

STUDENT DISCIPLINARY CODE

A. GENERAL

A.1 In common with other communities of like size and complexity the University has rules which contribute to the smooth and harmonious running of the institution.

A.2 Unless the contrary intention appears herein, the rules and procedures which follow shall apply to every student of the University whether graduate or undergraduate and whether the conduct in question takes place on or off campus, provided that s/he complies with the definition of student in this code and provided further that if the conduct takes place off campus it may reasonably be regarded as being likely to bring the University into disrepute.

A.3 A student shall not contravene any of the rules set out in Rule 15, any rule of the Halls of residence of the University, of the Oppidan Union, of the SRC or the Sports Council and a contravention of any such rule shall be a disciplinary offence.

B. AMENDMENT OF THE STUDENT DISCIPLINARY CODE

Any amendment or addition hereto made between the publication of one edition of the University Calendar and the next will be posted on a notice board designated by the Dean of Students and such posting will be deemed to serve as proper and sufficient notice thereof to all students.

C. DEFINITIONS

In this Disciplinary Code, unless the context otherwise clearly indicates:

Adviser means a person representing a student at a disciplinary hearing before a Proctor or the Disciplinary Board or a person representing a student at proceedings before the Disciplinary Review Board or the Disciplinary Review Committee.

Competent verdicts means verdicts which may be imposed as provided for in Sections 256 to 270 of the Criminal Procedure Act 51 of 1977 or section 1 of the Criminal Law Amendment Act 1 of 1988.

Days Unless the contrary is clearly indicated days will mean days within official university terms but will exclude Saturdays, Sundays and public holidays.

Digs means accommodation in Grahamstown occupied by students (with or without their parents or guardians) who are not living in residence.

Disciplinary Authority means any Board, Committee or person authorized to hold a disciplinary hearing, or any person required to carry out an investigation to determine whether or not a student should appear at a disciplinary hearing to answer a charge of committing a disciplinary offence.

Disciplinary Hearing means the proceedings before a Proctor, the Disciplinary Board or any Lower Disciplinary Authority convened for the purpose of determining whether a student has committed a disciplinary offence or not, and to determine the sanction that should be imposed.

Intervisiting means a visit by a woman into a men's residence or a visit by a man into a women's residence.

Motor vehicle or vehicles means a motor vehicle or vehicles as defined in the National Road Traffic Act of 1996.

Oppidan means a student living in 'digs'.

Residence means a building belonging to or leased by the University housing students either on or off the campus, but excluding digs.

Sanction means the action taken in respect of, or the sanction imposed on, a student who has been found guilty of having committing a disciplinary offence.

Student means the following persons during the periods stated:

(a) Any person who is registered as a student at the University during the period of such registration;

- (b) Any person who, prior to his/her first registration as a student, with the intention of registering as a student has moved into residence or 'digs', and is attending a Summer School or an Orientation Week Programme or any similar period of attendance at the University, however described;
- (c) Any person who is registered as a student and who is in Grahamstown for the purpose of writing supplementary examinations or for any other reason linked to the university and its functions;
- (d) Any person who was previously registered as a student and who has returned to or remained in Grahamstown, and who thereafter registers again; and specifically a person in this category who is present in Grahamstown during the Orientation Week;
- (e) Any student who, at any time, whilst out of Grahamstown, is representing the University at any academic, club, cultural, sporting, society or other official University function or activity;
- (f) Any person who has left the University where the question of the propriety of a degree improperly obtained, or of conduct during an examination, is in issue.

Under the influence of alcohol and/or Drugs means that the skill or judgment normally required in the conducting of a student's everyday life is obviously diminished or impaired as a result of the consumption of alcohol and / or drugs.

Verdict means the finding of a Disciplinary Authority that a student has committed a disciplinary offence.

D. MEDIATION

D.1 Any student who has been the victim of any form of harassment, whether sexual, racial, gender-based, religious or other, or any form of defamation or other offensive verbal behaviour may elect to have the complaint settled by mediation rather than at a disciplinary hearing.

D.2 Any student complaining of the type of behaviour set out in D.1 above (hereafter called the complainant) may approach the Dean of Students for assistance. The Dean of Students may, if the complainant so requests, assist the student in making contact with an appropriate counsellor to assist such student.

D.3 If no counselling is undertaken or, if after counselling, the complainant desires mediation, the Dean of Students shall summons the person/s who allegedly harassed or defamed or behaved offensively (hereafter called the respondent/s) and enquire of him/her/them whether they wish to settle the dispute by mediation.

D.4 If the respondent/s do not consent to mediation the Dean of Students must inform the complainant, who will then have to decide whether to follow the disciplinary hearing route, in which case the complainant must be referred to the University Prosecutor.

D.5 Where the Respondent/s freely consent/s to mediation the University reserves the right to proceed with disciplinary proceedings against the respondent/s regardless of the outcome of the mediation process but not until the mediation process has been completed.

D.6 Where mediation is desired and agreed to by all parties, the Dean of Students must appoint a suitably qualified person who is willing to do so, to mediate the dispute. The mediation process will then proceed.

D.7 If at any time either the complainant/s or the respondent/s wish to withdraw from the mediation process, the process shall cease.

D.8 Where mediation ceases or is unsuccessful, the complainant/s may elect to proceed by means of a disciplinary hearing in which case s/he/they must refer the matter to the University Prosecutor.

D.9 Where the dispute is settled by mediation, the complainant will forfeit his/her/their right to institute a disciplinary hearing.

D.10 The mediation process shall be privileged and confidential and no information disclosed during such process shall be disclosed or be admissible at any subsequent disciplinary hearing.

E. RULES AND PROCEDURE

1 Attendance

1.1 Students are required to be in attendance at the University throughout the academic terms. Late return from vacation without leave will normally be dealt with the Head of Department or Dean of the Faculty concerned. It may effect a students ADP- status.

2 Change of Address

Students shall notify the Student Bureau of their contact details i.e. home address, e-mail, cellphone number etc. as soon as practically possible after such change has taken place. In the event of students altering their Grahamstown address they shall notify the Registrar within seven days of the change being effected.

3 Health

3.1 If the Dean of Students has reasonable grounds for believing that a student is suffering from an infectious, contagious, and notifiable disease s/he may require such student forthwith to undergo a medical examination before a medical officer approved by the Dean of Students and submit to the Dean of Students a medical certificate in respect thereof. Both pending the receipt by the Dean of Students of the medical certificate and thereafter the Dean of Students may take such action in the interests of the University as s/he may consider desirable in all the circumstances, including an order that such student/s (or a student/s who have recently been in contact with such diseases) may not come to or return to or remain at the University unless or until a medical certificate is furnished to the Dean of Students to the effect that the student's condition does not in any way constitute a threat to the health of another person.

4 Examinations/Tests

4.1 A student may not take into the examination/test venue, or have in their possession whilst in such a venue, any cellphone, book, memoranda, notes, papers or other materials whatsoever, except answer books or such other books, or other materials as shall have been supplied by the Examinations Officer or authorized by the examiners.

4.2 A student may not aid or attempt to aid another candidate during an examination/test, or obtain or attempt to obtain aid from another candidate, or communicate or attempt to communicate in any way with any other candidate during such examination/test.

4.3 A student found guilty of a breach of rule 4.1 or 4.2, may, in addition to any other sanction which may be imposed in terms of these rules, be:-
disqualified by the Senate from;

4.3.1 writing the examination/test in question or any other examination/test or examinations/tests which the Senate may specify; and/or

4.3.2 receiving a credit in the examination in question or in any other examination which the Senate may specify.

4A Plagiarism

The University has detailed policies on plagiarism which will be strictly enforced. All students are required to familiarise themselves with and comply with these policies.

5 Motor Vehicles / Cycles

5.1 A student possessing a motor vehicle or motor cycle in Grahamstown must register it with the Registrar when registering as a student each year, and the make, registration number and the student's address must be supplied. In the event of a student acquiring possession of a vehicle in Grahamstown after registration, or changing his/her address, s/he shall register it or such change of address with the Campus Protection Unit within 72 hours of acquiring possession of it, or changing his/her address.

5.2 A student may not at any time park a vehicle in any area in the precincts of the University reserved for other purposes.

5.3 The Provisions of the definitions and offence sections of the National Road Traffic Act 93 of 1996, and its regulations, as amended, shall apply, with the necessary changes, to all roads on the campus of the University which are not public roads.

5.4 Students charged with certain offences under rule 5.2 or 5.3 may elect to admit their guilt and pay a fine in accordance with a schedule of fines as laid down from time to time by the Registrar after consultation with the Proctors and the University Prosecutor. In such a case, no formal disciplinary hearing will be instituted.

6 Press Activity

A student who is the editor of any magazine or newspaper, and a student who is the author of a pamphlet news-sheet or similar publication (all of which forms of publication are hereafter referred to as “the publication”), shall supply the Registrar with a free copy of each issue of the publication, together with the name and address of the publisher, as soon as possible after the completion of the printing of such Issue.

7 Alcohol/Liquor

Alcohol/liquor may not be taken into or consumed on any part of the University property without the written permission of the Principal, or such other person to whom the Principal has in writing, delegated the authority to control the possession of or use of alcohol/liquor.

8 Drugs

A student may not be in unlawful possession of or deal in or distribute any drugs for which a prescription is required by law, or of any drug the possession of which is forbidden by law.

9 Firearms

Firearms (including air-rifles and air-guns) may not be brought into or used on any part of the University property without the permission of the Principal.

10 Raiding and Initiation

Initiation of students, whether with or without the consent of those participating, and raiding are strictly prohibited.

10.1 A student may not at any time make an unreasonably loud noise on campus or within earshot of campus. Sound systems that are audible beyond the area, or outside the vehicle, from which it emanates shall be turned off at 22h00 on Mondays, Tuesdays, Wednesday, Thursdays and Sundays. Sound systems that are audible beyond the area or vehicle referred to above shall be turned off at 24h00 on Fridays and Saturdays.

11 Residence (Intervisiting)

11.1 No visitor may be present at any time in a University residence (this includes balconies, verandahs and common rooms) if s/he is of the opposite gender to that of the students who are living in the residence concerned, other than in such places and during the official intervisiting hours, which must be published in the rules of the Hall concerned; provided that such rules may not permit intervisiting between 24h00 (midnight) and 08h30 daily, except after a Hall Ball in which case intervisiting will cease at 01h00.

11.2 In addition to the above rules there are residence rules applicable to each hall of residence. Students are required to familiarize themselves with their own residence rules, and must ensure that their friends/partners, who visit them in their residence, are aware of the relevant Hall or House rules.

12 Admission of Guilt Procedures

12.1 Students who are charged with certain disciplinary offences (which are agreed to from time to time by the Senate Disciplinary Sub-Committee), may elect to pay an admission of guilt fine rather than appear before a disciplinary authority. The student concerned will, however, always have the right to appear before the relevant disciplinary authority. S/he cannot be compelled to pay an admission of guilt fine. Any student issued with a notice that an admission of guilt fine may be paid in respect of a particular offence who elects to appear before a disciplinary authority rather than pay the fine shall notify the Registrar in writing within 7 days of being issued with such notice. If no such notice has been given to the Registrar, the Registrar may, after a further 7 days, debit the student's fees account if the fine remains unpaid.

12.2 A schedule of such fines, drawn up by the committee mentioned in 12.1 above shall be posted, before the start of the first term each year, on all residence and University lock-up notice boards.

12.3 This schedule will be binding on all disciplinary authorities unless evidence is produced of aggravating features which necessitate a departure from the schedule.

13 Authority

13.1 Subject to rule 14.3 of the conduct of all students is subject to the control of all members of the academic staff, all hall and house wardens, assistant wardens, sub-wardens, Campus Protection officers and guards, members of the SRC, and the following senior administrative staff viz : The Vice-Chancellor, the Deputy Vice-Chancellors, the Registrar, the Registrar (Finance and Operations), the Dean of Students,

the Director Human Resources Division, the Director Estates Division, the Director of the Communications and Development Division and the Director of Information Technology.

13.1.1 A caterer in charge of a Hall Kitchen during meal times shall have the right to ask any student for his/her name and place of residence, and to produce his/her student card, where such caterer has reasonable grounds for suspecting that the student has committed a disciplinary offence, or is attempting to obtain a meal which is not due.

13.2 A student shall obey all lawful instructions given by any of the persons mentioned in Rule 13.1 concerning his/her conduct, including an order to proceed immediately to and remain at his/her place of residence or the Campus Protection Unit office.

13.3 In addition to the control referred to in Rule 13.1 every member of the academic staff shall have the right to exclude from class any student guilty of misconduct or insubordination in such class. If the exclusion is for more than one lecture or other class meeting it shall be reported in writing to the Head of the Department concerned, who may after an enquiry, where the student/s concerned have been given the right to explain his/her/their alleged misconduct, confirm or vary the order of exclusion. If the order of exclusion is for more than two weeks, it shall be reported, in writing, by the Head of the Department to the Principal, who having read the Head of Departments report, may confirm or vary the order, or may refer the matter to some other person or board including a disciplinary authority.

13.4 The lawful instructions referred to in 13.2 shall include an order by the University Prosecutor to furnish information to him/her or to appear before any disciplinary authority, provided that any student appearing before the University Prosecutor shall be cautioned that s/he need not answer any question the answer to which is likely to expose him/her to a disciplinary hearing and provided further that an accused student appearing before the University Prosecutor shall not be compelled to furnish him/her with a written statement. Such accused student may, however, furnish the University Prosecutor with a written statement if s/he freely chooses to do so.

13.5 The lawful instruction referred to in 13.2 shall include the right to request a student who, on reasonable grounds, is suspected of being under the influence of alcohol to take a breathalysers test or any other reasonable, relevant tests, for example, the ability to stand on one foot or the ability to walk in a straight line.

14 Giving of Name and Address

14.1 Subject to rule 14.3 all University officers named in Rule 13.1 (above) shall have the right at any time to demand of any student his/her full name and place of residence, and to demand the production of his/her student card or any other satisfactory form of identification; provided that such power shall only be exercised where the officer seeking the information has reasonable cause to believe that the student has committed, or is about to commit a disciplinary offence, or that the student in question is in a position to give information as to the commission of a disciplinary offence or there is a reasonable doubt that the person concerned is a student. Failure by a student in these circumstances to answer promptly and truthfully will be regarded as a serious breach of discipline.

14.2 Subject to the provisions of rules 14.1 and 14.3 all University officers named in Rule 13 shall have the right to photograph or cause to be photographed any student for the purpose of identification; provided that such power shall only be exercised where the student refuses or is unable to produce his/her student card or any other proof of identification, or where there is any doubt as to the proof of the identification. The proviso to this provision will not, however, apply to the filming or photographing of riots, demonstrations or marches on campus.

14.3 The provisions of rules 13.1; 13.2; 14.1 and 14.2 shall only be exercised by a sub-warden in respect of those students living in the Hall or Residence in which s/he has been appointed or where a non-resident is on the property of the Hall/and/or Houses concerned.

15 Disciplinary Offences

Any student:-

15.1 who commits any Common Law crime or any statutory crime involving sexual impropriety;

- 15.1.1** who commits any Common Law crime committed in the circumstances set out in Section 1 of the Criminal Law Amendment Act 1 of 1988;
- 15.1.2** who commits *furtum usus* (unlawful use or removal of the property of another person without their permission but without any intention to steal e.g. borrowing of another person's clothing without permission) of another's property;
- 15.2** who contravenes any of the offences sections of the National Road Traffic Act 93 of 1996 and its regulations on campus;
- 15.3** who contravenes the offence sections of the Liquor Act of 1989;
- 15.4** Who contravenes rule 14.1 of the Student Disciplinary Code;
- 15.5** who contravenes the offence sections of the Firearms Control Act 60 of 2000;
- 15.6** who contravenes the offence sections of the Dangerous Weapons Act of 1968;
- 15.7** who contravenes the offence sections of the Explosives Act of 1956;
- 15.8** who is under the influence of alcohol or drugs, where this interferes with the rights of other persons or their property;
- 15.9** who is violent or disorderly;
- 15.10** who contravenes any hall or house rule;
- 15.11.1** who fails to comply with the Universities Acceptable Computer Use Policy as published by the Information Technology Department;
- 15.11.2** who fails to comply with Rule 2 of the student Disciplinary Code;
- 15.11.3** who contravenes Rule 4 of the Student Disciplinary Code;
- 15.12** who contravenes Rule 5.1; 5.2 and 5.3 of the Student Disciplinary Code;
- 15.13.1** who contravenes Rule 6 of the Student Disciplinary Code;
- 15.13.2** who contravenes Rule 7 of the Student Disciplinary Code;
- 15.13.3** who contravenes Rule 8 of the Student Disciplinary Code;
- 15.14** who fails to comply with any lawful notice, instruction, request order or direction issued in terms of the Student Disciplinary Code;
- 15.15** who contravenes Rule 9 of the Student Disciplinary Code;
- 15.16** who contravenes Rule 10 of the Student Disciplinary Code;
- 15.17** who contravenes Rule 11 of the Student Disciplinary Code;
- 15.18** who is guilty of conduct which interferes with, or which may reasonably be likely to disrupt or interfere with teaching or study or research or lectures or meetings or other events at the University or of any constituent part of the University or of an associated research institute or the administration of the University or of any other of the normal processes and activities of the University;
- 15.19** who is guilty of any conduct which obstructs or interferes with any officer or any other member or employee of the University or with any other student in the performance of his/her lawful duties or in the exercise of his/her lawful rights;
- 15.20** who damages or defaces any property of the University or any property whatsoever within the precincts of the University whilst sober or under the influence of alcohol or drugs;
- 15.21** who, whilst sober or under the influence of alcohol or drugs, removes motor vehicle registration number plates, street signs, street numbers, hotel names, doctor's name plates or any other similar property without the authority of the lawful owner or occupier;
- 15.22** who occupies or uses any portion of the University premises otherwise than in accordance with the Rules and Regulations of the University or in any manner contrary to the purposes for which such premises are intended by the University to be used, or for which they are in fact normally used;
- 15.23** who engages in any conduct which is defamatory of any officer or any other member (which will include a student) or employee of the University or which may reasonably be regarded as offensive;
- 15.24** who is insubordinate towards any member of the University staff;
- 15.25** ... (deleted)

15.26 who conspires with or who aids and abets any other student or person to commit any of the above offences;

15.27 who utters, distributes, displays, shows, screens or projects any disparaging or derogatory remarks or innuendos based on a person's race, gender or sexual orientation, or any form of hate speech;

15.28 who engages in any conduct, other than that mentioned above, which may reasonably be regarded as likely to bring the University into disrepute;

15.29 who deliberately or negligently untruthfully answers any relevant and lawful question put to him/her in the course of any disciplinary hearing or put to him/her by the University Prosecutor in the course of an investigation into an alleged disciplinary offence;

15.30 who commits any act of a racial, sexual, gender, religious or other form of harassment;

15.31 who is guilty of the conduct mentioned in Rule 18.6.30.2;

15.32 who intentionally interferes with any Rhodes University emergency equipment e.g. emergency assistance buttons, fire-extinguishers, cameras, telephones etc.

15.33 who has in his or her possession, any glass bottles and glasses containing liquor and soft drinks whilst on any part of the Campus that has been designated by the Registrar to be a glass free area.

15.34 who puts up a poster in a place or on any surface not specifically designated or reserved for putting up of posters.

SHALL BE GUILTY OF A DISCIPLINARY OFFENCE

16 Aiding and Abetting

A student shall not aid or abet another student to commit a disciplinary offence.

17 Sanctions

A Proctor or a Disciplinary Board shall have **jurisdiction** to impose any one or more of the following **sanctions** upon a student who has been found guilty of a disciplinary offence:

17.1 deprivation of a degree improperly obtained;

17.2 permanent exclusion from the University;

17.3 exclusion from the University and its premises and from participation in all University activity (which shall include all student activity) for a specified period;

17.4 exclusion from a specific University residence or all residences;

17.5 exclusion from attendance at certain classes and/or University examinations, either permanently or for a specified period;

17.6 exclusion from participation in such University activities or from such post or office in the University as may be specified, either permanently or for a specified period;

17.7 imposition of a fine not exceeding 12,5 percent of the Bachelor of Arts fee;

17.8 payment of such sum of money as may be required to make good any loss, damage or expense caused to the University or to another person as a result of the offence;

17.9 a period of compulsory service;

17.10 Prohibition from driving or possessing a motor vehicle/motor cycle on campus; (Note: This sanction may only be imposed on a student who is found guilty of a disciplinary offence involving the use and/or driving of motor vehicle. This includes a motorcycle.)

17.11 suspension of all or part or any of the above sanctions for a period of up to five years; and

17.12 any other appropriate sanction.

Provided that the sanctions referred to in 17.1 and 17.2 shall not become of full force and effect until they have been confirmed by Council and provided further that pending a decision by Council on the sanction in 17.2 the student concerned shall, unless the Principal rules otherwise, be excluded forthwith from any University premises and be suspended from participation in all University activity (which shall include all student activity). If Council does not confirm the sanction in 17.1 or 17.2, whichever is in question, the matter shall be referred back to the disciplinary authority which imposed the sanction in order that some other sanction should be imposed. Any such sanction shall be subject to review in the ordinary way.

18 HIGHER DISCIPLINARY AUTHORITIES

General

The onus or burden of proof in all hearings before the Higher Disciplinary Authorities shall be proof on a balance (preponderance) of probabilities.

A student who is convicted of any crime in a court of law shall be rebuttably presumed to have committed the acts referred to in the criminal charge sheet.

The Principal

18.1 The Principal shall be the Chief Disciplinary Authority of the University and shall have the following powers:

18.1.1 S/he may take such interim action against any student as s/he in his/her discretion may consider desirable in the case of any apparent disciplinary offence by any student. In the exercise of this power, the Principal may suspend the student concerned from attendance at classes and/or from participation in any other activities of the University, pending a final decision in the matter, provided that in the event of the Principal taking such interim measures he shall proceed to obtain a final decision on the apparent disciplinary offence as soon as it is reasonably practical to do so.

18.1.2 S/he may delegate all or any of his/her powers in connection with student discipline to a Deputy Vice-Chancellor.

18.1.3 Nothing herein contained shall in any way derogate from the Principal's powers and authority under the common law or such powers as may be vested in him/her by any other body or authority whatsoever.

18.1.4 Notwithstanding the terms of the appointment of the University Prosecutor/s and Proctor/s, the Principal shall be entitled at anytime to relieve them or any of them of the powers entrusted to them herein and may thereafter appoint another person or other persons as the case may be in his/her or their stead, subject in all cases to the provisions of the Labour Relations Act 66 of 1995.

18.1.5 The Principal shall, when exercising disciplinary powers have jurisdiction over all students and shall have the power to impose the same sanction as a Proctor or Disciplinary Board may impose.

The Acting Principal/ Pro Vice-Chancellor

18.2 When the Principal is absent from the University, the Acting Principal, or if no acting appointment has been made, the Pro Vice-Chancellor, shall take over the disciplinary powers vested in the Principal.

18.3 The Proctor

18.3.1 The University may appoint a Proctor/s to serve for such period as the Principal may from time to time determine. This officer shall whenever possible be a member or retired member of the academic staff.

18.3.2 If, during a hearing before a Proctor, the Proctor becomes unable to continue to serve and it appears that the Proctor will be unable to resume participation within a reasonable time, having regard to the circumstances of the case, the proceedings may be terminated and fresh proceedings commenced de novo (afresh) before such other disciplinary authority as the University Prosecutor may determine; provided that, with the leave of all students summoned to appear in such proceedings the University Prosecutor may order that the proceedings already started continue before a replacement disciplinary authority.

18.3.3 A Proctor shall have jurisdiction over all students and in respect of all disciplinary offences set out in Rules 15 and 16 above, and shall have jurisdiction to impose any or one or more of the sanctions set out in Rule 17.

18.4 The Disciplinary Board

18.4.1 Where a student is to be charged with allegedly committing a disciplinary offence before a Proctor sitting alone, the University Prosecutor shall advise the student that if s/he so wishes s/he may appear before a Disciplinary Board. If the student then so requires, the hearing shall be before a Disciplinary Board.

18.4.2 The Disciplinary Board shall consist of a Proctor as Chairperson, one member chosen from a panel of staff members after nominations have been called for, approved by the Principal after consultation with

the Proctor/s and subsequently approved by Senate (the Senate Panel) and a further member from a panel of students who have completed at least two years of full-time attendance at the University, nominated by the SRC and approved by the Principal after consultation with the Proctor/s and subsequently approved by Senate(the SRC Panel). Whenever a Disciplinary Board is required to sit the Principal shall select the two members, one from each panel.

18.4.3 If at any time no member of the panel chosen by the SRC panel is either: available, willing or able to sit on the Disciplinary Board, the Principal shall select an additional member from the Senate Panel.

18.4.4 The Disciplinary Board shall have the same jurisdiction as that of a Proctor, as set out in Rule 18.3.3.

18.4.5 If the chairperson (Proctor) of the Disciplinary Board becomes unable to continue to serve in like circumstances to those set out in 18.3.2, the proceedings shall be terminated and commenced de novo before a newly-constituted Board provided that with the leave of all students given notice to appear in such proceedings, the University Prosecutor may order that the proceedings continue before a replacement Proctor and the members of the Board who have acted to up that point.

18.4.6 If, during a hearing before the Disciplinary Board, a member of such Board other than the Proctor becomes unable to continue to serve or absents him/herself, the Proctor and remaining member shall have the power to proceed to a final determination of the matter in the absence of the unavailable member.

18.4.7 The Board shall reach its decisions upon the verdict and the sanction by a majority vote. In the event of a failure to obtain a majority agreement on verdict or sanction, the members of the Disciplinary Board shall reconsider the matter and in the event of their still being unable to reach a majority agreement, the Proctor shall determine the verdict and/or sanction as the case may be.

18.5 The University Prosecutor

18.5.1 The University may appoint a Prosecutor/s to serve for such period as the Principal may from time to time determine. These University Prosecutors shall, whenever possible, be members or retired members of the academic staff who have practiced as advocates, attorneys or prosecutors in a court of law. One such prosecutor shall be designated by the Principal as the Senior Prosecutor; provided that whenever it is not possible for the University to appoint Prosecutor/s with the qualifications set out above, Prosecutors without such qualifications may be appointed to exercise such powers as Council may determine.

18.5.2 In addition the University may appoint Assistant Prosecutors from the ranks of law students to assist the University Prosecutor/s appointed in terms of 18.5.1 above.

18.5.3 The University Prosecutor/s and Assistant Prosecutors shall have the power to investigate any alleged disciplinary offence which is reported or referred to them or of which they become aware of their own knowledge. If it appears that a student has committed a disciplinary offence they may, at their discretion, follow the procedures set out in Rule 18.6.

18.5.4 They shall further have the power to direct that proceedings already commenced before any of the disciplinary authorities, referred to in this disciplinary code, be suspended or terminated forthwith, provided that this power shall only be exercised if there are reasonable grounds for doing so.

18.5.5 Review by Prosecutor

18.5.5.1 If within fifteen (15) days of its imposition, it should come to the attention of the University Prosecutor that any Lower Disciplinary Authority has imposed a sanction which s/he believes, on reasonable grounds, is so lenient as to be unjust, s/he may take the matter on review before a Disciplinary Review Committee. The provisions of rules 20.4.1.10; 20.4.1.11; 20.4.1.12; 20.4.1.13; 20.4.1.14; 20.4.1.15 and 20.4.1.16 shall apply to such review with the necessary changes.

18.5.5.2 If within the same period as set out in 18.5.5.1 it should come to the attention of the University Prosecutor that a Lower Disciplinary Authority has imposed a sanction which prima facie appears to be so severe as to be unjust the Prosecutor shall advise the student concerned of his/her rights of review provided for by this Code. The student's right to take the matter on review shall run from the date that the Prosecutor has drawn his/her attention to the right of review.

18.5.6 The Senior University Prosecutor shall report to the Principal before the end of the Second and Fourth Terms any investigation into a disciplinary offence pending against any student.

18.6 Procedure in Hearings before a Proctor or Disciplinary Board

Notice

18.6.1 Where the University Prosecutor/s is/are satisfied that there is a prima facie case against a student s/he must draw up a notice setting out the disciplinary offence/s allegedly committed, or any alternative disciplinary offences, the date, time and place of the offence/s, the person against whom the offence/s was allegedly committed (if any); the property in respect of which the offence/s was committed (if any) and any other relevant details sufficient to inform the accused student of the charge/s s/he has to meet. The notice must also set out the date, time and place of the hearing.

18.6.2 Service of Notice

The notice must be served by a member of the Campus Protection Unit on the student personally, or if s/he cannot be found on his/her warden or, in the case of a student living in 'digs' on any person apparently over the age of 17 years living in such 'digs'.

18.6.3 The notice must be served on the accused at least three (3) days before the date of the hearing, provided that the Proctor or the Chairperson of the Disciplinary Hearing may, on good cause being shown, postpone the hearing. The Proctor or the Chairperson of the Disciplinary hearing shall ask the accused at the outset of the hearing whether s/he has had sufficient time to prepare.

18.6.3.1 The person serving the notice must inform the University Prosecutor in writing when, how, where and on whom the notice was served.

18.6.3.2 The University Prosecutor shall have the right to direct that any student required to give evidence in a disciplinary hearing (this will include student witnesses called on behalf of the University or as defence witness) before a Proctor or the Disciplinary Board, attend such hearing, and remain in attendance until excused.

18.6.4 Hearing

When all the parties are assembled before the Proctor or the Disciplinary Board, the University Prosecutor shall read the charge/s to the accused student.

18.6.5 The accused student will be required to answer the charge/s (ie. plead to the charge/s). S/he may:

18.6.5.1 Deny that s/he committed the offence (Not guilty).

18.6.5.2 Admit that s/he committed the offence (Guilty).

18.6.5.3 Admit that s/he committed an alternative charge/s. (Guilty to an alternative).

18.6.5.4 Admit to a lesser offence (Guilty to a competent verdict/s) e.g. charged with assault with intent to commit grievous bodily harm but only admits simple common assault.

18.6.5.5 Allege that s/he has already been found guilty or not guilty of the disciplinary offence.

18.6.6 Where a student admits a charge (pleads guilty), the Proctor or Chairperson of the Board, as the case may be, shall question the student to ensure that the student's admission of the charge (plea of guilty) is a genuine and complete admission on the question of both fact and law.

18.6.6.1 Where the accused student is represented, his/her adviser may hand in a written plea statement in lieu of the questioning mentioned in 18.6.6.

18.6.6.2 If the Proctor/Chairperson of the Board, as the case may be, is thereafter satisfied that the student's answer to the charge is a genuine and complete admission of the charge with no defence (plea of guilty), the student may be found guilty of the charge, an alternative charge or a competent verdict as the case may be, without any evidence being heard.

18.6.7 Where a student denies the charge (pleads not guilty) the Proctor or the Chairperson of the Board may question the student to ascertain which of the allegations in the charge/s are in dispute. The student must, however, be informed that s/he is not obliged to answer any such questions. Where, however, a student elects to answer questions and admits any of the allegations in the charge/s, they will be regarded as proved.

18.6.8 An accused student will be entitled to receive copies of all witness statements and other documents which the University Prosecutor intends to use against him at least two (2) days prior to the hearing; provided that this provision will not apply if the University Prosecutor, or the Proctor if the matter is in dispute, is of the reasonable opinion that access to the documents concerned by the student could lead to the intimidation of witnesses.

18.6.9 The proceedings in a disciplinary hearing before a Proctor or a Disciplinary Board may be conducted by either the accusatorial method or the inquisitorial method or by a combination of both.

18.6.10 Where a student denies the charge (pleads not guilty to a disciplinary offence) the University Prosecutor may lead viva voce evidence in support of the charge and may submit written statements from witnesses; provided that such written statements will not be received into evidence if their content is in dispute and/or the Proctor is of the opinion that the admission of such statements would prejudice the accused student.

18.6.11 Witnesses appearing before a Proctor or a Disciplinary Board will be required to affirm that the evidence they will give will be the truth, the whole truth and nothing but the truth.

18.6.12 An accused student, or his/her adviser, but not both, will have the right to cross-examine any witnesses called by the University Prosecutor. Thereafter such witnesses may be re-examined by the University Prosecutor.

18.6.13 An accused student shall have the right to remain silent or to give evidence on affirmation, provided that such student shall not be compelled to give evidence. If s/he elects to give evidence s/he will give his/her evidence before the Proctor or Board, as the case may be. Where the student is represented his/her adviser may lead the evidence on behalf of the defence. S/he may then be cross-examined by the University Prosecutor; provided that an accused student who elects to give evidence before a Proctor or Disciplinary Board, as the case may be, shall not be asked or required to answer any questions the answer to which is likely to expose him/her to a disciplinary hearing for any offence/s other than the offence/s with which s/he is being charged.

After cross-examination, re-examination may follow.

18.6.14 Any student, other than the accused student/s, appearing before a Proctor or a Disciplinary Board as a witness shall not be asked or required to answer any question the answer to which is likely to expose him/her to any disciplinary hearing for any disciplinary offence.

18.6.15.1 An accused student will have the right to call witnesses provided that if s/he elects to give evidence his/her evidence must be heard before that of his/her witnesses. The same procedure as set out above will be followed for the accused student's witnesses and his/her own evidence.

18.6.15.2 Where a defence witness is not willing to attend to give evidence a Proctor may order such witness to appear to give evidence.

18.6.15.3 An accused student may submit written statements from witnesses, provided that the proviso to rule 18.6.10, applies with the necessary changes.

18.6.16 The Proctor or Chairperson of a Disciplinary Board, as the case may be, may ask questions of any witness, including the accused student, at any time whilst they are giving evidence or on re-call in terms of rule 18.6.18.

18.6.17 Where the accused student has elected to be heard by a Disciplinary Board, the Proctor, as Chairperson, shall alone decide any question of law or procedure or the admissibility of evidence. In deciding any question of procedure not provided for in the Student Disciplinary Code, or on the admissibility of evidence, s/he will not be bound by the formal rules of criminal procedure or evidence applicable in any court of law but shall follow the dictates of fairness, natural justice and relevance even if this includes the application of the rules of procedure and evidence applicable in courts of law.

18.6.18 The Proctor or the Chairperson of the Disciplinary Board, as the case may be, may call any witness not already called, or recall any witness who has already given evidence if s/he is of the opinion that the evidence or further evidence of such witness is essential to the just decision of the case. Any such witness

called or recalled may be cross-examined by the University Prosecutor, the accused student or his/her adviser.

18.6.19 After all the evidence has been led or presented, the University Prosecutor and the accused student or his/her adviser shall have the right to address the Proctor or Disciplinary Board as the case may be.

18.6.20 After the conclusion of the addresses, the Proctor or Chairperson of the Board, as the case may be, shall there and then or after time to consider, deliver a judgment as to whether the accused student is guilty of the charge/s, any alternative charge/s or any competent verdict/s or is not guilty.

18.6.21 Where a student is found guilty of a disciplinary offence/s both the University Prosecutor and the student or his/her adviser may lead evidence in aggravation or mitigation of sanction, and where there is no dispute such evidence may be placed before the Proctor or Disciplinary Board, as the case may be without any evidence being led.

18.6.22 Thereafter the University Prosecutor and the student or his/her adviser may address on the question of sanction.

18.6.23 The Proctor or Chairperson of the Board, as the case may be, will there and then, or after time is taken to consider the sanction, give a judgment setting out the reasons for sanction and the sanction imposed.

18.6.24 At a hearing before a Proctor or the Disciplinary Board, the reading of the charge, the plea and the evidence of all witnesses, together with the reasons for judgment and reasons for sanction shall be recorded in full by mechanical means.

18.6.25 Effect of Failure to Appear

18.6.25.1 If a student who has been directed to appear before a disciplinary authority in terms of Rule 18.6 fails to appear at the place and on the date and at the time specified in the notice or fails to remain in attendance or to attend any adjourned proceedings the Proctor or Disciplinary Board before which s/he is meant to appear may proceed in his/her absence provided that the Proctor is satisfied, after conducting an enquiry, that the student concerned had no reasonable excuse for failing to attend or for failing to remain in attendance.

18.6.25.2 If a student who has been ordered to attend in terms of Rules 18.6.1 to 3 or 18.6.15.2 fails to attend or to remain in attendance until excused, without reasonable cause, s/he will be guilty of a disciplinary offence.

18.6.26 Representation

18.6.26.1 A student appearing before a Proctor or the Disciplinary Board or the Disciplinary Review Committee may be assisted by any member of the academic staff, whether a member of the Senate or not, or by any registered student of the University (who is not a warden, assistant warden or a sub-warden) other than a student summoned to answer charges in the same proceedings, or by an attorney or advocate (who is not a warden, assistant warden or sub-warden) who is engaged in the private practice of law provided that such representation shall be at his/her own cost.

18.6.26.2 A person assisting a student by virtue of the provisions of these Rules will be referred to as their adviser.

18.6.27 Addition of a fresh charge

If, during the course of a hearing before a Proctor, or the Disciplinary Board, as the case may be, it comes to the knowledge of a University Prosecutor that a student appearing at such hearing may have committed any disciplinary offence/s other than, or in addition to, those with which s/he has been charged, the University Prosecutor may forthwith charge the student concerned with such fresh disciplinary offence and, provided that the provisions of Rule 18.6 in relation to particulars and time to prepare are satisfied, the enquiry may then proceed, the evidence led to that stage retaining its full force and effect.

18.6.28 Admissions

Any extra-curial (not made during a disciplinary hearing) admission made by a student charged with any disciplinary offence shall be admissible in evidence against such student at any disciplinary hearing where such admission may be relevant; provided that it has been made voluntarily.

18.6.29 Admission to Disciplinary Proceedings

At any disciplinary hearing before a Proctor or a Disciplinary Board, as the case may be, no persons other than the Proctor, the persons from the Senate or student panel referred to in Rule 18.4.2, if applicable, the University Prosecutor/s, or Assistant Prosecutors the student charged with a disciplinary offence, his/her adviser, if any, and any witness while giving evidence may attend save with the leave of the Proctor concerned and provided the consent of the accused student and all witnesses has been obtained; and provided further that if the student is appearing before a Proctor or the Disciplinary Board, the members of the SRC Disciplinary Committee and the senior or head student of each of the University's halls of residence may attend such proceedings in the capacity of observers, if at the commencement of the proceedings all students summoned to appear and all witnesses appearing at the proceedings consent to their presence. The decisions of the students appearing and of the witnesses in this regard shall be signified to the University Prosecutor in confidence, who will then inform the Proctor.

18.6.30 Disruptive or Insulting Behaviour

18.6.30.1 If a student appearing at a hearing before any Disciplinary Authority conducts him/herself in a manner which makes the continuance of the proceedings in his/her presence impossible or impractical, the Proctor or the Chairperson of the Board, or Warden etc as the case may be, may, after warning the student/s of the consequences of such conduct, direct that s/he be removed and that the proceedings be continued in his/her absence.

18.6.30.2 If any student intentionally insults any person lawfully present at a disciplinary hearing during its sitting, or intentionally interrupts the proceedings or otherwise misbehaves during such a sitting, they shall, in addition to their liability to be excluded from the proceedings, be liable to be charged and punished there and then for such insulting or disruptive behaviour, provided that the student concerned is first given an opportunity (if practicable) to explain his/her behaviour or to apologize.

18.6.31 Alcohol / Liquor Aggravating Factors

In assessing the sanction to be imposed on a student who has been found guilty of a disciplinary offence, the Disciplinary Authority hearing the matter shall regard the fact that the student was under the influence of alcohol/liquor/drugs at the time the offence was committed as an aggravating factor. As far as common law crimes are concerned, the provisions of Section 2 of the Criminal Law Amendment Act 1 of 1988 shall apply.

18.6.32 Records

18.6.32.1 Within seven (7) days of the imposition of a sanction by a Proctor or the Disciplinary Board, the Proctor or Chairperson concerned shall record the charges, any amendment made to the charge/s, the pleas, the material facts found proved, including aggravating or mitigating circumstances, if any, the reasons for the verdict, the verdict, the sanction imposed, and the reasons for the imposition of such sanction, and forward such record to the Registrar. A copy of this record shall be supplied to the convicted student upon request by him/her or the adviser.

18.6.32.2 A copy of such record from which the name of the student who appeared thereat and of any witnesses, has been deleted, shall be posted on a student notice board, which may include a electronic notice board, designated by the Registrar. A second such amended copy shall be filed in the Dean of Students' office. Such record may be made equally available to the University Prosecutor and any student summoned to appear before a Disciplinary Authority so that it may be referred to as a precedent in future enquiries or be used by such student in the preparation of her/his defence.

18.6.32.3 If the Dean of Students is of the view that the sensitivity of a particular case renders publication of the details undesirable, s/he may, in consultation with the Proctor concerned, withhold or restrict publication.

19 Review from a Proctor or Disciplinary Board

19.1 Right of Review

A student who has been found guilty and sanctioned by a Proctor or the Disciplinary Board shall have the right to have such decisions reviewed by a Disciplinary Review Board on the following grounds only:

19.1.1.1 that the facts found proved by the Proctor or Disciplinary Board do not disclose the offence of which s/he was found guilty; or

19.1.1.2 that the sanction imposed was so excessive as to be unjust; or

19.1.1.3 that s/he has been prejudiced by a material irregularity in the conduct of the proceedings against him/her (The meaning to be attributed to the words 'material irregularity' in this provision shall be the same as that attributed by the courts to the provisions of Section 317 of the Criminal Procedure Act 51 of 1977).

19.1.1.4 that the facts found proved are not in accordance with, or are in conflict with, the mechanically recorded record of the proceedings.

19.2 Noting Procedures

19.2.1 A student wishing to exercise the right of review set out in 19.1 shall within five (5) days of having been sanctioned advise the Proctor, or the Chairperson of the Disciplinary Board which sanctioned him/her, in writing that s/he wishes to have a copy of the record in the matter.

19.2.2 Furnishing of the Record

The Proctor or Chairperson referred to in Rule 19.2.1 shall within five (5) days of receipt of the notice from the student, in terms of Rule 19.2 above, furnish the student with a record of the proceedings containing the same details as those required of the record described in Rule 18.6.32; provided that on application by the student who has been found guilty and sanctioned, the Principal may order a full transcript of the proceedings recorded by mechanical means to be supplied on condition that the cost of such transcript which will be met by the student. If at the hearing of the review the verdict and sanction are set aside, the cost of the transcript will be met by the University.

19.2.3 The formal request for review

If upon consideration of the record the student decides that s/he wishes the case reviewed, s/he shall furnish a written request to this effect to the Registrar within seven (7) days of the receipt of the record referred to in 19.2.2. In such request s/he shall set out with the help of the adviser, or so far as s/he is able to do so unassisted, the reasons s/he advances, in terms of Rule 19.1, for asking that the matter be reviewed.

19.2.4 Reply to Request

Where the Registrar is furnished with a request for review in terms of Rule 19.2.3 s/he shall within two days furnish the Proctor or Chairperson of the Disciplinary Board whose decision is being reviewed with a copy of the request for review and all the supporting documents. Within five (5) days of the receipt of the request for review, the Proctor or Chairperson, as the case may be, shall provide the Registrar with a written response to the details set out in the request for review. A copy of such response must be sent to the University Prosecutor and the student who has requested the review at least two (2) days before the hearing.

19.2.5 The University Prosecutor shall, at least three (3) days before the hearing, inform the student or his advisor in writing of the date, time and place of the review hearing.

19.3 Hearing of the Review

19.3.1 The Review shall be heard by a Disciplinary Review Board comprised of a chairperson who shall normally be a member or retired member of the Law Faculty who has been a judicial officer or who has practiced as an advocate or attorney for a period of at least five (5) years and two further members, one of whom shall normally be a member of the Law Faculty and the other a member of the Senate panel referred to in 18.4.2 who has not previously adjudicated upon the matter in question. These persons shall be selected by the Principal.

19.3.2 The Disciplinary Review Board shall decide the outcome of the Review solely upon a consideration of the record; the student's written request for review; the Proctor or Chairpersons reply as provided for in Rule 19.2.4 and any oral submissions made by the student or his/her adviser and the University Prosecutor; and, if applicable, any further evidence permitted in terms of Rule 19.4.4.

19.3.3 The decision of the Review Board shall be reached by a majority vote.

19.3.3.1 the Chairperson of the Disciplinary Review Board shall within seven days of having reached a final decision, provide the student/s involved and the Registrar with a written report setting out the Board's decision and the reasons for such decision.

19.3.4 Representation on Review

19.3.4.1 The University Prosecutor shall represent the University at any review proceedings before the Disciplinary Review Board.

19.3.4.2 The rules regarding representation of a student as set out in Rule 18.6.26 shall apply to the hearing of a Review with the necessary changes..

19.4 Powers Upon Review

Upon hearing a review, the Disciplinary Review Board shall have the following powers:

19.4.1 to request the person or body whose decisions are being reviewed to advise the Review Board whether any finding of fact was made in connection with any particular circumstance and if so, to request that the Review Board be furnished with a statement setting out that finding of fact;

19.4.2 to confirm, alter or quash the decision, and in the event of the decision being quashed, when the student was found guilty on one of two alternative charges, find the student guilty on the alternative charge or a competent verdict thereof;

19.4.3 to confirm, reduce, increase, alter or set aside the sanction;

19.4.4 To hear additional evidence, provided that the party applying to hear such evidence satisfies the Disciplinary Review Board, that:

19.4.4.1 the additional evidence was not available or known at the time of the original hearing;

19.4.4.2 the additional evidence is relevant and material to either the verdict or sanction or both;

19.4.4.3 the additional evidence is prima facie true.

19.4.5 generally to give such judgment or to impose such sanction or make such order as the Disciplinary Review Board deems fit, including the ordering of a re-trial, either before the original Proctor or Disciplinary Board or before a new or different disciplinary authority.

19.5 The Disciplinary Review Committee mentioned in Rule 20.4.1.14.1 is a Higher Disciplinary Authority.

19.6 If the Prosecutor is of the view that the sanction imposed by a Proctor or a Disciplinary Board was so lenient as to be unjust, the Prosecutor shall have the right to have the sanction reviewed by a Disciplinary Review Board. The procedure followed shall be the same as Rule 19 with the necessary changes.

20 LOWER DISCIPLINARY AUTHORITIES

General

20.1 The procedure to be followed in conducting disciplinary proceedings before Lower Disciplinary Authorities shall be by means of the **inquisitorial method**.

20.2 The **standard** or **burden of proof** shall be proof on a balance (preponderance) of probabilities.

20.3 **No representation** will be permitted a student appearing before a Lower Disciplinary Authority. A student appearing before such authority may, however, be accompanied by a sub-warden, a Hall or House Senior/Head Student; a member of the SRC or any other student. The accompanying student will have observer status only. S/he will have no right to speak at any hearing.

20.4 HALL WARDENS AND HALL DISCIPLINARY COMMITTEES.

20.4.1 A Hall Warden and a Hall Disciplinary Committee shall have **jurisdiction**:

20.4.1.1 over all **students** resident in the Hall concerned;

20.4.1.2 over all other students who commit any of the disciplinary offences set out in Rule 20.4.1.3 to

20.4.1.3.15 in any of the constituent houses of the Hall, the dining halls or the grounds, gardens, roads and car parks which form part of the Hall. If there is concurrent jurisdiction, the Hall Warden of the Hall where the alleged offence occurred shall exercise jurisdiction unless there is prior agreement to the contrary;

20.4.1.3 in respect of the following disciplinary offences:

20.4.1.3.1 a contravention of any Hall or House Rule;

20.4.1.3.2 all contraventions of the offence sections of the National Road Traffic Act 93 of 1996 committed anywhere on the Campus, except ‘hit and run’ offences and offences relating to drinking and driving, unless authorised to do so by the University Prosecutor;

20.4.1.3.3 being under the influence of alcohol, where this interferes with the rights of other persons or their property.

20.4.1.3.4 being violent or disorderly;

20.4.1.3.5 failing to comply with Rule 5.1 of the Student Disciplinary Code;

20.4.1.3.6 parking in any area where no student parking is allowed in terms of Rule 5.2 of the Student Disciplinary Code;

20.4.1.3.7 failing to supply the Registrar with a free copy of the publications mentioned in Rule 6 of the Student Disciplinary Code;

20.4.1.3.8 being in possession of or consuming alcohol/liquor in contravention of Rule 7 of the Student Disciplinary Code;

20.4.1.3.9 Taking part in raiding or initiation in terms of Rule 10 of the Student Disciplinary Code;

20.4.1.3.10 contravening the inter-visiting Rules in terms of Rule 11 of the Student Disciplinary Code;

20.4.1.3.11 failing to comply with Rule 13 of the Student Disciplinary Code;

20.4.1.3.12 failing to comply with Rule 14 of the Student Disciplinary Code;

20.4.1.3.13 wrongfully and unlawfully causing any damage to property belonging to the University or any other person caused by a student, whether sober or under the influence of liquor, subject to the question of an appropriate sanction falling within the Hall Warden or Hall Disciplinary Committee’s jurisdiction;

20.4.1.3.14 any case of simple common assault;

20.4.1.3.15 Failing to comply with Rule 15 of the Student Disciplinary Code unless there is a possibility that a sanction greater than that of the jurisdiction of a Hall Warden may be justified in which event the University Prosecutor must be consulted for a decision as to which disciplinary authority shall hear the matter;

20.4.1.4 A Hall Warden or a Hall Disciplinary Committee may impose the following sanctions per single offence:

20.4.1.4.1 exclusion from the Hall;

20.4.1.4.2 a fine not exceeding 10% of the Bachelor of Arts fee per count;

20.4.1.4.3 compulsory service up to 75 hours per count;

20.4.1.4.4 exclusion from participation in any Hall or House activity for a maximum of two terms;

20.4.1.4.5 exclusion from any post or office in the Hall, except that of sub-warden;

20.4.1.4.6 prohibition from driving or possessing a motor vehicle/motor cycle on the University campus; (Note: this sanction may only be imposed on a student found guilty of a disciplinary offence involving the use and driving of a motor vehicle;- this includes a motor cycle)

20.4.1.4.7 suspension of all or part of any of the above sanctions for a period of up to three years;

20.4.1.4.8 payment of compensation to make good any loss, damage or expense caused to the University or to any other person as a result of the offence;

20.4.1.4.9 any other appropriate sanctions.

20.4.1.5 Any student in respect of whom a Hall Warden or Hall Disciplinary Committee has jurisdiction shall have her / his hearing before the Hall Warden sitting alone,, provided that the Hall Warden or student concerned shall have the right to elect a hearing before a Hall Disciplinary Committee; provided further that if at any time one or more or no members of the Hall Disciplinary Committee are either available, willing or able to sit on the Committee, the matter shall be heard by the remainder of the Committee or by the Hall Warden alone.

20.4.1.6 The composition of a Hall Disciplinary Committee shall be the Hall Warden (Chairperson), the Hall Senior/Head Student, one House Warden, one Fellow, and one Hall SRC representative. In the event of any student member of the Committee being unavailable or unwilling to take part the Hall Warden shall

select some other student member of the Hall Committee. If no students are available or prepared to take part the hearing shall proceed in their absence.

20.4.1.7 The steps to be followed at any disciplinary hearing before a Hall Warden or Hall Disciplinary Committee are set out in Annexure 'A' to this Disciplinary Code.

20.4.1.8 Effect of Failure to Appear and Other Related Provisions

20.4.1.8.1 The provisions of Rule 18.6.25; 18.6.27; 18.6.28; 18.6.30 and 18.6.31 shall apply, with the necessary changes, to hearings before a Hall or House Warden or a Hall or House Disciplinary Committee.

20.4.1.9 Review from a Decision of a Hall Warden or Hall Disciplinary Committee

20.4.1.9.1 A student who has been found guilty and sanctioned by a Hall Warden or Hall Disciplinary Committee shall have the right to have such verdict and sanction reviewed on the same grounds as those set out in Rule 19.1.1.1; 19.1.1.2 and 19.1.1.3 of the Student Disciplinary Code.

20.4.1.10 Noting Procedures

20.4.1.10.1 A student wishing to exercise the right of review set out in 20.4.1.9.1 shall within three (3) days of having been sanctioned advise the Hall Warden, or the Chairperson of the Hall Disciplinary Committee which sanctioned him/her, in writing that s/he wishes to have a copy of the record in the matter.

20.4.1.11 Furnishing of the Record

The Hall Warden or Chairperson referred to above shall within three (3) days of receipt of the notice from the student, in terms of 20.4.1.10 above, furnish the student with a record of the proceedings containing:

20.4.1.11.1 The charges.

20.4.1.11.2 The plea.

20.4.1.11.3 The verdict.

20.4.1.11.4 The facts found proved.

20.4.1.11.5 Brief reasons for the sanction imposed.

20.4.1.12 The Formal Request for Review

If upon consideration of the record the student decides that s/he wishes the case reviewed, s/he shall furnish a written request to this effect to the Registrar within five (5) days of the receipt of the record referred to in 20.4.1.11. In such request s/he shall set out with the help of the adviser, or so far as s/he is able to do so unassisted, the reasons s/he advances, in terms of Rule 20.4.1.9.1 asking that the matter be reviewed.

20.4.1.13 Reply to Request

Where the Registrar is furnished with a request for review in terms of Rule 20.4.1.12 s/he shall immediately furnish the Hall Warden or Chairperson of the Hall Disciplinary Committee whose decision is being reviewed with a copy of the request for review and all the supporting documents. Within four (4) days of the receipt of the request for review, the Hall Warden or Chairperson, as the case may be, shall provide the Registrar with a written response to the details set out in the request for review. A copy of such response must be sent to the University Prosecutor and the student who has requested the review.

20.4.1.14 Hearing of the Review

20.4.1.14.1 The review shall be heard by a Disciplinary Review Committee comprised of a Proctor as Chairperson and two further members, one of whom shall be a member of the Senate disciplinary panel referred to in Rule 18.4.2 and the other a member of the student disciplinary panel referred to in Rule 18.4.2. These persons will be selected by the Principal.

20.4.1.14.2 The Disciplinary Review Committee shall decide the outcome of the Review solely upon a consideration of the record set out in Rule 20.4.1.11; the student's written request for review; the Hall Warden or Chairpersons response as provided for in Rule 20.4.1.12 and any oral submissions made by the student or his/her adviser and the University Prosecutor; and if applicable, any further evidence permitted by the Committee.

20.4.1.14.3 The provisions of Rule 19.4.4 shall apply, with the necessary changes, to the hearing of further evidence.

20.4.1.14.4 The decision of the Review Committee shall be reached by a majority vote.

20.4.1.14.4.1 The provision of rule 19.3.3.1 shall apply to such review.

20.4.1.15 Representation on Review

20.4.1.15.1 A University Prosecutor shall represent the University at any review proceedings before the Disciplinary Review Committee.

20.4.1.15.2 The rules regarding representation of a student as set out in Rule 18.6.26 shall apply, with the necessary changes, to the hearing of a review before a Disciplinary Review Committee.

20.4.1.16 Disciplinary Review Committees Powers

20.4.1.16.1 The Disciplinary Review Committee shall have the same powers as those set out in Rule 19.4 which shall apply, with the necessary changes.,

20.5 HOUSE WARDENS, ASSISTANT WARDENS, SUB-WARDENS, HOUSE DISCIPLINARY COMMITTEES AND THE CO-ORDINATORS OF POST GRADUATE VILLAGES

20.5.1 A House Warden, Assistant Warden, Sub-Warden or a House Disciplinary Committee shall have jurisdiction:

20.5.1.1 Over all students resident in their House except Sub-Wardens, Hall or House Head/ Senior students and members of House Committees, who should be referred to the Hall Warden;

20.5.1.1.2 Over all other students who commit any of the disciplinary offences set out in rules 20.5.1.2 to 20.5.1.2.10 in any part of their house or the gardens and car parks which form part of their house. If there is concurrent jurisdiction, the House Warden, Assistant Warden, Sub-Warden or the House Disciplinary Committee of the House where the alleged offence occurred shall exercise jurisdiction unless there is prior agreement to the contrary;

20.5.1.2 in respect of any of the following disciplinary offences:

20.5.1.2.1 Any contravention of any Hall or House rule except contraventions of the intervisiting rules after 01H00;

20.5.1.2.2 All contraventions of the offence sections of the Road Traffic Act 93 of 1996 and its regulations committed on campus except 'hit and run' offences and offences relating to drinking and driving;

20.5.1.2.3 Being under the influence of alcohol or drugs in circumstances where such conduct may reasonably be regarded as likely to bring the University into disrepute;

20.5.1.2.4 Being violent and disorderly whether associated with liquor/alcohol or not;

20.5.1.2.5 Failing to comply with Rule 5 of the Student Disciplinary Code;

20.5.1.2.6 Parking in any area where no student parking is allowed in terms of Rule 5.3 of the Student Disciplinary Code;

20.5.1.2.7 Any contravention of the Intervisiting Rules up to 01h00 and/or relating to signing in and out and the escorting of male guests in female residences;

20.5.1.2.8 Failing to comply with Rule 13 of the Student Disciplinary Code;

20.5.1.2.9 Failing to comply with Rule 14 of the Student Disciplinary Code;

20.5.1.2.10 Any other disciplinary offence when authorised to do so by the University Prosecutor or the Hall Warden.

20.5.2 A House Warden, Assistant Warden or House Disciplinary Committee may impose any of the following sanctions per single count.

20.5.2.1 a fine not exceeding 5 percent of the Bachelor of Arts fee per count;

20.5.2.2 compulsory service not exceeding 50 hours per count;

20.5.2.3 deprivation of intervisiting rights;

20.5.2.4 any other appropriate sanction;

20.5.2.5 suspension of all or part of any of the above sanctions for a period of up to two years;

20.5.2.6 in the case of a Sub-Warden the sanctions which they may impose shall not exceed 50% of the sanctions that a House/ Assistant Warden may impose.

20.5.3 A student alleged to have committed a disciplinary offence in a House or its gardens and car parks shall normally appear before the House or Assistant Warden or Sub-Warden, who has jurisdiction, provided that the House or Assistant Warden or Sub-Warden or the student has the right to elect a hearing before a House Disciplinary Committee; provided further that if at any time no other members of the House

Disciplinary Committee are either available, willing or able to sit on the Committee, the matter shall be heard by the House/Assistant/Sub-Warden alone.

20.5.4 A House Disciplinary Committee shall consist of the House Warden (Chairperson); one subwarden; the House Senior (or Head) Student, and the (or one) Hall SRC representative (if s/he wishes to attend) who shall have observer status only (No speaking rights). In the event of any student member of the committee being unavailable or unwilling to take part the House Warden shall select some other member of the House Committee. If one or more or no students are available or willing to take part the remainder of the committee or warden alone shall proceed in their absence.

20.5.5 The procedure to be followed by a House or Assistant Warden, a Sub-Warden or a House Disciplinary Committee is set out in Annexure 'A' to this Disciplinary Code.

20.5.6 Review from the Decisions of House Disciplinary Authorities

A student who has been found guilty and sanctioned by a House or Assistant Warden, a Sub-Warden or a House Disciplinary Committee shall have the right of review set out in Rule 20.4.1.9.1, which shall apply, with the necessary changes to such review, provided that in a review at a student's instance the powers conferred by this sub-rule may only be exercised if the student concerned satisfies a Proctor that s/he has previously **exhausted all appeal or review remedies** afforded him/her by the constitution of his/her Hall by providing a certificate from his/her Hall Warden to this effect.

20.5.7 Noting Procedure, Record, Request and Hearing

The provisions of Rules 20.4.1.10 to 20.4.1.16 shall apply, with the necessary changes to a review from a House Warden, Assistant Warden, Sub-Warden or House Disciplinary Committee.

20.6 The Oppidan Hall Warden

20.6.1 The Oppidan Hall Warden shall have jurisdiction over all Oppidan students.

20.6.2 The provisions of Rules 20.4.1.3.1 to 20.4.1.3.9; 20.4.1.3.11 to 20.4.1.3.15; 20.4.1.4.2; 20.4.1.4.3; 20.4.1.5; 20.4.1.6; 20.4.1.7 and 20.4.1.8 and the review provisions contained in Rules 20.4.1.9 shall apply to the Oppidan Hall Warden and Oppidan students with the necessary changes.

20.6.3 The Oppidan Hall Warden will only have the right to enter or be upon digs;

20.6.3.1 with the consent of at least one resident of the digs concerned; or

20.6.3.2 if s/he has received a report which raises a reasonable suspicion that a disciplinary offence has been committed in the digs concerned; or

20.6.3.3 as a result of receiving a report s/he reasonably suspects that evidence of a disciplinary offence will be found in the digs concerned.

20.7 The SRC Disciplinary Committee

20.7.1 There shall be a Committee of this title consisting of as many members as the SRC shall by resolution from time to time determine.

20.7.2 This Committee shall have the power to enquire into a disciplinary offence allegedly committed by a student at any function organized or controlled by the SRC both on or off the University premises, provided that as soon as it determines to take such action, it shall immediately report the matter to the University Prosecutor who may decide to refer the matter to any other disciplinary authority in which case s/he shall immediately inform the SRC of the decision. The SRC Disciplinary Committee shall thereupon cease to have jurisdiction in the matter.

20.7.3 The Committee shall have the following powers to penalize any student found by it to have committed a disciplinary offence:

20.7.3.1 imposition of a fine not exceeding 10 percent of the Bachelor of Arts fee;

20.7.3.2 exclusion from participation in SRC functions or facilities for a period not exceeding one term;

20.7.3.3 exclusion from entering the Union Building for a period not exceeding one term;

20.7.3.4 the Committee may impose two or all three of the aforesaid sanctions;

20.7.4 The SRC Disciplinary Committee may formulate its own procedure provided that the rules of natural justice are complied with.

20.7.5 A student who has been found guilty and sanctioned by the SRC Disciplinary Committee shall have the same right of review as set out in Rules 20.4.1.9.1, and the procedure to be followed in Rules 20.4.1.10 to 20.4.1.16 shall apply to such review with the necessary changes.

20.8 The Sports Council Disciplinary Committee

There shall be a Committee of the above title consisting of the Chairperson for the time being of the Sports Council or deputy and two further members nominated by the Chairperson or the deputy from the members of the University Colours Committee. This Committee shall have the power to enquire into any disciplinary offence allegedly committed by a student where the breach alleged has been either:

20.8.1 of a rule of the Sports Council or any of its constituent clubs; or

20.8.2 committed by students on University property set aside by the Council for student activities under the control of the Sports Council; or

20.8.3 committed by students elsewhere than on University property but while members of a University team or touring party under the control of the Sports Council.

Provided that as soon as it determines to take disciplinary action, the Committee shall immediately report the matter to the University Prosecutor who may decide to refer it to another disciplinary authority in which case s/he shall immediately inform the Sports Council of the decision. The Sports Disciplinary Committee shall thereupon cease to have jurisdiction in the matter.

20.8.4 The Committee shall have the power to suspend any student found to have breached a rule of the Sports Council or any of its constituent clubs, from participation in any sporting activity of the University either totally or in part for a period not exceeding one term, or to impose a fine not exceeding 5 percent of the Bachelor of Arts fee or it may impose both such sanctions.

20.8.5 The Sports Council Disciplinary Committee may formulate its own procedure provided that the rules of natural justice are complied with.

20.8.6 A student who has been found guilty and sanctioned by the Sports Council Disciplinary Committee shall have the same right of review and the same procedure as set out in Rules 20.4.1.9.1 to 20.4.1.16.1 shall apply to such review with the necessary changes.

20.9 DISQUALIFICATION OF DISCIPLINARY AUTHORITIES

A University Prosecutor or a member of a Lower Disciplinary Authority shall not be disqualified from exercising any of the functions or powers conferred upon him/her by these Rules in a disciplinary hearing by reason only of the fact that s/he witnessed all or any of the conduct alleged to constitute the disciplinary offence which forms the subject of the enquiry, provided that s/he will be disqualified from hearing or prosecuting in any such hearing if s/he is the complainant in the matter or has a personal interest in the matter.

20.10 Breaching of a Suspended Sanction

If there is reason to believe that a condition upon which the whole or a portion of a suspended sanction has been breached the student shall, on two days' notice, be required to attend an enquiry for the purpose of establishing whether or not an order should be made bringing the suspended sanction into operation.

21 Computation of Time

In computing whether an act has been performed within the period of time provided for by the Student Disciplinary Code, the meaning attributed to the word Adays@ in the definition section shall apply.

22 Principal's Discretionary Powers

22.1 The Principal may determine that the examination results of any student, in respect of whom a report has been made to him/her by the Senior University Prosecutor in terms of Rule 18.5.6, be withheld until any proceedings, resulting from the investigation, have been completed or withdrawn.

22.2 If at any time the Principal in his capacity as Chief Disciplinary Authority of the University, deems it necessary or desirable for any reason s/he may her/himself or through any other person or body of persons conduct disciplinary proceedings in a manner not provided for by this Disciplinary Code. In the event of

her/his so acting s/he will inform the Senate and Council as soon as reasonably possible in order that, if necessary, amendments to this Disciplinary Code or a new Disciplinary Code may be formulated.

23 Principal's Power of Clemency

Rule 23.1

The Principal is at all times entitled in his/her discretion to exercise clemency.

Rule 23.2

A student who has been found guilty by a Proctor or by a Disciplinary Board may elect to waive his/her right to have the matter reviewed and to apply to the Principal for clemency. Save in exceptional circumstances such an application must be made within five (5) days of the finalization of the Disciplinary Hearing.

24 Effect of Notice of Review on Sanction

In any case where a student has been sanctioned provided for in this code, and a notice of review has been filed or initiated in terms of this code, the student concerned shall commence serving the sanction imposed at the time ordered by the Disciplinary Authority concerned unless the Principal on good cause shown, and after consulting the Disciplinary Authority concerned, or its chairperson and the Senior University Prosecutor, orders that the implementation of the sanction be suspended until such time as the relevant Disciplinary Review Authority concerned has handed down its decision on the review.

ANNEXURE A: SUMMARY OF STEP BY STEP PROCEDURE IN A DISCIPLINARY MATTER IN RESIDENCE AND OPPIDAN DISCIPLINARY HEARINGS

(In terms of rules 20.4.1.7. and 20.5.5 of the Student Disciplinary Code)

A JURISDICTION

(See Rule 20.4 and 20.5 of the Student Disciplinary Code)

Do I have the right to take disciplinary action?)

Consider

- (a) **Offence:** Do the acts/actions of the student (if proved) amount to a disciplinary offence, ie a breach of the Student Disciplinary Code (SDC), a Hall or House rule. (See rules 20.4.1.3.1 to 20.4.1.3.15, and 20.5.1.2. to 20.5.1.2.10 of the SDC) which set out the disciplinary offences Hall and House disciplinary authorities can hear)
- (b) **Person:** Is he/she in my hall/house or was alleged offence committed in my hall/house (see rules 20.4.1.1. to 20.4.1.2 and 20.5.1.1. to 20.5.1.2).
- (c) **Forum:** Can I deal with the matter or must it go to the Hall Warden or University Prosecutor – (seriousness of offence) (See rules 20.4.1.4.1. to 20.4.1.4.9 and 20.5.2. to 20.5.2.5 of the SDC relating to the sanctions you can impose) (Subwarden – 20.5.2.6).
- (d) **Sanction:** (1) Does the offence warrant a sanction (objectively regarded) higher than I can impose eg
 - (i) Breach of “inter-visiting rules” usually requires either exclusion from residence or fine plus suspended exclusion from residence. Only Hall Warden/Hall Disciplinary Committee may impose exclusion. Therefore House Warden has no jurisdiction: Send matter to Hall Warden.
 - (ii) Serious assaults whilst under influence of alcohol / Theft and drug offences often require exclusion from the University. Only a Proctor or a Proctors Disciplinary Board may exclude from the University. Therefore must go to University Prosecutor as Hall/House Warden cannot exclude from the University. Refer to Hall Warden for a decision.

B NOTICE

If satisfied that a disciplinary offence may have been committed and that you have jurisdiction, tell the student that he/she must appear before you on a day (no sooner than one day after the notice-Remember that ‘days’ mean days in term time but excludes Saturdays, Sundays and Public Holidays) at a specified time and place to answer a charge.

eg Mr Jones, I want to see you in my study at 7.00pm (19:00) tonight to answer a disciplinary charge. Please be there at that time. (This may be oral or in writing)

C APPEARANCE / PARTICULARS

1. (i) When the student arrives tell the student what he/she has allegedly done eg I have received a report that you threw food at other students in the dining hall at dinner on Wednesday 6 March 2002. (This may be in writing)

(ii) Ask the student whether he/she understands the alleged offence — If no, explain it again; If yes or after the second explanation:

(iii) Ask the student if she wishes to have a further two days to consider the charge or wishes to proceed immediately.. Also inform the student of her right to have an observer present and to be tried by a Hall/ House Disciplinary Committee.

(iv) If the student wishes to proceed immediately, before a warden sitting alone, without an observer, ask the student if he/she admits the alleged offence.

(v) a) **If student wishes to have a further two days notice or wishes an observer to be present** but does not want to appear before a Disciplinary Committee, give her a date, time and place for considering the matter at least two days later. Again inform her of the right to have an observer present.

b) If student wishes to be tried by a Hall / House Disciplinary Committee, tell the student that you will give her notice of the hearing (date/ time/ place).

D HEARING

(a) **Student wishes to proceed immediately before a warden sitting alone, without an observer and admits the charge (pleads guilty)**

(i) Ensure that student admits all the relevant facts of the offence by asking him/her to tell you what happened (Does this agree with the information in your possession?)

(ii) Give student an opportunity of having his/her say.

(iii) If you are satisfied that the student has committed the offence (is guilty) tell him/her.

(iv) Ask student if he/she has anything to say about a possible sanction (mitigation). If so listen to what he/she has to say. Then draw to student's attention the factors which aggravate the sanction e.g. Third time student has committed same offence. Heavier than normal sanction necessary. Remember that drunkenness is NOT A MITIGATING BUT AN AGGRAVATING FACTOR at University. If you are considering a fine CHECK ON FINANCIAL POSITION TO PAY FINE. (How much pocket money/ allowance etc do they receive and how often – what do they spend it on?)

(v) Ask him/her if he/she wishes to comment.

(vi) Decide on sanction and

(vii) Tell student what the sanction is, with brief reasons.

(viii) Complete the 'Notification of Sanction' Form

(ix) (NNB) Tell student that he/she has the right to take the matter on review to the Hall Warden (if sanctioned by a House Warden, Assistant House Warden, House Disciplinary Committee, Subwarden); or to the Disciplinary Review Committee (if sanctioned by a Hall Warden or Hall Disciplinary Committee), but only on the grounds set out in rule 19.1.1, 19.1.2 and 19.1.3 of the Student Disciplinary Code (page 279 of the 2002 Calendar). Read these to the student. Then tell him/her that if he/she wants to take the matter on review you must have a letter asking for a copy of the record in the next two days (if from House Disciplinary Authorities) or within 3 days (if from Hall Disciplinary Authorities). (the composition of the record is the same as that in rule 18.6.32.1)

(x) If a student is appearing before a Hall Warden on review s/he must be told that the Hall Warden's decision on review can be taken on review to the Disciplinary Review Committee

(b) **Student has requested the additional two days, or requires an observer, or wishes to proceed immediately without an observer and before the warden sitting alone, and, or pleads "not guilty".**

Having given him/her the necessary two days notice or where s/he wishes to proceed immediately etc and pleads not guilty etc; and in the presence of his/her observer (if requested and present – you do not have to wait for the advisor if s/he is not there: If the accused student is not present and you are satisfied after an enquiry that s/he has no valid reason for being absent you may proceed in his/her absence – check with the Dean of Students if this occurs:-

- (i) Again tell him/her what the charge is:- “I have received a report etc (See C.(i) above)
- (ii) Ask if he/she admits/denies charge. If s/he admits the charge proceed in terms of D (a) (i) to (x) above
- (iii) If the student denies the charge tell him/her the details of the evidence against him/her:
eg “Mr X, the warden of Stanley Kidd was in the dining hall at 6.30 p.m. on Wednesday 6 March 2002. He was sitting at a table near the door. He saw a blob of mashed potato sail past his ear. Mr X, on looking round, saw you standing at the next table in the act of throwing another blob of potato. It hit Mr Y’s back.”
- (iv) Ask if he/she admits any of these allegations.

The student cannot be compelled to admit any facts he/she may admit standing in the dining hall but deny throwing the potato. Tell him/ her that no evidence will be produced for admitted facts (e.g. admits standing in the dining hall)

- (v) Then call Mr X and Mr Y (one at a time) and ask them to tell you what happened. (This must be in the accused student’s and the observer’s (if present) presence). If the witnesses are not there you may postpone the hearing until they are available.

All witnesses must affirm to tell the truth, i.e. “Do you solemnly affirm that the evidence you will give at this hearing will be the truth, the whole truth and nothing but the truth.”

- (vi) Then give the accused student a chance to ask Mr X and Mr Y any questions about the incident.
- (vii) Once the witnesses of the incident have finished, the accused student must be given the chance of telling you his side of the story and of calling witnesses. If his/her witnesses are not present you may postpone the matter until they are available. The accused student, if s/he wishes to give evidence, must give evidence before his/her witnesses give theirs.
- (viii) You have the right to ask them questions to test whether they are telling the truth or not.
- (ix) When you have heard all the witnesses, give the accused student a chance to say anything further he/she may wish to.
- (x) Then decide if he/she is guilty or not. If not, tell him/her and that is the end of the matter.
- (xi) If you decide that he/she is guilty tell the student, with brief reasons.
- (xii) If you have found the student guilty, you now come to the question of sanction. You must now follow the procedure set out in D(a)(iv), (v), (vi), (vii), (viii), (ix) and (x) above.
- (xiii) Then complete the form headed “Student Discipline – Notification of Sanction” – see attached document. This form must always be completed even if your sanction is only a warning.
- (xix) **Remember NEVER impose a sanction without giving the student**

- (a) **Notice of offence;**
- (b) **Particulars of offence;**
- (c) **the two days notice if required. Notice of time/place of hearing; and**
- (d) **an opportunity of telling you his/her side of the story**

If you fail to do so and the matter goes on Review the reviewing authority WILL set aside (nullify) the verdict and sanction without considering if the student threw food in the dining hall or not.

E HALL OR HOUSE DISCIPLINARY COMMITTEE

- (i) Where the accused student elects to be tried by a Hall/ House Disciplinary Committee, it is your responsibility as Warden to notify the members of the Committee (the composition of the Committees is to be found in rules 20.4.1.6 and 20.5.4 and the Oppidan Constitution) when and where the hearing will take place. Don’t forget the provisions of rules 20.4.1.6. and 20.5.4 in cases where the committee members do not want to take part
- (ii) You must then draw up a charge to be given to the accused student at least two days before the hearing

e.g. “You are charged with contravening rule XY of the ABC Hall rules in that on 6 March 2008 you threw mashed potatoes at other students in the dining hall during the evening meal”.

Once this is given to the accused student, (don’t forget to mention the date/time and place of the hearing) you will assemble for the hearing and follow the procedure set out in D (b) (i) to (xii) above

F REPRESENTATION

A student is **NOT** entitled to be represented (defended) in a disciplinary matter before a Lower Disciplinary Authority. Thus if a final year law student or anybody else appears with a stack of books to “defend” the accused student you are entitled to ask him/her to leave. This is not the same as having a “friend” present who has no speaking rights.

G “NOTIFICATION OF SANCTION” FORM

1. Do not complete this form until you have carried out the above procedures and decided on a sanction. In the past many wardens and sub-wardens have completed the form and handed it to the student without carrying out any of the above procedures. **THIS IS QUITE WRONG AND WILL RESULT IN THE PROCEEDINGS BEING DECLARED A NULLITY (OF NO FORCE AND EFFECT)**

2. (a) The **top copy** of the form must be given to the **student**.

(b) The **second copy** of the form must be sent to the **Hall Warden within one working day for immediate onward** transmission to the Registrar who will advise the necessary people.

(c) The **third copy** (pink) goes into the **student’s file** in the Hall Office.

(d) The wording of a suspended sanction has caused problems. The attached copy of the form contains the correct wording. (Annexure K)