2. CONTROL OF THE UNIVERSITY PREMISES

2.1 Only student organisations approved by the Council may be established at the University, and an approved student organisation may affiliate only with student or outside organisations recognised by the Council.

2.2 Approved student organisations may hold meetings of registered students in accordance with the provisions of the relevant constitution. No other meetings may be held on the University premises without the permission of the Rector.

2.3 The permission of the Rector/Registrar must be obtained beforehand if a student organisation wishes to make use of the buildings or other facilities of the University for a purpose, which, in the opinion of the Council, falls outside the normal function, and aims of the organisation concerned.

2.4 Publications or writings of whatever nature may be provided or distributed only with the permission of the Rector, and notices and posters may be displayed only with the permission of the Rector. The Rector may, at his/her discretion, delegate authority for the display of notices and posters to the Students' Representative Council, and he may withdraw such delegation at any time.

2.5 Statements to the press or interviews which may adversely affect persons or bodies in control of the University or which may be detrimental to the good name of the University may not be issued or granted by a student or student organisation.

2.6 Alcoholic beverages may be possessed, provided or consumed on the University premises only with the approval of the Rector.

2.7 A student may bring onto or keep at the University premises a motor vehicle only with the permission of the University Security Service.

2.8 A student, who causes damage to the property of the University in any way, will be held liable for it.

2.9 Money or goods may be collected on the University premises only with the permission of the Registrar.

2.10 Initiation is not allowed at the University.

2.11 The University authorities make provision for an orientation programme for first-year students. The Office arranges the programme, which is approved by the University, for Student Development. Senior residence students may implement their own orientation programme with the permission of the Vice-Rector (Student Development and Support).

2.11.1 Any departure from the senior residence students' orientation programme must receive the prior approval of the Vice-Rector (Student Development and Support).

2.11.2 First-year students have the right to report any violation of or departure from the approved senior residence students' familiarisation programme directly to the Vice-Rector (Student Development and Support).

3. STUDENT DISCIPLINARY RULES

3.1 Structure of student discipline

3.1.1 Student discipline shall be exercised by

3.1.1.1 the Rector,
3.1.1.2 the Vice-Rector's Tribunal,
3.1.1.3 the Student Discipline Court, and
3.1.1.4 the Appeal Committee of the Council.

3.2 Rector

The general supervision and control of student discipline shall vest in the Rector and, except where otherwise directed by the Rector, shall be administered by the Vice-Rector (Student Development and Support) in terms of these rules.

3.3 Proctor and Prosecutor

The University may appoint a Proctor who shall advise the Rector and Vice-Rector in any matter relating to student discipline. The Rector may, in terms of Rule 3.2 assign those functions and duties to the Proctor that are necessary for the proper execution of disciplinary matters on campus.

3.3.2 The Proctor may collect, prepare and present evidence regarding contravention of the rules for student discipline at disciplinary inquiries.

3.3.3 The Proctor may be assisted by a Prosecutor, who may collect evidence, consult with witnesses and prosecute persons contravening University rules in the Students' Disciplinary Court or argue the University's case before the Appeals Committee.

3.4 Vice-Rector's summary powers

The Vice-Rector may, after an enquiry conducted in the presence of the student concerned, and if he/she considers it to be in the interests of the University, suspend the student:

3.4.1 enter the University premises;
3.4.2 reside in a University residence;
3.4.3 attend lectures;
3.4.4 write tests or examinations; or
3.4.5 participate in any other activity of the University.

In such a case the Vice-Rector must refer the matter to the relevant disciplinary body who must commence the hearing of the case within 15 working days failing which the prohibition shall lapse.

3.5 Offences

3.5.1 Offences shall consist of the contraventions of any of the following rules:

3.5.1.1 Academic dishonesty in any form including, but without being limited to plagiarism, and collusion, cheating in tests, examinations, assignments, theses and research papers,

3.5.1.1.1 Cheating on tests and examinations includes but is not limited to:

3.5.1.1.1.1 copying from another student's test or examination script;
3.5.1.1.1.2 using or possessing material during a test or examination not authorized by the invigilator,
3.5.1.1.1.3 collaborating with any other person during a test or examination without authority,
3.5.1.1.1.4 knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test or examination,
3.5.1.1.1.5 bribing any other person to obtain an unadministered test or examination or information about an unadministered test or examination,
3.5.1.1.1.6 substituting for another student or permitting any other person to substitute for oneself, to take a test or examination,
altering a returned test or examination script for subsequent re-evaluation and marking;

failure to return a test or examination script that the supervisor has requested to be returned;

removal of a test or examination script from the test or examination venue, which the supervisor has requested not to be removed.

"Plagiarism" means to steal, or to pass off as one's own, the formulation, idea or words of another (i.e. appropriating a formulation, idea or words derived from the intellectual work of another person by incorporating, without crediting such author and source, such formulation, idea or words into one's own work).

(Please note: Plagiarism includes, but is not limited to: (a) the appropriation of formulations, ideas or words from the work of another person without acknowledging the author(s) and the source; and (b) the appropriation of work from someone else's assignment, thesis, test or research paper without acknowledging such other person and or source.)

"Collusion" means the unauthorized, illegitimate or unjustified collaboration with any other person in preparing work offered for credit.

No student shall, while on any premises owned or controlled by the University or while participating in any University activity, behave in a violent, threatening, insulting, disorderly, improper or uninteuncing way towards an office-bearer or member of the managerial body of the University or a staff member, a fellow student or any other person.

No student shall bring onto or possess on University premises any firearm or other dangerous weapon.

No student shall threaten another student with hurt, harm, damage or reprisal in order to induce such student to act or refrain from acting in any particular manner.

No student shall damage, deface or destroy any building, furniture, equipment or books or other property owned or controlled by the University or upon the premises of the University.

A student shall not obstruct or attempt to obstruct members of staff in the performance of their duties.

A student shall not occupy or be present upon any property or premises owned or controlled by the University after being required to leave such property or premises by a member of staff acting within the scope of his/her duties.

A student shall refrain from dishonest conduct which causes or may cause harm to the University and/or members of the University.

No student shall make a false declaration prejudicial to the University in whatever form.

No student may consume, possess or distribute alcohol upon any property or premises owned or controlled by the University without due authorization.

A student shall obey any lawful order of a member of staff.

No student shall behave in any other way that leads to the consequences described below, if such consequences were or would reasonably be foreseen at the time when such behaviour occurred:

Behaviour as a result of which:

(a) the University's good name was impaired;
(b) the maintenance of order, discipline and security at the University may be prejudiced; and
(c) the process of tuition, research and administration and general university activities are or may be prejudiced.

No student shall:

disrupt the proceedings of a disciplinary body;
fail, without just cause, to attend the proceedings of a disciplinary body either as an accused student or as a witness, when required to do so;
give false evidence at or in connection with an enquiry before a disciplinary body;
interfere with, threaten or intimidate a person who is or may be a witness at a disciplinary body.

A student shall comply with any order made by any tribunal.

A student shall comply with all other rules of the University.

A student who attempts to contravene any of the above-mentioned rules shall be guilty of an offence.

A student who encourages a fellow student or any other person, or conspires with another person to contravene any of the rules of the University, shall be guilty of an offence.

Sexual Harassment

A student shall refrain from conduct amounting to sexual harassment. In terms of this rule "sexual harassment" means any unwanted sexual attention, whether in the form of physical conduct, comments, inappropriate gestures, suggestions, hints, innuendo or similar conduct which the perpetrator knows, or ought reasonably to know, will create an environment in which the person subject to the conduct is humiliated or denied his or her dignity.

Submission of statements or declarations

No student shall knowingly make a false or erroneous statement or declaration to any member of a managerial body of the University or a staff member or intentionally provides materially false information concerning the University or any member of the managerial body of the University or a staff member, a fellow student or any other person.

Complaint and investigation procedure

Whenever a contravention of a University rule is alleged, or if any person has reason to believe that a contravention of a University rule is being or has been committed, a report preferably in writing, be referred to the Proctor.

The Proctor shall investigate the complaint, and if the Proctor is of the opinion that an inquiry into the student's alleged misconduct is necessary, the Proctor shall institute those proceedings against the student before the appropriate disciplinary body.

The Proctor shall obtain written statements from witnesses, prepare a charge sheet setting out the charge(s) to be brought against the student and deliver the charge sheet, copies of any statements or documents relating to the matter and a list of witnesses to the appropriate disciplinary body.

If it appears that an offence has been committed by students while engaged in the business affairs or activities of a student society, council, committee, union, club, residence or other association or organisation (referred to hereinafter as student organisation) the prosecutor may charge such organisation with the offence that has been committed, and the organisation shall appear before a disciplinary body in the form of its president or chairperson and its secretary.

No complaint that a student has committed an offence can summarily be withdrawn by the complainant. The complaint will be placed before the Vice-Rector for his decision.

Notice to accused student and his/her parents

When proceedings against a student are instituted the Proctor shall give the student concerned not less than 120 hours' notice in writing of the following:

that proceedings under the rules of student discipline are to be instituted before a specified disciplinary body,
the time and place of the disciplinary hearing;
the terms of the rule that the student is alleged to have contravened and sufficient
details to acquaint the student with the case to be met;
that (s)he must attend the hearing and that (s)he may adduce evidence or make
representations in his/her defense;
that (s)he may be assisted by a legal representative in the student disciplinary court
only with the consent of that court, and
that (s)he may be convicted and penalised in his/her absence.
The notice shall be delivered to the student personally provided that if the student
cannot conveniently be found, the notice may:
be posted by registered mail to the student’s postal address as provided by the student
to the University and shall be deemed to have been received by the student
within a period of 48 hours after the time of posting, or
be left at the student’s last known place of residence and shall be deemed to have
been received by the student at the time of delivery.
The parent(s) or guardian(s) of the accused student shall be given reasonable notice
of the charge(s) against said student, inclusive of the information contained in 3.7.1

3.8
Student Discipline Court
3.8.1
There shall be a Student Discipline Court to inquire into the alleged commission of
offences.

3.8.2
Composition
3.8.2.1
The members of the court shall be appointed from the following persons:
3.8.2.1.1
all the professors of law and senior lecturers in the University and
3.8.2.1.2
fifteen members of the academic staff at the University who are not mentioned in
3.8.2.1.1. The Council on recommendation of the Student Representative Council shall appoint
the remaining eight members. If the Student Representative Council fails to recommend
the eight members to the Council within 10 days of being requested to do so, the
Council may itself nominate the remaining members of the panel.
3.8.2.2
All appointments to the panel are made for a period determined by the Council.
3.8.2.3
Not less than three members of the panel are to constitute the court in any enquiry,
and at least one of whom shall be a professor or senior lecturer in the Law Faculty at the
University.
3.8.2.4
A professor or senior lecturer in the Faculty of Law at the University shall be the
chairperson of the discipline court, unless the Rector directs otherwise.
3.8.2.5
At the request of an accused student or student organisation, the Rector may invite
the President of the Student’s Representative Council, (or a person nominated by the
SRC) to be an additional member of the court for the enquiry.
3.8.2.6
The Rector may direct that, in a particular enquiry, a Vice-Rector other than the one
who exercised the summary powers in 3.4 above shall be an additional member of
the discipline court.
3.8.2.7
The decision of the majority of members of a court at any inquiry shall be the
decision of the court.

3.8.3
Enquiry procedure
3.8.3.1
The inquiry shall be conducted in the presence of the accused student, provided that
if the student after notice duly given, and without leave of the court, fails to attend
the inquiry, the inquiry may proceed in his/her absence. In the latter case the student
may make written representations to the court, which the court shall consider.
An inquiry shall be held in public, except if the court directs otherwise.
3.8.3.3
The evidence prepared by the proctor/prosecutor shall be placed before the court.
3.8.3.4
In conducting the inquiry, a student discipline court shall proceed in an inquisitorial
manner and the court shall call and examine any witness who may be required
and/or obtain any exhibits, which may be necessary.

3.8.3.5
The rules of the law of evidence shall not apply.
3.8.3.6
The proctor/prosecutor may, with leave of the court, call and question witnesses
and advance arguments.
3.8.3.7
A student may, with leave of the court, be assisted by a legal representative or
other person approved by the court.
3.8.3.8
A student or his/her legal representative may, with leave of the court, call and
question witnesses and advance arguments.
3.8.3.9
The court shall be a court of record.
3.8.3.10
At the conclusion of the hearing the court shall convict the student if it is satisfied
that, (s)he is guilty in the light of the evidence advanced or the voluntary
and substantiated admission of guilt by the student. If the court is not so satisfied, the
student shall be acquitted.

3.8.4
Imposing a punishment
3.8.4.1
In the event of the court finding the student guilty of an offence, it shall afford the
student or his/her representative and the proctor/prosecutor, the opportunity to
advance evidence and argument, in order to be fully informed as to an appropriate
sentence. The court may also call further evidence, including witnesses, if it
deems it necessary for the just disposition of the case. The court shall take account
of such evidence as well as the academic record and the general conduct of the
University of the student before passing sentence upon the student.
The court shall impose one or more of the following penalties:
a serious warning (with notification to parent if a minor); making a written apology to a particular person or body;
the court shall impose a fine not exceeding Rs 500, 90;
depositing money or goods for a stipulated period of all or specified student privileges;
exclusion for a specified period from participating in specified activities of the
University;
forfeiting a bursary and/or loan and/or student appointment of whatever nature;
exclusion for a specified period from any part of the University, including a
residence;
the court shall impose expulsion from a residence;
exclusion from the University for a specified period of time;
exclusion from the University;
cancellation of examination marks, semester marks, year marks and other form of
credit earned in examinations, tests or otherwise;
forfeiting a degree, diploma or certificate.

3.8.4.3
The court may direct that the operation or execution of any penalty imposed by
the court shall be suspended for a period not exceeding the time the student
remains a registered student of the University and upon such conditions as the
court may deem appropriate, provided that punishments referred to in Rule
3.8.4.2 and 3.8.4.2.11 and 3.8.4.2.13 shall not be suspended.

3.8.4.4
Where the accused before the court is a student organisation the court shall:
forfeit any of the punishments provided for in Rule 3.8.4.2.1 – 3.8.4.2.5

3.8.4.5
When the accused before the court is a student organisation the court shall:

3.8.4.6
suspend the existence of such organisation for a specified period of time.
The court may direct that the conviction and sentence of a student and if the court
especially so directs, the name and faculty of the student, shall be published in the
official University newsletter “On Campus” in such manner as the court may
direct.

At the conclusion of the enquiry, the Chairperson shall inform the student of the
outcome of the enquiry and the terms of any sentence that has been imposed on
the student, and of the procedures for an appeal, which will be confirmed in
writing by the Proctor.
Where a student has been convicted and sentenced, the Proctor shall cause that it be recorded on the student's University record.

The provision of Rule 3.8.4.4 - 3.8.4.7 inclusive shall apply in all appropriate respects to a conviction of a student organization.

The court shall make a report to Senate and the Council of the charge it has considered, its findings, the punishment, if any, that has been imposed and the order, if any, made regarding the publication of the outcome of the enquiry.

The proctor shall notify the parent(s) or guardian(s) of the accused minor student of the findings and sentence of the Court.

Vice-Rector's Tribunal

There shall be a Vice-Rector's Tribunal, which shall inquire into the alleged commissions of offences, if in the opinion of the Vice-Rector after consultation with the Proctor, the act charged does not warrant the penalties permitted in the student disciplinary court.

Composition. The Vice-Rector's Tribunal shall consist of a Vice-Rector and, if the Vice-Rector deems it necessary, another member or members of the academic staff.

Enquiry procedure. The procedure of enquiry provided for in Rule 3.8.3 shall apply except:

a student may not be assisted by a legal representative at the enquiry; and the tribunal shall not be a court of record but minutes shall be kept.

Punishments

Before imposing a punishment the tribunal shall follow the procedure provided for in Rule 3.8.4.1.

The tribunal shall impose one or more of the following penalties:

- a written apology to a person or body;
- a fine not exceeding R100;
- deprivation of all or specified student privileges for a stated period;
- expulsion from a University or residence.

The provisions of Rule 3.8.4.6 above shall apply mutatis mutandis.

The provision of Rule 3.8.4.3 regarding the suspension of sentences shall apply as appropriate.

Appeals

A student or student organization may appeal in the manner hereinafter provided against any conviction for a contravention of these rules or against any sentence imposed by the Student Discipline Court or Vice-Rector's Tribunal.

Unless the court or tribunal directs otherwise at the time of imposing the punishment, the operation of any punishment imposed shall be suspended until an appeal instituted under these rules has been finally disposed.

A student may as of right appeal to the Council against the conviction or any punishment imposed.

An appeal shall be lodged by way of a written notice setting forth the grounds of appeal and served on the Proctor within 5 days of judgement being handed down by the Student Discipline Court.

On receiving the notice of appeal, the Proctor shall prepare a transcript of the proceedings and forward it together with a report of the Court made in terms of Rule 3.8.4.9, to the Committee of the Council appointed to hear the appeals.

The Proctor shall give the student at least 120 hours written notice of the time and place of the hearing of the appeal and shall provide the student with a copy of the record if so requested.

The appeal shall be heard by a committee of the Council as determined by the Council.

The appeal shall be heard by a committee of the Council as determined by the Council.

The appeal may be disposed of in one of the following ways:

- refer the matter back to the student disciplinary court for reconsideration.

Appeals to Student Discipline Court

A student may as of right appeal to the Student Discipline Court against the conviction or any punishment imposed by a Vice-Rector's Tribunal, provided that in such event there shall be no further appeal in terms of Rule 3.10.3.1.

An appeal shall be lodged by way of a written notice setting forth the grounds of appeal which must be lodged with the Proctor within 120 hours of the conclusion of the proceedings.

The Proctor shall give the student at least 120 hours written notice of the time and place of the hearing of the Court.

The court shall hear the matter against the student anew and the proceedings shall be conducted in the manner prescribed for that court.

The Student Discipline Court may:

- allow or disallow the appeal;
- confirm, set aside or amend the sentence and impose such other sentence as it may consider appropriate, and its decision shall be final.

Invoking Suspended Punishments

Where a punishment imposed in terms of Rules 3.8.4.2 and 3.9.4.2 has been suspended and the student or student organisation concerned breaches a condition of such suspension, a disciplinary body equivalent to that which originally imposed the penalty may proceed:

- order that the suspended punishment be brought into operation;
- order the further suspension of the execution or operation of the punishment on the same or different conditions;
- make such other order, as it deems proper in relation to the suspended punishment.

Fines and Reparations

Any fine or reparation imposed under these rules shall be paid by the student or student organisation to the Finance Officer of the University within 21 days of the conclusion of an inquiry or, where an appeal has been instituted, within 21 days of the final disposal of the appeal.

Upon application by the student or student organisation, the Finance Officer may, in his/her discretion, grant an extension of time for the payment of the fine or reparation, or permit the payment of the fine or reparation in installments.

In the event of a student failing to make payment within the period provided in this rule, the student concerned may be excluded from the University by the Rector until the payment is made.

In the event of a student organisation failing to make payment within the period provided in this rule, the Rector may suspend such organisation until the fine is paid.