

APPENDIX VI

RULES OF STUDENT DISCIPLINE

I. University Policy

The University does not discriminate on grounds of sex, race, class, religion, political belief, colour or national origin in the appointment of staff, conditions of service and the admission of students, except where a specific qualification for admission or appointment is required. In making selection the University is concerned with academic potential and promise for community involvement as well as current achievement. In common with other communities of like size and complexity the University has rules, which contribute to the smooth and harmonious running of the institution.

1. Student Discipline

1.01 The general supervision and control of student discipline shall be vested in the Vice Chancellor and to those persons whom the Vice Chancellor designates.

1.02 The Vice Chancellor, after an inquiry conducted in the presence of the student concerned or after giving the student an opportunity to make representation, may order that a student against whom a charge is pending as defined in these rules shall, until the final disposition of the charge:

- a. cease attending lectures or classes;
- b. cease participating in such other activities of the University as may be specified;
- c. not enter the grounds of the University or any specified part;
- d. not bring any motor vehicle onto the grounds of the University;
- e. cease to reside in any University residence, provided that the proctor may vary or rescind any order made in terms of this rule.

1.03 The Vice Chancellor may cancel the registration of any student who, while a registered student of the University, has been convicted of a crime at common law or for contravening any of the statutory offences of Zimbabwe.

1.04 In the event that:-

- 1.04.01 there occurs a threatening or actual breakdown of order at the University however arising;

- 1.04.02 threats to life, health and freedom of persons forming part of the University Community;
- 1.04.03 commission of criminal offences such as make it unsafe for members of the University;
- 1.04.04 threat to the property, persons and or guests;
- 1.04.05 actual damage to property;
- 1.04.06 violence, harassment, intimidation or imposition of undue pressure on any students
- 1.04.07 violation, defiance or challenge to authority;
- 1.04.08 riots, violence, strike or other forms of protest which paralyze the normal functions of the University;
- 1.04.09 there prevails any other circumstance as entitles the University at law to protect its property, interests, personnel and so on;

The Vice Chancellor shall be entitled, at the Vice Chancellor's sole discretion, without prior warning, hearing, consultation and formalities, to take such steps as are in the Vice Chancellor's view necessary to protect persons and property and or restore peace, order and normal functions of the University. The steps may include but shall not be limited to any one or more of the following:

- a) suspension of one, more or all students as may be deemed appropriate;
 - b) suspension of all or certain of the normal lessons;
 - c) suspension of all or certain groups, classes of students as may be considered by him to be necessary in order to restore order;
 - d) partial or total closure of the University;
 - e) order the removal from the University premises of all or any such student as he may deem necessary to restore order at the University;
 - f) suspension of all or any one or more facilities normally available to students; or
 - g) any other action he may deem necessary.
- 1.05 The Vice Chancellor shall exercise these powers only for as long as is necessary to restore order at the University. Upon restoration of peace and

order the University shall have a duty to deal with each individual or group of students accused of any wrongdoing normally and in terms of the Rules of the University.

- 1.06 The Vice Chancellor may also suspend lessons, close the University and order all students to vacate the University in times of civil strife, war, public upheaval, workers strikes which render the University unsafe or unhealthy to reside in.
- 1.07 No student shall have any lawful claim against the University arising from the use of force by the University security or other person in the lawful pursuit of their employment, to enforce a decision of the University, to protect persons and property, and to restore and maintain peace and order.
- 1.08 Likewise no claim shall be made for any refund or credit of any fees arising from the action of the Vice Chancellor.
- 1.09 All decisions of the Vice Chancellor shall remain in effect until duly set aside by the Vice Chancellor upon restoration of peace and order. No appeal, objection, litigation or protest of any sort shall be of any effect as to suspend these decisions.

2. Code of Student Conduct

The University authorities that are responsible for discipline in the University shall be guided by the following code of conduct:

- 2.01 Consistent with the right of each individual to freedom of conscience, opinion and expression, and with the need for there to be a free exchange of views among members of the University community, it is the right of each member of the University community, and of properly invited visitors, to express their views on the platforms of the University provided such views do not support violence or infringe the dignity and fundamental individual rights of others.
- 2.02 It is an offence for anyone to interfere by violence, threats of violence, or any other means, with the right of others to express their views by means of speech, writing or print, or other media.
- 2.03 Under no circumstances will any form of violence or threats of intimidation be tolerated within the University community. Behavior by any individual within the University community which either causes or threatens to cause harm to another individual or damage to property is unacceptable.

3. Undertaking at Registration

Every student, by signing the official registration form, becomes subject to the rules of the University contained, or referred to in the Rules for Student

Discipline, a copy of which is available for inspection in the offices of the Registrar, the Deans or in the Library.

4. Disciplinary Jurisdiction, Procedures and Rules

4.01 The rules and procedures that follow shall apply to every student of the University whether graduate or undergraduate. A student shall not breach any of these rules, any other rule of the University, or any rules of the residences of the University. A breach of any such rule shall be a disciplinary offense.

4.02 Any amendment or addition made to these rules between the publication of one edition of the University Calendar or similar publication and the next will be posted on a notice board designated by the Registrar and such posting will be deemed to serve as proper and sufficient notice to all students. For the purpose of these rules, the term "Student" shall include the following persons during the periods stated:

- a. A person who, prior to the first registration as a student, has taken up residence at the University, or has commenced studies, or is attending a summer school or an orientation week or any similar period of attendance at the University;
- b. A person who has registered as a student of the University from the date of such registration to the date on which such student is required to renew the registration in order to remain a student, or to the date on which the University accepts a notice of withdrawal from the University by a student, whichever is the later event.

II. General Policies

5. Attendance

Students are required to be in attendance at the University throughout the academic semesters. Late return from vacation without leave is an offense and renders students liable to disciplinary action. There are certain exceptions to the attendance rule:

5.01 Members of the clubs or societies may be granted leave of absence by the student advisor on written application by the chairperson of the club or society. In the case of sports teams, application must be made through the head of sports administration. Lists of students granted leave in such circumstances will be circulated to departments and, where necessary, to hall wardens.

- 5.02 A graduate or a student who is in the fourth year academically, or a student over 18 years of age, may be absent from the University for not more than seven days in all during each term, provided that the student informs the hall Warden and the appropriate academic official of the department in which the student is studying.
- 5.03 Leave of absence which involves absence from class meetings (including examinations) may be granted by the student advisor. Applications must be made on the prescribed form obtainable from the student advisor and hall Wardens.
- 5.04 A student who is prevented by illness from attending the University must ensure that the Registrar is informed of the circumstance as soon as possible.

6. Change of Address

A student shall notify the Registrar of any change in home address as soon as possible after such change has taken place.

7. Health

- 7.01 The University may at any time require any student to undergo a medical examination before a medical officer of its choice and submit to the University a medical certificate. Pending the receipt by the University of the medical certificate, the University may take such action in the interests of the University, as it may deem appropriate.
- 7.02 A student who has a contagious or infectious disease or has recently had such a disease or who has been in contact with anyone suffering from such a disease, may not come to or return to or remain at the University unless a medical certificate is furnished to the Registrar to the effect that the student's condition does not in any way constitute a threat to the health of another person.

8. Vehicles

- 8.01 A student possessing a vehicle in Mutare must register it with the University when registering as a student each year. In the event of a student acquiring possession of a vehicle in Mutare after registration, the student shall register it with the University within 72 hours of acquiring possession of it. The University will issue a registration disc each year that must be affixed to the vehicle in a visible position.
- 8.02 The Vice Chancellor or a designee may require a student to immobilize a vehicle or remove it from Mutare if, in the opinion of either, it is undesirable that the student should continue to make use of the motor

vehicle in Mutare. This power may also be invoked on the grounds of the student's unsatisfactory academic performance.

- 8.03 A student may not at any time park the vehicle in any area in the precincts of the University reserved for other purposes.
- 8.04 The provision of the Road Traffic Act of Zimbabwe shall apply to all roads on the campus of the University, which are not public roads.
- 8.05 Students charged with an offense of this rule may elect to admit their guilt and pay a fine in accordance with a schedule of fines as laid down by the University. In such a case, no formal disciplinary proceedings will be instituted.

9. Press Activity

A student who is the Editor of any magazine or paper, and a student, who is the author of a pamphlet, newsletter or similar publication, shall supply the registrar with a free copy of each issue of the publication, together with the name and address of the publisher, as soon as the publication has been printed.

III. Discipline Rules

10. PREAMBLE

The community of Africa University is united by the goals of inquiry and education. Faculty, Administration and students are partners in an enterprise aimed at the enhancement of knowledge and the growth of the individual.

All members of this community have both rights and responsibilities and are expected to observe the rules required to maintain the order of the University. Each member must respect the rights of others and make responsible contributions to the common life. The University, in turn, dedicates itself to the support and encouragement of a collegial community.

11. Authority

The conduct of all students is subject to the control of all members of the Academic and Senior Administrative staff, all hall and house Wardens, and Assistant Wardens. A student shall obey all lawful instructions by any of those persons concerning conduct, including an order to proceed immediately to, and remain at the place of residence, which is given by any one of these officers. However, every member of the academic staff shall have the right to exclude from class any student guilty of misconduct or insubordination in such class. If the exclusion is for more than one lecture or other class meetings it shall be reported to the Administrator of the academic area concerned, who may confirm or vary

the order of exclusion. If the order of exclusion is for more than two weeks, it shall be reported by the administrator of the academic area or the proctor, who may confirm or vary the order, or may refer the matter to some other person or board.

12. Disciplinary Rules

Every student is bound to abide by all University Rules, Hall of Residence Rules, Library Rules, Sport and Recreational Rules, Academic Rules or any other rules laid down by the University authorities of staff in addition to these disciplinary rules.

13. Rule and Offences

Every student shall be bound by all the following rules and any act or omission in contravention of any of these rules shall be an offence punishable in terms of these rules or other policies of the University.

Students are subject to disciplinary action when individually or as members of a group they violate University policy, rules or regulations including but not limited to the following:

- 13.01 Damaging, destruction, defacing, or littering or stealing any property of the University.
- 13.02 Obstruction or disruption of teaching, administration, University activities or other authorized activities on University premises.
- 13.03 Conduct hazardous to the health, safety, or well being of members of the University community including all students, staff and guests or members of the public at the University or during a University sponsored activity.
- 13.04 Unlawfully threatening or physically abusing, assaulting or harassing anyone on University premises or at University sponsored or supervised functions.
- 13.05 Unauthorized entry or use of University facilities or possession or use of University premises.
- 13.06 Unlawful, or unauthorized provision, possession, sale distribution, consumption of alcohol, drug or other intoxicating substance on University premises or during any University activity.
- 13.07 Disorderly conduct, lewd, indecent or obscene conduct or expression as well as drunkenness of any kind on University premises or during a University sponsored or supervised activity.

- 13.08 Use, attempted use or possession of fire works, firearms, explosives or other dangerous weapons on University premises or during a University activity.
- 13.09 Commit any criminal offence in contravention of the statutory and common laws of Zimbabwe, whilst on University property or participating in any University activity.
- 13.10 Disobedience or failure to comply with a lawful instruction or directive by the Vice Chancellor, Assistant Vice Chancellor, Registrar, Bursar, Dean or any other Senior University official.
- 13.11 Misuse, theft or embezzlement of funds or property of the Students Union, students society, club or organization or of any other person, persons or organization forming part of the University community or related or linked to the University.
- 13.12 Failure to follow proper channels of raising grievances and engaging in strikes, boycott, or stay away of any sort including demonstration violence including threatening any student to induce his/her participation and writing or causing to be written and published threats, insults or any other material which will or is likely to cause or fuel unrest or disturbances at the University or among University students.
- 13.13 The commission of academic violations as more fully detailed in Section 15 and cheating in any University examination. For the purpose of this rule an examination includes every examination or test or assessment of a student's knowledge or performance or organized or conducted by the University or any member of the academic staff of the University or any department of the University.
- 13.14 Treat disciplinary officers and the Disciplinary Committee with contempt and this shall include but not be limited to;
- a) Disruption or attempted disruption of any disciplinary hearing.
 - b) Failure without just cause to attend the proceedings of any disciplinary committee hearing or other disciplinary officer.
 - c) Giving false or inaccurate evidence at or in connection with an inquiry.

- d) Refusal to co-operate or withholding information requested by a disciplinary officer or other officer of the University in connection with any disciplinary proceedings.
 - e) Interference with, threatening or intimidating any person who is or may be a witness at a disciplinary hearing.
 - f) Refuse, fail or neglect to comply with any order or directive made by any Disciplinary Committee or its appointed officer.
- 13.15 Smoking in any part of the University premises where smoking is prohibited expressly in rules or by notice.
- 13.16 Knowingly contravene, ignore or defy a duly enacted resolution of a duly authorized Students Representative Council that impose a duty of compliance upon any student or student organization or member of such organization.
- 13.17 Refusal, neglect or failure to produce a student identity card upon lawful request by any member of staff.
- 13.18 Behaving in a noisy or riotous manner or in such a way as to be a nuisance to other students or any member of staff, any quest or any part of the University community whilst on University owned or controlled premises or during a University activity.
- 13.19 Improper or unauthorized use of the name of the University or in any way whatsoever use or display the armorial bearing of the University without written permission of the Registrar or other Senior Officer of the University.
- 13.20 Behaving in any manner as does or is likely to bring discredit and disrepute upon the University or tarnish the image of the University whether at the University or outside.
- 13.21 Making a false declaration to the University or any of its officers orally or in a document or form signed by a student.
- 13.22 Contravene or disregard any traffic rules of the University or the Zimbabwean national traffic laws whilst on the University campus or its immediate vicinity.
- 13.23 Contravene residence rules of any hall or residence at the University or other premises under University control.

- 13.24 Harassing, hazing, bullying or any form of persecution of any student or staff member and subjecting anyone to ridicule, insults or mockery.
- 13.25 Failure to be punctual or absent without authority from lectures or tutorials.
- 13.26 Failure to maintain good standards of personal and general hygiene or being untidy and scruffy.

14 Student Disciplinary Committee

The Committees shall be composed of the following:

- 14.01
 - a. The Dean of the appropriate faculty.
 - c. The Dean of Students.
 - d. One member of staff elected by each faculty.
 - e. Two students elected by the Students' Union. Provided always there shall be elected an alternate member to sit whenever a regular member is unable to sit for any reason including conflict of interest or illness.
- 14.02 The Dean of Students shall be chief disciplinary officer of the University and shall have the following powers:
 - a) to deal with all disciplinary matters except those where upon being found guilty the penalty will be dismissal or suspension.
 - b) to take such interim action against any student as the Dean may consider desirable in any case of apparent breach of discipline or misconduct by such student, whether on or off the University premises. In the exercise of this power, the Dean of students may suspend the student from attendance of classes and from participating in any other activities of the University pending final decision in the matter. Provided that in that event the Dean of Students shall proceed to obtain final decision on the apparent breach of discipline or misconduct as soon as reasonably possible and practical.
 - c) to delegate all or any of his powers in connection with student discipline to another designated officer.

IV. Academic Issues

15. Academic Discipline

- 15.01 Without limitation to the powers of the Disciplinary Committee, all academic matters including matters of academic integrity and plagiarism shall be dealt with by Dean of the Faculty who shall have the power to impose an appropriate penalty in cases of minor breaches of discipline.
- 15.02 Where the academic matter complained of warrants suspension, dismissal or cancellation of degree results, the Dean of the Faculty shall refer the proceedings to the Senate for either confirmation or a fresh hearing as may be deemed appropriate by the Senate.
- 15.03 The decision of the Dean of a Faculty or the Senate is final unless the penalty imposed is suspension, dismissal, or results in the cancellation of degree in which case the student within 30 days of the decision shall have right of appeal to the Senate whose decision shall be final.
- 15.04 The Dean of a Faculty shall have the power to refer to any matter to the Dean of Students or the Disciplinary Committee whose decision shall be final unless the penalty is suspension, dismissal or results in cancellation of degree in which case the student shall have the right to appeal to the Senate when the matter involves academic discipline or directly to the Vice Chancellor in all other cases.
- 15.05 Without derogation from the provisions in clause 13 on Rules and Offences it shall be an offence for any student to commit academic dishonesty of any kind and further without limitation, this shall include;
- a. the introduction, or attempted introduction into an examination room of any book, note, document or instrument, the use of which is not authorized by the examiner or the examinations officer;
 - b. the removal or attempted removal from an examination room of any examination book or writing paper supplied by the University for the purpose of answering an examination;
 - c. the communication or attempted communication of any information relating to an examination to any candidate while the examination is in progress.
 - d. The use of a false name or identity number in an examination;

- e. The submission for examination by a student of any written matter or project which has been copied, reproduced or extracted, in whole or in part, from the work of another student or some other person;
- f. Plagiarism on an assigned paper, theme, report, or other material submitted to meet course requirements. Plagiarism is defined as incorporating into one's own work the work of another without properly indicating that source. One very important point that student should realize is that an act of plagiarism may include some degree of premeditation or it may be the result of carelessness or ignorance of acceptable forms for citation; the act is plagiarism in any case and is an offence. Students, therefore, must be conscious of their responsibilities to learn to discern what is included in plagiarism, and must know and practice the specifications for citations in scholarly work.
- g. The commission of any other fraudulent, deceitful or dishonest practice whereby any student, while being examined by the University, seeks to mislead or deceive the Examiner or the Examinations officer.

16. Proctor

- 16.01 The University may appoint a Proctor or Proctors to serve for such period as the Vice Chancellor may from time to time determine. This officer, shall, unless circumstance demand otherwise, be a member of the academic staff of the University.
- 16.02 If the penalty is not suspension or dismissal, it shall be dealt with by the Proctor, if not dealt with by the Dean of Students.
- 16.03 Students shall not have the right to choose whether or not to be disciplined by the Proctor, as this shall be a matter for the administration.
- 16.04 The Proctor's decisions in respect to finding of guilty or the imposition of a penalty shall be final unless the penalty imposed is suspension or dismissal in which case the same shall be reviewed by the Disciplinary Committee.
- 16.05 No person who is or was a Proctor shall participate in the Disciplinary Committee reviewing a matter the Proctor previously reviewed.
- 16.06 If during a hearing before a Proctor, the Proctor becomes unable to continue to serve and it appears that the Proctor will be unable to resume

participation within a reasonable time having regard to the circumstances of the case, the proceedings may be terminated and new proceedings commenced before such other Disciplinary Officer or Committee as the investigating officer may determine; provided that with the leave of all students summoned to appear in such proceedings, the investigating officer may order continuation of proceeding before such replacement officer or committee.

17. The Warden

17.01 The Warden of a residence is responsible to the Vice Chancellor or a designated officer for discipline of the students, for their social and academic welfare, and for the general control of the residence.

17.02 The responsibilities of the Warden are:

- a. to promote the residence mission statement;
- b. to act as an advisor to students in the residence in the case of physical, emotional, academic or other needs;
- c. to frame house rules after consultation with the house committee and to ensure that the rules of the residence and of the University are observed.

17.03 The duties of the warden are:

- a. to constitute a house committee of residents and if deemed advisable to do so, to suspend or dissolve a house committee;
- b. to deal with breaches of discipline or misconduct of students;
- c. to authorize specific persons to deal with specified breaches of discipline or misconduct;
- d. to inspect, or nominate any person to inspect, any premises occupied by the student.

17.04 Any breach of any university rule over which the Warden of a residence has jurisdiction shall be dealt with by the Warden.

17.05 The Warden of a residence shall have jurisdiction over offenses:

- a. committed by students from a residence hall in that residence and its immediate environs;

- b. committed by students from a residence elsewhere;
 - c. committed by any other student in that residence or its immediate environs.
- 17.06 On receipt of any report of a breach of a University rule, the warden may refer the matter to the proctor or to the Dean of Students or deal with the matter.
- 17.07 Should the warden deal with the matter, the warden may:
- a. reprimand the student;
 - b. impose a fine determined by the University from time to time;
 - c. subject to the approval of the chairperson of the house committee expel the student from residence for a specified period;
 - d. deprive the student of the privilege of bringing a motor car, motor scooter or any other vehicle into the precincts of the University for a stipulated period;
 - e. require payment of a sum of money as may be needed to make good any loss, damage or expense caused to University or to another person as a result of the offense;
 - f. require the student to render an appropriate service to the house in lieu of a monetary fine;
 - g. remove the student from office, or deprive a student of the right to hold office in the house for a specified period.
 - h. If he subsequently considers it necessary refer the matter to the Disciplinary Committee for penalty or finalization.
- 17.08 Any student who is expelled from residence by the warden may appeal to the Disciplinary Committee.

C. Residence Accommodation

17.09 General

- a. Residence places are allocated for an academic year; or the balance of the balance of an academic year, and acceptance of an offer of a place in residence constitutes acceptance of the place for the full

academic year, or the balance of the academic year. Residence places include places in self-catering accommodation.

- b. A student taking a part-time program, i.e. one of the after hours programs is not eligible for a residence place; nor is an occasional student or a student in full-time employment unless permitted by the appropriate University officer. The University reserves the right to remove a student from residence if the student is registered for less than half the normal academic load.
- c. Acceptance of the offer of a place of residence renders a student liable for the fee for the full year, including meal option charges if applicable. A debate will not be granted to a student who leaves residence before the end of the academic year except as specified in these policies.
- d. For the purposes of the allocation of a residence place the academic year shall be deemed to end 72 hours after the student's last scheduled examination.
- e. Any penalty or refund will be calculated on the full fee including meal option charges if applicable.
- f. A student who leaves residence before the end of the academic year must hand in the meal tickets to the reception on departure.

17.10 Cancellation of Residence Reservations

- a. A new student who cancels a reservation before mid semester will forfeit the residence deposit unless the person is not accepted for a course of study.
- b. A returning student who cancels a reservation before mid semester will be liable for a cancellation of the deposit unless the student is not accepted for a course of study.
- c. A new student whose reservation is made after mid semester who cancels the reservation before the start of the residence year shall forfeit the deposit unless the student is not accepted for a course of study.
- d. A returning student who cancels reservation after mid semester and before the start of the residence year shall be liable for 30 percent of the annual residents fee.

17.11 Withdrawal during the First Quarter

Any student who enters residence and withdraws during the first quarter, for any reason whatsoever, shall be liable for 60 percent of the annual residence fee.

17.12 Withdrawal during the Second Quarter

Any student who enters residence during the second quarter, for any reason whatsoever, shall be liable for the full annual residence fee.

17.13 Withdrawal at Half-Year

An undergraduate who wishes to withdraw at the end of the second quarter shall give written notice, which notice must be confirmed in writing by the student's parent or guardian if the student is under 18 years; and submit to the warden a request for a fee rebate. If due notice is given and if the warden is satisfied that the student has a valid reason for withdrawing from residence, a rebate of 40 percent of the annual fee will be allowed. If the warden is not satisfied that the student has a valid reason or if due notice is not given, no rebate will be allowed.

17.14 Fee Rebates for Students who Withdraw During the First or Second Quarters

A rebate on the full annual residence fee may be granted:

- a. if the warden is satisfied that the student has a valid reason for leaving residence, and if the University is able to let the room to a student of the University's choice, the student will be liable for a cancellation fee of the student deposit and a pro-rata share of the full annual fee until the date on which the replacement student moves in.
- b. if the warden is satisfied that there is an emergency or other compelling reason for the student to leave residence, the rebate on the full annual fee will be determined by the warden based on the circumstances of the case.

18 Disciplinary Process

A. Disciplinary Action

18.01 Every student suspected of having committed an offence in breach of these or any other University Rules shall be formally charged or be informed of the charges and provided in writing a statement reflecting the alleged offence of offences and an outline of the facts in support of the charge along with witness statements.

- 18.02 The student shall reply within five working days stating whether or not the student admits the charge and if so stating any facts upon which the student believes leniency should be rendered.
- 18.03 If the student denies the charge, the student shall state full and clearly in writing the grounds and facts upon which the student denial is based and annex any certified copies of documents or sworn statements in support of the defence.
- 18.04 The student shall be bound to respond to the charging statement in the stipulated time and to state whether or not he/she admits the charge and if admitting the facts in mitigation and if denying the facts and grounds upon which the denial is based including any supporting documents and witness statements.
- 18.05 The student's statement in reply may also contain an admission of any other offence than the one charged and denied and any mitigation facts relating to the admitted offence.

If upon receipt of the student statement the Disciplinary Committee is satisfied that an admission of guilt therein made has been made genuinely and knowingly it may within fifteen (15) working days decide the matter and find the student guilty and impose an appropriate penalty and then as soon as possible thereafter proceed to furnish the student with the written determination together with the reasons thereof.

- 18.06 Even in a case where the student denies the charge, if upon receipt from the student of a written response it emerges that there is no dispute of facts and the matter can be resolved on the papers, the Disciplinary Committee shall proceed to determine the matter and as soon as possible inform the student in writing of its finding and if the finding is one of guilt call upon the student to present a written statement and any supporting documents in mitigation of penalty.
- 18.07 The student shall submit a statement in mitigation together with any supporting document within 3 working days of the receipt of the committee's findings and the Disciplinary Committee shall as soon as possible determine and impose an appropriate penalty and inform the student of the decision as soon as possible.

B. Disciplinary Hearing

- 18.08 Where the Disciplinary Committee is faced with a dispute of fact (that is where facts of case are not common cause and are totally denied) it shall call for a hearing giving the student written notice of at least five (5)

working days specifying the time and venue for the disciplinary hearing and brief facts of the matter to identify it.

- 18.09 The Disciplinary Committee shall at its sole option have the power even where no dispute of fact has arisen to call for a hearing if it is deemed to be in the best interests of justice or where it is considered more facts need be solicited from witnesses or the student or for any other reasons that the Committee may consider appropriate.
- 18.10 The student shall have the right to have an advisor selected among persons associated with the university at the hearing provided always no person who has a substantial interest in the case or in a related case shall be allowed to act as advisor of the student.
- 18.11 The student shall be bound to appear in person at every disciplinary hearing and if after due notice the student fails, refuses or neglects to attend the hearing then the inquiry may proceed in the absence of the student. Provided the student may make written representations to the committee, which the committee shall consider.
- 18.12 The Dean of Student, the Proctor or such other officer appointed by the Vice Chancellor or any member of the Disciplinary Committee shall be bound to lay the charges and ensure compliance with the disciplinary procedures herein provided. The Deans of Students shall also have the right upon receipt of a legitimate complain or instruction from the Vice Chancellor to lay the formal charges against the student.
- 18.13 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 or other student organization, the Dean of Students, the proctor or other officer laying charges may charge such organization with the offence that has been committed, and the organization shall appear before the inquiry in the form of his Principal Representative or Chairperson and its Secretary.
- 18.14 Notice in terms of these rules shall be delivered personally on the student or to the student's residence or by registered mail addressed to the address provided by such student or the student's last known contact address. At all times the student shall be presumed to have received the notice 48 hours after posting.
- 18.15 Where the student cannot be found or has been absent from the university for more than seven days and had earlier occupied a room but cannot be found, it shall be sufficient notice to post the notice at the front door or to place the same in the student's mail pigeon hall or mailbox. A student shall, however, have the right if a disciplinary matter was determined

- against the student to apply, within 30 days of the discovery of this fact, to set aside the decision and request the granting of a new hearing which application shall state reasons why the student defaulted (i.e. failed to appear at the initial hearing).
- 18.16 The student shall have the right to personally testify and to call witnesses in support of the case while the complainant or prosecuting officer shall have also the right to testify or adduce any supporting evidence.
- 18.17 The student shall be entitled to inspect evidence or documents in support of the charge in the student's file or in the possession of the disciplinary committee.
- 18.18 The hearing shall be conducted in an informal manner according to the rules and principles of natural justice and provided that any rules or instructions for the manner of conduct of a hearing not inconsistent with these rules, that may be laid down from time to time by the disciplinary committee hearing a charge, shall be observed.
- 18.19 The student like the complainant or charging officer shall have the right to put questions as determined by the disciplinary committee to any witness or person giving testimony to the disciplinary committee.
- 18.20 The hearing shall be held in private unless otherwise directed by the committee and the committee shall have the right to call for any evidence or obtain any document or expert opinion in the conduct of the hearing and shall endeavor to arrive at the truth of the matter.
- 18.21 All the proceedings at a hearing shall be recorded in full by the registrar or by a duly delegated person or by tape recording.
- 18.22 At the conclusion of the hearing the committees shall decide whether or not the student is guilty of the offence charged. However, the Committee may properly find the student guilty of any other offence as may have been proved by the evidence or by the admission of the student. All decisions shall be by simple majority of the committee members and in the event of a stalemate the chairperson's decision shall be final.
- 18.23 If a student or any group make it impossible to effect service of process upon them for proper disciplinary proceedings to be held against them, in any such event and notwithstanding the provisions hereof, it shall be proper to exclude each student or group from the proceedings.
- 18.24 The proceedings may then be held after due notice has been served at the student's address or posted at a place readily accessible to such student or group of students or read out to the students served in any other reasonable or available manner.

- 18.25 The hearing shall proceed to deal with the matter including the conduct making it impossible for the student to participate or be present.
- 18.26 The decision of the committee shall be as valid as if the student were present.
- 18.27 In any case where the student conduct shows express or implied agreement to be represented by any group of persons, any union or person, it shall be competent for, any notice on affairs concerning the student's enrolment with the University, to be served on such person, union, group or body whose directions and actions the student is following and or associating with both expressly and or by implication.

19. Penalties

- 19.01 Upon conviction of a student of an offence, the following penalties may be imposed:
- a. a warning or reprimand, or both;
 - b. an order for reparation of any damage caused;
 - c. a fine in a specified sum;
 - d. exclusion from participating in specified activities of the University for a stated period;
 - e. exclusion for a stated period from any part of the University or place whether in the University or not;
 - f. deprivation of all or specified student privileges for a stated period;
 - g. expulsion from residence;
 - h. exclusion from the University for a stated period of time;
 - i. expulsion from the University;
 - j. disqualification from entry into any examination to be written within the academic year in which the offence was committed;
 - k. cancellation or forfeiture of any examination results attained within the academic year in which the offence was committed;
 - l. the imposition of any two or more of the above stated penalties in conjunction or as alternatives.

- m. counseling, evaluation, and treatment programs, in cases such as those committed under the influence of alcohol or other drugs, participating in such programs may be required as a part of a sanction.
- 19.02 Where the accused before the committee is a student organization, the committee may on convicting the organization;
- a. impose any of the punishments provided for in these regulations, provided that where the punishment is reparation or a fine, the committee may direct that it be collectively levied upon all members of the organization provided further that the board shall specify the maximum amount an individual student may be levied.
 - b. Suspend the existence of such organization for a specified period or any one or more or all its activities for a specified period or indefinitely.
- 19.03 Before imposing any penalty, the committee in its discretion may afford the student or the person representing the student the opportunity to submit evidence including even confidential information in writing and to call witnesses, in mitigation of penalty. The committee may take account of such evidence as well as the academic record and the general conduct at the University of the student before imposing a penalty.
- 19.04 Upon the conviction of a student the findings and sentences of the committees and, if the committee especially so directs, the name and faculty of the students, shall be published in the University in such manner as the disciplinary committee may direct.
- 19.05 At the conclusion of a hearing, the registrar shall inform the student in writing of the outcome of the hearing and of the terms of the penalty if any that has been imposed on the student and of the direction of the committee, if any, and whether there are procedures for an appeal.
- 19.06 The Disciplinary Committee shall make a report to the Vice Chancellor of the charge it has considered, its findings, the penalty if any, that it has imposed and the order, if any, made by it.
- 19.07 These rules and procedures contained herein shall with appropriate changes apply where the disciplinary procedure is undertaken by or before the proctor, dean of students or such other disciplinary officer as may be appointed for that purpose by the Vice Chancellor. Since decisions of these bodies are subject to an appeal when certain penalties are imposed, these proceedings may be commenced immediately and with minimal procedures.

19.08 The decision of the Disciplinary Committee shall be final and binding upon the student. However, the student shall have the right to appeal within 30 days to the Senate if the case involves academic discipline or to the Vice Chancellor in the following cases:

- a. the penalty imposed is suspension or dismissal from residence or from the university;
- b. the penalty imposed is the banning or total restriction of the activities of any organization.

19.09 All appeals shall be based on and be determined on the basis of the record of proceedings and any written arguments in support thereof.

19.10 The decision of the Senate or the Vice Chancellor shall be final.

20. Guide to Penalties

20.01 The schedule of offences and penalties set forth shall whenever there are no special circumstances be relied on as a guide to any committee or person imposing a penalty on a student found guilty of an offence. These shall also without limitations include specific contravention of rules 13.01 to 13.26.

20.02 This table shall be read as a supplement to the provisions of clause 19.01 and shall be referred to for guidance whenever a penalty is being considered in terms of these rules.

LEVEL OF SEVERITY

20.03 Highest Level of Severity

NOS	OFFENCE	FIRST BREACH
1.	Willful disobedience to a lawful order given by the Vice Chancellor, Registrar, Bursar and other Senior University staff.	Suspension or Dismissal.
2.	Willful and unlawful destruction of the University property.	Suspension or Dismissal.
3.	Theft or fraud.	Suspension or Dismissal.
4.	Intoxication, drug use or disorderly conduct	Suspension Dismissal.

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| 5. | Absence from classes for a period of 14 or more consecutive days without reasonable excuse. | Suspension or Dismissal. |
| 6. | Fighting/violence. Fighting with or attempting to inflict bodily harm upon another student or University employee. | Suspension or Dismissal. |
| 7. | Conviction of criminal offenses. | Suspension or Dismissal. |
| 8. | Possession of firearms or weapons. | Suspension or Dismissal. |
| 9. | Serious academic dishonesty and demonstrated contempt towards a disciplinary authority. | Suspension or Dismissal. |

20.04 Middle Level of Severity

<u>NOS.</u>	<u>OFFENCE</u>	<u>FIRST BREACH</u>	<u>SECOND BREACH</u>	<u>THIRD BREACH</u>
1.	Behaving in a rude or insolent manner towards student or university staff.	First Written	Final Written	Suspension or Dismissal.
2.	Neglect or carelessly causing damage to University property.	First Written	Final Written	Suspension or Dismissal.
3.	Disregard for safety instructions/ protective clothing during practicals.	First Written	Final Written	Suspension or Dismissal.
4.	Absence from classes without permission and without reasonable excuse.	First Written	Final Written	Suspension or Dismissal.
5.	Smoking or drinking in restricted designated areas.	First Written	Final Written	Suspension or Dismissal.
6.	Leaving classes without permission.	First Written	Final Written	Suspension or Dismissal
7.	Disturbing students during working	First	Final	Suspension

	hours through unbecoming behavior, i.e. using abusive language, indecent conduct, noisy behavior.	Written	Written	or Dismissal
8.	Refusal to carry out a lawful order instruction.	First Written	Final Written	Suspension or Dismissal.
9.	Rumor mongering likely to impair the feelings of any university student or employee, or to discredit or tarnish his reputation or that of the University.	First Written	Final Written	Suspension or Dismissal.
10.	Harassing, intimidating or threatening persons on or off campus.	First Written	Final Written	Suspension or Dismissal.

20.05 Lowest Level of Severity

<u>NOS</u>	<u>OFFENCE</u>	<u>SECOND BREACH</u>	<u>THIRD BREACH</u>	<u>FINAL BREACH</u>
1.	Not reporting for classes on time.	First Written	Final Written	Suspension or Dismissal.
2.	Failure to observe laid down channels of communication.	First Written	Final Written	Suspension or Dismissal.
3.	Disregard of the need for cleanliness and hygiene in personal and dress standards.	First Written	Final Written	Suspension or Dismissal.

21. Student Organization

21.01 Student's Representative Council

The discipline of students is placed under the control of the University Board of Directors. The students' representative council of the University, acting under a constitution determined by the Board of Directors, is

recognized by the Board of Directors as a suitable body to assist in carrying out certain functions and disciplinary duties.

21.02 The Student Representative Council Disciplinary Board

There shall be a student representative council (SRC) disciplinary board consisting of as many members as the SRC shall determine. This committee shall have the power to inquire into any breach of a rule allegedly committed by a student within the precincts of the University or at any University function or occasion albeit held off the university premises; provided that as soon as it determines to take such action, it shall immediately report the matter to the investigating officer who may decide to refer the matter to any other person or board in which case the SRC shall be informed of the decision. The SRC disciplinary committee shall thereupon cease to have jurisdiction in the matter. The committee shall have committed a breach of the rules:

- a. imposition of a fine determined from time to time;
- b. exclusion from participation in SRC functions or facilities for a period not exceeding one month;
- c. exclusion from entering the union building for a period not exceeding one month;
- d. the committee may impose two or all three of these penalties;

22. Proper Channels of Student Complaints

22.01 Where the students' representative council or any other student organization or any individual student wishes to complain or make any representations concerning any member or members of staff reflecting upon their morality, honesty, competence or any other University matters, including those relating to academic departments or University administration, they shall raise such matters initially with the department or faculty student representative except in matters concerning administration which shall be reported to the registrar.

22.02 Should the organization, student or departmental student representative wish to proceed further, the organization or the student shall next report to the dean and finally to Vice Chancellor or a deputy charged with the administration of student affairs.

22.03 The Vice Chancellor may appoint a committee of inquiry to investigate the matter, which shall report to the Vice Chancellor with such recommendations as it wishes. The composition of the committee in each

instance shall be determined by the Vice Chancellor after consultation with the president of the students' representative council.

22.04 Once the Vice Chancellor or a designee has dealt with the matter, the person and /or entity that made the complaint or representation shall be advised of the action taken by the Vice Chancellor.

22.05 Before any matter referred to in these clauses is raised publicly within or outside the University the Vice Chancellor or a deputy, as the case may be, must be afforded an opportunity to resolve the matter. Should the Vice Chancellor or a deputy, as the case may be, not be able to resolve the matter within a reasonable period and the students' representative council, students' organization or student wishes to raise publicly any other matter, any organization or student shall be afforded a reasonable opportunity for simultaneous expression of contrary views.

VI. Publications Board

23. Students Publications Board

23.01 Rules

The board for student publications considers complaints made against student publications and is empowered to uphold or reject complaints, and may direct publications of its findings in a manner, which it considers appropriate.

23.02 Composition

- a. A chairperson, who shall not be a student, a member of staff or a member of the Board of Directors, appointed by the Vice Chancellor,
- b. One member, with an alternate, appointed by the senate,
- c. Two students, who need not necessarily be members of the Student Representative Council appointed by the SRC.

23.03 Quorum

A quorum of the board will be constituted by the presence of three members.

23.04 Decisions of the Board

- a. Decisions of the board require the agreement of at least three members.

- b. Minority or dissenting opinions shall be published together with the findings of the board, if the member in question so wishes.

23.05 Term of Office

- a. The terms of office of members of the board shall be three calendar years.
- b. The term of office of the student members of the board shall be one calendar year.
- c. Retiring members shall be eligible for reappointment.

23.06 Submission of Complaints

- a. A person who wishes to lodge a complaint against a student publication or its editor shall do it to the editor of the publication concerned within 14 days of the publication of the relevant material. The letter of complaint shall include a request for the correction or withdrawal of the material in question.
- b. The editor shall reply to the letter of complaint within seven days of the date from which it is received.
- c. In the event of the editor failing to reply within seven days, the complainant shall inform the registrar of the complaint within seven days of the expiry of the deadline for the reply from the editor. The complainant shall at the same time lodge with the registrar copies of all the correspondence with the editor.
- d. The registrar shall determine whether the complainant has complied with the requirement of these regulations. The registrar shall inform the editor that a complaint has been lodged with the board and request the editor to submit a reply within seven days.

23.07 Procedure Prior to Hearing

- a. The registrar shall convene a meeting of the board within 14 days of the expiry of the period stipulated for the receipt of the editor's reply.
- b. At its first meeting the board shall determine whether it will consider the complaint. The registrar shall advise the parties of the board's decision.

- c. The board shall not consider any complaint in respect of which disciplinary proceeding within the University have been initiated or are contemplated.
- d. If the board decides to hear the complaint, the registrar shall provide the parties with copies of all the available relevant documentation and request the complainant to lodge with the registrar within 10 days a detailed statement of the complaint.
- e. The registrar shall deliver a copy of the detailed complaint to the editor within three days of receiving it and request the editor to reply within seven days.

23.08 Procedure at Hearing

- a. The parties shall appear before the board at such times and places as the board may determine.
- b. The chairperson shall determine the procedure to be followed at any hearing.
- c. The chairperson may require the submission of written evidence or affidavits at the request of either party or in the discretion of the chairperson.
- d. The chairperson may require that oral evidence be given at the request of either party or in the discretion of the chairperson.
- e. In the event of the chairperson requiring oral evidence, the parties shall be entitled to be present and to question the witness.
- f. The parties shall be entitled to the assistance of a friend at any hearing.
- g. The proceedings of the board shall be held in private.
- h. Full records shall be kept of all proceedings before the board.

23.09 Findings of the Board

- a. The board shall report its findings to the Vice Chancellor and the parties.
- b. The board may direct the editor to publish its findings in the publication concerned.

- c. The board may recommend to the Vice Chancellor that its findings be published in the University by way of notice.
- d. The findings of the board shall not be published until the expiry of the period within which an appeal may be lodged and publication shall be suspended pending the outcome of any appeal.

23.10 Appeal

- a. Any party may appeal to the Vice Chancellor against any findings of the board.
- b. Notice of intention of appeal shall be given to the registrar and the other party within five days of notification of the board's findings.
- c. The Vice Chancellor shall make the final decision.

23.11 General

- a. All communication required in terms in terms of these rules shall be in writing.
- b. All communication shall be regarded as having been lodged or delivered in terms of these regulations if they have been sent by registered post or hand-delivered to the person in question.
- c. The chairperson may waive or extend any time limit stipulated in these rules.

Revised by Board
April 20, 1994, 1997, 1998