

# CHAPTER 15

## STUDENT DISCIPLINE

### Please note:

Any student who contravenes the provisions of **rule 15.1** of the disciplinary code is guilty of misconduct and will be dealt with in terms of the disciplinary code for students. For the purposes of this disciplinary code, the word "University" refers to the Tshwane University of Technology (TUT).

### 15.1 MISCONDUCT

The following actions, omissions and conduct by a student are regarded as misconduct:

- 15.1.1 Any statutory or common law offence or any attempt to commit such an offence or instigating another person to commit such an offence.
- 15.1.2 Conviction of any criminal offence during his or her period of study at the University, irrespective of the place where such offence took place.
- 15.1.3 Intentionally or negligently contravening or subverting, or attempting to contravene or subvert, or assisting, encouraging or persuading any other person to contravene or subvert a code, regulation, rule or instruction of the University.
- 15.1.4 Refusal to obey any fair or reasonable instruction or request of any statutory body, lecturer, member of the Students' Representative Council (SRC), any official or any person acting on behalf of the University, or any violation of such instruction or request within the framework of any rule, regulation or law applicable to the University.
- 15.1.5 Damaging, defacing, destruction, theft, being in possession of stolen property, housebreaking and theft, appropriation or alienation of University property or property controlled by the University, including that of another student, employee, visitor or person associated with the University, or any attempt to do so.
- 15.1.6 Using University property or any property controlled by the University or property of another student or a staff member without permission.
- 15.1.7 Bringing onto, or possession, using, selling or distribution of any alcoholic beverages and/or illicit drugs on University premises or premises controlled by the University or during any official excursion or tour without the permission of the Vice-Chancellor or any person delegated by him or her.
- 15.1.8 Being under the influence of alcoholic beverages or drugs while participating in the activities of the University or where the student may be identified with the activities of the University or any abuse of alcoholic beverages or drugs on University premises or premises controlled by the University.
- 15.1.9 Improper, disgraceful or indecent behaviour on any premises of the University or premises controlled by the University or at any other place where the student's behaviour is identifiable with or can possibly be identified with the University.
- 15.1.10 Any abusive, swearing or indecent act towards any employee, student or person associated with the University that is a violation of his or her dignity or body, either on the premises of the University or elsewhere.
- 15.1.11 Engaging in behaviour that may bring the image of the University into disrepute or any act that may be detrimental to or jeopardise the maintenance of discipline or which is detrimental to providing normal services, efficient tuition and the conducting of research.
- 15.1.12 Using violence against, or threatening or intimidating any person on any premises of the University or premises controlled by the University, or during participation in any University activity, or anywhere else where the student may be identified with the University.



- 15.1.13 Bringing onto the University premises, or possessing, pointing or handling a firearm or any other dangerous weapon, explosive or fuel without the necessary permission or the pretence that such weapon, explosive or fuel will be used on any premises of the University, or pointing a firearm at any person.
- 15.1.14 Helping or trying to help another student during a class test, examination or any form of assessment, or obtaining or trying to obtain help from another student during such test, examination or assessment, or the submission of any test, examination script or written assignment or any assessment of another student in his or her name.
- 15.1.15 Being in possession of any form of unauthorised notes, using or trying to use notes that have relevance, or any kind of resource during any test or examination, except where the supervisor or lecturer concerned has consented explicitly to such possession and/or use, 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, ruler or pocket calculator, except as laid down and permitted.
- 15.1.16 Handing in any written assignment for assessment in which the essential parts of the assignment have been copied from the work of another person, or any form of plagiarism.
- 15.1.17 Reproduction or transmission in any form or manner, whether electronically or mechanically (including photocopying, recording or using any other form of information storage or retrieval), of any study guide, book, thesis, dissertation, article, examination paper, lecture, printed tutorial matter or any other study aids in respect of which copyright exists, unless such reproduction or transmission is done in a manner authorised in terms of the Copyright Act, 1978 (Act No. 98 of 1978), and unless the copyright owner's permission for the reproduction or transmission is obtained.
- 15.1.18 Making a deliberately false statement or furnishing false information to any University employee, official body, committee, any person associated with the University, Students' Representative Council or any student who is a student leader.
- 15.1.19 Furnishing false or erroneous information about the University to any person or body.
- 15.1.20 Forging any certificate, degree, diploma, document or statement of the University, or submitting any forged document to the University.
- 15.1.21 Any fraud committed on any premises of the University, or premises controlled by or associated with the University.
- 15.1.22 Financially mismanaging, misappropriating or misusing funds of the University or funds under the control of the University.
- 15.1.23 Using the student card of another student or an access card of another person or allowing another student or any person to use such a student card or access card to perform any action or obtain any benefit or service that can be performed or obtained with such a card.
- 15.1.24 Committing any act or form of harassment, sexual assault, racism, unfair discrimination or violation of the dignity or body of any employee, student or person associated with the University, or any mental prejudice or humiliation, or any form of initiation practice.
- 15.1.25 Participating in or organising unauthorised student actions that infringe on the activities of other students or destabilise the functioning of the University.
- 15.1.26 Being a member of or participating in the activities of any organisation, society or movement, of which the existence on campus has not previously been approved in terms of the applicable rules.
- 15.1.27 Arranging, organising, instigating, holding or participating in a political or protest demonstration on the University premises without the official approval of the University.
- 15.1.28 Affixing, distributing or displaying a banner, poster, notice, circular letter or pamphlet on University premises without obtaining prior consent thereto or without following the proper procedure as laid down in the rules concerned.



- 15.1.29 Encouraging or inciting a fellow student or any other person, or conspiring with another person to contravene any of the rules of the University.
- 15.1.30 Failing to report the misconduct of another student of which he or she is aware, or that he or she has witnessed.
- 15.1.31 The wrongful use, irresponsible handling, negligent or inconsiderate driving or damaging of any University vehicle, or any negligent or inconsiderate driving of a vehicle on the University premises or premises controlled by the University or elsewhere.
- 15.1.32 Illegally occupying, staying or sleeping in a room not officially allocated to him or her, or allowing any person to illegally occupy, stay or sleep in a room not officially allocated to him or her.
- 15.1.33 Openly displaying, distributing, making, downloading or viewing pornographic material, using either University property or private property, or participating in any pornographic activities on any University premises or premises controlled by the University.
- 15.1.34 Being involved in any act or form of corruption or bribery by either giving, receiving or offering any benefit which is not legally due to a University employee, student or other person associated with the University with the intention of influencing the University employee, student or other person associated with the University to commit an illegal act or to fail to perform his or her duties.

## 15.2 STUDENT DISCIPLINARY STRUCTURES

The following student disciplinary structures exist:

- 15.2.1 The Disciplinary Appeal Committee.
- 15.2.2 The Academic Affairs Disciplinary Committee.
- 15.2.3 The Student Affairs Disciplinary Committee.
- 15.2.4 The Residence Affairs Disciplinary Committee.

## 15.3 DISCIPLINARY APPEAL COMMITTEE

- 15.3.1 The Disciplinary Appeal Committee comprises the following members:
  - (a) The Deputy Vice-Chancellor, designated by the Vice-Chancellor.
  - (b) The Registrar or his or her proxy.
  - (c) The president of the Central Students' Representative Council.
  - (d) The Executive Dean of the Faculty concerned or his or her proxy.
  - (e) The Executive Director of Student Affairs and Residence Operations or his or her proxy.
- 15.3.2 A quorum consists of three (3) members.
- 15.3.3
  - (a) The Deputy Vice-Chancellor is the chairperson of the Disciplinary Appeal Committee.
  - (b) In the absence of the Deputy Vice-Chancellor, the Registrar is the chairperson of the Disciplinary Appeal Committee.
  - (c) Notwithstanding the provisions of **rule 15.3.1**, the chairperson may co-opt an employee with a legal background to be a member of the Disciplinary Appeal Committee.
- 15.3.4 The Disciplinary Appeal Committee keeps a register of all the disciplinary measures it has imposed.
- 15.3.5 The functions of the Disciplinary Appeal Committee are –
  - (a) to hear all cases of appeal, subject to **rule 15.5.5**;
  - (b) to review disciplinary measures falling outside the competence of any other disciplinary structure; and
  - (c) to review any decision of any other disciplinary structure that would result in expulsion.
- 15.3.6 The Disciplinary Appeal Committee reports its disciplinary measures to the Council.



## **15.4 ACADEMIC AFFAIRS DISCIPLINARY COMMITTEE**

15.4.1 The Academic Affairs Disciplinary Committee comprises the following members:

- (a) A chairperson designated by the Vice-Chancellor.
- (b) The head of the academic department concerned or his or her proxy.
- (c) An employee designated by the Registrar.
- (d) A representative of the Students' Representative Council, as designated by that Students' Representative Council.

15.4.2 A quorum consists of three (3) members.

15.4.3 Notwithstanding the provisions of **rule 15.4.1**, the chairperson may co-opt an employee with a legal background to be a member of the Academic Affairs Disciplinary Committee.

15.4.4 The provisions of **rule 15.3.4** apply, with the necessary changes, to the keeping of a register of disciplinary decisions and measures, as taken by the Academic Affairs Disciplinary Committee.

15.4.5 The functions of the Academic Affairs Disciplinary Committee are –

- (a) to hear all cases of alleged misconduct taking place during normal academic activities;
- (b) to hear all cases of alleged misconduct in academic affairs relating to the classroom; and
- (c) to hear all cases of alleged misconduct in academic affairs relating to tests and examination activities.

15.4.6 The Academic Affairs Disciplinary Committee reports its disciplinary decisions and measures to the Senate.

## **15.5 STUDENT AFFAIRS DISCIPLINARY COMMITTEE**

15.5.1 The Student Affairs Disciplinary Committee comprises the following members:

- (a) A chairperson designated by the Vice-Chancellor.
- (b) An employee designated by the Registrar.
- (c) A representative of the Students' Representative Council, as designated by that Students' Representative Council.
- (d) An employee designated by the Executive Director of Student Affairs and Residence Operations.

15.5.2 A quorum consists of three (3) members.

15.5.3 Notwithstanding the provisions of **rule 15.5.1**, the chairperson may co-opt an employee with a legal background to be a member of the Student Affairs Disciplinary Committee.

15.5.4 The provisions of **rule 15.3.4** apply, with the necessary changes, to the keeping of a register of disciplinary decisions and measures taken by the Student Affairs Disciplinary Committee.

15.5.5 The functions of the Student Affairs Disciplinary Committee are to hear all cases of alleged misconduct that bear no relation to academic activities or cases that bear no relation to classroom or examination activities.

15.5.6 The Student Affairs Disciplinary Committee reports its disciplinary decisions and measures to the Student Services Council.

## **15.6 EMALAHLENI, MBOMBELA AND POLOKWANE CAMPUSES**

15.6.1 The Academic Affairs Disciplinary Committees at the above campuses comprise the following members:

- (a) The head of the campus or his or her proxy.
- (b) Two (2) employees designated by the head of the campus.



- (c) A representative of the Students' Representative Council concerned, as designated by the Students' Representative Council.

15.6.2 The Head of the Campus concerned or his or her proxy is the chairperson of the Academic Affairs Disciplinary Committee.

15.6.3 The Academic Affairs Disciplinary Committee at the campus concerned reports its disciplinary decisions and measures to the Senate through the office of Student Judicial Services.

15.6.4 The Student Affairs Disciplinary Committee at the campus concerned comprises the following members:

- (a) The head of the campus or his or her proxy.
- (b) Two (2) employees designated by the head of the campus.
- (c) A representative of the Students' Representative Council concerned, as designated by the Students' Representative Council.

15.6.5 The Head of the Campus concerned or his or her proxy is the chairperson of the Student Affairs Disciplinary Committee.

15.6.6 The Student Affairs Disciplinary Committee at the campus concerned reports its disciplinary decisions and measures to the Student Services Council through the office of Student Judicial Services.

## **15.7 RESIDENCE AFFAIRS DISCIPLINARY COMMITTEE**

15.7.1 The Residence Affairs Disciplinary Committee comprises the following members:

- (a) Chairperson: The residence adviser (residence adviser of another residence).
- (b) Prosecutor: residence adviser/residence committee deputy chairperson or his or her proxy.
- (c) Two (2) residence committee members - one (1) from another residence.
- (d) Minutes secretary: residence committee secretary of the residence concerned.

15.7.2 A quorum consists of three (3) members.

15.7.3 The residence adviser of another residence is the chairperson of the Residence Affairs Disciplinary Committee.

15.7.4 The Residence Affairs Disciplinary Committee keeps a register of disciplinary decisions and measures.

15.7.5 The function of the Residence Affairs Disciplinary Committee is to hear cases of alleged contravention of the rules pertaining to the operation, management or use of residence facilities.

## **15.8 RESIDENCE AFFAIRS APPEAL COMMITTEE**

15.8.1 The Residence Affairs Appeal Committee comprises the following members:

- (a) Chairperson: HoD: Residences (HoD from another campus).
- (b) One (1) ARC member.
- (c) One (1) SRC member designated by the Students' Representative Council.
- (d) One (1) residence adviser of another residence.

15.8.2 A quorum consists of three (3) members.

15.8.3 The HoD: Residences (HoD from another campus) is the chairperson of the Residence Affairs Appeal Committee.

15.8.4 The Residence Affairs Appeal Disciplinary Committee keeps a register of the rulings.

15.8.5 The function of the Residence Appeal Committee is to hear all appeals on levels two (2) and three (3).



## 15.9 REPORTING OF ALLEGED MISCONDUCT

- 15.9.1 A charge of alleged misconduct should be laid in writing with the Head of Student Judicial Services within seven (7) days, or such period that is reasonable under the circumstances, of the date of the alleged misconduct, or within such period that is reasonable under the circumstances, of the date on which the alleged misconduct came to or should reasonably have come to the knowledge of the complainant.
- 15.9.2 The Head of Student Judicial Services or his or her proxy acts as the prosecutor.
- 15.9.3 (a) The prosecutor, with the assistance of the University's investigating officers, investigates the charge of alleged misconduct where necessary and formulates the charge disclosed by the evidence in the course of such investigation.
- (b) If the investigation is completed and the prosecutor is of the opinion that a case cannot be made, he or she may decline to proceed.
- 15.9.4 If, in the opinion of the prosecutor, a case can be made, the prosecutor convenes a disciplinary hearing and gives notice to the accused, the members of the committee concerned and the witnesses, if any.
- 15.9.5 The head of the campus in **rule 15.6** designates an employee to act as the prosecutor.
- 15.9.6 (a) The person responsible for student residences designates an employee to act as the prosecutor in respect of the reporting of alleged misconduct that falls within the jurisdiction of the Residence Disciplinary Committee.
- (b) The provisions of **rules 15.9.2, 15.9.3(a), (b) and 15.9.4** apply, with the necessary changes, to the office of the prosecutor, the investigation of alleged misconduct, a refusal to proceed and the convening of a disciplinary hearing.

## 15.10 NOTICE OF A DISCIPLINARY HEARING

- 15.10.1 The prosecutor or any authorised person hands a notice of alleged misconduct to the student accused of the alleged misconduct.
- 15.10.2 The notice of alleged misconduct –
- (a) gives due notice to the accused that a disciplinary hearing is to be held;
  - (b) indicates the alleged misconduct with sufficient information to enable the accused to prepare a defence;
  - (c) informs the accused of his or her rights;
  - (d) indicates the date, time and venue of the hearing;
  - (e) informs the accused student that the hearing will proceed in his or her absence, should he or she fail to attend;
  - (f) is served by hand or handed over in a lecture hall or in a residence room by an employee of the University or by placing a copy of such process in an envelope and –
    - (i) addressing and posting it by prepaid registered letter to the residential address provided either on the most recent application form completed by the student for the purpose of registration, or in the latest written notice to the University of a change of address;
    - (ii) in the case of such service, it will be assumed that the student received that process and particulars within five (5) working days of the date of posting thereof, regardless of whether the student still resides at the address concerned.



- 15.10.3 If a student refuses to acknowledge receipt of a notice of alleged misconduct, the serving of the notice and the date, time and place of the serving are recorded.
- 15.10.4 Confirmation, in writing, by the person who served the notice that a notice was duly served on a student is prima facie proof that a student received such notice.
- 15.11 PROCEDURES AT HEARINGS OF THE ACADEMIC DISCIPLINARY COMMITTEE OR THE STUDENT AFFAIRS DISCIPLINARY COMMITTEE**
- 15.11.1 The procedures at a hearing of the Academic Disciplinary Committee or Student Affairs Disciplinary Committee are as follows:
- (a) The office of Student Judicial Services designates an employee to act as a secretary.
  - (b) The chairpersons of the committees contemplated in **rules 15.2.2 and 15.2.3** may amend the indictment (charge) if they are of the opinion that it would be fair and reasonable.
  - (c) Proceedings may be postponed for a period of two (2) days or, in exceptional cases, for such a period as the committee may deem reasonable –
    - if the student concerned asks for an opportunity to answer or prepare for an amended charge;
    - if the student concerned is absent due to illness;
    - if, in the opinion of the chairperson, the student concerned was not given sufficient time to prepare for the hearing;
    - in order to formulate a suitable finding; or
    - by a mutual agreement between the chairperson and the student concerned.
  - (d) The prosecutor may submit any documentary evidence at a hearing and call witnesses to substantiate the charge. A committee may admit a written statement of a witness, subject to the right of the accused student to dispute the content of such a statement.
  - (e) The student concerned or any witnesses called by him or her may be questioned by the prosecutor and members of the committees contemplated in **rules 15.2.2, 15.2.3 and 15.2.4**.
  - (f) A student who is charged with misconduct may personally or through his or her representative –
    - address a committee at the start of the proceedings to explain the basis of his or her defence;
    - question any or all of the witnesses called by the prosecutor;
    - inspect any document or exhibit submitted as evidence at his or her hearing;
    - submit evidence him- or herself in support of his or her defence or in mitigation of sentence;
    - call witnesses in support of his or her defence or in mitigation of sentence; and
    - address a committee in defence or in mitigation of sentence after all the evidence has been submitted.
  - (g) The committee must deliberate after the hearing and decide whether the accused student is guilty or not.
  - (h) If the committee cannot reach a unanimous decision, a majority decision becomes the decision of the committee.
  - (i) The chairperson has the right to make a ruling in all matters relating to the procedures of the hearing.



- (j) In the event of an equality of votes, the chairperson has a casting vote.
  - (k) The chairperson informs the student concerned orally of the committee's decision, and also confirms it immediately in writing.
- 15.11.2 Subject to the provisions of **rule 15.3.5**, the decisions of the Academic Disciplinary Committee and the Student Affairs Disciplinary Committee are final.
- 15.11.3 Previous convictions of misconduct may be taken into consideration by a disciplinary committee in deciding on appropriate disciplinary measures.
- 15.11.4 Notwithstanding the provisions of **rule 15.11.1(a)**, the head of the campus in **rule 5.6** designates an employee to act as the secretary.
- 15.11.5 An accused student may be represented at the hearing by a fellow student or University employee.
- 15.11.6 The disciplinary hearing is conducted in camera. However, the chairperson may, in his or her discretion, allow any person who has an interest in the hearing to attend as an observer.
- 15.11.7 Subject to the provisions of **rule 15.11.6**, only the following persons will be allowed at the disciplinary proceedings:
- (a) Members of the disciplinary committee.
  - (b) The accused student.
  - (c) The representative of the accused student.
  - (d) The secretary of the disciplinary committee.
  - (e) An interpreter.
  - (f) A person called as a witness: provided that such a person should only be present when giving evidence.
- 15.11.8 If the behaviour of the accused student, a witness or any other person makes it impossible to conduct the proceedings or disrupts the proceedings of the disciplinary hearing, the chairperson may order such a person to leave the proceedings and proceed in his or her absence.
- 15.11.9 (a) The secretary takes minutes of the proceedings of a disciplinary committee and such minutes will be deemed to be the true and correct version of the proceedings of that committee until the contrary is proved.
- (b) The secretary may make an audio cassette recording of the proceedings of the hearing and such recording or minutes will be kept for a period of at least two years.
- 15.11.10 A student who does not wish to attend the hearing personally may submit a written statement that will be deemed to contain his or her entire testimony, and it will be deemed that he or she was afforded an opportunity to defend him- or herself.

## 15.12 DISCIPLINARY MEASURES

### 15.12.1 Academic Affairs Disciplinary Committee

The Academic Affairs Disciplinary Committee may take one or more of the following disciplinary measures or impose any of the following sanctions:

- (a) Issuing a reprimand.
- (b) Issuing a warning.
- (c) Imposing a suspended disciplinary measure or suspending a portion thereof or suspending the imposition of a disciplinary measure on such conditions as it deems appropriate.
- (d) Imposing expulsion.
- (e) Excluding the student from any or all lectures, tests or examinations in any or all subjects.





- (f) Cancelling any subject, test, examination or other marks, as well as year and semester marks.
- (g) Cancelling credits in any or all subjects.
- (h) Refusing to issue a certificate.
- (i) Recommending to the Senate to cancel a qualification that has been formally awarded or conferred.
- (j) Excluding the student from any or all classrooms, test or examination rooms.
- (k) Excluding the student from any or all academic activities.
- (l) Discharging the student from any office or capacity in which he or she was appointed or to which he or she was elected.
- (m) Directing the student to apologise, orally or in writing, to any person or body in a manner determined by the Academic Disciplinary Committee.
- (n) Imposing forfeiture of a bursary or loan.
- (o) Referring the student to Student Development and Support for suitable remedial measures.
- (p) Taking any other appropriate, educationally justifiable disciplinary measures, to be confirmed by the Disciplinary Appeal Committee.
- (q) Imposing the forfeiture of any right or privilege he or she is entitled to as a registered student.
- (r) Sending a letter confirming the finding, as well as the disciplinary measures imposed by the Academic Affairs Disciplinary Committee, to the parent, guardian or employer of a student.

#### 15.12.2 Student Affairs Disciplinary Committee

15.12.2.1 The provisions of **rules 15.12.1(a - g), (l), (m), (o), (p) and (q)** apply, with the necessary changes, to the disciplinary measures the Student Affairs Disciplinary Committee may take when it finds a student guilty of misconduct.

15.12.2.2 The Student Affairs Disciplinary Committee may also impose one or more of the following disciplinary measures:

- (a) Excluding the student from any or all University activities.
- (b) Ordering the student to pay an amount that will make good any loss or damage suffered or costs incurred by the University, any other student or any other person or body on account of the misconduct.
- (c) Imposing forfeiture of the right to bring onto or use a motor vehicle of any kind on any official campus or other premises of the University.
- (d) Fining the student for an amount as determined by the University from time to time and published in the University's tariff Prospectus.
- (e) Ordering the student to render community service for up to 250 hours.
- (f) Expelling or suspending the student from the University residences, permanently or for a specific period.

15.12.2.3 The provisions of **rule 15.12.1(p)** apply, with the necessary changes, to the Student Affairs Disciplinary Committee.



### 15.12.3 Residence Affairs Disciplinary Committee

15.12.3.1 The Residence Affairs Disciplinary Committee may take one or more of the following disciplinary measures:

- (a) Issuing a warning.
- (b) Issuing a reprimand.
- (c) Imposing penalty points in accordance with the disciplinary rules for residences.
- (d) Refusing readmission to a residence.
- (e) Ordering the student to pay an amount that will make good any loss or damage suffered or costs incurred by the University, any other student, or other person or body on account of the misconduct.
- (f) Directing the student to apologise, orally or in writing, to any person or body in a manner determined by the Residence Affairs Disciplinary Committee.
- (g) Making a recommendation to the Student Affairs Disciplinary Committee that the student concerned be suspended from the residence.
- (h) Making a recommendation to the Student Affairs Disciplinary Committee that the student concerned be expelled from the residence.
- (i) Referring the student to Student Development and Support for remedial measures.
- (j) Taking any other appropriate, educationally justifiable disciplinary measures, as confirmed by the Student Affairs Disciplinary Committee.

15.12.3.2 The Student Affairs Disciplinary Committee may, when hearing an appeal from the Residence Affairs Disciplinary Committee, implement any one or more of the disciplinary measures provided for in **rules 15.12.3.1(a - j)** and **15.12.1(c - q)**.

### 15.13 RIGHTS OF STUDENTS

A student has the right to –

- 15.13.1 be informed of the nature of an offence;
- 15.13.2 be heard within a reasonable period;
- 15.13.3 be given sufficient notice to enable him or her to prepare for a disciplinary hearing;
- 15.13.4 be represented by a fellow student or an employee;
- 15.13.5 state his or her case and defend him- or herself;
- 15.13.6 call witnesses;
- 15.13.7 cross-examine any witness;
- 15.13.8 use an interpreter, if required or desired;
- 15.13.9 be notified of the outcome of a hearing;
- 15.13.10 be notified of the disciplinary measures imposed;



- 15.13.11 appeal to the appropriate higher authority at the University in writing within seven (7) workdays after the hearing; and
- 15.13.12 present evidence in mitigation of sentence.

#### **15.14 APPEAL**

- 15.14.1 Should the student concerned be dissatisfied with a finding or disciplinary measure taken by the Residence Affairs Disciplinary Committee, he or she has the right to appeal to the Student Affairs Disciplinary Committee against such finding and/or disciplinary measure.
- 15.14.2 Should the student concerned be dissatisfied with a finding of either the Academic Disciplinary Committee or the Student Affairs Disciplinary Committee, or with the disciplinary measures taken by either of these committees, or both, he or she has the right to appeal to the Disciplinary Appeal Committee against such finding and/or disciplinary measures.
- 15.14.3 The student concerned must submit a notice of appeal in writing to the Registrar no later than seven (7) workdays after the finding or the taking of disciplinary measures by the said disciplinary committee.
- 15.14.4 The notice of appeal must set out the grounds on which the appeal is based. The provisions of **rules 15.14.2, 15.14.3 and 15.14.4** apply, with the necessary changes, to a student who is dissatisfied with a finding of either the Academic Disciplinary Committee or the Student Affairs Disciplinary Committee of a campus in **rule 15.6**.
- 15.14.5
  - (a) If an accused student has lodged an appeal in terms of **rule 15.14.4**, the sanction imposed by the disciplinary committee is put on hold, pending the decision of the Appeal Committee.
  - (b) The Vice-Chancellor may suspend a student found guilty by a Disciplinary Committee from classes or from a campus or from participating in any activities of the University, pending the decision of the Appeal Committee.

#### **15.15 PROCEDURE AT A HEARING OF THE DISCIPLINARY APPEAL COMMITTEE**

- 15.15.1 A record of the relevant proceedings of the Academic Disciplinary Committee or the Student Affairs Disciplinary Committee, as the case may be, should be made available not less than fourteen (14) days before an appeal hearing to –
  - (a) the members of the Disciplinary Appeal Committee; and
  - (b) the appellant.
- 15.15.2 An appeal hearing is not a rehearing of a matter, but an adjudication of whether a disciplinary hearing was procedurally and substantively fair.
- 15.15.3 After hearing the appeal, the Disciplinary Appeal Committee may –
  - (a) uphold the finding and the sanction;
  - (b) uphold the finding, but impose another sanction; or
  - (c) set aside the finding and, consequently, the sanction.
- 15.15.4 The decision of the Disciplinary Appeal Committee is final.
- 15.15.5 The decision of the Disciplinary Appeal Committee is conveyed orally to the appellant and is confirmed in writing by the chairperson of the disciplinary committee.



- 15.15.6 Notwithstanding the provision of **rule 15.15.2**, the Disciplinary Appeal Committee may call the accused student or the prosecutor or the chairperson of a disciplinary committee or a witness to address the Committee on any matter as the Committee deems fit.
- 15.15.7 The Disciplinary Appeal Committee must adjudicate the matter objectively and a member may not previously have been involved in the case.

#### **15.16 SUSPENSION PENDING OUTCOME OF THE HEARING**

- 15.16.1 (a) The Vice-Chancellor may suspend a student from classes or from the campus, pending the outcome of investigations or finalisation of a disciplinary hearing, if the presence of the student on the campus poses a threat to the safety of other students and/or employees or if the student is charged with a serious transgression.
- (b) If a student is suspended in terms of **rule 15.16.1(a)**, a formal charge must be laid against the student within fourteen (14) days after such suspension. The Vice-Chancellor may extend the above period for a further period of not more than thirty (30) days.
- 15.16.2 A student who is temporarily or permanently deprived of any right or privilege, or expelled, in terms of the disciplinary code, forfeits any claim for repayment or reduction of moneys paid or payable to the University.

