the research ethics that must be adhered **to** prevent any harm

### 3.2 RESEARCH METHODOLOGY

This section outlines the research paradigm, research approach, and research design used in the study.

#### 3.2.1 Research Paradigm

A paradigm is a collection of essential ideas that aid the researcher in discovering the reality and pertinent information regarding the phenomenon under study (Khaldi, 2017). The following paradigms, the phenomenological paradigm and the Interpretivist paradigm were deemed pertinent to this study

##### 3.2.1.1 *Phenomenological Paradigm*

According to Van Manen (2017), phenomenologists believe that each person sees the world from a unique perspective. People **that have** experience with phenomena have a thorough understanding of the fundamentals, according to the philosophy of phenomenologists. The research sample, not the researcher's consciousness, should determine the study's findings. The phenomenological approach's goal is to learn more about the genuine viewpoint, truth and knowledge about the study phenomena from the appropriate source that is more familiar with the research problem (Zahavi, 2018).

Human experience, according to phenomenology, is more valuable than all other forms of knowledge. The optimal strategy is the one that aims to comprehend how individuals see study phenomena and how they apply common sense with their knowledge of the research issue (Käufer, & Chemero, 2021). It explores and concentrates on the experience and knowledge but ignores the real reasons for the problem (Guenther, 2019). With this method, the researcher can concentrate on the participants' experiences rather than employing a generic understanding of the disciplinary procedures and processes.

Participants who regularly engage in disciplinary processes and procedures in schools are studied using phenomenology (Engelland, 2020). It is for this reason that the study employed the phenomenology paradigm. In addition, it also directs the participants who are familiar with school discipline and its procedures since this would enable the researcher to acquire crucial data on the protection of **learners'** human rights throughout the disciplinary processes and procedures.

### **3.2.1.2 Interpretivist Paradigm**

The interpretivist paradigm is a technique that interprets the research phenomena so that the researchers will fully comprehend new facts regarding the research problem, build new theories and comprehend the real research problem (Putnam & Banghart, 2017). There should be significance to everything that occurs in human proximity. Understanding the motivation behind human activities requires interpreting questions like 'why people behave in the way they behave' and 'why they make decisions they do' (Alharahsheh & Pius, 2020). Through a focus on the subjects and their reactions, interpretivist research **investigates** the research problem (Maree, 2017) with interpretivist analytics being based on human perceptions (Alharahsheh & Pius, 2020).

An interpretivist paradigm is used with the intention of examining the participants' human behaviour. The SGB, RCL, members of the disciplinary committees and the principals are among the research participants who assisted the researcher in learning about how the learner's human rights are maintained throughout the disciplinary procedures and processes in schools.

### **3.2.2 Research Approach**

A qualitative research design was used for this study. Qualitative research offers the opportunity to provide in-depth textual descriptions of how people feel about a specific research issue. This strategy frequently includes information regarding the human aspect of the issue, such as information about people's frequently divergent actions, beliefs, feelings and interpersonal relationships (Prosek & Gibson 2021). Additionally incorporeal factors including personal beliefs, background in money, gender roles, culture, and religion can be identified through qualitative approaches (Mack et al., 2005). The qualitative research approach assisted in the development of procedures that lead to answering research questions, gathering data and obtaining first-hand knowledge about how participants perceive the research phenomenon, their perspectives and values (Johnson et al., 2020)

The behaviour of a person or group of people is frequently the focus of the qualitative method. The development of social explanations of phenomena is the focus of qualitative study (Maree, 2017). In other words, it aims to aid in the understanding of people's worldviews, religions, convictions and motivations for their actions. It entails the investigation of the basic facts that can be seen, along with the high-calibre discoveries, opinions and perspectives from reliable sources (Cohen et al., 2017).

### **3.2.3 Research Design**

A research design is a strategy for gathering information to answer the research question (Asenahabi, 2019). The research design lays out the precise steps to collect data and carry out data analysis. To accomplish certain study objectives, the researcher carefully develops the research design to reach certain research goals (Coe, Waring, Hedges & Ashley, 2021). Smith (2018) explains that the research design as a blueprint of how the researcher plans to gather research data from the participants. This study used a plan that enabled the selection of the relevant participants and a data collection method that enabled the researcher to reach the research goals and answer the research questions (Maree, 2017).

The research problem was investigated using a case study. According to Cohen et al. (2017), a case study research design is the examination of a particular event with the goal of typically illustrating a more general concept. A case study design in the opinion

of Maree (2017), attempts to foster a thorough comprehension that results in fresh knowledge regarding current actions and their significance. The case study research design corresponds closely to the actual environment in which data was collected.

The case study method was used in this study because it allowed the researcher to collect information using a range of data collection instruments such as the interview. The phenomenon of human rights protection and due process is the subject of the case study. This research design enabled the researcher to pose questions that aimed to comprehend how disciplinarians safeguard the right of certain **learners** throughout the disciplinary processes and procedures. This approach provided a thorough understanding of educator conduct that often results in human rights abuses during disciplinary actions (Barton, 2020).

### **3.3 RESEARCH METHODS**

Research methods are the strategies used in the collection of data and include the population and sampling, instrumentation and data collection techniques and data analyses.

#### **3.3.1 Population and Sampling**

A population refers to a group of people from which the study's sample is drawn (Masingi, 2017). This study selected the Sekgosese Central Circuit, Botlokwa Village, Capricorn North District, Limpopo, South Africa as the target population which consists of four (4) secondary schools. Every school has a principal, the deputy principal, departmental heads, **educators** and a disciplinary committee made up of representatives from the SGB, educators and learners. The rural area surrounding Botlokwa Village is where **all** the schools are situated. According to my experience, most learners attending schools around Botlokwa come from disadvantaged family backgrounds. Some learners are from child-headed families because some parents are working far from home because of a lack of economic activities around the villages while learners are **orphans**. Secondary schools are where instances of ill-discipline happen most frequently.

Sampling is the process by which a researcher chooses a portion of a population to learn about the topics or the problem under study (Cohen et al., 2017). Purposive sampling, when a researcher selects a group of participants who are familiar with the

research problem (Maree, 2017), was used to choose the participants. Purposive sampling, according to Mujere (2016), is a non-random sampling method employed by researchers to accomplish a predetermined goal. It is less expensive, saving money as well as time.

Four school principals, four members of the members of the disciplinary committee and four members of the RCL were chosen at random. One principal per school, one member of the disciplinary committee, and four members RCL were interviewed.

### **3.3.2 Instrumentation and Data Collection Techniques**

Data collection refers to the materials and resources that are gathered from the environment that they are studying (Maree, 2017). Data are sources used by the researcher to conduct active research and include notes taken and transcripts of the interview, which then form the basis for the analysis (Magaldi & Berler, 2020).

#### **3.3.2.1 Semi-Structure Interviews**

The interview is a method for gathering data that might be verbal or non-verbal (Cohen et al., 2017). The goal of qualitative interviews is for the researcher to gather data from the appropriate source who has the daily experience to ensure that the information provided is valuable by posing follow-up questions (Mann, 2016). It involves two people having a conversation in which the researcher probes the subjects to learn more about their perspectives, attitudes and actions towards the phenomenon under study (Maree, 2017).

In contrast to other methods of data collecting, the interview allows participants to feel at ease and provide all the information required without fear. This approach seeks to gather rich descriptive data and assist the researcher in understanding the social realities of the participants (Castillo-Montoya, 2016). It is possible for the researcher to ask follow-up questions during semi-structured interviews (Evans & Lewis, 2018).

Semi-structured interviews were used as the primary method of data collection for the study. According to Maree (2017), a semi-structured interview is one in which interviewers are all given the same list of questions and they are asked in the same order (*cf.* Annexure F). Questions are planned and described in advance in a semi-structured interview. Each participant's interview was audio-recorded for transcription,

analysis and archival purposes. Individual semi-structured interviews were conducted with four secondary principals, four members of the disciplinary committee, and four RCL members. Additionally, the researcher **took** notes while recording the individuals' responses. The same questions were posed to each of the regardless of their rank. The participants' responses were constant, and the researcher maintained a steady pace throughout the interview.

As previously indicated, this study was conducted during the COVID-19 pandemic and thus, individual interviews were conducted to avoid the exposure to and the spread of the Coronavirus. The researcher adhered to the COVID-19 protocol. During the interview, the researcher wore a face mask, maintained a 1.5-meter social distance, sterilised hands and avoided shaking hands.

### **3.3.2.2 Data collection Planning and the Process**

The researcher applied for permission from the university to conduct research in schools. Permission was sought from the Department of Education Limpopo and Limpopo Premiers Office (*cf.* Annexure B). After receiving the approval and certificates from both departments (*cf.* Annexure E), the researcher made an appointment with school principals. The school principals were so welcoming and happy that the researcher sampled their schools to participate in the research study. The researcher explained to the principals about the aims so that they understood the goal of this research. The researcher checked on availability to conduct the interview.

The interviewing process began with the development of the research questions related to the research questions. This would assist in reaching the research goal **and** answering the research questions (McGrath, Palmgren & Liljedahl, 2019). The questions were sequenced from complex to challenging to ensure that the interviewees are being warmed up with simple questions before answering the more challenging questions. The interview questions were checked by other researchers and the research supervisor checked to ensure that the responses would be successful in eliciting the required information (Wolcott & Lobczowski 2021).

The second step was **interviewing** training to ensure that as the researcher, I was well prepared for the interviewing. Interviewees that were relevant to the study were sampled as they had a good understanding of disciplinary matters in schools.

Documents such as informed consent were created. Lastly, I practised my interviewing technique with my colleagues at work by using a tape recorder to allow critical criticism before the real interviews. The tape recorder was tested while practising with colleagues and extra batteries were placed on standby (Mahat-Shamir, Neimeyer & Pitcho-Prelorentzos, 2021).

With consent from the principal, arrangements were made with participants to conduct the interviews. Participants were informed about the research (*cf.* Annexure F) and made aware that the research was voluntary but there was no remuneration for participating in the research study. Participants were asked to sign the consent form (*cf.* Annexure G). RCL members were given the consent form in time to allow them to show their parents at home and seek permission (*cf.* Annexure H and I). None of the parents prevented his/her child from participating in the research. The participants were aware that the interviews would be tape-recorded.

On the day of the interviews, the researcher arrived 30 minutes before appointment time to do the necessary preparation such as ensuring that paperwork such as the consent form was in order and the research purpose was explained prior to the interviews. Interviews were conducted in a quiet place to avoid noise and ensure that the interviews were clearly recorded. The interview did not interfere with the participants' schedule and they were able to continue with their daily activities (Wolcott & Lobczowski, 2021). Most of the interviews were done during school break and in the afternoons during the study break. The interviews went well, although the language barrier with some of the RCL members was a problem. The researcher had to translate some of the questions before the interview started for them to understand.

### **3.3.3 Data Analysis**

Data analysis seeks to integrate data from participant responses in a way that makes sense by identifying patterns, categories, themes and regularities (Cohen et al., 2017). When the data is organised, interpreted and analysed in a responsible and accounting manner that is considered data analysis. In this study, content analysis, which is the process of summarising data and producing a written report, was used to analyse the interview data (Maree, 2017).

Content analysis is a strategy for making inferences by meticulously and methodically identifying the characteristics of messages (Maree, 2017). Cohen et al. (2017) define content analysis as a process of summarising data and producing a written report. It is a methodical process of carefully reviewing, analysing and confirming the gathered data. Acquired from the audio recordings and written notes. All interview recordings were labelled. School A interviewees were labelled as A1, A2, A3, and A4, School B as B1, B2, B3, and this pattern continued for Schools C and D. The content analysis follows **several** steps which are described below:

*Data familiarising* means listening to the content or interview recordings continuously with understanding and aiming to note important content. Familiarising with data will enable the researcher to understand the participants who were not just answering straight to the point (Linneberg & Korsgaard, 2019) but were probably inferring something. Listening to the audio recordings before starting with the process of transcribing is important.

*Transcribing* is the process where the researcher writes down everything recorded during the interviews (Cohen et al., 2017). During transcribing, the researcher transcribes all non-verbal responses such as such as “ehh, mmm, etc” which are called interjections or vocal disfluencies (Manamela, 2022). The written notes were read aloud in conjunction with transcriptions. Playing and replaying the recordings combined with the transcripts allowed the researcher to become comfortable with the information.

*Coding* means grouping collected data that is related into groups (Adu, 2019), The researcher read the information line-by-line and divided it into practical analytical pieces and analytic units (Maree, 2017), which were then allocated a code. It is the process of labelling summarised data into different segments and assigning important data under **specific codes** or groups of words. This study adopted *priori* coding, which means that units were established prior to data analysis based on some theories (Maree, 2017). Data were coded using segments such as policies, procedures, knowledge, fairness, responsibilities and protection, with some segments emerging while analysing the data. The data were grouped under the mentioned segments to analyse data effectively. The coding was done using ATLAS.ti software that was designed by Thomas Muhr in 1993. This software helped with making sense of the

data collected. Collected data was uploaded on ATLAS.ti, then the software automatically analysed data into groups. Codes were detailed line-by-line to allow the researchers to group and identify them.

*Naming of themes* relates to the process of reviewing coding segments and regrouping them into groups. Codes that are related are collapsed into themes. Codes are reviewed to make sense of them. A table was used to group different coding segments into themes (Adu, 2019) which included themes such as understanding of disciplinary procedures, knowledge of disciplinary policies, protection of learners, causes of unfairness on learners, and role of disciplinary committees' members to interpret the data collected.

*Reviewing and explaining themes* relate to revisiting the themes and reviewing them. The data were revisited and examined to check if the generated codes were placed under the correct theme (Parameswaran, Ozawa-Kirk & Latendresse, 2020). Some themes were merged if they were too related or led to similar findings. Themes such as understanding disciplinary procedures were looked at carefully because they could have been confused with knowledge of the discipline.

*Presentation of themes* occurred after converting coding into themes. The themes that finally emerged are presented in hierarchical categories to make sense of the collected data. The hierarchical categories system indicates the relationship between themes (Maree, 2017). The participant's words are selected and quoted under themes to support the findings.

### **3.4 TRUSTWORTHINESS**

It is critical to compare the data you have acquired with the participant responses. The researchers' credibility is to put the ultimate test in terms of data analysis, findings and conclusions (Maree, 2017:123). In research, the following norms are considered valuable: credibility, dependability, confirmability. and transferability (Lincoln & Guba, 1985).

#### **3.4.1 Credibility**

Credibility is the extent to which data obtained from research participants has a real significance for the study (Liao & Hitchcock, 2018). Maree (2017) contends that early

involvement, knowledge of research participants and sampled organisations, a well-defined purposeful sampling strategy, data collection methods, and triangulation all contribute to credibility. The credibility of data is determined by how it is understood. This phrase refers to the accuracy of the conclusions or inferences drawn from developed data provided by the participants (Haven & Van Grootel, 2019). The researcher contrasts the findings with what the respondents had initially said. Regular debriefings with the supervisor made sure that recording summaries were comparable to the original recordings (Leigh & Brown, 2021).

### **3.4.2 Dependability**

Dependability is the probability that the same outcomes will be obtained if the data collection procedure is repeated (Urban & van Eeden-Moorefield, 2018). According to Gupta et al. (2018), dependability is the state in which all research materials may be audited, questioned and understood by a reader who is not involved in the research. The researcher offered and provided readers with accurate and sufficient information, documenting the analysis of the findings so that others can see the conclusion was reached (Janis, 2022).

### **3.4.3 Confirmability**

Confirmability is described by Bass, Beecham and Noll (2018) as a measure of neutrality or the amount to which interpreted findings are shaped or defined by participants' findings as opposed to the interest, motive or prejudice of the researcher. The researcher's likelihood of developing prejudice increases with the study's sample size. In this study, as the researcher, the researcher kept the supervisor constantly informed and requested assistance to validate the findings (Korstjens & Moser, 2018).

### **3.4.4 Transferability**

The term 'transferability' refers to the ability to use the study's conclusions in other pertinent contexts. The methods by which others decide whether outcomes can be transferred are based on the full account of the study environment, participant selection and findings (Maxwell, 2021). Rather than generalising claims, transferability ensures that readers can connect study findings to their own experiences rather than making generalisations (Maree, 2017). Research peers from other universities will

read them to see whether the findings are generalisable and comparable to study settings.

### **3.5 RESEARCH ETHICS**

In research, the term 'ethics' refers to the process where the researcher is right or wrong. The heart of ethics is found in the standard of conduct. It is a collection of methods for reacting to complicated situations and problems in the most efficient way (Husband, 2020). To prevent unethical conduct, violations of ethical standards, and forms of harm, appropriate methods and procedures were used in this study (Maree, 2017). For the university to grant ethical clearance certificate to conduct research, the relevant documents were completed and submitted. In addition, the required documents requesting permission to conduct the research in schools were submitted to the Limpopo Education Department.

#### **3.5.1 Informed Consent and Volunteerism**

An informed consent form is a document that has a written agreement between the researcher and participants which allows the researcher to use the collected data in the research. No law binds the participants to sign a consent form or to participate in the interviews (Gabbidon, Chenneville & Rote, 2022).

As indicated previously, appointments were made with participants at the sampled schools once permission was granted to conduct the research. Participants were informed of the research objectives or purposes, the protocols to be followed, the data collection strategy, the validity of the study, and how the results would be used. Participants' consent forms contained the participant's declaration, participant's name and initials, years of teaching experience, signature and date, researcher's name and initials, signature, and date. The study's participants were made aware that participation was entirely voluntary and that they had the right to withdraw at any time. In addition, it was within their right not to participate in the interviews. No participant was forced to participate and if they withdrew during the interviews or after the interviews their recordings were not used.

### **3.5.2 Privacy, Anonymity and Confidentiality**

Privacy means not disclosing unauthorised information without written consent or agreement (Cohen et al., 2017). Anonymity means not disclosing the names such as participant names and school names. There was no disclosure of participant or school names. The participants' identities have been kept private and the schools have been noted as School 1, School 2, School 3, and School 4. The participants were labelled by using names and numbers during transcribing and coding, for example, A1, A2, B1, B2 C1, C2. Confidentiality means not sharing information that is sensitive or is confidentially given by the participants (Gabbidon et al., 2022). Videos and pictures and other recorders would not be done without attaining participant consent. A recording device was used during the interviews with permission to record the conversation for data analysis purposes.

### **3.5.3 Harm and Risk**

Harm during the interview occurs in a way like tarnishing the school's name during the presentation of results, putting the participants under pressure, preventing the effectiveness of teaching and learning due to interviews and threatening the participants when refusing to answer the questions (Gabbidon et al., 2022).

The participants received assurance that the research would not harm them. The researcher ensured that the presentation of results would not tarnish the image of the secondary schools. Interviews were conducted during breaks when participants were free from the timetable and after school hours or during study times. The interviews were conducted in separate rooms with only the participant and the researcher present to ensure confidentiality but also to allow the participants the opportunity to speak freely.

## **3.6 CONCLUSION**

This chapter outlined the study methodologies that guided the study through important procedures for engaging with participants and handling data. A qualitative approach was adopted for this study to find answers to the research question. A case study is a design that was adopted to achieve the study's aims and objectives. Phenomenological and interpretivist paradigms are philosophical approaches that

guided the researcher that human beings are the important key to the fundamental truth that could lead to answering the research questions.

The interview was the data collection method chosen for this study, as it was able to reveal the truth because participants have daily experience of the phenomenon. Data were analysed by transcribing, coding, generalising themes and explaining themes by using content analysis. The trustworthiness of the data collected was outlined. For the study to be a success, the researcher followed ethical steps to ensure the due process. In the next chapter, the results of the collected data are presented, **analysed and interpreted.**

## **CHAPTER 4: PRESENTATION OF RESEARCH FINDINGS, ANALYSIS AND INTERPRETATION OF RESULTS**

### **4.1 INTRODUCTION**

Findings emerging from the analysis of data collected through interviews conducted with participants at four secondary schools in the Sekgoses Central Circuit in Limpopo Province are presented in this chapter. The information was gathered from purposively sampled participants consisting of four different administrative teams, four different disciplinary committee members, and four different members of the LRC. The purpose of the interviews was to explore how the rights of **learners** are safeguarded throughout the disciplinary process and procedures. The questions asked during the interviews aimed to investigate how learners are being oriented about disciplinary matters, the policy used to determine the seriousness of the misconduct, the protection of the accused learners, the strategies used to gather evidence, and how schools ensure that suspended learners' right to education is being protected.

The management of misconduct in school is a problem for disciplinarians (Jarvis & Okonofua, 2020). **Some learners drop-out of the school because of the unfair treatment during the disciplinary proceedings.** Most of the learners are being unfairly suspended or expelled from the school which means that there are high suspension and expulsion rates in schools (McIntosh, Ellwood, McCall & Girvan, 2018). The right to equal education is being violated in most cases during disciplinary hearings **because every learner has a right to education without being treated unfairly.**

### **4.2 RESEARCH DEMARCATION AND BIOGRAPHICAL DETAILS OF PARTICIPANTS**

This sections presents the demarcation of the research and the biographical details of participants purposively sampled for this research.

#### **4.2.1 Research Demarcation**

The Sekgoses Central Circuit is in Limpopo province. The circuit has eight secondary schools and nine primary schools. Four different secondary schools were sampled of which three **are in** Mokomene village and one in Morebeng township. **Most** of learners in all four schools are from disadvantaged families. Some learners live on their own,

some are from child-headed families and some are orphans. The level of literacy is average because most people were previously not attending schools due to high rate of poverty. There is a high unemployment rate and as a result, the level of poverty is very high, therefore learners depends on feeding schemes at schools.

#### **4.2.2 Biographical Details of Participants**

The qualitative research process can be significantly improved by including biographical information in the interview schedule, including details such as the interviewee's gender, years of teaching experience and tenure as a principal, member of disciplinary committees or representative of the RCL

The incorporation of personal details provides a contextual framework for the responses provided by the participants. A link has been seen between individual's gender, years of teaching experience and years as a principal, and the way they perceive and handle issues with school disciplinary processes. Principal who has considerable teaching experience and can thus convey viewpoints shaped by an in-depth understanding of classroom dynamics. The potential impact of participants' gender and professional experience on decision-making processes, particularly regarding disciplinary actions in schools, should be considered.

Awareness of participants past facilitates the investigation of the ways in which personal experiences and professional positions intersect and influence the perspectives of researchers on academic topics. Academic researchers may design interview questions to align with the specific responsibilities and demands of participants by gathering information on their years of experience as administrators and instructors. For instance, inquiries could vary depending on the level of administrative expertise the principal has in comparison to a teacher who has had less experience in that field. The incorporation of persons with varied biographical origins serves to broaden the spectrum of viewpoints. Gender may potentially influence diverse perspectives on discipline-related matters due to probable variations in experiences, values and methodologies. By juxtaposing biographical information with participant replies, researchers can discern potential patterns or trends that may be influenced by variables such as gender or years of experience. This may enhance the comprehension of the intricate circumstances in which school discipline methods operate. Tables 4.1 to 4.3 present participants' biographical details.

**Table 4.1: Principals**

Schools	Sex	Years of experience in the teaching field	Years of experience as a principal
School A	Female	36	10
School B	Male	36	8
School C	Female	33	3
School D	Male	8	1

**The principals are more experienced in the teaching field although they have few years' experience as principals. Having more experience as educators will help the researcher to obtain the relevant information because they have been handling the discipline for many years.**

**Table 4.2: Members of the Disciplinary Committee**

Schools	Sex	Years of experience in the teaching field	Years of experience as a member of the disciplinary committee
School A	Male	27	2
School B	Male	32	16
School C	Male	7	8
School D	Female	6	3

**The numbers shows that two of the disciplinary committees in sampled school have more experiences as educators and one with more experience as member of the disciplinary committee.**

**Table 4.3: Representative Council of Learners members**

Schools	Sex	Grade	Years of experience as a member of the RCL
School A	Male	12	3
School B	Male	12	2
School C	Male	10	1
School D	Female	12	2

**Most of the Representative Council of Learners (RCL) members are in grade 12, every year learners elect the RCL although some are re-elected. The selected participants have more years experienced as RCL members.**

The years of experience of all participants are well balanced because some have more experience while some have less experience, which means that the findings from the interview will be different because of participants' work experiences. All participants are familiar with the community background.

### **4.3 PRESENTATION OF THE FINDINGS**

Participants were interviewed and their responses were recorded. The questions were based on investigating the conduct that may lead to infringements of learners' human rights during the management of disciplinary matters. The data were analysed but not edited by the researcher. It is exactly the way participants answered. The school principals were first interviewed as according to Grissom, Egalite and Lindsay (2021), school managers have a role of protecting the interest of learners that will benefit their academic excellence. The findings are discussed under the following five themes: Communicating the Code of Conduct, adopting the Code of Conduct, practising fairness and impartiality, effective school disciplinary procedures and accountability and restorative discipline, continuity and preventative measures in education.

#### **4.3.1 Communicating the Code of Conduct**

According to Beausaert, Froehlich, Riley and Gallant (2023), the school principal manages all aspects of the school. Therefore, it is the principal's responsibility to plan the management of disciplinary processes and procedures. The principals should ensure that learners and educators are safe in school by ensuring that disciplinary matters are handled procedurally. The first question that the researcher asked participants was based on how the school orientates learners about the disciplinary processes and procedures. Most principals responded that they give learners and their parent's the school Code of Conduct that details disciplinary procedures and processes. This is done during assemblies, parent meetings, SGB meetings and when meeting with other stakeholders. The principal of the School B said: "*What we do when we receive learners for admission at the beginning of the year or whatever time*

*learners join the school, we give them the Code of Conduct together with the parent. And we have a meeting with the learners to orientate them about the Code of Conduct of the school”*

The Code of Conduct is a guideline that entails the rules on how learners should behave in school, and the procedures followed in the case when learners commit an infringement or misconduct or ill-disciplined, as indicated in the document (Welsh, & Little, 2018). The principals **indicated** that the school's Code of Conduct is an important document for disciplinary orientation. The principals of Schools C and D **agree** with what has been reported by the principal of the School B: *“As the school after drawing the school's Code of Conduct with the disciplinary committee, we present the Code of Conduct to the educators first. And then to the SGB members, to the parents and we present to the learners during assembly”*. (Principal of School C).

*“What we normally do is that by the end of the term we give out the Code of Conduct to the parents when they are applying for learners to join our school in the next coming year so that when learners are coming to the school the first week that we normally discuss the Code of conduct with the learners as well as the parents and the staff”*. (Principal of School D).

The purpose of the school's Code of Conduct is to outline expectations and consequences. Schools provide learners and their parents with the school's Code of Conduct when **learners** are admitted at the beginning of the year. They do this to orientate learners and parents about the school's expectations. The principals hold separate meeting to communicate the school's approach regarding learner behaviour.

The other role of the principal is to present ideas to all stakeholder (**parents, educators, learners, and SGB**) .Principals should plan and ensure that planned ideas are presented to all stakeholders. The school's Code of Conduct is presented to educators, SGB members, parents and learners, which assists in ensuring that all stakeholders are aware of the Code of Conduct and its content. The principal of School C said: *“We present the Code of Conduct to the educators first. And then to the SGB members, to the parents and then we present to learners during assembly. And we even read everything so that learners understand”*.

Learners are being oriented about the school's Code of Conduct during assemblies with it being read out to learners. This is an opportunity for learners to understand what is in the Code of Conduct. Principals are responsible for ensuring that every learner understands the school expectations and follows the rules of the school to promote safety on the school premises. On the matter of communicating the steps of the disciplinary hearings, the principal of School C said: *"The processes that are going to be followed are also going to be read to learners during assembly and then the procedures to be followed during hearings"*.

The principals explain the specific processes and procedures that are followed during disciplinary hearings which help to ensure that learners understand their rights and responsibilities during disciplinary hearings.

According to the Limpopo Department of Education Provincial Gazette (28 of 2020), the disciplinary committee is the group of educators, SGB and SMT individuals who manage the discipline in school. Members of the disciplinary committee are mandated to ensure that the school is a safe environment for everyone within the premises. When learners commit serious misconduct, the chairperson of the SGB appoints three people to be part of the disciplinary committee for a hearing.

Members of the disciplinary committee were interviewed on whether the matters of discipline are in line with the policies and protect the rights of the learners. A member of the disciplinary committee of School A said: *"As a school what we normally do is we make copies of the school's Code of Conduct and issue out to each of our new learners at the beginning of each year and we also make sure that we read it out at assembly and try to make sure that the learners are aware of the school's Code of Conduct"*.

A member of the disciplinary committee of School B added that: *"All stakeholders are involved when drafting the Code of Conduct. Thereafter we discuss it with the we inform the learners and then both parents and the learners, they must sign that Code of Conduct. So that it must abide **everyone**, and consultation must cover all the stakeholders"*.

Communicating the Code of Conduct **to the parents** helps to promote the importance of collaboration, inclusivity, conflict resolution, equality, and ethical behaviour within the school community. By involving all stakeholders and considering their

perspectives, the code of conduct can become a comprehensive and effective guide for promoting positive behaviour and a supportive learning environment.

The members of the disciplinary committee involve the RCL when they review the school's Code of Conduct. It is within the rights of RCL members to observe the disciplinary **proceedings** so that the processes and procedures unfold fairly (Tjihuro, 2018). Involving the RCL when drafting and communicating the school's Code of Conduct reflects the importance of **learner** leadership, clear disciplinary processes, values-based conduct expectations and continuous collaboration and education within the school community. It also helps the RCL by emphasising **learner** responsibility, which means that the Code of Conduct becomes a collective agreement that promotes a positive and inclusive school environment. The member of the disciplinary committee of the School C said: *"After the Code of Conduct has been approved, the President of the RCL is given a platform to address learners at an assembly point on the Code of Conduct. Remember, the Code of Conduct is where learners will know what **wrong and right behaviour in the school premises is**"*

The South African Schools Act (84 of 1996) gives learners powers to elect their leaders who represent their interests **and** to protect them against any form of unfair treatment. The RCL is an important structure at school that is involved in every decision-making and helps the school managers make good decisions that will ensure that schools have a positive learning atmosphere (Msweli, 2021). The member of RCL of School A highlighted that in their school, disciplinarians read the school's Code of Conduct when there is misconduct. They go through the Code to remind learners about the misconduct that should have not been committed: *"We make sure that whenever there is a disciplinary matter, we take the Code of Conduct out and read it to the accused so that he or she can know what he or she is facing at that time"*.

The RCL members of all schools are in line with the principals. The orientation is done at the assemblies at the beginning of the year for learners to know the expectations of the school prior to the beginning of the school year. According to Radebe (2019), the RCL should advise the SGB when they draft the school's Code of Conduct as the decision-makers and disciplinarians should bear in mind that learners' interests should be at forefront when drafting school rules.

### 4.3.2 Adopting the Code of Conduct

Schools like any corporation or organisation in South Africa, utilise rules and regulations to control its running and management. As previously indicated the school's Code of Conduct is guided by the South African Schools Act (84 of 1996). This is in line with Karlsson, McPherson, and Pampallis (2020), that the legislature of South Africa amended its educational policy in 1996, resulting in the South African Schools Act (84 of 1996). All decisions made by schools must align with this Act. However, an increasing problem in resolving disciplinary concerns inside schools is a lack of awareness about the rules governing learners, teachers, SGBs and administrators (Brauckmann, Pashiardis & Rlestig, 2023).

The second question asked during the face-to-face interviews was: 'Which policies does the school use to determine the seriousness of the misconduct of learners?' Principals, disciplinary committee members and RCL members were asked this question to assess teacher and **learners'** understanding of school discipline processes. Lack of familiarity with educational laws, according to Wicklund, Andrews and Coatsworth (2022), may be a barrier to the right to education. Principals were asked their opinion on the seriousness of the wrongdoing. The principal of School B claims that regulations are established under the South African Schools Act. The SGBs in South Africa are required to develop a Code of Conduct after consultation with **learners**, as stated in Section 8 of the South African Schools Act (84 of 1996): *"We are guided by the South African Schools Act when it comes to a misconduct **on the part of the learners**".* (Principal of School B).

The principal of School C reported something similar. The SGB knows the South African Schools Act and the school's Code of Conduct inside and out. Members of the SGB know this information, which means that disciplinary hearings are fair and carried out well. Quan-Baffour (2020) **intimates** that the quality of education and literacy in society improves when people from the community help with teaching and enforcing rules in schools: *"We can even use the Code of Conduct because learners were having a knowledge of what is in that Code of Conduct. And then even the South African Schools Act because there are some of the **misconducts** in the South African Schools Act and then the parents together with the educators and the SGB were having a*

*knowledge of what is happening or what is in the South Africans Schools Act concerning the learners' discipline". (Principal of School C)*

The Constitution of the Republic of South Africa in Section 29(1) states that everyone has the right to basic education. Therefore, it is the obligation of the Department of Education to guarantee that all **learners'** have access to education. School administrators are responsible for ensuring that no **learner** is treated unjustly during disciplinary processes. All school policies are protected under the South African Schools Act (84 of 1996), and all stakeholders are engaged in the process of developing the Code of Conduct to ensure that rules are modified correctly: *"Then we use the policies such as South African School Act, our school Code of Conduct which is created by both the parents and the RCL learners. It so that all both the learners and the parents are governed by what they have agreed upon"* (Principal of School D)

The role of disciplinary committee members in schools is to implement disciplinary policies effectively, which reduces the likelihood of serious misconduct by learners. The policies used by disciplinary committees should protect learners' rights (Ige, 2019). A member of the disciplinary committee at School D stated: *"We are governed by SASA, which is the South African School Act and then we also have the SA-SAMS system whereby we, as a school, decide which levels of misconduct are there and then the discipline that surrounds that misconduct"*

Learners' disciplinary incidents are recorded administratively using the South African Schools Administration and Management System (SA-SAMS) The disciplinary committee records all disciplinary infractions and classifies them from Level 1 to Level 4 according to their severity (Maremi, Herselman & Botha, 2020).. These levels are explained below

- Level 1: Minor violation of general class discipline;
- Level 2: Minor violation of school code of conduct or rules;
- Level 3: Serious violation of school code **of** conduct of rules;
- Level 4: Very serious violation of school code or conduct of rules;
- Level 5: Criminal-serious violation of school code of conduct or rules (SA-SAMS, 2009:24).

Repeated minor infractions are classified as significant infractions: *“The kinds of misconduct that learners may commit at our school are stipulated in the school’s Code of Conduct. Therefore, it is the document used to determine how serious misconduct is”* (Member of the disciplinary committee at School A)

The school's Code of Conduct provides comprehensive information on the classification of many sorts of misbehaviour. It acts as a framework for the disciplinary committee to follow while dealing with disciplinary problems. Instead of just penalising learners, Valdebenito et al. (2018) believe that the purpose of school disciplinary rules should be to reduce learner misbehaviour.

According to Section 8(1) of the South African Schools Act (84 of 1996), the SGB must adopt the school’s Code of Conduct in consultation with the RCL to ensure a fair disciplinary process and prevent unfair treatment by disciplinarians. As Zondo, Mncube and Emmanuel (2023) note, a clear Code of Conduct adopted through due process promotes positive behaviour, a conducive atmosphere and a clear understanding of the importance of good manners within the school: *“Our school uses the policy they have and disciplinary committee whereby they meet, they have clarity about the learner and how are they going to take steps”*. (RCL Member at School C)

The school's Code of Conduct provides comprehensive information on the classification of many sorts of misbehaviour. It acts as a framework for the disciplinary committee to follow while dealing with disciplinary problems: *“Our school has a Code of Conduct that deals with every matter. It has different parts where it deals with issues, like what do we’ll do when bullying occurs or when you vandalise. So, each matter has every consequence that comes behind it”* (RCL of School A)

#### **4.3.3 Practising Fairness and Impartiality**

Schools must prioritise fairness when administering disciplinary measures and processes. Learners' lack of respect for school regulations might stem from unfair disciplinary proceedings, leading to rule-breaking (Brasov & Peterson, 2018). As Fissel, Wilcox and Tillyer (2019) note, disciplinary hearings should be conducted properly and impartially regardless of a learner's colour, gender or parental position. As undisciplined learners are likely to use a broken disciplinary system to participate in misbehaviour, ensuring the fair handling of punishment in schools helps create a

safer atmosphere with fewer occurrences of bullying (Overstreet, Sriken, Lapsey & McNeeley, 2023). Every learner must be handled fairly and no child should face a disciplinary hearing in the presence their parent or guardian. In accordance with Section 9.1 of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice no. 28 of 2020), the principal and SGB must send a letter to the parent of the accused learner, detailing the misconduct, the date of the hearing and other pertinent hearing information. Furthermore, both the parent and the learner have the right to seek an interpreter if they do not comprehend the language spoken during disciplinary proceedings.

During the face-to-face interview, participants were asked, "What responsibilities do disciplinary committee members play in defending the rights of accused learners and their parents?" Principal, members of the disciplinary committee, and members of the RCL responded on this issue. Principals underlined the importance of the disciplinary committee's role in maintaining justice and objectivity during disciplinary proceedings. They emphasised the committee's need to listen to all sides before reaching a conclusion.

In accordance with Section 9.3 of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice no. 28 of 2020), the presiding officer shall ask the accused learner whether they plead guilty during the disciplinary hearing. If the learner enters a guilty plea, the presiding officer must give them a chance to state their case. If the learner's account varies from the charge sheet, the presiding officer should not record a guilty plea on the learner's behalf. The presiding officer must guarantee that all parties have an equal opportunity to give their side of the story during the whole hearing. The administration of school disciplinary proceedings in a fair and unbiased manner is crucial for ensuring a safe and respected learning environment. As stated by the principal of School B: *"My role as a principal and together with the committees, the committee members of the disciplinary committee, is to ensure that the process is fair and thereby it means that we must apply due process"*.

Both the principal and disciplinary committee members bear a significant responsibility in ensuring an equitable disciplinary process that upholds the principles of due process, offers appropriate representation for learners, and actively involves parents

or guardians. Educators play a vital role in teaching **learners** about making sound choices and consistently adhering to rules. It is crucial to recognise that if the disciplinary committee fails to uphold due process during proceedings, it can undermine the overarching goal of educating young individuals to become future professionals (Perry-Hazan & Lambrozo, 2018).

The fairness of disciplinary procedures has a direct impact on a learner's academic performance. When due process is not followed, it can adversely affect a **learner's** classroom performance and overall well-being. Furthermore, failure to ensure due process in disciplinary matters may increase the risk of **learners** dropping out of school and potentially engaging in delinquent behaviour in the future (Jacobi & Clifton, 2022). The response expressed by the principal of School C concur with those of the principal of School B: *“The role of the disciplinary committee, especially in schools is to practise fairness and then in the hearing because the disciplinary committee need not to take a side when maybe conducting those disciplinary hearings because they must hear”*.

During disciplinary hearings, it is crucial that all **learners** be given an equal chance to express their point of view. The presiding officer must ensure that all **learners** are given an opportunity to present their side of the story, and the members of the disciplinary committee must work together to protect the rights of all **learners** and avoiding making snap judgements before guilt has been proved (Valdebenito et al.,2018). In addition, parents' participation in disciplinary hearings and other contacts involving **learner** punishment is crucial. A copy of the disciplinary hearing notice should be sent to parents in a timely manner, as required by paragraph 9.1 (7-10) of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice no. 28 of 2020). In addition, unless the **learner** is above the age of 21, he or she must have a parent or legal guardian present at the hearing. To promote a fair and reasonable disciplinary procedure, School B's principal responded in this way: *“There is no way in which we can interview the learner in the absence of the parent. So, the parents must always be there so that the whole process is free and fair”*.

This comment emphasises the relevance of these values, highlighting the need for equal treatment for all children and active parental engagement. No **learner** interviews may be conducted without parental permission. The fundamental reason for **allowing**

a parent **to** attend the disciplinary hearing ensures that the processes are as fair and transparent as possible. The presence of a parent reminds the panel that their decisions must be reasonable and equal. Furthermore, the panel must give the same impartiality and attention to the accused learner's parent, allowing them a fair chance to participate in the process. The requirement that a **learner** be accompanied by a parent or guardian at the hearing is intended to avoid possible prejudice or the panel from making decisions without following necessary processes. This technique protects against the appearance of injustice and aids in the integrity of the disciplinary procedure (Valdebenito et al., 2018).

The member of the disciplinary hearing at School A agrees with the principal of School B: *“Depending on the magnitude of the offence, that has to do with the discipline in the school, the learners are instructed or directed to call their parents whenever there is a matter to be heard or that it needs to be presented before the disciplinary committee so that the parents can be part of the adjudication on the matter”*

This response underlines the importance of parental attendance in maintaining justice and ensuring that all parties involved are handled fairly throughout the disciplinary processes.

Members of the disciplinary committee from the participating school all agree that ensuring impartiality during disciplinary hearings is critical. The disciplinary panel is charged with the essential responsibility of being unbiased and fair. Their responsibility includes carefully evaluating both the accused and the complainant's points of view, guaranteeing equitable treatment for all parties concerned. The primary goal of a disciplinary hearing is to give a forum for all parties to present their versions of events, allowing the matter to be adjudicated based on the pertinent facts provided. Failure to manage the disciplinary process and processes in a formal and fair way, as underlined by Çetinkaya and Koçyigit (2020), might possibly lead to future uncontrolled conduct among learners. As a result, it is the joint obligation of every member of the disciplinary committee to ensure that all parties are treated fairly and fairly throughout the procedures: *“We need to protect everyone and then always when there is a case, we must check both sides, must take both sides of the story. It's like a coin must have the accused and the complainant, they give their stories so that we can protect everyone. We are not biased at all and therefore **every** offence”* (Disciplinary committee member

of School B). This response highlights the importance of objectivity in disciplinary proceedings and the group's shared commitment to upholding justice.

A cornerstone for the effective conduct of disciplinary hearings within schools is the correct observation of the rules regulating disciplinary processes and procedures, as well as rigorous adherence to the school's Code of Conduct. Following these rules to the letter is crucial to the smooth running of such hearings. Understanding that prejudice may be introduced and the disciplinary process disrupted by the involvement of emotions and personal judgements is vital. Golann and Torres (2020) emphasise the need of having observers present at these types of sessions to help reduce the likelihood of any unfair practices being used.

A member of School B's disciplinary committee echoes this view: *"When taking this plan, it is guided by the school's Code of Conduct"* highlighting the significance of regulations and outside observers in maintaining the fairness of disciplinary proceedings.

According to Williams III et al. (2023), the fair decision of disciplinary hearings depends on a thorough examination of the evidence and the results of the inquiry given at each stage of the processes. The disciplinary committee must conduct a thorough inquiry before rendering a verdict of guilt or innocence. The disciplinary panel is responsible for carefully gathering evidence and reviewing testimony to avoid jumping to conclusions: *"Before we can say this, learner did something and we are sure, we firstly get the information, we ask for witnesses if they are there and then before we can conclude on that matter"* (A disciplinary committee member of School D). This response echoes this opinion. The importance of a thorough and impartial investigation in ensuring fairness and accuracy in disciplinary proceedings cannot be overstated.

The RCL carries a significant responsibility in fostering a progressive school environment characterised by positive teacher-learner relationships. They serve as the advocates for the **learner** body, providing a communication channel through which issues that learners may hesitate to voice can be discussed (Mathebula & Runhare, 2021). Paragraph 8 (4) (e) of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice no. 28 of 2020) allows for a member of the RCL to participate as an observer during disciplinary proceedings.

The purpose of their presence in these hearings is to monitor for any unfair practices that may potentially infringe upon the rights of the learners undergoing the disciplinary process.

Learners who actively participate in these proceedings assert that the primary responsibility of the RCL is to ensure the presence of fairness and due process when learners are facing disciplinary hearings. Central to this objective is transparency, whereby the gathering of the accused's account and upholding the presumption of innocence should take precedence in the hearing process. The crucial role of the RCL in safeguarding fairness and due process is emphasised in transparency and a commitment to the accused learner's perspective should be prioritised in the disciplinary proceedings: *"I make sure that both parties are represented, and their parent are also invited"*. (RCL member from School B).

Another perspective from RCL members underscores their essential role in safeguarding the rights of accused learners and their parents, which involves ensuring strict adherence to established rules and procedures. Before learners are subjected to disciplinary proceedings, educators should effectively communicate the school's Code of Conduct to ensure clarity and understanding. According to this viewpoint, the cornerstone of adjudicating disciplinary matters should be solid and concrete evidence. RCL members firmly assert that proceedings should not take place in the absence of substantial evidence. This stance reflects their commitment to maintaining fairness and due process in the disciplinary procedures. The RCL members at School D stress the importance of their role in ensuring that disciplinary processes are carried out in accordance with established rules and that the proceedings are evidence-based, aligning with the principles of fairness and justice: *"You know they may, by making sure that the learner is not expelled at school before found guilty or before any concrete evidence is found"*.

#### **4.3.4 Effective School Disciplinary Procedures and Accountability**

Hearings for disciplinary action are never held unless there is clear proof of some kind of wrongdoing. Ige (2019) is convinced that gathering evidence should be done professionally since, in most instances, parents bring criminal accusations against educators after unjustly accusing their **learners**, leading to the suspension or expulsion of the accused **learners** from the school. In accordance with the South African Schools

Act (84 of 1996), section 8 (A), the principal is granted the authority to delegate educators or other authorised personnel to conduct random searches within the school premises with the intention of fostering an atmosphere that is conducive to the academic achievement of all learners. If the principal has reason to believe that there are items that should not be there, then they will conduct a search.

The search should be in the interest of the learners, and the way delegated authorities use to search learners should be acceptable. The search should be conducted by a person of the same gender as the learner with the presence of an adult witness of the same gender. If the search delegates discover a dangerous weapon or object, it should be reported or taken to the police station in terms of section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). Learners are expected to comply with any order that the authorities give them without questions.

Lack of experience and knowledge of handling disciplinary matters causes the failure of the disciplinary purpose and injustice to learners (Ige, 2019). In a disciplinary hearing, the initiator or the prosecutor may call and question the witness or present the evidence before the disciplinary hearing committee. The accused learner or his/her representatives may also question the witness in terms of paragraph 10 of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice no. 28 of 2020). During the disciplinary hearing, the accused learner may present witnesses or evidence in his or her defence. After all parties and initiators have asked questions, the meeting will be adjourned by the presiding officer so that the committee may analyse the evidence presented. The committee will set a new day and time for all parties to consider the evidence presented before the disciplinary committee.

During the face-to-face interview, the fourth question that the researcher asked was “Describe how in most cases the school gathers the evidence of the accused learners and during disciplinary hearings how the evidence is presented?” The first responders were the school principals because they were the accounting officers of every decision that the school makes.

Gathering evidence is a serious challenge because educators might lack knowledge or strategies to investigate, and interrogate and like trained authorities. Welch (2018) argues that a lack of knowledge of gathering misconduct evidence in schools leads to

the withdrawal of many cases due to poor handling or management of evidence. In my experience of educators gathering evidence process, learners become difficult, deny everything and in most cases, threaten eyewitnesses. This is supported by the response of Principal A *“It is not easy to gather evidence in terms of what has happened in terms of the guilty parties - it is not easy for us to gather the information”*

Witnesses are important people for the success of the disciplinary hearing. Schools often use witnesses as evidence and to gather evidence. Malutinok (2018) believes that the evidence of eyewitnesses is more reliable than physical or electronic evidence because it might be fabricated. *It is easy to edit the pictures or use the software electronically to create a false evidence.* The principal of School A said *“We also call everybody who is involved in the case to come and witness or share some of the information that will be needed”* emphasising the importance of using witnesses to gather evidence.

The principal of School D responds that witnesses hold powers of the adjudication of the case *“Normally he or she comes with the witnesses as witnesses are the ones who will provide the evidence depending on the type of the case. Mind you, the cases vary from one person to the other, from one case to the other in that fashion, if like for instant, a learner lost a calculator as in a case, therefore we will look for witnesses, then the witnesses are the ones who will outline if they saw the person stealing that calculator or not. Then normally we rely on the witnesses as the ones who are providing the evidence, but we do not conclude it until we call the third person who is the accused person to outline or to verify if it's called, or confirm if it's correct or not, then if it is not correct. Then we will proceed with our first investigation to find out who stole that calculator. But in that regard, I cannot necessarily say we do have concrete evidence that we are using. We rely on the information that is provided by the witnesses”*.

In observation experience, most witnesses are biased in many cases. Their reasons for being biased vary. In some cases, witnesses give false statements to protect the fate of their accused friends. Some give dishonest answers to protect themselves from the perpetrators or to avoid being bullied and labelled as spies. Many learners in schools just abstain or deny being witnesses for the reasons mentioned. My observation is further supported by Mahabeer (2020) that even novice educators fear

bullying from learners when it comes to interfering in disciplinary matters. The problem of bystanders fearing to be involved in disciplinary cases is not only experienced in South Africa; Zimbabwean schools also have reported a rise of bullying in schools because witnesses fear being the next victims (Gomba & Zindonda, 2021). The information on the witnesses should be protected to prevent them from denying participation during disciplinary cases. It is possible for the witness to appear anonymously. The principal of School A supports this by saying *"We protect the learner. It should be confidential even if the learner is to share the information. It should be confidential; we don't expose anything. We don't even go and tell the SGB"*. Even in the case of sensitive cases, the learner and the information need serious protection to prevent any emotional harm from the community, as reported by the School A principal *"The case is confidential in terms of rape. We protect the learner ... rumours will be flying that this one and that one the so, the so and so learner has been raped and this one"*.

To avoid unfounded accusations, the disciplinarians should hear both sides of the story to ensure an informative decision. The principal of school A said: *"We gather all parties. We hear from both sides. We call, we call the accused and also the perpetrator at the same time and we hear from both sides and then we come up with the decision. A decision which is informative - an informed decision"*. Although some of the schools, according to my experience, use this approach to avoid formal disciplinary procedures. Learners are informally cross-examined and the educator in charge pre-judges before the commencement of formal proceedings. The member of the disciplinary committee of School D supports what is said by the principal of School A about the importance of hearing all sides of the story by saying: *"We will look for witnesses, then the witnesses are the ones who will outline if they saw the person stealing that calculator or not ... then normally we rely on the witnesses as the ones who are providing the evidence, but we do not conclude it until we call the third person who is the accused person to outline or to verify if it's called, confirm if it's correct or not, then if it is not correct."*

To ensure effective due process and procedures of the disciplinary hearings, the disciplinary committee should have a good record for accountability and referral purposes (Perry Jr, 2021). Records such as the date and time of the incident, the person in charge of gathering evidence and witnesses, the name of the accused learner and the level of misconduct should be recorded in that order according to

Section 8A of the South African Schools Act (84 of 1996). Member of the disciplinary committee of School A explained that: *“Depending on the type of misconduct committed, at times we would request as per the Code of Conduct the learners concerned to note down how and where the incident took place. In other words, compile reports which will be presented during the actual hearing by the committee.”* This description emphasises that the record is for the purpose of ensuring that all details needed are available for the disciplinary proceedings.

*“For example, maybe we find a learner smoking ... dagga or any other thing which is in prohibited in school is not allowed within the premise of the school. Therefore, we must have evidence. If he says drugs, we must have those drugs and those drugs must be kept safe so that they are going to be used as evidence or if he is in a fight, therefore, we need to get a written statement from both complainant and the accused and get a statement”.* The member of the disciplinary committee at School B said that the school uses a record book to record the statements of the accused and the victim to avoid the changing of the statement during the proceedings. The school safe is used to keep any physical evidence to avoid being misplaced or interfered with before the commencement of the disciplinary hearing.

The member of the RCL at School C said: *“We have our school system named SA-SAMS whereby they have all the learners’ record that are recorded in the computer so that even if he makes the certain mistakes or repeats the certain crime or case”.* The SA-SAMS software programme has been introduced in all schools to keeps a record of every learner and most importantly in this case of this research, to record all incidents according to the level of the misconduct. It is so simple for educators, parents or external stakeholders to acquire the summary of the incident report of every learner even after many years. The system is also uploaded from the circuit to the national level. The officials can easily access the incident report information and conduct follow-ups on how cases have been solved.

The disciplinarians ensure that they attend the disciplinary cases fearing being exposed by the SA-SAMS. Obadire and Sinthumule (2021) state that the RCL **must** robustly engage in disciplinary matters by ensuring that their fellow learners understand the importance of good behaviour. They should ensure that the school environment is positive and secure from bullying and threats. The principal of School

C said: *“At school we are having the class reps, we are having the RCL, we are having the class managers. So, we gather information through the RCL, through the class reps and the class managers. So, after they gather that information, they will present the information to the class managers.”* The full responsibility of gathering evidence in this regard is given to the learners. Class representatives work with their class teachers to gather the incident **report and** give it to class teachers then class teachers take the report to the disciplinary committee. The RCL member of School B also supports what is said by the principal of School C: *“They are using us as a RLC to research and to spy on the learners who are not doing things that are not right in school”* Using learners to gather evidence according to my experience can put the lives of RCL member in danger. RCL records or reports of disciplinary incidents might be biased and cannot be used in formal disciplinary tribunals. Only educators can investigate and keep records well because they are trained to do so.

#### **4.3.5 Restorative Discipline, Continuity in Education and Preventative Measures in Education**

Chapter 29(1) of the Constitution of the Republic of South Africa states that every person has a right to basic education, which should be considered when making judgements by school disciplinary hearing panels (Act 108 of 1996). The SGB shall hold a special meeting to review the report written by the presiding officer of the disciplinary hearing, as detailed in Section 10 of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice No. 28 of 2020). The next stage is for the SGB to decide based on the report's information. Depending on the outcome, the SGB will either suggest to the provincial level Head of Department that the **learner** be expelled or will be allowed to come back after or up to 14 days of suspension. Learner expulsion can only be done by the provincial level Head of Department and not the principal or SGB.

The provincial level Head of Department will examine the SGB's suggestion within 14 working days after receiving the letter. The **learner's** reasons for requesting dismissal will be considered by the provincial level Head of Department. It is common practise to provide **learners** with the opportunity to take an end-of-year test during the spring semester of their senior year. The **learner's** parents will get a letter explaining the decision to expel their child. A **learner** who has been expelled has five (5) school days

to submit an appeal with the Member of the Executive Council (MEC) of the Department of Education, as stated in Section 11 of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice No. 28 of 2020).

According to Section 9(5) of the South African Schools Act, the school must make alternative arrangements for the expelled learner to complete his or her education at another school (84 of 1996). A learner's behaviour will not improve via suspension, but they may lose valuable learning time. Schools need to discover alternatives to expulsion if they are serious about lowering the failure rate (Camacho & Krezmien, 2020). Policymakers should consider learners' psychological well-being while attempting to alter their behaviour. Protecting learners' mental health and assessing their social challenges should come before disciplinary action (Ritter, 2018). **The principal should understand the cause of the misconducts and assess the emotional well-being of a learner before referring a learner to the disciplinary hearing.**

Lastly, measures that the disciplinary committee take to protect learners' rights to an equitable education if they are found to have participated in improper conduct, was investigated. The RCL, the principals and the members of the disciplinary committee each provided their own responses to the question. The policies and procedures that govern the expulsion and suspension of learners from schools are not well understood. Due to the absence of any legal interpretation, learners are treated unfairly at disciplinary proceedings (Green, Maynard & Stegenga, 2018). The principal of School B responded that it is important to not contradict with laws of the country before and after the judgment of the disciplinary misconduct: *“Our Code of Conduct is very clear when it comes to this manner because there are levels that we have. In terms of the type of a misconduct and the gravity of the case, which is in place, and the sanctions that deal with a particular misconduct, are not the same. So, they will vary from one misconduct to another, but at the same time, the framework that we have is drawn. We draw the framework from the Constitution of the country which gives us the entire framework from which we will draw policies so that we do not actually contravene what is contained in the Bill of Rights”*. Like what was said by the principal of School B, the principal of School C also highlighted the importance of understanding the Bill of Rights with the purpose of protecting learner's rights by saying: *“The disciplinary committee can discipline the learners. They must have a knowledge of what is*

*happening in the Bill of Rights chapter 2, because the Bill of Rights, I mean in the Bill of Rights chapter two, they say every learner has the right to education.”*

The number of days of suspension should not total more than 14 days. The principal of School A said, *“If it needs be, if the SGB recommends that the learner should be suspended, they should start by evaluating the matter at hand. They should start by evaluating and they should not exceed 14 days”*. The principal of School C responded with a different view of the suspension days: *“So when they are to suspend the learner. They must know that the learner must be suspended for seven days that is for the first time”*. Like what is said by the principal of School C, the principal of School D said *“They are given seven days to be at home. So that they can come to school after seven days is an expansion whereby learners who are found guilty. They are given seven days to be at home, then they will return to school on the 8th day”*. It seems that there is some confusion about the number of days for suspension and when the learner should return to school.

Member of the disciplinary committee of School C agreed that the number of suspension days is not clear: *“In terms of this disciplinary committee, if the learner is to be, what is this suspended there are some that require us to do internal suspension which is plus or minus 10 days. Now when we suspend learners, we check the suspension and we also check that learners are not disadvantaged in terms of assessment ... in terms of learning, in fact, it is their responsibility”*. The RCL member of the School A indicated that at their school, learners are hardly ever suspended. Parents are called to sign a warning letter, then the child continues with school: *“The parent signs a form or the letter that the learner could have written. Then after that, the learner will be coming to school as usual, but there will be a warning”*.

Parental participation is essential in disciplinary processes and procedures. My experience has taught me that parents should be included whenever discipline is discussed with learners. Section 9.1(9) of the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings and Due Process for Learners (Notice No. 28 of 2020) stipulates that a learner must be accompanied by a parent at disciplinary hearings unless he or she is at least 21 years old. Parents should be involved in all disciplinary matters since they are the ones who enrol their children at school (Nicholson, 2021). According to most respondents, when learners are suspended, the

school must engage with the parents to ensure that the learner's right to education is not violated.

The parent's involvement begins from the decision to constitute the disciplinary hearing until the last day of the judgement: *“Every time if the learner **must** write a test, the learner should be called, he should be called to come and write the test and then under the watch of the parent. The parents should be there, should hand over the learner to come and write the test. If there is an assignment, we must make sure as the school that the learner gets whatever, so that we should violate the rights of the learner”*. (Principal of School A).

The parents play an important role in ensuring that the learner's right to education is protected. Parents collect and submit written tasks on behalf of learners during the suspension period, as indicated by a member of the disciplinary committee of School B: *“Therefore, you need to follow procedures. Suspension ... if it is the first-time offence, there is no suspension, but of course, if the learner is suspended, therefore we have got the contact number of their parents. We call the parents to come and collect the work. Yeah, so that when he **returned**, he must have all the work that have been done by other learners”*.

The Constitution of the Republic of South Africa (108 of 1996) is crucial for preserving the dignity of the learners' rights. During disciplinary hearings, schools do not examine the Constitution of the Republic of South Africa. Expulsion and suspension are not remedial methods, argue Joubert, De Waal and Rossouw (2004). The rights of **leaners** should not be jeopardised by lethargy in implementing alternative remedial procedures (Makiwa, 2021). When **learners** are found guilty during disciplinary proceedings, the school employs a variety of techniques to limit their educational rights. In relation to rights to education, the principal of School C said: *“They must ensure that the learner must come to the school and write if they are to write a test or **are** to write an examination, and then, after writing then the learner will go home until that suspension is maybe, is over, then the learner can come to the school. But they must ensure that that learner must not be ... I mean, the learner must not violate the rights of being educated”*.

The learner is given equal work compared to other learners in school, as explained by the Principal of School D: *“If the learner is requested to be at home for seven days,*

*then the very same learner is given tasks, homework, classwork and so on through the parents. Because of what we are normally doing, we just want to ensure that the learner, that particular learner who is found guilty, stays away from those who are at school but are given equal tasks And in case the learners can write a test while the other one is at home, we'll ensure that when he or she comes back to school, we also give him or her a test so that all the learners are treated equally in terms of their rights and equality and that given equal opportunities".* Disciplinary committee member of school A said that their suspended learners are given work after contact time: *"It is always ensured that if there is a task to be completed by the perpetrator or the one who has been found guilty, it is completed outside the contact time. That is, learners would only be expected to complete such tasks after the lessons".*

A member of the disciplinary committee of School D said: *"Then in terms of the suspension, we'll be looking at the dates. If it clashes with exams, these learners will, the parents will take the exams and then this child will arrive them at home, but then they **will not be** allowed at school at that time".* This solution may be difficult since when **learners** take the test, there should be **invigilators** but the question is who will oversee the integrity and administration of the examination at home?

Makiwa (2021) demonstrates that **learners** do not comprehend their rights. The learners' rights are neither jeopardised by their ignorance of disciplinary procedures, nor by their abuse of those rights. Throughout the disciplinary process and processes, the RCL member's primary duty is to watch the proceedings to ensure due process. The RCL member of School B said *"They are giving other learners work to give suspended learners home so that they can get work"* which is a different approach to other schools. In this regard, friends of the suspended learner take full responsibility for ensuring that a learner receives work from home. Learners may not deliver the work home because it is not theirs to do so. The RCL member of School D said that in their school, suspended learners write missed tasks when their suspension has lapsed: *"Some other learners are allowed to write when they return back from the suspension".* It will be difficult for the educators to focus on one learner and the learner to write many tasks in a short space of time.

#### **4.4 CONCLUSION**

The findings emerging from the analysis of data obtained from the four different schools may be broken down into five themes. Information was gathered from the school principals, those serving on the disciplinary panels, and members of the RCL. This chapter was able to provide an analysis of how principals **endeavour** to protect the learners' human rights during disciplinary proceedings in Sekgosese Central Circuit secondary schools. The discussion of the results and summary, as well as the suggestions and the overall conclusion of the research, is the primary emphasis of the next chapter.

## CHAPTER 5: ANALYSIS OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

### 5.1 INTRODUCTION

The previous chapter presented the findings emerging from the analysis of data collected from four Sekgosese Central Circuit, Limpopo province secondary schools. The analysed data were collected from the school principals, disciplinary committee members, and each school's RCL. In this chapter, the findings reported in five themes are summarised, key findings are presented and conclusions drawn and finally, recommendations are offered.

This chapter's purpose is to critically examine the findings derived from Chapter 4 and draw conclusions on what causes the infringement of learner's rights during the disciplinary proceedings **considering** the main research question was: *How do school principals protect the learners' human rights during disciplinary proceedings?* and the sub-questions **are**:

1. What are the levels of understanding and interpretation of the South African Schools Act (84 of 1996) and learner's human rights by the School Governing Body?
2. Which role does the school principal play in guiding disciplinary committees regarding the correct steps of disciplinary procedures?
3. What causes violations of learners' human rights during disciplinary proceedings?
4. How do the disciplinary committee members protect the rights of accused learners during disciplinary hearings?

A qualitative research approach allowed the study to investigate the causes of the research problem. A case study design was used in this study, enabling the researcher to accomplish the research goal. The study adopted purposive sampling which allowed for the sampling of relevant participants with disciplinary information. Individual face-to-face interviews were conducted to collect original data from the participants who are directly involved with disciplinary matters in the four selected secondary school.

In the following sections, the five themes are summarised and discussed and recommendations are offered.

## **5.2 COMMUNICATING THE CODE OF CONDUCT TO RELEVANT STAKEHOLDERS**

In some selected schools it seems that the SGB, principals, disciplinary committee members, and members of the RCL do not fully understand the schools' Code of Conduct which means that they are unable to interpret, implement and communicate it effectively.

The sampled schools are using various approaches to disseminate the school's Code of Conduct to the **SGB, parents and learners**. Certain educational institutions arrange parent conferences during the first days of each academic year to apprise parents of the school's Code of Conduct. In alternative educational institutions, the admissions period is used to provide learners and their parents with an orientation on the school's Code of Conduct. The primary objective of this activity is to ensure that the **learners** are fully informed about the required standards of behaviour. In some educational institutions, the Code of Conduct is first disseminated to the faculty and staff, then to the SGB, parents, and finally to the **learners** at the assembly point. **Learners** in the seventh grade or those applying from another educational institution who are seeking admission, are provided with the school's Code of Conduct to ensure that they are ready to agree to the institution's regulations. If they experience discomfort, they need to consider applying to different educational institutions.

### **5.2.1 Analysis of communicating the Code of Conduct to stakeholders.**

The South African Schools Act does not specify how the school's Code of Conduct should be adopted (84 of 1996). There is a lack of clarity regarding who should write and distribute the school's Code of Conduct. In some schools, the teachers are the first to discuss the school's Code of Conduct, and then **the** SGB. The SGB is the appropriate authority to establish a Code of Conduct. The school's Code of Conduct is not consistently communicated, nor are various communication tactics such as assemblies, the RCL president, parent-teacher conferences, brochures for **learners** in need of admission or providing parents with the school's Code of Conduct at the time

of admission. This demonstrates how differently each school informs **learners** about the school's Code of Conduct.

Some managers use orientation as a justification for refusing admission to learners. Parents and **learners** must sign the school's Code of Conduct to acknowledge and accept the rules of the school. They are signing rules for which their parents, as stakeholders, have never been consulted.

### **5.2.2 Recommendations for effective communication**

Parents and **leaners** should be regularly briefed on the school's Code of Conduct, disciplinary processes and procedures at meetings. Open communication should be encouraged in these sessions and parents and **learners** should be able to get clarification from all relevant parties. The DBE should set up consistent, unambiguous lines of communication at the national and provincial levels so that the SGB, school administrators and disciplinary committee members may effectively communicate the Code of Conduct to **learners** and parents. There should be a chart in every classroom, parents should get booklets, the school Code of Conduct should be displayed at the front door, and the class educators should discuss it with learners in their allocated classrooms.

## **5.3 ADOPTING THE CODE OF CONDUCT**

This section discusses the due processes of adopting the school's Code of Conduct.

### **5.3.1 Overview of adoptability among disciplinary committee members**

The perspectives of the disciplinary committee members on the approval of the school's Code of Conduct vary from those of the principals. Learners are given copies of the school regulations, which are explained to them by the disciplinary committee. Members of the disciplinary committee guarantee that all stakeholders are engaged in the development of the school's Code of Conduct, which parents and **learners** must agree to abide by. RCL members from some schools are given the opportunity to talk to the learners about the school's Code of Conduct during assembly. When **learners** commit a misdemeanour, the school's Code of Conduct is reinforced by the **SGB**.

### **5.3.2 Comparative analysis of adoption rates**

According to the findings, the disciplinary committee is responsible for ensuring that the school's Code of Conduct is implemented. The SGB is responsible for adoption processes, which include stakeholder input. It is inappropriate to have members of the RCL orientate other learners during assemblies, since learners cannot be entrusted with such a delicate and critical role. Given that it is being handled by their classmates, most learners will not take it seriously. Furthermore, the gravity of disciplinary issues may diminish, since RCL members who have counselled their peers may engage in the same wrongdoing that they have condemned themselves for; hence, no learner will ever regard disciplinary concerns with due gravity. Members of the RCL may be subjected to bullying by other learners, and it is the responsibility of the educators assigned to administer the management of discipline to adhere to the Personnel Administrative Measures (PAM) and their training in managing school discipline.

### **5.3.3 Recommendations for enhancing adoption**

The DBE should ensure that each school in the country creates and implements a Code of Conduct. The Code of Conduct should be clear about the rules and regulations for all learners. The role of members of the RCL is to ensure that the Code of Conduct provides clear guidelines that create a conducive environment which ensures the protection of every learner.

## **5.4 PRACTISING FAIRNESS AND IMPARTIALITY**

This section discusses the findings, challenges and recommendation in relation to examining of fairness of the disciplinary hearings.

### **5.4.1 Examination of fairness and impartiality in disciplinary proceedings**

The principal and members of the disciplinary committee ensure that there is fairness by assuring that due process is followed. Both sides of the story during the disciplinary proceedings are listened to protect everyone. Parents are called by the educators whenever there is engagement between the disciplinarians and the learners whether is a minor or serious misconduct. The disciplinary proceedings are conducted in the presence of parents or guardians and the RCL members ensure that all members are

represented. The witnesses are the main sources of the disciplinary hearings because their testimony has the power to determine the fate of the accused learner.

Due process is ensured by the principal and members of the disciplinary committee members while the RCL members are not included but are given the responsibility to ensure fairness throughout the proceedings through observation. There are levels of misconduct, some cases need only verbal warnings, and parents are then not called to the school. However, with a disciplinary proceeding, the witness testimony is used to judge the accused learner with the solution being considered. The judgement is handed down according to the disciplinary committee and could be suspension or expulsion.

### **5.3.2 Recommendations for ensuring fairness and impartiality**

There is a serious lack of interpretation of the policies by the principals, members of the disciplinary committee and the RCL, therefore there needs to be more insight into how the school led by the principal, educate all stakeholders on how to handle misconduct of learners guided by policy and the Code of Conduct. The DBE at circuit or district level needs to ascertain that every term there is a professional development workshop on how to handle the interrogation and the processes and procedures of disciplinary hearings in the case of misconduct. All stakeholders such as the SGB delegate, members of the disciplinary committee and RCL members should attend the workshops.

## **5.5 EFFECTIVE SCHOOL DISCIPLINARY PROCEDURES**

In this section, the evaluation of the existing disciplinary procedures, the strengths and weaknesses of the procedures and the recommendations for streamlining procedures are discussed.

### **5.5.1 Evaluation of existing procedures**

The principal often finds it difficult to gather evidence when misconduct occurs. The accuser in most cases is not compliant with the processes and procedures. The case is reported by RCL members who are the eyes of the principal and the disciplinary committee members. Class representatives report the misbehaviour of learners to the

class teachers. The following levels of misconducts that are taken into consideration to decide on the seriousness of the misconduct:

- Level 1: Minor violation of general class discipline;
- Level 2: Minor violation of the school's Code of Conduct or rules;
- Level 3: Serious violation of school's Code of Conduct or rules;
- Level 4: Very serious violation of school's Code of Conduct or rules;
- Level 5: Criminal-serious violation of school's Code of Conduct or rules (SA-SAMS, 2009:24).

Once the level of misdemeanour has been established, the principal decides on a course of action. If a disciplinary hearing is to take place, processes are put in place. The principal requests that the victim's case be heard, supported by witnesses. The same applies to the accuser in defence. Confidentiality is guaranteed by the principals for the victims in case there are sensitive cases such as sexual harassment. The principals in some sensitive cases wrongfully exclude member of the aim of protecting the privacy of a learner. The witness statements are examined to determine the process of the disciplinary proceedings. Some schools use SA-SAMS to record the misconduct of learners.

### **5.5.2 Identification of Procedural Strengths and Weaknesses**

The strategy of cross-examination during the disciplinary proceedings offers the opportunity for revealing the truth. However, the principal has difficulties in gathering the evidence which might be caused by the failure to use guidelines of the policy, as indicated in the South African Schools Act (84 of 1996). The weakness of using witnesses as key evidence during disciplinary proceedings is that witnesses might deliberately give false testimony to support their friends.

The three SGB members are the main authorities to ensure that the disciplinary hearings are carried out. The Chairperson of the SGB is automatically the presiding officer of the disciplinary hearings. In some schools, the SGB is not included in sensitive matters; however, excluding the SGB when sensitive matters are brought into disciplinary hearings is illegal and unprofessional because the disciplinary tribunals cannot proceed without the SGB.

It is a good idea to use the SA-SAMS Guidelines for using the General School Information Module with its various levels to assess the degree of wrongdoing to bring the SGBs, principals and disciplinary committees' attention to these important issues. The challenging part of the SA-SAMS is that the disciplinary committee and the principal will cease to have continuous disciplinary meetings with the hope that the SA-SAMS will determine the seriousness of the matters on their behalf. Some of the cases are not programmed on the SA-SAMS, meaning that such cases might be ignored while the victims are suffering from physical or emotional abuse without their cases being resolved.

There is the possibility that the educators and SGBs have not created the school's Code of Conduct that should be used to determine the seriousness of the misconduct that leads to disciplinary hearings. SA-SAMS is for record-keeping purposes. Some schools confuse it as a replacement for the school's Code of Conduct and policies.

In almost all interviewed schools, RCL members do not understand the disciplinary procedures. They are just told what to do and what not to do. If the RCL do not know the policies, they are unable to represent and protect the rights of fellow learners or determine the seriousness of the misconduct. This could mean that the disciplinarians could do as they please when implementing disciplinary measures. The class representatives and the RCL are part of the learner corps. They see everything that happens within the school premises. The unprotected part of this strategy is that the class representatives and the RCL members' lives could be in danger because misbehaved learners will emotionally or physically harm them to discourage them from working with the educators.

### **5.5.3 Recommendations for streamlining procedures**

It is crucial that principals follow the South African Schools Act (84 of 1996) or formulate a school policy to prevent any violation of learners' rights in the collection of evidence used to decide the outcome of disciplinary proceedings. The SGB must be included in each case in the school and should sign the declaration of secrecy form and be clarified on the importance of privacy for sensitive matters. SA-SAMS should be updated after the meetings of the disciplinary committees. The DBE needs to develop clear guidelines on the responsibilities of educators and the danger of using class representatives and RCL members to be the eyes of the principals and

educators to report other learners. It is necessary to question witnesses who testified during disciplinary hearings under oath about the nature of the accused's connection with the victim. It is considered primary misbehaviour to exclude the SGB from the disciplinary process and procedures, as they are legally entitled to be part of the committee.

## **5.6 ACCOUNTABILITY AND RESTORATIVE DISCIPLINE**

This section discusses the assessment of accountability measures, integration of restorative practices and offers recommendation for accountability and restorative measures.

### **5.6.1 Assessment of accountability measures**

The involvement of parents during disciplinary procedures is the only accountability strategy that the schools use to ensure accountability. The school ensures that parents are present at every disciplinary hearing. The school communicates with parents in a situation where learners have committed a misdemeanour. The parents are present at the disciplinary hearing and when the learner is suspended, they ensure that the school is accountable that the learner's right to equal education is not violated.

### **5.6.2 Integration of Restorative practices**

The sanctions to deal with the different misconducts differ. The outcome of the disciplinary hearings is determined by the level of misconduct committed. Some schools adopt a framework which is in line with the Bill of Rights. The RCL member in one school reported that in many cases, although the learner has been found guilty by the disciplinary panel, the learner is not suspended but the school enters into an agreement with the parent where the learner will continue at school without any interference. The schools have no programmes to ensure that the behaviour of suspended learners after serving their sentence at home is restored.

### **5.6.3 Recommendations for Strengthening Accountability and Restoration**

There should be an observer on behalf of the DBE during the disciplinary hearings to ensure that the processes and procedures are followed. All stakeholders should meet before the decision to commence with the disciplinary proceedings to check if the matter needs disciplinary hearing attention or can be resolved by the educators.

Learners after the disciplinary tribunals need to attend counselling because the cross-examination questions might cause frustration which may lead to emotional harm. During the suspension period, learners should attend anti-bullying and anger management classes organised by the schools with the assistance of the Department of Social Development.

The DBE, human rights organisations, independent NGOs, and other stakeholders should visit schools regularly to hold the school accountable for ensuring that during engagement in disciplinary matters, the human rights of the learners come first. Handbooks that explain the constitutional rights of learners should be published, and there is a need for the inclusion of matters relating to the right to education of learners in television and radio programmes.

## **5.7 CONTINUITY IN EDUCATION**

The analysis of the impact of the disciplinary processes on the education of the learner, measures to ensure the continuity and the recommendations that helps the schools to ensure that learners are not affected negatively after the proceedings are discussed in this section.

### **5.7.1 Analysis of impact on learner education**

The disciplinary processes should not compromise the Constitutional Rights of learners to learn. Learners spend more time being questioned about the act of misbehaviour instead of building effective relationships with their educators. The findings of this study **resulted** that ensuring that suspended learners receive work while on suspension, differs from one school to another. In some schools, the principal gives tasks to the friend of a suspended learner to be completed without supervision. It is not evident if indeed the learner receives the tasks or not. Learners might fail and repeat the same grade, which might demoralise them and cause them to drop out of school. If learners do not continue with **schoolwork** during suspension, they might not be able to complete the assessment activities which means that this is unfair practice.

A further issue occurs if learners are suspended during the examination period. Principals claim that the examination is given to the parent and is written at home, which could be an issue as the integrity of the examination should not be compromised. Suspended learners in some schools attend afternoon lessons;

however, educators of all subjects cannot teach afternoon lessons for suspended learners like other learners with the time allocated for each subject. The suspension days implemented in each school differ, which is evidence that the policy is not being followed when applying suspension decisions. Giving a task or examination to a learner who has not been in class for the teaching and learning process is unfair because a learner cannot be assessed without being taught.

### **5.7.2 Measures for Ensuring Educational Continuity**

The schools use different methods to ensure that there is continuity in education. The maximum length of time a learner may be suspended from school is 14 days in one institution, and seven (7) days in another, for the first offence. Some schools suspend learners for eight (8) days then the learner returns to school on the 9<sup>th</sup> day. Parents accompany a learner to school if there are formal tasks or examinations to be written. Learners write under the supervision of their parents. In some of the participating schools, the learners' parents are responsible for collecting their children's everyday schoolwork. Other principals make certain that the test is taken at home while the parent is there to monitor it. Other schools have a system in which learners who are suspended, are assigned work to do at home, either formally or informally, and that work is taken to the suspended learners' homes. Every school considers the possibility of suspension, but not the possibility of expulsion, since schools want to preserve educational continuity.

### **5.7.3 Recommendations for Seamless Educational Transition**

Every decision on learner suspension taken by the disciplinary committee should be submitted to the District Director's office for approval before the implementation of the judgement. The approval should have details or directives such as how the learner continues to be taught, the period of suspension, the restorative measures, contact details if a learner is unfairly treated and the details of the restrictions of interacting with other learners. The use of technology can be an effective way to ensure that a learner continues to be educated while suspended. Schools can use video recording devices to record educators when they teach so that the learner can watch and participate in the teaching and learning process. There is educational online software that the educator may use to interact with a learner while at home or even using email and social media.

## **5.8 PREVENTATIVE MEASURES IN EDUCATION**

This section presents examination, evaluation and recommendations for preventative strategies, which are used by the schools to prevent the misbehaviour of learners and unfairness during disciplinary processes.

### **5.8.1 Examination of Preventative Strategies**

The principal and the members of the discipline are guided by the Bill of Rights and the educational policies that govern schools. The school invites parents to a meeting in a bid to address the challenges of unwanted behaviour and find ways in which to prevent it. During the disciplinary hearings, all stakeholders are invited to ensure the smooth running of the proceedings. In some schools, law enforcement is used to assist where dangerous weapons are found within the school premises

### **5.8.2 Evaluation of their effectiveness**

Considering the different strategies used by the selected schools, it seems that the Notice for the Determination of Serious Misconduct, Disciplinary Proceedings, and Due Process for Learners (Notice No. 28 of 2020) is not followed. It seems that schools use common sense to manage disciplinary matters and hearings. During the parents' meeting, the principals focus on orientation but not on devising strategies for preventative measures. Law enforcement is being called only when there is a serious incident but not to help with crime prevention.

### **5.8.3 Recommendations for Strengthening Preventative Measures**

Extramural activities and programmes for learners with the theme of anti-bullying, managing anger and depression might be effective strategies to teach learners the importance of good behaviour and being tolerant of one another. Collaborating with the Departments of Justice and Constitutional Development, the Department of Social Development and the Department of Police to adopt schools and continuously visit schools to teach learners about their democratic rights, and the consequences of bad behaviour may help to minimise misconduct and infringement of human rights in schools.

## **5.9 IMPLICATIONS FOR HUMAN RIGHTS PROTECTION**

These sections present the findings related to the Human Rights Framework, assessment of the degree of protection and recommendations to strengthen human rights.

### **5.9.1 Relating findings to the Human Rights framework**

The disciplinary processes and procedures in schools are not conducted according to policy. The disciplinarians focus more on punishing bad behaviour than preventing it. Familiarising the learners with their constitutional rights and the school's Code of Conduct will prevent the infringement of their human rights and perhaps prevent serious misconduct. The RCL members selected as participants, are not educated about their role in the disciplinary process in investigating disciplinary matters particularly as it seems that they have no experience in handling disciplinary matters. RCL member incident reports cannot be used to convict the accused learners. The physical evidence to judge learners during the disciplinary hearings is not used, instead witnesses are called to give evidence. This evidence is used to convict learners. Of concern, is that witnesses are often unreliable and can lie to settle their unknown score by defending their friends. Schools have no other means of gathering the evidence other than using word of mouth. This means many learners are wrongfully suspended or expelled from school.

Schools have not put plans in place for emotional support of accused learners. The disciplinary strategy is to hear both sides of the story without checking the emotional comfort of the learner during the disciplinary proceedings. A school's Code of Conduct that is not procedurally adopted and communicated to learners should be used during the disciplinary proceedings. Schools differ with suspension periods with principals and the disciplinary committee using their emotions when giving the suspension periods. This could lead to denying a learner his/her constitutional right to learn.

Schools have no clear plan which ensures that learners' right to an equal education is protected. School do not adhere to policy to ensure that learners receive equal education which could result in a violation of their human rights. Learners should be able to complete formal and informal assessments under supervision.

### **5.9.2 Assessment of the degree of protection**

The protection of violation of learners' human rights in schools in many cases does not adhere to policy. The focus is to seek truth and punish bad behaviour. The school involves parents, who may not know and understand the human rights of learners, to be present during the disciplinary hearings. This may be seen as ensuring that the disciplinary processes and procedures are fair. The only option judgement in many cases, is suspension; however, it is not clear on which ground the learner is given suspension. The strategies to ensure that learners continue their education while on suspension do seem to be effective.

### **5.9.3 Recommendations for strengthening Human Rights safeguards**

The following section offers recommendations for strengthening human rights and ensuring that learners are protected and continue with their education:

- There should be no disciplinary hearings and/or disciplinary judgemental taken a month before or during the period of examinations to give the learners fair right to write the examinations with no emotional disturbance.
- Only the principal of the school or delegated educator(s), by the principal, should search and gather evidence as stated in section 3 (8) of the South African Schools Act (84 of 1996).
- The DBE should have an independent commission that is adopted by the government to monitor and assess the minutes and judgements of school disciplinary hearings to investigate if learners' rights are being protected during such hearings.
- The Human Rights Commission should also be invited to observe during the disciplinary hearings.
- The circuit officials should have a team that conducts the disciplinary hearings in schools to ensure that the proceedings are unbiased and impartial.
- There should be uniformity in every decision, strategy and implementation on matters of discipline.

## **5.10 KEY FINDINGS AND CONCLUSIONS**

The findings of this study indicate that in many schools, meetings are held to orientate parents and learners on disciplinary matters and seems to be the only common way

of communicating the school's Code of Conduct. However, the principal and the SGB in schools have little knowledge of the policies which should be in place to manage and maintain discipline in schools. The understanding of principals, SGB members, educators and RCL members making up the disciplinary committee of each school differ when it comes to implementing the processes and procedures of resolving disciplinary matters. The orientation of the disciplinary processes and procedures together with the school's Code of Conduct is done differently in every school and in many cases, the disciplinary processes are not done procedurally. There is a serious gap in understanding that resolving matters without following the right protocols has a negative effect on the learners.

The findings conclude that there is no clear communication channel to communicate the school's Code of Conduct and the processes and procedures of disciplinary hearings and as a result, the administration of the misconduct is not done procedurally. Principals use strategies that are simple to solve the disciplinary matters forgetting that the purpose of the disciplinary process is to correct bad behaviour of the learner and shape the learner to be a better person in society.

RCL members according to policy, should be representatives of all learners and have an observation role. However, in many cases, they have not been engaged or orientated to be the eyes of the authorities without sufficient knowledge of their responsibilities as the voice of their fellow learners. RCL members are being used to investigate and to gather evidence of the incidents that put their lives in danger. The decision to hold disciplinary processes is made with the evidence gathered by other learners not being used. Instead, witnesses' testimony assists in prosecuting the accused learner without proper examination of the evidence.

The only common thing with the selected schools is that there is parental involvement in every step of disciplinary matters. The parents are there for the sake of being present but are not engaged in discussing the rights of their children before the hearing commences.

In some cases, principals exclude SGB members particularly if the issues is regarded as sensitive. Principals seem not to be accountable for the disciplinary hearing outcomes. This is evident with the differing days of suspension from one school to

another, and the use of different strategies implemented to ensure that learners receive work to complete during the suspension process.

### **5.11 RECOMMENDATIONS FOR FURTHER RESEARCH**

The following issues should be considered for further research.

- The inclusion of the parents and SGB was an important aspect that should have been considered. The observation and document analysis would be more effective to ensure what is indeed recorded, especially the minutes of the disciplinary hearings and disciplinary committees because from the findings it seems like there are administration and communication processes.
- How do educators and learners understand, and implement policies relating to discipline?
- What are the roles and responsibilities of the members of the RCL concerning protecting the rights of other learners during the disciplinary process and procedures?
- How does the DBE ensure that the policies are being implemented in schools accordingly?
- What difficulties do the educators face during the disciplinary hearings and how do they react or manage those policies?
- How effective is the relationship between school principals, the SGB, educators and learners to ensure that the school environment is conducive to learning and fair equal education to all?
- How do the schools adjudicate less serious misconduct in schools without disciplinary hearings?

### **5.12 LIMITATIONS OF THE STUDY**

The limitation of the study relates to factors that might influence the outcomes of the study negatively (Akanle et al., 2020).

The study was sensitive because discipline itself is currently a matter of public interest since the abolishment of corporal punishment. As the research problem was a sensitive one, some school administrators were hesitant to participate because they feared that their schools may be labelled as non-compliance schools. Most

participants were concerned that the study was looking for the transgressions that might be happening in the schools and being exposed and there was the fear that participating in the study might highlight problems at the school.

This study was limited to four (4) schools located in Sekgosese Central Circuit with only 12 sampled participants. The small group participants might not give the study satisfactory outcomes. Some participants might have given answers that are not sufficient due to a lack of understanding or just being biased toward the researcher. Some participants found it difficult to participate effectively in the study as they did not have appropriate awareness about disciplinary procedures. For example, RCL members did not seem to know how they should be protected from disciplinary hearings. Some participants found it difficult to participate because a recording device was utilised even though the researcher ensured participant anonymity and their schools' names would not be published in the study. One RCL member declined to be part of the study because it was their first time being exposed to the research collection and another had a language barrier.

One challenge was that participants might not have given honest replies since their school culture uses disciplinary **management but** does not follow policies. This was a serious challenge because the study targeted a small group of participants that are mostly involved in disciplinary matters and cases. Other disciplinary committee members, such as SGB members, were difficult to reach because they are not based at schools.

### **5.13 FINAL THOUGHTS**

The study allowed me, as the researcher, to develop professionally by learning how things are done procedurally. The research journey is an excellent professional development because I have learned about the implementation of policies on discipline. As a teacher, this study taught me to have a good relationship with stakeholders and work closely with them to achieve the goal of achieving the educational purpose of learners. The study gave new knowledge that the disciplinary process has a purpose, to correct the bad behaviour but not to remove a badly-behaved learner from the school community.

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# ANNEXURES

## Annexure A: Ethical Clearance Certificate



### UNISA COLLEGE OF EDUCATION ETHICS REVIEW COMMITTEE

Date: 2022/11/09

Ref: **2022/11/09/46147683/15/AM**

Name: Mr SA LERIBA

Student No.:46147683

Dear Mr SA LERIBA

**Decision:** Ethics Approval from  
2022/11/09 to 2025/11/09

**Researcher(s):** Name: Mr SA LERIBA  
E-mail address: 46147683@mylife.unisa.ac.za  
Telephone: 0715008190

**Supervisor(s):** Name: Dr M.T Lekalakala  
E-mail address: elekalmt@unisa.ac.za  
Telephone: 012 429 2181

**Title of research:**

**Investigating learners' human rights protection during disciplinary hearings in secondary schools in Sekgose Central Circuit, Limpopo Province.**

**Qualification:** MEd Education Management

Thank you for the application for research ethics clearance by the UNISA College of Education Ethics Review Committee for the above mentioned research. Ethics approval is granted for the period 2022/11/09 to 2025/11/09.

*The **medium risk** application was reviewed by the Ethics Review Committee on 2022/11/09 in compliance with the UNISA Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.*

The proposed research may now commence with the provisions that:

1. The researcher will ensure that the research project adheres to the relevant guidelines set out in the Unisa Covid-19 position statement on research ethics attached.
2. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.



University of South Africa  
Preller Street, Muckleneuk Ridge, City of Tshwane  
PO Box 392 UNISA, 0003 South Africa  
Telephone: +27 12 429 3111 Facsimile: +27 12 429 4150  
[www.unisa.ac.za](http://www.unisa.ac.za)

3. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the UNISA College of Education Ethics Review Committee.
4. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.
5. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing.
6. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
7. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
8. No field work activities may continue after the expiry date **2025/11/09**. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

*Note:*

*The reference number **2022/11/09/46147683/15/AM** should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.*

Kind regards,



**Prof AT Motlhabane**  
**CHAIRPERSON: CEDU RERC**  
motlhat@unisa.ac.za



**Prof Mpine Makoe**  
**ACTING EXECUTIVE DEAN**  
qakisme@unisa.ac.za



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## Annexure B: Permission to Conduct Research

CONFIDENTIAL



**LIMPOPO**  
PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE PREMIER

**TO: DR MC MAKOLA**

**FROM: PROF I SWARTS**

**CHAIRPERSON: LIMPOPO PROVINCIAL RESEARCH ETHICS COMMITTEE (LPREC)**

**REVIEW DATE: 04 MAY 2020**

**SUBJECT: INVESTIGATING LEARNERS' HUMAN RIGHTS PROTECTION DURING  
DISCIPLINARY HEARINGS IN SECONDARY SCHOOLS IN SEKGOSESE CENTRAL  
CENTRAL CIRCUIT, LIMPOPO PROVINCE**

**RESEARCHER: LERIBA SA**

Dear Colleague

The above researcher's research proposal served at the Limpopo Provincial Research Ethics Committee (LPREC). The committee is satisfied with the methodological ethical soundness of the proposal.

**Decision: The research proposal is granted approval**

Regards

Chairperson: Prof I Swarts

A handwritten signature in black ink that reads 'I Swarts'.

Secretariat: Ms MJ Mokgokong

A handwritten signature in black ink that reads 'MJ Mokgokong'.

Date: 15/05/2023

## Annexure C: Certificate to Conduct Research

CONFIDENTIAL



### OFFICE OF THE PREMIER

Office of the Premier

Research and Development Directorate

Private Bag X9483, Polokwane, 0700, South Africa

Tel: (015) 230 9910, Email: mokobij@premier.limpopo.gov.za

### LIMPOPO PROVINCIAL RESEARCH ETHICS COMMITTEE CLEARANCE CERTIFICATE

**Review Date: 04 May 2023**

**Project Number: LPREC/82/2022: PG**

**Subject: Investigating Learners' Human Rights Protection during Disciplinary Hearings in Secondary Schools in Sekgosesa Central Central Circuit, Limpopo Province**

**Researcher: Leriba SA**

Chairperson: Prof I Swarts

Chairperson: Limpopo Provincial Research Ethics Committee

The Limpopo Provincial Research Ethics Committee (LPREC) is registered with National Health Research Council (NHREC) Registration Number **REC-111513-038**.

**Note:**

- i. **This study is categorized as a Low Risk Level in accordance with risk level descriptors as enshrined in LPREC Standard Operating Procedures (SOPs)**
- ii. **Should there be any amendment to the approved research proposal; the researcher(s) must re-submit the proposal to the ethics committee for review prior data collection.**
- iii. **The researcher(s) must provide annual reporting to the committee as well as the relevant department and also provide the department with the final report/thesis.**
- iv. **The ethical clearance certificate is valid for 12 months. Should the need to extend the period for data collection arise then the researcher should renew the certificate through LPREC secretariat. PLEASE QUOTE THE PROJECT NUMBER IN ALL ENQUIRIES.**

## Annexure D: Permission to Conduct Research in Schools

Confidential Information - This is for official consumption



**LIMPOPO**  
PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA  
DEPARTMENT OF  
**EDUCATION**  
CONFIDENTIAL

Ref: 2/2/2      Enq: Makola MC      Tel No: 015 290 9448      E-mail: MakolaMC@edu.limpopo.gov.za

**Leriba SA**  
P O BOX 108,  
SOEKMEKAAR  
0810

**RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH**

1. The above bears reference.
2. The Department wishes to inform you that your request to conduct research has been approved. Topic of the research proposal: **"INVESTIGATING LEARNERS' HUMAN RIGHTS PROTECTION DURING DISCIPLINARY HEARINGS IN SECONDARY SCHOOLS IN SEKGOSESE CENTRAL CIRCUIT, LIMPOPO PROVINCE."**
3. The following conditions should be considered:
  - 3.1 The research should not have any financial implications for Limpopo Department of Education.
  - 3.2 Arrangements should be made with the Circuit Office and the School concerned.
  - 3.3 The conduct of research should not in anyhow disrupt the academic programs at the schools.
  - 3.4 The research should not be conducted during the time of Examinations especially the fourth term.
  - 3.5 During the study, applicable research ethics should be adhered to; in particular the principle of voluntary participation (the people involved should be respected).

REQUEST FOR PERMISSION TO CONDUCT RESEARCH : LERIBA SA Page 1

Cnr 113 Biccard & 24 Excelsior Street, POLOKWANE, 0700, Private Bag X 9489, Polokwane, 0700  
Tel: 015 290 7600/ 7702 Fax 086 218 0560

***The heartland of Southern Africa-development is about people***

Confidential Information - This is for official consumption

- 3.6 Upon completion of research study, the researcher shall share the final product of the research with the Department.
- 4 Furthermore, you are expected to produce this letter at Schools/ Offices where you intend conducting your research as an evidence that you are permitted to conduct the research.
- 5 The department appreciates the contribution that you wish to make and wishes you success in your investigation.

Best wishes.

**Mashaba KM**  
DDG: CORPORATE SERVICES

04/04/2023  
Date

**Annexure E: Consent letter for permission to conduct in schools- Attention to Department of Education Limpopo**



**COLLEGE OF EDUCATION  
DEPARTMENT OF EDUCATIONAL LEADERSHIP AND MANAGEMENT**

P O BOX 108  
SOEKMEKAAR  
0810  
March 2023

The Head of the Department  
Limpopo Department of Education  
Private Bag X9489  
POLOKWANE  
0700

Dear Sir/Madam

**REQUEST TO CONDUCT RESEARCH IN SCHOOLS**

I Leriba Seima Athur, student at the University of South Africa studying Master's Degree in Educational Leadership and Management, hereby request to conduct research in secondary schools of Sekgoses Central Circuit, Capricorn North District. My research title is 'Investigating learner's human Rights protection during disciplinary hearings in Sekgoses Central Circuit, Limpopo'. My research study is under the supervision of Dr. M.T Lekalakala.

Attached herewith is a copy of the ethical clearance certificate from the University of South Africa. The results/findings of the research will be shared with the Department of education after the completion of the study.

I hope you will consider my application. I hope to hear from you soon.

Yours faithfully  
Leriba S.A  
0715008190 (Contact details)  
[46147683@mylife.unisa.ac.za](mailto:46147683@mylife.unisa.ac.za) (Email)

**Project information statement: Attention to the Head of Department (Limpopo department of education)**

**Research title:** Investigating learner's human rights protection during disciplinary hearings in Sekgosese Central Circuit, Limpopo

**Research aim**

This study will examine how school disciplinary committee members protect the learners' human rights during disciplinary proceedings and hearings in Sekgosese Central Circuit secondary schools.

**Research objectives**

- To understand and interpret the South African Schools Act (84 of 1996) and learner's human rights by the School Governing Body (SGB).
- To explore the school principal's role in guiding disciplinary committees concerning the correct steps of disciplinary procedures.
- To examine the causes of learners' human rights during disciplinary proceedings.
- To understand the role of disciplinary committee members in protecting the rights of accused learners during disciplinary hearings.

**Significance of the study**

- To help the schools to understand and interpret educational policies and learners' human rights.
- Educate the disciplinarians to avoid unfair disciplinary practices that may lead to violations of learners' human rights.
- To share the common causes of violation of learners' human rights.
- To educate disciplinary committees about the correct processes of disciplinary hearings.

**Research plan methods**

The study will sample 3 participants in each of the four secondary schools in Sekgosese Central Circuit. One principal per school, one member of the disciplinary committee, and one member Representative Council of Learners (RCL) will be interviewed by the researcher. The researcher chose this group since it will be easy to collect data given its proximity to them. The programme aims to commence at the beginning of the fourth term of 2022. Data will be collected through the interview, and the researcher will use tape recording to record the interview for analysis of data purposes. The researcher will consider the ethical processes during the collection of data. The ethical clearance certificate, consent forms for participants, and permission to conduct the study in schools

will be used before the collection of data from the participants. The researcher will not force any participant to participate without his or her will.

Thanks for your time to read the above information

**Leriba S.A**  
**Primary researcher (UNISA)**

**Dr M.T Lekalakala**  
**Supervisor (UNISA)**

## Annexure F: Consent letter for Permission To Conduct Research In schools: principals



### COLLEGE OF EDUCATION DEPARTMENT OF EDUCATIONAL LEADERSHIP AND MANAGEMENT

Enquiries: Mr. Leriba Seima Athur  
Contact no: 071 500 8190  
Email address: [46147683@mylife.unisa.ac.za](mailto:46147683@mylife.unisa.ac.za)  
P O Box 108  
Soekmekaar  
0810

Dear Principal

#### REQUEST TO CONDUCT RESEARCH IN SCHOOLS

I Leriba Seima Athur, a student at the University of South Africa studying Masters's Degree in Educational Leadership and Management, hereby request to conduct research in secondary schools of Sekgosese Central Circuit, Capricorn North District. My research title is 'Investigating learner's human rights protection during disciplinary hearings in Sekgosese Central Circuit, Limpopo'. My research study is under the supervision of Dr. M.T Lekalakala.

Attached herewith is a copy of the ethical clearance certificate from the University of South Africa. The results/  
findings of the research will be shared with the secondary schools after completion of the study.

I hope you will consider my application. I hope to hear from you soon.

Yours faithfully  
Leriba S.A



**COLLEGE OF EDUCATION  
DEPARTMENT OF EDUCATIONAL LEADERSHIP AND MANAGEMENT**

I \_\_\_\_\_(Principal name), hereby giving Leriba Seima Athur permission to invite School Management School (SMT), disciplinary committee members, and Representative of Learners members to participate in the research study. The titled 'Investigating learner's human rights protection during disciplinary hearings in Sekgosese Central Circuit, Limpopo.'

I understand:

- the purpose and the significance of the study;
- that the school may withdraw from participating in the research study;
- it is not compulsory for participants to participate;
- participants have the right to withdraw;
- there is no risk for participation in the study;
- the participant's and school's names will not be published in the study;
- the information collected will be used for the purpose of the study only; and
- The research results/findings will be shared with the school.

\_\_\_\_\_  
Signature of the principal

\_\_\_\_\_  
Date

## Annexure G: Consent Letter For Permission To Interview Participants



### COLLEGE OF EDUCATION DEPARTMENT OF EDUCATIONAL LEADERSHIP AND MANAGEMENT

#### Consent form to participate in the study

I \_\_\_\_\_ (participant name) give permission that Leriba Seima Athur, may use the information recorded during the interview for the purpose of only the study research titled 'Investigating learner's human rights protection during disciplinary hearings in Sekgosese Central Circuit, Limpopo'. I understand that the interview will be tape-recorded, and my name and the information provided will be protected during the publishing of the study. I understand that my participation is voluntary and that I am free to withdraw at any time without penalty. I am aware that the findings of this study will be processed into a research report, journal publications, and/or conference proceedings, but that my participation will be kept confidential unless otherwise specified.

Participant's name and surname: \_\_\_\_\_

Participant's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Researcher's Name and Surname: \_\_\_\_\_

Researcher's signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Annexure H: Consent Letter For Permission To Interview Learners Under The Age Of 18**



### **COLLEGE OF EDUCATION DEPARTMENT OF EDUCATIONAL LEADERSHIP AND MANAGEMENT**

#### **Consent form for parents of a learner under the age of 18**

Your \_\_\_\_\_ (son/daughter/foster child) is invited to participant in the study entitled 'Investigating learner's human rights protection during disciplinary hearings in Sekgose Central Circuit, Limpopo'. I am undertaking this study as part of my Masters's Degree research at the University of South Africa. The purpose of the study is to examine the role of the disciplinary committees in protecting the rights of learners during disciplinary hearings. The possible benefit of the study is to educate the disciplinarians about the correct processes and procedures of discipline with the purpose of avoiding the causes of violation of learners' human rights during disciplinary.

I am asking permission to include your child in this study because he/she is a member of the Representative Council of learners (RCL), and one of his/her roles is to ensure that discipline is effective in the school. I expect to have two other children participating in the study. If you allow your child to participate, I shall request him/her to in an interview at his/ her school. The interview will be tape-recorded and it will take about 10 to 15 minutes. The interview will be done in the presence of the school principal or a teacher to avoid any kind of harm or discomfort.

Any information that is obtained in connection with this study and can be identified with your child will remain confidential and will only be disclosed with your permission. His/her responses will not be linked to his/her name or your name or the school's name in any written or verbal report based on this study. Such a report will be used for research purposes only.

There are no foreseeable risks to your child by participating in the study discomfort of answering some questions. Your child will receive no direct benefit from participating in the study; however, the possible benefits to education experience to participate in the study research and to familiarise

his/herself with how researchers collect data. Neither your child nor you will receive any type of payment for participating in this study.

Your child's participation in this study is voluntary. Your child may decline to participate or withdraw from participation at any time. Withdrawal or refusal to participate will not affect him/her in any way. Similarly, you can agree to allow your child to be in the study now and change your mind later without any penalty.

The study will take place during regular school break with the prior approval of the school and your child's class teacher.

In addition to your permission, your child must agree to participate in the study and you and your child will also be asked to sign the assent form which accompanies this letter. If your child does not wish to participate in the study, he or she will not be included and there will be no penalty. The information gathered from the study and your child's participation in the study will be stored securely on a password-locked computer in my locked office for five years after the study. Thereafter, records will be erased.

The benefits of this study are Understanding the disciplinary process and procedures.

Potential risks are no potential harm/ injuries and the questions that may cause discomfort to the learner.

There will be no reimbursement or any incentives for participation in the research.

If you have questions about this study please ask me or my study supervisor, **Dr. Lekalakala M.T**, Department of Leadership and Management, College of Education, University of South Africa. My contact number is **071 500 8190** and my e-mail is [46147683@mylife.unisa.ac.za](mailto:46147683@mylife.unisa.ac.za) .The e-mail of my supervisor is [elekalmt@unisa.ac.za](mailto:elekalmt@unisa.ac.za). Permission for the study has already been given by the Principal and the Ethics Committee of the College of Education, UNISA.

You are deciding to allow your child to participate in this study. Your signature below indicates that you have read the information provided above and have decided to allow him or her to participate in the study. You may keep a copy of this letter.

Name of child: \_\_\_\_\_

Sincerely

_____	_____	_____
Parent/guardian's name (print)	Parent/guardian's signature:	Date:
_____	_____	_____

Researcher's name (print)

Researcher's signature

Date:

## **Annexure I: Consent Letter For Permission To Interview Learners Of 18 Years And Above**



### **COLLEGE OF EDUCATION DEPARTMENT OF EDUCATIONAL LEADERSHIP AND MANAGEMENT**

#### **ASSENT FROM LEARNERS IN A SECONDARY SCHOOL TO PARTICIPATE IN A RESEARCH PROJECT**

Title of your research: Investigating learner's human rights protection during disciplinary hearings in Sekgosese Central Circuit, Limpopo.

Dear \_\_\_\_\_

Date \_\_\_\_\_

I am doing a study on 'investigating learner's human rights protection during disciplinary hearings in Sekgosese Central Circuit, Limpopo' as part of my studies at the University of South Africa. Your principal has permitted me to do this study in your school. I would like to invite you to be a very special part of my study. I am doing this study so that I can find ways that your disciplinary committee members can use disciplinary procedures and processes effectively. This may help you and many other learners of your age in different schools.

This letter is to explain to you what I would like you to do. There may be some words you do not know in this letter. You may ask me or any other adult to explain any of these words that you do not know or understand. You may take a copy of this letter home to think about my invitation and talk to your parents about this before you decide if you want to be in this study.

I would like to ask you to interview you and other educators separately. The interview will take about 10 to 15 minutes during the break time. And note the interview will be recorded for the purpose of data analysis.

I will write a report on the study but I will not use your name in the report or say anything that will let other people know who you are. Participation is voluntary and you do not have to be part of this study if you don't want to take part. If you choose to be in the study, you may stop taking part at any time without penalty. You may tell me if you do not wish to answer any of my questions. No one will blame or criticise you. When I am finished with my study, I shall return to your school to give a short talk

about some of the helpful and interesting things I found out in my study. I shall invite you to come and listen to my talk.

The benefits of this study are to educate disciplinarians about the correct procedure of disciplinary processes and procedures during disciplinary hearings and to avoid violation of learners' human rights during disciplinary hearings.

Potential risks are feeling discomfort during the interview, although there is no possible harm or risk of injuries.

You will not be reimbursed or receive any incentives for your participation in the research.

If you decide to be part of my study, you will be asked to sign the form on the next page. If you have any other questions about this study, you can talk to me or you can have your parent or another adult call me at 071 500 8190. Do not sign the form until you have all your questions answered and understand what I would like you to do.

Researcher: Leriba Seima Arthur

Phone number: 071 500 8190

Do not sign the written assent form if you have any questions. Ask your questions first and ensure that someone answers those questions.

### **WRITTEN ASSENT**

I have read this letter which asks me to be part of a study at my school. I have understood the information about my study and I know what I will be asked to do. I am willing to be in the study.

\_\_\_\_\_  
Learner's name (print):

\_\_\_\_\_  
Learner's signature:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Witness's name (print)

\_\_\_\_\_  
Witness's signature

\_\_\_\_\_  
Date:

(The witness is over 18 years old and present when signed.)

\_\_\_\_\_  
Parent/guardian's name (print)

\_\_\_\_\_  
Parent/guardian's signature:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Researcher's name (print)

\_\_\_\_\_  
Researcher's signature:

\_\_\_\_\_  
Date:

## Annexure J: Interview Questions

---



### COLLEGE OF EDUCATION DEPARTMENT OF EDUCATIONAL LEADERSHIP AND MANAGEMENT

#### Interview Schedule

1. Brief background information which includes:  
Years of experience in the teaching profession  
Years of being in the Representative Council of Learners, and learners' grades.
2. How does the school orientate learners about discipline matters concerning misconduct, processes, and procedures of disciplinary hearings?
3. Which policies does the school use to determine the seriousness of the misconduct of learners?
4. What are the roles of the disciplinary committee members in protecting the rights of accused learners and their parents?
5. Can you describe how in most cases the school gathers the evidence of the accused learners and during disciplinary hearings how the evidence is presented?
6. In a case where learners are found guilty of misconduct, what steps does the disciplinary committee take concerning ensuring that learners' rights to equal education are not being violated?

## Annexure K: Participants Data Sheet

### School A: Principal

Introduction

Good afternoon, ma'am. How are you? I'm.

PA

Good on myself.

Q

I'm fine. Ehh, thanks for asking. I have already introduced myself. Can you briefly tell me how long have you been in a teaching profession and a years of experience as a principal?

PA

Let me start by saying thanks for the opportunity. And I I have 36 years teaching experience and as a principal I think I have, no, I know I have 10 years now. OK. I've started in 20-30. OK, yes. I'm approaching 10 years now. OK, Yes.

Q

No, thank you, ma'am. How does the school oriented learners about a disciplinary matters concerning misconduct processes and the procedure of disciplinary hearings?

PA

Particularly let me mention our school we normally use RCL as our our our bridge to to to to facilitate this discipline at school and we we we also. Engage with learners and parents. We start with parents using the S, GB and hence we, we, we, we we go on to to to to use the RCL. To use the RCL using the Learners Code of Conduct and using the Learners Code of Conduct and all the the, the, the, the, the, the matters regarding the discipline at school. Because we have, we are having the committee, the committee we start by orientating the the the RCL committee for for for the same discipline and then hence we go on we we we with the S GB, we oriented the S GB and then later teachers if needs be and we oriented teachers on how to handle learners in terms of misconduct and how to to to to to to operate using the procedures and the processes in terms of disciplining learners at school because its its its a hectic. Subject and it's it's a hectic matter in terms of of discipline because we normally don't follow the procedures and the and the and the and the processes thereof and we we, we are also using the national framework the national framework for safety and security in terms of administering discipline in terms of we are guided by the policies the policies and the national framework for safety and security. Yeah that is the tool that we normally use. We we also refer in terms of when we are we are to make judgment because sometimes it's it's it's not easy and also the disciplinary committee it it assist a lot. In terms of advocating these to learners?

Q

Yes. And can you mention which policies does the school use to determine the seriousness of the misconduct of learners?

PA

We we normally, like I said that we use the national framework of safety and security that we we we we we got from the department. Yes we whereby it indicates that the the, the, the less serious misconduct starting from the less serious up to the serious the serious one whereby we we we we we are we are to to recommend for for for for for suspension whereby we are to recommend for suspension but normally we use the the the national framework for safety and security that we we we we we we we we we got from the department. Yes, because like I said that we normally engage the disciplinary committee. We normally oriente the disciplinary committee which which I am the head, which I am the, the chairperson of the disciplinary committee whereby we we we followed all the procedures and the and the processes thereof.

Q

Going to question number four, what? What are the rules of the disciplinary committee members in protecting the rights of accused learners and their parents?

PA

The role of the disciplinary committee members in protecting the rights of accused learners and their parents. The, the, the, I may say the disciplinary committee, hence the, the, the, the. They they know what is expected of them from from what what is it's it's it's it's in the in the national framework. They they know that the rights of learners are are, are are very are imperative. They are imperative and important and also the rights of parents. They should know that according to the Bill of Rights. They know that learners are to be protected in terms of disciplinary committee, hence the SGB. Hence we we we have also started with the SGB. If we we we will train the SGB. They will know all the stakeholders. They know their roles in terms of disciplining, in terms of disciplining learners and also protects not only disciplining learners and also protecting their rights. Yeah the the the rights are of utmost important for us. I may site example that instead, you'll find a a case whereby A learner has done something that is it's it's more serious and everybody it's it's all agitated that they think that they can chase the learner right away. But it's it's it's it's not like that we should go back and refer to to, to, to, to to to the national framework. That to that that that national framework of safety and security, what we are supposed to do a we must be guided on what we are supposed to do in terms of this. And at the same time we must protect learners because learners have the right to be at school. Even though you can suspend the learner, you should know that it is your duty as either the educator or the member of the committee to see to it that the learner, even though she or he is at home, she gets education. Yeah, you must at all times engage with the parents so that. She, the learner, should not miss any test, should not miss anything in terms of education or in terms of curriculum during that time when he or she is suspended.

Q

Then ma'am going to question 5. Can you describe how in most cases, the school gathers the evidence of accused learners and during disciplinary hearings, how evidence is presented?

PA

It is, it is, It is not easy to gather evidence in terms of of what has happened in terms of or or of the guilty parties it is easy for us for to to to to to gather the information. We we we gather all parties. We hear from both sides. We call, we call the accused and also the perpetrator at the same time and we hear from both sides and then we come up with the decision. A a A a decision which which is informative and informative decision. You cannot just point finger at someone not to know. When the side of the story we normally call parents, when we when the matter is serious, we call parents and even went to an extent of of we work with social workers. We normally work with social workers in difficult cases whereby we call social workers and then we we, we, we, we, we, we handle the case and then find and get the, the, the, the, the gist of the story or or of what had happened from both sides. And then we come to the conclusion after hearing what what happened, what has transpired from the perpetrator or or the accused. And then we we we come to the conclusion and and then we we we we we see and even in the presence of the parents. We cannot just exclude the parents when we are talking about their children. Their parents should be present at all times when we handle the cases like this one, if, if. Need be we we called also the social workers a if need be we call the social workers if need be we also call the nurses because they form part of our of our of our quality learning teacher campaign. We also call everybody who is involved in the case to to to come and and witness or or share some some some of the information that will it's needed but if. The case is confidential in terms of of rape. We protect the learner. We protect the learner. We take the matter further to to to to the police and their hands. They will take it from there. We protect the the the the learner. It's it's it should be confidential even if. The learner is to is to is to is to share the information. It should be confidential A. We don't exposed anything. We don't even go and tell the SG because you know we are not the same A We are not the of the same page. Rumors will be flying that this one and that one the the so, the so and so learner has been raped and this one. It depends on the on the on the case itself A.

Q

Then then lastly a. In case where learners are found guilty of misconduct, what steps does the disciplinary committee takes concerning ensuring the learners rights to equal education and are not being violated?

PA

Like I said, if it needs be, if the SGB recommends that the learner should be suspended and. They should start by evaluating evaluating, the the matter, the the the matter at hand. They should start by evaluating and they should not exceed 14 days. It should be within 14 days and within this 14 days there should be an engagement between between the school and the parent. Because when we we we are busy dealing with the matter. Hence I said we should call the parents, the the, the the the the. The parents should be the link between the school and the child. Every time if the learner has to write a test, the learner should be called, he should be called to come and write the test and then under the the the, the, the, the watch of of the parent. The the parents should be there, should hand over the learner to come and read the test. If there is an assignment, we must make sure as the school that the learner gets whatever, so that we should violate the the, the rights of the learner. When he comes back. He must be in par with the other learners. A he mustn't be behind, he must get everything. He is not subjected to to staying at home and not doing anything because he has done. He has violated some of the rules and regulations attending to the to the school rules, but he should be treated that. You, you, we must understand that even though he has done something that is out of of the that that is out of policy, but he should be protected. At the same time. What we want is to correct, we must apply the correct, the corrective measures. So that at the end of the day we must see to is the to it that this learners pass at the end of the year. He must he must guess. If we it goes to an extent that we must teach this learner in the afternoon, we must do that. A we can punish him. We can punish the learner during the school hours, but we cannot deny the learner opportunity to come during study time in the afternoon. During Saturdays, no, we cannot do that. We cannot do that. Hence we are we are depriving this learner to and violating the learners right to to be educated. And this is what is expected of us as teachers. This is expected of us as education according to the Bill of Rights that each and every learner has the right to get free education and be educated. Therefore we we we we we don't have anything we we must educate the learner and we should not compare the learner to an adult. Learner it's a learner and peer pressure is there and she the learner should remain be a learner. Even if when you apply disciplinary measures, you must think out of the book that this I'm talking to learner. Hey, I'm talking to a learner who is subject to correction. It's not like if I'm talking to an elderly person having so many issues we are having. We are presented with learners from the parents. They are trusting us. They've trusted us with their parents so that we should do justice. Justice should prevail at all times. When we are dealing with the matter of disciplinary discipline, discipline, learners, even though the learner is outside, we we must see to it that the learner gets the marks, the learner gets the test, the learner gets the homeworks, the learner gets, We communicate with, we communicate with the parents at at all times. Unless if the parents is not willing to assist in this regard, it's it's it's another situation.

CONCLUSION

No thank you, ma'am. Thank you, Lord.

**School B principal**

Introduction

Good morning, Sir.

Good morning.

How are you Sir?

I'm alright Sir.

Q

Thank you. Can you kindly say tell me how long have you been principal and your years of experience in teaching profession?

PB

This is my 36th year as a teacher, 36th year as a teacher, and I've been principal for the past. I don't know whether since 2015, seven, seven and a half.

Yes, thank you.

Q

Yes. Thank you then. How does you as school principal oriented learners about discipline disciplinary matters concerning misconduct processes and procedures of disciplinary hearings?

PB

Well, what we do when we receive learners for admission at the beginning of the year or whatever time learners join the school, we give them the the code of conduct together with the parent. And we have a a meeting with the learners to orientate them about the code of conduct of the school. We also have parents meeting where we orientate them as well on separate days to say this is the line of march with regard to the code of conduct of the school and so and so forth. Thank.

Q

You then when to question #3. Which policies does the school use to determine the seriousness of the misconduct of learners?

PB

Well, we are guided by the South African Schools Act when it comes to a misconduct either on the part of the learners or on the part of of the educators, because whichever way educators will be affected by. The relevant policies which govern them with regard to the employment of educators acts and SACE but with regard to the learners, we are checking on the South African Schools Act , which sells as a framework from which we are going to to draw the rest of the policies. Thank you.

Q

And what are the rules of disciplinary committee members? And you as a principal in protecting the rights of accused learners and their parents?

PB

Well, my my role as a principal and together with the committees, the committee members of the disciplinary committee, is to ensure that the process is fair and thereby it means. We

must apply due process and the principle of the ODI Alta Ram Partham Rule, which means you hear the other side, is very central. We always ensure that since Learners are minors, they must have a representation, so anything, anything that we are. Engaged with in terms of the disciplinary committee, we ensure that the learner is represented. There is no way in which we can interview the learner in the in the absence of the parent. So the parents must always be there so that the the whole process is free and fair.

Q

Then can you? Kindly describe how in most cases their school gathers the evidence of the accused learners and during disciplinary hearings how the evidence is presented to you.

PB

Well, it it it, it depends on the type of a case in terms of which you want to gather evidence, and the gravity of the case if for instance, our school policy. Indicates that we don't need any cell phones and we have got a case where a cell phone was confiscated. So obviously the cell phone in case in in in question will be the evidence that will be provided. And if educators have been involved in this instance, we always bring along the educators to who's actually in charge or who was actually in charge. Of the particular case to bring along evidence if it is there. But we dont just say accuse learners for something that we dont have. We ensure that every time we we have a hearing such learners we accuse them with something that we have in concrete form as a form of evidence.

Q

And lastly, say in in a case where learners are found guilty of misconduct, what steps does the school disciplinary committee takes concerning ensuring that their rights to equal education are not validated?

PB

Yeah, our code of conduct is very clear when it comes to this manner because there are levels that we have. In terms of the type of a misconduct and the gravity of the case which is in place and the sanctions that deal with a particular misconduct are not the same. So they will vary from one misconduct to another, but at the same time the framework that we when this processes are drawn. We draw the framework from the constitution of the country which bring give us the entire framework from which we we will draw policies so that we do not actually contravene what is contained in the Bill of Rights for this particular learners, if they are affected, no.

Conclusion

Thank you for your opportunity, Mr.

Alright, I thank you.

## **School C Principal**

Introduction

Good afternoon, Maam.

Afternoon, Sir.

How are you Maam?

I'm fine and you?

Q

I'm fine here. Thanks for the opportunity for interviewing you and participating in my research. Can you kindly give me or a background of experience in teaching profession? And how long have you been principal?

P C

I started teaching in 1989 as the CS1 educator. And in 2006 I became the DH and then 2011 I was the deputy principal at secondary school. So I started my principalship posting 2/20/21. I mean yes now I'm having is it 2 years? Yes two years experience has been the principal of Mama go to be secondary school Ohh.

Q

Thank you then. How does the school oriented learners about the discipline disciplinary matters concerning misconduct processes and procedures of disciplinary hearings?

P C

OK, as the school after drawing the Learner School of Conduct with the disciplinary committee, we presented the the the Learner School of Conduct to the educators first. And then to the SGB members, to the parents and we present that learners could have conducted to to to the learners during assembly. And we even read everything in that learners could have conducted. The processes that are going to be followed are also going to be read to learners during assembly and then the procedures to be followed during hearing.

Q

Thank you. Going to question #3 which? Policies does the school use to determine the seriousness of a misconduct of learners

P C

OK, we can even use the learners code of conduct because they were behaving a knowledge of what is in that lens code of conduct. And then even the South African schools active because they are some of the misconduct in South African schools act and then the parents together with the. The educators and the SGB were behaving a knowledge of what is happening or what is in the South Africans schools acting concerning the learners discipline, OK

Q

Thank you. Then what are the roles of disciplinary committee members in protecting the rights of accused learners and their parents?

P C

OK, so the rights of, I mean the roles? Of the disciplinary committee, especially in schools is for is to practice the fairness and then in hearing because the disciplinary committee need need not to take a side when maybe conducting those disciplinary hearings because they must hear. The cases it is so that before they can adjudicate that case they must behaving both side of the parents and side of the learners before they can take that disciplinary I mean.

Q

Yes, thank you. Thank you. Can you describe how in most cases the school gathers the evidence of the accused learners and how the the evidence is presented during disciplinary hearing?

P C

OK, so. In most cases the schools, because here at the secondary schools we are having t the class reps we are having the RCL, we are having the class managers. So we gather information through the RCL, through the class reps and the class managers. So after they gather that information, so they will present the information to the class managers. So the class managers will also take that information to the disciplinary committee. So that we can have the, I mean evidence and then that evidence will also be presented to the disciplinary committee.

Q

Thank you. And lastly, ma'am, in a case where learners are found guilty of misconduct, what steps does the disciplinary committee takes concerning ensuring that learners rights to equal education are not violated?

P C

OK. So before the disciplinary committee can discipline the learners. They must have a knowledge of what is happening in the the Bill of Rights chapter 2. Because the Bill of Rights I mean in the Bill of Rights chapter two, they say every learner has got the right to watch to to education. So when they are to suspend the learner. They must know that the learner must be suspended for seven days, that is for the first time. And then even if they are suspending those learners, they must ensure that the learner must come to the school and write if the are to write a test or the are to write an examination and then after writing then the learner will go home and then until that suspension is maybe. Is over, then is then, then the learner can come to the school so. But they must ensure that that learner must not be. I mean the learner must not be violated that the rights of being educated.

Closure

Thank you. Thank you a lot, ma'am. Thanks for opportunity.

### **School D Principal**

Introduction

Good afternoon, Sir.

Good afternoon.

How are?

You. I'm very good. And yourself.

Q

I'm fine. Can you briefly explain how long have you been a teacher and how long have you been a principal of the school?

P D

Thank you so much Mr, first and foremost, let me outline to you that I have eight years experience. I started working as a CS1 teacher in the year 2015. Then I have only one year being appointed as the acting principal of the school.

Q

Oh, thank you. Then how does the the school orientate learners about discipline, disciplinary matters concerning misconduct processes and the procedures of disciplinary hearings?

P D

What we normally do is that by the end of the. The term we give or dish out the code of conduct to the parents when they are applying for learners to join our school in the next coming year so that when learners are coming to the school the first week that we normally do, we. Discuss the Code of conduct with the learners as well as the parents and the staff as a whole so that the learners will know what is expected from them in terms of the Code of conduct and else you can peruse. Even at our premises. When you enter, there are the signs that indicate what is needed and what is not needed in our school.

Q

OK, thank you. Which policies does? Does the school use to determine the seriousness of misconduct of learners?

P D

In terms of determining the seriousness of the misconduct, firstly we look at the Bill of Rights, which is chapter 2, where it outlines the rights of the human beings cause. What we normally encourage is that no learners should be violated in terms of their rights because of others. So we are sure that all learners are protected and we outline the rights to them. Then we use the policies such as South African School Act, our school Code of conduct which is thrown by both the parents and the RCL learners. It so that all both the learners and the parents are governed by what they have agreed upon.

Q

Thank you. Then what are the rules of disciplinary committee members in protecting their their rights of accused learners and their parents?

P D

The role of disciplinary committee, let me start by saying that the key role is to assure that all learners are protected and there is no misbehaviour that is occurring within the schoolyard and even outside the schoolyard, particularly for learners whom are wearing the uniform. Cause you should remember that according to our constitution and our school policy, even if learners are wearing school uniform. The schoolyard, the school uniform is a sample that they are part of us. Hence they are in or outside the schoolyard wearing our school uniform. They are protected and it is the role of the committee to assure that all learners are protected and they are not violated. Their rights are not violated by others including the teachers are not violating the learners rights, learners are not violating other learners rights and and for all.

Q

OK, thank you. Can you describe how in most cases the school gathers the evidence of the accused learners and during disciplinary disciplinary hearings, how the evidence is presented?

P D

Thank you so much. In terms of the gathering, the evidence, the person whose is reporting the the incident. Normally he or she comes with the witnesses so that those witnesses who are the ones who will provide the evidence depending on the type of the case. Mind you that the cases vary from one person to the other, from one case to the other in that fashion, if like for instant, a learner lost a calculator as in a case, therefore we will look for witnesses, then the witnesses are the ones. Whom will outline if they they saw the person stealing that calculator or not then normally we rely on the witnesses as the ones who are providing the evidence, but we do not conclude it until we call the third person whom is the accused person to outline or to verify if it's called, confirm if it's correct or not, then if it is not correct. Then we will proceed with our first investigation to find out whom stole that calculator. But in that regard, I cannot necessarily say we do have a concrete evidence that we are using. We rely on the information that is provided by the witnesses.

Q

OK. Thank you then. Lastly, in a case where learners are found guilty of misconduct, what steps does the disciplinary committee takes concerning ensuring that the learners rights to equal education are not violated?

P D

Thank you so much for saying that. Because our school values what we call democracy then we are sure that no liner is rights are being violated by taking the first steps whereby it depends with the type and the nature of the case. If it is a serious case or we found that a liner is guilty then the. According to South African School Act number 84 of 1996, it's stipulated that this the SGB, the School Governing Body, have the role that they should play, which one of them is to work along with the principal to ensure that the learners who are found guilty are given a letter whereby they are requested to be at home. I cannot necessarily say they are expelled, but they are given a seven days to be at home. So that they can come to school after seven days is an expansion whereby learners are who are whom are found guilty. They are given seven days to be at home, then they will return to school after the 8 days. Because the school on its own have no right to expel learners, only the head of the department have the right to expel learners in that regard, we have the right only to give learners 7 days to be at home depending on the type of a case then are those type of cases which require social partners or state educational stakeholders such as the the police, the South African Police Service, There are those type of cases which will require social services or social workers I can say then it depends with the type of the case. Then where we need police, we have a police whom is appointed or a let me say appointed to work with our school in case of dealing with the cases that maybe arise and which needs the serious attention of the South African police services, then it depend with the nature of the case. There are some cases whereby we find that this type of a learner just need a counseling then we organise the counseling for that type of learner cause sometimes. We found that a learner is guilty of a case that is being occurred, but we realise that the very same learner also have the right to equal education as a school. We do not go, just go by saying we want to take learners to be at home because we should remember that all learners have the right to basic education. So to assure that or even if the learners have all the right to basic education, we make sure that each and everyone of them is treated equally, is treated equally, no one is violating the other ones, and even if the learner is requested to be at home for seven days, then the very same learner is given task, homeworks, classworks and for and so on through the parents. Because what we are

normally doing, we just want to assure that the learner, that particular learner whom is found guilty, stays away from those. Who are at school but are given equal task And in case the learners can write a test while the other one is at home, we'll assure that when he or she come back to the school, we also give him or her a test so that all the learners are treated equally in terms of the their rights and equality and that given equal opportunities on behalf of the Department of Education, that is what I can say.

#### CLOSURE

Thank you, Mr. And. Thanks for your time for conducting this interview. Thank you. Yeah.

Thank you so much.

#### **Member of the disciplinary committee School A**

Intro

Good afternoon, Sir.

MDCA

Good afternoon.

Q

Sir, thank you for opportunity for interviewing you. Can you kindly tell me how long have you been a teacher and how long have you been in a member of disciplinary committee?

MDCA

I have been a teacher for 27 years now. Yes, but it is. It has only been two years that have been member of disciplinary committee.

Q

Okay, Thank you Sir. Then how does the school oriented learners about disciplinary matters concerning a misconduct processes and procedures of disciplinary hearings?

MDCA

As a school what we normally do is we make copies of the schools code of conduct and issue out to our new learners each at the beginning of each year and we also make sure that we read it out at assembly and try to. Make sure that the learners are aware of the schools code of conduct.

Q

OK, thank you. Then going to question no 3, which policies does the school use to determine the seriousness of misconduct of learners?

MDCA

The kinds of misconduct that learners may commit at our school are stipulated in the schools code of conduct. Therefore, it is the document used to determine how serious misconduct is.

Q

OK, thank you. Then what are the roles of a disciplinary committee members in protecting the rights of accused learners and their parents?

MDCA

Depending on the magnitude of the offense, that has to do with the discipline in the school, the learners are instructed or directed to call their parents whenever there is a matter to be heard or that it needs to be presented before the disciplinary committee so that the parents can be part of the adjudication on the matter.

Q

OK, thank you. And can you describe how in most cases, the school gathers the evidence of the accused learners and during disciplinary hearings, how the evidence is presented?

MDCA

Depending on the type of misconduct committed, at times we would request as per the code of conduct request the learners were concerned to to note down how and where the incident took place. In other words, compile reports which will be presented during the actually the actual hearing by the committee.

Q

Thank you. Lastly, in case where learners are found guilty of misconduct, what steps does the disciplinary committee takes concerning ensuring that learners rights to equal education are being very are not being violated?

MDCA

With the right to education in the centre at our institution, whenever learners are found guilty by the disciplinary committee any form of. Dealing with them or any way that the disciplinary committee shall have decided to as a way to correct the learner. It is always ensured that if there is a task to be completed by the perpetrator or the one who has been found guilty, it is completed outside the contact time. That is, learners would only expected to complete such tasks after the lessons

## CLOSURE

Thank you Sir for your time and opportunity to interview you.

It's a pleasure, Sir.

### **Member of the disciplinary committee School B**

#### Introduction

Good morning, Mr. Can you kindly give me your years of experience in teaching profession and years of experience in managing the discipline?

#### MBCB

Thanks for giving me this opportunity to participate in your interview then. I've got about 32 years in teaching experience. If I can still remember, I started teaching in 1991. You can count it. From 1991 until today I was in, I started working at school at Mobani district. Then I went to Gauteng 2008 and come back to Limpopo.

#### Q

OK, then. As a head of discipline, how does the school oriented learners about the disciplinary matters concerning misconduct processes and the procedures of disciplinary hearings?

#### MBCB

Every year we check our code of conduct, then if there are some addition or subtraction, we call the staff, discuss with the staff, Then when doing this, we do it with the guideline of the Code of Conduct of the National Code of Conduct, which was used to guide us to develop our own school code of conduct. Then we take back to the the SGB. From the S GB, we call the parents. All stakeholders are involved when drafting the Code of Conduct. Thereafter we discuss it with the we inform the the learners and then both parents and the learners, they must sign that Code of Conduct. So that it must abide everyone and consultation must cover all the stakeholders. Thank you.

#### Q

Then which policies does does the school use to determine the seriousness of the misconduct of learners?

#### MBCB

We use the the the code of conduct that is guided by the constitution of South Africa. That is the the bottom line. We cannot deviate from the consumer South Africa when drafting this code of conduct.

#### Q

Okay, thank you. Going to question no 4, what are the roles of the disciplinary committee members in protecting the rights of accused learners and their parents?

MBCB

We need to protect everyone and then always when there is a case who must check both sides, must take both sides of the story. Its like a coin must have the accused and the complainant, they give their stories so that we can protect everyone. We are not biased at all and therefore each and every offense. Therefore, when taking this plan measures, it is guided by the code of the school code of conduct, OK.

Q

Thank you, ma'am. Say sorry going to question #5, can you describe? How in most cases, the school gathers the evidence of accused learners and during disciplinary hearings, how the evidence is presented.

MBCB

When the matter is reported to us, the record with the record book of recording misconduct, then if it is, for example, maybe we find a learner smoking. Dagga or any other thing which is in prohibited in school is not allowed within the premise of the school. Therefore we must have evidence. If he says drugs, we must have those drugs and those drugs must be kept safe so that we must be is going to be used as evidence or if he is a fight. Therefore, we need to get a written statement from both complainant and the accused and get a statement, Okay. Thank you, Sir.

Q

Lastly, in case where learners are found guilty of misconduct, what steps does the disciplinary committee takes concerning ensuring that rights to equal education? Are not violated.

MBCB

In the first place, when the matter is reported, we normally write a letter to the parent of the consent learner or both. Learners must be given letters to to invite their parents. Therefore, we come and inform their parents about the misconduct of those learners. Then we set a date for disciplinary hearing. And then the committee will sit, then decides after debating all the issues within that day.

Q

So say if the learner is found guilty, for instance, the learner is suspended. How do you make sure that the learner receive work? Maybe or the? The rise to equal education is not validated.

MBCB

For us to suspend someone, therefore you need to follow procedures. Suspension is not if it is the first time offense and no suspension, but if of course if let us say sometimes are suspended, therefore we have got the the contact number of their parents. We call the the parents to come and collect the work. Yeah, so that when he returned back he must have all the work that have been done by other learners. The parents are called to come and collect the way just because when we suspend even the parents need to sign that they will come and collect the work of their learners so that when they return he must have or he or she must have all the work.

CLOSURE

Ohh, thank you Mr. Thank you for your time.

Thank you.

## **Member of the disciplinary committee School C**

### Introduction

Hey, good afternoon, Sir. Afternoon, Mr. Hey, how are you?

I'm doing good. And yourself?

I'm fine. Thanks for your time and for being part of my research.

How long have you been a teacher? And how long have you been in a disciplinary committee, Sir?

I've been a teacher since 2016. Yeah. So when I count in most case I find myself with full and few months, full seven years and few months in this profession And then in terms of disciplinary committee, you know I was like it because you are waking in a very small school where we are exposed to lot of committees at a go. So in the year 2016 I was part and parcel of the disciplinary committee till date ok,

Q

Thank you, Sir. Then how does the school oriented learners about discipline matters concerning misconduct process and processes and procedures of disciplinary hearings in our institutions?

MDC C

Sir, our school use RCL numbers. To facilitate the issue of orientating learners about the discipline matters, especially that concern, indeed the misconduct, and they must also know the processes and procedures of their of the process. I mean the process and procedures of this disciplinary actions or hearings, now our RCL. On a on an annual basis we know we elect RCL. Then, after the RCL has been con elected, likely in our seconds, we have second orientation where the the the RCL members are given information on how to deal with the matters such as complaints from learners, how to deal with the misconduct of learners as as a way of orientating them. So that they can come back and assist us in school on dealing with this matter. Now, as per SASA, the School Act of 1996, it is where we find all these procedures now in the after the intrition of second RCL comebacks, have its meeting where they deliberate much on this issue of code of conduct, where they they developed their Code of conduct as learners of this institution under guidance of the, I want to call the Teacher Learner liaison officer. Now what happened in the process, learners developed the Code of conduct. After developing that Code of conduct, it is taken to the TLO and advice with the principal in advice with the SGB and the second governance. Then we approve that Code of Conduct in line with SASA. After that Code of Conduct being approved, the President of the RCL is given a platform to address learners on an assembly point on the Code of Conduct. Remember, the Code of Conduct is where learners will know what is wrong and right in the school premises. Now in that case, learners will be. Explained on the Code of conduct that is expected as school and that is not expected in school in that process. After that, they have to outline what will happen should learners fail to adhere to the Code of Conduct that they agreed as learners and RCL and then remember the composition of RCL is being done through what class reps So that that last reps they information from classes. where they submitted to RCL meeting. So the code of conduct is a collective agreement by learners that's why now when it's been a single output, final product, it's been presented back to learners for adoption then when they once it's adopted, let us know tthis thing, so that is how

best. In our decision, we deal with this issue of orientating the entire enrollment in terms of disciplinary matters.

Q

Thank you Sir. Then which policies does the school use to determine the seriousness of the misconduct of learners

MDC C

Like I already mentioned, we we focus much on Lena Code of conduct that is the most thing that our school rely on. That is the policy that I was could rely on, Remember, the code of conduct, yes, can have can it. We can call it out of context. We can call it the concession of the school for RCL where other policies which are to be drawn up, they must look on the code of conduct on what was agreement in that code of conduct like for instance. If we agreed of no of no weapons. Now we can develop a policy. For learners who do what? Who brings weapons to school, So the main source is the code of conduct, then the main source of the code of conduct its us where the rights of our learners have been constructed. OK, thank you.

Q

Then what are the roles of disciplinary committee members in protecting the rights of accused learners and their parents?

MDC C

You know. As the disciplinary member I could say the role as a committee, as a well, but is true, is to make sure that all learners at the end, they get what we they get what we call fair and equal treatment now in a fair and equal treatment we execute as the as a disciplinary committee that rule of making sure that there are any outcome that will come after that. Hearing will have the fair and equal treatment all enough so that no one will feel not well represented or was not well treated in the process. So our rule is to make sure that all learners who whether accused or victims, they all get a equal and fair treatment. Thank you,

Q

Can you describe in most cases, how the school gathers the evidence of the accused learners and during disciplinary hearings how the evidence is presented?

MDC C

Yeah, this ones we have. I had two incidents, you know. Where it affect our learners who is in twenty three years back we had a learner who brought dagga to school. Was a grade 8 learner, first time learner in our school and our grounds here in terms of smoking, it is clear that no smoking is allowed. So we we suspected A learner that he might be smoking dagga not knowing very well that he might be in position of that. Now the process that we use to investigate. Let me start with this one to get the evidence is that one. We question the suspect or the accused and in most case you know the suspect. Accused will never tell the truth. Now what do we do in a committee? We make sure that while we are busy interrogating one member from the committee goes to the classroom where we go and gather what, evidence in the absence of the accused. Remember the accused, some of the accused are are we can say our learners who usually threaten other learners, so in their

presence you will never find the evidence because other learners might fail or fear, have fear to tell the truth now in their absence it is possible for learners to tell the truth, especially learners they know that when the information is being shared. It is confidential that that is when they know they will be free to come and share the evidence. Now when the evidence has been gathered, I remember that way, learners said no, this person, yes, do smoke. But they said no we don't know how where he puts his dagga but surely if not? In his body, In his school bag. Now what? We we normally do we don't search the the bag in the absence of the land. We take the bag if the if they the evidence is suspected to be inside the the school bag. We take the bag to the disciplinary room where the the land is in so that we don't violate the the rights of privacy for that land. Then we say, may you please share with us what is inside your bag? I recalled the learner took everything out. Even a file, a flip file, and there was nothing. But one committee member what did he do? He tried to open the file when you opened the file when trying to flip the file, that's when they find a dagga inside that flip file so process of gathering information is through the use of learners, because learners now in if the culture of the school learners. Understand the culture of school and the code of conduct. Then they will understand that when it's time for coming up with the truth, they will have to do that and then the evidence is presented. If found outside the the disciplinary room, we present it in a manner whereby the the source or the informant does is not been implicated or she is not implicated to in a manner where the accused will feel like indeed the information was was well gathered, not violating his or her rights of privacy. That's how best we collected and lastly say in case where learners are found guilty of misconduct.

Q

What steps does the disciplinary committee takes concerning ensuring that learners rise to equal education are not being violated? Like there are several steps that we.

Take Remember we are having levels in terms of misconduct of learners there are levels like level four or five where they need external stakeholders. Such as police, social workers. To intervene. But what we mostly do when learners are in such a state or in that level, we inform parents first parents come because they are the custodian of these learners they come to school they get, they get presented to the matter, both parent, the accused and the victim. Because if we don't bring the parents to the board, it might blast out. In a negative way now we we call them to the board, we explain the problem and we also look at the code of conduct. We are instructed by the code of conduct on what to act, on which level, what to act now To say, for instance, say it is a police matter, You have to invite the police to come. And remember we are not aiming to tarnish all the OR to to to to. Destroy, in fact, not to tarnish, to destroy this this life or this learner education path but involving the police is just for for the learner to see the seriousness of this problem we involve them in how in which we to come and address these learners and so give them and the police will show them the danger of being in position of those things and again, what we normally do.

### **follow up question**

In terms of this disciplinary committee if the learner is to be, what is this suspended there are some that require that us to do internal suspension which plus minus 10 days now when we suspend learners we check the suspension and we also check the issue of learners not be disadvantaged in terms of assessment in terms of learning, in fact it is the responsibility. If a learner is suspended, it is suspended. It is the responsibility of the parent again parents must be involved in this man of the parent to engage. With school on the activities daily activities. The learner will be suspended, but the learner must have activity, daily activities. We start with informal, we don't look only on the former side. Get what was done in the in the in the day so that Lena is updated two if it's in times of examination. What is it that we do? learners are allowed to come to school and write, but if they are those special classes or lessons, that is when we want them just to feel the seriousness of this. They want to be given an

opportunity to attend those extra lessons. But the time of examination they are allowed to come and write and go back. That is the process one of the process that we use to not disadvantage this learners remember extra classes. It's just an extra but learners will have received the norm.

thanks for your time Sir, and. For participating in merits that is. Thank you. Thank you, Sir.

### **Member of the disciplinary committee School D**

Introduction

Good morning, ma'am. How are you?

Good morning, Sir. I'm fine. Thank you. And how are you?

Q

Thank you, and thanks for opportunity for being part of my research. Then. Ma'am, can you tell me how long have you been a teacher and how long have you been in a disciplinary committee?

MDC D

I have six years in the teaching field and three years as a member in the disciplinary committee.

Q

Okay. Thanks. Then how does the school oriented learners about disciplinary matters concerning misconduct process, processes and procedures of disciplinary hearings?

MDC D

OK. At the beginning of each school year, the principal addresses learners about misconduct and the discipline measures that are there in place. For such learners who commit such misconduct and then this is done during assembly devotions.

Q

OK, thanks. Then which policies does the school use? To determine the seriousness of the misconduct of learners.

MDC D

OK. We are governed by SASA, which is the South African School Act and then we also have the SASAMS system whereby we we as a school decides which levels of misconduct are there and then the discipline that that surrounds that misconduct.

Q

OK, thanks. Then went to question #4. What are the rules of the principal? What are the rules of disciplinary committee members in protecting the rights of accused learners and their parents?

MDC D

OK, before we can say this, learner did something and we are sure, we firstly get the information, we ask for witnesses if they are there and then before we can conclude on that matter.

Q

OK. Thanks and. Can you describe in most cases the school gathers how the school gathers the evidence of the accused learners and during disciplinary hearings how the evidence is presented?

MDC D

OK, firstly, if let's say for example a learner is accused of bullying, firstly this victim has to come and then tell us what the the learner did. Then we go and talk to the perpetrator from there. It is then that if maybe this person denies the allegations against them, we we we we find witnesses to that. And then if the learner, if all these witnesses attest that this person really did that, then it's where that will take measures.

Q

Thanks you. Lastly, in a a case where learners are found guilty of misconduct, what steps does this disciplinary committee takes considering ensuring that learners rise to equal education are not violated?

MDC D

OK. We firstly call upon the parent of the learner and then we tell them about the incident. And then triple mind the child. If that matter is very serious, there will be a matter of suspension. And then in terms of the suspension, we'll be looking at the dates. If it may be clashes with exams, this learners will, the parents will take the exams and then that this child will arrive them at home, but then they will be not be allowed at school at that time.

CLOSURE

OK. Thanks for watching it to them. Thank you.

Alright. Thank you Sir.

## **RCL Member School A**

Introduction

Yeah, Yeah. Good afternoon.

RCLA

Afternoon.

Q

How are you

RCLA

I'm good and how are you?

Q

I'm fine. Can you kindly tell me how long have you been in RCL and which grade are you in?

RCLA

OK. I am in grade 12 and I've been in the RCL for the past three years. OK.

Q

Thank you so how does the school oriented learners about disciplinary matters concerning

this conduct and the processes and procedures of disciplinary hearings?

RCLA

In my school, we oriented learners using the school code of conduct. We make sure that whenever there is a disciplinary matter, we take the code of conduct out and read it to the accused so that he or she can know what he or she is facing at that time.

Q

OK, thank you. So going to question no3, which policies does the school use to determine the seriousness of the misconduct of the learners?

RCLA

our school has a code of conduct that deals with every matter. It has different parts where it deals with issues, like what do we do when bullying occurs or when you vandalise. So each each matter has every consequence that comes behind it. Okay,

Q

Thank you then. What are role of the disciplinary committee members in protecting the rights of accused learners and their parents?

RCLA

OK, we deal with the accused like we hear the side of his or her story before we can say that he or she is guilty, or before we can call the parent.

Q

OK. Thank you. And can you describe how in most cases the school gathers the evidence of accused learners and how it is presented during disciplinary year?

RCLA

We usually seek for witnesses who have seen the matter when it happens so that we can have people to vent to when we we when we accused the accused or when we or when we we we take decisions.

Q

Okay, thank you. Then lastly, in a case where learners are found guilty or of misconduct, what steps does this disciplinary committee takes considering ensuring that the learners rights to equal education are not violated?

RCLA

We usually tell the accused to write a letter and or like. Make promises that whatever that happened at that time will never be repeated. Then the letter will be submitted to the principal and that will be a warning that whenever the very same person does the very same things, some will there will be a precautionary steps that will be taken against that person.

Q

Ok for instance, if it is a time for exam and a learner is found guilty. How do you ensure, How does the school ensure that the learner there is work or right examination?

RCLA

We don't usually suspend learners, we we just call the parents so that that person could come to school every day and attend as other learners because as we know, we have this right of every person. Every child has a right to basic education. So we hear the side of the the the accused learner and the the parents. The parent signs a form or the the the letter that the learner could have wrote. Then after that the the learner will be coming to school as

usual, but there will be a warning.

CLOSURE

OK. Thanks for opportunity and good luck with your great house. Thank you.

### **RCL Member School B**

Introduction

Good morning, President. How are you?

I'm fine.

Q

I'm fine. Thank you for your time and opportunity for me to interview you then. How long have you been in RCL and which grade are you in?

RCL B

I have two years experiencing RLC and now I am president and I'm doing grade 12.

Q

Oh, thank you. So how does the school oriented learners about the discipline, disciplinary matters concerning misconduct processes and the procedures of a disciplinary hearings?

RCL B

Sorry May you repeat the question?

Q

Then how does the school oriented learners about a disciplinary matters concerning misconduct processes and the procedures of disciplinary hearings?

RCL B

Through assembly on the first day of the school open.

Q

Okay, no thank you. Say then going to question #3, which policies? Does the school use to determine the seriousness of misconduct of Learners

RCL B

We use school conduct.

{correction}

OK, school code of conduct.

RCL B

Yes.

Q

Oh, thank you. Then what are the roles of you as RCL in protecting the rights of accused learners and their parents?

RCL B

I make sure that both parties are represented and their parent are also invited.

Q

Okay. Thank you and #5. Question #5 Can you describe how in the most cases, the school gathers the evidence of the accused learners and during disciplinary hearings, how the evidence is presented?

RCL B

They are using us as a RLC to research and to spy on the learners who are. Who are who are not doing things that who are doing things that are not right in school.

Q

OK. Thank you. Then lastly, Mr. President. In a case where learners are found guilty of a misconduct, what steps does the disciplinary committee takes considering ensuring that learners rights to equal education are not validated?

RCL B

They are giving others learners work to give suspended suspended learners home so that they can get work.

CLOSURE

Thank you, Mr. President. Thank yo u for your time. And good luck with your examination and great half. Thanks.

### **RCL Member School C**

Introduction

Good morning, Learner. How are you?

Fine, thanks. And now you sir.

Q

I'm fine. Can you briefly tell me how long have you been in a RCL and which grade are you in?

RCL C

I've been in the RCL for a year now. I'm in Grade 10.

Q

OK, thank you. Then how old does your school oriented learners about discipline disciplinary matters? Considering misconduct processes and procedures of disciplinary hearings.

RCL C

Our school orientate learners in some in some way that whereby a learner could go for a hearing at the principals office whereby they hear what the what's the problem of the learner before they enter his records in our system named SAMS meaning that it shows all the profiles that I needed at the school. It shows your profiles mean when I see of course of profiles, I mean your details, your personal details that in the school computer.

Q

And which policies does your school uses to determine the seriousness of misconduct of learners?

RCL C

Our school ses the, it uses the policy of they have and disciplinary committee whereby they meet, they have it clarity about about the learner and how are they going to take steps

towards the coming days, how are they going to examine the case and how are they going to deal with the learner.

Q

OK, thank you. Then what are the rules of disciplinary committee members in protecting the rights of accused learners and their parents?

RCL C

That one the disciplinary committees there are workers to protect learners in city whereby learners who who were accused the could find solid evidence to to charge within the very person who meet a very a very mistake that needs to be verified and blames the accused.

Q

Thank you then. Can you describe in most cases in your school how the evidence is gathered? Or let me repeat the question. Can you describe in most cases the school gathers evidence of the accused learners and during disciplinary hearings how the evidence is presented?

RCL C

Firstly, as I said we have our school system need named SAMS whereby they have all the learners record that are recorded in the computer so that even if he makes the certain mistakes or repeats the certain crime or case that have been have been going for as as we know that each school has a disciplinary community and they have disciplinary what do you call a they have the disciplinary trial. Is it trial? Sorry, hearings. They have the disciplinary hearings. Those disciplinary hearings are going to be the cases that he had before. They are going to be gathered for the disciplinary hearings so that they could speak to the government officials to suggest if you could get expelled, if not getting expelled. You could get suspended and our suspension, it doesn't have to be more than two, it doesn't have to be more than 5 days.

Q

OK, thank you. In a case where learner are found guilty of misconduct and what steps does this disciplinary committee takes concerning ensuring that learners rights to equal education are not validated?

RCL C

What they do is they can suspend the learner. But they suspend him or her with the rights to education. As for if they suspend the learner, the learner has the rights to call have we have friend or his friend to catch up with the school work. So that when it comes for his final hearing whereby they're going to determine what's going to happen about the learner, he has all records that he's been. Working on his school, work at home.

Closure

OK. Thanks for your opportunity and good luck with your exams. Thank you.

SPK\_2

Sir, thank you.

## **RCL Member School D**

Introduction

Yeah, Good afternoon, Learner. How are you?

I'm good. And you, Sir?

Q

Thank you. Which grade are you in and how long have you been in RCL?

RCL D

I am in grade 12 and I have two years being in the RCL.

Q

OK, thank you. Then how does your school oriented learners about disciplinary matters concerning misconduct processes and procedures of disciplinary hearings?

RCL D

Well, the principal. You know frequently or let alone at the beginning of the year on the assembly, that's where they let us know all about those discipline, discipline measures.

Q

OK, thank you. Then which policies does the school use to determine the seriousness of the misconduct of learners?

RCL D

About the policies, we don't really know about the policies because our school is still preparing for the school of conduct.

Q

OK. Thank you. Then what are the rules of the disciplinary committee members in protecting the rights of accused learners and their parents?

RCL D

Well, by making sure that the learner is not expelled at school before found guilty.

Q

Okay, thank you. Then can you describe in those cases how? The school gathers the evidence of the accused learners and during disciplinary hearings how the evidence is presented.

Q

Well, in most of the time the principal is the one who gathered the information by causing the accused learner red handed and that by that they may call their parents and present the evident fund to them.

Q

OK, thank you. Then in a case where. Learners are found guilty of a misconduct. What steps does the disciplinary committee takes considering ensuring that learners rights to equal education are not being violated?

RCL D

Some other learners are allowed to write when they return back from the explosion.

RCL D

Okay then what are the roles of the disciplinary committee members in protecting the rights of a accused learners and their parents? Let me repeat the question then. What are the rules of the disciplinary committee members in protecting the rights of accused learners and their

parents?

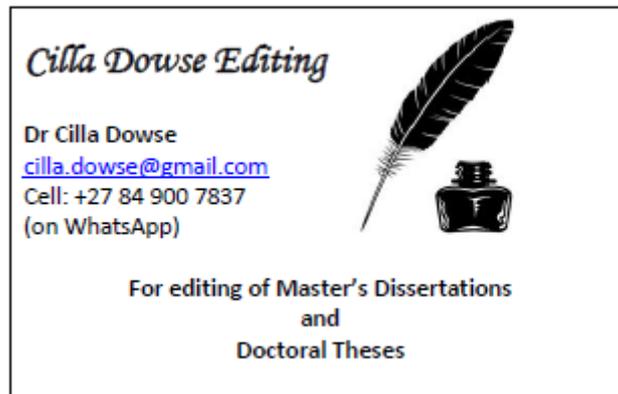
RCL D

You know they may by making sure that the learner is not expelled at school before found guilty or before any concrete evidence is found.

Closure

OK. thanks for your opportunity and taking part in my research. Thank you. Thank.

**Annexure L: Proof of Editing**



This letter serves to confirm that editing and proofreading was done for:

**SEIMA ATHUR LERIBA**

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**University of South Africa**

**INVESTIGATING LEARNERS' HUMAN RIGHTS PROTECTION DURING  
DISCIPLINARY HEARINGS IN SECONDARY SCHOOLS IN SEKGOSESE  
CENTRAL CIRCUIT, LIMPOPO PROVINCE**

Cilla Dowse  
12 June 2024

Cilla Dowse  
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## Annexure M: Turnitin Report

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