



POLICY NAME: STUDENT CODE OF CONDUCT AND STUDENT DISCIPLINARY PROCEDURE

APPROVED BY COUNCIL ON: 29 NOVEMBER 2023



CONFIRMATION OF APPROVAL

DR JM MABELEBELE

REGISTRAR

SIGNATURE: ...

PROF T MATSHA-ERASMUS

ACTING VICE-CHANCELLOR

SIGNATURE:



**STUDENT CODE OF CONDUCT AND STUDENT DISCIPLINARY PROCEDURE
POLICY AND PROCEDURES**

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STUDENT CODE OF CONDUCT

1.1 PREAMBLE

In order to develop and maintain harmonious relationship not only among all members of the University community but also between the University and the public, and to further encourage mutual respect, responsibility and the promotion of the University values in particular and national values in general, and to ensure the integrity of the academic processes of the University, Students are required and expected to:

- (a) conform to the Student Code of Conduct and Student Disciplinary Procedure;
- (b) maintain and enhance the good name of the University; and
- (c) maintain order, discipline, safety and security at the University, and the effective and efficient advancement of all activities of the University.

Both the Student Code of Conduct and Student Disciplinary Procedure shall apply to and bind all Students, and they have been adopted by the Council as institutional rules as contemplated in the Higher Education Act, 1997 (Act No. 101 of 1997) and the Institutional Statute of the University. Students shall also conduct themselves at all times in such a way that is consistent with the pursuit of the University's mission and vision.

The Student Code of Conduct and Student Disciplinary Procedure promote a fair and lawful adjudication of disciplinary matters involving Students, and the imposition of suitable disciplinary measures. The processes and measures imbedded in the Student Code of Conduct and Student Disciplinary Procedure are aligned with the institutional aspiration to maintain the University as a safe place for teaching and learning, and its commitment to initiate and finalise student disciplinary cases as soon as practicably possible.

S.2.1 DEFINITIONS

2.1.1 In the Student Code of Conduct and Student Disciplinary Procedure:

“Appeals Committee” means the University's Appeals Disciplinary Committee appointed as such to adjudicate over appeals lodged by a Student against the decisions of the Student Disciplinary Committee;

“Code” means the Student Disciplinary Code as approved by the Council;

“Complaint” means an allegation of Misconduct that is brought to the attention of the Registrar in terms of the Disciplinary Procedure or through other measures implemented within the University;

“Council” means the Council of the University constituted as such in terms of the Act;

“Day” means any day between Monday and Friday, excluding Saturdays, Sundays and public holidays in South Africa;

“Deputy Vice-Chancellor” means the person appointed as such by the Council in accordance with the provisions of the Statute and Rules, or any person acting for a time being in that capacity;

“Disciplinary Procedure” means the Student Disciplinary Procedure as approved by the Council;

“Misconduct” means a breach/contravention of the Code, Disciplinary Procedure or Rule by a Student;

“Registrar” means the Registrar of the University or his/her authorised representative, or any person acting for a time being in that capacity;

“Rules” means the collective term for the policies, protocols, Code, Disciplinary Procedure, regulations and directives of the University as approved by the Council, the Senate or any other authorised body of the University, or by any official or employee of the University with the appropriate delegated authority;

“SRC” means the Student Representative Council;

“Statute” means the Sefako Makgatho Health Sciences University Institutional Statute, 2022 published in Government Notice 2373 in Government Gazette 46705 of 12 August 2022, as amended or its replacement;

“Student” means any person registered as a student at the University;

“Student Disciplinary Committee” means a committee constituted by the Registrar in terms of the Disciplinary Procedure to adjudicate charges of misconduct levelled against any Students;

“the Act” means the Higher Education Act, 1997 (Act No. 101 of 1997);

“University” means the Sefako Makgatho Health Sciences University; and

“Vice-Chancellor” means the person appointed as such by the Council in accordance with the provisions of the Act, Statute and Rules, or any person acting for a time being in that capacity.

2.1.2 The Code and Disciplinary Procedure are subject to the Act and/or Statute.

2.1.3 Any matter in the Code and/or Disciplinary Procedure which is also provided in the Residence Policy, shall, if steps have been initiated under the Residence Policy be completed under the Residence Policy unless it is determined by the official responsible for Student Affairs and Residences, in consultation with the Registrar, that such a matter should be dealt with in terms of the Code and/or Disciplinary Procedure.

S.2.2. THE STUDENT CODE OF CONDUCT

2.2.1 The Code shall include the following specific Student responsibilities, the:

2.2.1.1 recognition that the intellectual and educational climate of the University be maintained as its University’s highest priority mandate;

2.2.1.2 protection of the opportunity for each Student to attain his/her educational objective without whatever form of disruption;

2.2.1.3 protection of the physical and mental health, safety and welfare of each member of the University and the general community at large;

2.2.1.4 protection of the property rights of all members of the University and the general community; and

2.2.1.5 respect for the human rights of members of both the University and the general community.

S.2.3. ACCEPTANCE OF JURISDICTION

- 2.3.1 Each Student shall be bound by the Code, Disciplinary Procedure and the Rules upon admission to or attendance at the University. It is the responsibility of each Student to know and comply with the Code, Disciplinary Procedure and Rules of the University.
- 2.3.2 Any violation of the Code, Disciplinary Procedure or the Rules shall be subjected to appropriate disciplinary procedures.
- 2.3.3 A decision to invoke internal disciplinary proceedings shall not preclude or delay the prosecution of the student concerned in criminal and/or civil proceedings.
- 2.3.4 Each Student shall be bound by all laws applicable or relevant to properties under the control of the University or which the University is associated with or has interests in.
- 2.3.5 Each Student shall be bound by all other Rules approved by Council for the good governance of the University.
- 2.3.6 Each Student shall comply with whatever action brought against him/her by the relevant University authority.
- 2.3.7 The deregistration, discontinuation/interruption of studies or any similar act shall not oust the University's right to pursue a Misconduct case against a Student when he/she resumes her studies.

S.2.4. ACT OF GENERAL MISCONDUCT

- 2.4.1 General Misconduct by a Student shall, amongst others, include:
 - 2.4.1.1 improper, disorderly or indecent behaviour towards a Student, a member of staff, a contractor of the University, or a member of the public on any premises of the University or any other place which is associated with the University or the University has interests in, or at a University function or activity (at any location) or in circumstances where he or she represents or may be seen to represent the University, or may be identified as a Student of the University;
 - 2.4.1.2 any violation of the privacy of another Student including but not limited to the unauthorized scrutiny or examination of his or her possessions;

- 2.4.1.3 being in possession of another person's property without his or her authority;
- 2.4.1.4 interfering with or hindering any business and/or activities of the University;
- 2.4.1.5 threatening or attempting to threaten the rights of another Student to attend lectures, practicals, research, reading centres or any other facility which is associated with teaching, learning, and/or research;
- 2.4.1.6 any failure to report the Misconduct of another Student of which he or she is aware, or which he or she has witnessed;
- 2.4.1.7 convening or participating in any unauthorized demonstrations on the University premises or any such property where the University has interests;
- 2.4.1.8 failure or neglect to carry the University student card or other University identification document (i.e. valid proof of registration plus an Identity Book) or refusal to furnish such when requested to do so by a competent University authority;
- 2.4.1.9 allowing another Student or any other person to use one's Student card or to use another Student's card to gain access to any room and/ or premises of the University or to perform or obtain any service that cannot be performed or obtained without such a card;
- 2.4.1.10 refusal, failure and/or negligent to subject himself/herself to the approved disciplinary processes of the University, including being summoned by a Disciplinary Committee or the Appeals Committee;
- 2.4.1.11 refusal, failure and/or negligent to comply with any decision of or disciplinary measure imposed on him/her by a Disciplinary Committee or the Appeals Committee;
- 2.4.1.12 assist, or attempts to assist, or encourages another Student to commit an act which constitutes Misconduct;
- 2.4.1.13 without any written authorization by the University's head of security or such other person accountable for the provision of security services within the

University, or such other authorised person as may provide the required authorization at University controlled premises, or premises in which the University is associated with or has interests in:

- 2.4.1.13.1 brings on the premises of the University, University controlled premises, or premises in which the University is associated with or has interest, a firearm, other dangerous weapon, fuel that cannot reasonably be shown to be required for the operation of a motor vehicle or any explosive device;
- 2.4.1.13.2 allows or arranges for a firearm, other dangerous weapon, fuel that cannot reasonably be shown to be required for the operation of a motor vehicle or any explosive device to be brought onto or stored on the premises of the University, University controlled premises, or premises in which the University is associated with or has interest;
- 2.4.1.14 in contravention of the provisions of South African law or a Rule of the University, unlawfully possesses, distributes, buys, sells, uses, and/or is under the influence of a dependency-inducing substance (including but not limited to any drug as defined in section 1 of the Drugs and Drug Trafficking Act, Act No 140 of 1992 or any statute that amends or replaces it) while on University or University-controlled premises or at a University-related function or activity at any location or in circumstances where the Student represents or is seen to represent the University, or is otherwise identified as a student of the University;
- 2.4.1.15 introduces an illegal dependence-producing drug (as defined in section 1 of the Drugs and Drug Trafficking Act, 1992 or any statute that amends or replaces it) onto the premises of the University, or is found to be in possession of such illegal substance or is under the influence of such substance whilst on the premises of the University, University controlled premises, or premises in which the University is associated with or has interest; or

- 2.4.1.16 interference with, hinders or hampers in any manner the work of a service provider appointed by the University to render any services or deliver any goods to the University.

S.2.5. HARASSMENT, PHYSICAL ABUSE AND DEMEANING CONDUCT

- 2.5.1 Misconduct about harassment, physical abuse and demeaning conduct by a Student shall, amongst others, include:

- 2.5.1.1 any form of harassment or intimidation by way of written or verbal acts or use of technology causing violation to the dignity of any Student, employee or visitor of the University or causing any mental prejudice to, or humiliation of such persons, on any premises of the University or premises controlled by the University or on any other place where such conduct brings the University into disrepute;

- 2.5.1.2 any act that would result in willful or deliberate or reckless infliction of harm to any person, including but not limited to:

- 2.5.1.2.1 physical assault or abuse upon any person;

- 2.5.1.2.2 an attempt or threat to inflict such physical assault or abuse upon any person;

- 2.5.1.2.3 the use of force in any form of physical abuse such as rape, sexual assaults, sexual offences upon any person which includes acts or threats, unlawful assault or attempt to assault any person in a manner designed or intended to achieve sexual intercourse or any other form of sexual gratification of whatever nature or degree with the person assaulted;

- 2.5.1.2.4 any other conduct that threatens, limits or violates the physical integrity of others including indecently assaulting or touching another person;

- 2.5.1.2.5 subjecting any Student, employee or visitor of the University to any form of initiation;

2.5.1.2.6 any other act that is degrading or may reasonably be interpreted as degrading, such as the holding of a strip show, the open display of photographs, films or videos or any other material that is degrading of a person or a group or a sector of people;

2.5.1.2.7 uses abusive or offensive language when engaging with University employees during official University business or ignoring common courtesy and etiquette during a meeting, conference or any gathering organised by or whilst representing the University.

S.2.6. PUBLICATIONS, INFORMATION AND STATEMENTS

2.6.1 Misconduct about publications, information and statements by a Student shall, among others, include:

2.6.1.1 failure to indicate whether any statement made to the public or the University community, is made officially on behalf of a named body such as the Student Representative Council or Student Political Organization, Church group, Cultural group, any other group or in the Student's private capacity;

2.6.1.2 any conduct detrimental to the maintenance of law and order, discipline and proper performance of the work of the University or any section thereof, including but not limited to:

2.6.1.2.1 affixing, distributing or displaying on or in, or outside University premises, publications, including but not limited to posters, placards, notices, banners, circulars or any other form of publication, of a defamatory or otherwise unlawful nature towards members of the University community or any other person;

2.6.1.2.2 knowingly providing forged or erroneous University admission documents, addresses and names required by the University from time to time or statutory documents to the University or intentionally providing false information or forged documents such as but limited to the statement of results, academic records, examination results, diploma/degree certificate or any other document purporting it to be

an official document issued by an academic or other institution to anyone outside the University about the University;

2.6.1.2.3 making a false statement or providing incorrect information for whatsoever reason to any person in the position of authority.

S.2.7. INTERFERENCE WITH THE BUSINESS OF THE UNIVERSITY

2.7.1 Misconduct about interference with the business of the University by a Student shall, amongst others, include:

2.7.1.1 interference with, or attempting to interfere with access to, or exit from the University, or any University controlled premises or any other way which infringes on the freedom of movement of Students, employee, visitor to the University or members of the public on the said premises;

2.7.1.2 obstructing or disrupting teaching, research, learning, administration or any other University activity;

2.7.1.3 willful obstruction and/ or failure to comply with the legitimate oral or written directive of a competent University authority in the performance of his/ her duty.

S.2.8. UNIVERSITY ASSETS

2.8.1 Misconduct by a Student relating to University assets shall, amongst others, include:

2.8.1.1 any damage either deliberately or negligently, unauthorized taking or alienating University property or any other property under the control of the University or the property of any other person associated with the University, including that of another Student, employee or visitor to the University or any attempt or threat to do so or the use or handling of such property in a manner that is, or may be, prejudicial to the University, students, employee or visitor to the University;

2.8.1.2 permitting, assisting or facilitating the entry onto University property or premises under the control of the University or premises which the University is associated with or has interest in, of any person who is not authorized to be on any such premises;

- 2.8.1.3 defacing the University property by pasting notices and pamphlets at places not designated for such purposes; or
- 2.8.1.4 intentionally or negligently mismanages and/or misappropriates funds of the University.

S.2.9. CONDUCTING BUSINESS

2.9.1 Misconduct about conducting business shall, amongst others, include:

- 2.9.1.1 collecting money for whatever reason or offering goods for sale or advertising goods on or in University premises or any other property which is under the control of the University, without prior written permission by the relevant University authority;
- 2.9.1.2 fundraising on behalf of the University or any of its constituent structures without prior written permission by the relevant University authority; as well as fundraising on behalf of other organization(s) without prior permission;
- 2.9.1.3 conducting any act of prostitution or pimping on or in University premises or any other property under the control of the University;
- 2.9.1.4 conducting any act of gambling which is regarded as a criminal offence under any law in South Africa;
- 2.9.1.5 substance abuse and use and/or distribution or sale of narcotics and drugs.

S.2.10. RESIDENCES

2.10.1 Misconduct by a Student relating to conduct at residences shall, amongst others, include:

- 2.10.1.1 failure or negligence to adhere to any rules and regulations of the University's residence including but not limited to:
 - 2.10.1.1.1 unauthorized occupation or squatting on or in the University residence, or any other premises of the University or any other property under the control of the University;

- 2.10.1.1.2 permitting and/ or assisting or attempting to permit and/ or assisting another person/student to squat on or in the University residence or any other premises under the control of the University;
- 2.10.1.1.3 failure to adhere to the safety procedures and standards, including but not limited to the authorized use of electrical, plumbing and sewerage services;
- 2.10.1.1.4 failure to adhere to basic hygiene and sanitary standards;
- 2.10.1.1.5 cooking in rooms not designated as kitchens;
- 2.10.1.1.6 removal or tempering with windows panes or screens;
- 2.10.1.1.7 allowing the unruly and unlawful behaviour by guests of a specified Student;
- 2.10.1.1.8 damage or misuse of furniture or any other facilities in the residences;
- 2.10.1.1.9 unauthorized removal of furniture and fittings found in University residences;
- 2.10.1.1.10 unauthorized presence of a Student in the residences after specified visiting hours;
- 2.10.1.1.11 failure to obey any lawful or reasonable order of any person in authority in a residence; or
- 2.10.1.1.12 any form of violation of the residence policy.

S.2.11. ACADEMIC ACTIVITIES

2.11.1 Misconduct by a Student relating to academic activities shall, amongst others, include:

2.11.1.1 any non-compliance with the academic rules, including but not limited to:

- 2.11.1.1.1 helping or attempting to help another Student during a test or examination or obtaining or attempting to help or to obtain help from another Student during a test or examination in whatever manner;
- 2.11.1.1.2 submission by any Student of a test or examination script or written assignment of another Student in his or her own name;
- 2.11.1.1.3 intentionally removing pages from an examination answer book or retaining or removing an answer book from the examination venue, including question papers as determined by the University that may not be retained and/ or must be returned to the invigilator;
- 2.11.1.1.4 intentionally writing notes on his or her body or clothes that will assist him or her in the examination or test;
- 2.11.1.1.5 intentionally writing notes on her or his body or clothes that will assist him or her during the process of continuous assessment;
- 2.11.1.1.6 possession of, or using or trying to use notes that have relevance, or any other kind of resource during any test or examination, except where the supervisor or lecture concerned has consented explicitly to such possession, or refusal to hand over such notes to the invigilator, or destroying or trying to destroy such notes in any way, or making notes during a test or examination on any object including ruler, pocket calculator or cell phone;
- 2.11.1.1.7 contravention of any policy, rule or instruction on assessments, invigilation, examinations, tests or academic assignments;
- 2.11.1.1.8 misrepresentation or dishonest act with regard to any administrative process, which includes, but is not limited to the following: misrepresentations regarding academic and other records; degree, diploma or any other certificates; illness;

persuading, or attempting to persuade the University to administratively act in a way that the University would not, or probably would not have acted in the absence of such misrepresentations;

2.11.1.1.9 dishonestly in any way whatsoever including but not limited to: dishonesty with regard to any assessment, whether it be a test or an examination, or with regard to the completion and/or submission of any other academic task or assignment; or act of plagiarism.

S.2.12. PLAGIARISM

A Student must not submit the work of any other person in any examination or in respect of the completion and/or submission of any form of academic assessment without the full and proper attribution and acknowledgement of the sources/s.

S.2.13. OPERATIVE DATE OF THE STUDENT CODE OF CONDUCT

This Code shall come into operation immediately after approval by the Council, unless the Council expressly determine the date upon which the document shall come into operation.

STUDENT DISCIPLINARY PROCEDURE

S.3.1 APPLICATION

3.1.1 The Disciplinary Procedure shall apply to any Student of the University and subject to the Code, at the time of the alleged Misconduct.

3.1.2 A person is subject to the Code under the following conditions, if:

3.1.2.1 he or she is a registered student of the University; or

3.1.2.2 he or she is a prospective returning student of the University.

S.3.2 CRIMINAL AND/ OR CIVIL LIABILITIES

3.2.1 The University may institute proceedings against a Student in terms of this Disciplinary Procedure and lay criminal charges and/ or institute civil proceedings in a Court of law.

3.2.2 Any criminal or civil proceedings pending in a court of law or tribunal does not preclude the University from instituting an internal hearing in terms of this Disciplinary Procedure.

3.2.3 The University reserves the right to institute its own internal disciplinary procedures in accordance with this Disciplinary Procedure.

S.3.3. MISCONDUCT

Any form of Misconduct as prescribed by the Code may lead to the institution of the disciplinary action.

S.3.4 COMPLAINT

3.4.1 Any member of the University community including Students, staff, University management, contractors, or a visitor may lay a Complaint against a Student with the Registrar or his nominee through a form prescribed by the Registrar for that purpose.

3.4.2 The Registrar or his/ her nominee shall institute a preliminary investigation into every Complaint received, save where he or she believes that there are good grounds for not doing so, or the Complaint brought to him/her through other University processes contain

sufficient details as would enable the Registrar or his/her nominee to take appropriate disciplinary steps against a Student.

- 3.4.3 The Registrar shall periodically inform the Vice-Chancellor, relevant officials within the University and Senate in writing, of all Complaints received indicating actions taken, and outcomes of the Student Disciplinary Committee and Appeals Committee.

S.3.5 INVESTIGATING OFFICER

- 3.5.1 The Registrar may, subject to section 3.4.2 and 3.5.2 appoint a member of staff or any other suitable person as an investigating officer to conduct any appropriate investigation into a Complaint, on the terms determined by the Registrar.

- 3.5.2 An investigating officer shall:

3.5.2.1 conduct an investigation into the Complaint;

3.5.2.2 submit a written investigation report to the Registrar within fifteen (15) Days of his/her appointment or within such shorter period as may be advised by the Registrar having regard to, amongst others, the nature of the investigation and the intended decision as would be informed by the investigation report. Through the investigation report, the investigating officer shall:

3.5.2.2.1 report on the outcome of the investigation into the Complaint, and submit documents he/she considered to reach his/her conclusions or recommendations in the investigation report;

3.5.2.2.2 advise the Registrar on whether or not there are reasonable prospects of proceeding with a disciplinary hearing against a Student;

3.5.2.2.3 make recommendations to the Registrar regarding the charges to be preferred against the Student, and any other matter regarding the student disciplinary processes;

3.5.2.2.4 in the event that the investigating officer recommends that no disciplinary steps should be taken against a Student, he or she must indicate the reasons thereof;

3.5.2.2.5 advise the Registrar that the Vice-Chancellor should consider using his or her powers of suspension in terms of section 3.7; or

3.5.2.2.6 advise the Registrar to accept an admission of guilt by a Student.

3.5.3 The Registrar is not bound by any recommendation, advice or proposals made by an investigating office. The Registrar retains the authority to make the final decision on matters relating to disciplinary processes to be undertaken by the Registrar under the Disciplinary Procedure and related matters.

3.5.4 The investigating officer shall keep accurate records of all activities and shall produce them when requested in a prescribed form.

3.5.5 Unless advised otherwise by the Registrar, the investigating officer shall be deemed as having completed his or her work as soon he/she has submitted the appropriate report to the Registrar.

3.5.6 When the Registrar is of the opinion that a charge(s) of Misconduct against a Student is/are warranted, the Registrar shall institute disciplinary processes against the Student in accordance with the Disciplinary Procedure.

S3.6 THE INITIATOR

3.6.1 The Registrar shall, in his or her exclusive opinion, appoint a member of staff or any other suitable person as an initiator.

3.6.2 The initiator shall:

3.6.2.1 prepare and sign Misconduct charges against Students;

3.6.2.2 cause the Misconduct charges to be served on the Student in accordance with this Disciplinary Procedure;

3.6.2.3 present the case for the University before the Student Disciplinary Committee and the Appeals Committee, including making written representations to either of the committees as may be required or necessary;

- 3.6.2.4 consult with witnesses or any other person as may assist in the disciplinary processes; or
- 3.6.2.5 do and attend to all the necessary for purposes of the disciplinary proceedings against a Student.

S3.7 SUSPENSION OF A STUDENT

- 3.7.1 The Vice-Chancellor may, on his/her own accord and/or in consultation with the Registrar, if there are reasonable grounds for suspecting that a Student has committed serious Misconduct, or a Student has been charged with serious Misconduct, or in any other appropriate circumstances, temporarily suspend a Student on the terms set out in section 3.7.2, pending the outcome of a disciplinary investigation or disciplinary hearing.
- 3.7.2 The Vice-Chancellor may impose any or all of the conditions set out below or any other appropriate conditions, when he/she suspends a Student, that a Student shall:
 - 3.7.2.1 refrain from participating in any or all academic activities on the University premises or any other premises under the control of the University or activities conducted by the University at any place;
 - 3.7.2.2 refrain from entering any part or all of the premises of the University or any place under its control; except with the written permission of the Vice-Chancellor or his/her delegate; or
 - 3.7.2.3 vacate any University residence or any part of any structure under the control of the University.
- 3.7.3 In the event that a Student has been suspended in terms of section 3.7.1 read with 3.7.2 prior to the Student being charged with Misconduct, and a period of twenty (20) Days lapses and no disciplinary proceedings have been commenced within the stated period in terms of this Disciplinary Procedure, the suspension shall automatically lapse.
- 3.7.4 Notwithstanding the stipulation in section 3.7.3, the suspension which has been made in terms of section 3.7.3 may be extended by the Vice-Chancellor at any time prior to or after the lapse of the twenty (20) Days if it is in the best interest of the University. Such extension must never exceed the maximum period of thirty (30) Days.

- 3.7.5 For purposes of the suspending a Student, the Vice-Chancellor may, depending on the circumstances of each case:
- 3.7.5.1 immediately suspend the Student and simultaneously require the Student to make written representations as to why the suspension should be lifted; or
 - 3.7.5.2 require a Student to make written representations as to why he/she should not be suspended prior to being suspended.
- 3.7.6 Whether the process applicable is as provided in section 3.7.5.1 or 3.7.5.2, a Student shall be afforded a period of twenty-four (24) hours to make written representations to the Vice-Chancellor.
- 3.7.7 The Vice Chancellor may, at any time and on of good cause shown by the Student or as may be advised by the Registrar, revoke the suspension of a Student or vary any of the terms or conditions of a suspension.
- 3.7.8 The decision of the Vice-Chancellor to suspend a Student is final, and no appeal shall lie against the Vice-Chancellor's decision to suspend a Student.
- 3.7.9 The provisions of this clause do not abrogate the authority to suspend any Student under the Residence Policy.

S3.8 THE UNIVERSITY DISCIPLINARY COMMITTEES

- 3.8.1 The University shall have two (2) committees dealing with acts of Misconduct by Students, being the:
- 3.8.1.1 Appeals Committee (for both general and academic related offences); and
 - 3.8.1.2 Student Disciplinary Committee (for both general and academic related offences).
- 3.8.2 The Office of the Registrar shall provide secretarial support to the committees referred to in section 3.8.1.
- 3.9.1 The Registrar shall promptly notify a Student of the outcome/decision of the Appeals Committee or Student Disciplinary Committee in writing.

3.8.3 Decisions of the Appeals Committee or Student Disciplinary Committee and the reasons thereof shall be reduced to writing, and be taken by way of a simple majority of members in respect of the Appeals Committee, and by the Chairperson in respect of the Student Disciplinary Committee. In instances of a tie, the Chairperson of the Appeals Committee shall have a casting vote.

S.3.9 COMPOSITION AND FUNCTIONS OF THE APPEALS COMMITTEE

3.9.1 The Appeals Committee shall adjudicate over appeals in respect of the decisions of the Student Disciplinary Committee whether based on factual findings, matters relating to procedure and/or the sanctions imposed.

3.9.2 The Appeals Committee shall serve as the highest decision-making body with regard to Students' disciplinary cases and shall consist of:

3.9.2.1 Deputy Vice-Chancellor (Chairperson) or a Chairperson appointed by the Vice-Chancellor; and

3.9.2.2 At least one (1) person appointed by the Deputy Vice-Chancellor from, amongst others, the Deans of School, Heads of Department, members of the Senate; other employees of the University who are employed at managerial level or such other person external to the University with the relevant skills and expertise, provided that the persons appointed by the Deputy Vice-Chancellor did not sit in the first disciplinary hearing.

3.9.3 The Deputy Vice-Chancellor may alter the composition of the Appeals Committee for whatever reason if he/she deems it appropriate.

3.9.4 Any member of the Appeals Committee, who was involved in the investigation process or directly interacted with the proceeding before, must recuse himself or herself from the hearing at which the appeal is heard. In such a case, the Deputy Vice-Chancellor can appoint a different person to act in his or her stead.

3.9.5 The composition of the Appeals Committee may not be augmented during and when the appeal is considered. The hearing shall proceed provided the Chairperson is available and at least other one (1) member of the Committee are present at the hearing.

- 3.9.6 The Appeals Committee may impose any of the penalties set out in section 3.13 of this Disciplinary Procedure.
- 3.9.7 After considering an appeal, the Appeals Committee may:
- 3.9.7.1 dismiss the appeal and uphold the decision of the Student Disciplinary Committee in its entirety or in part;
 - 3.9.7.2 allow the appeal and set aside the decision of the Student Disciplinary Committee in its entirety or in part;
 - 3.9.7.3 vary the decision of the Student Disciplinary Committee; or
 - 3.9.7.4 increase or decrease any penalty imposed by the Student Disciplinary Committee.
- 3.9.8 The Appeals Committee shall report the outcomes of its hearing in writing within five (5) Days after taking a decision.
- 3.9.9 There is no further forum to appeal to within the University structures after the Appeals Committee has decided upon an appeal by a Student.

S3.10 COMPOSITION AND FUNCTIONS OF STUDENT DISCIPLINARY COMMITTEE

- 3.10.1 The Student Disciplinary Committee shall be composed of one (1) member, namely the Chairperson, appointed by the Registrar.
- 3.10.2 The function of the Student Disciplinary Committee is to hear all cases of any alleged Misconduct, be it general or academic misconduct case, or any matter referred to the Student Disciplinary Committee by the Registrar in terms of this Disciplinary Procedure.
- 3.10.3 The Student Disciplinary Committee may impose penalties as laid down in section 3.13 of this Disciplinary Procedure. Subject to section 3.12, the penalties imposed by the Student Disciplinary Committee shall be immediately effective notwithstanding the right of appeal or an appeal lodged by a Student.
- 3.10.4 The Student Disciplinary Committee shall report the outcome of its inquiry or adjudication in writing within fourteen (14) Days of the hearing of a Misconduct case against a Student.

S.3.11 APPEALS

- 3.11.1 A Student may appeal a decision of the Student Disciplinary Committee by way of a written notice of appeal. The notice of appeal shall be in the prescribed form determined by the Registrar and shall be submitted to the Registrar within five (5) Days of a decision of the Student Disciplinary Committee being communicated to the affected Student.
- 3.11.2 The notice of appeal shall indicate whether the appeal is aimed against the conviction, or penalty (ies) or both, and indicate the grounds on which the appeal is based.
- 3.11.3 An appeal will be considered solely on the grounds of appeal submitted by the affected Student, written response by the initiator in response to the Student's grounds of appeal and the record of the proceedings of the Student Disciplinary Committee, together with any document(s) and exhibit(s) submitted during the Student Disciplinary Committee's hearing.
- 3.11.4 The Registrar shall furnish the Student and Appeals Committee with the transcribed record or audio recording of proceedings and all documents concerning the matter under appeal as contemplated in section 3.11.3.
- 3.11.5 Subject to the provision of section 3.12 an appeal lodged does not suspend any decision of the Student Disciplinary Committee pending the outcome of an appeal, unless the chairperson of the Student Disciplinary Committee whose decision is the subject of an appeal, on application by the affected Student, directs otherwise.
- 3.11.6 Subject to the provisions of these rules of discipline and to the principles of natural justice, the procedure to be followed during the hearing of an appeal shall be decided by the Appeals Committee in such a manner as it may deem expedient.
- 3.11.7 In exercising its discretion, the Appeals Committee may decide to deal with the appeal solely on the strength of the documents or call for hearing of an appeal.
- 3.11.8 The Student shall receive written notice informing him or her about the procedure that is to be followed during the appeal hearing within five (5) Days prior to the hearing.
- 3.11.9 The decision of the Appeals Committee shall be final and binding.
- 3.11.10 The Appeals Committee shall communicate its decision to the affected student within five (5) working days of the decision being taken.

S3.12 SUSPENSION OF DECISIONS OF THE STUDENT DISCIPLINARY COMMITTEE

- 3.12.1 A Student may, by way of written representations and show of good cause, apply for the suspension of a decision of the Student Disciplinary Committee.
- 3.12.2 An application for the suspension of a decision of the Student Disciplinary Committee referred to in section 3.12.1 shall:
- 3.12.2.1 be submitted to the Chairperson of the Student Disciplinary Committee whose decision is the subject of the appeal, and Registrar within five (5) Days of a decision of the Student Disciplinary Committee being communicated to the affected Student;
 - 3.12.2.2 be submitted simultaneously with a notice of appeal referred to in section 3.11.1;
 - 3.12.2.3 succinctly set out the grounds and all material aspects on which the affected Student relies for the suspension of the decision of the Student Disciplinary Committee; and
 - 3.12.2.4 record the Student's email address through which all correspondence and documents relating to this application should be delivered to the affected Student.
- 3.12.3 The Registrar or his/her representative may, within five (5) Days of receipt of the affected student's application for the suspension order, respond in writing to the Students' application. The response by the Registrar or his/her representative shall be submitted to the Chairperson of the Student Disciplinary Committee and the affected Student.
- 3.12.4 In determining the Student's application, the Chairperson of the Student Disciplinary Committee shall solely have regard to, the:
- 3.12.4.1 facts and information that was before the Student Disciplinary Committee when it made the decision which is sought to be suspended by the Student;
 - 3.12.4.2 appeal lodged by the student referred to in section 13.11.1;
 - 3.12.4.3 grounds and all material aspects submitted by the affected Student as contemplated in section 3.11.2; and

- 3.12.4.4 response by the Registrar or his/her representative as contemplated in section 3.12.3.
- 3.12.5 The Chairperson of the Student Disciplinary Committee shall promptly consider the application and communicate his/her decision and the reasons thereof to the Registrar and the affected Student.
- 3.12.6 An application to suspend any decision of a Disciplinary Committee shall be decided by the Chairperson of the Student Disciplinary Committee on the documents referred to section 3.12.4, and there shall be no hearing.
- 3.12.7 The decision of the Chairperson of the Student Disciplinary Committee regarding the Student's application to suspend a decision of the Student Disciplinary Committee shall be final, binding and no appeal shall lie against the said decision.
- 3.12.8 An application to suspend a decision of the Student Disciplinary Committee that is submitted outside the prescribed period referred to in section 13.12.2.1 will not be considered.
- 3.12.9 The submission of an application to suspend a decision of the Student Disciplinary Committee does not by its own suspend the decision of the Student Disciplinary Committee.

S3.13 PENALTIES

- 3.13.1 The Student Disciplinary Committee and Appeals Committee may, insofar as they apply to each committee, impose any or a combination of the following penalties:
- 3.13.1.1 expulsion from the University;
- 3.13.1.2 suspension from the University for a specific period of time, subject to conditions which are justifiable on educational grounds and accepted within the culture of the University;
- 3.13.1.3 permanent expulsion from residence or refusal of access to all or some of the buildings, land or services of the University or re- admission only subject to specific conditions;
- 3.13.1.4 suspension from attending classes for a specific period, either totally or only in respect of specific course(s)/module(s);

- 3.13.1.5 refusal of admission to any examination or test, which includes forfeiture of any marks already obtained and the cancellation of any subject or module(s);
- 3.13.1.6 imposition of a fine, which may not exceed an amount of money equal to the fees payable by the student during the year in which the misconduct was committed, unless the amount of money declared is equivalent to the damage caused;
- 3.13.1.7 imposition of a fine, which may be equivalent to the value of the damaged University property or the property of the University staff, student or visitor;
- 3.13.1.8 refusal of readmission to the University for a specific period or permanently;
- 3.13.1.9 suspending or withdrawing the privileges which are accrued to the student subject to the conditions that are justifiable on educational grounds and acceptable within the institutional culture of the University;
- 3.13.1.10 imposition of any other penalty, combination of penalties or suspended penalty that, from the educational point of view and in accordance with the institutional culture of the University, is reasonable and fair under the circumstances;
- 3.13.1.11 severe admonition and caution; or
- 3.13.1.12 prohibit the student from taking part in student related activities that fall under the aegis of the SRC for a specific period of time or indefinitely.

S3.14 POWERS OF THE VICE-CHANCELLOR

- 3.14.1 The Vice-Chancellor may order the withholding of examination results or the conferment of a degree or the award of a diploma or certificate to any student against whom an allegation of Misconduct has been laid pending the outcomes of the disciplinary hearing.
- 3.14.2 The Vice-Chancellor may order the withholding of examination results or the conferment of a degree or the award of a diploma or certificate to the student concerned until the Vice-Chancellor is satisfied that any fine or money owed to the University has been paid or any act a student is obliged to perform has been executed.

- 3.14.3 A Student may not by reason of any action taken or punishment imposed in terms of this Disciplinary Procedure or the Code, or by the Vice-Chancellor have a claim to repayment or reduction of tuition, residence fees or any other amount paid or payable to the University.
- 3.14.3 The Vice-Chancellor may, in writing and on such terms he or she may determine, delegate any of the powers he or she has under the Code to the Registrar or Deputy Vice-Chancellor. The power to pardon any student may not be delegated to the Registrar.

S.3.15 ADMISSION OF GUILT

- 3.15.1 Any admission of guilt shall be directed to the investigating officer under the following manner or procedure in writing:
- 3.15.1.1 when the investigating officer considers a charge after a preliminary investigation, he/she may, with the concurrence of the Registrar, offer to accept an admission of guilt from the accused Student before a disciplinary hearing is convened;
 - 3.15.1.2 when the offer of acceptance of an admission of guilt is made the, accused Student must be informed of the possible punishment that may be imposed; and
 - 3.15.1.3 when pleading guilty the student acknowledges that she/he:
 - 3.15.1.3.1 was under no obligation whatsoever to make such admission of guilt; the consequences of such a plea of guilt were explained to him/her including the penalties likely to be imposed;
 - 3.15.1.3.2 acknowledges that she/he understood what was explained to him or her in the official language of the University.
- 3.15.2 The Investigating Officer shall report the matter to the Registrar indicating that the Student has accepted guilt.
- 3.15.3 The Registrar shall impose any penalty which is equivalent to the Misconduct or any penalty he or she deem proper under the circumstances or may refer the matter to the relevant disciplinary hearing.

- 3.15.4 The Student who admits guilt as provided in section 3.15 shall not appeal against the penalty imposed; but may request a pardon from the Vice-Chancellor in writing.
- 3.15.5 An admission of guilt may, at any time after the Student has received Misconduct charges, be directed to the Initiator. In that event, the provisions of sections 3.15.1, 3.15.2 and 3.15.3 shall, with the necessary changes, apply.

S.3.16 HEARING/DISCIPLINARY PROCEDURES

- 3.16.1 After the Student Disciplinary Committee has been constituted, the Chairperson may make decisions on the method of procedure to be followed, which must comply with the principles of natural justice; the Chairperson shall determine the venue and time of the session(s).
- 3.16.2 A Student charged with Misconduct shall be informed of the allegations against him/her at least seven (7) Days prior to the hearing.
- 3.16.3 Such a Student may be represented by a fellow student and he/she shall be given the opportunity to present evidence, and to cross examine any witness.
- 3.16.4 A notice of the hearing shall be served as follows:
 - 3.16.4.1 personal service upon the Student concerned by any person authorized to do so, on condition that the person serving the notice records the fact of service in writing;
 - 3.16.4.2 service at the University address of the Student concerned if he or she is resident in a University residence, by any person authorized thereto, provided that the person effecting the service must state in writing that she/ she has taken all reasonable steps to locate the Student, and having failed to do so, has left the notice with any employee of the University at the same address;
 - 3.16.4.3 by service at the registered mail or address of the student at his/her home address as reflected in his/her University records. The notice shall be deemed to have been served on the third day after its posting. It is the responsibility of any student to ensure that the records containing her/his home or mail address is always updated; or

- 3.16.4.4 by way of an email sent to the Student's email address allocated to the affected Student by the University and / or any other email address of the Student as reflected in his/her University records. The notice shall be deemed to have been served immediately on the day on which it was emailed to the Student. It is the responsibility of any Student to ensure that the records containing his/her email address are always updated.
- 3.16.5 The notice served on the Student shall contain the name of the Chairperson of the Student Disciplinary Committee.
- 3.16.6 In the event where a Student refuses to accept service of Misconduct charges or any notice, it must be recorded as such.
- 3.16.7 If a Student fails to attend the hearing on the stipulated date, time and venue and she/he has not prior to the hearing furnished in writing sound and sufficient reason for such failure to the Chairperson of the Student Disciplinary Committee or to the Initiator, the hearing may proceed notwithstanding the absence of the Student.
- 3.16.8 Failure to appear or attend the proceeding by the Student shall not invalidate the proceedings. If a Student or any other person hinders or obstructs the hearing of any disciplinary proceedings or fail to obey an instruction given by the person conducting or presiding over the proceedings, the Chairperson of the hearing may order his or her removal from the hearing and the proceedings may be continued and even brought to a conclusion in his or her absence.
- 3.16.9 At the beginning of the hearing the Chairperson shall ensure that the Student Disciplinary Committee is properly constituted.
- 3.16.10 When the student concerned appears before the Student Disciplinary Committee, the Chairperson shall indicate the alleged misconduct and explain the procedure to be followed during the hearing.
- 3.16.11 At the hearing and after the procedure has been outlined, the concerned Student shall be informed orally of the charge against him or her and shall be asked to plead to the allegations.
- 3.16.12 The Chairperson of the Student Disciplinary Committee shall decide on any question of procedure or admissibility of evidence (including the manner or form in which it may

be admitted) since the committee shall not be bound by all formal rules of criminal procedure or evidence.

- 3.16.13 If the concerned Student admits to the alleged offence, the Student Disciplinary Committee may find the Student guilty without hearing further evidence.
- 3.16.14 In the event of a plea of guilty made before the Student Disciplinary Committee, the Committee may invoke any of the penalties as set out in section 3.13, without hearing further evidence provided the Student is invited to provide mitigating factors.
- 3.16.15 In the event that the concerned Student denies the alleged Misconduct; the Student Disciplinary Committee shall hear the evidence in accordance with the prescribed procedure.
- 3.16.16 After hearing all evidence, the Student Disciplinary Committee shall allow the concerned student and the Initiator to address it on mitigating and / or aggravating circumstances.
- 3.16.17 The Student Disciplinary Committee shall adjourn for deliberations in order to make a finding with regard to guilt or innocence of the accused Student after all parties have closed their presentation. No person other than members of Student Disciplinary Committee may be present during deliberations.
- 3.16.18 After consideration of evidence, the Student Disciplinary Committee shall hand down a verdict in respect of each charge, which shall be either guilty or not guilty. The Chairperson shall inform the Student in writing, as soon as possible, of the penalty imposed, and explain to the affected Student the sentence and the right to appeal.
- 3.16.19 Any appeal against the verdict and/or sanction determined by the Student Disciplinary Committee must be submitted in accordance with section 3.11.
- 3.16.20 The Student Disciplinary Committee shall hand the report of its findings to the Vice-Chancellor and Principal, the Registrar, and Dean of School in which the affected student is registered including the particulars of the charge, any amendment thereof, the plea, material findings as to facts, mitigating or aggravating circumstances, the verdict, the penalty imposed and the reasons for the imposition of such penalty.
- 3.16.21 The Registrar shall send a letter concerning the findings of the hearing to the parents or guardian of the affected student, if the Student is a minor.

3.16.22 Unless the Student Disciplinary Committee directs otherwise, the hearing shall be conducted in privacy and neither the proceedings nor the verdict of the Student Disciplinary Committee may be published.

S.3.17 RIGHT TO A REPRESENTATIVE

3.17.1 Every student facing a disciplinary hearing shall have the right to a representative in the form of a fellow student of the University. The name of such a representative shall be communicated to the Chairperson of the Student Disciplinary Committee at the hearing.

3.17.2 The Student may change representative at any stage of the proceedings; such a change may not affect the progress of the proceedings.

3.17.3 Any change made in accordance with section 3.17.2 shall be communicated to the Chairperson of the Disciplinary Committee at the hearing.

S.3.18 AMENDING THE STUDENT DISCIPLINARY PROCEDURE

The Council may amend the Disciplinary Procedure or the Code from time to time after consultation with the SRC and Senate, as Council may deem necessary and in the interest of the University.