



UNIVERSITY OF PRETORIA
Office of the Registrar

DISCIPLINARY RULES FOR STUDENTS

Document type: Rules
Policy Category: Governance and Compliance

Document number: R 12/22

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PREAMBLE

The University of Pretoria's Disciplinary Rules for Students ("Disciplinary Rules") are prescribed by the University Council. The Disciplinary Rules must be read *inter alia* in conjunction with the Code of Conduct for Students.

The Disciplinary Rules are 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. Disciplinary Rules recognise 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 Disciplinary Rules provide for corrective and punitive measures to be applied in appropriate circumstances and, together with the Code of Conduct for Students, to provide guidance to students to correct behaviour where necessary. Furthermore, Disciplinary Rules promote the fair and lawful adjudication of disciplinary enquiries and the imposition of appropriate disciplinary measures.

A specific objective of the Disciplinary Rules 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 the Disciplinary Rules, the University will 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 Disciplinary Rules also have as an objective, the promotion and protection of the interests of the University as an educational institution.

The Disciplinary Rules are not intended to be a comprehensive set of rules that makes provision for every possible objectionable and punishable act by a student, and as such, these rules 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 falls within the ambit of a specific rule or charge, the determining factor will at all times, be the misbehaviour or wrongdoing such a rule is aimed at deterring.

1. DEFINITION OF MISCONDUCT

The acts set out below are categorised as misconduct in terms of the Disciplinary Rules.

1.1 If a student –

- 1.1.1** contravenes or attempts to contravene any regulation, rule, directive or instruction 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 any intentional or negligent act or failure to act which results in:
- (a) the good name of the University being brought into disrepute or otherwise compromised;
 - (b) the maintenance of order and discipline at the University being prejudiced or otherwise compromised;
 - (c) 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,
- (a) unlawfully infringes another person's human rights as contained in the Bill of Rights, Chapter 2 of the Constitution, 1996;
 - (b) 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;
 - (c) in University context, infringes a person's copyright or any other intellectual property right, including but not limited to plagiarism;
 - (d) in University context –
 - (i) 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);
 - (ii) intimidates, assaults, attempts to assault any person or engages in fighting;
 - (iii) 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;
 - (iv) 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);
 - (v) presents a forged document, inter alia, as described in paragraph 1.1.4(d)(iv) with the aim to mislead; and/or
 - (vi) 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 the student's own work without properly acknowledging or citing the source;

- (e) 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;
- (f) enters or occupies or attempts to enter or occupy any University or University-controlled premises or building or part thereof without permission;
- (g) engages in conduct that is indecent or improper on University or University-controlled premises or at a University-related function or activity at any location or in circumstances where such a student represents or is seen to represent the University, or is otherwise identified as a student of the University;
- (h) in any manner, infringes or attempts to infringe upon 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;
- (i) engages in conduct that is insulting, indecent or improper 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 acting in this manner represents or may be seen to represent the University;
- (j) 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 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 such a student represents or is seen to represent the University, or is otherwise identified as a student of the University;
- (k) accepts or attempts to obtain any benefit, 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;
- (l) intentionally or negligently provides false or incorrect information, and such action is to the detriment or potential detriment of the University; and/or
- (m) assists or encourages another student to commit an act that constitutes misconduct.

- 1.2 Section A18 of the General Academic Regulations contains more information on academic misconduct and its impact and must be read together with these rules.

2. PROCEDURE IN CASES OF MISCONDUCT

2.1 General

- 2.1.1 In the event of an alleged transgression of these Disciplinary Rules, a charge of misconduct will be laid with the Office of the Registrar through the Legal Services Division.

- 2.1.2 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.
- 2.1.3 The Registrar is not obliged, but reserves the right to, at any time, inform the parent/s or legal guardian of a student¹ (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.
- 2.1.4 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 may be entered into with a student who is a minor, with the assistance of the parent/s or legal guardian.
- 2.1.5 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).

2.2 Expedited informal procedure

- 2.2.1 The Registrar may, in an official capacity and at own 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.
- 2.2.2 The Registrar may impose a penalty as is provided for in paragraph 3.1.2 and summarily dispose of the matter. In the event that any other penalty provided for in paragraph 3.1 is agreed upon, the agreement between the Registrar and the student must be confirmed by the Disciplinary Committee (Students).

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

- 2.3.1 The Registrar may, at own discretion, if there are reasonable grounds to suspect that a student has committed serious misconduct, or in any other appropriate circumstances, temporarily suspend a student from a residence or deny a student access to any or all University-controlled premises, including but not limited to lecture venues, pending the outcome of a disciplinary investigation and/or process.
- 2.3.2 The Registrar is entitled to act in the manner set out above if it is regarded as 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 **Clarification:** Despite the introduction of the Protection of Personal Information Act (and the provisions of the relevant UP policy), the Registrar has the right to inform the parents/guardian where there is a sense that the student may need emotional support and may otherwise pose a threat to his/her own safety.

- 2.3.3 The student is entitled to make verbal and/or written representations to the Registrar if such a student is of the opinion that the grounds referred to in paragraph 2.3.1 above do not exist or do not justify temporary suspension, or that compelling additional circumstances exist that should be taken into consideration.
- 2.3.4 The Registrar will consider the abovementioned representations in a fair and just manner, taking into account all the relevant circumstances.

2.4 Formal plea and penalty procedure

- 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 as formulated;
 - (b) has been given the opportunity to make representations to the Registrar or the duly appointed representative 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 3.
- 2.4.2 The charge, admission of guilt and disciplinary measures imposed will be noted and recorded by the Chairperson of the Disciplinary Committee (Students), in the presence of the student, or the student and/or such a student's parent/s or legal guardian, or the student and/or such a student's qualified and practising legal representative. A judge from the Constitutional Tribunal may attend the proceedings as an observer as envisaged in paragraph 4.4.
- 2.4.3 The Chairperson of the Disciplinary Committee (Students) may, should it at any time before a student is found guilty, appear that such a student wishes to revisit the plea and penalty agreement or wishes to make further representations, refer the matter to the Registrar or the duly appointed representative, for further consideration.
- 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 will then be reconvened and an initiator appointed in accordance with paragraph 2.1.5.
- 2.4.5 The manner in which the plea and penalty procedures are managed or dealt with and recorded, may be adapted when circumstances require it, provided that a student is not unduly prejudiced.

2.5 Formal disciplinary procedure

- 2.5.1 If charges against a student have been formulated as envisaged in paragraph 2.1.2 and the student denies these charge/s, the Legal Services Division, acting on behalf of 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 the Disciplinary Rules.

- 2.5.2 The written charge will be compiled and delivered to the student concerned. In the document, the student will be summoned to appear before the Disciplinary Committee (Students) on a date that is to be determined in order to answer to the charge/s.
- 2.5.3 A student is entitled to be accompanied by a parent or parents or a legal guardian and/or a 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 or legal representative of the student to assist the student. This third party will be allowed to provide general support to the student, but may not act as a legal representative.
- 2.5.4 Should a student decide to retain the services of a qualified and practising legal representative, these services will be retained entirely at such a student's own discretion and own expense. The name and contact details of the legal representative must be submitted to the Legal Services Division prior to the date of the disciplinary proceedings. Neither the University nor the student will, 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.
- 2.5.5 The procedure followed during any particular disciplinary proceeding will be determined by the Chairperson of the Disciplinary Committee (Students), taking into account the rules of fair administrative justice. The procedure includes that students –
- (a) are provided with sufficient details of the charge/s against them;
 - (b) are afforded reasonable time to prepare for proceedings;
 - (c) do not have to incriminate themselves;
 - (d) are asked whether they understand the charge/s and are requested to enter a plea of guilty or not guilty to the charge/s;
 - (e) are permitted to call witnesses to give evidence in their favour;
 - (f) are allowed to cross-examine anyone who gives evidence against them;
 - (g) are allowed to present their cases to the Disciplinary Committee (Students);
 - (h) are allowed to address the Disciplinary Committee (Students) on any relevant aspect;
 - (i) are allowed to present mitigating circumstances if found guilty of any charge/s against them;
 - (j) are entitled to be informed of any further internal processes (any possible appeal), which they may pursue and the possible consequences or results of such processes; and
 - (k) are, upon submitting a request in writing, provided with written reasons for any decision made by the Disciplinary Committee (Students) within a reasonable period of time.

- 2.5.6 In turn, the University is also allowed to call witnesses and to cross-examine students' witnesses, and to present its case as well as aggravating circumstances to the Disciplinary Committee (Students).
- 2.5.7 The Disciplinary Committee (Students) will keep minutes of the proceedings or ensure that such minutes are kept in a manner that it deems appropriate.
- 2.5.8 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 a request has been made. After submission of the mentioned written reasons, the Disciplinary Committee (Students) will have fulfilled its function.

3. PENALTIES

- 3.1 Upon finding a student guilty of misconduct and having heard evidence in mitigation and/or aggravation, the Chairperson may impose any one of, or a combination of penalties. The Chairperson may –
- 3.1.1 reprimand the student;
 - 3.1.2 temporarily or permanently deprive the student of any right or privilege associated with such a student's registration at the University;
 - 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;
 - 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;
 - 3.1.5 deny the student the right or privilege to register for a particular module, or revoke a credit obtained in a module;
 - 3.1.6 suspend the student's registration for a specified period;
 - 3.1.7 permanently expel a student from the University;
 - 3.1.8 deny the student the privilege of re-registering as a student at the University;
and/or
 - 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.
- 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.
- 3.3 If an appeal against a decision of the Disciplinary Committee (Students) is lodged in terms of paragraph 5, the Chairperson may, in appropriate circumstances, suspend any disciplinary measure imposed by the Committee pending the result of the appeal.

4. DISCIPLINARY COMMITTEE (STUDENTS)

- 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 4.2. The Chairperson will be appointed from the ranks of the following categories of persons:
- 4.1.1 a University staff member (full-time or part-time) with a legal qualification;
or
- 4.1.2 an external person with a legal qualification, appointed by the Vice-Chancellor and Principal, or the Registrar as delegated by the Vice-Chancellor and Principal, to act as the Chairperson of the disciplinary investigation.
- 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 –
- 4.2.1 an academic staff member of the University in the case of academic matters;
or
- 4.2.2 a staff member of the University, who may be an academic or a member of the professional or support services staff, in the case of all other matters; and should any dispute arise as to whether a staff member is an academic or a member of the professional or support services staff, the matter will be decided on by the Chairperson.
- 4.3 Staff members referred to in paragraph 4.2 will contribute their expertise as is appropriate and will be included in all deliberations of the Disciplinary Committee (Students) where the staff member's opinion will be considered, but will not have a vote with regards to the finding.
- 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 will make contributions to the proceedings as are appropriate and will be included in all deliberations of the Disciplinary Committee (Students), where the Constitutional Tribunal Judge's opinion will be considered, but will not have a vote with regards to the finding.
- 4.5 The Constitutional Tribunal will be allowed time to nominate or appoint a replacement for a Constitutional Tribunal Judge who cannot be present at a disciplinary proceeding, provided that the requirements of paragraph 4.4 are complied with and it does not unnecessarily delay proceedings. Should it not be possible to appoint a replacement within five working days, the disciplinary proceeding may lawfully continue without representation from the ranks of the judges of the Constitutional Tribunal.

- 4.6 Disciplinary proceedings (which include associated appeal procedures) are of a strictly confidential nature and will be treated as such by all the parties present or otherwise involved with the relevant proceedings. This confidentiality obligation will extend to any documentation utilised or information disclosed for purposes of such proceedings. The University reserves the right to obtain a written undertaking of confidentiality from any relevant party.

5. APPEAL PROCEDURE

- 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:
- 5.1.1 The student may appeal to the Disciplinary Appeal Committee of Senate against the conviction and/or the disciplinary measures imposed by the Disciplinary Committee (Students) by lodging a written Notice of Appeal with the Registrar.
- 5.1.2 The written Notice of Appeal must be lodged with the Registrar not later than 10 (ten) business days after the decision of the Disciplinary Committee (Students) has been communicated to the student. The Notice of Appeal must be accompanied by an amount not exceeding R2 000 (Two Thousand Rand) or another amount as determined by Council from time to time, which will serve as part-payment for costs related to the appeal: provided that in deserving cases the Registrar may at own discretion, decrease the amount payable or waive payment.
- 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.
- 5.1.4 On receipt of the Notice of Appeal, a copy will be submitted to the Chairperson of the Disciplinary Committee (Students), whereupon the Committee will prepare a response to the grounds of the appeal within a reasonable time and submit it to the Registrar.
- 5.1.5 The Registrar or a duly appointed representative, will then arrange for the appeal to be heard as soon as possible by the Disciplinary Appeal Committee of Senate.
- 5.1.6 The Disciplinary Appeal Committee of Senate may confirm, alter or set aside the finding and is entitled to suspend, increase or reduce any penalty and/or disciplinary measure imposed. Should the Disciplinary Appeal Committee of Senate set aside the finding and/or penalty 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 5.1.2 will be refunded.
- 5.1.7 The appeal will be adjudicated on the basis of the documentation before the Disciplinary Appeal Committee of Senate and no verbal representation on behalf of the student or the University will be permitted.

6. DISCIPLINARY APPEAL COMMITTEE OF SENATE

- 6.1 The Disciplinary Appeal Committee of Senate consists of:
- 6.1.1 the Chairperson of Senate or a duly appointed nominee, who may be a University staff member (full-time or part-time) or a person from outside the University, and who will act as Chairperson of the Committee;
and
 - 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
 - 6.1.3 one other permanent academic staff member from any faculty within the University.
- 6.2 With regard to the staff members referred to in paragraphs 6.1.2 and 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 Disciplinary Appeal Committee of Senate in respect of the same matter.

7. GENERAL

- 7.1 If a student refuses or fails to attend a disciplinary hearing, the hearing may be continued in the absence of such a student in a manner which the Disciplinary Committee (Students) deems appropriate, taking into account all the relevant circumstances.
- 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 at own discretion, decide to proceed with the matter in the absence of the legal representative.
- 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 will provide this information to such profession upon request by the relevant professional body. The consent of the relevant student will be obtained in this regard. In cases where the University has a legal obligation to disclose the information, the consent of the student is not required.
- 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.
- 7.5 Any reference to the Registrar of the University in the Disciplinary Rules shall, unless specifically stipulated otherwise, include the duly appointed representative who is authorised to act as such with regard to all aspects set out in the Disciplinary Rules.

- 7.6 If the Vice-Chancellor and Principal is of the opinion that the circumstances of a specific case warrant it, the Vice-Chancellor and Principal may perform some or all of the actions performed by the Registrar in terms of the Disciplinary Rules for Students or, alternatively in accordance with section 68(3) of the Higher Education Act 101 of 1997, as amended, may delegate the authority to perform these functions to another staff member of the University.
- 7.7 Nothing in this document prohibits 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, will operate in a concurrent manner with the Disciplinary Rules for Students. They have the same status within the limited context within which they operate but do not replace the Disciplinary Rules for Students.

8. METADATA

Document number:	<i>R12/22</i>
Document version:	
Document approval authority:	<i>Council</i>
Document approval date:	<i>16 March 2022</i> <i>Implementation date: 1 January 2023</i>
Document owner:	<i>Registrar</i>
Document author(s):	
Next review date:	<i>16 March 2026</i>
Visibility:	
Display on staff intranet	✓
Display on student intranet	✓
Display on public web	✓