



UNIVERSITY
OF
JOHANNESBURG

REGULATIONS FOR STUDENT DISCIPLINE

| CONTENT | PAGE |
|--|-------------|
| 1 PREAMBLE | 2 |
| 2 APPLICATION | 2 |
| 3 DEFINITIONS | 2 |
| 4 DISCIPLINARY BODIES | 3 |
| 5 COMPOSITION, FUNCTIONS AND JURISDICTION OF DISCIPLINARY BODIES | 4 |
| 5.1 The Vice-Chancellor | 4 |
| 5.2 The Student Disciplinary Committee | 4 |
| 5.3 The UJSRC or a campus SRC | 6 |
| 5.4 The Residence Disciplinary Committee | 7 |
| 5.5 A disciplinary committee of a residence or day-house house committee | 7 |
| 5.6 A disciplinary committee of the Library Services | 7 |
| 5.7 A disciplinary committee of the Sport Bureau | 7 |
| 5.8 A lecturer | 7 |
| 5.9 A tour manager | 8 |
| 5.10 An external person or committee | 8 |
| 6 STANDARD DISCIPLINARY PROCEDURE | 9 |
| 7 APPEAL | 12 |
| APPENDIX A: PENALTY GUIDELINES FOR STANDARD TRANSGRESSIONS | 14 |
| APPENDIX B: ROLES OF OFFICIALS INVOLVED IN DISCIPLINARY PROCESSES | 17 |
| APPENDIX C: GUIDELINES FOR REFERRAL OF CASES (JURISDICTION) | 20 |

1. PREAMBLE

- 1.1 The purpose of these regulations is to provide the University of Johannesburg with a disciplinary system that is based on legal principles, reflects the South African Constitution and which can be consistently applied.
- 1.2 The disciplinary system must be understandable and accessible. It must be applicable to the specific environment and must continuously be tested against current needs. It must, therefore, be an adaptable and flexible system.
- 1.3 The regulations provide for the appointment of officials to ensure the separation of powers where applicable and the making of judicial decisions that are based on knowledge, fairness and understanding of the particular environment.
- 1.4 A distinction is made between material and formal rules of law. Material rules of law relate to transgressions and the elements thereof and are separately provided for in the Student Regulations of the University. Formal rules of law refer to the process according to which guilt in an alleged transgression is determined and are provided for in these Regulations for Student Discipline.
- 1.5 It is the explicit aim of the University to inculcate in its students respect for the law, for the rules and policies of the University, and for the values of the University as reflected in its Vision, Mission and Values statement. In so doing it seeks to minimize the need to resort to a formal disciplinary process in respect of student transgressions.

2. APPLICATION

- 2.1 When registering as a student of the University of Johannesburg, a student commits him-/herself to the rules and regulations of the University, including these regulations. It is the responsibility of the student to familiarise him-/herself with the applicable regulations of the University.
- 2.2 A student commits an offence if he/she contravenes any of the rules or regulations of the University of Johannesburg, any other legislation or regulations applicable to students of an institution of higher learning of South Africa, or legislation of South Africa. In such a case these regulations regulate the application of discipline.
- 2.3 In circumstances where a student has allegedly committed an offence which is a criminal offence as well as a contravention of the rules and regulations of the University of Johannesburg, the University may subject the student to disciplinary action according to these regulations or/and report the case for a possible criminal process.

3. DEFINITIONS

In these regulations the terms below shall mean the following:

- 3.1 Campus SRC: A campus Student Representative Council of a particular campus as described in the Constitution of the UJSRC and Campus SRCs.
- 3.2 Days: In calculating the number of days, Saturdays, Sundays and public holidays are not taken into account. When counting days the first day is excluded and the last day is included.
- 3.3 Executive Director: Student Affairs: The Executive Director: Student Affairs of the University of Johannesburg.
- 3.4 Investigator: A person as described in Appendix B to these regulations.
- 3.5 Manager: Student Ethics and Judicial Services: A staff member in the Student Affairs Division responsible for the administration of the Student Disciplinary Committee.
- 3.6 Presenter: A person as described in Appendix B to these regulations.
- 3.7 Registrar: The Registrar of the University of Johannesburg.
- 3.8 Staff member (employee): A staff member (employee) of the University of Johannesburg employed on a full time permanent or fixed-term contract basis.
- 3.9 Standard disciplinary procedure: The procedure to be followed by all disciplinary bodies indicated in these regulations, unless otherwise indicated in these regulations or the guiding document for the particular disciplinary body.
- 3.10 Student: A person registered as a student of the University of Johannesburg. For purposes of the application of the provisions of the Regulations for Student Discipline to a student, a person who registers as a student of the University at any time between 1 January-30 June of any calendar year, is a registered student of the University for the period 1 January-31 December of that calendar year, or until her/his registration is cancelled for that year; if a person registers as a student of the University at any time between 1 July-31 December of any calendar year, she/he is a registered student of the University for the period 1 July-31 December of that calendar year, or until her/his registration is cancelled for that year. "Student" includes:
- 3.10.1 a person suspected of a transgression committed whilst he/she was a registered student, but who is no longer a student at the time of the proceeding described in these regulations;
- 3.10.2 a person who is a registered student at the time of the proceedings described in these regulations, but who is suspected of a transgression (in which the University has an interest), committed before and/or after he/she had become a registered student; and

- 3.10.3 a person suspected of a transgression (in which the University has an interest) committed after he/she had ceased to be a registered student.
- 3.11 Transgression: (i) A transgression of the Student Regulations or any other regulations and/or (ii) statutory and/or common law transgressions.
- 3.12 UJSRC: The University of Johannesburg Student Representative Council as described in the Constitution of the UJSRC and Campus SRCs.
- 3.13 Vice-Chancellor: The Vice-Chancellor of the University of Johannesburg.

4. DISCIPLINARY BODIES

4.1 The following persons or bodies may hear a student disciplinary case, reach a verdict and impose a penalty under the prescribed circumstances:

- 4.1.1 The Vice-Chancellor
- 4.1.2 The Student Disciplinary Committee
- 4.1.3 The UJSRC and a campus SRC
- 4.1.4 The Residence Disciplinary Committee
- 4.1.5 A disciplinary committee of a residence or day-house house committee
- 4.1.6 A disciplinary committee of the Library Services
- 4.1.7 A committee of the Sports Bureau
- 4.1.8 A lecturer
- 4.1.9 A tour manager
- 4.1.10 An external person or committee

4.2 The Vice-Chancellor may appoint an external person or committee to investigate, advise, sit in on a disciplinary hearing or act as a disciplinary body in a particular matter.

4.3 A student may appeal against a decision of the Student Disciplinary Committee to the Student Disciplinary Appeal Committee.

5. COMPOSITION, FUNCTIONS AND JURISDICTION OF DISCIPLINARY BODIES

5.1 The Vice-Chancellor

5.1.1 The Vice-Chancellor or another member of the Management Executive Committee, to whom he/she has expressly delegated this authority, may:

5.1.1.1 pending a formal disciplinary hearing by the Student Disciplinary Committee, immediately and temporarily suspend a student who has allegedly committed an offence from the University or University accommodation, after being provided with relevant information. If the Vice-Chancellor suspends a student, the standard disciplinary procedure must be initiated immediately. The Vice-

Chancellor exercises this right of temporary suspension if he/she has good reason to believe that a student:

- 5.1.1.1.1 poses a threat to the orderly academic process;
- 5.1.1.1.2 endangers the safety of other students or staff of the University;
- 5.1.1.1.3 is a risk to the property, facilities, possessions or buildings of other students, staff or the University;
- 5.1.1.1.4 has disregarded a direct instruction of the Executive Management Committee;

5.2 The Student Disciplinary Committee

5.2.1 Composition:

5.2.1.1 The Student Disciplinary Committee is composed of:

- 5.2.1.1.1 a chairperson, who is a person with appropriate experience and knowledge of disciplinary procedures as appointed by the Vice-Chancellor;
- 5.2.1.1.2 a staff member of the University who is appointed by the Executive Director: Student Affairs to act as assessor;
- 5.2.1.1.3 a representative of the campus SRC as deployed by the campus SRC, to act as assessor;

5.2.1.2 The Student Disciplinary Committee may call on anyone to advise the Committee or provide it with information or to observe proceedings, including experts from within or outside the University.

5.2.1.3 The role of the assessors is to assist the chairperson in the assessment of the evidence presented to the Student Disciplinary Committee. The assessors advise the chairperson on the finding to be made and on the appropriate penalty. Responsibility for a finding and an appropriate penalty rests solely with the chairperson.

5.2.1.4 The Student Disciplinary Committee is regarded as properly constituted if the chairperson and one assessor are present.

5.2.2 Jurisdiction

5.2.2.1 The jurisdiction of the Student Disciplinary Committee is provided for in Appendix C.

5.2.2.2 In general the ruling of the Student Disciplinary Committee is final, unless the accused appeals to the Student Disciplinary Appeal Committee.

- 5.2.2.3 The Student Disciplinary Committee is accountable to the Vice-Chancellor.
- 5.2.2.4 The Student Disciplinary Committee may impose one or more of the following penalties:
 - 5.2.2.4.1 a temporary suspension or permanent expulsion from the University or University accommodation;
 - 5.2.2.4.2 a monetary fine to the maximum amount of two thousand rands (R2000), which has to be paid within a period as determined by the Student Disciplinary Committee;
 - 5.2.2.4.3 cancellation of the results of a test, assignment or examination, or cancellation of registration for a specific module;
 - 5.2.2.4.4 imposition of a monetary amount not exceeding five thousand rands (R5000) required to cover the cost of any intentional or negligent damages or losses caused to the University or any other person or body by the accused;
 - 5.2.2.4.5 suspension of any student privileges as a member of the University for a certain period;
 - 5.2.2.4.6 imposition of a certain task (in the form of community service) relevant to the transgression;
 - 5.2.2.4.7 a first or final written warning;
 - 5.2.2.4.8 any other appropriate penalty deemed suitable by the Student Disciplinary Committee under the circumstances.
- 5.2.2.5 The Student Disciplinary Committee may suspend any sentence subject to clearly defined conditions.
- 5.2.2.6 The Student Disciplinary Committee may refer a student for counselling or any other remedial or rehabilitating action.

5.3 The UJSR or a campus SRC

- 5.3.1 Composition
 - 5.3.1.1 The UJSRC or a campus SRC constitutes a disciplinary committee from its own ranks for a specific hearing.
 - 5.3.1.2 Such a disciplinary committee must comprise a minimum of five (5) members.
 - 5.3.1.3 The UJSRC or a campus SRC appoints one or more SRC members to act as investigator, presenter and administrator.

- 5.3.2 Jurisdiction
 - 5.3.2.1 The jurisdiction of the UJSRC or a campus SRC is provided for in Appendix C.
 - 5.3.2.2 The UJSRC or campus SRC may impose one or more of the following penalties:
 - 5.3.2.2.1 A maximum fine of one thousand rand (R1000).
 - 5.3.2.2.2 Suspension of a student's right to participate in student activities for such a period as is deemed necessary.
 - 5.3.2.2.3 Expulsion of a student from the UJSRC or a campus SRC.
 - 5.3.2.2.4 The claiming of such monetary amount required to cover any intentional or negligent damages, losses or costs caused to the University or any other person or body by the transgressor, provided that such an amount does not exceed two thousand rands (R2000).
 - 5.3.2.2.5 The carrying out of a service or task to the benefit of the student community.
 - 5.3.2.3 The UJSRC or a campus SRC may refer a student who is found guilty of a transgression to a higher disciplinary body for the imposition of punishment and submit a recommendation regarding suitable punishment to such a disciplinary body.

5.4 The Residence Disciplinary Committee

- 5.4.1 The composition and function of the Residence Disciplinary Committee are as described in the Procedures for the Residence Disciplinary Committee.
- 5.4.2 The jurisdiction of the Residence Disciplinary Committee is as described in the Procedures for the Residence Disciplinary Committee and Appendix C.

5.5 A disciplinary committee of a residence or day-house house committee

- 5.5.1 The composition and function of a disciplinary committee of a residence or day-house house committee are as described in the Procedures for the Residence Disciplinary Committee.
- 5.5.2 The jurisdiction of a disciplinary committee of a residence or day-house house committee is as described in the Procedures for the Residence Disciplinary Committee and Appendix C.

5.6 A disciplinary committee of the Library Services

- 5.6.1 The composition and function of a disciplinary committee of the Library Services are as described in the disciplinary procedures of the Library Services.

5.6.2 The jurisdiction of a disciplinary committee of the Library Services is as described in the disciplinary procedures of the Library Services and Appendix C.

5.7 A disciplinary committee of the Sports Bureau

5.7.1 The composition and function of a disciplinary committee of the Sports Bureau are as described in the disciplinary procedures of the Sports Bureau.

5.7.2 The jurisdiction of a disciplinary committee of the Sports Bureau is as described in the disciplinary procedures of the Sports Bureau and Appendix C.

5.8 A lecturer

A lecturer may exclude a student from a particular lecturing or other teaching and learning activity (excluding participation in larger class tests and assignments) based on disruption of the activity and after reasonable attempts have been made to call the student to order and the student has not adhered to such instructions. Should the lecturer deem the student's behaviour to be serious enough for further disciplinary action he/she must report this to the head of the department for further investigation.

5.9 A tour manager

5.9.1 A tour manager may at his/her own discretion exclude a member of a tour or excursion group from participating in certain activities of such a group, or immediately terminate a student's membership of a tour depending on the circumstances. Such exclusion or termination should only be made after reasonable attempts have been made by the tour manager to call the student to order and after the student has not adhered to such instructions.

5.9.2 A tour manager must report any disciplinary action against a student on tour to his/her line manager for further investigation.

5.10 An external person or committee

5.10.1 Composition

5.10.1.1 The Vice-Chancellor, or a member of the Management Executive Committee as authorised by him/her, may, in extraordinary circumstances, appoint one or more persons as a committee to hear a particular matter as provided for in Appendix C. In the case of a committee the Vice-Chancellor also appoints the chairperson of the committee.

5.10.1.2 The external person or committee must have sufficient time at his/her/their disposal to attend to the hearing of a disciplinary case and an understanding of the circumstances of a tertiary educational institution.

- 5.10.1.3 The external person or committee may co-opt any other member of the Student Disciplinary Committee as an assessor.
- 5.10.1.4 The Vice-Chancellor, or a member of the Management Executive Committee as authorised by him/her, may, appoint such administrative staff from outside or within the University as he/she may deem necessary in order to assist the external person or committee with his/her/its activities. He/she may also appoint a presenter from within or outside the University.
- 5.10.2 Functions and procedures
 - 5.10.2.1 The functions and procedures of the external person or a committee are, as far as possible, in accordance with the standard disciplinary procedure described in these regulations.
 - 5.10.2.2 The Manager: Student Discipline, or an appointed administrator keeps a record of the hearing by the external person or committee.
 - 5.10.2.3 The Manager: Student Discipline, or appointed administrator notifies the Executive Director: Student Affairs of the findings of the case.
- 5.10.3 Jurisdiction

The jurisdiction of the external person or committee is the same as that of the Student Disciplinary Committee.

6. STANDARD DISCIPLINARY PROCEDURE

- 6.1 A complaint or report of a student transgression is lodged with the relevant disciplinary body.
- 6.2 The complaint or report is investigated by an official as provided for in Appendix B.
- 6.3 If the investigator is of the opinion that a student should be charged, he/she submits the report of the investigation for prosecution.
- 6.4 If, after considering the report, the presenter as provided for in Appendix B is of the opinion that a *prima facie* case exists against the student, he/she draws up a disciplinary charge sheet.
- 6.5 The charge sheet must:
 - 6.5.1 state the transgressions that have been committed;
 - 6.5.2 refer to the relevant rules that have allegedly been transgressed;

- 6.5.3 must inform the student of full particulars of the charges against him/her, containing enough information to enable him/her to prepare a defence;
- 6.5.4 must inform the student that he/she has the right to defend himself/herself against the charges;
- 6.5.5 must be finalised within seven (7) days of finalising the investigation report.
- 6.6 A student that is charged with a transgression must be notified to appear before the disciplinary body. Such a notice:
 - 6.6.1 must be in writing;
 - 6.6.2 must be served to the student at least seventy two (72) hours before the date and time of the hearing;
 - 6.6.3 must specify a time and venue for the hearing;
 - 6.6.4 must be sent with a copy of the disciplinary charge sheet;
 - 6.6.5 may either be handed to the student in person or sent to him/her by registered mail; (If the notice is posted to the student, it must be sent to the student's postal address, as given to the University. It is assumed that the student will receive the notice within fourteen (14) days of the date on which it was posted, irrespective of whether the student resides at the said address and irrespective of whether he/she has received it or not.)
 - 6.6.6 must inform the accused of his/her right to remain silent, to plead guilty or not guilty in writing and, if he/she chooses to do so, submit a written statement about the charge against him/her to the disciplinary body before the commencement of the hearing;
 - 6.6.7 must inform the accused that he/she may call his/her own witnesses at the hearing and that the names of such witnesses must be submitted to the disciplinary body twenty-four (24) hours before the time stated for the hearing;
 - 6.6.8 must inform the accused that he/she may submit any documentary or other evidence in defence of the charge or in mitigation of sentence;
 - 6.6.9 must point out to the accused that, he/she may be assisted by a legal representative, provided that the University will not be liable for the cost thereof;
 - 6.6.10 must inform the accused that if he/she chooses to be assisted by a legal representative he/she must notify the disciplinary body of this in writing at least forty-eight (48) hours before the disciplinary hearing;
 - 6.6.11 must inform the accused that he/she has the right to be represented or assisted by a fellow student or staff member of the University of his/her choice;

- 6.6.12 must inform the accused that he/she may be assisted by his/her parent or guardian if he/she is a minor;
- 6.6.13 may, in the case of a transgression involving monetary value and the accused having pleaded guilty, inform the accused that he/she may also settle the case by way of paying an admission of guilt fine and make an arrangement with the disciplinary body about the payment of a fine and/or refunding. (Such payment must be done through the University's financial system and a receipt must be submitted to the disciplinary body.);
- 6.6.14 must inform the student that he/she must collect the written verdict of the Student Disciplinary Committee in person from the Manager: Student Discipline three (3) days after the hearing. Should the student fail to collect the verdict it will be sent to him/her by registered mail. (If the verdict is posted to the student, it must be sent to the student's postal address, as given to the University. It is assumed that the student will receive the notice within fourteen (14) days of the date on which it was posted, irrespective of whether the student resides at the said address and irrespective of whether he/she has received it or not.)
- 6.6.15 must inform the student that he/she has the right to written reasons for any decision that may be taken, which right must be exercised within three (3) days after receipt of the written verdict;
- 6.6.16 must inform the student that he/she has the right to appeal against any decision that may be taken and that such appeal must be submitted to the Manager: Student Ethics and Judicial Services within seven (7) days of receipt of the written verdict.
- 6.7. The disciplinary body hears the charges against a student submitted to it by the presenter.
 - 6.7.1 The disciplinary body may make use of any documentary or other evidence pertaining to the hearing, including the report of the investigation, and it may question the accused and the witnesses.
 - 6.7.2 The presenter leads the evidence before the disciplinary body and may question or cross-examine the accused or a defence witness.
- 6.8 The accused may:
 - 6.8.1 address the disciplinary body in order to state his/her case;
 - 6.8.2 question the witness/es and cross-examine the University's witnesses giving evidence before the disciplinary body;
 - 6.8.3 inspect any document pertaining to the hearing and investigate any other evidence if it would not be to the personal detriment of the accused;

- 6.8.4 give evidence, call his/her own witnesses and submit any documentary or other evidence in defence of the charge;
- 6.8.6 address the disciplinary body in defence of the charge after all the evidence has been heard and before the verdict is considered;
- 6.8.7 after having been found guilty by the disciplinary body and before a sentence is considered, call his/her own witnesses, submit any documentary or other evidence and address the disciplinary body in mitigation of sentence;
- 6.8.8 be assisted by a legal representative of his/her own choice, provided that such a request has been submitted to disciplinary body forty-eight (48) hours before the hearing and the University will not be liable for the cost thereof.
- 6.9 If the accused does not attend the disciplinary hearing in terms of the written notice stated in section 6.6, he/she may in the absence of adequate reasons for his/her absence, be tried *in absentia*.
- 6.10 The verdict of the disciplinary body is conveyed verbally to the accused and then confirmed in writing by the administrator, as provided for in appendix B, within seven (7) days of the hearing.
- 6.11 After the imposition of the penalty, the disciplinary body must decide:
 - 6.11.1 whether to notify a parent of a transgression committed by a minor or to report the transgression to an external person or body;
 - 6.11.2 whether or not the penalty and the transgression should be placed on the official notice-boards of the University and whether or not the name of the transgressor should be published in such a notice;
 - 6.11.3 whether or not the transgression should be entered in the student's record, and if so, what the contents of such entry should be and for how long it should be indicated on the student's record.
- 6.12 The outcome of a disciplinary hearing must be reported to the Executive Director: Student Affairs who must ensure that all the relevant parties are informed about it.
- 6.13 After a disciplinary case has been finalised, all the original documents, evidential material, minutes of the proceedings and later correspondence must be submitted to the Executive Director: Student Affairs for safekeeping.

7. APPEAL

- 7.1 A student may, within seven (7) days of receipt of the written verdict of a disciplinary body request leave to appeal against the verdict or the penalty by submitting a written notice of appeal to the relevant body of appeal. Such a

notice must contain grounds for the appeal and state the portion of the verdict or penalty against which he/she is appealing.

- 7.2 The chairperson of the disciplinary body approves such application if he/she is of the opinion that the student has reasonable grounds for such an appeal. If the chairperson rejects the application, the student may address a petition in this regard to the Student Disciplinary Appeal Committee.
- 7.3 In the case of a hearing conducted by the Student Disciplinary Committee or an external person or committee, the appeal is considered by the Student Disciplinary Appeal Committee. In the case of a hearing conducted by any other disciplinary body, the appeal is heard by the Student Disciplinary Committee.
- 7.4 The Student Disciplinary Appeal Committee comprises:
 - 7.4.1 a chairperson who must be either a senior staff member of the faculty of Law or an external person with relevant experience in the administration of justice and/or legal knowledge, appointed by the Executive Director: Student Affairs;
 - 7.4.2 a member who must be either a senior staff member of the faculty of Law or an external person with relevant experience in the administration of justice and/or legal knowledge, appointed by the Executive Director: Student Affairs;
 - 7.4.3 the Registrar or a representative appointed by him/her.
- 7.5 Two (2) members of the Student Disciplinary Appeal Committee forms a quorum.
- 7.6 A staff member of the Student Affairs Division as appointed by the Executive Director: Student Affairs, acts as administrator and sits on the Student Disciplinary Appeal committee as advisor.
- 7.7 The initial disciplinary body submits all the documentation and minutes pertaining to the disciplinary hearing to the relevant body of appeal.
- 7.8 The appeal body sets a date for the hearing of the appeal and gives all the relevant people written notice of the date of the hearing of the appeal at least seven (7) days in advance.
- 7.9 The appeal body may, at its discretion:
 - 7.9.1 call on any person to provide it with any information pertaining to the disciplinary case;
 - 7.9.2 hear the verbal representations of the appellant;
 - 7.9.3 confirm, reject or amend the verdict of the initial disciplinary body;

- 7.9.4 impose a heavier or lesser penalty than that of the initial disciplinary body;
- 7.9.5 may refer a student for counselling or any other remedial or rehabilitating action.
- 7.10 The Student Disciplinary Appeal Committee may, at the request of a student and after consideration of the relevant information, order that a student's transgression and verdict be removed from his/her student record.
- 7.11 The complainant may, after having been informed of the verdict and penalty of a hearing, request an explanation from the chairperson of the disciplinary body for a particular verdict or penalty.

APPENDIX A: PENALTY GUIDELINES FOR STANDARD TRANSGRESSIONS

1. The guidelines below should be interpreted in the context of the UJ values of:
 - academic distinction, freedom and accountability; and
 - integrity and respect for diversity and human dignity;
2. The guidelines are based on case records and regular types of transgressions.
3. **The guidelines serve as suggestions only. Each case should be considered according to its particular facts and circumstances.**
4. In the schedule below the following rating is applied to indicate the seriousness of the transgression:

| Rating | Level of seriousness | Penalty range |
|--------|----------------------|--|
| 1 | Extremely serious | Expulsion from the University. |
| 2 | Very serious | Expulsion from the University or University accommodation, suspended partially or in full. |
| 3 | Serious | Final written warning, community service, fine, task, alternative dispute resolution. |
| 4 | Minor | Warning, community service, fine, task, alternative dispute resolution. |

Typical transgressions and proposed ratings

| Type of transgression | Proposed rating |
|--|-----------------|
| <i>Academic dishonesty</i> | |
| Plagiarism | 1 – 3 |
| Possession of unauthorised notes in test or examination. | 2 |
| Use of unauthorised notes or copying in test or examination. | 2 |
| Submitting a test or examination under a false name. | 2 |
| Changing a test or examination paper after it has been marked. | 2 |
| <i>Fraud</i> | |
| False medical certificate | 2 |
| False proof of an academic qualification | 1-2 |
| Use of alcohol outside designated area | 4 |
| Possession of prohibited substances on University property | 1 |
| Illegal selling of alcohol on University property | 1 |
| Selling of prohibited substances on University property | 1 |
| <i>Assault</i> | |
| Assault | 2 – 3 |
| Indecent assault | 1 – 3 |
| Assault with the intention to cause grievous bodily harm. | 1 – 2 |

| <i>Theft and damage to property</i> | |
|---|-------|
| Theft | 1 – 4 |
| Damage to safety equipment | 3 |
| Damage to property | 3 |
| Abuse of student card | 4 |
| Transgressing the rules for the use of information technology | 4 |
| Reckless driving on University property | 4 |
| <i>Other</i> | |
| Disruption of the academic process | 2 - 3 |
| Discrediting the University | 3 |
| Disrespectful behaviour towards staff or students | 3 |
| Sexual harassment | 1 |
| Defamation of character | 3 |

Note: When a student has allegedly committed a serious crime, the case must be referred to the South African Police Service.

APPENDIX B: ROLES OF OFFICIALS INVOLVED IN DISCIPLINARY PROCESSES

1. Chairperson

The chairperson of a disciplinary body:

- 1.1 determines the procedures and arrangements of a disciplinary hearing to the extent to which these regulations do not make provision therefor;
- 1.2 determines the dates for convening the disciplinary body;
- 1.3 constitutes the disciplinary body for every hearing at his/her discretion;
- 1.4 is responsible for ensuring that all necessary procedures are followed;
- 1.5 ensures that the accused has been afforded all the rights required before being brought to the disciplinary hearing;
- 1.6 ensures that the accused understands all the charges brought before him/her;
- 1.7 deliberates the findings and a possible sanction;
- 1.8 verbally conveys the committee's decision and verdict to the accused and verifies that the accused understands the verdict.
- 1.9 informs the accused about his/her right to appeal if a guilty verdict has been imposed.

2. Presenter

The presenter:

- 2.1 is not a member of the disciplinary body;
- 2.2 acts on behalf of the University;
- 2.3 charges the accused;
- 2.4 lays the charge before the disciplinary body and presents the case to the disciplinary body;
- 2.5 may accept any plea the accused wants to enter;
- 2.6 interrogates and cross-examines the accused and defence witnesses and/or submits any evidence deemed relevant to the case;
- 2.7 provides proof of previous convictions to the disciplinary body, after a student has been found guilty and before a sentence is decided on;

- 2.8 may make a submission of an appropriate sentence to the disciplinary body.
- 2.9 A presenter for the Student Disciplinary Committee should be a person with appropriate knowledge and experience of disciplinary procedures and is appointed by the Executive Director: Student Affairs. Presenters for all other disciplinary bodies are appointed according to the guidelines for these bodies.

3. UJSRC or campus SRC representative

The designated member from the UJSRC or campus SRC acts on behalf of the student body and not on behalf of the accused.

4. Investigator

The investigator;

- 4.1 receives information about a possible transgression;
- 4.2 investigates the information through means such as obtaining information from witnesses, studying the evidence and perusing relevant regulations;
- 4.3 decides whether:
 - 4.3.1 the matter should be submitted for prosecution;
 - 4.3.2 the accused should be offered the opportunity to pay an admission of guilt fine, which is determined by the Executive Director: Student Affairs;
 - 4.3.3 alternative methods should be employed to deal with the matter;
 - 4.3.4 the case should be closed;
- 4.4 implements his/her decision;
- 4.5 The investigator may not be a member of the disciplinary body. In the case of the Student Disciplinary Committee the Manager: Student Ethics and Judicial Services acts as investigator. With regard to all other disciplinary bodies an investigator is determined according to the guidelines for the body.

5. Administrator

- 5.1 An administrator may be appointed to take responsibility for the administration of a disciplinary hearing. Such administration includes:
 - 5.1.1 informing an accused about a disciplinary hearing;
 - 5.1.2 providing the accused with the charge sheet;

- 5.1.3 organising the meeting of the disciplinary body (preferably within fourteen (14) days of receiving the investigation report);
 - 5.1.4 keeping minutes at the disciplinary hearing;
 - 5.1.5 informing the accused of the outcome of the hearing (within fourteen (14) days of the hearing);
 - 5.1.6 dealing with submission of appeals;
 - 5.1.7 submission of any information or records as required by the disciplinary committee;
 - 5.1.8 keeping records of disciplinary cases.
- 5.2 In the case of the Student Disciplinary Committee the Manager: Student Ethics and Judicial Services acts as administrator.

APPENDIX C: GUIDELINES FOR REFERRAL OF CASES (JURISDICTION)

Determining the applicable disciplinary body to hear a case depends on the particular case. However, the following may serve as guidelines for the referral of cases to the applicable body.

1. STUDENT DISCIPLINARY COMMITTEE

The Student Disciplinary Committee hears cases that:

- 1.1 involve transgressions of the Student Regulations or any other University regulations;
- 1.2 are rated 1 – 3 in the schedule of transgressions (Appendix A);
- 1.3 involve legal representation;
- 1.4 are referred to it by other disciplinary bodies.

2. STUDENT REPRESENTATIVE COUNCIL

A disciplinary committee of the UJSRC or campus SRC hears cases that:

- 1.1 involve transgressions related to the UJSRC Constitution and the internal policies and procedures of the UJSRC;
- 1.2 are referred to the UJSRC or campus SRC by the Executive Director: Student Affairs.

3. RESIDENCE DISCIPLINARY COMMITTEE

The Residence Disciplinary Committee hears cases that:

- 3.1 involve transgressions of the Regulations for Residences or involve non-adherence to policies, procedures, codes and agreements applicable to the residence and day-house environment;
- 3.2 are rated 4 in the schedule of transgressions (Appendix A);
- 3.3 relates directly to matters that should be managed within the residence and day-house context;
- 3.4 are referred to it by the Executive Director: Student Affairs.

4. HOUSE COMMITTEE

A disciplinary committee of the house committee hears cases that:

- 4.1 involve transgressions of internal house regulations;

4.2 relates directly to matters that are the responsibility of the house committee.

5. LIBRARY SERVICES

A disciplinary committee of the Library Services hears cases that:

- 5.1 involve transgressions of the library rules pertaining to the entire University or the particular campus;
- 5.2 are referred to it by the Executive Director: Library Services.

6. SPORTS BUREAU

The disciplinary committee of the Sports Bureau hears cases that:

- 6.1 involve transgressions of the rules of a particular sporting code;
- 6.2 are referred to it by the Executive Director: Sport.

7. EXTERNAL PERSON OR COMMITTEE

The external person or committee hears cases:

- 7.1 that involve transgressions of the Student Regulations or any other University regulations;
- 7.2 pertains to statutory and/or common law transgressions;
- 7.3 in which complex legal issues arise;
- 7.4 that may extend over a long period because of the number of accused students or witnesses involved.

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