

UNIVERSITY OF THE
FREE STATE
UNIVERSITEIT VAN DIE
VRYSTAAT
YUNIVESITHI YA
FREISTATA



UFS DISCIPLINARY CODE AND PROCEDURE “THE CODE”

POLICY PROCEDURE STATEMENT	
1. Preamble/ Background	<p>1.1 The Disciplinary Code and Procedure is founded on the principles of natural justice. This is to ensure that disciplinary processes instituted against the students are fair, just, equitable, impartial, unbiased, dispassionate and objective.</p> <p>1.2 These rules must create certainty and consistency in the application of discipline. This requires that the standard of conduct is clear and made available to students in a manner that is easily understood.</p> <p>1.3 Discipline must be applied in a manner that is fair and consistent, in order to create an environment in which students will have a meaningful opportunity to be heard in decisions that affect them free from favour or prejudice.</p> <p>1.4 All students of the UFS are subject to the UFS's disciplinary and grievance procedures. The UFS supports restorative justice, i.e. a progressive approach to discipline, and recognises that the primary aim of disciplinary action must be to correct the actions of students and to maintain standards of performance and conduct, rather than retributive justice where the primary aim is to punish.</p> <p>1.5 This Disciplinary Code and Procedure is applicable to all students enrolled at the UFS and no student may be victimised for exercising his/her rights in accordance with this Code.</p> <p>1.6 The UFS requires that each enrolled student of the UFS commits himself or herself to the following principles:</p> <ul style="list-style-type: none"> a) Uphold and promote the good name of the UFS and not bring the UFS's name into disrepute. b) Strive towards building an inclusive community that embraces the diversity of the UFS and all its students and staff. c) Act in the best interest of the UFS and its students and staff. d) Protect and uphold the integrity of the UFS's qualifications in all their dealings.
2. Purpose	<p>The Disciplinary Code and Procedure is founded on the principles of natural justice. This is to ensure that disciplinary processes instituted against the students are fair, just, equitable, impartial, unbiased, dispassionate and objective.. The Code strives to maintain fairness, equity, transparency and justice.</p> <p>The purpose of the document:</p> <p>2.1 Aims to ensure that each case is treated with the due care and diligence it deserves, taking into consideration the principle of the "audi alteram partem rule".</p> <p>2.2 Ensure that students are informed of their rights to representation by either a legal practitioner, parent or guardian in all disciplinary proceedings against them.</p> <p>2.3 The sanction imposed against students are reasonable in the circumstances and suits the transgression committed.</p>

	<p>2.4 Whilst UFS believe in restorative justice which is reformatory in nature, students are provided with an opportunity to rehabilitate.</p>
3. Scope	<p>3.1 This Code shall apply to all students of the UFS.</p> <p>3.2 The Code applies to all academic, non-academic and community engagement activities, including but not limited to social media platforms, online learning platforms, all communications, class attendance, submitting and writing of assignments, essays, theses, dissertations, research reports, reports or assessments, or interacting with fellow students.</p> <p>3.3 The Code further applies to the students while on or off the campus, irrespective of their geographical area and provided that they are engaged in activities and/or services as students of the UFS, or where they represent or appear to represent the UFS or are otherwise identified or easily identifiable as students of the UFS in the commission of any offence. This further includes students who reside on campus in UFS accommodation and off campus in UFS-accredited accommodation.</p>
4. Definitions and Abbreviations	<p>“Act” Shall mean the Higher Education Act, 101 of 1997, as amended from time to time;</p> <p>“Academic Writing Misconduct” Shall mean any action or attempted action that may result in an unfair academic advantage for oneself, or an unfair academic advantage or disadvantage for any other member(s) of the academic community. It includes, but is not limited to, unacknowledged appropriation of the work of others; altering academic documents or transcripts; falsification or fabrication of data; misrepresentation of data to gain access to materials before they are intended to be available; failure to declare conflicts of interest; failure to follow accepted procedures or meet legal or ethical requirements, or to exercise due care in carrying out responsibilities for avoiding unreasonable harm or risk to humans, animals and/or the environment, and helping anyone to gain an unfair academic advantage.</p> <p>“Audi alteram partem” A principle of natural justice that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against them.</p> <p>“Appeal Committee” A body empowered to entertain or review student’s appeals ruling lodged and filed.</p> <p>“Council” Shall mean the highest governing body of the UFS, as defined in the UFS Institutional Statute published in the Government Gazette and amended from time to time.</p> <p>“Code” Shall mean this Disciplinary Code And Procedure;</p>

	<p>“Complainant” Shall mean a person who has raised an allegation of misconduct against a student of the UFS;</p> <p>“Day” Shall mean any day excluding a Saturday or Sunday, an official public holiday or a University holiday;</p> <p>“Dean” Shall mean the Head of any faculty of the UFS appointed as such by the Council;</p> <p>“Deputy Registrar” Shall mean the employee appointed to assist the Registrar in the performance of his or her functions in terms of the Act;</p> <p>“Disciplinary Committee” Shall mean the appointed student disciplinary committee constituted of the Initiator, chairperson and assessor (panel members). A minimum of one assessor may be appointed as and when necessary, depending on the seriousness of the offence;</p> <p>“Faculty” Shall mean all the recognised faculties forming part of the UFS;</p> <p>“Lecturer” Shall mean any lecturer employed as such by the UFS, including part-time lecturers;</p> <p>“Initiator” Shall mean any person, whether internal or external, duly appointed to bring charges and initiate a disciplinary hearing against a student and on behalf of the UFS;</p> <p>“Legal Practitioner” Shall mean a person who has been admitted and enrolled as an attorney or advocate by a Court of Law in terms of the applicable provisions of the Legal Practice Act, 28 of 2014;</p> <p>“Legal Advisor” Shall mean any employee of the UFS appointed as such by the UFS from time to time to assist the UFS with the resolution of various matters;</p> <p>“Misconduct” Shall mean any conduct (including any act or omission) in contravention of this Code and/or any further policies, rules of the applicable faculty or codes of conduct as may be applicable to the student and which SDMU is empowered to process;</p> <p>“Plagiarism” Plagiarism: Is one form of academic writing misconduct which should be distinguished from other forms, such as collusion and fabrication or falsification of data; purchasing assignments, dissertations, or theses via the internet; or using a ghostwriter and presenting their work as one’s</p>
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	<p>own, which are not the focus of this policy document. Plagiarism is defined as the use of another's work, ideas or words without the appropriate attribution (thus passing the work off as one's own), which includes paraphrasing without citations. This includes artefacts such as artwork, performance art, music, clinical/field notes, photographs, films, blogs, vlogs, internet sources and any other intellectual property that belongs to another party. This includes self-plagiarism and the reuse or resubmission of previously submitted work. It also includes the use of machine translators for translation work. Plagiarism may be the result of intentional, inattentive or unintentional behaviour.¹</p> <p>"Prima Facie" Latin word for sufficient to raise a fact or raise a presumption unless disproved or rebutted.</p> <p>"Protection Services" Shall mean the Protection Services Division of the UFS, which is tasked with protecting students/employees and ensuring their safety, including UFS assets;</p> <p>"Vice-Chancellor and Principal" Shall mean the Vice-Chancellor and Principal and accounting officer appointed as such by the UFS from time to time;</p> <p>"Registrar" Shall mean the Registrar as defined in section 50 of the Higher Education Act, 101 of 1997;</p> <p>"Serious Misconduct" Shall mean a transgression committed by a student or group of students that also constitutes a criminal offence, such as sexual offences of rape or harassment, damage to UFS property, including violence, etc;</p> <p>"SDMU" Shall mean the Student Discipline and Mediation Unit of the UFS;</p> <p>"Student(s)" Shall mean any person who has enrolled, or who has been duly registered and enrolled as such in accordance with the applicable regulations governing the registration and enrolment of students at the UFS;</p> <p>"SRC" Shall mean the Student Representative Council as elected by students and approved by the Council, and</p> <p>"UFS" Shall mean the University of the Free State, a university that was duly established under the Higher Education Act and includes the Bloemfontein, South and Qwaqwa campuses.</p>
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¹ Policy on Preventing and Dealing with Plagiarism.

5. Guiding Principles	<p>5.1 The general supervision and control of student discipline is the responsibility of the Vice-Chancellor and Principal.</p> <p>5.2 The Vice-Chancellor and Principal, by virtue of the powers vested in him/her, may delegate to the Deputy Registrar: Legal Services and Compliance or any officer of the Student Discipline and Mediation Unit (“SDMU”) the power to assist in the execution of his/her duties, including the discipline of students.</p> <p>5.3 Accordingly, the SDMU shall be responsible for the enforcement of the Code in accordance with the powers delegated to it by the Vice-Chancellor and Principal or his/her nominee.</p>
6. Procedure	<p>6.1 Powers of the Vice-Chancellor and Principal or his nominee</p> <p>6.1.1 If the Vice-Chancellor and Principal is of the opinion that a student may be guilty <i>prima facie</i> of any misconduct, he/she shall have the competence, should he/she deem this to be in the best interest of the UFS, to order the student to carry out one or more, or all of the following actions, for a period deemed fit by the Vice-Chancellor and Principal, but for no longer than the time required for the finalisation of any disciplinary proceedings that may be brought against such a student in terms of these rules:</p> <ul style="list-style-type: none"> a) refraining from attending lectures and classes on any premises occupied or held by the UFS at any locality; b) refraining from participating in any activity of the UFS; c) refraining from entering any space belonging to the UFS, any place under the UFS’s control, or any part of such a space or place; d) vacating any UFS residence, or any part of any structure under the control of the UFS; e) refraining from entering any UFS residence, or any part of any structure under the control of the UFS; f) refraining from bringing any motor vehicle, motorcycle or any other mode of transport onto the premises of the UFS, or any other place that may be under the control of the UFS; and/or g) refraining from committing any act specified by the Vice-Chancellor and Principal that is related to the nature of the charge. <p>6.1.2 The Vice-Chancellor and Principal or his nominee shall not issue an order, as specified in paragraph 6.1.1 above, unless he/she is convinced that there is sufficient evidence to corroborate the charges against the student, and such order was preceded by a notice as more fully specified in paragraph 6.1.3.</p> <p>6.1.3 The notice of intention to place the student on precautionary suspension must be conveyed to the student and, within three (3) days after the notice has been conveyed, the student must provide written reasons to the Vice-Chancellor and Principal as to why the notice should not take effect.</p>

	<p>6.1.4 The Vice-Chancellor and Principal or his nominee must consider the representations made by the student, if any, before a final decision is taken. The Vice-Chancellor and Principal's decision to place or not to place a student on suspension will be final and binding and may review same when he/she deems fit.</p> <p>6.1.5 Any decision taken in terms of paragraph 6.1.1 shall expire if disciplinary proceedings in terms of this Code have not commenced within three (3) months after the decision was taken.</p> <p>6.1.6 The Vice-Chancellor and Principal or his/her nominee shall, upon the recommendation of the SDMU, authorise the withdrawal of any charges and allegations against the student and lift any sanction upon good cause being shown.</p> <p>6.1.7 No Student of the UFS may, or attempt to:</p> <p>6.1.7.1 Contravene any lawful instruction, regulation, rule, policy or directive of the UFS or refuse to obey any lawful instruction or request by any Council member, lecturer, contractor, staff member or security officer of the UFS, or any other person who is by law in a position of authority or to whom authority is delegated by the UFS, or act contrary to such instruction or request;</p> <p>6.1.7.2 Bring the good name of the UFS into disrepute;</p> <p>6.1.7.3 Prejudice or compromise the maintenance of order and discipline at the UFS;</p> <p>6.1.7.4 Prejudice or interfere with the proper course of teaching, research and/or community service at the UFS;</p> <p>6.1.7.5 Engage in online social media platforms, including (but not limited to) WhatsApp, Facebook, TikTok, Instagram, Twitter (X), LinkedIn or any other online platform, in a manner or in activities that infringe on the rights of the UFS, its students or staff, including (but not limited to) their rights to a good name, privacy, dignity, safety and security;</p> <p>6.1.7.6 Perform an act that is an offence in terms of South African, international or common law and is prejudicial to the UFS or its staff, guests, contractors or students' copyright or any other intellectual property right, including (but not limited to) plagiarism;</p> <p>6.1.7.7 Perform an act that is an offence in terms of any country's law, where the student is representing the UFS and such an act is prejudicial to the UFS or its staff, guests, contractors or students' copyright or any other intellectual property right;</p> <p>6.1.7.8 Perform acts 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 an</p>
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	<p>exhaustive list of possible transgressions involving dishonesty for the purposes of this Code);</p> <p>6.1.7.9 Intimidate, assault or harass any person, or engage in fighting;</p> <p>6.1.7.10 Make any misrepresentation with regard to any administrative process, which includes (but is not limited to) the following:</p> <ul style="list-style-type: none"> a) misrepresentations regarding academic and other records, b) including degree, diploma and senior certificates and/or any other documents; c) misrepresentations regarding illness and leave of absence; d) misrepresentations made to persuade or attempt to persuade the UFS to administratively act in a way in which the UFS would not, or probably would not have, acted in the absence of such misrepresentation; e) forging of 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 presenting a forged document, inter alia, with the aim to mislead) and/or 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; <p>6.1.7.11 Engage in any unlawful protest activities (including, but not limited to, unlawful assemblies, gatherings and picketing, and instigating violent protests);</p> <p>6.1.7.12 Damage property of the UFS, staff or other students or anyone else (including, but not limited to, visitors or contractors) in a manner that may give rise to liability for damages on the part of the UFS;</p> <p>6.1.7.13 Enter or occupy any UFS or UFS-controlled premises or buildings or part thereof without permission and for the purposes of looting;</p> <p>6.1.7.14 Conduct himself or herself in an indecent or improper manner on UFS-controlled premises or at a UFS-related function or activity at any location or in circumstances where he or she represents or is seen to represent the UFS, or is otherwise identified as a student of the UFS;</p> <p>6.1.7.15 In any manner infringe upon the freedom of movement of a student, contractor or staff member of the UFS or a member of the public who is present on UFS or UFS-controlled premises, or at a UFS-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 UFS;</p> <p>6.1.7.16 Conduct himself or herself in an insulting, indecent or improper manner towards a student, contractor or staff member of the UFS or a member of the public who is present on UFS or UFS-</p>
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	<p>controlled premises or at a UFS function or activity at any location, or in circumstances where the student who conducts himself or herself in the aforementioned manner represents or may be seen to represent the UFS;</p> <p>6.1.7.17 Be contravention of the provisions of South African law or a rule of the UFS, unlawfully possess, distribute, buy, sell, use and/or be 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 UFS or UFS-controlled premises or at a UFS-related function or activity at any location or in circumstances where he or she represents or is seen to represent the UFS, or is otherwise identified as a student of the UFS;</p> <p>6.1.7.18 Accept or 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, and</p> <p>6.1.7.19 Intentionally or negligently provide false or incorrect information, with such action being to the detriment or potential detriment of the UFS.</p> <p>6.2 Rules Applicable to Students Studying Towards Various Professions</p> <p>6.2.1 The UFS engages with various professional bodies in order to facilitate the training of students.</p> <p>6.2.2 Various professional bodies require a certain standard of behaviour and conduct to be exercised by students studying in those professions, and any conduct in contravention of such rules, ethical standards or codes of conduct may be disclosed to the relevant professional body by the UFS.</p> <p>6.2.3 Should the student be found guilty of any misconduct in accordance with this Code, the UFS may withhold any certificate of good conduct sought by such profession from the UFS and/or disclose the details of the misconduct committed to the professional body.</p> <p>6.3 Pre-hearing Procedures</p> <p>6.3.1 Receipt and investigation of complaints</p> <p>6.3.1.1 Any complaint regarding an alleged misconduct other than an academic misconduct must be reported to Protection Services within seven days, or within a period that is reasonable under the circumstances.</p> <p>6.3.1.2 Any alleged academic misconduct must be reported to the Dean, Head of Department or Lecturer of the relevant faculty within a period that is reasonable under the circumstances and may be escalated to SDMU if it is repeated in line with plagiarism policy and other applicable policies.</p>
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	<p>6.3.1.3 Protection Services must fully investigate any non-academic complaints, and thereafter forward the report to the SDMU for further attention and processing. Cognisance must be taken to the effect that UFS has adopted a Prosecution Led Investigation and as such SDMU may lead and guide the investigations.</p> <p>6.3.1.4 The SDMU must then consider the nature, extent and severity of the alleged misconduct by assessing the complaint and requesting further particulars if necessary and/or assist in collaboration of the investigations in ensuring prosecutable case.</p> <p>6.3.1.5 If the SDMU is of the view that the misconduct is of a less serious nature, the SDMU may recommend, after obtaining the views of the parties involved, that the matter be referred for a mediation process.</p> <p>6.3.1.5.1 Less serious misconduct may, subject to the particular circumstances of each matter, be one of the following (this is not an exhaustive list and the SDMU may exercise its discretion in respect of each individual matter to determine the severity thereof):</p> <ul style="list-style-type: none"> a) students making excessive noise near academic venues, on-campus accommodation or study venues, to the extent that it disrupts academic activities; b) students insulting one another or a staff member; c) students engaging in online activity that may infringe upon the rights of other students and/or staff members. <p>6.3.1.6 The SDMU shall assess the complaint based on the evidence received and may accept, reject or refer the complaint to the relevant structure for further attention.</p> <p>6.3.1.7 Should the mediation route be recommended, and the parties be amenable thereto, the SDMU may deal with the same internally or appoint a mediator selected from a panel of mediators who have completed a relevant mediation course and meet such other requirements as may be determined by the SDMU.</p> <p>6.3.1.8 In a controlled environment, the mediator will permit each of the parties to state their case and ensure that the mediation is conducted in a respectful manner aimed at reaching a resolution of the matter between the parties. The mediator should not make a ruling or finding but should guide the parties to attempt to reach an amicable resolution of the matter. If the mediation process fails to reach a resolution of the matter, it will proceed in accordance with the procedures below.</p> <p>6.4 Referral of complaints for formal proceedings</p> <p>6.4.1 The Initiator shall invite the student for a consultation to explain the charge, as well as the disciplinary procedure, and possibly</p>
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	<p>obtain his/her statement for a decision to either prosecute, reject or refer the matter to an appropriate structure.</p> <p>6.4.2 The Initiator is responsible for arranging a disciplinary hearing and convening a disciplinary committee.</p> <p>6.4.3 The Initiator must inform all parties concerned of their rights and serve a notice of the disciplinary hearing by email and SMS notification, five (5) days prior to the date of the disciplinary hearing.</p> <p>6.4.4 If the student is a minor, his/her parent(s) or legal guardian must be informed of the charge if possible.</p> <p>6.4.5 Evidence will be proffered in corroboration of the allegations in a manner reconcilable with the principles of natural justice, which may include the delivery of verbal evidence or the submission of a sworn statement, provided that such sworn statement will be corroborated by the oral evidence of its author.</p> <p>6.4.6 The accused student may, at any time or during the pre-hearing, acknowledge his/her guilt with regard to the complaint lodged and the evidence in possession of the SDMU.</p> <p>6.4.7 A student accused of misconduct may be found guilty on the grounds of an admission of guilt concerning the misconduct, provided that the student makes an informed decision regarding an admission of guilt and that the admission is made freely and voluntarily during the pre-hearing.</p> <p>6.4.8 The fact that a student has been criminally charged, found guilty or acquitted of a charge by a court of law will not prevent the UFS from taking action against such a student in terms of this procedure.</p> <p>6.4.9 The Initiator shall record all disciplinary hearings and such recording shall be deemed to be the true reflection of the proceedings.</p> <p>6.4.10 Depending on a particular case, SDMU in consultation with the presiding Chairperson may allow the case to be decided on submissions by the parties, without having a full sitting.</p> <p>6.5 Disciplinary Hearing Procedures</p> <p>6.5.1 At the beginning of the disciplinary hearing, the accused student will be requested to enter his/her plea in respect of the charge.</p> <p>6.5.2 If the accused student refuses to enter a plea or is absent, a plea of not guilty will be noted, and the disciplinary proceedings will commence.</p> <p>6.5.3 If the accused student pleads guilty, the Chairperson must obtain a plea explanation as to establish whether the accused student indeed admits all the elements of the offense and may then recommend that the parties submit arguments in mitigation of the sentence before making a final ruling.</p>
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	<p>6.5.4 A plea of guilty may also be submitted to the disciplinary committee in the form of a written declaration in which the accused admits guilt in respect of all charges, as stated.</p> <p>6.5.5 If the accused student enters a plea of not guilty, such student will make a declaration in which the facts of the charge being contested are indicated, and he/she will announce the basis of his/her defence to the committee.</p> <p>6.5.6 The Chairperson must inform the accused student of his/her rights, as contained in this Code.</p> <p>6.5.7 In the event that the student elects to disclose his/her defence, the Chairperson may ask further questions to seek clarity and determine the basis of the student's defence.</p> <p>6.5.8 If a member of a disciplinary committee is absent, the disciplinary hearing shall proceed and any ruling that the Chairperson makes shall be valid.</p> <p>6.5.9 The Chairperson shall conduct and direct or adjust the proceedings, protecting the integrity of the proceedings by taking appropriate decisions where in consideration of the evidence to be presented, the Chairperson will allocate a reasonable time to the parties for purposes of examination in chief, cross- examination and reexamination of the witnesses, including closing arguments which may be extended upon reasonable grounds established.</p> <p>6.5.10 Where a student fails to appear before a disciplinary committee, the hearing shall proceed at the discretion of the Chairperson after considering the reasons for the student's absence and whether proper service was effected.</p> <p>6.5.11 The Code acknowledges the role of the SRC (invited by the accused student) in representing student interests. A member of the SRC may therefore, at the request of the accused student, be present to monitor the proceedings and exercise an oversight function without engaging in the proceedings directly, unless the student has elected to be represented by an SRC member in the disciplinary hearing.</p> <p>6.5.12 The disciplinary committee will base its findings of guilty or not guilty on a balance of probability. The members of the disciplinary committee shall confirm any finding by the Chairperson during the disciplinary hearing before sharing it with the parties in the disciplinary hearing.</p> <p>6.5.13 Where the accused student appeared in another disciplinary forum concerning the alleged misconduct / serious misconduct, the SDMU may proceed to conduct a further disciplinary hearing in respect of those charges; the finding and sanction of the Chairperson of the proceedings instituted by the SDMU will take precedence over any such other finding and sanction which may have been imposed by such other forum.</p> <p>6.6 Students Rights</p>
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	<p>Every student has the right to:</p> <p>6.6.1 Be informed of the nature of the alleged misconduct;</p> <p>6.6.2 Summon witnesses, and cross-examine them;</p> <p>6.6.3 Examine any document submitted as evidence in a format that is accessible for the student;</p> <p>6.6.4 Receive a hearing as soon as possible;</p> <p>6.6.5 Make use of the services of an interpreter (sign language interpreter) to interpret the proceedings in the language of his/her choice, with the proviso that such an interpreter is in the service of the UFS, and is available to interpret on the date of the scheduled disciplinary hearing;</p> <p>6.6.6 Be represented by any fellow student and/or staff member of the UFS, and/or his/her parent/guardian, and/or his/her legal representative;</p> <p>6.6.7 Receive at least five (5) days' notice of the disciplinary hearing;</p> <p>6.7 Disciplinary Committee</p> <p>6.7.1 The Disciplinary Committee, duly appointed by the Vice-Chancellor and Principal, may be used for disciplinary enquiries involving various students' misconduct that occurred during or within the course of normal teaching and learning, notwithstanding that such alleged misconduct may have occurred within or outside the UFS's premises.</p> <p>6.7.2 The Disciplinary Committee will comprise the following members:</p> <ul style="list-style-type: none"> a) an independent Chairperson; b) an Initiator, who may be any person with legal expertise appointed internally or externally; c) one or more reasonably and suitably qualified assessor(s), who may be appointed by the SDMU to assist the Chairperson, depending on the nature and seriousness of the offence. <p>6.7.3 The assessor(s) plays an advisory role and make recommendations to the Chairperson. In the case of a deadlock between the members of the committee, the Chairperson shall have the casting vote.</p> <p>6.7.4 Where a member or members of the committee cannot, or may not, serve on the panel, the Vice-Chancellor and Principal or his/her nominee may appoint an alternative member(s) to serve on the panel or reduce the number of the committee members accordingly, provided that at least two members are present.</p> <p>6.7.5 The Chairperson may make any decision and prescribe the sanction that he/she deems fit, provided that such decision and sanction are in line with the disciplinary code, procedure and policies of the UFS, and are within his/her powers.</p>
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	<p>6.7.6 Any sanction of suspension and/or expulsion recommended by the Chairperson must be referred to the Vice-Chancellor and Principal and/or his nominee for ratification.</p> <p>6.7.7 The SDMU should keep a record of all the disciplinary measures taken by a disciplinary committee and should report such measures to the Registrar and Vice-Chancellor and Principal of the UFS.</p> <p>6.8 Appeal Committee</p> <p>6.8.1 If the Initiator or the student is dissatisfied with the findings and/or sanction/s of the Disciplinary Committee, he/she will have the right to appeal to the Appeal Committee against such findings and/or sanctions.</p> <p>6.8.2 The Appeal Committee will comprise the following members:</p> <ul style="list-style-type: none"> a) either an independent Chairperson appointed by Vice-Chancellor and Principal or his nominee. b) Any appropriate member of the Rectorate. c) any other assessor(s) elected from the Dean of Law and/or her nominee, who may be two (2). d) The Appeal Committee shall at least be comprised of three (3) members. <p>6.8.3 The notice of appeal must be presented to the Initiator no later than fourteen (14) days after the Disciplinary Committee has pronounced a finding. No appeal shall be heard thereafter unless the appeal is accompanied by an application for condonation that clearly details the degree of lateness, explanation for the delay, prospects of succeeding with the appeal or review, and any prejudice that may be suffered by the person bringing the appeal should it not be heard.</p> <p>6.8.4 The Appeal Committee will be appointed by the Vice-Chancellor and Principal, or his/her nominee.</p> <p>6.8.5 The Initiator shall convene the Appeal Committee no later than twenty (20) days after having received confirmation of the members of the Appeal Committee.</p> <p>6.8.6 In the notice of appeal, the appellant must provide written reasons that state the basis of the appeal.</p> <p>6.8.7 The Chairperson of the Disciplinary Committee must be informed of the appeal and must be afforded the opportunity to provide comprehensive written reasons for the decision and sanction imposed, within ten (10) days of receiving such notice of appeal.</p> <p>6.8.8 The other party (the respondent) must be informed of the notice of appeal and must be afforded the opportunity to respond thereto in writing within ten (10) days of receiving such notice of appeal.</p> <p>6.8.9 The Appeal Committee decides the appeal on papers or documents filed and served by the parties only, and may continue with the appeal even if the statement from the Chairperson of the</p>
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	<p>Disciplinary Committee has not been lodged, as the Disciplinary Award may suffice.</p> <p>6.8.10 The Appeal Committee must act objectively, and as such may not consist of the same people who served on the Disciplinary Committee.</p> <p>6.8.11 The Appeal Committee will pronounce a judgement on all cases that have been heard by a Disciplinary Committee, and in response to which an appeal has been lodged.</p> <p>6.8.12 During the hearing of the appeal, the Appeal Committee may follow any procedure it deems fit, as it is not bound by the rules of evidence or other technical points or legal forms, and may also gather information with regard to any matter it deems fit according to its discretion. However, the Committee must:</p> <ul style="list-style-type: none"> a) act justly; and b) ensure that all documents that will be used by a party in the meeting are made available to the other party. <p>6.8.13 A full report of the proceedings of the Disciplinary Committee hearing, as well as all the evidence delivered and relevant correspondence, will be made available to:</p> <ul style="list-style-type: none"> a) members of the Appeal Committee; b) the appellant; and c) the respondent, d) no less than fourteen (14) days before the hearing of the appeal. <p>6.8.14 After the Appeal Committee has considered the material on the basis of which the appellant supports his/her appeal, as well as any material put forward in response thereto, the Committee must submit a recommendation to the Vice-Chancellor and Principal, or his/her nominee, together with all relevant documentation concerning the rejection of the appeal or the upholding thereof, as well as the confirmation of the penalty or the disregarding or amendment thereof.</p> <p>6.8.15 If necessary, it may be recommended that the case be referred back to the Disciplinary Committee for further investigation.</p> <p>6.8.16 The finding of the Appeal Committee will be final and will be communicated in writing to the relevant persons.</p> <p>6.9 Disciplinary Measures</p> <p>6.9.1 In a case where a disciplinary committee finds a student guilty of any form of misconduct, one or more of the following disciplinary measures may be taken. These measures will be valid for disciplinary penalties:</p> <ul style="list-style-type: none"> a) The student may be expelled from the UFS. b) The student may be suspended from the UFS for a period of not more than one (1) year. c) Module credits may be withheld from the student. d) A qualification may be withheld from the student.
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	<p>e) The student could forfeit examination and/or semester marks, or any other marks obtained.</p> <p>f) The student may be reprimanded and warned, depending on the seriousness of the misconduct.</p> <p>g) The student may be forbidden to keep or drive any type of motor vehicle on the UFS premises.</p> <p>h) The student may be sanctioned in any other suitable educational and justifiable manner.</p> <p>i) A monetary fine may be imposed on the student, which amount will be payable in a manner determined by the UFS and may be charged to the account of the student.</p> <p>j) The student may be deprived of the right or privilege to register for a specific module.</p> <p>6.10 Table of Misconduct and Penalties</p> <p>6.10.1 Any misconduct not specifically covered in the Code shall be dealt with according to and/or in relation to the seriousness of the misconduct. The guidelines below should not be considered as fixed or set in stone as merits of each matter will be considered and dealt with separately:</p> <p>Refer to Annexure “A”</p> <p>6.11 Supremacy of the Code and Procedure</p> <p>6.11.1 This Code and its procedure should be read and interpreted together with all other policies and procedures of the UFS, but insofar as this Code amends or varies the provisions of any other policies and procedures of the UFS, preference must be afforded to this Code in relation to matters pertaining to student discipline.</p>
7. Unreasonable Delays	<p>7.1. The office of the SDMU and any Disciplinary Committee appointed to conduct a disciplinary hearing shall be responsible for case flow management in an attempt to uphold the principles of natural justice to provide quality justice through the speedy finalisation of all disciplinary matters.</p> <p>7.1.1. SDMU, including the Disciplinary Committee must strive to finalise all matters, including all reserved judgments and sanctions as expeditiously as possible.</p> <p>7.1.2. SDMU, including the Disciplinary Committee shall strive to finalise all disciplinary matters within three (3) months from the date of the delivery of the charge sheet to the student.</p> <p>7.2. Unreasonable delays in a matter referred to the office of SDMU before it proceeds to a disciplinary hearing</p> <p>7.2.1. SDMU shall investigate the reasons for the delay and note same on the student disciplinary file.</p> <p>7.2.2. SDMU shall inform all responsible parties of any unreasonable delay and the effects thereof.</p>

	<p>7.2.3. SDMU shall inform all responsible parties of outstanding issues before the matter can proceed to a disciplinary hearing.</p> <p>7.3. Unreasonable delays in a matter referred to the office of SDMU set down for a disciplinary hearing</p> <p>7.3.1. The Disciplinary Committee before which a disciplinary hearing is pending shall investigate any delay in completion of disciplinary proceedings which appears to be unreasonable and which could cause substantial prejudice to UFS or the accused student.</p> <p>7.3.2. In considering whether the delay is unreasonable, the Disciplinary Committee shall consider the following factors:</p> <p>7.3.2.1. the duration of the delay;</p> <p>7.3.2.2. the reasons advanced for the delay;</p> <p>7.3.2.3. whether any person to the proceedings can be blamed for the delay;</p> <p>7.3.2.4. the effect of the delay on the UFS;</p> <p>7.3.2.5. the effect of the delay on the student accused;</p> <p>7.3.2.6. the seriousness, extent or complexity of the charge or charges against the student accused;</p> <p>7.3.2.7. actual or potential prejudice caused to the UFS or the student accused by the delay, including a weakening of the quality of evidence, the loss of evidence, problems regarding the gathering of evidence and considerations of costs;</p> <p>7.3.2.8. the effect of the delay on the administration of justice;</p> <p>7.3.2.9. the adverse effect of the delay on the interest of the UFS, the public and the victims in the event of the proceedings being delayed unreasonably; and</p> <p>7.3.2.10. any other factor which in the opinion of the Disciplinary Committee ought to be taken into account</p> <p>7.3.3. If the Disciplinary Committee finds that the completion of the proceedings is being delayed unreasonably, the Chairperson may issue directives in order to eliminate the delay and any prejudice arising out of it or to prevent further delays or prejudice, including an order:</p> <p>7.3.3.1. suspending the student with conditions set pending the finalisation of the disciplinary hearing</p> <p>7.3.3.2. refusing any request for further postponements;</p> <p>7.3.3.3. on application of either party, to proceed with the disciplinary hearing in the absence of any such other interested parties;</p> <p>7.3.3.4. granting a postponement subject to any such conditions as the Disciplinary Committee may determine; and</p> <p>7.3.3.5. in the absence of UFS witnesses, that the matter be referred to the appropriate office for an administrative investigation and possible disciplinary action against any person responsible for the delay.</p>
8. Responsibility	<p>8.1 Legal Services & Compliance: Monitoring of Students' Discipline and Mediation Unit,</p> <p>8.2 Protection Services: Investigations of complaints and</p>

	8.3 Students' Discipline & Mediation unit (SDMU): Implementation of the Disciplinary Code and Procedure.
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9. Accountability and Authority:	
9.1 Implementation:	SDMU shall be responsible for implementation of the policy.
9.2 Compliance:	9.2.1 The Code and Procedure of Student Discipline rests with 9.2.2 Legal Services and Compliance
9.3 Monitoring and evaluation:	9.3.1 Legal Services and Compliance and 9.3.2 SDMU shall be responsible for monitoring, implementation of the code and Procedure.
9.4 Development/review:	9.4.1 SDMU that reports to Deputy Registrar: Legal Services and Compliance is responsible for development and review of the Code and Procedure.
9.5 Approval authority:	9.5.1 Rectorate, 9.5.2 University Management Committee 9.5.3 Executive Committees 9.5.4 Senate 9.5.5 Students' Affairs Committee 9.5.6 University Council
9.6 Interpretation and advice:	Interpretation of the rules will be in accordance with the applicable prescripts.

10. Who should know this procedure policy?
10.1 All UFS Staff (Academic and Support Services) 10.2 All Students (Undergraduate and Postgraduate) 10.3 Housing and Residence Affairs 10.4 Protection Services

11. Policy/procedure implementation plan	N/a
12. Resources required	N/a
13. Answers to FAQs	N/a

EFFECTIVENESS OF THE PROCEDURE	
Performance Indicator(s):	To be completed on review by the person responsible for implementation, monitoring and evaluation.

Annexure “A”

Nature of Serious Misconduct (General Misconduct)	First-time Offence	Second-time Offence	Third-time Offence
1. Unlawful protests or gathering	• Final written warning or suspension	Suspension or expulsion	
2. Misconduct relating to substance abuse	• Written warning	Final written warning or suspension	Suspension or expulsion
3. Improper or unauthorised release of confidential information	• Final written warning or suspension	Suspension or expulsion	
4. Gross dishonesty such as fraud or misrepresentation	• Final written warning or suspension	Suspension or expulsion	
5. Damage to or misuse of UFS property	• Written warning	Final written warning or suspension	Expulsion
6. Unlawful removal or possession of UFS property	• Final written warning or suspension	Expulsion	
7. Sexual harassment/rape	• Expulsion		
8. Insubordination / Gross insubordination	• Written warning	Final written warning	Suspension
9. Assault, assault with the intent to do grievous bodily harm or threatened assault	• Final written warning or suspension	Suspension or expulsion	
10. Disruption of academic activities	• Final written warning or suspension	Suspension or expulsion	