

10 October 2024.

Mr Matome Chiloane,
MEC for Education,
Gauteng Government.
Johannesburg.

Dear Mr Chiloane,

Re: Matter of the Pretoria High School for Girls (PHSG).

We thank you most sincerely for the opportunity you gave us to meet you and your delegation on 12 September 2024.

We also thank you for the Gauteng Province File labelled Pretoria High School for Girls: Tshwane South District.

We also take this opportunity to confirm that we met a delegation of the Governing Body of the PHSG, accompanied by the Acting Principal, Ms Danica Stoffberg, on 3 September 2024.

The File handed to us by your delegation, Pretoria High School for Girls: Tshwane South District, contains a Section identified as "**Concerns by Learners**".

The learners mentioned at the bottom of p2 of this Section are:

▶ [REDACTED]
▶ [REDACTED]

According to the document, the "**Concerns raised**" by the learners include:

- "Blatant racism not being dealt by the executives;
- "Months of bullying being ignored by the executives; and,
- "Violations of the school code of conduct being treated differently because of race."

On the same p2 there is a sub-section headed "**Suggestions and demands moving forward**". Three of the suggestions here are:

- "a timeous apology from Mrs Erasmus (the Principal);

- “suspension of learners involved in the racist group chat and bullying of [REDACTED] and
- “repercussions for executives (principal and deputy) involved for their disregard of issues regarding bullying and racism for 9 months.”

On the instructions of the Gauteng Department of Education (GDE):

- Mrs Erasmus read an apology at a School Assembly, allegedly prepared by a GDE official;
- 12 learners belonging to the chat group concerned were suspended and charged;
- the Principal was suspended; and,
- the Deputy Principal was placed on precautionary transfer to Tshwane South District Office.

These actions were taken before any investigation was carried out to establish that there was at least *prima facie* evidence to suggest that there was substance to the allegations made.

It therefore seems clear that the GDE officials accepted the allegations made by the learners as representing the truth.

The GDE File contains a sub-section identified as “*Suspension Principal*”, which consists of a letter from the GDE Head of Department to the PHSG Principal, Mrs PJ Erasmus, dated 30/07/2024.

The first paragraph of the letter reads:

“Kindly take note that the Gauteng Department of Education has decided to place you on precautionary suspension with immediate effect. The precautionary suspension is based on the allegation that you failed to take measures to address racism at the school.” [Our emphasis].

At this point we must mention that the Principal, Mrs Erasmus, received some concern about the *chat group* already in October 2023. Three of the learners, two being members of the *chat group*, approached the Principal to express their concern about the existence of the group, the issue of the dress code and the School’s policy with regard to the social media. They made no observation about racism.

The Principal advised the learners that they had no obligation to belong to the *chat group* and were free to withdraw. She also warned against any use of the social media by the *chat group* and explained the dress code of the School.

A sub-section in the File is entitled “*Outcome 1*”. This contains *the Ruling of the SGB Disciplinary Committee* (DC) which processed the matter of the 12 learners who belonged to the allegedly offending chat group. It is in this sub-section that we find the charges preferred against the 12 learners, as follows:

“(the Learners) are alleged to have contravened the following sections of the school’s learner’s Code of Conduct and Social Media Policy:

“section 15.3.1.1.8. – The learner makes herself guilty of racism, sexism, sexual harassment, or public use of hate speech, or expression of opinions to cause spread of hate,

“section 9.2.8.4. – any content that amounts to hate speech or discrimination – hate speech and discrimination is harmful or hateful content that includes comments that are threatening, harassing, illegal, obscene, defamatory, slanderous or hostile towards any individual or entity those that refer to race, age, gender, sexual orientation, religion, political persuasion, body type and physical or mental health – or any factors identified in the relevant legislation,

“(learner) is a prefect, in the Acceptance of position of prefectship at PHSG, as contained in the PHSG Student leadership policy, (learner) is alleged to have not complied with the following clauses:

“set the example through her behaviour...”

[Unfortunately, we do not have the complete *Learners’ Code of Conduct* as the even pages in the copy in the File are missing. We also do not have the *Social Media Policy* document. We are therefore not in a position to verify the correctness of the renditions of the Section 15.3.1.1.8. and the Section 9.2.8.4 mentioned in the *Outcome 1* document.]

However, it is clear that both charges 1 and 2 relate to racism, including hate speech in this regard.

The Disciplinary Committee said, *“it is our considered view that with respect to the two main charges, all twelve learners are **“NOT GUILTY”***. Accordingly, the third charge against the Prefect falls away.

The DC also said:

*“The evidence of the two witnesses who testified on behalf the school (against the Chatroom learners) constituted an expression of their own legitimate views and how the messages made them feel. These are obviously subjective views from lay witnesses that emanate from how they interpret the texts, which they received over a year later. For purposes of the decision we have to make, **KPMG Chartered Accountants v Securefin Ltd** provides some guidance.”*

The DC then quotes part of what the SCA said in its Judgement in this case, that:
“interpretation is a matter of law and not of fact and, accordingly, interpretation is a matter for the court and not for witnesses.”

Obviously, here the SGB DC was warning that objective standards must be used to interpret the statements made in the chat room, for instance that they are racist, and that interpretations by witnesses, however genuinely held, do not in themselves constitute such objective standards.

Put differently, the DC was saying that the fact that a witness might genuinely feel that a particular comment in the chat room is racist, does not mean that that comment was in fact racist!

Before we pass this matter of the 'chat group', we must say that the SGB delegation informed us that the matter of this group was raised with the Principal, Mrs Erasmus, soon after its interaction in October 2023. The report was that Mrs Erasmus then successfully engaged the matter that had been raised with her.

Before we comment further on any of the preceding material, we must mention that the File also contains a section identifies as "Outcome 2". This contains the Ruling of another PHSG SGB Disciplinary Committee on a matter affecting a black learner identified as [REDACTED]

On 31 July 2024, the GDE had issued a Media Statement which said that "*a matric learner from Pretoria High School for Girls was suspended (by the SGB) on Wednesday, 31 July 2024, after being seen making statements with racial undertones in a video that has since gone viral on social media.*

"The learner was recorded in a video in February 2024...(The SGB) will subsequently initiate a formal disciplinary process in due course."

The allegations against [REDACTED] included that she had violated the following sections of the Learners' Code of Conduct:

"15.3.1 (iii): insults the dignity of or defames any learner or any other person, which includes racist remarks;

"15.3.3.1 (8): makes herself guilty of racism, sexism, sexual harassment or public use of hate expression or expression of opinions of facts which are likely to cause the spread of hate; ..."

She was also accused of contravening various sections of the School's Social Media Policy, which were listed.

The matter at the heart of the charges against [REDACTED] is that she forwarded to her friends' mobile telephones a video in which she said:

"morning guys, this is 22nd February...guys I have not asked even a single white person to like bow down. I haven't. we've just forgotten. Guys we have just let off the hook this year...I'm feeling sorry for them so we're gonna let it go. But come April, on freedom day, on freedom day they'll feel the wrath..."

This was a private communication among friends. The reason it got into the public domain was that a journalist had copied it off the telephone of one of [REDACTED] friends and posted it in the social media, evidently in response to the 'leaking' of the discussion of the chat group.

In her defence, ● showed the Disciplinary Committee 3 videos which had been run on Tik Tok. In these videos there were jokes among black and white users that whites in the US would have to bow to their black friends during the US Black History Month.

● argued that in her video she was only imitating the Tik Tok material, having understood that it was only a joke. Accordingly, she never had any intention to hurt anybody through hate speech. Further, she never had any intention to post the video in the media.

The Disciplinary Committee said:

“We were unable to find any evidence that ● acted with intent to defame, insult or express hate. The dour among us cannot compel the entire school to ignore humour and deploy legal instruments to every joke they find distasteful...”

“The evidence was that the video was shot using a friend’s phone. It was never published by ●. It was a private video meant for private consumption...”

“It is our considered view that prosecuting learners for their private conversations is incorrect...”

“There is no evidence that she used any social media platform to publish her video or that she reposted or retweeted the same video.”

This seems to be a very rational and correct Ruling, given the facts of this particular ‘case’.

One of the (white) girls in the ‘chat group’ commented:

“sorry ● is genuinely really nice so I don’t think she has anything against you at all, I think she was just trying to get her point across”

Please note that the ● referred to here is the black learner who complained to a white learner that her shorts were too short according to the school dress code, which led to the discussion in the chat group. ● is the same learner identified elsewhere as ●.

The chat room comment about ● we have just cited, helps greatly to give justification to the Ruling in the ● matter,

However and to the contrary, consider the reason why, in the first instance, “Outcome 2” is included in the File!

The GDE officials argued that ● should have been found guilty because her video was ‘racist’.

They then said that she, a black learner, was found not guilty to balance the *not guilty* Ruling handed down in favour of the white learners!

The GDE argument here is that the white learners were guilty as charged. However, as the learners [REDACTED] had complained, *“violations of the school code of conduct were being treated differently because of race”*.

According to this argument, this is why the 12 white girls were found not guilty. To hide this biased treatment, [REDACTED] was also found not guilty!

The fact, however, is that there is no basis whatsoever to challenge any of the two Disciplinary Rulings on the basis of their rationality, respect for the facts and consistency with our country’s statutes and common law.

It seems, for some reason, that the GDE is very determined at all costs to smear the PHSG with the charge of racism.

The Ruling on the matter of the 12 learners also said:

“We acknowledge...that there is a high level of mistrust among the learners at the PHSG.

“We therefore recommend that a measure of remedial corrections through workshops by reputable organisations be put in place in order to fix the mistrust that so plagues the school. We suggest that the proposed workshop should include teachers, learners and the principal.

“This is to give effect to the injunctive words of Mokgoathheng J who wrote: “we must overcome the fissures amongst us. That cannot happen if, in debate...among us, one section of the population is licensed to be condemnatory...while others are disciplined to remain silent.”

This seems very wise advice which the GDE should seriously take into account.

Mokgoathheng J was very correct to point to *“the fissures amongst us”*, referring to society as a whole, as well as argue that as a people, *“we must overcome”* these fissures.

It is therefore not at all surprising that such *“fissures”* will also be found in schools which, correctly, have multi-racial learner enrolments.

The existence of these fissures may very well result in the expression of racist and other derogatory views, demanding the requisite action.

Here, however, we are dealing with school children in their teens.

The question that arises is – what must the responsible public sector bodies do to help these children *‘to overcome the fissures among them in the school setting’*!

Here, where we mention public sector bodies, we refer to the Principals and the teachers, the School Governing Bodies and the Provincial Education Departments.

It is not necessarily correct that whenever “*the fissures amongst us*”, including those of race, express or manifest themselves at the school level, the automatic response must be punishment of the offender.

Indeed, this may not be the progressive approach to the larger, systemic challenge of building the non-racial and non-sexist society prescribed by our Constitution!

You will recall that at some stage during our meeting with the GDE delegation we said that we could not find anything racist in the ‘*chat room*’ comments and requested the GDE delegation to point to the supposed racism in these comments.

The GDE delegation responded immediately to say that it did not get engaged with the PHSG because of the ‘*chat room*’. Indeed, it said, it had not dealt with anything arising from the chat room comments. It was for this same reason that the GDE had publicly said it accepted the SGB DC Ruling on the 12 suspended learners and would not revisit the matter.

The delegation said the reason GDE officials went to the School was that they were invited by the Principal when some of the learners were demonstrating at the School on 18 July 2024. Actions taken by the GDE since that invitation by the Principal had to do with allegations of racism and bad governance at the School not related to the ‘*chat room*’. The delegation said the GDE took these actions because it has a responsibility, in the interest of the learners, to ensure that the School is free of such negative phenomena as racism, whose incidence at the PHSG had been confirmed in earlier Inquiries.

[The *Gauteng Province File* includes a section identified as, ‘*2016 Investigation Report*’. The Report is attached to show that an independent Inquiry had confirmed the incidence of racism at the PHSG in the past. This was to imply that it would therefore not be surprising to find that such racism still persisted at the School, 8 years later!]

However, we do not believe that this ‘*2016 Investigation Report*’ by the then *Harris, Nupen, Molebatsi law firm* is particularly relevant to the matter we have been pursuing, viz, the ‘*chat room*’ and the related fallout.

There is no documentation in the *File* relating to the presence of the GDE officials at the invitation of the Principal.

However, Richard Wilkinson confirmed the presence of GDE officials at the School when he wrote on 25 July, 2024: “*According to one eye witness, a male official from the Gauteng Education Department had to physically intervene to protect Mrs Erasmus from the students whilst she walked across the school grounds (on 18 July 2024).*”

News24 had reported on 20 July 2024 that:

“*Black pupils at Pretoria High School for Girls (PHSG) spent Mandela Day protesting on the school grounds, calling for the school to address and rectify the alleged racism they face. In short video clips, the pupils marched across the school grounds with raised fists and chanted: "We want change."...*

“The pupils claimed that some matrices had created a group chat and shared racist remarks about black pupils, which prompted them to hold the protest on Thursday.”

In this regard, Mr Wilkinson wrote: *“I have been provided with the following 30-second video clip which shows a group of about 40 girls screaming abuse at the school’s principal, Mrs Erasmus.”* [The video clip is attached to the article.]

It seems clear that, indeed, Mrs Erasmus did inform the GDE about the then impending 18 July 2024 learner demonstration, and that the GDE officials therefore came to the School.

However, there is another report that some GDE officials came to the School the previous day, 17 July, soon after the contents of the chat group discussions were disclosed on that day through an anonymous Instagram account.

Three of the outcomes of the direct intervention of the GDE at the PHSG in the aftermath of the 17 July 2024 release of the proceedings of the ‘chat group’ were:

- the suspension of the Principal, Mrs Erasmus;
- the transfer to the District Office of the Deputy Principal, Mrs Schoombie; and,
- the suspension and disciplining of the 12 white learners, members of the *chat group*.

The basic reason for the actions of the GDE in this regard is that it considered the October 2023 proceedings of the ‘chat group’ to have been ‘racist’ and were therefore in violation of both the PHSG Learners’ Code of Conduct and the firm Policy of the Department against any manifestation of racism in the Schools.

Concerning the latter, a newsletter distributed to the parents of the learners at the PHSG said:

“Mr Nkadimeng addressed learners, staff, and parents (in absentia)... He said the government and the Department of Education, have a zero-tolerance approach to any forms of discrimination. Issues of discrimination and issues of racism will not be tolerated by the GDE, whether there is tangible evidence or not.”

We will now make some comments to substantiate our conclusion that the GDE was convinced about racism attaching to the ‘chat group’.

As we have indicated already the GDE letter suspending Mrs Erasmus says: *“The precautionary suspension is based on the allegation that you failed to take measures to address racism at the school.”*

The GDE delegation informed us that Deputy Principal Schoombie was precautionarily transferred to the Tshwane South District Office for the same reasons, given that she was the member of the School Management responsible for the *portfolio of discipline*. This is confirmed in the letter addressed to Ms Schoombie dated 14 August 2024 signed by Mr Rufus Mmutlana.

The document “*Unlawful Inquiry at Pretoria High School for Girls*”, signed by the Chairperson of the SGB, Mr Craig Hezlett, and addressed to Gauteng MEC for Education, Mr Chiloane, says:

“On the 19th July 2024 the SGB Chairperson and the Principals met with Mr Nkadimeng and Mr Kgomo of the GDE.

“During this meeting, Mr Kgomo advised that the 12 matric learners who were members of the WhatsApp group were guilty of racism and “instructed” the Principal to immediately suspend and charge the 12 learners.”

During a Newsroom Africa interview on 5 August 2024, the GDE Spokesperson, Mr Steve Mabona, said:

“Remember, the SGB's role was to discipline learners on allegations that were put to them. Remember we said there was suspected racism. But the SGB decided that they not going to say anything on racism. They said nothing about that. They only focused on bullying, violence, those allegations of physical violence as well as the disruptive nature of the behaviour of learners at the school. So those were the things that were focused on. They did not say anything on racism. So that is why we felt that let's investigate all allegations of racism because we've received allegations from parents, from learners.”

In a Media Statement issued on 24 July 2024, the GDE said, *inter alia*:

“An urgent meeting was facilitated on the same day as the planned protest, and aggrieved learners were given the opportunity to voice their grievances (to the GDE officials), which included:

- Alleged racism and a WhatsApp group created by, and consisting of, only white learners where alleged racial micro-aggressions were channelled about other learners.*
- Alleged repeated instances of racism with little to no action taken by the principal.*
- Alleged non-responsiveness by the principal in addressing reported cases of racism.*
- Alleged bullying incidents not being addressed by the School Management Team*
- Alleged preferential treatment of white learners by the principal and some staff members.*
- Alleged selective application of the school code of conduct, with harsher treatment for black learners compared to white learners.”*

Obviously, the GDE officials immediately bought lock, stock and barrel into the story told by the so-called ‘aggrieved learners’.

Indeed, on the following day, July 19, one of the GDE officials addressed the School Assembly. He criticised the 12 members of the chat group for their racism and asked rhetorical questions about their possible suspension or expulsion, and the removal from their positions of those who were prefects. The audience of learners responded to all this with loud cheers.

Driven by the same conviction that the *chat group* was guilty of racism, and that the Principal had not taken any action against the group, as claimed by the ‘*aggrieved learners*’, the GDE officials humiliated the Principal by obliging her to apologise to the Assembly of learners. They obliged her to say:

“Firstly, I would like to apologise to everyone who has been affected by the recent events and how things have unfolded... This matter has affected us all and each of us in our own way. I would like to apologise if I have not dealt with things in the manner in which they should have been dealt... I sincerely apologise to each and every one of you for how you are feeling right now.”

Before we say anything further about the alleged racism relating to the *chat group*, we must comment on the statement cited above by Mr Steve Mabona when he was interviewed by *Newsroom Africa*.

Strangely, Mr Mabona said the SGB DC *“did not say anything on racism.”*

As quoted above, Charges 1 and 2 against the 12-person *chat group*, are about racism and hate speech. The DC found that there was nothing in the *chat group* comments and evidence presented to the DC which substantiated the charges of racism and hate speech!

It is therefore impossible to understand how Mr Mabona comes to the conclusion that the finding that there was no racism in the chat group discussion amounts to saying nothing about racism!

Mr Mabona also says that the DC *“only focused on bullying, violence, those allegations of physical violence as well as the disruptive nature of the behaviour of learners...”*

There is no mention in the DC Ruling on any of the issues claimed by Mr Mabona.

Once more, it is impossible to understand how Mr Mabona came to manufacture this additional and absolute fabrication!

Of course, it is possible to understand all this as arising from the effort by Mr Mabona to create what he believes would be a credible explanation for the initiation of the special investigation authorised by MEC Chiloane after the SGB DC found the 12 learners ‘not guilty’.

This would deal with the inevitable assessment by some that the investigation is nothing more than *a fishing expedition*.

We ourselves have also closely studied the comments made by the chat group, independently to determine whether these constituted manifestations of racism and hate speech.

Our own firm conclusion is that there is no such manifestation in the said comments. We therefore fully agree with the Ruling of the SGB DC on the matter of the 12 learners in the *chat group*.

Accordingly, we hold the unequivocal view that the GDE erred in acting against the persons concerned on the basis of the false allegation that the *chat group* made comments which amounted to racism and hate speech.

Accordingly, we propose that the GDE must, without delay:

- ▶ terminate the Principal's suspension and allow her to return to her job at the PHSG;
- ▶ allow the Deputy Principal to return with immediate effect to her job at the PHSG;
- ▶ address the School Assembly to explain its actions; and,
- ▶ reconsider halting the investigation instituted by the GDE which we understand is currently underway.

Before we conclude this Extended Comment, we must make some comments about *the role of the teacher in democratic South Africa*.

Our national Constitution says, among others:

"The Republic of South Africa is one, sovereign, democratic state founded on the following values:...

b. Non-racialism and non-sexism"...

This means that as a people we have a national compact to work towards the achievement of the strategic and historic goal of the eradication of the centuries-long legacy of colonialism and apartheid and in its place to build a non-racial and non-sexist South Africa.

Obviously, to achieve this goal requires people who both understand what exactly is meant by non-racialism and sexism and are determined to act to ensure that ours becomes a truly non-racial and non-sexist country.

It is similarly obvious that the youth, including the school learners, must be brought up themselves to be exemplars of the understanding and practice of non-racialism and non-sexism.

Necessarily the school curriculum must include material to produce such citizens, empowered properly to handle the challenges posed by diversity and the need for social cohesion.

The critical agents in the pursuit of this latter objective are the teachers.

In the past, certainly in black African society, the teaching profession, and therefore the teachers, were held in high esteem. This was because African society was acutely aware of the role the teachers played in bringing up generations that would be able to withstand and survive the predations of the oppressive and exploitative colonial system.

This society understood clearly the meaning of the expression that for a good part of each working day, the teacher, relative to the children at school, occupied a position *in loco parentis*.

Then came the apartheid system!

This crime against humanity acted to negate the high standing of the teacher in society and succeeded in this regard by degrading the quality of the profession itself.

The Employment of Educators Act, 1998 says:

“the Head of Department shall be the employer of educators in the service of the provincial department of education in posts on the educator establishment of that department for all purposes of employment...”

“For the purposes of creating posts...on the educator establishment of a provincial department of education, the Member of the Executive Council shall be the employer of educators in the service of that department.”

We quote this Act to make the point that it did and does not intend that the ‘*Member of the Executive*’ and the ‘*Head of Department*’ should establish a Master/Servant relationship between themselves and the ‘*educators*’ mentioned in the Act.

The criminal lowering of the status of the teacher by the apartheid system did not mean that we should accept that teachers are mere employees of the persons identified in the law as the ‘*employers*’.

Rather, those identified by the law as employers, like the GDE, should treat the teachers in their ‘*employ*’ as ‘*valued partners in the collegial task to bring up the New Citizen*’.

We raise these matters concerning the role and place of the educator in democratic South Africa in the context of what happened during the period of the events we have been discussing in this Comment.

On 18 July 2024, a group of learners accosted the Principal, Mrs Erasmus, as she was walking inside the grounds of the PHSG, in the presence of a GDE official. They screamed at her, demanding “We want change”, showing absolutely no respect for her both as the Principal and a parent.

No action was taken to reprimand the learners concerned, precisely to reinforce respect for a Member of the School Management as senior as the Principal, and thus avoid the eventuality of the School falling victim to anarchy or ungovernability.

This situation was made worse by obliging the same Principal to appear at a School Assembly to make an unwarranted apology to the learners, some of whom had treated her with contempt the previous day.

The question arises – what did the GDE seek to achieve by treating the very Head of the School in this shameful and humiliating manner?

There is also the matter of the suspension of the Deputy Principal and her transfer to District Offices of the GDE, there to work as an administrator/bureaucrat.

We are talking here of a senior teacher of Physical Science with 20 years of experience in this vitally important subject in our country, even as the learners were preparing to write their Matriculation examination.

Is this how we should treat our *'valued partners in the collegial task to bring up the New Citizen'*?

Earlier we cited a newsletter which said: *"Mr Nkadimeng addressed learners, staff, and parents (in absentia)... He said the government and the Department of Education, have a zero-tolerance approach to any forms of discrimination. Issues of discrimination and issues of racism will not be tolerated by the GDE, whether there is tangible evidence or not."*

We strongly suggest that the GDE should examine how this *'zero-tolerance'* expresses itself.

It cannot be correct that we merely rely on fear of punishment on being caught out that we measure the degree to which the young have absorbed the values of non-racialism and non-sexism which our Constitution describes as the Founding Values of our new democracy!

Surely, the central challenge of our Education Authorities, and indeed our very Educational System, is to answer the question – what should be done to bring up the young as genuine adherents of non-racialism and anti-racism as well as non-sexism and anti-sexism.

A correct approach to this strategic challenge will also help to answer the equally important question – what is the role and place of the educator in our democracy?

We hope that the GDE will draw honest conclusions from this unfortunate episode of the *'12-person learner chat group'* and thus improve the manner in which it discharges its role of managing and leading our school system, as defined by law.

Please accept our best wishes,



Thabo Mbeki.

Signed on behalf of:
Professor Angina Parekh,
Dr Philani Mthembu, and
Mr Thabo Mbeki.

cc Hon Premier Phanyaza Lesufi
Mr Craig Hezlett, SGB Chair.