



**SOUTH AFRICAN EDUCATION LAW
ASSOCIATION**

**SUID-AFRIKAANSE VERENIGING
VIR ONDERWYSREG**

**“THE LEGAL POSITION OF EDUCATORS:
RIGHTS AND RESPONSIBILITIES”**

**INTERNATIONAL CONFERENCE 24 – 26 AUGUST
2008**

**SAINT GEORGE HOTEL, PRETORIA,
GAUTENG
SOUTH AFRICA**

SUNDAY, AUGUST 24TH

16:30 – 19:00

ARRIVAL AND REGISTRATION

MONDAY, AUGUST 25TH

REGISTRATION

7:15 – 7:50

OPENING

8:00 – 8:45

CHAIR: ELDA DE WAAL

Welcome Address by Elda de Waal, Chair of SAELA

Keynote Address by William Thro, Solicitor-General of Virginia, USA

“Where is Thurgood Marshall? The Need for Judicial Enforcement of Educational Rights in South Africa”

SESSION 1 General Legal Perspectives

8:45 – 10:15

CHAIR: KEN ALSTON

Issues Relating to the Rights and Authority of Educators
in Creating Student Assignment Plans

TK Daniel

*Paradoxes Creating Challenges for Education Managers:
A Legal Perspective*

Rika Joubert

Educator Rights and Special Education: A Legal
Comparison of the United States and South Africa

Marius Smit, Charles Russo
Petra Engelbrecht

Discussion

TEA

10:15 – 10:45

SESSION 2 Freedom of Speech and Academic Freedom

10:45 – 12:45

CHAIR: RAJ MESTRY

Teacher Expressive Rights in the Classroom: A Comparison
of the Law in South Africa and the United States
of America

Johan Beckmann, Elda de
Waal, Ralph Mawdsley,
Charles Russo

*The Lawfulness of Expressions of Religious Belief by
Educators in South African Public Schools*

Rolien Roos

Freedom of Speech – Should Speech that Causes Harm
be Free

Pierre du Plessis, Coert
Loock

*The Constitutional Right to Academic Freedom: An
Exploration into Definition, Scope and Threats*

*Ken Alston, Rassie
Malherbe*

Discussion

LUNCH

12:45 – 13:30

SESSION 3 Responsibilities and Liabilities

13:30 – 15:30

CHAIR: SHADRACK MVULA

Responsibilities of Educators in Dealing with Peer Sexual Harassment in Secondary Schools

Annamagriet de Wet

School Governance, Teachers' Rights and Quality Education

Jan Heystek

The Delictual Liability of Schools as a Result of Sport Injuries

Ilze Booysen

Corporal Punishment in South African Schools

Gerhard Olivier

Discussion

TEA

15:30 – 15:45

SESSION 4 Labour Law Perspectives

15:45 – 16:45

CHAIR: MARIUS SMIT

The Legal Position of Absent Educators

Kevin Roussel

A Labour Law Perspective on the Relationship Between the Employer and School Based Student Educators

Lydia Coombs

Discussion

SAELA Annual General Meeting

17:00

DINNER

19:15

GUEST SPEAKER

Improving the Regulatory Environment for the Implementation of the Right to Education

Jan de Groof, President of ELA, chargé de mission to UNESCO,

TUESDAY, AUGUST 26TH

OPENING SECOND DAY

8:15 – 8:30

Welcome and announcements

Elda de Waal

SESSION 5 Hans Visser Memorial Workshop

8:30 – 10:00

CHAIR: JOHAN BECKMANN

Panel Discussion of Relevant Court Cases

*Justus Prinsloo, Paul
Colditz, Rassie Malherbe*

Discussion

TEA 10:00 – 10:30

SESSION 6 Dignity, Safety and Security

10:30 – 12:30

CHAIR: RIKA JOUBERT

The Educator's Right to Dignity: Is it Still a Value
in Education?

Lloyd Conley

*The Educator's Rights and Responsibilities with regard
to Dignity, and Freedom and Security of the Person*

Mariëtte Reyneke

Educators' Rights and Responsibilities regarding the
Constitutional Right to Safety and Security in Schools

Rebotile Machaisa

We can't take Peter's classroom harassment any more
– let's go on strike

JP Rossouw

Discussion

LUNCH 12:30 – 13:30

SESSION 7 Financial Responsibilities

13:30 – 14:30

CHAIR: JP ROSSOUW

The Legal Position of Principals in School Financial
Management: A South African Perspective

Raj Mestry

*Accountability and Liability – A South African Education
Management Perspective*

Jean van Rooyen

Discussion

SUMMATION 14:30 – 15:00

CHAIR: ELDA DE WAAL
JOHAN BECKMANN