

## **NWU MANUAL ON STUDENT DISCIPLINE**

### **Background**

The Manual on Student Discipline is provided in terms of the Policy on Student Discipline by the Vice-Chancellor as an operational document aimed at ensuring the effective and efficient maintenance of discipline within the student community. The Manual is further supported by subordinate rules, procedures and mechanisms that ensure the maintenance of discipline within the student community.

### **TABLE OF CONTENTS**

- Part 1:** Introduction
- Part 2:** Generic Guidelines, Principles and Purpose for Student Discipline and Disciplinary Action
- Part 3:** Procedures for the Reporting and Investigation of Alleged Misconduct, and Precautionary Suspensions
- Part 4:** Rules for Disciplinary Hearing Committees Established in terms of Paragraph 5 of the Policy on Student Discipline
- Part 5:** Disciplinary Mechanisms in terms of Paragraph 5.6 of the Policy on Student Discipline

## Introduction

### 1 Interpretation and Application

- 1.1 The Manual on Student Discipline (hereafter referred to as *the Manual*) must be applied and interpreted in accordance with the –
- 1.1.1 Statute of the North-West University;
  - 1.1.2 Policy on Student Discipline;
  - 1.1.3 Institutional Rules on Student Governance;
  - 1.1.4 Policy on Academic Integrity;
  - 1.1.5 General Academic Rules;
  - 1.1.6 Policy on Delegation, Assignment and Agency; and
  - 1.1.7 Other relevant policies and rules of the university.

### 2 Definitions

The following definitions apply to the interpretation of the Manual:

	Term	Definition
1.	<b>“Appeal”</b>	An appeal is concerned with whether the decision of a disciplinary body based on the evidence available was/is correct. Thus, an appeal is a challenge to the findings on the merits of fact or law.
2.	<b>“Delegate”</b>	Refers to an individual or structure who has received a delegation from a <i>delegans</i> to exercise a specific authority or role in accordance with the Policy on Delegation, Assignment and Agency.
3.	<b>“Disciplinary body”</b>	Refers to the bodies, also referred to as disciplinary hearing committees, established in accordance with paragraph 74 of the Statute and paragraph 5.2 of the Policy on Student Discipline.
4.	<b>“Disciplinary mechanism”</b>	Refers to the predetermined instances of non-compliance to specific rules and arrangements developed in accordance with paragraph 5.6 of the Policy on Student Discipline, with predetermined penalties associated with each instance of non-compliance. Disciplinary mechanisms are effected in instances where a disciplinary hearing would not be immediately required.
5.	<b>“Firearm”</b>	Refers to any device that can propel a bullet or projectile through a barrel or a cylinder by means of a burning propellant.
6.	<b>“Review”</b>	A review is concerned with whether a decision of a disciplinary body based on the available evidence was/is lawful. The grounds for a review are codified in section 6(2) of the Promotion of Administrative Justice Act 3 of 2000 (PAJA) as amended, and include: illegality, procedural unfairness, irrationality, unreasonableness, and other unconstitutional or unlawful action.
7.	<b>“SCC”</b>	Refers to the Students’ Campus Councils established in accordance with paragraph 27 of the Statute.
8.	<b>“Subordinate student leadership structure”</b>	Refers to the subordinate student leadership structures of the SRC and SCCs established in accordance with the Institutional Rules on Student Governance and the Constitution of the Students’ Representative Council of the North-West University.
9.	<b>“SRC”</b>	Refers to the Students’ Representative Council established in accordance with paragraph 27 of the Statute.
10.	<b>“Weapon”</b>	Refers to any object, other than a firearm, capable of causing death or inflicting serious bodily harm if used for an unlawful purpose.

11.	<b>“Working day”</b>	Refers to a 24-hour period, excluding Saturdays, Sundays and public holidays, but not excluding the recess periods of the University as published in the university calendar.
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### **3 Purpose**

The purpose of the Manual is to give effect paragraph 5 of the Policy on Student Discipline by:

- 3.1 Providing for the generic guidelines, principles, and purpose for disciplinary action in terms of paragraph 5.5 for:
  - 3.1.1 natural justice;
  - 3.1.2 student discipline;
  - 3.1.3 disciplinary procedures relating to facts or evidence; and
  - 3.1.4 the burden and standard of proof.
- 3.2 Indicating for the authority, mandate, composition and procedures of the disciplinary hearing bodies and review and appeal bodies established in terms of paragraphs 5.2, 5.3 and 5.4 of the Policy.
- 3.3 Identifying the sanctions that may be issued in relation to acts of misconduct.
- 3.4 Establishing the procedures for disciplinary mechanisms applicable to the Residence Life, Student Life and SRC and subordinate student leadership environment in terms of paragraph 5.6 of the policy.

### **4 Delegation by the Vice-Chancellor**

- 4.1 The Vice-Chancellor, who is the chief disciplinary officer on matters related to student discipline, has the authority to delegate disciplinary authority and operational matters as (s)he deems appropriate to a member of the University Management Committee, but remains responsible to oversee the exercise and performance of the delegated functions.
- 4.2 The Vice-Chancellor, through this manual, provides guidelines on how such functions should be performed and discretions exercised.

### **5 Reporting**

- 5.1 The findings and reports of all the undermentioned disciplinary bodies and disciplinary mechanisms are documented and reported in a format as prescribed by the manager Student Judicial Services.
- 5.2 The Student Judicial Services Department is the custodian of the record-keeping of all proceedings and mechanisms related to student discipline that must be done in accordance with the university’s record-management policy.
- 5.3 Bi-annual reports on student discipline are reported to senate and council as per the statutory requirements by paragraph 72(2).

### **6 Review**

The registrar must, after consultation with the senate, the institutional forum and the SRC, submit this manual to the Vice-Chancellor for review and approval at least once in every three-year cycle.

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## GENERIC GUIDELINES, PRINCIPLES FOR AND PURPOSE OF STUDENT DISCIPLINE AND DISCIPLINARY ACTION

### 7 Basic principles

- 7.1 In accordance with paragraph 72(1) of the Statute, a student of the North-West University, whether on the premises of the university or not at the time of an alleged act of misconduct, is subject to the disciplinary rules and procedures of the university.
- 7.2 The disciplinary processes of the NWU do not have the character of criminal or civil litigation, but are required to follow the prescripts of just administrative action, that includes lawfulness, reasonableness and fairness.
- 7.3 A student appearing before a disciplinary body has the right to attend the hearing and to defend themselves and to be assisted by another person who may be external to the university.
- 7.4 In all instances where the outcome of disciplinary action is decided upon, reasons must be provided for the outcome and sanctions, as well as information on the relevant review and appeal processes.

### 8 The requirements of natural justice and fair procedural processes

- 8.1 “Natural justice” is an expression that underpins the characteristics of procedural fairness, that entails:
  - 8.1.1 **Audi alteram partem**, which literally means “hear the other side”, and requires, in the interests of fairness, that every participating party in disciplinary proceedings must be given a reasonable opportunity to make representations.
  - 8.1.2 In most instances, involving more than one **procedural stage** such as:
    - 8.1.2.1 investigation and orderly collection and consideration of evidence and facts;
    - 8.1.2.2 preliminary action such as provisional suspension in serious cases;
    - 8.1.2.3 consideration of evidence and facts gathered; and
    - 8.1.2.4 issuing a motivated outcome and finding and providing reasons for such and decision.
  - 8.1.3 **Impartial decision-making** that strives to assure impartiality in the decision-making process, meaning that no person may judge a case in which such a person has an interest.

### 9 Procedures relating to facts and evidence on misconduct

#### 9.1 Disciplinary Hearing Committees

- 9.1.1 The following elements should form part of every instance of disciplinary action taken on behalf of the NWU by means of a disciplinary hearing committee contemplated in paragraph 13-18 of the policy:
  - 9.1.1.1 **conducting** an investigation of the discovered, reported, alleged or suspected misconduct to determine the facts by a person or structure of the NWU other than the disciplinary hearing committee that would consider the matter;
  - 9.1.1.2 **identifying** the appropriate role player who should represent the university in the disciplinary hearing committee, and the appropriate functionary or disciplinary body who should deal with the matter, as done by Student Judicial Services;
  - 9.1.1.3 **referring** the matter to the relevant disciplinary body and convening the disciplinary hearing;
  - 9.1.1.4 procedurally, **comprising** of the following stages and actions –
    - i. receipt of a statement by the representative of the university of the misconduct that the student is alleged to have committed;
    - ii. establishing the facts of the case by all relevant means, including consideration by the disciplinary body of visual, written, oral and any other relevant evidence adduced by the representative of the university and from the student(s) concerned;

- iii. affording the student(s) concerned a reasonable opportunity to ask questions to witnesses and interrogate the evidence of the misconduct presented by the representative of the university;
- iv. affording the representative of the university a reasonable opportunity to ask questions to the implicated student(s) in the instance that they gave evidence and from witnesses, and to interrogate the evidence presented by the students and witnesses concerned;
- v. affording the representative of the university and the student(s) concerned an opportunity to make final oral submissions to the disciplinary hearing committee about the alleged misconduct;
- vi. after hearing the presentation contemplated in paragraphs 9.1.1.4 i-v, considering in the absence of the student(s) and their representative concerned the reliability of the evidence and making findings regarding the proven facts, with the majority and minority views of the body recorded and the majority view being binding;
- vii. announcing the findings of the disciplinary body to the student(s) concerned;
- viii. in the event of a finding of proven misconduct, allowing the student(s) and the representative of the university to make representations regarding possible sanctions;
- ix. after considering representations regarding possible sanctions in the absence of the student(s) and their representative concerned, announcing the sanctions and explaining their implications;
- x. the writing of a brief report on the hearing, findings and sanctions for submission to the vice-chancellor for noting.

## **9.2 Disciplinary Mechanisms**

- 9.2.1 The following elements should form part of every instance of disciplinary action taken on behalf of the NWU by means of a disciplinary mechanism contemplated in paragraph 5.6 of the policy –
- 9.2.1.1 determining the discovered, reported or alleged specific non-compliance to confirm the allegations or facts by a person of the NWU duly delegated to execute disciplinary mechanism;
  - 9.2.1.2 determining the relevant environment in which the act of non-compliance should be considered;
  - 9.2.1.3 identifying the appropriate authority who must consider the non-compliance and issue a possible penalty;
  - 9.2.1.4 identifying of the appropriate penalty in relation to the non-compliance;
  - 9.2.1.5 issuing of the penalty by the relevant authority; and
  - 9.2.1.6 ensuring that the process of investigation and the administering of the disciplinary hearing are dealt with in an expedient manner.

## **9.3 The burden and standard of proof required for making a finding**

### **9.3.1 Disciplinary hearing committee**

- 9.3.1.1 The burden to adduce and prove misconduct before a disciplinary hearing committee lies with the university.
- 9.3.1.2 To present evidence before a disciplinary hearing committee, a person or functionary representing the university, who is duly appointed or appearing in an ex officio capacity, must appear before a disciplinary body.
- 9.3.1.3 A disciplinary hearing committee must, in order to accept evidence presented before it, be convinced on a balance of probabilities of the facts upon which the misconduct and related findings are based.

### **9.3.2 Disciplinary mechanism**

- 9.3.2.1 The burden to adduce and confirm non-compliance to relevant rules by means of a disciplinary mechanism lies with the university.
- 9.3.2.2 Facts confirming the act of non-compliance must be presented to the delegated person responsible for administering the disciplinary mechanism.

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## PROCEDURES FOR THE REPORTING AND INVESTIGATION OF ALLEGED MISCONDUCT, AND PRECAUTIONARY SUSPENSIONS

### 10 Procedures for reporting and investigating alleged instances of misconduct

- 10.1 The following procedure is followed for the reporting of alleged instances of misconduct as defined in paragraph 13.2:
- 10.1.1 Unless otherwise indicated, the reporting of all incidents of a non-academic nature is to be done to the relevant Campus Protection Services Department, whereafter the manager concerned appoints an investigating officer to investigate the matter in accordance with procedures of Campus Protection Services.
- 10.1.2 As informed by the processes contemplated in the Policy on Academic Integrity, the reporting of relevant incidents of **academic misconduct** is done to the Student Judicial Services, whereafter the manager concerned appoints an investigation officer for the purpose of the investigation of a particular case, and will if the need arises, involve other internal or external technical experts to assist with the said investigation.
- 10.2 The following procedure is followed for investigations contemplated in paragraph 10.1:
- 10.2.1 The relevant investigation officers compile a record of investigation and submit such to the manager of the Student Judicial Services.
- 10.2.2 Upon receipt of the aforementioned, the manager considers whether to proceed with a disciplinary hearing that is to be conducted in accordance with the stipulations in paragraph 3 below.
- 10.2.3 In the event that the disciplinary hearing proceeds, the manager:
- i. appoints a pro forma prosecutor and assigns the disciplinary hearing to the relevant disciplinary hearing committee provided for in paragraph 3; or
  - ii. refers the matter to the relevant disciplinary mechanisms contemplated in paragraphs 1.4.3 and 4 of the Manual.
- 10.3 The determination contemplated in paragraph 10.2 is made after consideration of the:
- 10.3.1 nature of the alleged misconduct;
- 10.3.2 behaviour of the implicated student(s);
- 10.3.3 circumstances under which an incident(s) occurred; and
- 10.3.4 effect thereof on the general good order and discipline at the university.

### 11 Considerations for precautionary suspensions

- 11.1 The Vice-Chancellor, or the duly delegated UMC member, may after consideration of the relevant records contemplated in paragraph 10, provisionally prohibit a student from entering any premises of the university or any part thereof, or exercising a right or privilege that a student may have for a predetermined time.
- 11.2 A precautionary suspension may be made against a student who:
- 11.2.1 a charge has been made against that is being investigated; or
- 11.2.2 has been precautionarily suspended and has requested a review or appeal against the precautionary suspension.
- 11.3 The Vice-Chancellor, or duly delegated UMC members, must provide written reasons for the precautionary suspension.

- 11.4 The nature and scope of the precautionary suspension contemplated in paragraph 11.1 must be informed by considerations of the nature of the alleged offence and whether the continued presence of the student who is under investigation:
- 11.4.1 poses a threat to the order and discipline of the NWU;
  - 11.4.2 poses a real or potential danger to the mental or physical well-being of the student under investigation, fellow students, victims, members at the NWU, or members of the public;
  - 11.4.3 poses a real or potential risk of damage to the property of the university;
  - 11.4.4 poses a real or potential risk of interference with the evidence or witnesses; and
  - 11.4.5 any other relevant factor.
- 11.5 The precautionary suspension contemplated in paragraph 11.1 may last until such time that the:
- 11.5.1 student makes a representation to the Vice-Chancellor, or their delegate, within 48 hours from receipt of the precautionary suspension, indicating reasons why the precautionary suspension should be uplifted with the Vice-Chancellor, or their delegate, accepting or rejecting such reasons, providing written feedback within 72 hours from date of receipt; or
  - 11.5.2 relevant disciplinary hearing committee pronounces the student guilty or not guilty and issues sanctions.

## RULES FOR DISCIPLINARY HEARING COMMITTEES ESTABLISHED IN TERMS OF PARAGRAPH 5 OF THE POLICY ON STUDENT DISCIPLINE

### 12 Rules for University Disciplinary Hearing Committees

#### 12.1 Composition

12.1.1 With due sensitivity to race, gender, disability, the Vice-Chancellor establishes University Disciplinary Hearing Committees comprised of the following three (03) members:

<b>Member 01 (Chairperson)</b>	An admitted attorney or advocate practising as such and who has been appointed by the Vice-Chancellor or his/her delegate.
<b>Matters related to alleged <u>ACADEMIC MISCONDUCT</u> referred through the Policy on Academic Integrity:</b>	
<b>Member 02</b>	One (01) permanently employed academic employees with at least the rank of senior lecturer.
<b>Member 03</b>	One (01) permanently employed academic employees with at least the rank of senior lecturer.
<b>Matters related to alleged <u>NON-ACADEMIC MISCONDUCT</u>:</b>	
<b>Member 02</b>	One (01) permanently employed academic employee with at least the rank of senior lecturer.
<b>Member 03</b>	One (01) permanently employed support employee with at least the rank of manager.

12.1.2 A member of the disciplinary hearing committee may not have an interest in the matter or proceedings.

12.1.3 The pro forma prosecutor appointed by the manager Student Judicial Services in accordance with paragraph 10.2.3 does not participate in the decision-making of the disciplinary hearing committee.

12.1.4 The manager Student Judicial Services must appoint a secretary to record the proceedings, who must be a permanent employee of the university forming part of Student Judicial Services.

#### 12.2 Misconduct that may be considered by a University Disciplinary Hearing Committee

12.2.1 In accordance with Paragraph 73 of the Statute, a student commits misconduct if:

12.2.1.1 the conduct of the student is detrimental or may be detrimental to the good name, order, discipline or performance of the university;

12.2.1.2 the student contravenes the statute, policies, rules of the university, or the law;

12.2.1.3 the academic misconduct of the student is dishonest, as described and referred in the Policy on Academic Integrity;

12.2.1.4 the student harasses or treats another person or group of persons violently or with hostility; or

12.2.1.5 the student damages property or assets of the university or that of another person.

12.2.2 Without derogating from the general misconduct contemplated in paragraph 12.2.1, the following also constitutes instances of misconduct:

12.2.2.1 conduct aimed at disrupting the lawful activities of the university in relation to the teaching-learning, research, community engagement or student life;

12.2.2.2 entering or occupying or attempts at entering or occupying university or university-controlled premises without permission;

12.2.2.3 acting in, or making statements, that are a misleading or dishonest to any employee or functionary, including student functionaries, of the university;



- 12.2.2.4 failing to comply with lawful instructions made by an employee or a functionary, including student functionary, of the university;
- 12.2.2.5 failing to assist in or obstructing the investigation of any disciplinary matter at the university;
- 12.2.2.6 bringing a firearm, weapon or explosive onto any premises of the university;
- 12.2.2.7 permitting another student or person to utilise their student card or other identification device for any purpose, or using another student's student card or identification device for any purpose, that contributed towards an additional act of misconduct;
- 12.2.2.8 failing to comply with an order of court, or sanction of any disciplinary body of the university;
- 12.2.2.9 impeding, or attempting to impede, the unjustifiable freedom of movement of another member of the university, visitors, contractors or members of the public on university or university-controlled premises;
- 12.2.2.10 unlawfully or unjustifiably infringing on the rights of another person;
- 12.2.2.11 possessing, using, distributing or selling any illegal substance or prohibited drugs;
- 12.2.2.12 possessing, using distributing or selling alcohol on university or university-controlled premises contrary to university rules in this regard;
- 12.2.2.13 using words or engaging in conduct that constitutes hate speech;
- 12.2.2.14 engaging in the sexual harassment of another person;
- 12.2.2.15 engaging in gender-based violence of another person;
- 12.2.2.16 engaging in initiation practices, whereby students are subject, with or without their consent, to rituals, words, conduct, limitations, or prohibitions that undermine the student's dignity that endangers their physical or mental health and contradicts the values of the university;
- 12.2.2.17 stealing or attempting to steal university property or assets, or that of another person;
- 12.2.2.18 using property, facilities, or assets of the university or that of another person without permission; or
- 12.2.2.19 using the emergency equipment and infrastructure of the university when not necessary.

### **12.3 Procedure for a disciplinary hearing of a University Disciplinary Hearing Committee**

- 12.3.1 All hearings of a University Disciplinary Hearing Committee take place in accordance with the NWU Policy on Student Discipline and paragraphs 7-10 of the Manual.
- 12.3.2 Disciplinary hearings may take place at a date and time on any of the campuses or premises controlled or owned by the university, or remotely, as determined by the manager Student Judicial Services.
- 12.3.3 Any student appearing before a University Disciplinary Hearing Committee related to instances of alleged misconduct has the right to:
  - 12.3.3.1 be present at proceedings during which the charges against the student would be heard; and
  - 12.3.3.2 present their own evidence.
- 12.3.4 Failure by a student to be personally present at such a disciplinary hearing as contemplated in paragraph 12.3.3 would not preclude the hearing from continuing.
- 12.3.5 A student has the right to attend a disciplinary hearing and to defend him-/herself, or to be assisted by another person however, the right to legal representation is not automatic.
- 12.3.6 A student who intends to make use of external legal representation must through the manager student judicial services apply to university disciplinary hearing committee to be allowed legal representation at the hearing, at least 72 hours in advance.
- 12.3.7 Upon receipt of such a request, the manager student judicial services must submit such a request for consideration by the disciplinary hearing committee, with the committee providing feedback to the student at least 24 hours before the commencement of the hearing.
- 12.3.8 The disciplinary hearing committee considering a request as contemplated in paragraphs 12.3.6 and 12.3.7 may consider the following aspects as part of their deliberations:

- 12.3.8.1 the circumstances of the particular case;
  - 12.3.8.2 the nature of the charges brought;
  - 12.3.8.3 the complexity of the matter;
  - 12.3.8.4 the potential seriousness of the consequences of an adverse finding; and
  - 12.3.8.5 any other relevant factors.
- 12.3.9 A student due to appear at the University Disciplinary Hearing Committee for instances of alleged misconduct must receive written notice thereof at least 120 hours prior to the disciplinary hearing, excluding Saturdays, Sundays or public holidays, but not excluding recess or assessment periods as published in the annual university calendar.
- 12.3.10 The notice contemplated in paragraph 12.3.9:
- 12.3.10.1 must specify the charges against the student in sufficient detail to enable the student to prepare for the disciplinary hearing;
  - 12.3.10.2 may be sent electronically to the last e-mail address of the student as contained in the official records of the university, or handed to the student personally; with
  - 12.3.10.3 A notice sent to the student via e-mail is deemed received within 24 hours with the 120 hours notice period contemplated in paragraph 12.3.9 is commencing thereafter.
- 12.3.11 A disciplinary hearing committee may adjourn its activities or postpone them to another day or days, depending on the demands of the circumstances of the case, provided that a request to postpone a hearing will only be considered at the sole discretion of the hearing committee.
- 12.3.12 The postponement of a disciplinary hearing contemplated in paragraph 12.3.11 will not be considered if such a postponement would cause undue delay, or the non-availability of a specific person assisting the student or a legal representative.
- 12.3.13 At the commencement of the disciplinary hearing and in the absence of the implicated student, his/her representative, any witnesses and any other person who is not a member of the hearing committee, the chairperson must:
- 12.3.13.1 confirm that the committee is constituted in accordance with the relevant provisions of the Statute, the Policy on Student Discipline and the Manual; whereafter
  - 12.3.13.2 the chairperson decides on the procedures the committee will follow however, no discussion may be made on the merits of the case, the credibility and reliability of witnesses or the student, or of possible sanctions.
- 12.3.14 Following the completion of the process contemplated in paragraph 12.3.13, the chairperson in the presence of the implicated student:
- 12.3.14.1 announces that the hearing committee will conduct a hearing with regard to the alleged misconduct and explains the procedure to be followed during the hearing; whereafter
  - 12.3.14.2 the accused student is informed verbally of the alleged misconduct that is the subject of the disciplinary hearing; with
  - 12.3.14.3 the student being requested to plead guilty or not guilty, with additional questions directed to the student and aimed at clarifying the student's plea by members of the disciplinary hearing committee being permissible.
- 12.3.15 If the alleged misconduct is a criminal offence of which the student has already been found guilty by a court of law, a copy of the conviction by that court after the student has been identified as the person named in the record, is *prima facie* proof that the student did commit the alleged misconduct.
- 12.3.16 Notwithstanding paragraph 12.3.15, the student has the right to present evidence that they were erroneously convicted.
- 12.3.17 **If the student pleads guilty** to the alleged misconduct:
- 12.3.17.1 the hearing committee may resolve to accept the plea provided it had satisfied itself that the student understands the nature of the proscribed conduct and the consequences of pleading guilty; whereafter
  - 12.3.17.2 the hearing committee may find the student guilty and reach a conclusion on an appropriate sanction.
- 12.3.18 A disciplinary hearing committee resolving in accordance with paragraph 12.3.17 must take into consideration the:

- 12.3.18.1 student's personal circumstances,
- 12.3.18.2 nature and severity of the misconduct;
- 12.3.18.3 facts and evidence of the misconduct;
- 12.3.18.4 interests of the University and that of the complainant;
- 12.3.18.5 aims of the sanction; and
- 12.3.18.6 student's previous official academic and disciplinary records.
- 12.3.19 **If the student pleads not guilty** to the alleged misconduct the hearing committee hears evidence presented by the pro forma prosecutor and thereafter the student.
- 12.3.20 The evidence contemplated in paragraph 12.3.19 must be received and considered which may include oral testimony, statements, documentation and other forms of physical evidence.
- 12.3.21 The disciplinary hearing committee may call and question witnesses, and recall and question witnesses who have already given evidence.
- 12.3.22 The disciplinary hearing committee must grant the pro forma prosecutor and the accused student or their representative a reasonable and fair opportunity to pose questions, examine and cross-examine each witness.
- 12.3.23 After the hearing committee has heard the evidence from the pro forma prosecutor and the accused student, the chairperson grants the student or their representative and the pro forma prosecutor the opportunity to argue the matter of whether the charge has been proven or not.
- 12.3.24 After completion of the proceedings contemplated in paragraphs 12.3.20 – 12.3.23 the committee, in the absence of the student, their representative, any witnesses and any member who is not a member of the committee, discusses the merits of the case and determines whether or not the student is guilty of the alleged misconduct.
- 12.3.25 After determining whether the accused student is guilty, the chairperson in the presence of the accused, announces the outcome of the disciplinary hearing committee, and may provide reasons for the decision to the student, with such a finding regarded as final and the Vice-Chancellor or their delegate informed thereof.
- 12.3.26 Should the implicated student be found guilty, the chairperson offers the student and his/her representative as well as the pro forma prosecutor the opportunity to make additional submissions or to adduce evidence regarding extenuating, aggravating or any other relevant circumstances that would impact on the sanction.
- 12.3.27 Within 48-hours after conclusion of the proceedings, the chairperson furnishes the student with written reasons for the sanction, and chairperson simultaneously informs the student of the right to appeal against the sanction or finding or both, or take the matter in review or appeal, in terms of paragraph 77 of the Statute.
- 12.3.28 In the event that a student was not present at the disciplinary hearing as contemplated in paragraph 12.3.4, the processes contemplated in paragraphs 12.3.25-12.3.26 are completed via email, with the outcome regarded as received within 24-hours, and the opportunity to provide additional submission or adduce evidence regarded as concluded after an additional 24-hours thereafter.
- 12.3.29 The lodging of an appeal or review by the student will not suspend the finding or sanction.

#### **12.4 Sanctions that can be imposed by a University Disciplinary Hearing Committee**

- 12.4.1 A University Disciplinary Hearing Committee has the competence to impose any or a combination of the following sanctions including but not limited to:
  - 12.4.1.1 expulsion from the University;
  - 12.4.1.2 suspension from the University for a period of time;
  - 12.4.1.3 expulsion or suspension from a university residence or day house;
  - 12.4.1.4 refusal of access to all or some of the buildings, premises, or services of the University or admission only subject to specified conditions;
  - 12.4.1.5 suspension from attending classes for a specific period of time, either totally or only in respect of specific course modules;
  - 12.4.1.6 refusal of admission to any examination, test or assessment opportunity;

- 12.4.1.7 forfeiture of any marks already obtained for a specific or group of modules, or the cancellation of any modules, programme or qualification ;
- 12.4.1.8 imposition of a fine that may not exceed an amount equal to the fees payable by the student for the particular year;
- 12.4.1.9 the payment of a suitable amount to compensate for any damages, loss or costs caused by the misconduct of the student;
- 12.4.1.10 prohibiting or limiting the exercising of specific privileges as a student, with or without conditions that are justifiable on educational grounds and acceptable within the culture and values of the University;
- 12.4.1.11 imposing any suspended penalty, combination of penalties or other penalty that from the educational point of view and in accordance with the institutional culture and values of the University, are reasonable and fair seen in context of the circumstances;
- 12.4.1.12 issuing a severe admonition, caution or warning;
- 12.4.1.13 issuing a notification to all or specific other higher education institutions, appropriate occupational or professional bodies of the findings and sanctions made against the student;
- 12.4.1.14 endorsement of the student's academic record permanently or for a specific period of time reflecting the findings and sanctions;
- 12.4.1.15 assigning appropriate and justifiable community service related to a university community service programme to the student; or
- 12.4.1.16 any other appropriate sanction.
- 12.4.2 In addition to the sanctions contemplated in paragraph 12.4.1 above, University Disciplinary Hearing Committee has the competence to refer a student to the following support services, with said referrals issued in accordance with the disciplinary policy objectives of education and reconciliation:
  - 12.4.2.1 referral of the student to relevant psychosocial-social support, which may include therapy or counselling; or
  - 12.4.2.2 referral of the student to remedial or other services that are deemed to be reasonable and justifiable under the circumstances from an educational perspective in line with the institutional culture and values of the University.
- 12.4.3 The chairperson of the disciplinary body must notify the student of the sanction imposed and if applicable, whether any request for an appeal or review shall not in the interim suspend the finding or sanction in terms of the procedure in paragraphs 12.3.27-12.3.29.
- 12.4.4 The notice contemplated in terms of paragraph 12.4.2 must be confirmed in writing by the Manager Student Judicial Services, with the student simultaneously being informed of their right to appeal against, or apply for the review of, the finding or sanction or both.

## **12.5 Procedures for guilty pleading at summary proceedings**

- 12.5.1 A summary proceeding may take place in the instances where the implicated student:
  - 12.5.1.1 is a first offender; or
  - 12.5.1.2 pleads guilty at the outset of the proceedings where only the chairperson of the disciplinary hearing committee and the pro forma prosecutor need to be present.
- 12.5.2 The chairperson must be satisfied that the implicated student fully understands the charges against them before accepting the plea of guilty.
- 12.5.3 In an instance of paragraph 12.5.1-12.5.2, the chairperson may resolve not to proceed with the disciplinary hearing as per the normal procedure.

## **12.6 Procedures for plea and sanction agreements**

- 12.6.1 The manager Student Judicial Services in their position as *dominis litis*, may decide that an implicated student is to enter into a plea and sanction agreement, in accordance with the following process:
  - 12.6.1.1 Due consultation must be had by the manager Student Judicial Services or their delegate with the implicated student and their legal representative and the complainant relating to all relevant matters of the particular case; and

- 12.6.1.2 In the event that all parties agree to the plea and sanction agreement, the suggested agreement will be submitted to the disciplinary hearing committee for consideration.
- 12.6.2 The chairperson of a disciplinary hearing committee is not bound to the plea and sanction agreement and may accept or reject the agreement.
- 12.6.3 Should the chairperson of the disciplinary hearing committee accept the plea and sanction agreement, the committee resolves on the terms and conditions of such an agreement, whereafter the procedure provided in paragraphs 12.4.2-12.4.3 is applicable.
- 12.6.4 Should the chairperson of the disciplinary hearing committee reject the plea and sanction agreement, the matter must be referred to a new disciplinary hearing committee at the soonest possible date thereafter.
- 12.6.5 The chairperson of the disciplinary hearing committee referred to in paragraph 12.6.4 may not consist of the same members who rejected the plea and sanction agreement.

**12.7 Procedures for alternative disciplinary procedures**

- 12.7.1 The manager Student Judicial Services , where the circumstances and merits of a specific matter warrant such, refer the matter for mediation between the relevant parties, provided that both parties consent to the mediation.
- 12.7.2 The functionary who has referred the matter for mediation in accordance with paragraph 12.7.1, will determine the process of the mediation and may act as, or appoint a mediator and, where the circumstances and merits of a specific matter warrant such, appoint a mediator with specific knowledge or expertise.
- 12.7.3 Unless otherwise agreed between all involved parties, the costs of mediation, if any, will be borne by the student against whom disciplinary action was instituted.

**12.8 Procedures for requesting a review of, or an appeal against, a decision of a University Disciplinary Hearing Committee**

- 12.8.1 A student who has been found guilty and sanctioned may request in writing for a review of, or an appeal against, the findings or sanction, or against both the findings and the sanction made by a disciplinary hearing committee by lodging a review or appeal to the Registrar.
- 12.8.2 A student may be assisted by another person in preparing such a request for review or appeal.
- 12.8.3 The implicated student who is applying for a review or lodging an appeal will be liable for the costs incurred for transcribed documentation or recordings.
- 12.8.4 A written request for a review/appeal must be submitted to the Registrar within 120 hours following receipt of the outcome letter of the disciplinary hearing committee in regard of which the review or appeal is requested, excluding weekends and public holidays.
- 12.8.5 The chairperson of the appeal or review committee determines the procedure to be followed, provided that these adhere to the principles of natural justice.
- 12.8.6 When a request as contemplated in paragraph 12.8.1 is received together with the report as contemplated in paragraph 5 of this manual, the Registrar convenes a review or appeal committee to consider the request.
- 12.8.7 With due sensitivity to race, gender and disability, the review or appeal committee must consist the following four (04) members of:

<b>Member 01 (Chairperson)</b>	A chairperson of the review or appeal committee who must be a legal practitioner as provided for in the Legal Practice Act (2014) or a suitably qualified person with at least 10 years practical experience in law and higher education.
<b>Member 02</b>	One (01) member of Council.
<b>Member 03</b>	One (01) member of Senate
<b>Member 04</b>	One (01) member of the University Management Committee

- 12.8.8 The review or appeal committee adjudicates on the review or appeal on the documents only, and student parties and their representatives are not present during the deliberations of the committee.

12.8.9 Persons who were members of the disciplinary hearing committee that initially heard a particular case, or who have been involved in a previous review or appeal of a particular case, or who had been involved in the charge or investigation of the said case may not be members of the appeal or review committee.

12.8.10 The review or appeal committee may uphold or reject the application for a review or appeal in whole or in part, and substitute the finding or sanction or both as it deems fit.

## **12.9 Continued liability for full fees**

In all cases of misconduct and subsequent disciplinary actions that might prevail in terms of the provisions of the Statute, the Policy and the Manual, including the temporary or permanent total or partial suspension of rights and privileges, intervention in, interruption or termination of studies or non-acceptance in a university residence or day house, the implicated student forfeits any claim to the repayment, reduction or waiver of fees and payments that have been paid or are payable to the University.

## **12.10 Application for readmission of a student who had been expelled**

12.10.1 A student who had been expelled in terms of Policy on Discipline and the Manual may bring an application to be readmitted to the University after a period of five (05) years after such sanction.

12.10.2 Such an application shall not be considered as an application for setting aside of any previous conviction or sanction.

12.10.3 The application must be in writing, setting out in full the grounds on which the application is based and must be lodged with the Registrar.

12.10.4 The application shall be heard by a committee comprised of the following three (03) members:

<b>Member 01 (Chairperson)</b>	Registrar
<b>Member 02</b>	One (01) Deputy Vice-Chancellor
<b>Member 03</b>	One (01) Executive Dean from a Faculty in which the student was not originally enrolled

12.10.5 The committee contemplated in paragraph 12.10.4 must take into account the following aspects when considering a request for readmission:

12.10.5.1 the nature and gravity of the misconduct;

12.10.5.2 the duration of the expulsion;

12.10.5.3 the views and attitude of the complainant and any other interested party in relation to the application;

12.10.5.4 the degree of remorse shown by the applicant;

12.10.5.5 any steps taken by the complainant such as counselling, therapy and training to rehabilitate themselves;

12.10.5.6 the conduct of the person after expulsion; and

12.10.5.7 any other relevant fact.

12.10.6 The committee must submit the application and their recommendation to the Vice-Chancellor or their delegate for final approval, after it had been satisfied that the readmission is warranted under the circumstances.

12.10.7 If the Vice-Chancellor or their delegate is satisfied with the application and recommendation contemplated in paragraphs 12.10.1-12.10.3 and 12.10.5 and approves the application in favour of the student, the readmission must be dealt with in accordance with paragraph 71 of the Statute and the General Academic Rules.

## **13 Disciplinary Hearing Committees of the Students' Representative Council, the Students' Campus Councils and subordinate student leadership structures**

### **13.1 Establishment**

- 13.1.1 The Vice-Chancellor or his/her delegate annually establishes the Disciplinary Hearing Committees of the Students' Representative Council (SRC), the Students' Campus Council (SCCs) (one per campus) and the those of the subordinate student leadership structures.
- 13.1.2 The Disciplinary Hearing Committee(s) for relevant student leadership structure(s) established in accordance with the Statute, the Institutional Rules on Student Governance, and the Constitution of the Students' Representative Council of the North-West University, as it pertains to the -
- 13.1.2.1 SRC, is established to effect discipline on members of the SRC, the SCCs, and the SRC task teams and forums;
- 13.1.2.2 SCCs, are established to effect discipline on members of the relevant SCC and the subordinate student leadership structures of the SCC and campus concerned; and
- 13.1.2.3 subordinate student leadership structures, are established to effect discipline on members of the relevant structure.

### **13.2 Composition**

- 13.2.1 With due sensitivity to race, gender and disability, the disciplinary hearing committee of student leadership structures are comprised of the following five (05) members:

	<b>SRC</b>	<b>SCCs</b>	<b>Subordinate Student Leadership Structures</b>
<b>Member 01 (Chairperson)</b>	SRC: President	SCC: Chairperson concerned	Chairperson, or equivalent position, of subordinate student leadership structure concerned
<b>Members 02 and 03</b>	Two (02) members of the SRC appointed by the SRC	Two (02) members of the SCC concerned appointed by the SCC	Two (02) members of subordinate student leadership structure concerned, appointed by the structure
<b>Member 04</b>	One (01) registered senior student appointed by the Executive Director Student Life, after consultation with the SRC: President	One (01) registered senior student of the relevant campus appointed by the Campus Director Student Life after consultation with the SCC: chairperson concerned	One (01) registered senior student of the relevant campus appointed by the Campus Director Student Life after consultation with the chairperson of the structure concerned
<b>Member 05</b>	Executive Director Student Life	Campus Director Student Life (concerned)	A permanent employee as appointed by the Campus Director Student Life

- 13.2.2 The SRC, SCCs and each subordinate student leadership structure must upon their constituting meetings appoint a pool of four (04) student members from each structure and campus concerned to serve on a rotational basis as part of the relevant disciplinary hearing committees contemplated in paragraph 13.2.1.
- 13.2.3 The Executive Director: Student Life and Campus Directors: Student Life must annually appoint a pool of five (05) to 20 (twenty) students not forming part of the SRC, the SCC or a subordinate student leadership structure, to serve on a rotational basis as part of the relevant disciplinary hearing committees contemplated in paragraph 13.2.1.
- 13.2.4 In the event that the chairperson or student members are unable to serve as part of the disciplinary hearing committee, the Executive Director Student Life for matters pertaining to the SRC, or Campus Director Student Life for matters pertaining to the SCC and subordinate student leadership structures of the relevant campus, must appoint a suitable student replacement from a similar designation indicated in paragraph 13.2.1, done in consultation with Student Judicial Services.

### **13.3 Mandate of the Disciplinary Hearing Committees of the SRC, the SCCs and the subordinate student leadership structures**

- 13.3.1 The SRC has the mandate to develop, implement and oversee a code of student discipline for student leadership structures as it pertains to the coordination of student life done by the SRC, the SCCs and the subordinate student leadership structures.
- 13.3.2 The disciplinary hearing committees of the SRC, the SCCs and the subordinate student leadership structures, have the mandate to were relevant amongst its constituents -
- 13.3.2.1 exercise student discipline in accordance with its mandate and scope of function within the relevant student life environment, and where relevant the campus concerned;
- 13.3.2.2 To ensure sufficient liaison on matters related to student conduct with the:
- i. Executive Director Student Life for matters pertaining to the SRC;
  - ii. Campus Directors Student Life for matters pertaining to the SCCs;
  - iii. The appointed permanent employee contemplated in paragraph 13.2.1 for matters pertaining to the relevant structure; and
- 13.3.2.3 To liaise with Student Judicial Services in order to obtain training on rules, processes and aspects relevant to student conduct and discipline.
- 13.3.3 The Disciplinary Hearing Committees of the SRC, SCCs and subordinate student leadership structures have the obligation to refer any transgression that falls outside their mandate as contemplated in paragraph 13.3.2 to the manager of the Student Judicial Services for further processing.
- 13.3.4 In the event that a Disciplinary Hearing Committees of the SRC, the SCCs or a subordinate student leadership structures exercise discipline over instances of misconduct over which they have no jurisdiction in terms of their mandate indicated in paragraph 13.3.2, the Vice-Chancellor or their delegate retains the authority to review and set aside such disciplinary process and to refer the matter to the correct disciplinary body in order to start the process afresh.

### **13.4 Procedures for the reporting and investigation, and hearing of instances of alleged misconduct considered by a Disciplinary Hearing Committee of the SRC, the SCCs and the subordinate student leadership structures**

- 13.4.1 A written complaint is made by submitting such on a prescribed form to the deputy chairperson or equivalent position of the structure concerned, who acts as the prosecutor as follows:
- 13.4.1.1 SRC Deputy-President for matters pertaining to the SRC;
- 13.4.1.2 SCC Deputy-Chairperson for matters pertaining to the SCC; and
- 13.4.1.3 deputy-chairperson or equivalent position of the structure concerned for matters pertaining to a subordinate student leadership structure.
- 13.4.2 The relevant prosecutor completes the following processes:
- 13.4.2.1 collects evidence on the alleged misconduct including witness statements, footage, recordings, etc.;
- 13.4.2.2 prepares a report for the consideration of the relevant student leadership disciplinary hearing committee; and
- 13.4.2.3 submits the evidence and report contemplated in paragraph 13.4.2.1-13.4.2.2 to Student Judicial Services for final consideration and referral to the correct student leadership disciplinary hearing committee.
- 13.4.3 Subject to paragraph 10.2 and upon assignment of the case to a student leadership disciplinary hearing committee by Student Judicial Services, the committee, in accordance with the principles laid down in paragraphs 7-9, and in line with the procedures provided in paragraph 10 and 12.3 applied with the necessary changes, conducts the hearing and reports accordingly to Student Judicial Services.
- 13.4.4 Notice of the disciplinary hearing by a student leadership structure must be issued to the accused student at least 72 hours before the hearing, and may be done electronically in accordance with paragraph 12.3.10 of the manual.



- 13.4.5 An accused student who intends to make use of either internal or external representation as part of the disciplinary hearing procedures in accordance with paragraph 7.3 of this Manual, must:
- 13.4.5.1 Request permission in writing from the manager Student Judicial Services, who must consider whether the merits of the particular case would justify either internal or external representation.
- 13.4.5.2 In the event that the manager Student Judicial Services approves a request for representation by an accused student, the matter must be referred to a University Disciplinary Hearing Committee for further consideration.
- 13.4.5.3 In the event that the manager Student Judicial Services rejects the request for representation by an accused student, the matter proceeds with the student not being assisted by an internal or external representative.

### **13.5 Misconduct that may be considered by the Disciplinary Hearing Committees of the SRC, the SCCs and the subordinate student leadership structure**

- 13.5.1 The following acts of misconduct may be considered by the disciplinary hearing committees of the SRC, the SCCs, and the subordinate student leadership structures:
- 13.5.1.1 Non-compliance to, or transgression of, the rules and procedures of the SRC, the SCCs or subordinate student leadership structures as indicated in the Institutional Rules on Student Governance, SRC Constitution or subordinate rules developed and approved by the SRC, with this including:
- i. neglect or non-performance of duties, roles and responsibilities as measured against the agreed upon performance plan, or roles and functions outlined in the SRC: Constitution or subordinate rules of the SRC;
  - ii. misuse of funds allocated to the structure concerned of a value less than R5 000.00;
  - iii. non-attendance of meetings, events and engagements of the structure concerned;
  - iv. non-adherence to meeting procedures;
  - v. non-submission of documentation and reports on agreed upon due dates;
  - vi. misuse of communication channels and resources allocated to the structure concerned;
  - vii. bringing the good name of the structure concerned into disrepute;
  - viii. non-compliance to codes of conduct and behavioural guidelines for student leadership structures; and
  - ix. similar acts to non-compliance and transgression that fall within the ambit of the student leadership structure;
- 13.5.1.2 interpersonal relationships within the relevant student life environment;
- 13.5.1.3 instances of repeated non-compliance related to the disciplinary mechanisms contemplated in terms of paragraphs 3.4 and 17 of the manual; or
- 13.5.1.4 any other matters within the ambit of the relevant environment within student life.

### **13.6 Sanctions that may be imposed by the Disciplinary Hearing Committees of the SRC, SCC, and subordinate student leadership structures**

- 13.6.1 The Disciplinary Hearing Committees of the SRC, SCCs or subordinate student leadership structures may impose any or a combination of the following sanctions determined in consultation with Student Judicial Services:
- 13.6.1.1 issuing written warnings;
- 13.6.1.2 recommending improvement measures and the setting boundary conditions for such;
- 13.6.1.3 issuing remedial steps aimed at resolving the situation that arose from the transgression or non-compliance;
- 13.6.1.4 imposing reasonable fines appropriate to the transgression which may not exceed R5 000.00;
- 13.6.1.5 temporarily revoking privileges related to the student leadership structure in a manner that is reasonable and effective in relation to the severity of the misconduct, and that does not exceed a period of one month in duration; or
- 13.6.1.6 termination of membership from the structure concerned.

## 13.7 Procedure to request for the review or appeal against findings or sanctions of a Disciplinary Hearing Committee of the SRC, SCC or subordinate student leadership structures

### 13.7.1 Procedure for conducting a review or appeal on the findings of Disciplinary Hearing Committee of the SRC

13.7.1.1 In accordance with the process contemplated in paragraph 12.8, and with the necessary changes, a student may submit a request for a review of or appeal to the sanction or findings, or both the sanction and findings of the outcome of a disciplinary hearing committee of the SRC to the Registrar.

13.7.1.2 With due consideration to race and gender, the Registrar must upon receipt of the request convene a committee comprised of the following four (04) members:

<b>Member 01 (Chairperson)</b>	Vice-Chancellor or their delegate who may not be the Registrar
<b>Member 02</b>	One (01) member of and appointed by the University Management Committee who had not formed part of the initial disciplinary hearing committee
<b>Members 03 and 04</b>	Two (02) members of the SRC who had not formed part of the initial disciplinary hearing committee

### 13.7.2 Procedure for conducting a review or appeal on the findings of Disciplinary Hearing Committees of the SCCs and subordinate student leadership structures

13.7.2.1 In accordance with the process contemplated in paragraph 12.8, and with the necessary changes, a student may submit a request for a review of or appeal to the sanction or findings, or both the sanction and findings of the outcome of a disciplinary hearing committee of the SCC or subordinate student leadership structure to the Deputy Vice-Chancellor Campus Operations of the relevant campus.

13.7.2.2 With due consideration to race and gender, the Deputy Vice-Chancellor concerned must upon receipt of the request convene a committee comprised of the following members:

<b>Member 01 (Chairperson)</b>	Deputy Vice-Chancellor Campus Operations from another campus
<b>Member 02</b>	A member of the relevant Campus Management Committee appointed by the relevant Campus DVC
<b>Members 03 and 04</b>	Two (2) members of the relevant SCC or the relevant student leadership structure not forming part of the Disciplinary Hearing Committee of the structure concerned

## 14 Residence Life Disciplinary Hearing Committees

### 14.1 Establishment

14.1.1 The Vice-Chancellor or their delegate annually establishes the Residence Life Disciplinary Hearing Committees for each of the university residences and day houses of the university.

14.1.2 The Residence Life Disciplinary Hearing Committees are established to exercise discipline as follows:

14.1.2.1 within the university residence and day house environment as it pertains to the relevant rules and ensuring compliance to such; and

14.1.2.2 towards the house committees of university residences and day houses established in accordance with the Institutional Rules on Student Governance and the Constitution of the Students' Representative Council, relating to their fulfilment of their roles and functions.

### 14.2 Composition

14.2.1 With due sensitivity to race, gender and disability, the disciplinary hearing committees for Residence Life are comprised of the following five (05) members:

<b>Member 01 (Chairperson)</b>	The relevant Campus Director: Student Life, or delegated House Parent appointed by the Campus Director: Student Life in consultation with SJS (who may not be the house parent of the university residence, of day house concerned).
<b>Member 02</b>	House Parent of university residence or day house concerned.
<b>Member 03</b>	A permanent employee of the University appointed by the relevant Campus Director: Student Life.
<b>Member 04</b>	One (01) senior student from another university residence or day house, appointed by the relevant Campus Director Student Life.

<b>Member 05</b>	One (01) senior student from the relevant university residence or day house, appointed by the relevant House Parent.
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14.2.2 The campus director student life must annually appoint a pool of house parents, permanent employees and senior students who will serve on a rotational basis as part of the composition of the disciplinary hearing committees contemplated in paragraph 14.2.1.

### **14.3 Mandate of the Residence Disciplinary Hearing Committees**

14.3.1 A Residence Life Disciplinary Hearing Committee has the mandate exercise discipline over the residents or members of the university residence or day house concerned; as follows:

14.3.1.1 to ensure compliance and adherence to the rules and procedures for the university residences and day houses as approved by the university management committee or relevant operational line function;

14.3.1.2 to ensure sufficient liaison on matters related to student conduct with the house parent, campus director: student life, and other structures relevant to the Residence Life and Student Life environment; and

14.3.1.3 to liaise with Student Judicial Services in order to obtain training on rules, processes and matters related student conduct and student discipline.

14.3.2 A Residence Life Disciplinary Hearing Committee has the obligation to refer any transgression that falls outside their mandate as contemplated in paragraph 14.3.1 to the manager of the Student Judicial Services for further processing.

14.3.3 In the event that a Residence Life Disciplinary Hearing Committee exercises discipline over instances of misconduct over which they have no jurisdiction in terms of their mandate indicated in paragraph 14.3.1, the Vice-Chancellor or their delegate retains the authority to review and set aside such disciplinary process and to refer the matter to the correct disciplinary body in order to start the process afresh.

### **14.4 Procedures of the reporting and investigation, and hearing of instances of alleged misconduct considered by a Residence Life Disciplinary Hearing Committee**

14.4.1 A written complaint is made by submitting such on using a prescribed form to the deputy-primarius/primaria of the university residence or day house concerned, who acts as the prosecutor.

14.4.2 The relevant prosecutor completes the following processes:

14.4.2.1 collects evidence on the alleged misconduct including witness statements, footage, recordings, etc.;

14.4.2.2 prepares a report for the consideration of the relevant Residence Life disciplinary hearing committee; and

14.4.2.3 submits the evidence and report contemplated in paragraph 14.4.2.1-14.4.2.2 to Student Judicial Services for final consideration and referral to the correct Disciplinary Hearing Committee.

14.4.3 Subject to paragraph 10.2 of the manual, and upon assignment of the case to a Residence Life disciplinary hearing committee by Student Judicial Services, the committee in accordance with the principles laid down in paragraphs 7-9, and in line with the procedures provided in paragraph 10 and 12.3 applied with the necessary changes, conducts the hearing and reports accordingly to Student Judicial Services.

14.4.4 Notice of the disciplinary hearing by a Residence Life disciplinary hearing committee must be issued to the accused student at least 72 hours before the hearing and may be done electronically in accordance with paragraph 12.3.10 of the manual.

14.4.5 An accused student who intends to make use of either internal or external representation as part of the disciplinary hearing procedures in accordance with paragraph 7.3 of this Manual, must:

14.4.5.1 Request permission in writing form the manager Student Judicial Services, who must consider whether the merits of the particular case would justify either internal or external representation.

14.4.5.2 In the event that the manager Student Judicial Services approves a request for representation by an accused student, the matter must be referred to a University Disciplinary Hearing Committee for further consideration.

- 14.4.5.3 In the event that the manager Student Judicial Services rejects the request for representation by an accused student, the matter proceeds with the student not being assisted by an internal or external representative.

#### **14.5 Misconduct that may be considered by the Residence Disciplinary Hearing Committee**

- 14.5.1 The following acts of misconduct may be considered by the Residence Life Disciplinary Hearing Committees:
- 14.5.1.1 transgression of, or non-compliance to, the rules and procedures of the university residences and day houses approved by the university management committee or relevant operational line function;
  - 14.5.1.2 abuse or misuse of university residence or day house related infrastructure, facilities and resources, including but not limited to breakages, damages, or misuse of emergency equipment, of a maximum value of R5 000.00;
  - 14.5.1.3 Disturbing the conducive living and learning environment of a university residence or day house including but not limited to excessive noise, non-compliance to arrangements on hygiene and cleanliness, non-compliance to designated smoking and liquor areas;
  - 14.5.1.4 Interpersonal relationships and issues amongst residents or members of the university residence or day house, that does not constitute misconduct contemplated in paragraphs 12.2.1.4, 12.2.2.14-12.2.2.16 of the manual;
  - 14.5.1.5 Misconduct that would in the context of the university residence or day house bring the good name of the university residence or day house into disrepute;
  - 14.5.1.6 Non-performance of duties and functions by house committee members as stipulated in the relevant rules provided by the SRC and SCC or agreed upon in the performance agreement between the House Parent and the house committee member concerned;
  - 14.5.1.7 instances of repeated non-compliance related to the disciplinary mechanisms contemplated for Residence Life in terms of paragraphs 3.4 and 17 of the manual; or
  - 14.5.1.8 any other matters within the ambit of the Residence Life environment.

#### **14.6 Sanctions that may be imposed by a Residence Life Disciplinary Hearing Committee**

- 14.6.1 The Residence Life Disciplinary Hearing Committees may impose any or a combination of the following sanctions determined in consultation with Student Judicial Services:
- 14.6.1.1 issuing of written warnings;
  - 14.6.1.2 recommending behavioural improvement measures and setting boundary conditions for such;
  - 14.6.1.3 issuing remedial steps aimed at resolving the situation that arose from the transgression and/or non-compliance;
  - 14.6.1.4 temporarily or permanently revoking privileges related to the Residence Life environment in a manner that is reasonable and effective in relation to the severity of the misconduct;
  - 14.6.1.5 imposing reasonable fines appropriate to the transgression which may not exceed R5 000.00;
  - 14.6.1.6 assigning reasonable hours of community service related to an official University community engagement project, that is relevant to the transgression or non-compliance; and
  - 14.6.1.7 termination of membership of a house committee member of the university residence or day house concerned.
- 14.6.2 In addition to the sanctions contemplated in paragraph 14.6.1 above, a Residence Life Disciplinary Hearing Committee has the competence to refer a student for psychosocial counselling, therapy, and other relevant support, with said referrals issued in accordance with the disciplinary policy objectives of education and reconciliation.

#### **14.7 Procedure to request for a review of or appeal against findings or sanctions of a Residence Life Disciplinary Hearing Committee**

##### **14.7.1 Procedure for conducting a review or appeal on the findings of a Residence Life Disciplinary hearing Committee**

- 14.7.1.1 In accordance with the process contemplated in paragraph 12.8, and with the necessary changes, a student may submit a request for a review of or appeal to the sanction or findings, or both the

sanction and findings of the outcome of a Residence Life disciplinary hearing committee of the SRC to the Deputy Vice-Chancellor Campus Operations concerned.

- 14.7.1.2 With due consideration to race and gender, the Deputy Vice-Chancellor in consultation with Student Judicial Services must upon receipt of the request convene a committee comprised of the following members::

<b>Member 01 (Chairperson)</b>	Deputy Vice-Chancellor Campus Operations
<b>Member 02</b>	A House Parent not of the university residence or day house concerned.
<b>Members 03 and 04</b>	Two (02) members of the SCC concerned which must include the SCC: Residence Officer provided this member is not the accused.

## 15 Student Life Disciplinary Hearing Committee

### 15.1 Establishment

- 15.1.1 The Vice-Chancellor or their delegate annually establishes a Student Life Disciplinary Hearing Committee for each of the three campuses of the University.
- 15.1.2 The Student Life Disciplinary Hearing Committees are established to exercise discipline in instances of misconduct or non-compliance that do not fall within the ambit of the disciplinary hearing committees established in paragraphs 13 and 14 of the manual but does not require the matter to be heard by the NWU Disciplinary Hearing Committee established in paragraph 12 of the manual.

### 15.2 Composition

- 15.2.1 With due sensitivity to race, gender and disability, the disciplinary hearing committees for Student Life are comprised of the following five (05) members:

<b>Member 01 (Chairperson)</b>	Relevant Campus Director Student Life
<b>Members 02 and 03</b>	Two (02) permanent employees of the University with at least the rank of junior manager, appointed by the relevant Campus Director Student Life
<b>Members 04 and 05</b>	One (01) senior student appointed by the relevant SCC.
	One (01) senior student appointed by the relevant campus director: student life.

- 15.2.2 Each Campus Director Student Life must annually appoint a pool of senior students and permanent employees to serve on a rotational basis as part of the Student Life Disciplinary Hearing Committee contemplated in paragraph 15.2.1.
- 15.2.3 Each SCC must upon its constituting meeting appoint a pool of senior students to serve on a rotational basis as part of the Student Life Disciplinary Hearing Committee contemplated in paragraph 15.2.1.

### 15.3 Mandate of the Student Life Disciplinary Hearing Committee

- 15.3.1 The Student Life Disciplinary Hearing Committees have the mandate to exercise discipline over the general student community of the campus concerned as follows:
- 15.3.1.1 to exercise discipline within the student community pertaining to matters to that do not clearly fall within the mandate of the disciplinary hearing committees established in terms of paragraphs 13 and 14 of the manual, and which are of such a nature that it need not be heard by a disciplinary hearing committee established in terms of paragraph 12 of the manual;
- 15.3.1.2 to ensure compliance and adherence to the rules and procedures of the University, including but not limited to those relevant to Student Life and Residence Life, as approved by the university management committee or relevant line function; or
- 15.3.1.3 to liaise with Student Judicial Services in order to obtain training rules, processes and matters related to student conduct and student discipline.
- 15.3.2 A Student Life Disciplinary Hearing Committee has the obligation to refer any transgression that falls outside its mandate as contemplated in paragraph 15.3.1 to the manager of Student Judicial Services for further processing.

15.3.3 In the event that a Student Life Disciplinary Hearing Committee exercises discipline over instances of misconduct over which they have no jurisdiction in terms of their mandate indicated in paragraph 15.3.1, the Vice-Chancellor or their delegate retains the authority to review and set aside such disciplinary process and to refer the matter to the correct disciplinary body in order to start the process afresh.

#### **15.4 Procedures for reporting and investigation, and hearing for instances of alleged misconduct considered by a Student Life Disciplinary Hearing Committee**

15.4.1 A written complaint is made by submitting such using the prescribed form at Student Judicial Services, with the manager Student Judicial Services appointing a prosecutor for the case.

15.4.2 The appointed prosecutor completes the following processes:

15.4.2.1 collects evidence on the alleged misconduct including witness statements, footage, recordings, etc.; and

15.4.2.2 prepares a report for the consideration of the Student Life Disciplinary Hearing Committee.

15.4.3 Subject to paragraph 10.2 of the manual, the Student Life Disciplinary Hearing Committee in accordance with the principles laid down in paragraphs 7-9, and in line with the procedures provided in paragraph 10 and 12.3 applied with the necessary changes, conducts the hearing and reports accordingly to Student Judicial Services.

15.4.4 Notice of the disciplinary hearing by a Student Life disciplinary hearing committee must be issued to the accused student at least 72 hours before the hearing and may be done electronically in accordance with paragraph 12.3.10 of the manual.

#### **15.5 Misconduct that may be considered by the Student Life Disciplinary Hearing Committee**

15.5.1 The following acts of misconduct, that are similar in nature to the misconduct contemplated in paragraphs 13.5 and 14.5, relating to:

15.5.1.1 transgression of, or non-compliance to, the rules and procedures of the SRC, the SCCs or subordinate student leadership structures as provided for in the Institutional Rules on Student Governance, SRC Constitution or subordinate rules developed and approved by the SRC;

15.5.1.2 transgression of, or non-compliance to, the rules and procedures of the university residences and day houses approved by the university management committee or relevant operational line function;

15.5.1.3 abuse or misuse of university residence or day house related infrastructure, facilities and resources, including but not limited to breakages, damages and the misuse of emergency equipment, with a maximum value of R5 000.00;

15.5.1.4 disturbing the conducive living and learning environment of a university residence or day house including but not limited to excessive noise, non-compliance to arrangements on hygiene and cleanliness, non-compliance to designated smoking and liquor areas;

15.5.1.5 interpersonal relationships and issues amongst members of the student community, that does not constitute misconduct contemplated in paragraphs 12.2.1.4, 12.2.2.14-12.2.2.16 of the manual;

15.5.1.6 misconduct that would in the context of Student Life bring the good name of the Student Life or Residence Life co-curricular programme, of a student leadership structure into disrepute; or

15.5.1.7 any other matters within the ambit of the relevant environment within Student Life or Residence Life.

#### **15.6 Sanctions that may be imposed by the Student Life Disciplinary Hearing Committee**

15.6.1 A Student Life Disciplinary Hearing Committee may impose any or a combination of the following sanctions determined in consultation with Student Judicial Services:

15.6.1.1 issuing written warnings;

15.6.1.2 recommending behavioural improvement measures and setting boundary conditions for such;

15.6.1.3 issuing remedial steps aimed at resolving the situation that arose from the transgression or non-compliance;

- 15.6.1.4 temporarily or permanently revoking privileges the student may have related to the Student Life or Residence Life co-curricular programme in a manner that is reasonable and effective in relation to the severity of the misconduct;
  - 15.6.1.5 imposing reasonable fines appropriate to the transgression which may not exceed R5 000.00; or
  - 15.6.1.6 assigning reasonable hours of community service related to an official University community engagement projects, that is relevant to the transgression or non-compliance.
- 15.6.2 In addition to the sanctions contemplated in paragraph 15.6.1 above, a Student Life Disciplinary Hearing Committee has the competence to refer a student for psychosocial counselling, therapy, and other relevant support, with said referrals issued in accordance with the disciplinary policy objectives of education and reconciliation.

## **15.7 Procedure to request for a review of or appeal against the findings or sanctions of a Student Life Disciplinary Hearing Committee**

- 15.7.1 In accordance with the process contemplated in paragraph 12.8, and with the necessary changes, a student may submit a request for the review of or appeal against the sanction or findings, or both the sanction and findings of the outcome of a Student Life disciplinary hearing committee to the Executive Director Student Life.
- 15.7.2 With due consideration to race and gender, the Executive Director Student Life in consultation with Student Judicial Services must upon receipt of the request convene a committee comprised of the following four (04) members;

<b>Member 01 (Chairperson)</b>	Executive Director Student Life
<b>Member 02</b>	Deputy Vice-Chancellor Campus Operations of the campus concerned
<b>Member 03</b>	A Campus Director: Student Life from another campus
<b>Member 04</b>	One (01) SRC member appointed by the SRC Concerned.

## **16 Ad hoc disciplinary hearing committees established in accordance with paragraph 5.3 of the Policy on Student Discipline**

### **16.1 Establishment**

In accordance with paragraph 5.3 of the Policy, the Vice-Chancellor has the authority to establish an ad hoc disciplinary committee in instances where disciplinary action is required that does not clearly fall within the remit of a disciplinary hearing committee established in terms of paragraph 5.2 of the policy, or that falls within the remit of two or more of those committees.

### **16.2 Composition**

- 16.2.1 With due sensitivity to race, gender, disability, the Vice-Chancellor establishes an Ad-ho Disciplinary Hearing Committees comprised of the following three (03) members:

<b>Member 01 (Chairperson)</b>	Determined based on the nature of the misconduct done in consultation with the Registrar and Manager Student Judicial Services
<b>Member 02</b>	One (01) permanently employed academic employee with at least the rank of senior lecturer.
<b>Member 03</b>	One (01) permanently employed support employee with at least the rank of senior lecturer.

- 16.2.2 A member of the disciplinary hearing committee may not have an interest in the matter or proceedings.
- 16.2.3 The pro forma prosecutor appointed by the manager Student Judicial Services in accordance with paragraph 10.2.3 does not participate in the decision-making of the disciplinary hearing committee.
- 16.2.4 The manager Student Judicial Services must appoint a secretary to record the proceedings, who must be a permanent employee of the university forming part of Student Judicial Services.

### **16.3 Mandate of an ad hoc disciplinary hearing committee**

An ad hoc disciplinary hearing committee obtains its mandate from the Vice- Chancellor as the chief disciplinary officer.

### **16.4 Procedures of ad hoc disciplinary committees**

The proceedings of an ad hoc disciplinary hearing committee must adhere to the procedures for a University Disciplinary Hearing Committee contemplated in paragraph 12 of the Manual.

### **16.5 Sanctions that may be recommended by ad hoc disciplinary hearing committee**

An ad hoc disciplinary hearing committee may issue any or a combination of the sanctions contemplated in paragraph 12 of the Manual.

### **16.6 Procedure to request a review of or appeal against findings or sanctions of an ad hoc disciplinary hearing committee**

In accordance with the process contemplated in paragraph 12.8 of the Manual, a student may request a review of or appeal to the sanction or findings, or both the sanction and findings of the outcome of an ad hoc disciplinary hearing committee.



## DISCIPLINARY MECHANISMS IN TERMS OF PARAGRAPH 5.6 OF THE POLICY ON STUDENT DISCIPLINE

### 17 Rules and Procedures for Disciplinary Mechanism and Penalties on Instances of Non-compliance

#### 17.1 Mandate to administer the disciplinary mechanism

- 17.1.1 The disciplinary mechanisms referred to in paragraph 5.6 of the Policy on Student Discipline is applicable to instances of non-compliance to specific rules that are regarded as misconduct as contemplated under paragraphs 13-15 of the Manual.
- 17.1.2 A standardised set of disciplinary mechanisms must be developed and approved by the University Management Committee for instances non-compliance to rules regarded as misconduct contemplated in paragraphs 14 and 15 of the Manual and must indicate the related penalty for each instance of non-compliance.
- 17.1.3 A standardised set of disciplinary mechanisms must be developed and approved by the Students' Representative Council after consultation with the Students' Campus Council for instances of non-compliance to rules regarded as misconduct contemplated in paragraph 13 of the manual and indicate the related penalty for each instance.
- 17.1.4 The following administrators are delegated by the Vice-Chancellor to administer the disciplinary mechanisms:

	Disciplinary mechanisms in terms of paragraph 13: SRC, SCC and subordinate student leadership structures	Disciplinary mechanisms in terms of paragraph 14: Residence Life	Disciplinary mechanisms in terms of paragraph 15: Student Life
Employees administrators	-	House Parent concerned	Campus Director: Student Life
Student administrators	Chairperson (or equivalent position) of structure concerned	Primari concerned	-

#### 17.2 Procedures for the reporting and confirming alleged instances of non-compliance, and issuing of penalties

- 17.2.1 A complaint of alleged non-compliance is submitted to the prosecutor of the relevant environment indicated under paragraphs 13-15 of the Manual.
- 17.2.2 The prosecutor concerned processes:
- 17.2.2.1 upon receipt of the complaint, collects the relevant material confirming the non-compliance contemplated in paragraphs 17.1.2 and 17.1.3 of the manual including witness statements, footage, recordings, etc.;
- 17.2.2.2 informs the implicated student of the complaint and alleged instance of non-compliance to determine whether the student had committed the act of non-compliance;
- 17.2.2.3 identifies and recommends a penalty contemplated under the predetermined penalties indicated in paragraph 17.3; and
- 17.2.2.4 compiles and submits a report on the alleged instance of non-compliance containing the information contemplated under paragraph 17.2.2.1 and 17.2.2.3 for consideration by the relevant administrator indicated in paragraph 17.1.4 of the manual.
- 17.2.3 The administrator concerned must:
- 17.2.3.1 upon receipt of the report, satisfy themselves with regards to the alleged non-compliance and that the evidence provided confirms the act of non-compliance;
- 17.2.3.2 hereafter, consider whether the appropriate penalty has been identified for the instance of non-compliance; and
- 17.2.3.3 in the event that the administrator is satisfied with both the requirements of paragraphs 17.2.3.1 and 17.2.3.2 above, proceed to confirm the non-compliance and issue the penalty.

17.2.4 Following completion of the process outlined in paragraph 17.2.3 above, the implicated student against who the penalty is issued must be informed in writing by the prosecutor using the documentation prescribed by Student Judicial Services.

### 17.3 Penalties that may be imposed through disciplinary mechanisms

17.3.1 The following penalties related to instances of non-compliance may be included to the disciplinary mechanisms provided by the university management committee and the SRC indicated under paragraphs 17.1.2 and 17.1.3:

17.3.1.1 issuing of standardised written warnings as provided by Student Judicial Services;

17.3.1.2 recommending behavioural improvement measures and setting boundary conditions for such that are relevant to the act of non-compliance, as advised by Student Judicial Services; or

17.3.1.3 imposing reasonable fines that are predetermined which may increase with each instance of misconduct.

17.3.2 Underpinned by paragraph 4.4 of the Policy on Student Discipline, the standardised set of disciplinary mechanisms may allow for more than one instance of non-compliance to relevant rules, with multiple instances of non-compliance accumulatively resulting in a disciplinary hearing as provided for in paragraph 13-15 of the manual.

### 17.4 Disputes on instances of alleged non-compliance and related penalties

17.4.1 In the event that an implicated student disputes the act of non-compliance, or the penalty, they may submit a written dispute as follows:

	<b>Disputes related to disciplinary mechanisms in terms of paragraph 13: SRC, SCC and subordinate student leadership structures</b>	<b>Disputes related to disciplinary mechanisms in terms of paragraph 14: Residence Life</b>	<b>Disputes related to disciplinary mechanisms in terms of paragraph 15: Student Life</b>
<b>Dispute submitted to:</b>	Campus Director Student Life	Campus Director Student Life	Executive Director: Student Life Or Deputy Vice-Chancellor Campus Operations

17.4.2 A student submitting a dispute, must provide reasons as to why the non-compliance did not occur or why the relevant penalty should not be issued.

17.4.3 Based on the report contemplated in paragraph 17.2.2 of the manual, the role player identified under paragraph 17.4.1 for the relevant environment considers the dispute and may request additional information from the relevant stakeholders to aid in the consideration.

17.4.4 The role player concerned may either confirm or reject the occurrence of non-compliance or recommended penalty, or refer the matter to Student Judicial Services to be considered afresh by the relevant disciplinary hearing committee.