



# PAUL ROOS

## GIMNASIUM – GYMNASIUM

### **DISCIPLINARY POLICY**

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## 1. INTRODUCTION

- 1.1. All disciplinary matters and actions at Paul Roos Gymnasium shall observe the procedures set out in the Code of Conduct, read together with the Schools Act and the Regulations relating to discipline in public schools in South Africa where applicable (“the Regulations”).
- 1.2. The general approach to disciplinary procedures should be consistent and fair, in accordance with the procedures and guidelines set forth in the Code of Conduct, Schools Act and the Regulations.
- 1.3. The Code of Conduct and Disciplinary Policy is not intended as an exhaustive guideline of the conduct/rules with which a learner is expected to comply, nor does it contain the steps and possible sanctions to deal with all disciplinary-related issues. Instead, the Code of Conduct and Disciplinary Policy indicate fundamental values and principles according to which learners are expected to conduct themselves, as well as a framework within which corrective action and discipline can effectively be implemented by the school.
- 1.4. Various forms of informal/internal and formal disciplinary measures may be initiated by the school. The severity of the action taken by the school will depend on the circumstances, the seriousness of the infringement and any relevant mitigating or aggravating factors.
- 1.5. Should expected norms of conduct not be met by any Learner, corrective action will be initiated by the rector, the deputy rectors or educators as set out herein. Corrective action may or may not include the application of formal disciplinary measures, any formal steps being applied in order to prevent further occurrences of unacceptable behaviour or to restore the educator-learner relationship. Educators, deputy rectors and the rector, as the case may be, are entitled to apply action that they believe is appropriate and fair in the circumstances, within the guidelines provided herein.

## 2. ESSENTIAL REQUIREMENTS FOR ALL DISCIPLINARY PROCEDURES

- 2.1. A learner must be given a full opportunity to have his version of relevant facts and circumstances placed on record.
- 2.2. The constitutional rights of the learners (see Code of Rights and Duties) are to be respected at all times and are to be left intact as far as possible.
- 2.3. Searches and seizures shall be conducted in terms of the school’s Search-and-seizure policy and the guidelines for random search and seizure, and testing for alcoholic liquor and illegal drugs, at public schools in the Western Cape Province in terms of section 45a of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

- 2.4. Interviews with witnesses may be recorded. Alternatively, notes of what was discussed during such interviews may be taken, in the interest of transparency and for the purpose of maintaining a proper record.
- 2.5. Disciplinary procedures should not be instituted when it appears, after investigation, that there is sufficient doubt as to whether misconduct has been committed.

### **3. DISCIPLINARY STRUCTURE**

The disciplinary structure of Paul Roos Gymnasium is as follows:

- 3.1. **Class educator**  
The class educator deals with less serious disciplinary matters in the classroom and on the school grounds. The class educator may refer the matter to the grade head if it is not resolved in a way that satisfies all parties involved. Once the class educator has referred the matter to the grade head, he/she relinquishes the matter and leaves it to the judgement of the grade head.
- 3.2. **Grade head/Phase head**  
The grade head/phase head deals with disciplinary matters referred to by him/her by the class educator or otherwise. The grade head/phase head may refer the matter to the deputy rector if it has not been resolved to the satisfaction of all parties involved or if the conduct complained of may constitute serious misconduct. Once the grade head has referred the matter to the deputy rector, he/she relinquishes the matter and leaves it to the judgment of the deputy rector.
- 3.3. **Deputy-Rector**  
The deputy-rector deals with disciplinary matters referred to by him/her by the grade head or otherwise. The deputy rector may refer the matter to the rector if it has not been resolved to the satisfaction of all parties involved or if the conduct complained of may constitute serious misconduct. Once the deputy has referred the matter to the rector, he/she relinquishes the matter and leaves it to the judgment of the rector.
- 3.4. **Rector**  
The rector may deal with disciplinary matters referred to him or of which he has been notified by the school community. The rector has the authority to refer matters of misconduct to the internal disciplinary committee to be dealt with internally and matters of serious misconduct to the school governing body, as set out hereinbelow.
- 3.5. **Internal disciplinary committee**

The internal disciplinary committee of the school forms part of the professional management of the school and deals with disciplinary matters referred to it by the rector. The rector may inform the chairperson of the governing body before, during or after the proceedings regarding an incident. The composition of the committee is determined by the rector and usually consists of the following members: a deputy-rector, phase head, grade head, school counsellor (who acts in a supportive role), head of the hostel and/or any other senior staff that the rector deems relevant to the proceedings. Depending on the nature of the misconduct, there may be other members elected to the internal disciplinary committee. The internal disciplinary committee has the authority to apply punitive measures in accordance with the disciplinary policy. If the transgression appears to be serious misconduct, the matter may be referred to the disciplinary committee appointed by the governing body.

- 3.6. **Disciplinary committee appointed by the governing body**  
The disciplinary committee is appointed by the governing body and its composition is dealt with in the Schools Act and, in the case of serious misconduct, the Regulations as set out below.
- 3.7. **Governing body**  
The governance of every public school is vested in its governing body. In terms of the Schools Act, a disciplinary committee may be established by the governing body to deal with matters pertaining to discipline on behalf of the governing body.
- 3.8. **Head of Education**  
Only the provincial Head of Education or a competent official designated by him/her may expel a learner.
- 3.9. **MEC Education**  
An appeal to the Minister in terms of the administrative law is regarded as a wide appeal, i.e. a reconsideration of the merits of the matter with or without additional information.

#### **4. RELEVANT CONSIDERATIONS IN CHOOSING AN APPROPRIATE SANCTION**

A correct balance should be struck between the considerations mentioned below, each of which must be taken into account and reflected in the sanction that is ultimately imposed. The disproportionate application of these considerations and/or the sanction imposed should be avoided as potentially being unfair and contrary to the purposes of this disciplinary policy.

- a) The individual learner:
- age and stage of development;
  - attitude towards school work and fellow learners;

- disciplinary record, general response to reprimand and willingness to reform;
  - reasons provided for committing the transgression;
  - measure of remorse and desire to remedy the transgression.
- b) Nature and extent of misconduct:
- the relevant circumstances;
  - the effect of the transgression on another person/other persons;
  - the frequency of the particular type of transgression;
  - the extent of the loss or damage caused by the transgression.
- c) Interests of the community:
- In general, a community has an interest in the maintaining of a culture of teaching and learning at the school; in the fair and just treatment of learners; in the protection of the spiritual and moral well-being of learners and educators at the school as well as the protection and promotion, as far as possible, of basic constitutional rights of all concerned parties of the school.

*For the application of this Disciplinary Policy, misconduct is divided into two categories, ranging from A) misconduct to B) serious misconduct. This is consistent with the different disciplinary steps that may be taken and the different procedures that may be followed in dealing with misconduct and serious misconduct.*

## **A) MISCONDUCT**

The conduct described below is not a closed list of offences that constitute misconduct. Any conduct that is not in line with the school's Code of Honour, its Code of Conduct, the Schools Act and/or any other regulations relating to discipline at the school may be regarded as misconduct and dealt with accordingly.

### **1. ACTS OF MISCONDUCT**

The school regards it as misconduct if a learner:

- 1.1. is absent from compulsory class/period/activity, including sport/culture practice, without prior notice and a valid reason for such absenteeism;
- 1.2. does not return documentation to school by the due date;
- 1.3. fails to keep books and/or schoolwork up to date;
- 1.4. does not follow lawful instruction from an educator;
- 1.5. fails to complete homework satisfactorily by the due date or copies homework;
- 1.6. behaves poorly and/or threatens, disrupts or hinders the teaching process in class;

- 1.7. is not in line with the requirements of the Code of Conduct with regard to his appearance;
- 1.8. leaves books/worksheets/stationery (or any items prescribed for that period/class/activity by the educator in charge) at home;
- 1.9. leaves PT clothes (trainers, socks, PT shorts, PT top, swimming clothes and/or any other item of PT clothing prescribed by the educator in charge of PT) at home;
- 1.10. is late for class or leaves the classroom without permission and/or without prior notice and a valid reason;
- 1.11. litters anywhere on school property, while representing the school, during school activities or when wearing school uniform;
- 1.12. fails to complete work given as punishment;
- 1.13. does not hand in a project/assignment on or before the due date;
- 1.14. is outside of the school grounds or in the boarding houses without permission during school hours;
- 1.15. fails to attend detention;
- 1.16. displays dishonest behaviour and/or is dishonest during any test/examination;
- 1.17. is disrespectful, displays inappropriate behaviour and/or offensive language with educators and/or fellow learners;
- 1.18. distributes any test/examination material which may enable another learner to gain an unfair advantage in a test/examination;
- 1.19. displays any public indecency;
- 1.20. uses or possesses any firearm, illegal drug or dangerous object;
- 1.21. commits any other offences as determined by the rector or his representatives;
- 1.22. smokes, uses alcoholic liquor or fights on the school grounds, or while representing the school, during school activities or when wearing school uniform;
- 1.23. draws graffiti anywhere on school property, when representing the school, during school activities or while wearing school uniform;
- 1.24. transgresses examination rules;
- 1.25. harasses, threatens, bullies (physically, emotionally or via cyberspace), fights with, teases or does an injustice to other learners, educators or members of the school community in any material, physical or emotional way;
- 1.26. uses inappropriate language, including obscene, profane, lewd, vulgar, rude, disrespectful, threatening, or inflammatory language;
- 1.27. brings dishonour to the school's name;
- 1.28. is found guilty of any other conduct as determined by the rector or his representatives

## 2. PROCEDURE FOR ALLEGED MISCONDUCT

The rector or his representative may treat any repeated misconduct or conduct that is considered sufficiently serious, as serious misconduct.

- 2.1 Misconduct that is not considered serious misconduct, or does not require formal disciplinary action in the opinion of the responsible educator, can be dealt with by the educator.
- 2.2 Where the alleged offence took place in the presence of an educator, that educator may settle the matter. In the appropriate circumstances, the grade head or phase head for the relevant grade in which the learner is, may deal with the matter. If the grade head is not available or is unwilling to handle the matter, the misconduct will be dealt with by the rector or his representative. The matter may also be referred to the internal disciplinary committee.
- 2.3 Details of the alleged offence must be provided to the learner concerned and he must be given a proper opportunity to respond to same. It is preferable that the learner gives a written statement in response to the allegations and evidence against him.
- 2.4 The educator dealing with the case must make a finding of guilty or innocent and then inform the learner what sanction he intends to apply.
- 2.5 The rector or his representative, in their sole and absolute discretion, is entitled to follow any review procedure, including interviews with the parents and/or any witness.
- 2.6 When an infringement occurs which may, in the opinion of the rector, require an investigation/enquiry before the internal disciplinary committee, the educator, grade head or deputy rector (as appointed by the rector), may lead the investigation/enquiry and present the evidence at the investigation/enquiry.
- 2.7 This assessment usually takes the form of an informal investigation, which generally includes an opportunity for the learner to “state his case” in response to the complaint.
- 2.8 Students may be asked to make written statements, which may be used later in any procedures that follow the investigation.
- 2.9 A teacher/member of staff chosen by the learner may represent the learner at the investigation/enquiry.
- 2.10 The investigation/enquiry will be conducted internally. Except as provided for herein, no party shall be entitled to representation during an internal disciplinary investigation/enquiry.
- 2.11 If, after an investigation:
  - 2.11.1 the learner is suspected of being guilty of misconduct, but the misconduct is considered to be of a nature that does not require an



- internal disciplinary investigation/enquiry, the educator, grade head, phase head or deputy rector, as appointed by the rector to investigate the alleged misconduct, may issue the appropriate sanction; or
- 2.11.2 the learner is suspected of being guilty of misconduct that is considered to be of a sufficiently serious nature, the matter will be referred for an internal disciplinary enquiry/investigation; or
  - 2.11.3 the learner is suspected of being guilty of serious misconduct, the matter will be referred to the school's governing body for a disciplinary hearing as set out under "serious misconduct" below.

### 3. INTERNAL DISCIPLINARY INVESTIGATION/ENQUIRY

- 3.1 In conducting the internal disciplinary investigation/enquiry, the principles of natural justice and fairness should be observed.
- 3.2 The learner suspected of committing misconduct should, inter alia, be given the opportunity to have his version of relevant facts and circumstances placed on record and present argument/evidence in mitigation of sanction.
- 3.3 The process and guidelines for hearings involving serious misconduct can be used as a guideline for the internal disciplinary investigation/enquiry.

### 4. RECOMMENDED SANCTIONS FOR MISCONDUCT

A sanction may only be implemented against a learner once the learner has been found guilty of misconduct after being afforded an opportunity to respond to the allegations and evidence against him and, in appropriate circumstances, a suitable investigation process has been followed.

Learners found guilty of misconduct may be sanctioned as follows:

- 4.1 by means of a verbal or written reprimand by an educator or the rector;
- 4.2 supervised school work that will contribute to the learner's progress at school and/or the improvement of the school environment, provided that the parents of the learner are timeously informed and the security of the learner is assured;
- 4.3 performing tasks that would assist the offended person;
- 4.4 agreed affordable compensation;
- 4.5 replacement of damaged property;
- 4.6 detention/s as determined by the educator, grade head, phase head, deputy rector, rector or the internal disciplinary committee;

- 4.7 where possible and appropriate, a suitable form of community service and/or restorative justice program;
- 4.8 letters of warning may be issued when a learner is guilty of repeated misconduct and/or for serious misconduct that has not been referred to the SGB for a disciplinary hearing and/or when the conduct of the learner challenges the authority of the school;
- 4.9 suspension from school activities (for example sport, cultural activities) for a suitable period;
- 4.10 any other suitable sanction, as determined by the rector and/or the deputy rector.

## **B) SERIOUS MISCONDUCT**

1. Subject to the provisions of the Schools Act, a learner at a school who:

- 1.1 uses or has in his possession or sells or distributes a dangerous object, alcoholic liquor or illegal drugs;
- 1.2 commits an act of bullying, assault, theft, arson or malicious damage to property;
- 1.3 commits an act of gross insubordination or engages in immoral conduct;
- 1.4 is in possession of or uses any unauthorised copy of a test or examination question paper, or cheats, distributes, trades, bribes or attempts to bribe any person in respect of any test or examination, with the intention of enabling himself or herself, or any other person, to gain an unfair advantage;
- 1.5 uses hate speech, makes himself or herself guilty of racism, sexism, sexual harassment, possesses or distributes pornographic material or engages in any act of public indecency;
- 1.6 endangers the safety or threatens fellow learners or educators, disrupts the school programme or violates the rights of others;
- 1.7 falsely identifies himself or herself, or knowingly and wilfully supplies false information or falsifies documentation to gain an unfair advantage at school;
- 1.8 has repeatedly been found guilty of transgressing the learner's code of conduct; or
- 1.9 conducts himself or herself, in the opinion of the governing body, in a disgraceful, improper or unbecoming manner

may be guilty of serious misconduct.

2. Subject to the provisions of the Act, a learner at a school may be suspended by the governing body or expelled by the Head of Department if, after a fair hearing, he is found guilty of serious misconduct.

## 2. PROCEDURE FOR ALLEGED SERIOUS MISCONDUCT

- 2.1 Where it is alleged that the conduct of a learner may constitute serious misconduct the allegation must be brought to the attention of the rector who must:
  - 2.1.1 investigate or cause an investigation to be carried out to determine whether there are grounds for a disciplinary hearing;
  - 2.1.2 decide whether there is sufficient evidence to institute disciplinary action against the learner in respect of the serious misconduct and whether or not to report the matter to the governing body.
- 2.2 The governing body may, on reasonable grounds, and as a precautionary measure, suspend the learner suspected of serious misconduct from attending school for a period not longer than seven school days.
- 2.3 The governing body must:
  - 2.3.1 inform the learner and the parents of the learner of the intention to suspend and the reasons therefore;
  - 2.3.2 afford the learner and the parents of the learner a reasonable opportunity to make representations to the governing body in relation to such suspension; and
  - 2.3.3 report the decision of the suspension of the learner to the District Director, who must keep a register of all such suspensions.
- 2.4 The governing body must conduct disciplinary proceedings in the manner contemplated in section 8 of the Schools Act against the learner within seven school days after the suspension of such learner.

If disciplinary proceedings are not conducted within seven school days after the suspension of the learner, the governing body must obtain the approval of the Head of Department for the continuation of the suspension of such learner.

## 3. NOTICE TO LEARNER AND PARENT OF DISCIPLINARY HEARING

The governing body must notify the learner as well as the parents of the learner, in writing, that disciplinary proceedings will be instituted against the learner. The notice must:

- 3.1 provide at least five school days' notice of the disciplinary hearing;
- 3.2 inform the learner and the parents of the learner that disciplinary proceedings will be instituted against the learner;

- 3.3 contain sufficient particulars of the date, time, place and the nature of the alleged serious misconduct to enable the learner to identify the incident and to respond thereto at the disciplinary hearing;
- 3.4 contain the date, time and venue of the disciplinary hearing;
- 3.5 advise the learner of his right to:
  - 3.5.1 be accompanied and represented at the hearing, by his parents, or by a representative chosen by the parents;
  - 3.5.2 request access to documents or information produced in evidence; and
  - 3.5.3 ask questions, cross-examine, lead evidence, call witnesses and produce documentary evidence to clarify issues pertaining to the allegation;
  - 3.5.4 be informed, where applicable, of the precautionary suspension and the nature of academic support to be provided by the school before the disciplinary hearing and during the period of suspension.
- 3.6 The rector must give the notice to the learner, and deliver a copy thereof to the parents of the learner at the address of the learner indicated in the school admission register or the learner profile.

#### 4. APPOINTMENT AND COMPOSITION OF DISCIPLINARY COMMITTEE

- 4.1 The governing body must preside over the disciplinary proceedings or must appoint a disciplinary committee to do so.
- 4.2 The disciplinary committee must comprise at least five persons, at least three of whom must be governing body members.
- 4.3 The disciplinary committee must be chaired by a member of the governing body, designated by the governing body, who is not an employee or member of staff of the school.
- 4.4 The disciplinary committee must be impartial, fair and act without favour or prejudice.
- 4.5 The rector, learners at the school or any other persons bearing a conflict of interest are not eligible to be members of the disciplinary committee and may not be present when the governing body discusses the report or recommendations of the disciplinary committee.

#### 5. DISCIPLINARY HEARING

- 5.1 The burden of proof during a disciplinary hearing is that of a balance of probabilities.

- 5.2 At the disciplinary hearing the learner has the right to be present, to be represented, to give evidence and either personally or through a representative, to
  - 5.2.1 state his case;
  - 5.2.2 call witnesses;
  - 5.2.3 put questions to any person called as a witness in support of a charge; and
  - 5.2.4 inspect documents submitted in evidence.
  
- 5.3 If the learner or his parents fail to attend the disciplinary hearing without just cause, and after due notice, and after such hearing has been convened for the second time, the hearing may be conducted in their absence.
  
- 5.4 The chairperson must, upon the commencement of the disciplinary hearing, explain the reasons for the disciplinary hearing, request the charge or charges to be read, and ask the learner to plead to the charge.
  
- 5.5 If the learner pleads guilty, the chairperson must
  - 5.5.1 ensure that the learner knows and understands what he is pleading guilty to;
  - 5.5.2 ask the learner, representative, or parents of the learner whether anybody wishes to make representations before a suitable sanction is imposed;
  - 5.5.3 ask a representative of the school, if they wish to make representations before a decision is made on the appropriate sanction;
  - 5.5.4 ask the learner, representative and parents of the learner and any other parties, except the members of the disciplinary committee, to leave the room while the committee deliberates on a suitable sanction;
  - 5.5.5 ensure that the disciplinary committee decides on an appropriate sanction; ensure that the disciplinary committee, after finding the learner guilty of serious misconduct, decides if
    - 5.5.5.1 the learner should be suspended for a period not longer than seven school days;
    - 5.5.5.2 any other sanction contemplated for misconduct should be imposed on the learner; or
    - 5.5.5.3 the expulsion of the learner should be recommended to the Head of Department; and
    - 5.5.5.4 recall the learner, representative or parents of the learner and inform them of the outcome of the recommendations to be submitted to the governing body.
  
- 5.6 If the learner pleads not guilty, the chairperson must
  - 5.6.1 request the investigation report to be read and evidence adduced in support of the charge, including the calling of the complainant and witnesses;

- 5.6.2 give the learner, representative or parents of the learner the opportunity to put questions to the complainant and witnesses with the purpose of refuting evidence;
- 5.6.3 afford the committee members an opportunity to ask questions of clarity, where applicable;
- 5.6.4 afford the learner an opportunity to state his case and to call witnesses;
- 5.6.5 allow committee members to ask questions of clarity;
- 5.6.6 excuse the learner, representative and parents of the learner while the committee reviews evidence and decides on the verdict; and
- 5.6.7 recall the learner, representative and parents of the learner and inform them of the disciplinary committee's decision; and
- 5.6.8 should the disciplinary committee find the learner guilty, the chairperson must
  - 5.6.8.1.1 ask him, or his representative or parents, if they wish to make representations before a decision is made on the appropriate sanction; and
  - 5.6.8.1.2 ask a representative of the school, if they wish to make representations before a decision is made on the appropriate sanction; and must also
  - 5.6.8.2 ask the learner, representative or parents of the learner and any other parties, except the members of the disciplinary committee, to leave the room while the committee deliberates on a suitable sanction.
- 5.6.9 The disciplinary committee must then decide on an appropriate sanction, having taken all the evidence and representations into account and decide whether
  - 5.6.9.1 the learner should be suspended for a period no longer than seven school days;
  - 5.6.9.2 any other sanction contemplated for misconduct should be imposed on the learner; or
  - 5.6.9.3 the expulsion of the learner should be recommended to the Head of Department.
- 5.6.10 Recall the learner, representative or parents of the learner and inform them of the outcome of the recommendations to be submitted to the governing body.
- 5.6.11 The learner and his parents must be informed, in writing, of the decision of the governing body on whether or not the learner is guilty of serious misconduct, and the sanction imposed.

## 6. RECOMMENDATION OF EXPULSION BY GOVERNING BODY

- 6.1 Where the governing body recommends to the Head of Department that a learner be expelled, the parents of the learner must be notified, in writing, of the decision of the governing body.
- 6.2 Where a governing body suspends a learner from attending school, with the recommendation of expulsion to the Head of Department, the governing body must direct the rector to submit to the Head of Department, within three school days
- 6.2.1 the minutes of meetings at which the decision was taken;
  - 6.2.2 any written representations submitted by the learner or parents of the learner or representative; and
  - 6.2.3 the full record of the proceedings by the disciplinary committee or governing body.
- 6.3 Pending a decision by the Head of Department the governing body may suspend or extend the suspension of a learner for a period not longer than 14 days.
- 6.4 The Head of Department must consider the recommendation by the governing body and must decide whether or not to expel a learner within 14 days of receiving such recommendation.
- 6.5 If the Head of Department decides not to expel the learner, the Head of Department may, after consultation with the governing body, impose a suitable sanction on the learner, which must be implemented by the governing body.
- 6.6 If the Head of Department decides not to impose a sanction on the learner, the Head of Department must refer the matter back to the governing body, for an alternative sanction in terms of the school's code of conduct contemplated in section 8 of the Act.
- 6.7 The governing body and the parents of the learner must be notified immediately, in writing, of the decision of the Head of Department, with good cause shown.
- 6.8 If the Head of Department expels a learner, the notice contemplated in sub-regulation (6) must include a reference to the right of appeal to the Provincial Minister.

## 7. RIGHT OF APPEAL

A learner who has been expelled from a school, or the parents of such learner, may appeal against the decision of the Head of Department to the Provincial Minister within 14 days of receiving the notice of expulsion.