



Research Article

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A Critique of the Democratic Functionality of the School Disciplinary Committee Structures within a South African Rural Setting

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Abstract

The South Africans Schools Act mandates institutional policy duty bearers such as the school governing bodies (SGBs) and school disciplinary committees (SDCs) through which education stakeholders such as school principals, teachers, parents and learners to democratically formulate and implement school policies. The effectiveness of these bodies in carrying out their responsibilities in most cases is left to speculation. Based on a case study of high schools in a rural district setting in South Africa, this paper reports on the extent to which SDCs are democratically constituted and function in conducting their responsibilities. A qualitative approach was employed to gather data from a purposeful sample of 53 participants at two secondary schools that comprised 10 SGB members, 10 school management team (SMT) members, 9 SDC members, 10 Representative Council of Learners (RCL), 4 class teachers and 10 previously disciplined learners (PDLs). Focus group and individual interviews were the primary data gathering instruments but were complemented by document analysis to cross-check participants' narratives where necessary. Results indicated that the discharge of the SDC responsibilities was largely undemocratic in both composition and functioning, and therefore unjust in disciplining learners who acted outside school rules. On the basis of our findings, we recommend that the policy duty bearers in school institutional management structures such as the SMT, SGB, RCL and SDC should first be inducted on school policies, roles and responsibilities on assumption of duty.

Keywords: school discipline, duty bearer, school policy, institutional structure, functional democracy

1. Introduction

Acts of indiscipline among learners is an educational challenge of universal magnitude (Ali, Dada, Isaika & Salmon, 2014; HSRC, 2018). Salifu and Agbenyega (2012) posit that lack of discipline in school decreases contact time for fruitful teaching and learning as significant amount of the time could be lost to the management of learner behaviour. However, the role of school discipline as a necessary measure

in setting up a conducive teaching and learning environment and atmosphere cannot be underestimated.

In South Africa, the management of school discipline became an issue of concern after the first democratic elections in 1994 due to the excitement it brought among young South Africans who had been active in the struggle for democracy. Therefore, the South African Schools Act (SASA) 84 of 1996 institutes that representative policy structures in schools such as the school governing body (SGB) shall comprise of membership representing educators, support or non-teaching staff, parents and learners in secondary school context in order for all concerned community parties to put their effort together in managing schools (Republic of South Africa, 1996b). This augers well with the constitution of the country which provides for its citizens to be engaged in the creation of and participation in democratising the institutions in all public spheres of life, and education which had been marred by racial arrangements during apartheid is a point in question.

According to the Bill of Rights in the South African Constitution, schools as the custodians of children's fundamental rights should guard against the violation of basic child and human rights by promoting a safe and enabling school environment (Constitution of the Republic of South Africa, 1996a). It is against this background that SASA 84 of 1996, Section 10 (1) mandates schools to constitute democratic structures such as SGBs and school disciplinary committees (SDCs) to formulate and implement a learners' code of conduct with full consultation and involvement of key school stakeholders, namely learners, parents and educators (Republic of South Africa, 1996b, Joubert & Prinsloo, 2008; Steinmann, 2013). Consequently, the main purpose of the learners' code of conduct hinges on establishing a learning environment which safeguards the interests of all school-based education stakeholders and promotes a safe, child friendly and conducive teaching and learning school environment. However, despite all these democratic provisions for maintenance of school discipline, some South African schools have become high profile violent zones which includes stabbings, rock throwing, gangsterism, drug addiction, gun shootings, sexual and physical assaults and bullying (Ncontsa & Shumba, 2013; UNESCO, 2017; Basic Education Rights Handbook, 2017).

All this implies the need for well-structured and functional SDCs to instil order and democratically handle cases of learner indiscipline. We therefore conducted research to examine how schools in a rural South African district of Limpopo province implemented their mandate of constituting democratically structured and functional school disciplinary committees.

2. The Conceptual Democratic Landscape of SDCs

The education system of South Africa was transformed after the inception of democratic dispensation in 1994. The SASA, 84 of 1996 was established in order to redress past injustice in educational provisions and practices. The aim of SASA 84 of 1996 as a democratic constitutional and legitimate instrument pertains the provision for the organisation, governing, disciplining and financing of schools, to revise and abolish some undemocratic policy frameworks associated with apartheid (Republic of South Africa, 1996b).

The preamble of the Schools Act restates the fundamental value of equality of treatment and opportunities in a democratic education system. Furthermore, it aims to establish a partnership among education stakeholders (the state, parents, learners, educators and community members) who have an interest in democratic running of schools. The key point as set out in SASA is that every stakeholder in the education sector, especially members elected in schools representative structures need to play the responsibility attached to their roles regarding the funding, organisation and governance of schools (Republic of South Africa, 1996b). This implies that SGBs and SDCs should be broad based in their composition and operations (Joubert & Prinsloo, 2008).

According to Nene (2013), the task which presents the most challenge to educators entails dealing with problems of indiscipline caused by wayward learners. This calls for effective instructional delivery to take place and for South African schools to have strong disciplinary organs and procedures to monitor the proper implementation of school policies and measures that maintain school discipline

among both learners and staff. It places strong responsibility on the SDC as a sub-committee of the SGB to ensure that discipline is maintained within the school and that all school stakeholders must appreciate the need for and upholding disciplinary standards. SASA 84 of 1996, Section 8(1) proposes that the school governing body should constitute the SDC and craft a school code of practice or conduct in liaison with educators, parents and learners in case of secondary school context. The aim of the code of conduct must be to establish a school environment that reflects discipline and positive purpose, which is dedicated to improve and maintain quality teaching and learning processes (Republic of South Africa, 1996b). The code of conduct is therefore, an important tool used in maintaining discipline at school and should be formulated, understood and implemented by all school parties.

As a guide to handling school discipline, SASA 84 (1996), Sections 13.1 and 13.2 provide that learners who violate school rules which might attract expulsion or suspension penalties must be brought to a formally constituted school tribunal or a disciplinary committee of members elected by the SGB for a fair hearing (Republic of South Africa, 1996b, Joubert & Prinsloo, 2008). The SDC is therefore a key sub-committee of the SGB whose primary role is maintaining school discipline and hearing cases of learner indiscipline. It is clear from the Schools Act Sections 13.1 to 13.4 that while the SDC is a substantive sub-institution of the SGB, its representative members are not substantive office bearers, but only elected by the SGB to handle particular cases that emerge and vacate office once the case is concluded. Unlike what goes on in most schools wherein the SDC is usually constituted by SMT and SGB members, the Schools Act does not spell out that the SDC members must be elected from the SGB or SMT. One important feature of the composition of the SDC as provided in Section 13.4 of the Schools Act is that a learner who is brought to stand before the SDC should have the right to be represented by fellow learners who are members of the Representative Council of Learners (RCL), an educator, parent or guardian when the case is being investigated and cross-examined. In support of this provision, Mogale (2013) contends that in the current world with its vast human rights complexities, learners require such democratic representation that was previously not availed.

In upholding and adjudication of cases of learner indiscipline, it is mandatory for SGBs and their respective SDCs to take cognisance and abide by South African Constitution's Bill of Rights, which spells out that schools, as custodians of children's fundamental rights, should guard against the violation of basic child and human rights that include the following:

- *The right of the child to human dignity* or to be respected and protected from any types of threats to life. The SDCs should therefore ensure that disciplinary activities occur within the auspices of the Constitution of country by ensuring that alleged learner offenders do not lose their child and human respect as this can be detrimental to their future (Constitution of the Republic of South Africa, 1996a; Republic of South Africa, 1996b). In this regard, Burton and Leoschut (2013) concur with the Bill of Rights that even learners who are alleged to commit serious school offences must be accorded fair hearings in which the focus is on positive interventions as a restorative option to learner behaviour.
- *The right of the individual to security and freedom* which according to Section 12 of the Constitution prohibits any form of cruel, degrading or inhuman punishment (Constitution of the Republic of South Africa, 1996a; Smit, 2013). This provision is in line with international and regional conventions of the child such as the United Nations (UN) Child Rights Convention and the African Charter on the Rights and Welfare of the Child (ACRWC) which provide that children must be protected from any form of inhuman punishment. The extent to which SDCs are aware of and implement these child rights regulations need to be tested and this is the rationale for this research (Joubert & Prinsloo, 2008).
- *Right to Education* for every citizen implies that the SDC as a key sub-committee of SGB must adopt a code of behaviour which guides learners towards the establishment of a purposeful and disciplined environment to facilitate learning (Constitution of the Republic of South Africa, 1996a; Republic of South Africa, 1996b). It is in this vein that learners who have committed acts of misconduct should not lose their right to education and it is in this regard that learner suspension and expulsion by SDCs are hotly contested issues by human rights activists.

The existence of rights in education compels learning institutions to develop policy frameworks and set up structures which help learners to know and not lose their child, human and educational rights when in situations that find them encroaching outside school rules. We therefore, sought to examine how SDCs at the selected schools were democratically structured and discharged their responsibilities taking into consideration learners' human, child and educational rights as outlined in South Africa's Bill of Rights and Schools Act, which are indicate domestication of international conventions on children.

3. Literature Study

Education as a human right is a widely touted principle which has received widespread coverage in basically all international declarations and conventions such as the 1948, Universal Declaration of Human Rights (UDHR), the 1989, Convention on the Rights of the Child (CRC), the Millennium Development Goals (MDGs) of 2000 and others (Runhare, Vandeyar, Mulaudzi & Dzimiri, 2014). However, education in South Africa has of late been characterised by high prevalence of violence and disciplinary problems leading to many schools becoming malfunctioning learning sites marred by bullying, disrespect of teachers, dangerous weapons and general poor school discipline (Matoti, 2010; Salifu & Agbenyega, 2012; Nene, 2013; Ali, Dada, Isaika & Salmon, 2014) which upset the goals of educational provision in the hard won democratic dispensation since 1994 in which education is viewed as the engine to sustainable development.

Evidence from media coverage reflects a growing trend in the occurrence of violence and tragic events within school grounds (Masingi, 2017). A press report cited eleven serious violent incidents in schools around South Africa between January and June 2019, in which six learners died, among them were a 15 year old learner from Mpeko primary school in Peddie, Eastern Cape stabbed to death, by a 16-year-old Grade 7 classmate. In Limpopo province, where this study was conducted, a 16 year old pupil was stabbed to death by a 15 year old Grade 9 learner in Ga-Mamabolo's Robert Machaka Secondary School (Fengu, 2019). Such cases may indicate huge challenges that SDCs have in maintaining school discipline.

The challenge of school indiscipline is also extensive in other African countries such as neighbouring Zimbabwe where Gudyanga, Gudyanga and Matamba (2015) reported learners displayed violent behaviours which emanated from negative attitudes to schooling and differential association with peers who display anti-school type of culture.

School indiscipline is also a severe challenge in developed countries like the United States of America where a study conducted for the National Centre for Education Statistics (NCES) revealed that 962,300 and 476,100 violent and non-violent incidents respectively, occurred in public schools nationally (Diliberti, Jackson, Correa & Padgett, 2019). The report indicates 66 % of the schools reported physical attack or fighting in the absence of weapons while 3 % reported weapon related attacks, of which about 3 600 involved explosive devices and firearms. Bullying was found to contribute 16 % of secondary school and 9% of primary school cases of indiscipline (Diliberti, Jackson, Correa & Padgett, 2019).

Beside the school violence which militated against effective teaching and learning, there are other common types of school indiscipline, which according to Lekganyane (2011) include disruptive behaviour such as making noises, laziness, unpunctuality, talking out of turn, disturbing others, refusal to cooperate with others when doing group work, absenteeism and lesson absconding and disobeying instructions. Of interest to this study is the observation by Masingi (2017) who attests that the prevalent forms of indiscipline in rural schools are absenteeism, indecent dressing, late coming to school, substance abuse, stealing, smoking, and drinking alcohol. Similar cases of learner misconduct were reported by Sugut and Mugasia (2014) at Kenyan schools such as using or carrying of drugs, possession or using of dangerous weapons, murder of learners and teachers, rape and others.

Generally, the South Africa Council for Educators (SACE) 2016/2017 Annual Report also affirms that there was high prevalence of indiscipline in South African schools. The report points to learner

indiscipline as a severe barrier to the accomplishment of the country's National Development Plan (NDP) 2030 which identifies education as its basic component due to the significant role that education system plays in building an inclusive society (National Development Plan, 2030). The prevalence of school malpractices among learners signifies that all schools should have democratically elected structures and functional SDCs to administer and promote positive school discipline. Based on the high occurrence of learner misconducts in South African schools as alluded earlier, the question which ignited this paper is how effective are the democratic structures and functioning of SDCs in two selected secondary schools of Mopani District manage to maintain learner discipline and handle cases of indiscipline following the national legislation governing schools.

3.1 *Management of Learner Behaviour in South African schools*

The National Education Policy Act (NEPA) Act 27 of 1996 demands school authorities to establish an education system which enables and supports each learner to develop maximally in order to contribute to the social, political, moral, economic and cultural advancement of the entire nation (NEPA, 1996). Previous studies reveals that the primacy of learner misconduct is not unique to South Africa due to the fact that indiscipline in schools is a global problem (Burton & Leoschut, 2013; UNESCO, 2017; Basic Education Rights Handbook, 2017). A study by Moye (2015) concurs that acts of indiscipline are prevailing at Nigerian schools such as dishonesty, lack of respect, rudeness, absenteeism and lateness to school, smoking, loitering, examination malpractices, disloyalty, drunkenness and indecent dressing. In view of such prevalence of school malpractices among learners, it infers that all schools should have democratic represented structures and functional disciplinary systems to manage and encourage positive learner discipline otherwise education as a central goal of National Development Plan (NDP) 2030 cannot be achieved. Research has shown that parental involvement is critical in ensuring that learners receive quality learning experiences at school (Mogale, 2013). The involvement of parents in the school activities of their children has numerous positive effects on learners' behaviour, since parents are regarded as natural or home educators who should partner and complement the effort of teachers. Studies indicate that parents who are more involved in the school work of their children and who visit schools receive less disciplinary problems with their children from school (Maphosa & Shumba, 2010; Mugabe & Maposa, 2013).

Pertaining to maintain school discipline, the Western Cape Education Department of South Africa wrote a practical guide for the management of the behaviour of learners in the school context. The document strongly emphasis that the whole school development should focus on a culture of positive behaviour and attitudes, and work ethics that are driven by good professional behaviour, support structures and good planning. In addition, the practical guide further raised that positive learner behaviour rests on the principle of circle of a developmental approach which focuses on allowing children the opportunity to nature the positive attributes in them. Through this positive approach, learners are helped to perceive themselves positively and make good judgments so that they can progress independently (Western Cape Education Department, 2007) as responsible future citizens of South Africa. This complement the Neo-Adlerian theory which is a critique of the authoritarian framework of discipline which deprives learners the most desired freedom of choice regarding their own issues. The Neo-Adlerian theory upholds that learners must be oriented to assume responsibility for the actions they take rather than depending wholly on adults to address the problems they encounter (Charles, 2008).

To achieve positive learner discipline, Fengu (2019) indicated the need for every education stakeholder and duty bearers to perform their designated roles to deliver school safety because violence is a societal problem that is fast encroaching into South African schools on daily basis. In this regard, members of the SGBs, parents, representatives from the departments of social development and community safety should work together to inculcate discipline at school (Republic of South Africa, 1996b). In addition, the National Development Plan (NDP) 2030, Chapter 9 indicates that the role of all stakeholders in basic education system should be allied to uphold the common goal of achieving

good educational results that are amenable to economic growth as well as community needs of all South Africans (National Development Plan, 2030). This is in line with SASA 84 of 1996 which advocates for close partnership among stakeholders that are concerned and mandated to building quality education (Republic of South Africa, 1996b). We noted that collaboration of various stakeholders can assist in curbing school-related violence because violence acts is a societal challenge which cannot be managed by educators alone therefore a collective team is dire need to make schools a violence-free learning environment.

This is in tandem with UNESCO (2017) which points that promoting peace in schools require the integration of community programmes into the schooling systems as part of an effort to introduce constructive attitudes, skills and behaviours for living together in order to prevent any conflict between school and community expectations. As another way of managing learner behaviour in South African schools, scholars like Burton and Leoschut (2013) are of the view that every school should have a safety framework, that empowers principals, educators, members of the SGBs and other interested stakeholders with the necessary tools and information regarding the implementation of an effective disciplinary approach that creates and sustains conducive environment of learning, while also upholding the rights of educators and learners. Sharing the same sentiment, Smit (2013) asserts that schools should be democratic learning and teaching environment where order as well as positive learner discipline is endorsed with a shared concern for the common good; which is to promote and advocate the children's right to education.

With regard to management of learner discipline in schools, South Africa is compared to Zimbabwe and Botswana as Southern African Development Community (SADC), who are all neighbours, political and economic partners of South Africa. Zimbabwe just like South Africa, is also a signatory to the United Nations Convention on Child's Rights (1989). Zimbabwe has Policy Circular 35 which is a ministerial document that gives national standard guidelines of handling serious acts of ill-discipline behaviour in order to ensure positive school discipline practices in Zimbabwean schools (Ministry of Education, Sports, Arts and Culture, 1999). Likewise, in 2009, Botswana adopted new Children's Act which embraces the Bill of Child Rights that guarantees the fundamental rights of the child (UNICEF, 2012). However the Education Act 1967, Article 29 provides for the Ministry of Education to establish regulations to recommend the circumstances of administering corporal punishment (Republic of Botswana, 1967). Although Botswana adopted new Act which advocate the basic children's rights conversely, corporal punishment is still administered in schools. We noted discrepancies in implementation of education policy in Botswana. To us, this is a very controversial subject due to the fact that Botswana reviewed and replaced the old Act with the new Act which ensures the protection of the child from all forms of violence from persons entrusted with the care of the child but still corporal punishment is lawful in schools.

As a way of managing learner behaviour, in United States of America, zero tolerance policies were effected in 1990 and later they were adopted by other schools world-wide (Martinez, 2009; Brand, 2015). These policies were initially established as strategies to drug enforcement and also possession of fire arms in American schools. The zero tolerance policies recommend for suspension without provision of home-based educational support. However the policies were withdrawn in 2001 because school districts and school administrators misused them as they were used in handling less serious transgressions (Martinez, 2009). The Gun-Free Schools Act (GFSA) was established in 1994 and a learner was expelled for one year if found in possession of fire arm in school premises (Brand, 2015).

3.2 *The Structure and Working of the School Disciplinary Committee (SDC)*

The school disciplinary committees are usually constituted when a learner commits a very serious misconduct. In South Africa, very serious offences are divided into level 4 and level 5 offences. Level 4 contains very serious misbehaviour or violation of school rules such as engaging in sexual activities, threats using dangerous weapons, forging documents, using or selling drugs and alcohol, inflicting limited intentional injury to others. Level 5 are criminal acts which violate school codes and breach the

law such as assault or rape, robbery, sexual harassment or abuse burglary or stealing, murder, use of dangerous weapons and others (Republic of South Africa, 1996b; Burton & Leoschut, 2013; Basic Education Rights Handbook, 2017).

The American school system, provides for parents and community members, who are currently serving on the School Advisory Council (SAC) as legible to serve in the School Disciplinary Committee while students and staff, including the principal are not allowed to serve on the school disciplinary committee (Halifax Regional School Board, 2009). In South Africa, the SDC is the key sub-committee of the SGB which is expected to act as impartial tribunal for a learner disciplinary hearing, as outlined in the SASA 84 of 1996 and in line with the Constitution of the Republic of South Africa. The School Disciplinary Committee consists of the Principal or the Deputy Principal (not both), the Chairperson or deputy chairperson (not both) of the SGB, the SGB parent member, teacher and a learner in the RCL (Republic of South Africa, 1996b; Joubert & Prinsloo, 2008). The main difference between the American and South African SCD structures is that school managers and teachers are excluded in the USA while they are included in RSA (Halifax Regional School Board, 2009).

According to policy and procedure, a disciplinary hearing must take place when very serious misconduct occurs, such as possession of dangerous weapons, drinking alcohol or the use of intoxicating substances, sexual harassment or rape. The principal refers the problem to the SGB, and the SGB must make arrangements of a disciplinary hearing by constituting a SDC to ensure that the hearing conducted in a manner that is fair and consistent with the country's Schools Act and Bill of Rights and democratic school management principles (Burton and Leoschut, 2013; Joubert & Prinsloo, 2008; Republic of South Africa, 1996b).

4. The Research Problem

School indiscipline seems to be a phenomenon that is increasingly disturbing in South Africa as indicated by the prevalence of violence in schools (Matoti, 2010; Ncontsa & Shumba, 2013; Nene, 2013; Burton & Leoschut, 2013; Masingi, 2017). According to a survey carried out by the Human Sciences Research Council (HSRC) in South Africa and the Department of Education (DoE) in 2017, more than 20 000 South African teachers at 1 380 schools believed that schools are becoming places of violence between pupils on their own and between pupils and teachers (HSRC, 2018; Basic Education Rights Handbook, 2017). The role of school disciplinary committees is of great importance in this regard. This paper therefore reports on research that examined how the structure and operations of school disciplinary committees at two rural South African secondary schools with high rate of learner indiscipline upheld democratic principles in their structural composition and functioning.

5. Research Design and Methodology

The case study research design was used. Creswell (2010) defines a case study as a scientific investigation which focuses on an existing entity in the context in which it resides and uses multiple sources of evidence. The research adopted a qualitative research method. According to Grix (2004), the qualitative research technique describes a wide range of methods and designs employed to investigate a social phenomenon that people do not understand. Qualitative research method focuses on describing and understanding phenomena within their natural occurring context.

The study used purposive sampling in order to get informed by people involved in SDC activities as duty and office bearers. Purposive sampling is employed in unique circumstances in which the selection of participants is informed by a specific purpose or reason (Maree, 2011). The sampling method was therefore used to select relevant participants based gathered information from the school documents on SDC officers and PDLs at the two schools. The participants chosen were therefore those who were affected by or had knowledge of the SDCs as officers or disciplined learners in the period of study. These were 10 previously disciplined learners (PDLs), 5 from each school, who were selected

because they had experience of being brought to disciplinary hearings and 53 SDC members who included 10 SGB, 10 SMT, 9 SDC, 10 RCL and 4 class teachers who participated in disciplinary cases brought to the SDC. The members of the SDC, SGB, SMT and RCL were selected based on the fact that by virtue of their positions, they had served in the SDCs of their schools.

Data were obtained from participants using individual interviews and focus-group interviews SDC records were checked to complement what participants claimed in their narratives.

Individual interviews were administered to generate data from four teachers and the ten PDLs. This type of interview was suitable because of the sensitive and confidential nature of the experiences of PDLs. FGIs were employed to gather data from SDCs, SMTs, SGBs and RCLs because they were not personally affected by the disciplinary measures of SDCs (Maree, 2011).

Documents are written communications related to a topic under study (Creswell, 2010). In this study, the register and minutes of SDCs were examined to take note of information of interest such the process of adjudicating cases by the SDC, the attendance register for adjudicated cases and the School Learners' Code of Conduct was checked to assess its alignment to the provisions of SASA on conduct of SDCs.

5.1 Data Analysis

The data gathered from individual interviews, FGIs and the analysis of SDC records complemented each other. Information collected from the interviews was interpreted through content analysis, which according to Maree (2011) is a logical approach to the analysis of qualitative data. Content analysis was used to identify, summarise, and make inferences on the views expressed by study participants. Two themes generated from the views of the participants were democratic composition of the SDC and involvement of stakeholders in SDC proceedings. Where applicable, in presenting and discussion of the narrative data from interviews, evidence from SDC records was used to complement or critique the narrative data.

6. Ethical Measures

Permission for field entry in the conduct of this research was sought from the office of the Department of Education and later from school principals involved in the study because the study involved learners. The research participants were assured of anonymity and confidentiality with regard to the security of the data collected in the research process. They were promised that the information would be kept under lock and key and to be used only for the purpose of this study. All the learners who participated in the research had informed consent sought from their parents or guardians and school principal prior to involving them.

7. Findings

From obtained data, we analysed the extent to which the composition and operations of the SDCs at the two schools were aligned to official national school policy and democratic principles enshrined in the Constitution Bill of Rights (Constitution of Republic of South Africa, 1996a). In line with this, we condensed the findings into two themes, namely the democratic composition of SDCs and involvement of broad stakeholders in SDC proceedings.

7.1 Democratic Composition of the School Disciplinary Committees

To examine upholding of democratic principle in the SDCs, their composition was aligned to the provision of SASA 84 of 1996 which directs that the SDCs should consist of key school-based stakeholders namely SMT, SGB and RCL elected members, teachers and parents of learners being disciplined (Republic of South Africa, 1996b). A comparison of documents and what participants said

during interviews revealed that on paper, the SDCs were democratically constituted but in practice there was domination in the proceedings by school principals and their deputies, who at times made unilateral decisions on disciplinary cases which should be heard before a formally constituted SDC. To develop a clear understanding on how the SDCs were constituted, interviewed participants were asked to state who the SDC members at their school were established when there was a learner to be disciplined.

As an indication that school principals and their school management team members were dominant in SDCs, all the interviewees did not miss to include them as the top or first on the list of SDCs members. Also prominently mentioned as part of SDC structures were SGB members. However, the visibility of learners as representatives of fellow learners in SDCs was found to be very limited. An analysis of the following extracts from the interview data illustrates that while the structures of SDCs were in line with the School Act, they seemed to be overwhelmed by the SMTs.

An SMT from one school who is also a SCD member felt their SDC was properly constituted according to outlined policy and claimed that:

Our School Disciplinary Committee consists of people from different school structures. It is formed by members from the School Management Team, School Governing Body that is, parents, teachers and some learners [SMT5, School A].

A similar statement on the constituent of the SDC was exposed by one SDC member from School A. He explained that:

Our committee consists of five members from different ranks. I am the deputy principal, head of school discipline. The two are Head of Departments and the other two, are teachers serving in the School Governing Body [SDC1, School A].

The domination of teaching staff and absence of learners is clearly indicated. The claim that school principals take full charge of SDCs is quite substantiated by these statements (Mncube, 2009).

In contrast, their colleague at the same school who was a class teacher revealed that she was not sure;

Our School Disciplinary Committee consist mostly the School Management Team members. In most cases, the principal and the deputy principal are disciplining learners alone. I'm not sure who are the other members involved but as teachers, we are not involved [CT2, School A].

Class teachers according to the Schools Act should represent learners who are alleged for wrong doing in SDCs (Republic of South Africa, 1996b). The statement by the teacher reveals the domination of SMT, which is assumed to be the SDC as their management role and that the work of SDC is a hidden phenomenon which is not in the school public domain as indicated that the teacher was not sure, which implies inadequate staff development on school policies.

Another statement indicating lack of clarity on the official composition of the SDC was given by another class teacher from School A, who disclosed that:

Our School Disciplinary Committee consists of the principal, the deputy principal and some Head of Departments. However some very serious offences are handled by the School Governing Body. Teachers are not involved, we are only here to teach learners. We are observers [CT1, School A].

It is clear from the teachers' narratives that school management, contrary to official policy, over-extended their powers into area where they should share decision making and exercise democratic governance.

Such contradictory statements from educators of the same school exposed the undemocratic nature of the composition of the school's SDC which could render them be challenged as unlawfully constituted. Moreover, the claim that SDCs are dominated by school principals has been made from

another South African observation by Mncube and Harber (2013), who revealed that although the SDCs should be composed of learners, teachers and parents, the bulk of decisions and opinions come from the principal, while other stakeholders are not given a voice.

Similarly, the statement given by class teachers from School A, concurred with what educators from School B also provided in their narratives, whose views implied that educators are represented in the SDC by school management team members and other teachers. One such view was illustrated by a teacher who disclosed that *"I am in the SDC of this school. I am representing the office of the principal, I am the deputy principal. There two are teachers, one is a class teacher"*.

A colleague from the same school also added that school management was in control of the SDC at their school by revealing that:

School Disciplinary Committee consists of the principal as an ex-officio, the deputy principal and teacher component of the School Governing Body. Class teachers report indiscipline behaviour to the principal or deputy principal. We are not part of the School Disciplinary Committee [CT2, School B].

All the statements by teachers concurred that learners were excluded from SDCs as well as parents and teachers who should represent the learner offenders were not mentioned as part of the constituted SDCs. The School Act indicated that SDC members should not be permanent in that body but be elected to deal with particular cases (Republic of South Africa, 1996b; Joubert & Prinsloo, 2008). However, the schools where the research was conducted seemed to work under permanent SMT members.

The narratives revealed that officially or on paper, educators were in SDCs but it was evidently revealed in the SDC records in most cases, ordinary teachers did not actively attend disciplinary cases unless they were called to give evidence on a case during SDC session. At both schools, there was little evidence of involvement of ordinary or class teachers as witnesses for learners. The cases were mostly handled with parents of learners being disciplined and school principals and this was found to be devoid of democratic principles enshrined in the country's constitution and the Schools Act (Constitution of Republic of South Africa, 1996a; Republic of South Africa, 1996b). There was evidence of domination of the principals and deputy principals in handling disciplinary cases single-handedly at the two schools. The PDL₁ from School B revealed that when he was disciplined *"There was the principal, the deputy principal, the teacher (whom I don't know his position) and the three of us who were fighting (fighting boys)"*. Similar response was also given by PDL₂ from School A, who pointed out that *"There was my mother, our principal and our deputy principal"*.

From the evidence given by the PDLs it confirms that the principals and the deputy principals play a dominant role in the disciplinary hearing of learners in both schools when they are brought to stand before the SDCs. School principals and the deputy principals are the top SMT management who therefore on the ground dominate school policy implementation (Mncube & Harber, 2013), which is undemocratic to learners' right for fair representation. As stated in SASA (Republic of South Africa, 1996b) Section 13.4 Sub-sections (d) for fair hearing, a learner called to stand before the SDC must not be hindered from being represented by any concerned or affected party such as a member of the RCL, parent, guardian or an educator. In support of this SASA provision, Oosthuizen (2008) concurs that the involvement of parents in their children's lives should be regarded as an infallible technique for preventing learner misconduct. Both this study and other related findings concurred that educators were knowledgeable about the composition of the SDCs but they were not familiar or concerned with how all the SDC members were supposed to get involved, which left school management or part of the SMT, in particular principals who solely administered the SDC policies at their own will without any checks and balances.

7.2 Involvement of Broad Stakeholders in SDCs proceedings

One objective of the paper was to examine the extent of broad or democratic involvement of all the key

education stakeholders in SDC proceedings when cases of learner indiscipline were brought before the committee for adjudication. Ideally, when a learner is brought before the SDC for a disciplinary procedure, delegated members from SMT, SGB and RCL, parents/guardians of the child and class teachers should be represented to conduct a fair disciplinary hearing. Interviews with study respondents revealed claims that all stakeholders were part of the SDC hearings but this was contrary to practice. We therefore inquired from different stakeholders such as the RCL members how the SDCs involved them in disciplinary hearings.

7.2.1 Exclusion of Representative Council of Learners (RCL) in SDCs

As an illustration of the commonly held view that school principals took unilateral charge of SDC, one learner in the Representative Council of Learner (RCL) from School A, refuted that there was involvement of learner representatives in the SDC proceedings by refuting that:

They held meetings with our principal or deputy principal. We are not invited to attend; we are sometimes invited to normal SGB meetings but not disciplinary hearing meetings [RCL3, School A].

Another similar statement exposing the undemocratic exclusion of the RCL was repeated by RCL1 from School A, who revealed that “*We are not invited to school disciplinary hearing meetings. We just hear that a learner is suspended, then we see parents in the principal’s office. We are not involved*”.

Similarly, as an indication of non-representation of learners in SDC proceedings as required by the Schools Act, RCL5 from the other school who seemingly complained that “*They meet with the principal and sometimes with the deputy principal. They do not invite us. They discuss and then punish the undisciplined learner*”. The same view was reiterated by RCL2 from same school who also related that “*We have never attended disciplinary hearing meetings or School Governing Body meetings. We are just elected because the Circuit Manager need our names*”.

It is particularly interesting from the above narratives to note that, though at their level as learners, the RCL members were critical enough to differentiate between the ordinary SGB meetings and the disciplinary hearings. This is an indication that learners may be silent but are conscious and mature enough to notice unjust management practices at their schools. When we checked records of SGB meetings, we confirmed that the SGBs also handled disciplinary cases during some ordinary scheduled SGB meetings, which is an abduction of the role of SDCs according to Schools Act (Republic of South Africa, 1996b).

The narratives revealed that although the RCL were listed as members that constituted SDCs at both schools, they were not invited to the disciplinary hearing of learners. It is noted that, while learners should be represented in the SDC according to policy (Republic of South Africa, 1996b, Joubert & Prinsloo, 2008), no reference is made to the inclusion of learners in both schools. The exclusion of learners in the RCL in the SDCs is a serious violation of learner rights in that it has a negative implication on upholding the principle of justice in the adjudication process (Joubert & Prinsloo, 2008). This undemocratic management practice in South African schools is also alluded to by Mncube and Harber (2013) who observed that notwithstanding the full role given to learners in the governance of schools in post-apartheid education policy, learners are denied the opportunity to partake in decision-making processes at school. Sharing the same sentiment, Steinmann (2013), found that school principals (SMTs), teachers and SGB are not interested in working together with the learner representative members (RCL) therefore they completely or partly exclude them from both SDC and SGB meetings. To us, this is a violation constitutional rights of learners because exclusion makes a barrier that averts learner representatives from participating in drawing, adopting and implementing their own code of conduct as mandated by School Act.

To attest the statements given by RCLs, we asked the previously disciplined learners (PDLs) to explain how the RCLs assisted them when their cases were heard by the SDC.

The PDL1 from one of the two schools who answered the deputy principal in an unacceptable

manner explained that “*When I was called for the hearing, no learners from the Representative Council of Learners were involved. There was only my mother, the principal and the deputy principal*”. This was therefore an unlawful disciplinary hearing because the deputy principal was conflicted in that he stood as a player and a referee at the same time and the SDC was not formally constituted according to the Schools Act (Joubert & Prinsloo, 2008). The domination of the school management is also evident and this concurred with earlier findings (Mncube, 2009; Steinmann, 2013; Mncube & Harber, 2013).

Another revelation also pointing to exclusion of RCL representation and school management domination was disclosed by PDL₄ from the same school, who was accused of refusing to cut dreadlocks; “*During my disciplinary hearing session, there was my parents, our Head of Department, our principal, deputy principal and SGB members only, there were no learners in the RCL at all*”.

In a case at the other school, a PDL who was alleged to have written a derogatory word behind the name of a fellow classmate, the same trend of lack of representation by RCL and management domination in making unliteral SDC decisions was also revealed after the learner likewise indicated that:

After my subject teacher reported me to the principal, I was told to go home and come back the following day. We had disciplinary meeting, the Representative Council of Learners were not involved. We were three, myself, our principal and the deputy principal and I was suspended for five days [PDL₃, School B].

Similarly, from the same school, the PDL₅ added that “*There was only my father, our principal and the School Governing Body*”.

While Section 13.4 (d) of the SASA 84 of 1996, states that ‘*learner governors*’ must be considered as having legitimate and full membership of the SGBs (RSA, 1996b), at both schools where the research was conducted, it was revealed that members of RCL were overlooked in giving support to their peers who were brought before the SDCs (Republic of South Africa, 1996b; Mncube & Harber, 2013; Steinmann, 2013).

In order to further investigate the involvement of RLC in SDCs, we checked the attendance at disciplinary hearings at both schools. This evidence shows a disjuncture with regard to theory and practice in that while the RCLs were documented as members of SDCs at both schools, they were not active members in terms of participation in SDC meetings.

7.2.2 Inadequate Demarcation between SGB and SDC

To verify how the SGBs at the two schools played its role of constituting the SDCs as promulgated by the Schools Act, we inquired from SGB members at both schools on the involvement of SMTs and RCLs in SDCs. The SGB₂ from one school expressed the view that they worked with SDCs on serious disciplinary issues only explained that “*We meet with the School Disciplinary Committee if there is a learner who committed serious offence only*”. Similarly, the SGB₄ from the other school concurred that “*We hold meetings together with the School Disciplinary Committee so that we can be able to monitor how the school is running*”. These two statements give an indication why the school principals and their deputies took over the role of SDCs at their schools, as only cases that were deemed to be serious in the eyes of the school management were referred to the SDC. This implies that most cases of learner indiscipline at the two schools were undemocratically handled outside the provisions of the South Africans Schools Act. However, a contradictory statement that serious cases were handled by SDC was made by SGB₅ from School B who indicated that “*The School Disciplinary Committee refer very serious cases to School Governing Body*”. Such contradiction from members who are supposed to be custodians of school policy to us was further evidence that due SDC procedures were not adhered to.

The narratives by SGB members had a worrying revelation that SGB meetings were turned into disciplinary hearings which excluded the RCLs. Procedurally, the SGB should hand over the reported cases of learner indiscipline to the elected members of SDC. The inconsistencies from what PDL and SGBs study participants said could be an indication that the SDCs at the schools were not officially

constituted and therefore could be defined as dysfunctional in their operations. There was a wrong and misplaced assumption that SMTs are delegated the responsibility for disciplining learners on their own. When the school records at both schools were analysed, it was common to discover that there was inadequate involvement of learner-representatives in disciplinary hearings. Even the minutes of SDC sessions did not indicate any participation of all the official stakeholders as there were no signatures of all parties concerned such as teachers, victims, witnesses and RCLs. Similarly, Steinmann (2013) asserts that there is a dire necessity for a precise description of duties as well as rights of the school principal with respect to roles of the chairperson of the school governors (SGB).

7.2.3 Non-participation of Ordinary Teachers in SDCs

Ordinary class teachers were concerned about their exclusion from SDC sessions at their schools as indicated by Class Teacher No.2 from School A, who was concerned that “*We are never involved, though we report the cases to the principal or deputy principal. You never been called to present your views as a class teacher or as a subject teacher*”.

Another statement of exclusion of class teachers was given in more detail by another class teacher from the same who also revealed that:

As class teachers at this school, we are not involved when our learners are disciplined. We report the ill-discipline learner to the principal or deputy principal. They call parents. We are not invited, teachers are only here [at school] to teach. Disciplining learners is the responsibility of the top management, that is; the principal and the deputy principal [CT1, School A].

Similarly, the statement given above by class teachers from School A was confirmed by one class teacher from School B who also exposed that:

“We are not involved. I just report the case to the deputy principal or principal. I explain what happened and the general behaviour of the learner. They normally have meeting with the learner and the parent [CT1, School B].

The above statement was supported by her colleague, a Class teacher No.2 also from School B. She acknowledged that “*We are not invited. Class teachers only report the matter to the principal or the deputy*”.

The narratives revealed that teachers were not involved in disciplinary hearing meetings in both schools.

To validate the statements given by the class teachers, we asked the PDLs to describe if their class teachers were involved in giving any support or evidence to the SDC in their cases, to which they all denied as illustrated by the following extracts:

I was reported to the School Governing Body by my principal after I refused to cut my dreadlocks. My class teacher was not invited. There was my parents, one teacher who is our Head of Department, our principal, deputy principal and SGB members [PDL4, School A].

Similarly, the PDL3 from School A, who was found drinking alcohol stored in a water bottle during break concurred that: “*Though my class teacher reported me to the deputy principal, she was not involved. The following day when we had the disciplinary meeting, there was my mother, our principal and deputy principal*”.

Making references to his own situation, the PDL5 from School B who throw a stone at the principal also explained that “*My class teacher was not involved. There was my father, our principal, deputy principal and SGB members only*”.

Another PDL from School B who was found smoking cigarette outside the toilet also explained that:

After I was found smoking cigarette by my class teacher, I was given suspension letter for three days by the principal. When I returned, I attended disciplinary hearing meeting. My class teacher was not involved. There was myself, my principal and the deputy principal [PDL1, School B].

All the ten PDLs from both schools, revealed that their class teachers were not called in to witness their cases before the SDC although Section 13.4 sub-sections (d) of Schools Act directs that class teachers should also bear witness to how their register learners are handled by the SDCs.

We see that the exclusion of ordinary teachers can worsen the current demoralised teachers who face disciplinary challenges and deal with extreme cases such as stabbing in school premises as alluded earlier. The narrations of class teachers as cited by CT1 from School A, "...teachers are only here [at school] to teach. Disciplining learners is the responsibility of the top management that is; the principal and the deputy principal" and CT1 from School B who said, "...I just report the case to the deputy principal or principal...". To us, these statements revealed that ordinary teachers are partially or totally withdrawing themselves and taking back-seat regarding learner discipline. Teachers shift their professional responsibility of maintaining discipline to their superiors because they are not involved in disciplining learners. Maphosa and Shuma (2010) accord that many teachers are practically relinquishing the responsibility of maintaining learner discipline in their respective schools mentioning high rate of disciplinary challenges they encounter because of current legislation which outlawed corporal punishment.

7.2.4 Adequate Parental Representations in SDC sessions

With regard to involvement of their parents, the previously disciplined learners (PDLs) were asked to indicate if their parents or guardians were called by the SDC to hear how their cases were handled. From what the PDLs said, parental representation was a common formality at both schools. This involvement was highly evident from the following testimonies by the PDLs:

After we fought, our parents were not involved. We were sent home and the following day we had meeting with the teacher whom I don't know his position, principal and the deputy principal. We were given letters to inform our parents that we are not allowed to come to school for two weeks [PDL1, School B].

I was told that I am suspended for three days and immediately I was given a letter to give my parents. My father met with the principal and the School Governing Body. Then I was given a suspension letter for three weeks [PDL5, School B].

For banking lessons, a female PDL acknowledged:

I was given a letter to give my parents and told that I was not allowed to come to school without them. My mother came, we had a meeting with the deputy principal then was given a punishment to remove weeds for the whole week [PDL4, School A].

Another PDL from the same school who used offensive language at another learner similarly explained:

After the deputy principal reported me to the principal, I was sent home to call my parents. The letter stated that my parents must come the following day at 08:00. We had meeting with the principal and the deputy principal. After meeting with my parent, the principal showed me a portion to dig a dumping site for the whole week [PDL5, School A].

All the cited PDLs acknowledged that their parents were involved, which is in line with Section 13.4 sub-sections (d) of the South African Schools Act which states that a learner has to find representation from an RCL member, educators and parent or guardian, especially on all serious cases. In similar vein, Mugabe and Maposa (2013) alluded that parental involvement in disciplinary sessions

encourage school-home support which is viewed as an essential for positive learner discipline.

The study revealed that class teachers and learners in the RCL were not given the opportunity to represent PDLs during disciplinary hearing meetings as provided by the Schools Act (Republic of South Africa, 1996b; Joubert & Prinsloo, 2008; Mncube 2008; Steinmann, 2013). However, on a positive note, the schools were found to be well complying with the involvement of parents, in SDC secessions for their children largely because no disciplinary cases can be concluded without the knowledge of parents or guardians.

8. Discussion

Data from gathered narratives and records revealed numerous structural and functional inadequacies and inconsistencies of the SDCs at the two schools due to policy misinterpretation and possible inadequate political resolve to apply policy by school management. In practice there was evident domination in the SDC proceedings by school principals and their deputies and the exclusion of representatives from class teachers and learners as guided by the country's School Act (Republic of South Africa, 1996b). Earlier studies also pointed out that some school principals practically chair meetings of school governing bodies (SGBs) and make unilateral decisions on issues that require consensus decisions by a broad-based stakeholders in the school (Mncube, 2009; Mncube & Harber, 2013). In actual fact, data revealed that in two of the cases that were handled, we noted that a school principal and a deputy principal adjudicated the cases as SDC members yet they were conflicted since the learners in question were alleged to have wronged the two school managers in their personal capacities.

The study unveiled deficiencies in the utility of all SDCs key stakeholders in the adjudication of cases brought before the SDCs. According to Joubert and Prinsloo (2008) a disciplinary committee should be properly constituted in a manner that can deal with a matter brought before it fairly and impartially. It was evident that the principles of justice and democratic representation were not adhered to in the procedures for disciplinary meetings because the composition of the SDCs was improperly constituted. As in most of the recorded cases, parents of the learners were brought to the SDC while their class teachers and learners in the RCL were not invited to represent them as provided by the legislative statute governing learner discipline in South Africa (Republic of South Africa, 1996b). This was found to be contrary to SDC policy which indicates that the full SDC seating must comprise of, as a minimum, the deputy principal or principal (not both), the deputy chairperson or chairperson of governance body (not both), representative of parents in the committee, educator and an RCL member in the secondary school context (Republic of South Africa, 1996b; Joubert & Prinsloo, 2008). Denial of representation for anyone alleged of wrong doing is an international violation of a basic human right and abduction of natural justice and in the case of children, the United Nations (UN) Convention on the Rights of the Child (CRC) (1989) and the African Charter on the Rights and Welfare of the Child (ACRWC) (1990) voice loudly about the need to protect children from such abuse of justice when they are alleged to be on the wrong side of the law (Basic Education Rights Handbook, 2017).

Apart from the undemocratic and irregular composition of the SDC in the disciplinary hearing secessions at the study sites, it was further found that, contrary to national policy guidelines on constituting and functioning of SDCs, (Mncube, 2009; Mncube & Harber, 2013; Steinmann, 2013) there was no clear demarcation between the SGBs and the SDC responsibilities. School learner disciplinary records and narratives from interviewees indicated that the SGBs took unconstitutional prerogative to act as and handled disciplinary cases during normal scheduled SGB meetings, instead of electing members to constitute a disciplinary committee whenever there was a disciplinary case as directed by the Schools Act section 10(1) (Republic of South Africa, 1996b). This revealed that both SDC and SGB members were not knowledgeable enough about the education policies and school principals capitalised on this ignorance to do as they pleased in running the affairs which should be the responsibility of SDCs (Mncube & Harber, 2013).

Mncube and Harber (2013), further posit that the voices of learners are effective when they are

provided the chance not just to attend meetings but to contribute effectively in meetings. With regard to the operation of SGBs, they advocate that members for learners in the representative council of learners (RCL) to actively participate in meetings instead of being used as a window dressing strategy to democratic structuring. The involvement of the RCL members in the SGB and SDC aims at providing the desired platform for them to acquire leadership skills, give the voice of learners in school management as a democratic capacity building (Constitution of the Republic of South Africa, 1996a, Mncube & Harber, 2013; Steinmann, 2013). The observed inadequate involvement of learners and class teachers as key stakeholders and representatives of accused learners or PDLs was found to be in contravention of the standards and expectations of Centre for Justice and Crime Prevention (CJCP) and the Department of Basic Education (DBE) that call for a broad involvement of education stakeholders to create safe and child-friendly school environment (Burton & Leoschut, 2013). In the case of the two study sites, the school principals, their deputies and SGBs were dominant in constituting and running the affairs that are meant for SDCs at the expense of class teachers and learners in RCLs, although to some extent parents of learners who were being charged by the SDCs were informed about the disciplinary fate of their children.

On a positive note, we found evidence that in line with Section 10(1) of the South African Schools Act which calls for parental involvement whenever a learner is disciplined by school management (Republic of South Africa, 1996b; Joubert a& Prinsloo, 2008), parents were in deed present in most SDC sessions where learners were suspended. Our analysis was however that this was an inevitable compliance measure because no child can be disciplined with suspension without the knowledge of the parents or guardians. Mogale (2013) insist that parents and the home in general is an extension of the school and parents are critical role players in learner discipline and as a way of upholding and protecting children's rights. In fact, research indicates that if more parents are involved in school activities of their children, the less learner disciplinary problems occur (Mugabe & Maposa, 2013). However, in the case of the schools where data were obtained, parental participation was not voluntary but obliged as a disciplinary process.

9. Conclusion

This paper concludes that there inconsistencies between policy and practice with regard to how schools administered learner discipline. The SDCs at the study sites consisted of key stakeholders on paper as mandated by SASA but in practice the supposedly elected members of SDCs were neither formally constituted nor functional in decision-making process at the schools. School principals and their deputies dominated disciplinary hearings without adequate involvement of properly designated SDC stakeholders such as class teachers and learner-representatives for the protection of the accused learners' human and child rights as well as against abuse of children. We note that school management could act as adjudicators on cases in which they were conflicted at their personal level. Parental involvement however, was found to be only an informative measure since no learner disciplinary case could be concluded without informing their parents or guardians, especially where expulsion and suspension from school was the verdict. From narratives obtained from class teachers, learners in Representative Council of Learners (RCL), School Governing Body (SGB) members and previously disciplined learners (PDLs), it is evident that learner discipline is largely handled in an unconstitutional, undemocratic, unjust and in violation of children's human and constitutional rights in rural South African schools. In general, the Schools Act guidelines on how the SGBs should elect and institute SDCs as their sub-committee on learner discipline were not followed and therefore we concluded that the proceedings and outcomes of learner disciplinary cases were flawed. The implication of these findings is the need for the Department of basic Education (DBE) to train SGBs and SMTs on policy comprehension and implementation on their official responsibility on maintenance of school discipline.

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