

**REPORT ON ALLEGED RACIAL INCIDENT AT
LANGENHOVEN GYMNASIUM IN OUDTSHOORN**

INVESTIGATION PANEL

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INTRODUCTION

The Western Cape Education Department (WCED) was made aware of an incident at Langenhoven Gymnasium in Oudtshoorn when an article appeared in the tabloid **DIE SON** of 27 March 2007 in which it was alleged that a coloured learner was attacked in class by a white learner, in the presence of a teacher who allegedly did nothing to stop the fight. The tabloid was in possession of a cellphone video clip of the incident, still pictures of which were carried in the publication.

An immediate investigation was ordered by the MEC for Education on 27 March 2007. A team of 3 district officials under the leadership of the circuit manager did a preliminary investigation and submitted a report on 27 March 2007.

Close scrutiny of this report revealed a number of unanswered questions, and it was recommended to the Head of Education and the MEC that a team of head office and district office officials do a comprehensive investigation into the incident and all aspects of the school and present a report.

On 30 March 2007 a protest march was staged by members of a community forum to the WCED satellite office where a protest memorandum was handed over.

The MEC ordered a further investigation which were to include the issues raised in the protest memorandum. MEC also requested that the assistance of the Human Rights Commission (HRC) be solicited in the investigation. The HRC agreed to be independent observers during the departmental investigation, indicating that they would use the opportunity to do their own independent investigation.

The planned dates of the investigation coincided with the visit by a joint Standing Committee/National Council of Provinces delegation to the said school, and it was mutually agreed that the WCED team will enjoy observer status during this delegation's visit.

Interviews were conducted with the various parties, including members of the school governing body, members of staff and school management team, learners, and representatives of the Peoples' Forum who handed over a memorandum.

The investigation was not concluded during the two days set aside. An in-depth interview needed to be conducted with principal of the school, as well as with representatives of the community forum – called the Peoples' Forum - who handed over the memorandum, as well as a possible follow-up with the governing body, depending on the outcome of the interview with the principal.

The principal of the school subsequently took ill and has been on a protracted period of sick leave. Subsequent indications are that the principal is applying for retirement on the grounds of ill-health, the circuit manager and governing body chair having signed that part of the form that they are required to. It is the information that on receipt of the formal application, the PILIR procedure will be followed.

In the light of the principal's absence from the school due to ill-health, a follow-up visit was paid to the school, interviewing the school governing body's chairperson, the school management team members, and representatives of the peoples' forum who handed a memorandum to the Education Management and Development Centre (EMDC) of the South Cape/Karoo district.

GENERAL INFORMATION ABOUT LANGENHOVEN GYMNASIUM SCHOOL ("THE SCHOOL")

The school is situated on the northern periphery of Oudtshoorn as one travels out of the town on the way to the Cango Caves. It is somewhat hidden away in a middle class part of the town. It is on average 2 to 7 kilometres away from the other schools in the town, and is definitely off the main public transport routes in the town. On foot it is eight blocks away from the main intersection of the main thoroughfare of the town, Voortrekker Road, a distance of 2 kilometres.

The school is a combined technical and academic stream high school with 680 learners, 31 of whom are of colour, with 21 WCED-appointed and 11 SGB-appointed staff members, all of whom are white, 60% female, 40% male. The SGB members are all white; the LRC members are all white.

The school is set on well kept grounds, is well appointed, especially with regard to the technical stream, with large workshops for motor mechanics, woodworking, electro-technical, and technical drawing, all under one roof. The technical section's workshop's passage is approximately 160 paces long, giving an indication of the size of this facility. During the visit it was observed that all of the technical classes had small groups of learners attending.

The school has four blocks of hostel facilities for 200 learners, of whom only one is of colour. Although the school is a high school, primary school learners attending primary school in the town are also accommodated, albeit in their own section of the hostel facility.

The SGB and school management team hold the view that the school is looked down upon because "of the notion and perception of the community that it is a technical school and thus caters for the not-so-bright learners"; and that because of the distance of the school away from the CBD and the transport problems, they have difficulty attracting learners of colour.

THE FIGHTING INCIDENT BETWEEN THE TWO LEARNERS

From the interviews with the different parties the following evidence of the incident between the two learners was obtained:

One of the parties involved in the incident is an accomplished golfer. He often takes part in golf competitions in the afternoon after school, and over week-ends, in the organisation of which his father apparently plays an important role. On the day in question, allegedly on 30 January 2007, his father called him on his cellphone in school time, just after the end of the school interval, to inform him that a competition for that afternoon after school had been cancelled.

The school observes a cellphone policy, which states that nobody may use their cellphone during school time; and if they do, the instrument is confiscated for a period of 5 days and locked up in the school's safe.

Whilst this boy was answering his dad's call, another learner close to him, shouted into the phone and uttered a profanity. He also uttered a profanity, all of which his father confirmed to have heard over the phone, but the father not being sure who uttered the words and enquiring about it from his son. When somebody behind the son again shouted a profanity into the phone, the learner lashed out at another learner and smacked him.

A teacher had, in the meantime, seen him use the phone and ordered him to hand it in at the office to be confiscated for the period as stated in the school rules, whilst the rest of the class proceeded to their next lesson in another teacher's class.

From the evidence it transpires that it was pre-arranged between some learners to accost the learner on his return to the classroom from the office and that one of them will record the fight with his cellphone. Another learner overheard this arrangement and he also set up his cellphone to record the fracas.

The video clip was viewed by the investigating team, and it was placed on record that the entire recorded fight took place within 48 seconds. The clip shows the learner (victim) in the classroom, initially talking to the teacher, after which he returns to his desk. Another learner then moves to a corner in the classroom, afterwards walking towards the victim and lashes out with his fists. The two learners are then involved in fisticuffs for a short while, and in the process the teacher comes into view, appearing to be standing looking at them.

From viewing the video clip it was not possible to hear whether anything is being said by anybody during the fight – for example, whether the teacher admonishes the scuffling learners – because of the general noise that prevails in the classroom during that time. At that point the evidence is that the aggressor headbutted the victim, who then runs in the direction of the classroom's door.

The teacher's evidence is that he was writing on the board when he heard the shuffling and mayhem behind him. He turned around and ordered the learners to stop but they just carried on. He stood nearer at which point the aggressor headbutted the victim, who ran out of the classroom. He found the boy in the passage, bleeding from the cut on his

forehead. He handed him his handkerchief and told him to go to the office to get some help.

It was two other learners' evidence that they knew that the fight was coming, and they set up their cellphones. It appears from their evidence that they knew that the teacher "is not so strict in the classroom" and that's why they took the chance to set up their phones in spite of knowing that were they to be caught their phones will be confiscated.

It was the principal's evidence that he heard a commotion in the passage not far from the library where he was at the time, and found the victim there, bleeding from a wound to his fore-head. He subsequently had his father called to collect him at the school and to take him to the doctor, stating to the father that the school would settle the doctor's account.

Evidence was given that the teacher was summonsed to the office to explain what had transpired in the classroom, and he repeated what he had said to the investigating team. Evidence was also given that at a subsequent meeting with the parents of both boys in the principal's office, the parties had agreed that this was a fight between two boys who were classmates/friends and that it was not ascribed to racism. The father of the victim confirmed this stance at that time during his conversations with the investigating team, and stated it was only after viewing the video clip that he thought of it as an incident with a racist connotation.

THE ORGANISATIONAL CULTURE OF THE SCHOOL

Evidence on quite a number of issues regarding the organisational culture of the school was obtained during the interviews with the parties:

There are only 31 learners of colour at the school. The school management holds the view that they go out of their way to recruit these learners, for instance by using the school's transport buses to collect learners staying some distance from the school, but that the community where the learners of colour come from is resistant because it "means taking learners away from schools in their "traditional" residential areas. It was put to the investigating team that another school in the town, Morester High School, which is situated in a part of the town called Bridgton, also has a technical stream which also draws on the pool of learners that are available. Morester High School in fact is a focus school for technical subjects. The SMT also cited distance away from the CBD as a hampering factor.

Evidence was also given that white learners from as far afield as the Karoo towns and surrounding farms of places like Beaufort West, Carnarvon, Loxton, Leeu-Gamka are recruited/enrolled to attend the school and are mostly housed in the 4 hostels at the school. For the last few years apparently only three learners of colour that have been enrolled from these named areas, have been accommodated in the hostels. Two of them have since left, ostensibly because of the racist attitudes of their fellow white learners. The one that has persevered is now in matric, and he has persevered "because it is a good school".

The learner representative council is all white. The learners of colour expressed the view that they don't even attempt to be elected onto the council "because they will never vote for us".

There was evidence that some learners and teachers don't sing the National Anthem when it is sung during school assemblies. There was also evidence that some of the white learners and staff members only sing **Die Stem** part of the anthem, whilst some learners of colour will only sing the **Nkosi Sikelel' iAfrika** part of the anthem. The SMT has confirmed this to be so, and said that this matter is now being addressed by projecting the words of the anthem on a screen, whilst the school choir leads the school in song during assembly. During the subsequent visit to the school it was pointed out to the investigating team that the words of the National Anthem were now written on a large panel affixed to the front wall of the hall from where it is legible to all.

Evidence was also given of the singing of the song "De la Rey" which at the time enjoyed much media coverage because of its apparent ability to sweep emotions in a certain sector of the community. The song was evidently sung at one of the school's functions, and at a certain point the learners singing it, turned towards the back of the hall, apparently taking up a stance that was perceived to be of a threatening nature by learners of colour that were standing/sitting at the back of the hall. Subsequently the principal "banned" the singing of the song at the school, ostensibly because of the emotions that it invoked, apparently without consulting the school's governing body on the matter. This "banning" caused a furore amongst the school's parent community, and it was subsequently revoked. With regard to this incident, evidence was given that a "tradition" exists at this school – somewhat in the universities' "brag tradition" – that the "grade 11-learners are handed the staff of authority by the grade 12's" after which the grade 11's address them. Hence the grade 11's turning to the grade 12's sitting on the gallery at the back of the hall whilst singing this song.

Evidence given by members of the People's Forum in the presence of the SGB chair spoke of incidents of an apparent racist nature that happened at the school or outside its perimeter that were reported to the school principal and education authorities and that were not properly attended to. Statements were made that the principal either dealt with the reported incidents on his own without further consulting the complaining parties, leaving the perception that incidents of this nature "were swept under the carpet". Complaints directed to the education authorities were apparently re-directed to the school principal for resolution, again leaving the impression that their complaints were not attended to.

Evidence was heard of verbal complaints lodged with the school management, of undertakings that it will be attended to, or of apparent scoldings that parents come to school to complain about trivial matters. Evidence was also heard that the principal would discuss the matter between the learners concerned without the parents being present, and that afterwards the matter is deemed "to have been dealt with". Evidence was heard of the absence of a formal complaints logbook at the school, a fact which members of the SMT confirmed. They stated that it is only after the alleged incident presently being investigated, that such a log is being kept.

Members of the forum made mention of the apparent "lack of transformation", citing the small number of learners of colour at the school, no representation of people of colour on the SGB, no educators of colour on the school's teaching staff, no representation of learners of colour on the RCL, and that the few learners that were accommodated in the school's hostel over time were subjected to incidents of racism.

Members of the forum present expressed their willingness to the SGB chair to be co-opted onto the school's governing body, and that they would be doing so as soon as they are approached.

Constant evidence was obtained of tension between the SGB and the school principal. The SGB, which was elected about 12 months ago, speaks of a "strategic plan" that was placed on the table by them, but of a principal and staff who are reluctant to implement the plan.

When the question of transforming the language policy of the school to attract a more diverse group of learners was raised with the SGB, they countered by asking whether the WCED has also posed/suggested the amendment of language policy to schools in other parts of the town.

FINDINGS

THE FIGHTING INCIDENT BETWEEN THE TWO LEARNERS

From the evidence before the investigating team it cannot be concluded that the incident was of a racist nature or racially inspired. No evidence was given of any racial slurs directed between any of the parties present during the incident in the line after the interval, or during the fracas that took place in the classroom.

There is general consensus in the minds of the investigation team that the fighting between the two learners was not racially inspired, but that it emanated from the swearing at each other and into the cellphone and the resultant lashing out whilst lining up after interval, from the pre-arrangement that the scuffle in the classroom will be recorded by cellphone, aided by the apparent perception of the learners that they would get away with it because the teacher apparently maintains a low level of discipline in that particular class.

THE ACTIONS OF THE TEACHER DURING THE INCIDENT

The investigating team placed it on record that they viewed the recorded fight, and that the entire incident took place within 48 seconds.

Evidence before the team is that the teacher was busy writing on the board, that he had heard the shuffling behind him, turned around and saw the two boys involved in fisticuffs. He ordered them to stop, but they carried on, at which point he stood nearer again ordering them to stop. Shortly after that the fight came to an end with one of the boys running out of the classroom, the teacher following and finding the boy outside in the passage bleeding from a wound to his fore-head. The teacher hands him a handkerchief and tells him to go to the office to seek assistance.

From the evidence it cannot be concluded that the teacher just stands there looking on while the learners are fighting. It appears that he may have been slow in his reaction to stop the fight, but he did give evidence that he admonished them but that they had carried on nonetheless. The general atmosphere in the class may have been facilitated by some learners' in the class' perception the teacher maintains a low level of discipline in that particular class and that they might get away with it.

THE SCHOOL'S INERTIA IN TAKING DISCIPLINARY STEPS AGAINST THE OFFENDING LEARNERS

Evidence was given that the school governing body only became aware of the incident when an article appeared in **DIE SON** of 27 March 2007. The principal gave evidence that he dealt with the incident very early in February 2007 shortly after the fight, by conducting an interview with both sets of parents in his office. At that meeting, all parties concluded that this was simply a school boy fight between two learners, and that it would be left to the principal to deal with it in his way.

Evidence was given that the parties only became aware that the scuffle was recorded by cellphone when the article appeared in the tabloid on 27 March 2007. The Minister of Education ordered an immediate investigation, and the SGB expressed the view in their evidence that they suspended disciplinary action against the parties pending the outcome of the investigation ordered by the Minister.

The investigation team finds this explanation a feasible one.

The report accepted by the Minister will enable the SGB to follow the processes against the parties in terms of the school's code of conduct, as well as in terms of the statutes that are at the SGB's and school's disposal.

It is, however, known that the one learner who is seen to be the aggressor in the fighting incident, has left school shortly after the alleged incident, and is now assisting his father in his business whilst he is "also receiving home schooling".

RECOMMENDATIONS

1. It is recommended that the investigating team's findings with regard to the fighting incident, the conduct of the teacher, and the apparent inertia of the school's governing body with regard to disciplinary steps against parties, be accepted. It is, however, further recommended that the SGB together with the SMT devise a mechanism - like a complaints logbook - in which all reported incidents are formally logged, investigated, and outcomes recorded. This logbook should serve as a standing item at the meetings of both the SMT and SGB, so as to quash the notion that complaints are unilaterally adjudged and/or swept under the carpet.
2. With regard to the organisational culture at the school, it is apparent that certain sectors of the community view the pace of transformation at the school with suspicion, so much so that they view – rightly or wrongly - the practices at the school as being racist in their nature, using the absence of representation of the town's demographics, and the inertia by the school to deal with their complaints effectively, as justification. It is thus strongly recommended that the services of an outside agency be solicited to apply an assessment tool, like for instance the discrimination audit as proposed to the school by the Human Rights Commission, to determine what it is that the school needs for future training and education sessions
3. From the evidence it appears that these perceptions expressed above are not limited to the Langenhoven Gymnasium. Evidence was given of other alleged incidents at educational institutions elsewhere in the town. Conversely, parties at Langenhoven Gymnasium cited alleged incidents that can be construed as acts of racism directed at them, sometimes at their learners of colour, those learners "offence" being that they attend and partake in the activities of a school that is perceived to be racist. It is therefore recommended that the decided-upon

assessment tool be applied to as many other education institutions in the town, in order to determine a collective future training and education needs, which importantly must be extended to the parent communities of the institutions. It is recommended that the EMDC director for South Cape/Karoo in concert with the appointed external agency, devise a strategy in consultation with the staff members of Institutional Management and Governance (IMG) and schools' SMTs and SGBs on how to extend this to schools as a collective.

4. With the broader community of the town probably not exempted, it is recommended that discussions be held with the Human Rights Commission on how to deal with this much broader issue.
5. Public ordinary schools - which fall under the jurisdiction of the WCED - preside over facilities that are meant to be available to all, especially where those facilities afford the education institutions the ability to attain the WCED's goals as set out in its Human Capital Development Strategy (HCDS). Most of the schools in this town - and elsewhere - subscribe to a single language policy. It is patently clear that a portion of the community is excluded from such schools based on the institutions' language policy. It is recommended that the WCED facilitates an amendment of that policy over a period of the shortest possible time, first especially at those schools in this town which preside over the facilities that can attain the WCED's HCDS goals.

THANKS

The investigating team wishes to extend its appreciation to everybody who contributed to this exercise. Most of the issues covered are of a complex nature, but it was the spirit in which all parties approached those issues that played a facilitatory role. The team especially wants to thank Mr Lionel Tait who unselfishly gave of his time to assist in the investigation, as well as the Human Rights Commission who independently shared their wisdom. To the secretariat, Mr Saayman and Ms Barnard, a word of appreciation for their hard work. To the governing body, principal and staff of Langenhoven Gymnasium we express our appreciation for hosting the team in circumstances that were complex for them.