

**EXECUTIVE SUMMARY OF: REPORT  
ON THE INVESTIGATION INTO  
ALLEGATIONS OF RACIAL ABUSE AND  
VICTIMISATION AT PRETORIA HIGH  
SCHOOL FOR GIRLS**

**SUBMITTED BY**



**TO**



**1 December 2016**

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## 1 INTRODUCTION

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There have been allegations of racial abuse and victimisation at the Pretoria High School for Girls (“**the School**”). These allegations are set out in a letter by the Member of the Executive Council, Panyaza Lesufi (“**MEC Lesufi**”), dated 29 August 2016. The relevant allegations are summarised as follows:

*“Use of Black languages on the School premises is not tolerated.*

*Learners feel that they are not allowed to wear Black hairstyles, such as Afros. Specifically, the School policy limits the length of the hairstyle, and this is arbitrarily interpreted by the educators.*

*Racial abuse and victimisation by both white educators and white learners, in particular the use of hurtful terms such as monkeys, kaffir, and being told you belong at Mamelodi High and not at Pretoria Girls.*

*Management and senior officials in the School deal flippantly with learners complaints about racial abuse and victimisation. For example, the learners complained and they are told to ‘get over it’ or ‘toughen up’.*

*The School’s response was heavy-handed in calling the police and private security.*

*The harassment and victimisation is not only limited to the School grounds, but extends to School excursions as well.”*

In his letter dated 29 August 2016, MEC Lesufi proposed the following remedy:

*“(1) The Code of Conduct of the Schools must be reviewed, and primary to this, must be a suspension clause on the issues that were raised as concerns by the learners (the mocking of hairstyles- especially Black hairstyles; and the mocking of Black mother tongue usage). The group that will review the Code of Conduct must include as wide a representation of the School community as is practicable possible. The emerging Code of Conduct must be workshopped with all stakeholders at the School, especially learners.”*

## 2 TERMS OF REFERENCE

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Harris Nupen Molebatsi Attorneys (“**HNM**”) were appointed to conduct an investigation into the allegations mentioned above with the specific terms of reference for this investigation as follows:

*“...to conduct a comprehensive investigation into the allegations of racial abuse and victimisation at the Pretoria Girls High School.*

*The scope of the investigation will involve: whether there are merits to the allegations; the circumstances around the allegations; the conduct of the Headmistress in handling the matter; whether this matter was reported to the district/department and whether any action was taken by the Department or not, are there are any disciplinary steps which need to be taken by the Department; the conduct of the School Management Team; whether there is a general problem of this nature at the School; the role, if any, of the School Governing Body.”*

## 3 INVESTIGATION METHODOLOGY

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The detailed methodology employed in the investigation is set out below.



### **3.1 Initial Consultation and Briefing from the GDE**

Various initial briefing meetings were held with GDE in relation to allegations concerning the School.

### **3.2 Document collection and collation: Detailed desk top audit of all documentation**

Numerous documents were supplied by the School as well as certain parents and learners that were interviewed by the HNM Investigation Team. It should be noted that the documentation was the subject of analysis and review. While voluminous documentation was supplied, including film footage of certain of the events that took place, only those documents that were deemed relevant to this investigation are referred to as annexures in this investigation report.

### **3.3 *Interview and consultation process***

An introductory meeting was held between the Acting District Director, Ms Selekane, the Circuit Manager, Mr Nkadimeng and the Cluster Leader, Ms Fortuin, as well as with the Headmistress, Ms K du Toit and her Deputies, Ms Stoffberg and Ms Scoombie. The purpose of the meeting was to introduce the HNM Investigation Team which Acting District Director, Ms Selekane, duly did.

It was explained that the HNM Investigation Team would first interview those individuals making the allegations and thereafter would interview those individuals against whom the allegations were being made. In so doing, it was emphasised that each person against whom allegations were being made would be given an opportunity to supplement their interview and would be given an opportunity to provide corroborating material or evidence in order to support their version of events.

It was then stressed that all educators would be entitled to union or School Governing Body (“SGB”) representation in their interviews. A number of educators were also subsequently informed that in the event that they choose to be legally represented, there would be no problem in that.

It was further agreed that the educator interviews would take place at the School and that the HNM Investigation Team would do their utmost to ensure that there was a minimum of disruption to school activities. It was also confirmed at the meeting on the 14<sup>th</sup> of September 2016, that in relation to any interview conducted with a learner, the consent of their parent or guardian would be obtained prior to that meeting taking place.

The investigation process, referred to above, was agreed to by School Management and they at no stage expressed any disagreement or concern in relation to that process, other than that educators should be able to be represented, and that there should not be a disruption of school activities. Furthermore, it should be noted that at no stage during the conduct of the entire investigation were any issues raised as to the conduct or the legality of the investigation.

Interviews were conducted with the learners and their parents at the HNM offices. It should be noted that due to time constraints and other factors, some of the learners were interviewed telephonically by the HNM Investigation Team.

It should be further noted that in order to safeguard the learners` identities, and by agreement, the learners who were interviewed by the HNM Investigation Team are referred to herein as learner “A” to learner “X”.

#### **4 THE INVESTIGATION**

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This report is an Executive Summary of the Report compiled by the HNM Investigation Team, which report is extremely voluminous. As such, it should be borne in mind that significant detail in relation to the allegations, analysis, findings and recommendations have been substantially summarised.

The first series of interviews with School Management and educators took place on the 27<sup>th</sup> September 2016, some two weeks after the initial engagement with the Headmistress and her two Deputies.

The interviews were recorded and offers were made in the interviews to educators that if they had any further response that they would like to offer, or documentation which they would like to produce, they should dispatch that documentation or make contact with the investigation team. In this regard, the contact details of the members of the HNM Investigation Team were given to the School and the union representatives. It should be noted that a number of educators did take advantage of this offer and supplemented their evidence with written documentation.

It was stressed by the HNM Investigation Team during the course of the meeting on the 14<sup>th</sup> September 2016 that the process that would be conducted by the HNM Investigation Team was an investigation, it was not a disciplinary inquiry. The purpose of the HNM investigation was merely to find out if there was substance to the allegations made in which case, depending on the findings, disciplinary charges may or may not be brought against particular individuals who were involved in the investigation process.

## **5 ALLEGATIONS REGARDING RACISM IN THE CLASSROOM**

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### ***5.1 Allegations against Educator 1***

During her interview with the HNM Investigation Team, Learner A, informed the HNM Investigation Team that on 28<sup>th</sup> July 2015, Educator 1 arranged the Black learners in her class into groups of their ethnic origins. Learner A stated that the topic for discussion on the abovementioned day, was “settlements” and the history and development thereof. Therefore, the abovementioned enactment was part of the lesson. Learner A further stated that whilst Educator 1 was arranging the Black learners into groups of settlements based on their origins, the White learners remained seated, and Educator 1 did not ask them about their origins, or group them as she had done with the Black learners.

Learner A said that she and her friends talked to Educator 4 about the above incident in class and Educator 4 advised them to approach one of the Principals about the matter. Learner A

stated that she reported the above incident to Educator 2, however, Educator 2 was very rude, intimidating and used a harsh tone towards her.

In response to the abovementioned allegation, Educator 2 stated during her interview with the HNM Investigation Team on the 28<sup>th</sup> September 2016, that she did not have any recollection of Learner A reporting the matter to her, she only remembers the incident, but vaguely so.

In response to the above allegations, Educator 1 stated during her interview with the HNM Investigation Team that the above illustration was part of her lesson regarding “*Development*”. Educator 1 stated that the lesson entailed development issues and the history of South Africa.

She stated that at the time of the incident, she did not have the perception that the Black learners in her class were traumatised by the above illustration because no-one said anything at that time. She further stated that the illustration was not meant to be derogatory of Black learners, but to show the reality of that era, and that we are still suffering the consequences of the past. According to Educator 1, no disciplinary steps were taken against her.

Learner A stated that due to Educator 1’s continual racist remarks in class and her unpleasant experience with Educator 2, she asked her father to write a letter of complaint to the School. Learner A’s father stated that on the 29<sup>th</sup> July 2015, he wrote a letter of complaint to the School, but he had not received any feedback or update from the School in this regard.

Educator 3 confirmed that she spoke to Educator 1 after having received the abovementioned letter from Learner A’s father. She stated that in the meeting with Educator 1, Educator 1 appeared to be distressed that her actions had caused a problem. Educator 3 said that Educator 1 did not deny the allegations against her, but she said they were quoted out of context. The notes of Educator 3, dated the 3<sup>rd</sup> August 2015 state:

*“Spoke to Educator 1 3 August*

*Explained distress caused*

*She explained that she was trying to demonstrate the Homelands.*

*I explained to her that this is not acceptable as it distressed the girls – we do not understand how the girls feel.*

*Also no comment regarding views – ones own views or opinions or thoughts regarding what is happening in the country.*

*The only comment is facts and no opinion / suggestion, etc.”*

Educator 3 stated that she neither gave Educator 1 a warning in respect of her conduct, nor did she give Learner A`s father any feedback on the issue.

### **5.1.1 Findings and Recommendations**

It is our finding that Educator 1`s act of illustrating developments during the Apartheid era in her geography lesson by solely using Black learners was inappropriate, offensive and resulted in the Black learners in her class feeling humiliated and embarrassed. As such we find her actions to have been racially discriminatory.

As an Educator with thirty-two years` experience in teaching, her method used in this regard shows poor judgment. The fact that the White learners looked on while Black learners were told to re-enact acts that took place under apartheid was racially discriminatory.

It is our further finding that the School erred by failing to take disciplinary action against Educator 1 for the abovementioned incident, particularly after the School received a letter from Learner A`s father complaining about the incident. A mere verbal admonition was insufficient to adequately address the matter.

In addition, the School failed to give feedback to Learner A or Learner A`s parents about their complaint against Educator 1. This is found to be unacceptable. When a formal complaint is lodged by a learner or the parents/guardian of a learner, it is the responsibility of the School to inform the aforementioned parties of the steps taken by the School and the results thereof.

It is recommended that a letter of apology should be sent to Learner A`s father by Educator 3.

It is further recommended that disciplinary charges should be laid against Educator 1 with respect to her abovementioned actions.

## **5.2 Allegations against Educator 2**

During her interview with the HNM Investigation Team, Learner B stated that on the 10<sup>th</sup> August 2016, she presented a speech on *women empowerment* in her English class with Educator 2. Learner B stated that she talked about customary law and its impact on women and how Black women are more disadvantaged when compared to White women.

Learner B stated that when she talked about how women get raped, Educator 2 made a hand gesture in disapproval. According to Learner B, she did not finish her speech because there were a lot of interruptions from the class and Educator 2 told her to “*round off*” her speech, but she chose to just sit down because the atmosphere was discouraging.

Learner B stated that Educator 2 disapproved of her speech and stated that it was a showcase of racism and racial comments. Learner B further stated that Educator 2 did not instruct the learners to use key cards and that only a few learners used key cards, but Educator 2 only complained about her not using key cards.

Learner B stated that Educator 2 stated that her speech was not researched and that on the 10<sup>th</sup> September 2016, she was given an opportunity to present another speech, and she chose the topic of “the Black Panther Movement”.

Educator 2 stated that grade 8 (eight) learners were requested to present a research speech in class and that Learner B’s speech revealed no evidence of research and that she did not use key cards as instructed.

Educator 2 stated that she did not interrupt Learner B during her speech, but there were responses from the class because the speech was actually an emotive speech. Educator 2 stated that she only made a hand gesture when Learner B made sexual references, and that she did not penalise her because of the *delivery* of her speech but because her speech was not researched. Educator 2 confirmed that Learner B had an opportunity to present another speech and that she performed much better.

### **5.2.1 Findings and Recommendations**

The HNM investigation team are not educationalists or educators and, as such, we are not in a position to comment as to what marks should have been allocated to the speech or, indeed, whether Learner B should have been penalised in relation to aspects of the speech. Notwithstanding the above, it does however appear that she may have been unfairly penalised in relation to not having “key cards” as that does not appear to have been a requirement in the instruction sheet that the learners received.

In relation to research, there are references to customary matters concerning customary rule and “recent studies” in Learner B’s speech. The speech also refers to issues of gender barriers and sexual harassment, including HIV and general empowerment.

Educator 2 stated in her interview “... *a speech about women empowerment would not be a suitable topic because it is emotive.*” While the HNM Investigation Team does not want to interfere with the discretion of Educator 2, as an educator, in relation to whether the topic is “suitable” or not, the topic does appear, in the circumstances, to have been a suitable one and certainly the instruction sheet referred to the fact that the learners should “*choose your own topic*”.

In the circumstances, it is found that Learner B may well have had grounds to feel that she was being unfairly treated in terms of the discretion that was exercised by Educator 2. Notwithstanding the above, Learner B was given an extended opportunity to do another speech, which she did and her performance was much improved.

### **5.3 Allegations against Educator 6**

Learner C informed the HNM Investigation Team that she submitted her script for a play to Educator 6 for approval. Learner C stated that Educator 6 could not choose between her play and that of a White learner. Learner C said that Educator 6 stated that they should let their Form Class vote for the best play. According to Learner C, her play received the most votes, however, Educator 6 disregarded the outcome of the votes and chose the other learner’s play

because, according to Educator 6, it was more appropriate for the audience, and Learner C was instructed to assist the White learner with her play.

Educator 6 stated that Learner C's play was offensive and that when she compared it to Learner M's play, she felt that Learner M's play was more suitable, as it had more substance. She said she encouraged Learner C and the White learner to work together and emphasised that it was her right as the Educator in charge to choose the most suitable play, which she did.

### **5.3.1 Findings and Recommendations**

The following discrepancies in Educator 6's statement question the veracity of her statement:

- She stated that she does not "see colour", yet she pointed out that "White girls" are being bullied by "Black girls" – however; she failed to report the bullying incident(s).
- She stated that there was something wrong with the voting procedure but had no recollection of what the problem was. She further stated that she was not present in the classroom when the voting took place but she "thinks" that one of the learners complained about the voting process. Since Educator 6 proposed the voting, it is our finding that she should have taken the results of the voting more seriously; and
- When asked why the learners were not given the opportunity to rectify the problem and vote again, she stated that there was pressure to finalise the selection of the plays. However, Educator 6 sought a second opinion from Educator 7, and the selection took place a few days later, whereas had she immediately asked the learners to vote again, it would have been faster than the route that she ultimately chose.

In view of the above, it is found that there was cause for Learner C to have felt aggrieved in relation to the decision made by Educator 6. Learner C perceived the decision as being racist. We are not in a position to comment as to whether the final decision taken by Educator 6 was racist, however it certainly appears to have been unfair to Learner C to suggest a deadlock breaking mechanism, namely the voting, and then to ignore the results of the vote. It is accepted that the final decision in respect of the play rested with Educator

6. However, it appears that the decision ultimately taken was unfair and Learner C was justified in feeling aggrieved.

## **6 ALLEGATIONS REGARDING HAIR**

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### **6.1 Allegations regarding Educator 8**

Learner A stated that Educator 8, a Black educator, was appointed to supervise and advise Black learners on how to adhere to hair policies in terms of the School's code of conduct. Learner C, D and E confirmed that Black learners are sent to Educator 8 to advise them on their hair.

Learner C further stated that Educator 8 has pulled her out of the classroom and told her that her hair (afro) was untidy as it did not comply with the School's Code of Conduct. Learner C stated that she informed her mother, who then wrote a letter to the former School Principal, and a disciplinary hearing was subsequently held at the School.

Learner A stated that there are strict rules regarding Black girls' hair, whereas no rules are implemented regarding White girls' hair. Learner A stated that White girls can generally do anything they want with their hair, whereas the same freedom is not accorded to Black girls.

Educator 8 stated that, in her view, there was no racial discrimination in relation to Black girls' and White girls' hair. She did however state that there appeared to be a lack of understanding on the part of certain White Educators in relation to the management of "Black hair".

Educator 8 further stated that she had requested, during a Senior Management Team meeting in October 2015, that she be permitted to conduct a workshop with the Educators in order to address the issue of African, or Black hair. She stated that her request was agreed to by management and that she subsequently conducted the workshop in October 2015.

Educator 8 stated that the primary purpose of the workshop was to educate White Educators about the difficulties Black learners faced with their African hair. She said during the workshop, she informed the Educators that they could refer learners to her should they be unsure of the

neatness of their hair, which is why most Black learners are referred to her. Educator 8 said that the workshop was to address all hair and not only African hair.

Educator 8 stated that dreadlocks need to be twisted and not just pinched. She explained that Learner C's hair was pinched, and hence she had had a problem with her dreadlocks.

### **6.1.1 Findings and Recommendations**

In relation to the allegations of Learner C being pulled out by Educator 8 as well as the subsequent allegation about the "disciplinary hearing", it is found that a meeting did indeed take place between School management and the mother of Learner C, however it has been confirmed by the Headmistress that the meeting was not a disciplinary hearing, but merely a discussion of the issue, therefore it was unnecessary for feedback to be given by the School.

Educator 8 confirmed that a meeting, not a disciplinary hearing, was held with Learner C's mother wherein Educator 8 explained to the mother the rules in relation to dreadlocks.

It is our finding that a number of the learners complained to Educator 8 about the way they were being approached about their hair. The majority of the learners interviewed by the HNM Investigation Team stated that White Educators were "aggressive", "rude" and "mean" when they approached them about their hair. These allegations were denied by the majority of educators interviewed.

There appears to be a lack of understanding on the part of certain White Educators at the School about Black hair. This is confirmed by Educator 8's statement that she held the workshop to enlighten White Educators on Black hair and the management thereof. Most Black learners interviewed stated that certain White Educators did not understand that African hair is not like White hair.

Educator 8 further stated that, in her view, the allegation that Black learners received discriminatory attention as opposed to White learners, is not true, and that on a number of

occasions Black learners come to School without combing their hair, which was problematic.

Educator 8 also stated that all learners, White and black, are allowed to have fringes and that Mohawk hairstyles are not allowed.

Although Educator 8 stated that the focus of the workshop was not just on Black hair but hair in general, it is our finding that the workshop was primarily focused on addressing and clarifying the “issues” around Black hair.

## **6.2 Allegations regarding Educator 9**

Learner D stated that Educator 9 told her that her hair looked like a “bird’s nest”. Learner D said that shortly after the incident, she reported the matter to Educator 3 in the form of a written report; however, she has not received any feedback.

Learners D and F stated that Educator 9 carries around an old comb that she found in the storeroom. Learner F said that Educator 9 has requested her to comb her hair with the comb. Learner E confirmed that she has seen Educator 9 walking around the School with a blue comb and she said Educator 9 has told her to straighten her hair (afro) as it was too big.

Educator 3 said she spoke to Educator 9 about the above incident, but did not give her a warning. However, Educator 9 stated that *“I am not familiar with a complaint that was made concerning me to Educator 3”*. Educator 9 was asked if Educator 3 spoke to her regarding her treatment of a learner regarding their hair, and she confirmed that that had not taken place.

In relation to the allegation of calling a Black girl’s hair a “bird’s nest”, Educator 9 stated that *“I would say that not to a specific person, but to White and Black girls when their hair is untidy. I don’t remember that.”*

When the name of Learner D was put to Educator 9, she stated that she could not remember the incident.

In relation to the allegation the Educator 9 had referred to Black learners' hair as "looking like sheep", she stated that she says that to both Black and White learners.

Educator 9 denied that she carries a brush or comb for Black learners to brush their hair.

When the notes of Educator 3 were then placed before Educator 9 and she was asked to comment thereon, she confirmed that she did recall the incident; Educator 9 initially stated that she could not really remember the incident, although she subsequently stated that she did recall the incident.

### **6.2.1 Findings and Recommendations**

It is our finding that the evidence given by Educator 9 was evasive. When she was asked if she had ever been reprimanded by Educator 3 in relation to allegations concerning girls in her Hostel, or indeed, relating to the issue of Black girls' hair, Educator 9 denied that she had ever been spoken to by Educator 3.

Only after being confronted with the notes of Educator 3 did Educator 9 recall the incident in question. It is also found that the allegations made by Learner D and Learner F regarding their hair being referred to as a "bird's nest" are substantiated in that they are referred to in Educator 3's notes. Such references are found to be demeaning and offensive.

The allegation concerning Educator 9 instructing certain learners to use a brush or comb from lost property to brush their hair is confirmed in Educator 3's notes. There is also corroboration from different learners in this regard. It is our finding that the allegations are substantiated.

Educator 9's conduct is found to be inappropriate, unhygienic and an inappropriate form of punishment. It also contains an element of humiliation which is demeaning. The fact that during the incident Learner F broke down crying, is testament to this fact.

It is therefore our recommendation that a disciplinary process should be conducted with respect to the above matter in relation to the conduct of Educator 9.

It is further found that the notes of Educator 3 confirm that she gave a verbal admonition to Educator 9 to address the learners “nicely” as these matters are “sensitive”. This indicates an acknowledgement by Educator 3 that the behaviour of Educator 9 was inappropriate. However, Educator 3 should have treated the matter with greater gravity. It is recommended that Educator 9’s behaviour should be materially adjusted.

### **6.3 Allegations regarding Educator 5**

Learner D stated that Educator 5 pulled Learner F aside before she could sign in for her end of year exam and told her to fix her hair. Learner D further stated that Educator 5 told Learner F that she would not allow her to write the exam looking like that.

Learner F confirmed the above statement and added that she was taken by Educator 5 to Educator 3, and she performed poorly in her exam due to the abovementioned incident.

Educator 5 stated she saw Learner F signing into the exam and that her hair was untidy because it had spikes (cones) and it was yellow at the tip of the spikes, so she called her out of her group and told her to fix her hair. Educator 5 said that Learner F became hysterical and she asked Learner F to go with her to Educator 3’s office.

Educator 3 stated that Learner F had come to her office and she remembered her being upset that she had been spoken to inappropriately. Educator 3 stated that she offered her the opportunity to write the exam on another day, which she turned down. She also said that she spoke to Educator 5 and explained that she cannot say that girls may not write and she confirmed that Educator 5 was apologetic.

#### **6.3.1 Findings and Recommendations**

The interview notes of Educator 3 dated the 5<sup>th</sup> November 2016 reflect that:

*“Asked Educator 5  
Should be writing Afr paper 2 2 hours  
Can’t write unless fix hair”*

It is clear that the instruction of Educator 5 to Learner F was that she would not be able to write her exam unless she had fixed her hair. It is also clear that this provoked a response from Learner F and that thereafter, Learner F was taken to the office of Educator 3. Educator 3's interview notes further reflect the following:

*"Why can't you fix her hair like hers? Said won't (child). Then Educator 5 said – can't write matric certain regulations when say Elzahn - threw bag down, shivered and shook..."*

*Spoke to Educator 5 – cannot say may not say to girls appropriately, may not shout, distress before exams, also not in front of other girls."*

It is clear from the above that, on the version of Educator 3, she (Educator 3) felt that Educator 5 had behaved inappropriately in saying that Learner F would not be able to write her exam unless she fixed her hair. It is also clear that the response of Learner F in saying that she would not fix her hair escalated the situation. It can be inferred from the evidence given that Learner F was of the view that her hair was appropriate in the circumstances and did not need to be neatened, and that accounted for her refusal. At the same time however, when an educator gives an instruction to a learner, the learner should carry out that instruction, provided the instruction is a reasonable and lawful one.

It is found that the action of Educator 5 in relation to Learner F was heavy handed and unnecessarily strict and aggressive. It is common sense, in terms of the role of an educator, that to cause distress to a learner, as reflected in the notes of Educator 3, before an exam is inappropriate behavior on the part of an educator.

Learner F's term sheet for the second term of 2015, reflects that in relation to Afrikaans, Learner F achieved 65%, while in the third term of 2015, her result sheet reflects her mark as 60%. The fact that she achieved a 30% mark for the end of year exam for Afrikaans could well have been as a result of the traumatic incident that she experienced before the exam. This does however remain a possibility rather than an inescapable conclusion as there may well have been other factors that influenced her exam result.

It is also found that Educator 3 attempted to calm down the situation and walked Learner F to her exam, while also ensuring that she be allowed an extra hour to write the exam. This conduct appears appropriate in the circumstances.

It is our further finding that Educator 5 took Learner F to Educator 3's office because she deemed her hair as being "untidy" and that the visit to Educator 3's office had little to do with Learner F's "hysterical" demeanour as alleged by Educator 5.

There were also inconsistencies in Educator 5's statement. She said that she does not know Learner F's name, or know her personally, but she later stated that "*it was unlike her to act the way she did*". In addition, Educator 5 was not particularly truthful in her description of Learner F's hair. She said that Learner F's hair had "*spikes/cones*" and was yellow at the edges. However, Educator 3 stated that Learner F's hair was not dyed on that day. In this respect, it is recommended that the conduct of Educator 5 should be the subject of a disciplinary process.

#### **6.4 Allegations against Educator 3**

The following allegation was made against Educator 3 with respect to hair:

*...Educator 3 instructed Educator 8 to do whatever she could do in her power to make sure the School day didn't end with those Bantu knots on my head. Educator 8 and I tried to argue that I would undo my hair at home and have my hair back to 'normal' the following day. Educator 3 refused .... They took two periods of the School day- 80 minutes to undo my hair... Educator 8 was assisted by Educator 10 to undo my hair as it was too much for one person. The Educators had to leave their classes unattended to undo my hair" (Paraphrased).*

Educator 8 stated that Educator 3 instructed her to undo the learner's "bantu knots", (as they were referred to by educators and learners alike, hereafter referred to as "hair knots"). Educator 8 stated that Educator 10 was with her as she needed a witness and that this took place in her office. Educator 8 stated that she offered to cut the hair knots for the learner and the learner agreed. She said the issue had to be addressed immediately to ensure that the learners hair was appropriate on the following day.

Educator 3 stated that a learner was brought to her by Educator 8, and that she asked Educator 8 to remove the hair knots since Educator 8 indicated that *“it was not a difficult procedure”*. She further denied telling Educator 8 to “take all the time” she needed to undo the learner’s hair.

#### **6.4.1 Findings and Recommendations**

It is our finding that Educator 3 instructed Educator 8 to cut and undo the abovementioned learner’s hair knots. Educator 10 said that Educator 8 asked her to assist her in undoing the learners’ hair and she said that she felt uncomfortable, and therefore asked the learner’s permission to touch her hair before she started undoing it. She further stated that after the incident, she felt bad and she apologised to the learner for what had happened.

It is our finding that the manner in which the above issue was handled, was inappropriate. Our finding is based on the fact that Educator 3 instructed Educator 8 to undo the learner’s hair knots, but failed to ask permission from the learner to do so. When Educator 3 was asked whether educators are allowed to undo learners hair without their permission, she stated that educators need to ask permission from learners to touch or undo their hair, and that she is certain that Educator 8 asked for the learner’s permission before she removed her hair knots.

Furthermore, it would seem that the learner was given little or no opportunity to present her opinion on the instruction and that the act of cutting and untying the “hair knots” was a “forced” action, despite Educator 10 saying that the learner gave her permission before she started undoing the knots in her hair.

There appears to have been little consideration given to the feelings of the learner involved or the fact that such actions were, in their very nature, demeaning and humiliating for the learner involved.

While Educator 3 has the responsibility to enforce discipline, and particularly the School’s Code of Conduct, the enforcement of such discipline should be undertaken in a

manner that is reasonable and which respects the dignity of the learner affected by the application of discipline.

Furthermore, Educator 3's instruction to Educator 8 to undo the learners' hair knots during School teaching hours, was inappropriate. Educator 3 should have given the learner a defaulter and instructed her to undo her hair knots at home, especially since this was suggested by the learner. It is recommended that the Department should review Educator 3's actions in relation to this incident to ascertain whether they warrant disciplinary action.

The School's Code of Conduct for Learners, 2016, includes a general caveat which states that *"All styles should be conservative, neat and in keeping with the School uniform. No eccentric / fashion styles will be allowed."*

It may well be that Educator 3 regarded the hairstyle of hair knots as not "conservative" or not *"keeping with the School uniform"* and, as such, she would have then been entitled to request that they be addressed. However, to do so in the manner in which she did was inappropriate.

It is suggested that the School give consideration as to whether or not this type of hairstyle is permitted and in doing so, receive submissions from parents and learners. Thereafter, a decision should be made by the School in relation to whether hair knots should be prohibited or allowed, and that decision should then be reflected in the Schools Code of Conduct.

## **6.5 GENERAL FINDINGS AND RECOMMENDATIONS CONCERNING THE "HAIR" ISSUE**

In many of these instances, the allegations referred to a one on one situation between the learner and the educator in which allegations were made, which allegations were denied by the educator or staff member in question. In such circumstances and without corroborating evidence, it was not possible to arrive at a finding.

It is quite clear that there are misunderstandings with respect to “Black hair” at the School, especially amongst certain educators. It is also apparent that the issue of “Black hair” was deemed sufficiently relevant by Educator 8 for her to request at a Senior Management Team meeting in August / September 2015, that she be allowed to present a session at a workshop in October 2015 in relation to the issue of Black hair.

Educators 4, 8 and 10 stated during the course of their interviews that, in their view, there was no racial discrimination in relation to the enforcement of the Code of Conduct in relation to hair, however, there was a need for greater clarity and understanding on the part of certain White educators.

It was indicated by the majority of the Black learners interviewed that Black hair does not grow downward like White hair, and that it grows up, and it is difficult to create rules to regulate it. Educator 3 also confirmed that the issue of hair was an extremely sensitive issue at the School.

The difficulties associated with different educators, who may be White or Black, having different views on what constitutes untidy hair are illustrated by an allegation by learner B against Educator 18. It was alleged that Educator 18 referred the learner to Educator 8 because, in her view, her hair was “messy” and Educator 8 attempted to tidy her hair, but could not. Educator 8 then wrote a note back to Educator 18 stating that, in her view, the hair of the learner was fine. It is for this reason that there needs to be greater clarity and understanding in relation to the management of these issues.

An analysis of the Code of Conduct for Learners of the School for the year 2015 / 2016 reflects that a provision in section 6.4 sets out the rules applicable to “hair”. These rules apply to all hair, regardless of race. For ease of reference, the rules are set out below.

**“6.4 General appearance**

*All hair must be brushed. If hair is long enough to be tied back, it must be tied back neatly in a ponytail, no lower than the nape of the neck, with a navy blue elastic. Ponytails may not be visible from the front. No crocodile, banana or other fancy clips are allowed. All hair must be off the face and not be in the eyes. Hair buns must be tight with no loose hair and have to be worn in the neck, and not on top of the head. The hair may not cover the elastic.*

*No dying, bleaching, highlighting, colouring, colour washing, colour rinsing, relaxing of hair causing a change in colour or shaving of hair **in any way** is allowed.*

*Cornrows, natural dreadlocks and singles/braids (with or without extensions) are allowed, provided they are a maximum of 10mm in diameter. Singles/braids must be the same length and the natural colour of the girl's hair. Braids shorter than collar length must be kept off the face with a plain navy or tortoise shell Alice band. Longer braids must be tied back. No beads or decorations in the hair. Cornrows must run parallel from each other from the forehead to the nape of the neck. No patterned cornrows.*

*All styles should be conservative, neat and in keeping with a School uniform. No eccentric/fashion styles will be allowed.*

*All hair elastics and ribbons must be navy blue. Alice bands or slides may be tortoiseshell or navy blue. No hair ornaments of any kind are permitted. No fashion items may be worn. No crocheted hairbands are allowed. Hair bands, which may have a maximum width of 5cm may not be worn to cover any parts of the ears."*

An analysis of the draft rules for the Draft Code of Conduct for learners dated 2016 contain exactly the same provisions in section 6.4 pertaining to hair as the 2015/16 Code of Conduct.

A reading of the above provisions in the Code of Conduct, referred to above, reveals that no reference is made to "Afros".

A reading of the minutes of the Representative Councils of Learners (RCL) meeting held on the 26<sup>th</sup> July 2016 at which educators were present, in the form of Ms McCusker and Ms Lubie, as well as members of the RCL Executive, including the Head Girl, Gift Baloyi, reflects under point 7.1:

*"The following rules were discussed and clarified:*

- Girls are not allowed to shave their heads completely except for serious reasons pertaining to culture, religion, etc.. If that is the case they may bring a letter.*

- *Hair that can be tied into a pony must be tied back. If a girl's hair does not touch her collar she may leave it loose (sic)*
- *Girls may have afros, but it must be neat. It must be conveyed that the general intention for the strict hair is so that hair be presented neatly."*

It would therefore appear that the issue of the wearing of Afros by girls as well as the shaving of heads for cultural or religious reasons has been addressed by the above RCL meeting, however, there is no reflection of this in the School Code of Conduct. There is also no mention of other types of hairstyles which may or may not be worn, including hair knots. These should be specified in the School Code of Conduct so that there is no room for misunderstanding.

It is also recommended that the practice of learners being sent from class to Educator 8 or being picked out of assembly by an educator to have their hair addressed, should cease and that a more dignified and less embarrassing form of enforcing discipline in relation to hair should be adopted by the School. In this respect, certain recommendations are set out below.

In relation to the process to arrive at the above determinations to be included in the School Code of Conduct, it is recommended that a process should be conducted by the School which would obtain the inputs and views of all stakeholders at the School, including, but not limited to, School management, parents and learners. The above process should also take account of cultural and religious traditions and practices that may pertain to the entire learner body.

It is further recommended that the School should implement a warning system when it comes to hair. Such a warning system may include the following components:

1. Should an educator have a problem with the hair of a specific learner, she should approach the learner's Form educator.
2. The Form educator should decide whether or not the learner's hair violates the School Code of Conduct.
3. The Form educator should privately arrange a meeting with the learner concerned and inform the learner of her violation of the School Code of Conduct, and instruct the learner to fix her hair.

4. Should the learner come to School with the same hairstyle the next day, the School should take disciplinary action against the learner.

In order to ensure that this issue be properly addressed in the future, it is recommended that the School management arrive at a process and procedure in which they, as management and educators, address how they will approach such matters and that this be included in the Educators' Code of Conduct. In this respect, it is recommended that the Code of Conduct for Educators, dated 2015, be updated to reflect how such issues should be dealt with in the future.

It is further recommended that the practice of allocating certain roles in relation to disciplinary issues relating to Black learners' hair to Black educators, be revisited. While it is understood that Educator 8 may have adopted, or been allocated, such a role and she stated during the course of her interview that it was her suggestion that she play such a role, it is deemed to be improper for the role of enforcement in relation to issues relating to Black hair to be conducted solely by Black educators. This is the joint responsibility of all educators at the School and while certain assistance or advice can be given by particular educators, it should not be left solely to them to deal with or sort out. In this regard, Educator 4 stated that while "*there is no discrimination according to me, I am not happy about playing the role of getting Black learners sent to me*".

Accordingly, it is recommended that a mechanism be arrived at by the School management which addresses this aspect, which mechanism should be applied fairly and in a non-discriminatory fashion.

It also needs to be stated that the School and its staff are placed in a position of responsibility to the learners and, as such, are entitled to and should enforce discipline in relation to all issues, including hair. In this respect, provided the requests are reasonable in relation to matters of hair and its management in the School, the learners **must** comply with those requests. If any learner or their parent feels that they have been treated unfairly or in a discriminatory fashion, they are at liberty to exercise their rights and lodge a formal complaint to the Headmistress or to the School Governing Body detailing the cause of that complaint and the redress they seek.

The view of certain educators that were interviewed is that they now feel too scared to enforce discipline in any respect. This is not a sustainable or workable solution to the types of problems that have been experienced at the School, and which have been the subject matter of this Report. As such, agreements need to be reached in relation to what should be in the Code of Conduct pertaining to all aspects of the School's activities and, once that agreement has been reached, it needs to be strictly enforced by the School.

It is further recommended that after the amendment of the School's Code of Conduct, all the learners at the School should be given a copy thereof. Furthermore, going forward, when the School amends the School's Code of Conduct, all the learners should receive a copy and a brief forum should be held with the learners to inform them of the amendments.

## **7 ALLEGATIONS REGARDING WHITE LEARNERS**

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Learner A stated that some of the White learners at the School call Black learners the "K" word, and that whenever they report it to educators, no action is taken, and as a result, Black learners are reluctant to report such matters. However, no details were given in relation to specific allegations concerning racial insults by White learners in respect of Black learners.

The exception to the above, was the allegation by a Black learner that she had been racially insulted by a group of White learners at the School.

### **7.1 Findings**

Apart from the general allegations by the learners, referred to above, no details were given in relation to specific allegations concerning racial insults by White learners in respect of Black learners.

the HNM Investigation Team was requested by the parents of the above learner making the above allegation that her name be kept confidential and, accordingly, we have not been in a position to afford the learners against whom the allegation has been made, the opportunity of addressing the allegation against them.

It is however recommended that should the learner making the allegation agree to her name being disclosed in relation to this allegation, the allegation should be the subject of investigation by the School.

## **8 ALLEGATIONS REGARDING BLACK LEARNERS**

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Learner D explained that there were two activist groups at the School, namely the Black Magic Group, which she is a member of, and the Black Empowerment Group. She further stated that a Black learner who was part of the Black Empowerment activist group, 'Learner X,' had stated that she intended to burn down the School. Learner E confirmed that Learner X had been accused of threatening to burn down the School, and she said that Learner X denied the allegation.

It should be noted that certain of the learners interviewed by the HNM Investigation Team stated that Learner X threatened to burn down the School, however none of the learners interviewed personally witnessed Learner X making such a statement. Accordingly, it is possible that this allegation may simply be a rumour or speculation.

### **8.1 Findings and Recommendations**

In the absence of evidence or corroboration, the HNM Investigation Team was unable to make a finding in relation to these allegations; however, considering the gravity of the allegation against Learner X, it is recommended that an investigation should be conducted to ascertain the merits of this allegation.

## **9 ALLEGATIONS CONCERNING DISCRIMINATORY TREATMENT OF A BLACK PARENT**

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Learner D's mother indicated that on the 29<sup>th</sup> August 2016, she noticed that White boarder parents were coming to fetch their children from the School; however, she stated that she did not see any Black boarder parents fetching their children from the School. Learner D's mother stated that she asked Educator 9 why Black parents were not informed to fetch their children and she said that Educator 9 told her that they had sent all parents a text message.

According to Learner D`s mother, she did not receive a text message from the School to fetch her daughter; instead 10 (ten) minutes after her discussion with Educator 9, she got a text message from the School advising her to fetch her daughter.

Educator 9 denied that text messages had been sent, as alleged by Learner D`s mother.

### **9.1 Findings and Recommendations**

Educator 9`s denial that all parents had been sent a message telling them to pick up their children is found to be incorrect, as a message was sent by the School to this effect. Learner D`s mother provided the HNM Investigation Team with a text message dated the 29<sup>th</sup> August 2016, which appears to have been sent to all parents by the School. This is however an aspect that needs to be clarified by the School.

Due to the late receipt of certain of the information in relation to this matter, the HNM Investigation Team has not had an opportunity to fully explore this issue and to obtain the necessary information from the School in this regard. It is therefore recommended that further investigations be undertaken by the School and/or the GDE to ascertain whether this text message was sent to all parents and whether there were particular messages sent to boarder parents requesting them to fetch their children from the School at a particular location.

## 10 ALLEGATIONS REGARDING LANGUAGE USAGE

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### 10.1 Allegations against Educator 5

Learner A informed the HNM Investigation Team that the Black learners at the School are not permitted to speak in their mother tongue. According to Learner A, the Educators say that it is rude to speak a language that they don't understand. Educator 5 denied this allegation.

Learner A stated that Educator 5 tells Black learners who speak their mother tongue at School to "*stop making that funny noise*", especially Xhosa speaking learners.

In response to the above allegations, Educator 5 stated during her interview with the HNM Investigation Team that she has never made the above statement to a learner. Educator 5 stated that learners are free to speak any language that they feel fit to speak.

It should be noted that learner I, who is in a leadership position in the RCL stated in her interview "*I also did witness an instance where Educator 5 asked girls who were walking outside class not to speak their language. They were speaking in their home language, which is an African language. I happened to be walking behind the girls.*"

#### 10.1.1 Findings and Recommendations

The evidence given by Learner A was corroborated by Learner I in relation to this issue and, accordingly, it is found that Educator 5 did, on one occasion, reprimand Black learners for speaking their home language.

It is recommended that Educator 5 be sanctioned as there is no prohibition against learners speaking their mother tongue outside class and in their own social interaction.

It should be noted that, with the exception of the finding against Educator 5, although, the HNM Investigation Team was unable to make a finding with respect to the allegations made against the abovementioned educators regarding language, there was a view amongst certain of the learners interviewed that there is a reluctance on the part of certain educators with respect to

allowing Black learner`s to speak their African languages. A number of the girls interviewed stated that White learners can freely speak Afrikaans, even in the classrooms, but the same freedom is not afforded to Black learners with respect to their African Languages.

the HNM Investigation Team deems it necessary and fitting in the light of our terms of reference to address issues regarding language at the School, in order to re-affirm the School`s position with respect to language.

The language policy for the School, is unsigned, however, it is the language policy that the HNM Investigation Team were given by the Headmistress, Ms K du Toit. In respect of the language of learning and teaching, which is defined as “... *the approved language that will be used as a medium of instruction in the School and must be an official language with a valid syllabus at home or first additional language level.*” The policy states:

#### “11.1 **Key Considerations in Developing a Policy**

*The School recognises the diversity of cultures and languages in our country and considers the following realities to shape the language policy:*

- a. *The thorough development of a child`s language skill is a reliable predictor of future cognitive competence.*
- b. *Both the Home Language and Language of Learning and Teaching are important because the Home Language plays the primary role in developing literacy and thinking skills and is of importance in enhancing the protection and further development of the indigenous language, while the Language of Learning (in particular English) is the one in which learners must master educational concepts, and provides a platform to participate and engage meaningfully in the information age on a global stage.*
- c. *The University Language of Instruction in South Africa is predominantly English; however it is necessary for Schools to promote other indigenous languages for the purpose of learner mobility and access.*
- d. *The promotion of multilingualism enhances opportunity for learners to access jobs and participate in the socio-economic development of the country.*

#### 11.2 **LANGUAGE OF LEARNING AND TEACHING (LOLT)**

- “(a) Pretoria High School for Girls is a single medium School.*
- “(b) Based on the choices made by the parent population of the School the language of learning and teaching at the School is English.”*

In addition, section 11.4.4 of the Policy states:

*“No learner shall be punished for expressing himself / herself in a language which is not the language of learning and teaching at the School.”*

While the allegation is not that a learner has been punished in the sense of receiving a formal punishment for speaking their home language, the allegation is that they have been reprimanded and/or forbidden from doing so. Despite the fact that, with one exception, these allegations have not been corroborated, it remains important for this issue to be addressed in order to ensure that learners are not reprimanded for speaking their home language outside the classroom.

In this regard, it is imperative for the School to recognise the diversity of cultures and languages in South Africa, through the implementation of a language policy that upholds cultural and language diversity in our country. While it is recognised and accepted that Pretoria High School for Girls is an English Medium School, and that all communications between learners and educators and all School communication, should be in English, it is our recommendation that there is a need to review this policy for situations outside “medium of instruction” situations.

While learners should, at all times, address the educators, Headmistress and Deputy Headmistress in English, learners should be permitted to speak in the language of their choice outside “medium of instruction” situations.

Learners should also remain respectful and act in a dignified manner at all times, especially when addressing the School staff.

## **11 ALLEGATIONS REGARDING THE 2015 GRADE 10 CAMPING EXCURSION**

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According to Learner K, every year the grade 10 learners go camping at Warthog Inn, in Benoni. She further stated that on the second night of the camp, the Black learners were being

“rowdy” and the camp instructor Ben told them *“that he is not afraid of them or their parents, and that he will make them bleed, and that if they were trying to impress him he doesn’t date Black chicks”*.

Learner K stated that they complained to Educator 7 about the matter and that *“she said that we are sissies and that we should get over it”*. Learner K further stated that on their last day at the camp, Educator 7, Educator 5, Educator 21 and Educator 14, forced Ben to apologise to them. However, Ben said that he was not really sorry. Learner F stated that the Black learners were very upset and emotional about this. Learner K further stated that they were told by the abovementioned Educators not to address the matter anymore, and that *“whatever happened at EEC, stays at EEC”*.

Learner F informed the HNM Investigation Team that the way in which the educators handled the situation was unfair and indicated favouritism amongst the learners because during a team-building task, a group of White learners had a disagreement and one of the learners was crying, and Educator 5 spent the whole afternoon with the White learners trying to solve the problem and comforting the learners.

Educator 5 stated that the Black learners informed her that Ben said something offensive to them and therefore she *“felt very strongly that Ben should apologise to them”* because *“he was out of order”* and that on the last day of the camp, they had to delay the bus for 3 (three) hours in order to wait for Ben to apologise to the learners. She stated that the learners approached her about the incident and she informed them not to be hysterical and to enjoy the camp and that she will follow up on the incident.

Educator 7 stated that when the conduct of the camp instructor, Ben, was brought to her attention, she immediately reported the matter to the educators in charge, Educator 5 and Educator 14. Educator 7 stated that Educator 5 informed her that the matter was handled. Educator 7 stated that Educator 5 had asked her to talk to the White learners who had a squabble, as the situation was volatile, so she chatted with the learners for a while. Educator 7 said that she did not spend a lot of time with the learners and that there was no preference in the matter.

Educator 21 stated that the learners reported the incident to her and that she reported the matter to the Educator 5, and was subsequently informed that the matter was dealt with.

### **11.1 Findings and Recommendations**

It is the responsibility of educators to fully and thoroughly address any grievances that learners may have with respect to any issues arising in or out of School, while under their care. The fact that the grade 10 learners were on a School camp, has the consequence that the School bears full and complete responsibility for the safety and well-being of the learners on camp.

It appears to be common cause amongst the learners that Ben did indeed state to a group of Black grade 10 learners that *"I am not afraid of your parents and I will make you bleed"* and that if they were trying to impress him he doesn't *"date Black chicks"*. Such statements are disrespectful, insulting, and are also threatening.

It is found that Ben's conduct was an abuse of his authority, and it is also clear from the witness statements that the learners who were subjected to his conduct were upset and felt humiliated. His half-hearted apology to the learners amounted to be little more than a justification for his actions.

It is recommended that this matter be taken up by the School with the manager / owners of the camp in question and that a proper and formal apology be requested from the instructor, which apology should be conveyed to the girls in question.

To ensure the safety and well-being of learners, it is recommended that the School should conduct assessment reports after a prolonged School excursion, to get feedback from the learners on the excursion, and to also offer the learners a platform to raise any issues that they feel need to be addressed. Should any issues of a serious nature be raised in the assessment reports, the School should take the appropriate action to ensure that the issues are thoroughly addressed.

It is further recommended that consideration be given by the School as to whether that particular camp, given the behaviour of the camp instructor, is an appropriate venue for the School camp.

The incident was sufficiently serious for the School educators present at the camp, or the person in charge of those educators, to have reported the matter to the School management or to the Headmistress on their return from the camp in order for the appropriate action and sanction to be sought in respect of the offensive conduct of Ben towards the learners.

The fact that Educator 5 stated that she did take some action against Ben in delaying the buses for 3 (three) hours in order to wait for him to arrive to proffer an apology, even if the apology was not necessarily a full apology, is noted.

It is also found that this issue appeared to have been treated lightly by Educator 5 and it should have been treated with greater gravity and attention. On the facts, as presented by the learners and certain of the educators interviewed, it does appear as if the squabble between the White learners did receive immediate attention, whereas the issue raised by the Black learners, which was also of a serious nature, appears to have been given scant attention on that day.

## **12 ALLEGATIONS REGARDING THE EXCLUSION OF AFRICAN PRACTICE**

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### ***12.1 Allegations regarding the Gladstone Play***

Learner D stated that the Gladstone Play was based on a popular television series the “Coconuts”, where a White family physically transform into a Black family overnight, but maintain their ‘White’ personalities, and a Black family physically transform into a White family overnight but also maintain their ‘Black’ personalities. She stated that during the rehearsals for the play she saw White girls in cornrows and that one of the White learners had painted her face black. Learner D further stated that when she asked the White learner why she had painted her face black, she indicated that it was just part of the production. Learner D said that the Gladstone Play was subsequently cancelled following complaints that were made regarding the production.

Learner E stated that Educator 19 ought not to have signed off the play as it had racist connotations.

Educator 6 stated that the play was strictly monitored and offensive words were taken out. According to Educator 6, when the play was rehearsed, she did not see any White learners with black painted faces. Educator 6 stated that on the night of the sound rehearsal, not all the actors were there and the learners were just standing in for each other, hence the black painted faces.

### **12.1.1 Finding and Recommendations**

It is our finding that although a number of the educators stated that the Gladstone Play was not intended to mock or ridicule Black people, the fact that the School stopped the play is an indication that the School deemed the play to be wrong and potentially racially insensitive.

It is found that the content of the Gladstone Play, which was written by a Black learner, was not necessarily racially offensive or problematic in that it was based on a television show called “the Coconuts”, where a Black family swops bodies with a White family and a White family swops bodies with a Black family. In the television show, there is no change in the appearance of the families and each family remains their original skin colour. In this particular case, it appears that what the Black learners found to be racially offensive was that certain White learners had their faces painted black in the rehearsals.

The issue of White learners painting their faces black has received some exposure in the media in recent years, particularly in instances where White university students or other individuals have painted their faces black. In one particular incident, the university concerned conducted diversity training and in another instance the students were evicted from residences and the Human Rights Commission conducted a mediation to address the issue, the students apologised and they were readmitted to their university residences, and the university committed itself to “transformation”.

While the explanation of Educator 6 is that the painting of white faces black took place on the evening of the dress rehearsal when learners had to fill in for each other, the actions are nonetheless found to be unacceptable.

It would also appear that the School management, as well as those educators and students responsible for the play came to a similar conclusion in that the play was stopped and was never performed.

### ***12.2 Allegations regarding Civvies day***

Learners A and D stated that on Friday the 26<sup>th</sup> August 2016, it was Civvies day at the School and the Black learners decided to wear head scarfs and black outfits. Both learners stated that extra security was called in to patrol around the School, which was unusual.

Learner E stated that the security guards were not armed and that there was no canine unit.

Learner D said that herself and other Black learners at the School decided that they would play indigenous games and the School consented to this.

Learner C stated that some of the learners were wearing African National Congress (“ANC”) t-shirts and were called into the Principal’s office and reprimanded and were kept from the first 3 (three) lessons of the day. This was confirmed by Learner E.

Educator 3 said that the South African Schools Act, 84 of 1996 (SASA) prevents the wearing of political clothing on School premises.

Educator 22 denied that any of the Black learners who were wearing political T-shirts were kept away from lessons. She also stated that none of the learners who wore political T-shirts were punished, in spite of the fact that it is contrary to SASA.

#### **12.2.1 Findings and Recommendations**

It is found that a Civvies day was indeed held at the School on the 26<sup>th</sup> August 2016. It appears to be common cause that a number of Black learners wore black clothes on Civvies day and that, in addition, some Black learners wore ANC T-shirts and headscarves.

It also appears to be common cause that certain of those learners, three on the version of Educator 22, were called into the office of Educator 23, who requested an explanation for their wearing of political apparel on School property. The version of Educator 22 is that the learners stated that they were wearing the apparel because they had confirmed their right to do so with the Gauteng Department of Education and the Congress of South African Students.

Educator 22 confirmed that the learners were allowed to continue to wear their political T-shirts and headscarves on that day, and that they were not punished in any way.

The allegation by 1 (one) learner that the learners wearing political T-shirts were kept away from 3 (three) academic lessons is found to be untrue.

It should be noted that section 33(a)(4) of the South African Schools' Act, 84 of 1996 ("SASA") under the heading "Prohibition of Political Activities during School Time" states that:

*"A School may not allow the display of material of a political party or political nature on its premises, unless such party political material is related to the curriculum of the School."*

It is found that the wearing of political T-shirts at a School constitutes the displaying of material of a political nature and, as such, is contrary to the provisions of section 33(a)(4) of SASA.

While the above provisions contain a reflection of the law, it appears to be of little consequence, as the decision was taken by School management to allow the learners wearing the political apparel to continue to do so for the day, and not to take any action against them.

In relation to the allegations that the School called in extra security to monitor the learners while they were playing their games on the netball courts, this allegation is found to be incorrect. It does however appear that the allegation concerning the presence of a number of educators being of the netball courts is correct. On the version of Educator 22, there were approximately 4 (four) educators present in the area, while on the version of the learners there were approximately 15 (fifteen) educators present in the area. In any event, little turns on this issue

as, on the version of the learners, they experienced no harassment in relation to the conduct of their games and, on the version of Educator 22, the learners appeared to have fun and there were no problems. In addition, when the learners shouted certain slogans and they were requested to stop, they did so immediately.

In relation to the wearing of political T-shirts, it is recommended that due cognisance be given to the provisions of section 33(a)(4) of SASA. No learners, educators or staff should be allowed to wear political apparel of any form on School property or while conducting the business of the School. This aspect should be given specific recognition in the School's Code of Conduct.

### ***12.3 Allegations regarding the Spring Fare***

Learner A stated that at the annual Spring Fare, which was held at the School on the 27<sup>th</sup> September 2016, there were armed security guards at the School and that Black learners were not allowed to walk together in a group of 4 (four) or more learners. The learners held hands whilst they moved around the School, and were then prevented by the security guard from passing through the gate. Learners D and C confirmed this. Learner E stated that there was also a canine unit.

Learners D and E said that the security guards were threatening the learners with arrest and that the learners told the security guards to arrest them, if it was their intention to do so.

Learners D and E said that following the protest, a School Governing Body member, SGB 1, went to the learners and told them a forum would be held in one of the classrooms where the learners could come and set out their grievances. Learner D said that SGB1 refused to allow her elder brother to go inside the classroom with her.

Educator 3 confirmed that SGB 1 asked the learners who were involved in the protest to go to a classroom so that he could speak to them and obtain the reasons for the protest. Educator 3 stated that as far as she was aware, no security reinforcements had been called and that, in any event, the Parents Association had organised the Spring Fare and the security company after liaising with the Tshwane municipal authorities.

SGB 1 stated that they arrived at the front of the School and he recalled a man by the name of “Donovan” who was involved in organising the Spring Fare telling them to disperse. He said *“that is when the girls put up their hand and said ‘arrest us’.”*

SGB 2 confirmed that SGB 1 stated that anyone who was interested in having a discussion could go to a classroom to address their issues. SGB 2 further stated that SGB 1 then asked the learners if they wanted to call their parents or have them present. SGB 1 said that he did not recall anyone saying that they wanted their parents there.

SGB 2 also stated that Educator 3 was asked to leave and the learners asked for Educator 10 to be present to represent them. He said that the learners were then asked what their issues were and what caused the protest and the learners stated their issues. SGB 2 stated that he took notes of the issues raised by the learners individually.

SGB 2 said that he never saw any heavy-handed action by security. He also stated that he never saw any reinforcements brought in. He stated that the security was organised by the Spring Fare committee.

SGB 1 stated that there were three dogs at the Spring Fare, one sniffer dog, a trainee puppy sniffer dog and he thinks another dog. This was confirmed by SGB2.

SGB 1 stated that a number of allegations were made concerning racial insults by certain educators towards certain learners. The issue of a lack of appreciation of Black culture was also raised, including the fact that the learners felt that they were not able to express themselves in their own language whereas other learners spoke Afrikaans and were not reprimanded.

The film footage of the protest by Black learners at the Spring Fare on the 27<sup>th</sup> August 2016 received by the HNM Investigation Team was viewed by the HNM Investigation Team. In addition, the HNM Investigation Team also reviewed certain YouTube footage of the Spring Fare. The footage reveals certain Black learners in School uniform accompanied by a few Black and White women in civilian clothes walking with linked arms towards the School building. The learners were not singing or chanting and appear to be walking peacefully and silently.

In relation to the allegations regarding a security guard closing a palisade gate, and shortly thereafter opening the gate, this is found to be substantiated.

The film footage viewed of the interchanges when the security guard closed the gate reveal that the scene becomes more emotional with learners shouting at the security guard, dressed in a yellow luminous bid, "*open the gates, open the gate*". The film footage reveals the gate being opened shortly thereafter.

In relation to the allegations concerning the "golf cart incident", film footage confirms a White woman driving a white golf cart. The woman is dressed in a dark polo type shirt, the same shirt that the two White males mentioned below are wearing, and is having an interchange with a learner who is not visible as the learner is obviously filming the woman in the golf cart. The woman driving the golf cart can be clearly heard saying to the learner filming her "*You are going to be expelled*". Thereafter, the exchange becomes more tense between the woman in the golf cart and the learner and ends with the hand of the woman in the golf cart reaching towards the learner and snatching her cell phone.

The film footage also shows certain adult White males, one of whom appears to be SGB 1, confronting the learners and on one occasion the footage shows SGB 1 saying to a learner:

*"We are going to arrest you my baby".*

The interchanges between the two White males and the learners become emotional and the situation escalates to the extent where the voices of the learners are raised and they start shouting:

*"Arrest us, arrest us."*

From the film footage reviewed, there is no evidence of the two White males manhandling the learners or behaving in a physically violent or inappropriate way towards the learners. Rather, it is an interchange of words and, in the case of the man who appears to be SGB 1, a threat of arrest.

The film footage which was viewed by the HNM Investigation Team does not show any evidence of security being present. This does not mean to say they were not present, there is simply no film footage of their presence that was presented to us. Accordingly, we are not in a position to make any finding as to the role played by security.

It is found that the action of SGB 2 in proposing that the Black learners involved in the protest go to a classroom where their complaints could be aired and noted, was appropriate in the circumstances, as was the decision of SGB 2 to accede to the learners' request to be represented by Educator 10.

In essence, the issues raised in the meeting with SGB 1, are substantially the same as the notes taken by SGB 2 and reflect a number of the issues raised in this Investigation Report.

SGB 1 denied that the parents of the learners were excluded from the meeting. Due to the fact that the recording of the meeting makes no mention of any of the learners requesting their parents to be present, it is difficult to arrive at a finding in relation to that allegation.

In relation to the allegation by Learner B that learners were not allowed to gather in groups of more than 4 (four) persons at the Spring Fare, this would appear not to be the case as a large group of Black learners, at least twenty (20), marched together in protest to the main School building. This allegation is therefore found to be incorrect.

SGB 2 stated that the protest incident that took place at the Spring Fare on the 27<sup>th</sup> August 2016 was the first time that issues of this nature had been brought to the attention of the SGB and if they had been brought to their attention previously, they would have dealt with them.

#### ***12.4 Composition of the School Governing Body***

In relation to the composition of the SGB, SGB 1 stated that the majority of the SGB was White, with there being two African members from the parent contingent and one Indian woman also from the parent contingent. He said that the composition of the School is 46% White with the balance being Black (African, Indian and Coloured learners). He further stated that there was a need for more Black members, however the response of the parents to the invitation to the AGM

was poor, and only approximately 80 (eighty) persons had attended the previous year's AGM when the SGB was elected.

This matter is dealt with in the Conclusion of this Report at paragraph 16.5.

### **12.5 Allegations regarding Educator 23**

Learner D stated that she had heard rumors that Educator 23 was dismissed from the school where she was previously employed for racial misconduct.

Educator 23 denied that she was dismissed from the school where she was previously employed for racial misconduct. Educator 23 stated that she had moved to the School because her husband had been relocated to Pretoria and she decided to follow him and seek employment in the Pretoria area. She stated that she had applied for the post while still employed at the Springs Girls High School.

#### **12.5.1 Finding**

The HNM Investigation Team requested the GDE to confirm the circumstances of Educator 23 leaving Springs Girls High School.

The GDE confirmed in a communication dated the 27<sup>th</sup> October 2016, as follows:

*“This is to confirm that [educator 23] was not dismissed by the department, but rather resigned on the 31<sup>st</sup> of December 1994.*

*Reason for resignation was transfer of spouse.*

*Hope that you will find this in order.”*

It is therefore found that the allegation in relation to the previous employment record of Educator 23, and particularly the serious allegation that she was dismissed from her previous employment because of a racial incident, is untrue.

It is recommended that the learner who made this allegation should exercise caution when making allegations of such a nature, which are serious and defamatory, if proven to be untrue. While it is understood that among the learner community in a School, speculation and rumours may abound, care needs to be exercised by a learner before making an allegation of such a nature based purely on speculation and rumour.

## **13 ALLEGATIONS REGARDING VICTIMISATION**

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### ***13.1 Allegations against Educator 24***

Learner B stated that they were given a research project in their Life Orientation class and her group approached Educator 24 during lunch about the problems they had in the group. Learner B said that Educator 22 approached the group and informed Educator 24 that Learner B is the problem, and that she should submit a report on why there are problems in the group.

Learner B stated that although she partook in the group project, she was not given a mark, instead, Educator 24 told her to talk to Educator 22 about it.

Educator 22 stated in her interview that she saw a group of 5 (five) learners with Educator 24 arguing and she then approached them. Educator 22 stated that she asked Educator 24 what the problem was, and Educator 24 explained that the learners had not handed in their project. According to Educator 22, Educator 24 explained that 3 (three) of the learners had done their section, as agreed upon by the group, but the other 2 (two) learners had not done the work expected from them.

Educator 22 said that the learners in the group had given Learner B their sections of the project to compile and submit, but she had not done so and, as a result, they received a zero mark for the project. Educator 22 said that the learners complained to her and that she advised the learners to print out their sections and submit it to Educator 24. Educator 22 said that Learner B told her that it was unfair for her to receive a zero, whilst other learners in her group received a mark.

Educator 22 stated that they (the educators) decided to give the learners a second chance to submit their work on the following day. Educator 22 stated that Learner B still did not hand in her

work on the agreed date, nor did she attempt to hand in her work at a later stage. She said that Learner B only handed in her project on Friday, the 14th October 2016. Educator 24 confirmed Educator 22's statement.

Educator 24 disputed the allegation made against Educator 22 that Educator 22 merely interfered in her discussion with the group of 5 (five) girls and pointed out Learner B as the problem in the group.

Educator 24 confirmed Educator 22's statement that the abovementioned group members had not submitted their project on time, and thus missed their deadline, and that she extended their deadline to the following day, however, the group still did not submit the project.

She stated that the group members highlighted to her that Learner B was the problem in their group as she had not submitted her section of the project, and that they had subsequently given her their sections of the project, however, she refused to submit them.

Educator 24 provided the HNM Investigation Team with a copy of the peer assessment, which reflects that all the members of the group had given Learner B zero for her participation in the project.

Educator 24 further provided the HNM Investigation Team with a copy of Learner B's mark sheet for Life Orientation, which confirms Educator 22's statement that Learner B was subsequently given a mark for Life Orientation.

### **13.1.1 Finding**

In relation to the above allegations, the peer assessments of the learners involved in the project were requested and received, which peer assessments reflect the names of learners of the group that Learner B was a part of, as being Reatile Nkadimeng; Lesedi Mokgabudi, Boitumelo Mogashoa; Learner B, Makgotso Nkwana. The 3 (three) peer assessments confirm that the peers of Learner B gave her a zero for her peer evaluation.

It is found that the version given by Learner B in relation to this issue and the allegations made concerning Educator 22's role are incorrect and untrue. There is corroborating evidence confirming that Learner B's peers gave her a zero for their peer assessment and that her educators appear to have made every effort to assist her to complete the project in question.

Due to the unfolding events of the above incident, the veracity of Learner B's testimony as a witness in certain of the allegations contained in this investigation is called into question.

### **13.2 Allegations against Educator 25**

Learner F stated that Educator 25 said they should *"stop acting like monkeys and stop hanging on curtains and tearing the place apart"*. This was confirmed by Learner D.

Educator 25 indicated that she is a non-government employee and was not compelled to partake in the interview. She further requested the HNM Investigation Team to email her the allegations against her. The HNM Investigation Team afforded her the opportunity to respond to the allegations in writing, however, no response was received from Educator 25.

In view of the non-cooperation of Educator 25 with this investigation, it is recommended that the allegations against Educator 25 be further investigated.

### **13.3 Allegations against Educator 26**

Learner F stated that during one of her lessons this year, on *"To Kill a Mocking Bird"*, Educator 26 asked the class what they think of when they see "black" and also when they see "white". A learner said that Educator 26 stated that *"when the word "black" comes about, we automatically think of darkness and evil. She asked the class this on 24 August and 25 August"*.

The following allegation was also made against Educator 26:

*"In another example of inequality; in my English class, there are two students who have piercings, which is against the School rules. Learner P, the Black girl has one stud in her*

*ear and Learner Q, the White girl has multiple studs in both ears, but on every occasion, Learner P is always told to remove her stud while Learner Q is left alone...” (sic)*

In another letter, a learner stated that Educator 26 prohibits them from speaking in their home language during basketball practice.

A number of learners alleged that Educator 26 has on different occasions referred to them as “monkeys”.

Educator 26 stated that everything that she said during the lesson was guided by the slides that she had obtained from the School and the themes contained in the novel “To Kill a Mocking Bird”. Educator 26 stated that it is very difficult to teach learners about a novel that has many racial connotations, and hence her teaching remarks might be wrongly interpreted as “racists remarks”.

Educator 26 stated that she has never called Black learners “monkeys”. She further explained that at basketball practice, she had a pet name for 1 (one) of her basketball learners, and although the pet name was “monkey”, this was totally innocent as she was fond of the learner.

Educator 26 denied the allegation that she enforces discipline differently based on race and stated that she always gives Learner Q defaulters for her studs.

### **13.3.1 Findings and Recommendations**

In relation to the allegations against Educator 26 with respect to teaching the novel “To Kill a Mocking Bird” to her class, it should be noted that Educator 26 admitted making such references, but denied that they were racially aligned, and stated that her references were made in the context of the book itself.

Therefore, in order to have a full understanding of the allegations, we need to briefly analyse the book itself. To Kill a Mockingbird is a novel written by Harper Lee which was published in 1960. The novel deals with prominent issues such as rape, racial inequality and the destruction of innocence. A number of scholars have noted that Harper Lee also addresses issues of class,

courage, compassion, and gender roles. The book is widely taught in schools all over the world with lessons that emphasize tolerance and decry prejudice.

The HNM Investigation Team disagrees with the aforementioned statement of Educator 26. It is quite possible to deal with a setwork book which concerns matters of race or prejudice in a manner which will not be construed as racist, or lead to discomfort on the part of Black or White learners. In fact, the book "To Kill a Mocking Bird" can be used to reflect how wrong and inhumane the practice of racism and prejudice is.

It is submitted that to ask learners to reflect on what they associate with "black" and "white" is insensitive and potentially humiliating for Black learners. The very essence of the book "To Kill a Mocking Bird" is that it is a lesson on the evils of racism and prejudice.

In relation to the allegation that Educator 26 asked learners with what they associated the words "black" and "white", we find the explanation of Educator 26 problematic.

It should also be noted that Educator 26 did not deny that she asked the learners with what they associated the word "black" and the word "white". Educator 26 did however state that:

*"... it is very difficult to teach learners on a novel that has many racial connotations, and hence the teaching remarks could very well be misconstrued as racist."*

Educator 26 admitted to calling 1 (one) learner a "monkey", but stated that it was just an innocent pet name. It should be noted that no complaints were made against Educator 26 by the abovementioned learner; however, a number of the learners stated in their interviews that Educator 26 often calls them "monkeys".

It should be noted that the allegations made about Educator 26 calling Black learners "monkeys", both in class and on the sports field, were made by 3 (three) different learners. The explanation of Educator 26 that she called 1 (one) learner a monkey but has stopped doing so simply does not appear credible. Accordingly, it is recommended that Educator 26 be the subject of a disciplinary inquiry in relation to the calling of Black learners "monkeys".

In relation to the allegation of Educator 26 treating Black and White learners differently and enforcing discipline differently based on race, her explanation in relation to the alleged differing treatment of Learner Q and Learner P, is that she “... *always gives Learner Q defaulters every time she sees her with a stud*” and that sometime during that week she received a note from Educator 5, stating that Learner Q’s stud is complex to remove because of how it was inserted, and therefore she will remove the stud over the weekend.

Educator 26 was requested to provide copies of the defaulters given to Learner Q as well as a copy of the note that she had received from Educator 5 in relation to the complexity of the removal of the stud of Learner Q.

An email was received from Educator 5 on the 28<sup>th</sup> of October 2016 which reads as follows:

*“...Educator 26 had noticed Learner Q's stud and sent her to me. I gave Learner Q a post - it note (sticky note) to inform Educator 26 that Learner Q had come to see me about her Ear stud.*

*The note was basically just for that day, Learner Q had to carry it with her so that if any other staff member saw her stud she could show them the note and the staff member would be aware that I had dealt with the situation.*

*The note also gave her a time limit to remove the stud by the weekend. Learner Q had said that she had to go to the piercing studio to remove the stud.(so I gave her the weekend to make a plan)*

*Learner Q came to my office on the Monday and showed me that she had removed the silver stud and replaced it with a transparent plastic cord..”*

In relation to the request for the copies of the defaulters that were given to Learner Q, we were informed on the 28<sup>th</sup> October 2016 in an email from Educator 9 that Educator 26 had been admitted to hospital and was unable to supply a record of the defaulters. It is recommended that this aspect be further investigated.

### **13.4 Allegation regarding Educator 27**

Learner E said that Educator 27 stated in class that *'you need 90% or above in order to get into university, depending on your skin colour'*. Learner E said that she *"then went to Educator 23's office and she said she'll sort it out immediately"*. However, the matter was only resolved 2 (two) days later, *"after my mother came to School"*. According to Learner E *"the matter was resolved, but in a very wrong way. I was forced to sit down with Educator 27 and have her justify her reasons"*.

Educator 27 confirmed that she had stated in class that you need to get 90% or above in order to get into medicine, depending on your skin colour. Educator 27 stated that medicine is a selection course and that there are different requirements for different cultural groups.

Educator 27 confirmed that a meeting was held between Learner E, Learner E's mother, Educator 22 and Educator 3. It appears that a further meeting took place between Learner E and Educator 27 in order to address the issue.

#### **13.4.1 Findings and Recommendations**

The allegation in relation to Educator 27 having made the statement concerning admission to university and skin colour is found to be substantiated. It is clear that this statement caused serious concern on the part of a particular learner, and allegedly others and that, as a result, a complaint was laid and various meetings took place with the School management. It is apparent from the interview records that Educator 27 apologised and that Learner E's mother was happy with that outcome. It is also clear from the notes that in relation to Learner E, the apology of Educator 27 to her was accepted.

In view of the above, it appears that this matter was appropriately raised with the School management by Learner E and her mother, and it was addressed.

### **13.5 Allegations against Educator 14**

Learner B stated that Educator 14 constantly tells her that she must “fix” her hair because it is not appropriate for School. She further stated that Educator 14 constantly follows her around School and subjects her to unfair treatment.

In one of the letters, a Learner B alleged that she was told by Educator 14 to remove a badge that she was wearing, which stated “don’t be a racist, thank you”. Learner B said that Educator 14 told her to get out of the class and come back once she removed the badge. Educator 14 stated that she told Learner B to take off the badge or get out of the class because learners are not allowed to wear badges in terms of the School’s Code of Conduct.

Educator 14, apart from admitting that she had instructed Learner B to remove the badge in question, denied the other allegations made by the learner.

### **13.5.1 Finding**

In relation to the wearing of the badge by Learner B and the instruction by Educator 14 to remove it, Section 6.4 of the 2015 / 2016 Code states, inter alia:

*“Only legitimate PHSG School badges, which have been earned by the learner, may be worn. A small metal AIDS badge is also permissible.”*

In view of the above it is found that the instruction of Educator 14 to the learner to remove the badge in question was legitimate.

In view of the lack of corroboration concerning the allegation relating to “hair” as well as the denial by the educator of having made such a statement, the allegation is found to be unsubstantiated.

## **14 GENERAL ALLEGATIONS**

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It should be noted that while a number of the allegations, set out above, have been proven, there were also specific allegations, additional to the above allegations, made by the learners.

These additional allegations were made against the following Educators in relation to issues of racism, aggressive behaviour and unfair treatment: Educator 5; Educator 11; Educator 12; Educator 13; Educator 15; Educator 16; Educator 17; Educator 1; Educator 19; Educator 5; Educator 20; Educator 9; and Educator 2.

In respect of the above additional allegations, each of the educators denied the allegations made against them.

In addition, no corroboration and / or evidence was found in respect of the additional allegations that were made against the educators and, as a result, it is recommended that those additional allegations be dismissed.

## **15 INTERVIEW WITH THE REPRESENTATIVE COUNCIL OF LEARNERS (RCL)**

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Members of the RCL were interviewed. Two of the three RCL members who were interviewed are Black learners (Learners I and J) and one is a White learner (Learner H). All three learners answered all of the questions put to them, which questions were of a general nature.

Learner H confirmed that she had not seen any acts of a racially discriminatory nature. When asked if she had observed or had heard of any issue relating to racial discrimination concerning the treatment of African hair at the School, she said *“I have also been told that my hair looks like a bird’s nest and that I should remove that muffin on my head. I have also been told to remove the fluffy stuff on my hair, so I think that we all get the same treatment with respect to our hair.”*

In relation to the issue of Black learners being forbidden to or reprimanded for speaking their own language outside class, she stated that she had no personal experience of it, nor heard of it. She stated that a lot of girls speak their own language, including Afrikaans, some Asian languages, as well as Spanish in more isolated cases. *“I have never seen a mother tongue being forbidden.”* In relation to the discriminatory enforcement of discipline the learner interviewed stated:

*“The rules are very strict. I learnt to adapt but some girls disagree with those rules. I don’t think the enforcement of discipline is focussed on any race. White learners are not allowed to have braids or plaits because it is deemed as a fashionable hairstyle.”*

Learner I stated the following regarding racial discrimination in the treatment of hair:

*“I don’t understand why they feel victimised. I asked one of the girls (Black) about it and she gave a vague answer. I feel like some of it was self-victimisation. For some of them, it was not about hair, it was about wanting attention. It also happens to White girls, I think they are over-exaggerating. In relation to language, I was in an English class once when some Black learners were speaking their home language and the Educator intervened. I also did witness an instance where an educator (our insert) asked girls who were walking outside class not to speak in their language. They were speaking in their home language, which was an African language. I happened to be walking behind the girls.” (sic)*

In relation to general issues of racial discrimination, learner I stated that:

*“I have heard of some racial discrimination based on colour, some of it was brought to the RCL, however the allegations related to some girl’s treatment of other girls who were Muslim, or White girls. I was shocked when the whole thing came up. I was there when some of the girls were speaking in front of MEC Lesufi and a lot of the things they said were untrue. I knew they were lying because I am in the same class as some of them and I knew those events had not happened. I have been asked [by other girls] what is going to happen to those girls who lied”.*

Learner J, stated the following in relation to the matter of hair:

*“I have heard of some of those allegations but have never witnessed it or experienced it... White Educators don’t really understand the rules on Afros.”*

Regarding the Gladstone Play, she said *“there were painted faces but that is why the play was cancelled...The educators should have got onto it earlier”.*

In relation to the issue of hair, the learner stated that, *“it makes sense for Black girls to go to Educator 8... I did hear of one incident where a girl was taken out of class, that was embarrassing for her. White educators do need to be educated about it.”*

## **16 CONCLUSION**

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It is not intended to repeat each allegation and the findings and recommendations made in relation to each allegation in the conclusion of this Summary Report as they have been comprehensively addressed in detail in the various sections which comprise this Report.

It is however necessary to confirm that with respect to the allegations made by learners and, on some occasions, parents, this investigation has found allegations made by Black learners in respect of five educators at the School to have been substantiated and that, as a result thereof, it has been recommended that those educators should be the subject of disciplinary proceedings. In respect of the disciplinary proceedings, referred to above, it is cause for real concern that certain of the findings in this Report confirm certain of the allegations of racism and discriminatory conduct on the part of certain educators in the School. It is also confirmed that the actions of those educators resulted in the humiliation of those Black learners towards whom their actions were directed. This is unacceptable and should be immediately addressed by both the GDE and the School.

In addition to the above, the conduct of a number of educators in relation to their management of certain Black learners has been unnecessarily aggressive and in breach of their responsibility as educators. This amounts to misconduct and they should be the subject of disciplinary action. The fact that these educators were not properly disciplined, as they should have been, and were merely admonished for their actions, is cause for concern. In this regard, recommendations are made below concerning procedures and processes to be followed in relation to complaints and grievances by pupils at the School in future.

In view of the above, it is our finding that there is a clear need to address matters of diversity, cultural inclusion and social cohesion at the School. This would obviously include the complete elimination of all forms of racism and discriminatory conduct.

It should also be noted that, notwithstanding the above findings and recommendations, there were a number of allegations made against educators which were either not substantiated, or which were proved to be untrue. A number of these allegations related to matters of racism and inappropriate or unlawful behaviour on the part of certain educators and the School as a whole.

It should also be noted that one educator against whom allegations were made has left the school and was therefore not able to be interviewed and another educator, despite requests, did not respond to the allegations made against her. The educator who did not respond to the allegations made against her was an educator employed by the SGB. It is recommended that the allegations against this educator be further investigated.

### ***16.1 Potential Victimisation***

The majority of the learners interviewed were concerned about being victimised and receiving unfair treatment due to raising the issues highlighted in this investigation. The learners expressed concern about the impact this investigation might have on their academic performance, as they felt that the educators implicated in this investigation may act unfairly towards them. The issue of potential victimisation of those learners who have been involved in giving evidence in this investigation is one that is cause for concern and which the School management needs to address to ensure that it does not take place. It is suggested that if any of the learners who have been involved in this investigation feel that they are the subject of victimisation in any form, they should lodge a complaint with the management of the School and the SGB.

In the event that any complaints of victimisation are laid, it is recommended that they be fully investigated by the School management and the SGB and if it is found that there is merit to the allegation, then those responsible should be the subject of disciplinary action. If the learner and/or parent making the allegations of victimisation feel that their complaint has been insufficiently addressed by the above mechanism, they should feel free to contact the GDE with their complaint in order to raise their concerns.

## **16.2 Code of Conduct of the School**

Educator 3 stated that every year the School's Code of Conduct goes out to learners and parents, and it is also announced to learners in each classroom. She stated that in the last year they had received between ten and twenty comments and, where deemed appropriate by the School management and SGB, they had been included in the Code of Conduct. Educator 3 stated that the Code of Conduct is also on the website of the School.

Educator 3 stated that when a learner enrolls at the School, the parent/guardian and the learner are asked to subscribe to a declaration which states, in section 7 of the enrolment application form:

*"As parents / guardian and learner, we undertake to support the School fully and abide by its rules and regulations as contained in this application form, the Learner Code of Conduct and any others laid down by the Headmistress and the School Governing Body."*

There is also a provision for the signature of the learner and of the parents / guardians of the learner.

Educator 3 stated that, as such, the School was of the view that they had adequately addressed the issue of the Code of Conduct of the School in the past and had incorporated the comments and views of the parents and learners on an annual basis.

Notwithstanding the above, it will be noted that recommendations have been made in relation to receiving further comments concerning the issues that have been the subject of this investigation in relation to matters of *inter alia* hair and language.

We have been informed that comments have very recently been submitted in relation to the School's Code of Conduct and that, accordingly, the School's Code of Conduct should be reviewed incorporating all of the relevant and appropriate comments from parents, learners, staff and the SGB in order to ensure that there is clarity concerning the Code of Conduct and that it adequately reflects those views as well as concerns.

The Code of Conduct is an important document which needs to be adhered to by all learners and stakeholders of the School. It is also important that School management and educators do not feel limited or constrained in the exercise of their duties in relation to enforcing discipline at the School. Naturally, such discipline should be fairly and equally enforced and in a manner which is neither harsh or humiliating to those that are the subject of such discipline. This includes due consideration for the rights of all persons, from educators and learners, to other staff, to be treated with dignity and respect.

### **16.3 Interventions**

It is clear that the School has undergone experiences which have proved traumatic for the School as a whole, including all of its stakeholders and which have resulted in increased racial polarisation. It is also clear from certain of the findings and recommendations in this Report that there are issues relating to race that require intervention and action. Those interventions and actions are set out in detail above.

It is also clear that there is real sensitivity and emotion in relation to the issues that have been the subject matter of this investigation and, accordingly, it is recommended that the School be the subject of a series of interventions which shall include diversity training as well as a cultural awareness programme. This should be directed at both educators and learners to ensure there is a proper understanding in relation to matters of race and culture amongst learners, and between learners and educators. The SGB should also be included in this intervention. The diversity intervention, referred to above, should be completed by the end of April 2017.

The Constitution of South Africa and the Bill of Rights are the foundation of the South African democratic order. It is a Constitution that is based on the fundamental values of human dignity, the achievement of equality and advancement of human rights and freedoms. These include non-racialism and non-sexism; supremacy of the Constitution and the rule of law; universal adult suffrage, a common voters role, regular elections and a multi-party system of democratic government to ensure accountability, responsiveness and openness (*section 1, Chapter 1*).

It is recommended that the training and intervention, referred to above, should incorporate components which reflect the values of the Constitution, which values are detailed above. The

recommended training and interventions should also give expression to how those values should be acted on and interpreted in a concrete and illustrative manner.

It is further recommended that within 3 (three) months of the diversity training having been conducted, that a “culture” survey be conducted by an independent agency in order to confidentially obtain the views of learners, parents, educators and other staff on matters of race, diversity and cultural inclusion at the School in order to see whether these have been sufficiently addressed by the interventions at the School. The “culture” survey should also obtain inputs in relation to the conduct of educators and staff at the School, as well as the conduct of the learners.

It is also recommended that the senior management team receive expert independent executive coaching to assist them in the future in dealing with the findings and recommendations contained in this Investigation Report, as well as any other issues that may arise.

#### ***16.4 Use of Grievance Channels***

It is also found that insufficient use has been made by the learners and/or their parents concerning the laying of formal written complaints in relation to their concerns and grievances pertaining to their treatment at the School. The exceptions to this finding are the few grievances or complaints that were laid by parents concerning allegations of racism and unfair treatment pertaining to their children. As stated above in this Report, it is cause for concern that 1 (one) of those written complaints was not formally addressed, and that the parents concerned did not receive feedback from the School.

It is recommended that the available channels concerning grievances and complaints should be more utilised by both the learners and parents, and that those matters that are reported should be treated seriously and given the attention they deserve by the School. The actions by groups of learners which took the form of protest action, while not unlawful, should only be a very last resort in the event that their formal complaints have been ignored. This should address the concern of certain SGB members, which is a valid concern, that the protest was the first time that these matters had been formally brought to their attention.

In view of the above, it is recommended that Executive Management should keep a record of all complaints relating to matters of alleged racial discrimination and/or victimisation and that this should be a permanent agenda item for the SGB meetings in which Executive Management can then report to the SGB in order for them to make the appropriate decision and to take action in relation to such matters.

It is also recommended that learners utilise the RCL as an avenue through which they can express their concerns and raise issues pertaining to matters affecting learners in the School.

### ***16.5 Compilation of the SGB***

It is also found that the current composition of the SGB is not reflective of the racial demographics of the School, and that there is a need to include more Black representation on the SGB. It is recommended that the SGB address this matter at its next meeting and ensure that at its next AGM all parents of the School be encouraged to play a constructive and participatory role in ensuring that there is adequate representation of all the diverse groups that comprise the parent body of the School.

It is also recommended that the SGB should ensure that the relevant demographics in terms of diversity are also reflected in the educator component of the School.

### ***16.6 General Comment***

It should be noted that there are certain areas in which further investigations are required. These relate to a limited number of allegations, particularly in relation to the text message sent to hostel parents, as well as allegations relating to potential arson at the School.

The issue of Black learners being the focus of attention of educators and/or School management is one that has received considerable attention in the media. It was also the subject of a number of allegations made by Black learners. It is also clear that the issue of "Black hair", as it has come to be known, and as it was referred to by learners and educators alike during the course of numerous interviews, is clearly one that is both controversial and which requires focussed attention.

It is also apparent that the issue of “Black hair” was deemed sufficiently relevant by an educator for her to request at a Senior Management Team meeting in August / September 2015 that she be allowed to present a session at a workshop in October 2015, in relation to the issue of “Black hair”. This particular educator stated that “*the purpose of the workshop was to try and make white educators understand how tough Black hair is to manage*”. The above workshop duly took place, however it appears that the issues persisted and were the cause of considerable resentment and tension on the part of Black learners.

While the Black educators that were interviewed stated that, in their view, there was no racial discrimination in relation to the management of the hair issue in respect of Black and White learners, it clearly is an issue and cause for concern. Accordingly, this has been addressed in a number of findings in this Report, and recommendations in relation thereto have been made in this Report.

It is also clear, notwithstanding the view of a number of interviewees including Black educators that the School does not discriminate between White and Black learners in relation to their hair, that the strong perception of Black learners interviewed was that they have been the subject of discrimination in some form. It is also clear, and it is our finding, that in relation to certain incidents concerning Black learners’ hair, certain learners have been the subject of inappropriate, aggressive and harsh treatment. In this respect, our findings have been set out fully above.

In relation to the issue of language and allegations that Black learners are reprimanded for speaking their home language in situations outside the classroom, there was one instance where this was attested to by a number of witnesses, which incident is dealt with more fully in this Report above.

It is imperative for the School to recognise the diversity of cultures and languages in South Africa through the implementation of a language policy that upholds cultural and language diversity in our country. While it is recognised and accepted that Pretoria High School for Girls is an English medium school and that all communications between learners and educators and all school communication should at all times be in English, it is our recommendation that there is a need to review this policy for situations outside “medium of instruction” situations.

While learners should, at all times, address the educators, Headmistress and Deputy Headmistress in English, learners should be permitted to speak in the language of their choice outside “medium of instruction” situations. Learners should also be respectful and act in a dignified manner at all times, especially when addressing the School staff.

It should also be noted that in relation to learners wearing traditional or cultural attire on certain given days, such as Civvies days, recognition should be given to that right. At the same time, no learners, educators or staff should be allowed to wear political apparel of any form on School property or while conducting the business of the School. It is recommended that this aspect be given specific recognition in the School’s Code of Conduct.

The issue of race in South Africa is an extremely sensitive issue given the history of South Africa and the fact that Apartheid involved the systematic and brutal oppression of Black people in South Africa. It remains a legacy that has to be comprehensively addressed. Accordingly, it is imperative that all parties at the School exercise caution and sensitivity in the manner in which they interact with one another, particularly in matters pertaining to race.

It is also imperative for all parties, educators, Black and White learners as well as Black and White parents at the School to remain grounded in fact and substance and that they be committed to addressing the issues constructively and engaging with each other in an atmosphere of dignity and respect. This is not to say that where there are real issues that need to be addressed and the conduct or behaviour of stakeholders at the School justifies it, and if such conduct is discriminatory or racially or culturally insensitive, that it should not be immediately addressed.

The primary purpose of the existence of the School is that it deliver quality learning and advance the interests of education in respect of all of its stakeholders. This is the critical objective that needs to be borne in mind by all parties and stakeholders at the School. As such, it is critical that a conducive space for the conduct of education should be created and all parties should commit themselves to this objective.

It should be noted that the compilation of this Report has been a complex and time consuming exercise in which numerous interviews have been conducted. We would like to thank all of those concerned who gave their cooperation, but also take this opportunity to note that there were a number of parents and/or learners who declined the invitation to give interviews. In this regard, their rights were respected by the HNM Investigation Team.

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**HNM Attorneys**

**1 December 2016**