



**Students Disciplinary Policy
Madzivhandila**

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Recommended by

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**Head of Department
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Please note that the implementation of the policy contained in this document is subject to approval and signature of the delegated authority.

TABLE OF CONTENTS

1.	Introduction	5
2.	Scope	5
3.	Authority of policy	5
4.	Applicable Legislation	5
5.	Principles	6
6.	Policy Provisions	14
7.	Operative Date of Policy on Student Discipline	30
8.	Monitoring and Evaluation	30
9.	Dispute resolution	30
10.	Deviations from the Policy	30
11.	Inception date	30
12.	Termination and review conditions	31
13.	Enquiries	31

ABBREVIATIONS

- ATIs: Agricultural Training Institutions
- DAFF: Department of Agriculture, Forestry and Fisheries
- HOD: Head of Department
- LDA: Limpopo Department of Agriculture

1. INTRODUCTION

In order to develop and maintain harmonious relationship, not only among all members of the Institute community, but also between the Institute and the public and to further encourage mutual respect, responsibility and the promotion of the Institute values in particular and national values in general, students of the Institute are required and expected to conform to a Code of Conduct to maintain and enhance; the good name of the Institute, order, discipline, safety and security at the Institute, and the effective and efficient advancement of all activities of the Institute.

Students hereby undertake to govern their conduct at all times in such a way that is consistent with the pursuit of the Institute's mission and vision;

Furthermore, students agree that any student conduct which is inconsistent with this Code or which negatively impacts on the above mentioned relationship shall constitute misconduct, and may be subjected to disciplinary measures in accordance with the Institute's Student Disciplinary Procedure.

Therefore, this policy defines (i) The Student Code of Conduct as well as the (ii) Student Disciplinary Procedure.

2. SCOPE

This policy applies to all students registered for higher education qualifications at the Agricultural Training Institute.

3. AUTHORITY OF POLICY

The Student disciplinary Policy is issued under the authority of both the Member of the Executive Council (MEC) for Agriculture as the Executive Authority of the LDA

and the Head of Department (HOD) as the Accounting Officer of the Limpopo Department of Agriculture.

4. APPLICABLE LEGISLATION

- Green Paper on National Agricultural Training Institutes.
- Approved Norms and Standards for Agricultural Training Institutes.

5. PRINCIPLES: STUDENT CODE OF CONDUCT

5.1. The Student Code of Conduct

The Student Code of Conduct shall include the following specific student responsibilities:

- 5.1.1 The recognition that the intellectual and educational climate of the Institute shall be maintained as its Institute's highest priority mandate.
- 5.1.2 The protection of the opportunity for each student to attain his/her educational objective without whatever form of disruption.
- 5.1.3 The protection of the physical and mental health, safety and welfare of each member of the Institute and the general community at large.
- 5.1.4 The protection of the property rights of all members of the Institute and the general community.
- 5.1.5 The respect for the human rights of members of both the Institute and the general community.

5.2. Acceptance of Jurisdiction

- 5.2.1 Each Student shall be bound by the Student Code of Conduct and the General Rules and Regulations upon admission to or attendance at the

Institute. It is the responsibility of each student to know and comply with the Institute Student Code of Conduct and the General Rules and Regulations of the Institute.

5.2.2 Any violation of the Students Code of Conduct or the General Rules and Regulations shall be subjected to appropriate disciplinary procedures.

5.2.3 A decision to invoke internal disciplinary proceedings shall not preclude or delay the prosecution of the student concerned in criminal and/or civil proceedings.

5.2.4 Each student shall be bound by all laws applicable or relevant to properties under the control of the Institute or which the Institute is associated with or has interests in.

5.2.5 Each student shall be bound by all other Rules approved by Council for the good governance of the Institute.

5.2.6 Each student shall comply with whatever action brought against him/her by the relevant Institute authority.

5.3. Act of General Misconduct

5.3.1 Misconduct, in terms of this Code, shall mean the breach or violation of any Institute Student Code of Conduct and the General Rules or Regulations of the Institute which shall among others include:

5.3.1.1 Improper, disorderly or indecent behaviour on any premises of the Institute or any other place which is associated with the Institute or the Institute has interests in.

5.3.1.2 Any violation of the privacy of another student including but not limited to the unauthorized scrutiny or examination of his or her possessions.

- 5.3.1.3 Being in possession of another person's property without his or her authority.
- 5.3.1.4 Interfering with or hindering any business and/or activities of the Institute.
- 5.3.1.4 Threatening or attempting to threaten the rights of another student to attend lectures, practical's, research, reading centres or any other facility which is associated with teaching, learning, and/or research.
- 5.3.1.5 Any failure to report the misconduct of another student of which he or she is aware of or which he or she has witnessed;
- 5.3.1.6 Convening or participating in any unauthorized demonstrations on the Institute premises or any such property whereby the Institute has interests.
- 5.3.1.7 Failure or neglect to carry the Institute student card or other Institute identification document (i.e. valid proof of registration plus an Identity Book) or refusal to furnish such when requested to do so by a competent Institute authority.
- 5.3.1.8 Allowing another student or any other person to use one's student card or to use another student's card to gain access to any room and/ or premises of the Institute or to perform or obtain any service that cannot be performed or obtained without such a card.

5.4. Harassment, Physical Abuse and Demeaning Conduct

- 5.4.1 Any form of harassment or intimidation by way of written or verbal acts or use of technology causing violation to the dignity of any student, employee or visitor of the Institute or causing any mental prejudice to, or humiliation of

such persons, on any premises of the Institute or premises controlled by the Institute or on any other place where such conduct brings the Institute into disrepute.

5.4.2 Authorizing or permitting the commission of any act that would result in wilful or deliberate or reckless infliction of harm to any person, including but not limited to:

5.4.2.1 Physical assault or abuse upon any person.

5.4.2.2 An attempt or threats to inflict such physical assault or abuse upon any person.

5.4.2.3 The use of force in any form of physical abuse such as rape, sexual assaults, sexual offences upon any person which includes acts or threats, unlawful assault or attempt to assault any person in a manner designed or intended to achieve sexual intercourse or any other form of sexual gratification of whatever nature or degree with the person assaulted.

5.4.2.4 Any other conduct that threatens, limits or violates the physical integrity of others including indecently assaulting or touching another person.

5.4.2.5 Subjecting any student, employee or visitor of the Institute to any form of initiation.

5.4.2.6 Any other act that is degrading or may reasonably be interpreted as degrading, such as the holding of a strip show, the open display of photographs, films or videos or any other material that is degrading of a person or a group or a sector of people.

5.5. Publications, Information and Statements

- 5.5.1 Failure to indicate whether any statement made to the public or the Institute community, is made officially on behalf of a named body such as the Student Representative Council or Student political Organization, Church group, Cultural group any other group or in the student's private capacity.
- 5.5.2 Any conduct detrimental to the maintenance of law and order, discipline and proper performance of the work of the Institute or any section thereof, including but not limited to:
- 5.5.2.1 Affixing, distributing or displaying on or in, or outside Institute premises, publications, including but not limited to posters, placards, notices, banners, circulars or any other form of publication, of a defamatory or otherwise unlawful nature towards members of the Institute community or any other person.
- 5.5.2.2 Knowingly providing forged or erroneous Institute admission documents, addresses and names required by the Institute from time to time or statutory documents to the Institute or intentionally providing false information or forged documents such as but limited to the statement of results, academic records, examination results, diploma/degree certificate or any other document purporting it to be an official document issued by an academic or other institution to anyone outside the Institute about the Institute.
- 5.5.2.3 Making a false statement or providing incorrect information for whatsoever reason to any person in the position of authority.
- 5.6. Interference with the Business of the Institute**
- 5.6.1 Interference with, or attempting to interfere with access to, or exit from the Institute, or any Institute controlled premises or any other way which infringes on the freedom of movement of students, employee, visitor to the Institute or members of the public on the said premises.

- 5.6.2 Obstructing or disrupting teaching, research, learning, administration or any other Institute activity.
- 5.6.3 Wilful obstruction and/ or failure to comply with the legitimate oral or written directive of a competent Institute authority in the performance of his/ her duty.

5.7. Institute Assets

- 5.7.1 Any damage either deliberately or negligently, unauthorized taking or alienating Institute property or any other property under the control of the Institute or the property of any other person associated with the Institute, including that of another student, employee or visitor to the Institute or any attempt or threats to do so or the use or handing of such property in a manner that is, or may be, prejudicial to the Institute, students, employee or visitor to the Institute.
- 5.7.2 Permitting, assisting or facilitating the entry onto Institute property or premises under the control of the Institute of any person who is not authorized to be on such Institute property or premises.
- 5.7.3 Defacing the Institute property by pasting notices and pamphlets at places not designated for such purposes.

5.8. Conducting Business

- 5.8.1 Collecting money for whatever reason or offering goods for sale or advertising goods on or in Institute premises or any other property which is under the control of the Institute, without prior written permission by the relevant Institute authority.
- 5.8.2 Fundraising on behalf of the Institute or any of its constituent structures without prior written permission by the relevant Institute authority. Fundraising for other organizations without prior permission

5.8.3 Conducting any act of prostitution or pimping on or in Institute premises or any other property under the control of the Institute.

5.8.4 Conducting any act of gambling which is regarded as criminal offence under Criminal Law.

4.8.5 Substance abuse and Use and/or distribution or sale of Narcotics and drugs.

5.9. Residences

5.9.1 Failure or negligence to adhere to any rules and regulations of the Institute's residence including but not limited to:

5.9.1.1 An unauthorized occupation or squatting on or in the institute residence, or any other premises of the Institute or any other property under the control of the Institute.

5.9.1.2 Permitting and/ or assisting or attempting to permit and/ or assisting another person to squat on or in the Institute residence or any other premises under the control of the Institute.

5.9.1.3 Failure to adhere to the safety procedures and standards, including but not limited to the authorized use of electrical, plumbing and sewerage services.

5.9.1.4 Failure to adhere to basic hygiene and sanitary standards.

5.9.1.5 Cooking in rooms not designated as kitchens.

5.9.1.6 Removal or tampering with windows panes or screens.

5.9.1.7 Allowing the unruly and unlawful behaviour by guests of a specified student.

- 5.9.1.8 Damage or misuse of furniture or any other facilities in the residences.
- 5.9.1.9 Unauthorized removal of furniture and fittings found in Institute residences.
- 5.9.1.10 Unauthorized presence of a student in other premises of the institution after specified working hours
- 5.9.1.11 Failure to obey any lawful or reasonable order of any person in authority in a residence
- 5.9.1.12 Any forms of violation directed at any other reasonably publicized residence policy.

5.10. Academic Activities

5.10.1 Any non-compliance with the academic rules, including but not limited to:

- 5.10.1.1 Helping or attempting to help another student during a test or examination or obtaining or attempting to help or to obtain help from another student during a test or examination in whatever manner.
- 5.10.1.2 Submission by any student of a test or examination script or written assignment of another student in his or her own name;
- 5.10.1.3 Intentionally removing pages from an examination answer book or retaining or removing an answer book from the examination venue, including question papers as determined by the Institute that may not be retained and/ or must be returned to the invigilator.
- 5.10.1.4 Intentionally writing notes on his or her body or clothes that will assist him or her in the examination or test.

- 5.10.1.5 Intentionally writing notes on her or his body or clothes that will assist him or her during the process of continuous assessment.
- 5.10.1.6 Possession of, or using or trying to use notes that have relevance, or any other kind of resource during any test or examination, except where the supervisor or lecturer concerned has consented explicitly to such possession, or refusal to hand over such notes to the invigilator, or destroying or trying to destroy such notes in any way, or making notes during a test or examination on any object including ruler, pocket calculator or cell phone.

5.11. Plagiarism

- 5.11.1 A Student must not submit the work of any other person in any examination or in respect of the completion and/or submission of any form of academic assessment without the full and proper attribution and acknowledgement of the sources/s.

6. POLICY PROVISIONS: STUDENT DISCIPLINARY PROCEDURE

6.1. Application

- 6.1.1 These rules shall apply to any person who is a student of the Institute and subject to the Student Code of Conduct, at the time of the alleged misconduct.
- 6.1.2 A person is subject to the Student Code of Conduct of the Institute under the following conditions, if;
- 6.1.2.1 He or she is a registered student of the Institute or
- 6.1.2.2 He or she is a prospective returning student of the Institute.

6.2. Criminal and/or Civil Liabilities

- 6.2.1 The Institute may institute proceedings against a student in terms of this Disciplinary Procedure and lay criminal charges and/ or institute civil proceedings in a Court of law.
- 6.2.2 Any criminal or civil proceedings pending in a court of law or tribunal does not preclude the Institute from instituting an internal hearing in terms of this Disciplinary Procedure.
- 6.2.3 The Institute reserves the right to institute its own internal disciplinary procedures in accordance with these Rules.

6.3. Misconduct

Any form of misconduct as prescribed by the Student Code of Conduct may lead to the institution of the disciplinary action.

6.4. Complaint

- 6.4.1 Any member of the Institute community including students, staff, Institute management, contractors, or a visitor may lay a complaint against a student with the Registrar or his nominee.
- 6.4.2 The Registrar or his/ her nominee shall institute a preliminary investigation into every complaint received, save where he or she believes that there are good grounds for not doing so.
- 6.4.3 The Registrar shall inform the Vice Principal, in writing, of all complaints received indicating actions taken.
- 6.4.4 The vice Principal may decide otherwise in case the Registrar has declined to take further action regarding a complaint.

6.5. Investigating Officer

- 6.5.1 The Registrar shall appoint a member of staff as the Investigating Officer or any other suitable person on an *ad hoc* basis.
- 6.5.2 After a preliminary investigation by the Registrar or his/ her nominee in terms of article 4.2 of this Disciplinary Procedure, the matter shall be reported to the Investigating Officer who may;
- 6.2.1 Conduct a full investigation; and/ or
- 6.2.2 Advise the Registrar that the matter to be heard by one of the disciplinary bodies constituted in terms of this Disciplinary Procedure.
- 6.2.3 Advise the Registrar that the Principal should consider using his or her powers of suspension.
- 6.2.4 Accept an admission of guilt in terms of; or
- 6.2.5 Advise that no further disciplinary steps should be taken against the student and withdraw the charge or charges.

6.6. The Institute Disciplinary Committees

- 6.6.1 The Institute Disciplinary Committees shall be constituted as follows:-;
- 6.6.1.1 Student's Appeal Committee.
- 6.6.1.2 Student Affairs Disciplinary Committee (General offences).
- 6.6.1.3 Academic Disciplinary Committee (Academic related offences).
- 6.6.2 The Principal shall have the power to suspend any student charged with gross misconduct after due process as defined in the Student Code of Conduct, which suspension may include one or more of the following, that he or she:

- 6.6.2.1 Refrain from participating in any or all academic activities on the Institute premises or any other premises under the control of the Institute or activities conducted by the Institute at any place.
- 6.6.2.2 Refrain from entering any part or all of the premises of the Institute or any place under its control; except with the written permission of the Principal.
- 6.6.2.3 Vacate any Institute residence or any part of any structure under the control of the Institute.
- 6.6.3 Any order made shall lapse if no further disciplinary proceedings have been commenced in terms of this Student Disciplinary Procedure within 14 working days of the order having been made.
- 6.6.4 The Principal in consultation with the Chairperson of Council shall immediately suspend any student prior to the charge, if the Institute property, Institute students, Institute staff and/ or visitors are considered to be in danger. Any such suspended student must be given preliminary charges within ten working days of the decision being taken.

6.7. Functions of the Investigating Officer

- 6.7.1 When a complaint has been made in terms of this Disciplinary Procedure, the Registrar may refer the matter to an Investigating Officer.
- 6.7.2 The Investigating Officer may constitute a Disciplinary Investigating Committee which shall assist him or her with the investigation.
- 6.7.3 The Investigating Officer shall investigate the allegations of misconduct and report to the Registrar as to whether or not there exist good course to proceed with a formal disciplinary hearing.

- 6.7.4 The Investigating Officer shall keep accurate records of all activities and shall produce them when requested in a prescribed form, unless he or she classified such information as confidential.
- 6.7.5 The activities of the Investigating Officer shall not be interrupted in the event of one or more members of the Investigating Committee failing to participate in the proceedings for any reason.
- 6.7.6 In the event of the Investigating Officer declining to recommend a prosecution, he or she must indicate in writing to the Registrar the reasons thereof.
- 6.7.7 After the investigation, the Investigating Officer may make recommendations to the Registrar regarding the charge or any other matter regarding the student disciplinary processes. The Registrar is not bound to accept any such recommendation.
- 6.7.8 The Investigating Officer shall recommend to the Registrar, which student disciplinary committee has jurisdiction to hear particular allegations of misconduct. The Registrar is not bound to accept such recommendation.
- 6.7.9 The Registrar reserve the final decision on which forum shall hear the matter.
- 6.7.10 The Investigating Officer shall complete his or her work as soon as is reasonably practical.
- 6.7.11 The Investigating Officer shall recommend to the Registrar which charge should be laid against a student in terms of the Student Code of Conduct. The Registrar is not bound to accept such recommendation
- 6.7.12 In the event of the Registrar deciding to press charges against the student(s), he/she may nominate or appoint the Investigating Officer to present the case against the student(s).

6.8. Composition and Functions of Different Student Disciplinary Committees.

- 6.8.1 Student's Appeal Committee shall:
- 6.8.1.2 Evaluate the disciplinary actions by different student disciplinary committees of the Institute as referred to it.
- 6.8.2 The Student's Appeal Committee shall serve as the highest committee of appeal with regard to the findings of other student disciplinary committees at the Institute and shall consist of:
- 6.8.2.1 The Principal as Chairperson.
 - 6.8.2.2 The Vice Principal.
 - 6.8.2.3 One external member of Council appointed by the Chairperson of Council on an *ad hoc* basis.
 - 6.8.2.4 The President of the Student Representative Council or a representative of the SRC who did not sit in the first disciplinary hearing.
- 6.8.3 The Principal may alter the composition of the Institute's Appeal Disciplinary Committee for whatever reason if he/she deems appropriate, provided that a member of Council nominated by the Chairperson of Council, and President of the SRC or any such SRC representative designated by the SRC, are invited to sit on such a hearing.
- 6.8.4 Any member of the committee, who was involved in investigation process or directly interacted with the proceeding before, must recuse himself or herself from the hearing at which the appeal is heard, in such a case the Principal can appoint a different person to act in his or her stead. In case the affected member is a representative of the SRC, the SRC shall be advised to forward a replacement.

- 6.8.5 The composition of the Institute's Appeal Disciplinary committee may not be augmented during and when the appeal is considered. The hearing shall proceed provided the Chairperson is available and at least other two members of the Committee are present at the hearing.
- 6.8.6 The Committee may impose any of the penalties set out in of this Student Disciplinary Procedure.
- 6.8.7 When sitting as a body of appeal the Committee may reduce, confirm or increase the penalty imposed by any of the student disciplinary committees.
- 6.8.8 The Student's Appeal Committee shall report the outcomes of its hearing in writing within five working days after taking a decision.

6.9. Student Affairs Disciplinary Committee

- 6.9.1 The Student Affairs Disciplinary Committee shall be composed of the following members:
- 6.9.1.1 The Head of any Department as Chairperson as designated by the Principal.
 - 6.9.1.2 The Institute official responsible for Student Affairs or a person in such office as designated by the Principal.
 - 6.9.1.3 A representative of the Student Representative Council as designated by the Student Representative Council on an *ad hoc* basis.
 - 6.9.1.4 Not more than two additional members appointed by the Principal.
- 6.9.2 The main function of the Committee is to hear all cases of alleged misconduct that do not primarily relate to academic or research activities or any matter referred to it by the Registrar.

6.9.3 The Committee may impose penalties as laid down. The penalties imposed shall be immediately effective notwithstanding the right of appeal, unless the Principal acting on a written request of the student decides otherwise.

6.9.4 The composition of the Student Affairs Disciplinary Committee may not be augmented during and when the hearing is in session. The hearing shall proceed provided the Chairperson is available and at least other three members of the Committee are present at the hearing.

6.9.5 The Committee shall report the outcome of its inquiry or adjudication in writing within 14 working days to the Principal for the purpose of reporting to Council.

6.10. Academic Disciplinary Committee

6.10.1 The Academic Disciplinary Committee shall be composed of the following members:

6.10.1.1 The Head of the Department in which the student charged with misconduct or any other Head of Department appointed by the Principal as Chairperson.

6.10.1.2 One representative of the Student's Representative Council as designated by the Student Representative Council on an *ad hoc* basis.

6.10.1.3 Not more than two members appointed by the Principal from members of the Academic Committee.

6.10.2 The main function of the Academic Disciplinary Committee is to hear all cases of alleged misconduct involving any academic or research or examination impropriety or any matter referred to it by the Registrar.

6.10.3 The composition of the Academic Disciplinary Committee may not be augmented during and when the hearing is in session. The hearing shall

proceed provided the Chairperson is available and at least other three members of the Committee are present at the hearing.

6.10.4 The Committee may impose penalties as laid down in the Student Disciplinary Procedure. The penalties imposed shall be immediately effective notwithstanding the right of appeal, unless the Principal acting on a written request of the student decides otherwise.

6.10.5 The Committee shall report the outcome of the hearing in writing within 14 working days to the Principal for the purpose of reporting to Council.

6.11. Appeals

6.11.1 A written notice of appeal shall be submitted to the Registrar within 5 working days of a decision of a disciplinary committee being communicated to the affected student.

6.11.2 The notice shall indicate whether the appeal is aimed against the conviction, or sentence or both, and indicate the grounds on which the appeal is based.

6.11.3 If a student appeals against a decision by any of the disciplinary committee, the disciplinary committee against which the appeal is made shall provide the Student's Appeal Committee with all documents concerning the matter under appeal.

6.11.4 Subject to the provisions of these rules of discipline and to the principles of natural justice, the procedure to be followed during the hearing of an appeal shall be decided by the Student's Appeal Committee in such a manner as it may deem expedient.

6.11.5 In exercising its discretion the Student's Appeal Committee may decide to deal with the appeal solely on the strength of the documents.

<i>Madzivhandila Agricultural College</i>	Students Disciplinary Policy for Agricultural College	<i>Effective Date 2015</i>
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- 6.11.6 The student shall receive written notice informing him or her about the procedure that is to be followed during the appeal hearing within 5 working days prior to the hearing.
- 6.11.7 The decision of the Student's Appeal Committee shall be final and binding.
- 6.11.8 The Student's Appeal Committee shall communicate its decision to the affected student within 5 working days of the decision being taken.

6.12. Penalties

6.12.1 Student Disciplinary committees of the Institute may, insofar as they apply to each committee, impose any or a combination of the following penalties:

- 6.12.1.1 Expulsion from the Institute.
- 6.12.1.2 Suspension from the Institute for a specific period of time, subject to conditions which are justifiable on educational grounds and accepted within the culture of the Institute.
- 6.12.1.3 Permanent expulsion from residence or refusal of access to all or some of the buildings, land or services of the Institute or re-admission only subject to specific conditions.
- 6.12.1.4 Suspension from attending classes for a specific period, either totally or only in respect of specific course(s)/module(s).
- 6.12.1.5 Refusal of admission to any examination or test, which includes forfeiture of any marks already obtained and the cancellation of any subject or module(s).
- 6.12.1.6 Imposition of a fine, which may not exceed an amount of money equal to the fees payable by the student during the year in which the misconduct was committed, unless the

amount of money declared, is equivalent to the damage
coursed.

- 6.12.1.7 Imposition of a fine, which may be equivalent to the value of the damaged Institute property or the property of the Institute staff or visitor.
- 6.12.1.8 Refusal of readmission to the Institute for a specific period or permanently.
- 6.12.1.9 Suspending or withdrawing the privileges which are accrued to the student subject to the conditions that are justifiable on educational grounds and acceptable within the institutional culture of the Institute.
- 6.12.1.10 Imposition of any other penalty, combination of penalties or suspended penalty that, from the educational point of view and in accordance with the institutional culture of the Institute, is reasonable and fair under the circumstances.
- 6.12.1.11 Severe admonition and caution
- 6.12.1.12 Prohibits the student from taking part in student related activities that fall under the aegis of the SRC for a specific period of time or indefinitely.
- 6.12.1.13 The Principal may order the withholding of examination results or the conferment of a degree or the award of a diploma or certificate to any student against whom an allegation of misconduct has been laid pending the outcomes of the disciplinary hearing.
- 6.12.1.14 The Principal may order the withholding of examination results or the conferment of a degree or the award of a diploma or certificate to the student concerned until the Principal is

Madzivhandila Agricultural College	Students Disciplinary Policy for Agricultural College	<i>Effective Date</i> 2015
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satisfied that any fine or money owed to the Institute has been paid or any act a student is obliged to perform has been executed.

- 6.12.1.15 A student may not by reason of any action taken or punishment imposed in terms of these rules have a claim to repayment or reduction of tuition, residence fees or any other amount paid or payable to the Institute.

6.13. Admission of Guilt

6.13.1 Any admission of guilt shall be directed to the Investigating Officer under the following manner or procedure in writing:

- 6.13.1.1 When the Investigating Officer considers a charge after a preliminary investigation, he/ she may offer to accept an admission of guilt from the accused student before a disciplinary hearing is convened.
- 6.13.1.2 When the offer of acceptance of an admission of guilt is made the, accused student must be informed of the possible punishment that may be imposed. Such an offer to accept an admission of guilt may only be made in the presence of the student's representative and/ or parent or guardian and will be recorded accordingly.
- 6.13.1.3 When pleading guilty the student acknowledges that she/he, was under no obligation whatsoever to make such admission of guilt; the consequences of such a plea of guilt were explained to him/her including the penalties likely to be imposed; acknowledges that she/he understood what was explained to him or her in the official language of the Institute.
- 6.13.1.4 The Investigating Officer shall report the matter to the Registrar indicating that the student has accepted guilt.

6.13.1.5 The Registrar shall impose any penalty which is equivalent to the misconduct or any penalty he or she deem proper under the circumstances or may refer the matter to the relevant disciplinary hearing.

6.13.1.6 The student who chose the options of Article 14 shall not appeal against the penalty imposed; but may request a pardon from the Principal in writing.

6.14 Hearing/Disciplinary Procedures

6.14.1 After the disciplinary committee has been constituted, the Chairperson may make decisions on the method of procedure to be followed, which must comply with the principles of natural justice; the Chairperson shall determine the venue and time of the session(s).

6.14.2 A student charged with misconduct under the Student Code of Conduct shall be informed of the allegations against him/her at least 7 working days prior to the hearing.

6.14.3 Such a student may be represented by a fellow student and he/she shall be given the opportunity to present evidence, and to cross examine any witness.

6.14.4 A notice of the hearing shall be served as follows:

6.14.4.1 Personal service upon the student concerned by any person authorized to do so, on condition that the person serving the notice records the fact of service in writing.

6.14.4.2 Service at the Institute address of the student concerned if he or she is resident in a Institute residence, by any person authorized thereto, provided that the person effecting the service must state in writing that she/ she has taken all reasonable steps to locate the student, and having failed to do

- so, has left the notice with any employee of the Institute at the same address.
- 6.14.4.3 By service at the registered mail or address of the student at his/her home address as reflected in his/her Institute records. The notice shall be deemed to have been served on the third day after its posting; it is the responsibility of any student to ensure that the records containing her/his home or mail address is always updated.
- 6.14.4.4 The notice served on the student shall contain the name of the Chairperson of the disciplinary committee.
- 6.14.4.5 In the event where a student refuses to accept service, it must be recorded as such.
- 6.14.4.6. If a student fails to attend the hearing on the stipulated period and she/he has not prior to the hearing furnished in writing sound and sufficient reason for such failure to the Chairperson of the disciplinary committee or to the Investigating Officer, the hearing may proceed notwithstanding the absence of the student.
- 6.14.6 Failure to appear or attend the proceeding by the student shall not invalidate the proceedings. If a student or any other person hinders or obstructs the hearing of any disciplinary proceedings or fail to obey an instruction given by the person conducting or presiding over the proceedings, the Chairperson of the hearing may order his or her removal from the hearing and the proceedings may be continued and even brought to a conclusion in his or her absence.
- 6.14.7 At the beginning of the hearing the Chairperson shall ensure that the disciplinary committee is properly constituted.
- 6.14.8 When the student concerned appears before a disciplinary committee, the Chairperson shall indicate the alleged

misconduct and explain the procedure to be followed during the hearing.

- 6.14.9 At the hearing and after the procedure has been outlined, the concerned student shall be informed orally of the charge against him or her and shall be asked to plead to the allegations.
- 6.14.10 The Chairperson shall decide on any question of procedure or admissibility of evidence (including the manner or form in which it may be admitted) since the committee shall not be bound by all formal rules of criminal procedure or evidence.
- 6.14.11 If the concerned student admits to the alleged offence, the disciplinary committee may find the student guilty without hearing further evidence, provided the student is invited to provide mitigating factors.
- 6.14.12 In the event of a plea of guilty made before the disciplinary committee, the committee may invoke any of the penalties without hearing further evidence.
- 6.14.13 The concerned student denies the alleged offence, the disciplinary committee shall hear the evidence in accordance with the prescribed procedure.
- 6.14.14 After hearing all evidence, the disciplinary committee shall allow the concerned student and the Institute to address it on mitigating and / or aggravating circumstances.
- 6.14.15 The disciplinary committee shall adjourn for deliberations in order to make a finding with regard to guilt or innocence of the accused student after all parties have closed their presentation. No person other than members of disciplinary committee may be present during deliberations.

- 6.14.16 After consideration of evidence, the disciplinary committee shall hand down a verdict in respect of each charge, which shall be either guilty or not guilty. The Chairperson shall inform the student in writing, as soon as possible, of the penalty imposed, and explain to the affected student the sentence and the right to appeal.
- 6.14.17 The disciplinary committee shall hand the report of its findings to the Principal, the Registrar, and Student Affairs officer including the particulars of the charge, any amendment thereof, the plea, material findings as to facts, mitigating or aggravating circumstances, the verdict, the penalty imposed and the reasons for the imposition of such penalty.
- 6.14.18 The Registrar shall send a letter concerning the findings of the hearing to the parents or guardian of the affected student.
- 6.14.19 Unless the disciplinary committee directs otherwise, the hearing shall be conducted in camera and neither the proceedings nor the verdict of the disciplinary committee may be published.

6.15. Right to a Representative

- 6.15.1 Every student facing a disciplinary hearing shall have the right to a representative in the form of a fellow student of the Institute. The name of such a representative shall be communicated to the Chairperson of the disciplinary committee at the hearing.
- 6.15.2 The student may change representative at any stage of the proceedings; such a change may not affect the progress of the proceedings.
- 6.15.3 Any change made shall be communicated to the Chairperson of the disciplinary committee at the hearing.

6.16. Amending the Student Disciplinary Procedure

The Institute Council may amend the Student Disciplinary Procedure from time to time on the advice of the Student Representative Council or as Council may deem necessary and in the interest of the Institute.

7. OPERATIVE DATE OF POLICY ON STUDENT DISCIPLINE

This policy shall come into operation immediately after ratification by the Institute Council, unless the Institute Council expressly determine the date upon which the document shall come into operation.

8. MONITORING AND EVALUATION

Monitoring and evaluation of this policy would be conducted by the Agricultural training Institute.

9. DISPUTE RESOLUTION

Any disputes in relation to this policy, its application and implementation shall be managed in line with the Agricultural training Institute's dispute resolution and grievance mechanisms.

10. DEVIATION FROM THE POLICY

This Student Disciplinary Policy will be applicable in all relevant cases and under no circumstances will any deviation of the Policy be allowed. Should any deviation be deemed necessary, it will only be done with the written consent of the HOD of the Limpopo Department of Agriculture.

11. INCEPTION DATE

The inception date is the date of approval of this document.


12. AND REVIEW CONDITIONS

The Policy will be reviewed every 24 months (2 years) or as and when a need arise and may be replaced by the Policy from DAFF.

13. ENQUIRIES

All enquiries regarding this policy should be directed towards the Limpopo Department of Agriculture at 015 294 3000/Madzivhandila Agricultural College at 015 962 7200.

Recommended by:


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**Head of Department
(Maisela, RJ)**

2015.06.23
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Date

Approved by:


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**Hon MEC for Agriculture
(Matshoge, BAJ)**

2015/6/23
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Date