

UFS RULES ON STUDENT DISCIPLINE

1 *Misconduct*

- (1) Misconduct includes any action that impairs or may impair the good name, order, rights, discipline or the proper continuation of the activities of the University or any section of the University including any of its faculties, schools, departments, divisions, office-bearers, staff members, students or supporters.
- (2) Serious misconduct includes misconduct in respect of lectures, tests, examinations, assignments or any other academic matters, and behaviour by a student that also constitutes criminal conduct or by which another person or group of persons is unjustly harassed or humiliated or treated antagonistically or violently in any way.

2 *Reporting, investigating and summary dealing with misconduct*

- (1) All complaints of misconduct are reported by a complainant to a person designated by the Rector as Disciplinary Officer.
- (2) The Disciplinary Officer may designate other persons or authorities with whom complaints may be lodged, hereafter he or she appoints a person or persons to investigate the matter and report on it.
- (3) After receipt of the report the Disciplinary Officer may -
 - (a) decide that the matter should not be taken further; or
 - (b) indicate the disciplinary body or disciplinary person who should hear the case; or

- (c) refer the matter to the faculty concerned for consideration of an application to check the student in a particular field of study.
- (4) The Disciplinary Officer may for a period prohibit a student against whom a complaint is being investigated to enter any premises of the University or any part thereof, or to exercise any right or privilege that a registered student may have: Provided that such prohibition may come into effect only after the student has had the opportunity to advance reasons why the prohibition should not come into effect, and the reasons have been considered and are not accepted.
- (5) The temporary prohibition contemplated in subparagraph (4), may extend up to the time that the person charged has been found not guilty by the appointed disciplinary body or disciplinary person or the appeal of the person charged against a conviction or sentence has been finalised.
- (6) The Disciplinary Officer may, in consultation with Executive Management, determine spot fines for particular categories of misconduct and he or she may determine particular categories of misconduct that may be heard by particular disciplinary bodies or disciplinary persons.

3 *Disciplinary bodies or disciplinary persons and punitive jurisdiction.*

- (1) The following disciplinary bodies or disciplinary persons may hear complaints of misconduct and impose sentences as indicated -
 - (a) House Committees may -

- (i) hear less serious complaints of misconduct at residence level; and
 - (i) impose as sentences reprimands, warnings, community service within residence context or fines that do not exceed 5% of the annual residence fee.
- (b) Wardens may -
 - (i) hear appeals against findings of House Committees as well as complaints of more serious misconduct at residence level; and
 - (ii) in addition to sentences imposed by House Committees, also expel a student from the residence or suspend such expulsion on suitable conditions.
- (c) The Student Disciplinary Committee comprising senior law students who are appointed annually by the Dean of the Faculty of Law in consultation with the Disciplinary Officer -
 - (i) hears complaints referred by House Committees, Wardens or the Disciplinary Officer; and
 - (ii) may reprimand or warn students or impose fines that do not exceed 7½% of the annual residence fee, or community service in campus context.
- (d) The Director : Student Affairs -
 - (i) hears appeals against findings by Wardens or the Student Disciplinary Committee as well as

complaints referred to him or her by the Disciplinary Officer; and

- (ii) may, in addition to the sentences imposed by Wardens, fine students to a maximum fine that may not exceed 10% of the annual residence fee, or to community service in campus context;
- (iii) may inform the student's parents or guardians before, during or after the hearing about the matter, and may refer the student to experts for psychological, pastoral or other diagnosis, therapy or help.

(e) A Vice-Rector -

- (i) is the final authority for appeals against findings by the Director: Student Affairs; and
- (ii) also hears any complaint of misconduct, with the consent of and admission of guilt by the student, on a summary basis and imposes sentences that fall within the competence of the Hearing Committee; and

(f) the Hearing Committee -

- (i) is appointed by the Rector; and
- (ii) comprises at least three members and their alternate members of whom at least one must be a jurist who acts as Chairperson;

- (iii) the Rector may appoint a Disciplinary Officer or a jurist to submit evidence at the hearing and to be of assistance in any other respect;
- (iv) a student who must appear before the Hearing Committee receives written notice of such hearing at least five working days before the hearing;
- (v) the complaint that the student is charged with, as well as the student's right to be assisted at the hearing by a jurist or his or her parent or guardian, must be stated in the notice;
- (vi) failure of an accused to be personally present or to remain at a hearing does not make the proceedings invalid;
- (vii) the Hearing Committee hears all appeals against findings by a Vice-Rector as well as complaints referred by the Disciplinary Officer and may impose one or more of the following sentences:
 - (aa) a serious warning or caution;
 - (bb) depriving the student concerned of certain privileges as student;
 - (cc) refusal of re-admission to the University for a period or permanently;
 - (dd) imposing a fine that may not exceed the annual residence fees;

- (ee) refusal of admission to any examination or test event with or without forfeit of any marks already obtained and with or without cancellation of any subject or course;
 - (ff) refusal of admission to all or some of the University's buildings, grounds or services or to be admitted only on certain conditions;
 - (gg) suspension from the University for a period;
or
 - (hh) expulsion from the University;
- (g) any sentence imposed may be suspended by any of the disciplinary bodies or disciplinary persons on suitable conditions, and may be made known to all or certain other higher educational institutions, applicable occupational or professional bodies and by the campus media;
- (h) if a student's misconduct has caused damage, he or she may be ordered to repay the damage in addition to the imposed sentence;
- (i) all proceedings before any disciplinary body or disciplinary person must comply with the requirements of natural justice; and
- (j) if a student wishes to use legal representation, the case is referred directly to the Hearing Committee.

(2) A student who wishes to appeal -

- (a) to a Warden against a finding of a House Committee;
- (b) against a finding by a Warden to the Director of Student Affairs;
- (c) against a finding of the Student Disciplinary Committee to the Director of Student Affairs;
- (d) against a decision of the Director of Student Affairs to a Vice-Rector; or
- (e) against a finding of a Vice-Rector, other than a finding of an appeal, to the Hearing Committee, must do so by means of a written notice to the applicable disciplinary body or disciplinary person within five working days after the sentence is imposed;

4 *The Appeal Committee*

- (1) The Appeal Committee is constituted by the Rector and consists of a member of the Rectorate, one member of the Councillor and the Dean of the Faculty of Law who acts as Chairperson, or their alternate members: Provided that if any of the members were involved in the finding of the Hearing Committee against which an appeal has been lodged, his or her alternate member must represent him or her at the appeal.
- (2) The Appeal Committee hears appeals against findings of the Hearing Committee only after the appellant has given written notice to the Rector of his or her intention to appeal within five working days after the finding, setting out fully his or her grounds for appeal in the notice.

- (3) The Appeal Committee decides the appeal by means of documents only, but may be addressed on the matter by the appellant or his or her parent or guardian or legal representative;
- (4) The Rector may appoint a Disciplinary Officer or a jurist to make a submission on behalf of the Hearing Committee and to be of assistance in any other respect;
- (5) A student whose appeal is heard by the Appeal Committee is given at least five working days' written notice before an appeal session.
- (6) The fact that the appeal will be decided on by documents and argument alone and that the student has the right to be assisted by a jurist or his or her parent or guardian at the session must be stated in the notice contemplated in subparagraph (5).
- (7) Failure on an appellant to be personally present or remain at a session does not make the proceedings invalid.
- (8) After consideration of the appeal, the Appeal Committee may allow the appeal as a whole or partially and may set aside or amend the finding of the Hearing Committee or dismiss the appeal and uphold the finding.
- (9) The finding of the Appeal Committee is final and no reasons for such finding need to be provided.

5 *Continued liability for full fees*

If, owing to misconduct, a student's rights or privileges are taken away from him or her temporarily or permanently, completely or partially or his or her studies are interrupted or terminated, or his or her residence accommodation is terminated, such student forfeits all claims to the

repayment, reduction or remission of fees paid or payable to the University.

Note:

The above Rules are verbatim taken from the UFS Statute (17 August 1999) and apply in the above format as from the date on which the substitutional Statute will be approved by the Minister of Education and being published in the Government Gazette.

Recommended to the Minister of Education in terms of a UFS Council decision on 11 March 2005.