

Section 2: Policies

General rules, requirements and information

Every student is required to familiarise him-/herself with all relevant procedures, regulations, rules and instructions of the University. PLEASE NOTE: Ignorance of the procedures, regulations, rules and instructions will not be accepted as an excuse in the case of transgressions.

A. Disciplinary code for students

(Rules prescribed by the University Council)

PREAMBLE

The University of Pretoria's Disciplinary Code: Students is based on, and informed by, the principles of academic integrity and honesty, as well as appropriate behaviour within the wider institutional context. These principles are at the core of the University's everyday activities and its main reason for existence, namely the academic education and training of students, as well as the fostering of norms and values of excellence in a wider sense. The Code recognises the fact that the safeguarding of the aforementioned principles is an inherent requirement for the preservation of the integrity of the various qualifications awarded by the University. Safeguarding such principles is essential for establishing and maintaining an environment that is conducive to sound academic practices in general, and contribute to shaping individuals who will add value to society.

The Code provides for corrective and punitive measures to be applied in appropriate circumstances. It aims to provide guidance to students to correct behaviour where necessary. Furthermore, the Code promotes the fair and lawful adjudication of disciplinary enquiries and the imposition of appropriate disciplinary measures.

A specific objective of the Code is to, in the interest of both students and the University, initiate and finalise all disciplinary proceedings as speedily as possible without undue delay.

In terms of this Code the University shall implement all reasonable measures to protect the interests of students, staff members, contractors and members of the public, on all its campuses or other premises.

The Code also has as its objective the promotion and protection of the interests of the University as an educational institution. The Code is not intended to be a comprehensive set of rules and regulations that makes provision for every possible objectionable and punishable act by a student, and as such, the rules and regulations below will not be assigned an overly literal or strict interpretation. Consequently, when evaluating the conduct of a student to determine whether such conduct amounts to misconduct, and/or when considering whether the specific conduct of a student is covered by a specific rule or charge, the determining factor shall at all times be the misbehaviour or wrongdoing such a rule or regulation is aimed at.

1.1 DEFINITION OF MISCONDUCT The following acts are categorised as misconduct in terms of this Code:

If a student –

1.1.1 contravenes or attempts to contravene any instruction, regulation, rule or directive of the University;

- 1.1.2 refuses to obey any lawful instruction or request by any council member, lecturer, contractor, staff member or security officer of the University, or any other person who is by law in a position of authority or to whom authority is delegated by the University, or acts contrary to such instruction or request;
- 1.1.3 is guilty of intentional or negligent conduct which results in:
 - 1.1.3.1 the good name of the University being brought into disrepute or otherwise compromised;
 - 1.1.3.2 the maintenance of order and discipline at the University being prejudiced or otherwise compromised;
 - 1.1.3.3 the proper course of teaching, research, and/or community service at the University being prejudiced or otherwise compromised;
- 1.1.4 without limiting the generality of paragraphs 1.1.1 to 1.1.3,
 - 1.1.4.1 unlawfully infringes another person's human rights as contained in the Bill of Rights, Chapter 2 of the Constitution, 1996;
 - 1.1.4.2 performs an act which is an offence in terms of South African law and such an act is prejudicial to the University or its staff, guests, contractors or students;
 - 1.1.4.3 in University context infringes a person's copyright or any other intellectual property right, including but not limited to plagiarism;
 - 1.1.4.4 in University context –
 - a. acts in a dishonest manner or attempts to act in a dishonest manner, which includes any form of conduct involving deception, for example theft, unauthorised possession of property, bribery, fraud, forgery or giving false or misleading statements. (These acts do not constitute a closed list of possible transgressions involving dishonesty for purposes of this paragraph);
 - b. intimidates, assaults, attempts to assault any person or engages in fighting;
 - c. makes any misrepresentation with regard to any administrative process, which includes but is not limited to the following: misrepresentations regarding academic and other records, including degree and diploma certificates and other documents; misrepresentations regarding illness; misrepresentations made to persuade or attempt 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 misrepresentation;
 - d. forges a document (which includes but is not limited to generating a false document and/or presenting it as a legitimate document, changing an existing document inter alia by including false or misleading information, or forging another person's signature on any document);

- e. presents a forged document, inter alia, as described in paragraph 1.1.4.4 (d) with the aim to mislead; and/or
 - f. plagiarises by stating, or implying, original authorship of someone else's written or creative work (words, images, ideas, opinions, discoveries, artwork, music, recordings, computer-generated work), and/or by incorporating such work or material, in whole or in part, into his or her own work without properly acknowledging or citing the source;
- 1.1.4.5 uses property of the University or under the University's control unlawfully or without permission, or damages such property in a manner that may give rise to liability for damages;
- 1.1.4.6 enters or occupies or attempts to enter or occupy any University or University-controlled premises or building or part thereof without permission;
- 1.1.4.7 conducts himself or herself in an indecent or improper manner on University or University-controlled premises or at a University-related function or activity at any location or in circumstances where he or she represents or is seen to represent the University, or is otherwise identified as a student of the University;
- 1.1.4.8 in any manner infringes or attempts to infringe the freedom of movement of a student, contractor or staff member of the University or a member of the public who is present on University or University controlled premises or at a University-related function or activity at any location or in circumstances where the student who causes such infringement represents or may be seen to represent the University;
- 1.1.4.9 conducts himself or herself in an insulting, indecent or improper manner towards a student, contractor or staff member of the University or a member of the public who is present on University or University controlled premises or at a University function or activity at any location or in circumstances where the student who conducts him- or herself in the aforementioned manner represents or may be seen to represent the University;
- 1.1.4.10 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 (such as alcohol or drugs, 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 act that amends or replaces it) while present on University or University-controlled premises or at a University-related function or activity at any location or in circumstances where he or she represents or is seen to represent the University, or is otherwise identified as a student of the University;
- 1.1.4.11 accepts or attempts to obtain any benefit or information or access to information in an inappropriate manner, which may place any student in an advantageous position academically in relation to other students in any manner whatsoever;
- 1.1.4.12 intentionally or negligently provides false or incorrect information, and such action is to the detriment or potential detriment of the University; and/or

- 1.1.4.13 assists or encourages another student to commit an act which constitutes misconduct.

1.2 PROCEDURE IN CASE OF MISCONDUCT

1.2.1 General

- 1.2.1.1 In the event of an alleged transgression of this Code a charge of misconduct shall be laid with the Office of the Registrar.
- 1.2.1.2 The Registrar is not obliged, but reserves the right to, at any time inform the parent/s or legal guardian of a student (notwithstanding the student having reached the legal age of majority), of any disciplinary investigation and/or proceedings conducted against the student in a manner which the Registrar deems appropriate under the circumstances.
- 1.2.1.3 If the student is a minor, the student's parent/s or legal guardian will be informed of the proceedings and may attend the proceedings. An agreement entered into with a student who is a minor, will be done with the assistance of his or her parent/s or legal guardian.
- 1.2.1.4 The Registrar may appoint a University staff member (full-time or part time) or a person from outside the University with appropriate legal qualifications, who may act as an initiator in proceedings before the Disciplinary Committee (Students).
- 1.2.1.5 If the Registrar is of the opinion that a formal charge of misconduct against a student is warranted, the Registrar may have such a charge formulated.

1.2.2 Expedited informal procedure

- 1.2.2.1 The Registrar may in his or her personal capacity, at his or her discretion, investigate a complaint, finalise the matter and impose a penalty by agreement with an alleged transgressor, in an expedited manner, or refer a charge of misconduct for investigation.
- 1.2.2.2 The Registrar may impose a penalty as is provided for in paragraph 1.3.1.2 and summarily dispose of the matter. In the event that any other penalty provided for in paragraph 1.3 is agreed upon, the agreement between the Registrar and the student must be confirmed by the Disciplinary Committee (Students).

1.2.3 Temporary suspension or removal of a student from University-controlled premises or a residence pending a disciplinary procedure

- 1.2.3.1 The Registrar may, at his or her discretion, if there are reasonable grounds for suspecting that a student has committed serious misconduct, or in any other appropriate circumstances, temporarily suspend a 32 Fact Finder/Rules and Regulations: 2017 Policies student from a residence or deny a student access to any or all University-controlled premises pending the results of a disciplinary investigation.

- 1.2.3.2 The Registrar is entitled to act in the manner set out above if he or she is of the opinion that it is reasonably necessary in order to protect the interests of the student involved, other students, contractors, staff members, members of the public and/or the University.
 - 1.2.3.3 The student shall be entitled to make verbal representations to the Registrar should he or she be of the opinion that the grounds referred to in paragraph 1.2.3.1 above do not exist or do not justify his or her temporary suspension, or that compelling additional circumstances exist that should be considered.
 - 1.2.3.4 The Registrar shall consider the aforementioned representations and exercise his or her discretion in a fair and just manner, taking into account all the relevant circumstances.
- 1.2.4 Formal plea and penalty procedure
- 1.2.4.1 In the event that a charge or charges have been formulated against a student, and the student –
 - a. freely and voluntarily admits the charge/s against him or her;
 - b. has been given the opportunity to make representations to the Registrar on the appropriate disciplinary measures and relevant aspects; and
 - c. has freely and voluntarily entered into a plea and penalty agreement with the University; the Registrar may take disciplinary steps against the student in accordance with paragraph 1.3.
 - 1.2.4.2 The charge, admission of guilt and disciplinary measures imposed shall be noted and recorded by the Chairperson of the Disciplinary Committee (Students), in the presence of the student, or the student and/or his or her parent/s or legal guardian, or the student and/or his or her qualified and practising legal representative. A judge from the Constitutional Tribunal may attend the proceedings as an observer as envisaged in paragraph 1.4.4.
 - 1.2.4.3 The Chairperson of the Disciplinary Committee (Students) may, should it at any time before the student is found guilty appear that the student wishes to revisit his or her decision regarding the plea and penalty agreement or wishes to make further representations, remit the matter to the Registrar for further consideration.
 - 1.2.4.4 The Chairperson of the Disciplinary Committee (Students) may, if appropriate, remand the matter for purposes of a formal disciplinary proceeding and/or formal submissions in mitigation and aggravation on behalf of the student and the University respectively. The matter shall then be reconvened and an initiator appointed in accordance with paragraph 1.2.1.4.

1.2.5 Formal disciplinary procedure

- 1.2.5.1 If charges against a student have been formulated as envisaged in paragraph 1.2.1.5 and the student denies the charge/s against him or her, the Registrar may convene a disciplinary investigation by the Disciplinary Committee (Students). The Committee will determine whether the student is guilty of the alleged misconduct and decide on disciplinary measures in accordance with this Code.
- 1.2.5.2 The written charge shall be compiled and delivered to the student concerned. In the document the student shall be summoned to appear at the specific date, time and venue stated in the document in order to answer to the charge.
- 1.2.5.3 A student shall be entitled to be accompanied by his or her parent/s or legal guardian and/or qualified and practising legal representative during the disciplinary proceedings. The Chairperson of the Disciplinary Committee (Students) may give permission to a third party other than the parent/s or guardian of the student to assist the student. This third party will be allowed to provide general support to the student, but shall not act as a legal representative.
- 1.2.5.4 Should the student decide to retain the services of a qualified and practising legal representative, such services shall be retained entirely at his or her discretion and at his or her own expense. The name and contact details of such legal representative must be submitted to the Registrar prior to the date of the disciplinary proceedings. Neither the University nor the student shall, during the course of a disciplinary proceeding, have any claim against each other pertaining to the costs incurred by a party in respect of legal representation.
- 1.2.5.5 The procedure followed during any particular disciplinary proceeding shall be determined by the Chairperson of the Disciplinary Committee (Students), taking into account the rules of fair administrative justice. The aforementioned proceedings shall include that the student –
 - a. is provided with sufficient details of the charge/s against him or her;
 - b. is afforded reasonable time to prepare for the proceedings;
 - c. does not have to incriminate himself or herself;
 - d. is asked whether he or she understands the charge/s and is requested to enter a plea of guilty or not guilty to the charge/s;
 - e. is permitted to call witnesses to give evidence in his or her favour;
 - f. is allowed to cross-examine anyone who gives evidence against him or her;
 - g. is allowed to present his or her case to the Disciplinary Committee (Students);
 - h. is allowed to address the Disciplinary Committee (Students) on any relevant aspect;
 - i. is allowed to present mitigating circumstances if found guilty of any charge/s against him/her;
 - j. is entitled to be informed of any further internal processes (any possible appeal), which he or she may pursue and the possible consequences or results of such processes; and

k. is upon request, provided with written reasons for any decision made by the Disciplinary Committee (Students).

1.2.5.6 The Disciplinary Committee (Students) shall keep minutes of the proceedings or ensure that such minutes are kept in a manner that it deems appropriate.

1.2.5.7 If so requested in writing by a student who has been found guilty of any charge, the Disciplinary Committee (Students) must furnish written reasons for its decision and/or disciplinary measures imposed within a reasonable period after such request has been made. After submission of the mentioned written reasons, the Disciplinary Committee (Students) will have fulfilled its function.

1.3 PENALTIES

1.3.1 Upon finding a student guilty of misconduct and having heard evidence in mitigation, the Chairperson may impose any one of, or a combination of the following penalties:

1.3.1.1 reprimand the student;

1.3.1.2 temporarily or permanently deprive the student of any right or privilege associated with his or her registration as a student at the University;

1.3.1.3 impose a fine not exceeding the amount determined from time to time for this purpose by Council, and/ or order the student to pay an amount which amounts to the actual damage caused by the student and/ or to reimburse any other party for damages suffered;

1.3.1.4 compel the student to perform community service within the University for a specified number of hours as are deemed to be reasonable given the nature and seriousness of the transgression and the evidence presented to the Committee;

1.3.1.5 deny the student the right or privilege to register for a particular module, or revoke a credit obtained in a module;

1.3.1.6 suspend the student's registration for a specified period;

1.3.1.7 permanently expel a student from the University;

1.3.1.8 deny the student the privilege of re-registering as a student at the University; and/or

1.3.1.9 suspend the awarding of any degree, qualification and/or other award pending the finalisation of any disciplinary proceeding or the expiry of any suspended penalty, or receipt of payment, or compliance with any disciplinary measure or penalty;

1.3.2 The Chairperson may suspend any of the above penalties wholly or in part on condition that the student adheres to or complies with any measure imposed, which is designed to correct behaviour, educate students and/or act as incentive to modify behaviour.

1.3.3 If an appeal against a decision of the Disciplinary Committee (Students) is lodged in terms of paragraph 1.5, the Chairperson may, in appropriate circumstances, suspend any disciplinary measure imposed by the Committee pending the result of the appeal.

1.4 DISCIPLINARY COMMITTEE (STUDENTS)

1.4.1 The Disciplinary Committee (Students) consists of one member, namely the Chairperson, provided that an additional member may be co-opted as envisaged in paragraph

1.4.2. The Chairperson shall be appointed from the ranks of the following categories of persons:

1.4.1.1 a University staff member (full-time or part-time) with a legal qualification, or

1.4.1.2 an external person with a legal qualification, appointed by the Vice-Chancellor and Principal, to act as the Chairperson of the disciplinary investigation;

1.4.2 The Chairperson of the Disciplinary Committee (Students) may, in cases where the subject matter is of a complicated nature and/or requires specific expertise, or where it may otherwise be desirable, co-opt a second member to the Committee for purposes of adjudication upon a specific matter. In such instances the second member of the Committee must be –

1.4.2.1 an academic staff member of the University in the case of academic matters; or

1.4.2.2 a staff member of the University, who may be an academic or non-academic staff member, in the case of all other matters; and should any dispute arise as to whether a staff member is an academic or non-academic staff member, the matter shall be decided on by the Chairperson.

1.4.3 The staff member referred to in paragraph

1.4.2 shall contribute his or her expertise as is appropriate and be included in all deliberations of the Disciplinary Committee (Students), but shall not have a vote in regard to the finding.

1.4.4 The Constitutional Tribunal may appoint a registered student of the University from the ranks of the serving Constitutional Tribunal Judges, as defined in the University of Pretoria Constitution for Student Governance, to act as an observer during the course of any disciplinary proceedings. Such a Constitutional Tribunal Judge must be of good academic standing and be at least at a third-year level of study. The Constitutional Tribunal Judge shall make contributions to the proceedings as are appropriate and be included in all deliberations of the Disciplinary Committee (Students), but shall not have a vote in regard to the finding.

1.4.5 If there are no appointed Constitutional Tribunal Judges or no appointed judges are available, any disciplinary proceeding may lawfully continue without representation from the ranks of the judges of the Constitutional Tribunal.

1.4.6 Disciplinary proceedings (which shall include the appeal procedure) are of a strictly confidential nature and shall be treated as such by all the parties present or otherwise involved with the relevant proceedings. The aforesaid confidentiality obligation shall extend to any documentation utilised or information disclosed. The University reserves the right to obtain a written undertaking of confidentiality from any relevant party.

1.5 APPEAL PROCEDURE

1.5.1 A student may appeal against the finding and/or the disciplinary measures imposed by the Disciplinary Committee (Students) in accordance with the following procedure:

1.5.1.1 The student may appeal to the Appeals Committee of Senate against the conviction and/or the disciplinary measures imposed by the Disciplinary Committee (Students) by lodging a written Notice of Appeal to the Registrar.

1.5.1.2 The written Notice of Appeal shall be lodged with the Registrar not later than 10 (ten) days after the decision of the Disciplinary Committee (Students) has been communicated to the student.

The Notice of Appeal shall be accompanied by an amount not exceeding R2 000 (Two Thousand Rand) or another amount as determined by Council from time to time, which shall serve as part payment for costs related to the appeal: provided that in deserving cases the Registrar may lower the amount payable or waive the payment at his or her discretion.

1.5.1.3 The grounds of appeal must be furnished in detail in the Notice of Appeal and must indicate clearly whether the appeal is lodged against the finding and penalty or only the penalty.

1.5.1.4 On receipt of the Notice of Appeal, a copy thereof shall be submitted to the Chairperson of the Disciplinary Committee (Students), whereupon the Committee shall prepare a response to the grounds of the appeal within a reasonable time and submit it to the Registrar.

1.5.1.5 The Registrar shall then arrange for the appeal to be heard as soon as possible by the Appeals Committee of Senate.

1.5.1.6 The Appeals Committee of Senate may confirm, alter or set aside the finding and shall be entitled to suspend, increase or reduce any penalty and/or disciplinary measure imposed. Should the Appeals Committee of Senate set aside the finding and/or disciplinary measures imposed by the Disciplinary Committee (Students), or reduce the disciplinary measures imposed on the student, the amount paid by the student in accordance with paragraph 1.5.1.2 above shall be refunded.

1.5.1.7 The appeal shall be adjudicated on the basis of the documentation before the Appeals Committee of Senate and no verbal representation on behalf of the student or the University shall be permitted.

1.6 APPEALS COMMITTEE OF SENATE

1.6.1 The Appeals Committee of Senate consists of:

1.6.1.1 the Chairperson of Senate or his or her nominee, who may be a University staff member (full-time or part-time) or a person from outside the University, and who shall act as Chairperson of the Committee; and

1.6.1.2 one permanent academic staff member from the Faculty of Law, who must be a professor in the Faculty if the Chairperson is not academically qualified in law; and

1.6.1.3 one other permanent academic staff member from any faculty within the University.

1.6.2 With regards to the staff members referred to in paragraphs 1.6.1.2 and 1.6.1.3 above, the proviso is that a staff member, who has served as a member of the Disciplinary Committee (Students) in respect of a certain matter, may not serve as a member of the Appeals Committee of Senate in respect of the same matter.

1.7 GENERAL

1.7.1 If a student refuses or fails to attend a disciplinary hearing, the hearing may be continued in his or her absence in a manner which the Disciplinary Committee (Students) deems appropriate, taking into account all the relevant circumstances.

1.7.2 If the student elects to retain the services of a legal representative, it is the student's responsibility to ensure that such a representative is reasonably available and present at the proceedings. Should the matter be delayed in an unreasonable manner by a legal representative, the Chairperson may in his or her discretion decide to proceed with the matter in the absence of the legal representative.

1.7.3 If a student's misconduct also constitutes a breach of any professional or ethical code of a profession he or she is preparing to enter, the University shall provide this information to such profession upon request by the relevant professional body. The consent of the relevant student shall be obtained in this regard.

1.7.4 In the event that a student is found guilty of a transgression of a serious nature which also constitutes a criminal offence, the University is entitled to, and in certain circumstances obliged to, in addition to any internal proceedings instituted, report the matter to the South African Police Service.

1.7.5 Any reference to the Registrar of the University in this Code shall, unless specifically stipulated otherwise, include his or her delegated representative authorised to act as such with regard to all aspects set out in the Code.

1.7.6 If the Vice-Chancellor and Principal is of the opinion that the circumstances of a specific case warrant it, he or she may perform some or all of the actions performed by the Registrar in terms of the Disciplinary Code (Students) or, alternatively, he or she may, in accordance with section 68(3) of the Higher Education Act, 101 of 1997, as amended, delegate the authority to perform these functions to another staff member of the University.

1.7.7 Nothing in this document shall prohibit the Council of the University from promulgating specific disciplinary codes and procedures for regulating conduct in residences or in other units within the University where it is regarded as necessary by the Council. Such disciplinary codes and procedures, where applicable, shall operate in a concurrent manner with the Disciplinary Code (Students), within the specific framework of jurisdiction afforded to it by the Council.