

## Students Disciplinary Policy

### Tompi Seleka College of Agriculture

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Recommended by:



Head of Department  
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## **1) Acronyms and abbreviations**

DAFF	Department of Agriculture, Forestry and Fisheries
HOD	Head of Department
LDARD	Limpopo Department of Agriculture and Rural Development
MEC	Member of Executive Council
SRC	Student Representative Council

- ii) Describe the precise procedures to be followed in the event of taking disciplinary steps; i.e. describe the complete disciplinary procedure.

The objective is to ensure that all students are treated equally and fair and that no misunderstanding regarding disciplinary matters and conduct are experienced at the College.

## **5) Authority**

The Students Disciplinary Policy is issued under the custodianship of the Hon. MEC for Agriculture and Rural Development in Limpopo and the Head of Department (HOD) as Accounting Officer of the Limpopo Department of Agriculture and Rural Development (LDARD).

## **6) Legal Framework**

- Constitution of the Republic of South Africa, 1996
- Green Paper on National Training Institutes

## **7) Scope of application**

This Policy apply to all students registered at Tompi Seleka College of Agriculture.

## **8) Definitions**

For the purposes of this Student Disciplinary Policy, the following terms will have the definitions as described below:

College:	Refer to Tompi Seleka College of Agriculture
College Community:	Refer to every person at the College, be it students or staff
Department:	Refer to the Limpopo Department of Agriculture
Disciplinary measures:	Refer to steps taken with regards to enforcing of discipline
Code of Conduct:	Refer to the Code of Conduct developed for students (as used in this Policy document)
Non-compliance:	Refer to the failure to comply with prescribed stipulations
"in Camera"	Refer to proceedings being held in private
College of Agriculture:	For the purpose of this policy, College of Agriculture (to replace Agricultural Training Institute) will be used until such time when



the approved Norms and Standards document for Agricultural Training Institutes is fully implemented.

## **9) Policy pronouncements**

### **9.1 Principles**

#### **9.1.1 The Student Code of Conduct**

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

- 1) The recognition that the intellectual and educational climate of the College shall be maintained as the highest priority.
- 2) The protection of the opportunity for each student to attain his/her educational objective without whatever form of disruption.
- 3) The protection of the physical and mental health, safety and welfare of each student at the College and the general community at large.
- 4) The protection of the property rights of all students of the College and the general Community.
- 5) The respect of the human rights of students of the College as well as the general community.

#### **9.1.2 Acceptance of Jurisdiction**

- 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 College. It is the responsibility of each student to know and comply with the College Student Code of Conduct and the General Rules and Regulations of Tompi Seleka College of Agriculture.
- 2) Any violation of the Student Code of Conduct and the General Rules and Regulations of the College shall be subject to appropriate disciplinary procedures.
- 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.
- 4) Each student shall be bound by all laws applicable or relevant to property under the control of the College (or which the College is associated with or has interest in.) Furthermore, each student shall be bound by all other Rules approved by the College Council for the good governance of the College.

5) Each student shall comply with whatever action brought against him/her by the relevant authority of the College.

### **9.1.3 Act of General Misconduct**

Misconduct (in terms of this Policy and Code of Conduct), shall mean the breach or violation of any section or part of the Student Code of Conduct and the General Rules and Regulations of Tompi Seleka College of Agriculture and shall, amongst others, include:

- 1) Improper, disorderly or indecent behaviour on any premises of the College or any other place which is associated with the College or that the College has interest in.
- 2) Any violation of the privacy of another student, including (but not limited to) the unauthorised scrutiny or examination of his/her possessions.
- 3) Being in possession of another person's property without his/her authority.
- 4) Interfering with, or hindering, any business and/or activities of the College.
- 5) Threatening (or attempting to threaten) the rights of another student to attend lectures, practical sessions, reading centres, research, examination and test sessions or any other facility or activity which is associated with teaching, learning and/research.
- 6) Any failure to report the misconduct of another student of which he/she is aware of or which he/she has witnessed.
- 7) Convening or participating in any unauthorised demonstrations on the College premises or any such property whereby the College has interest.
- 8) Failure or neglect to carry the College Student Card or other College identification document (i.e. valid proof of registration plus an Identity Document) or refusal to furnish such when requested to do so by a competent College authority.
- 9) Allowing another student or any other person to use one's Student Card or to use another student's Student Card to gain access to any room and/or premises of the College or to perform or obtain any service that cannot be performed or obtained without such Student Card.

### **9.1.4 Harassment, Physical Abuse and Demeaning of Conduct**

Any form of harassment or intimidation by way of written or verbal acts or the use of technology, causing violation to the:

- 1) dignity of any student, employee or visitor at the College
- 2) or causing any mental prejudice to, or humiliation of such persons
- 3) or any harm/discredit to any premises or property of the College or premises/property controlled by the College or any other place where such conduct brings the College into disrepute
- 4) or discrediting the reputation of the College in any way



Authorising or permitting any act that would result in wilful or deliberate or reckless infliction of harm to any person, including (but not limited to):

- 1) Physical assault or abuse upon any person
- 2) An attempt or threats to inflict such physical assault or abuse upon any person
- 3) The use of force in any form of physical abuse such as rape, sexual assaults, and sexual offences upon any person which includes acts of 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.
- 4) Any other conduct that threatens, limits or violates the physical integrity of others indecently assaulting or toughing another person.
- 5) Subjecting any student, employee or visitor of the College to any form of initiation.
- 6) Any other act that is degrading or may reasonably be interpreted as degrading, such as the holding of a strip show, the display of photographs, films or videos (or any other material) that is degrading of any person/group/sector of people.

#### **9.1.5 Publications, Information and Statements**

9.1.5.1 Media statements and press releases as well as interviews with the media, are conducted according to the approved LDARD Media and Communications Policy and Media and Media and Communications Strategy.

9.1.5.2 No individual are permitted to address the media (in any way) on behalf of the College.

9.1.5.3 Should a student (or any other individual) address the media/release media statements/etc. the exact body (such as the Student Representative Council, or student Political Organisation, Church group, cultural group or any other group) on whose behalf it is made, should be expressed clearly. Failure to indicate whether any statement made to the public or the College community is made officially on behalf of a named body (such as the Student Representative Council, or student Political Organisation, Church group, cultural group or any other group) or in the student's private capacity, may have consequences and disciplinary steps may be taken.

9.1.5.4 Each individual will be responsible for the personal use of social media (such as Face Book, Twitter, LinkedIn, WhatsApp, WeChat, etc. Should any announcements/messages/posts by means of social media effect the good standing of the College, the relevant student/person will be charged accordingly.

9.1.5.5 Any conduct detrimental to the maintenance of law and order, discipline and proper performance of the work of the College or any section thereof, including (but not limited to):

- 1) Affixing, distributing or displaying on, or in, or outside College premises any publications (including – but not limited to: posters, placards, notices, banners, circulars or any other form of publication) or a defamatory or otherwise unlawful nature towards persons who is part of the College Community or any other person.
- 2) Knowingly providing forged or erroneous College admission documents, addresses and names required by the College from time to time, or statutory documents to the College or intentionally providing false information or forged documents such as (but not limited to) the statement of results, academic records, examination results, diploma/degree certificate or any other document purporting to be an official document issued by an academic or other institution to anyone outside the College about the College.
- 3) Making a false statement or providing incorrect information for whatsoever reason to any person in the position of authority.

#### **9.1.6 Interference with the Business of the College**

The following situations are examples of (but is not limited to) interference with the business of the College:

- 1) Interference with or attempting to interfere with access to, or exit from the College, or any College controlled premises or any other way which infringes on the freedom of movement of students, employees, visitors or the College or members of the public on the said premises.
- 2) Obstructing or disrupting teaching, research, learning, admission or any other College activity.
- 3) Wilful obstruction and/or failure to comply with the legitimate oral or written directive of a competent College authority in the performance of his/her duties.

#### **9.1.7 College Assets**

Damage to College Assets refer to:

- 1) Any damage, either deliberately or negligently, unauthorised taking or alienating College property under the control of the College or the property of any person associated with the College, including that of another student, employee or visitor to the College (or any attempts or threats to do so) or the use or handling of such property in a manner that is (or may be), prejudicial to the institute, students, employee or visitor to the College.
- 2) Permitting, assisting or facilitating the entry onto College property or premises under the control of the College of any person who is not authorised to be on/in such College property/premises.



- 3) Defacing the College property by pasting notices, pamphlets, etc. at places not designated for such purposes.

### **9.1.8 Conducting Business**

The following need to be taken into consideration due to the fact that it is not permitted:

- 1) Collecting money for whatever reason or offering goods for sale or advertising goods on or in the College premises or any other property which is under the control of the College without prior written permission by the relevant College authority.
- 2) Fundraising on behalf of the College or any of its constituent structures without prior written permission by the relevant College authority. Fundraising for other organisations will not be allowed without written prior permission from the relevant College authority.
- 3) Conducting any act of prostitution or pimping on or in College premises or any other property under control of the College.
- 4) Conducting any act of gambling in/or College premises/property which is regarded as a criminal offence under the Criminal Law.
- 5) Substance abuse and/or the use or distribution or sale of narcotics or drugs in/on College premises/property.

### **9.1.9 Residences**

Failure or negligence to adhere to any rules and regulations of the College residences, include the following (but is not limited to):

- 1) An unauthorised occupation or squatting in any College residence or any other premises of the College or any other property under the control of the College.
- 2) Permitting and/or assisting or attempting to permit and/or assist any other person to squat in the College residences or any other premises/property under the control of the College.
- 3) Failure to adhere to the safety procedures and standards, including (but not limited to) the unauthorised use of electrical, plumbing and sewerage services.
- 4) Failure to adhere to basic hygiene and sanitary standards.
- 5) Cooking in rooms not designated as kitchens.
- 6) Removal or tampering with window panes, burglar proof and screens.
- 7) Allowing the unruly and unlawful behaviour by guests of a specified student.
- 8) Damage or misuse of furniture and fittings found in the College residences.
- 9) Unauthorised presence of a student in other premises of the College after specified working hours.

- 10) Failure to obey any lawful or reasonable order of any person in authority in a residence of the College.
- 11) Any forms of violation directed at any other reasonable publicised College residence Policy document (or related documents.)

#### **9.1.10 Academic Activities**

Non-compliance with the Academic Rules, include (but are not limited to):

- 1) Helping or attempting to help another student during a test or examination or obtaining or attempting to obtain help from another student during a test or examination in whatever manner.
- 2) Submission by any student of a test or examination script or written assignment of another student in his/her own name.
- 3) Intentionally removing pages from an examination answer book or removing an answer book from the examination venue, including question papers as determined by the College that may not be retained and/or must be returned to the invigilator.
- 4) Intentionally writing notes on his/her body or clothes that will assist him/her in the examination/test.
- 5) Intentionally writing notes on his/her body or clothes that will assist him/her in the process of continuous assessment.
- 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 (such as calculators needed for some subjects) or refusing to hand over such notes/items to the invigilator, or destroying/trying to destroy (or making such notes) during a test or examination – on any object, including rulers, erasers, pocket calculators or cellular phones.
- 7) The presence of electronic devices (such as cellular phones, iPads, Apple wristwatches, Mulberry Pi's, headphones, etc.) is not permitted under any circumstances, in venues where students are writing tests or exams (even if the device is switched off and the student has no intention of using it during the session).

#### **9.1.11 Plagiarism**

A student must not submit the work of any other person (be it in an examination/test/assignment or in any respect of the completion and/or submission of any form of academic assessment) **without the full and proper attribution and acknowledgement of the source/s and author/s.**

#### **9.2 Provisions of the Policy**

Student Disciplinary Procedure include:



### **9.2.1 Application**

9.2.1.1 These rules shall apply to any person who is registered as a student of the College and subject to the Student Code of Conduct, at the time of the alleged misconduct.

9.2.1.2 A person is subject to the Student Code of Conduct of the College, under the following conditions:

- 1) He/she is a registered student at the College or
- 2) He/she is a prospective returning student of the College

### **9.2.2 Criminal and/or Civil Liabilities**

9.2.2.1 The College may institute proceedings against a student in terms of the Disciplinary Procedure of the College and lay criminal charges and/or institute civil proceedings in a Court of Law.

9.2.2.2 Any criminal or civil proceedings pending in a Court of Law, or tribunal, does not preclude the College from instituting an internal hearing in terms of this Students Disciplinary Policy and disciplinary procedures of the College.

9.2.2.3 The College preserves the right to institute its own internal disciplinary procedures in accordance with all the Rules and stipulations of the College as well as this Students Disciplinary Policy.

### **9.2.3 Misconduct**

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

### **9.2.4 Complaints**

9.2.4.1 Any member of the College community (including students, staff, College management, contractors, or a visitor) may lay a complaint against a student with the Registrar or his/her nominee.

9.2.4.2. The Registrar or his/her nominee, shall institute a preliminary investigation into every complaint received – save where he/she believes that there are no good grounds for not doing so.

9.2.4.3 The Registrar shall inform the Vice-principal in writing of all complaints received and indicate all resultant actions taken. The Vice-principal may decide otherwise in case the Registrar has declined to take further action regarding a specific complaint.

### **9.2.5 Investigating Officer**

- 1) The Registrar shall appoint a member of staff at the College or any other suitable person on an *ad hoc* basis as the Investigating Officer.



2) After a preliminary investigation by the Registrar (or his/her nominee) in terms of the Disciplinary Procedure and this Students Disciplinary Policy, the matter shall be reported to the Investigating Officer who may:

- a) Conduct a full investigation and/or
- b) Advise the Registrar that the matter to be heard by one of the disciplinary bodies in terms of the Disciplinary Procedure and this Students Disciplinary Policy.
- c) Advise the Registrar that the Principal should consider using his/her powers of suspension.
- d) Accept an admission of guilt in terms of the Disciplinary Procedure and the Students Disciplinary Policy.
- e) Advise that no further disciplinary steps should be taken against the student and withdraw the charge or charges.

#### **9.2.5.1 Functions of the Investigating Officer**

Once a complaint has been made in terms of the Disciplinary Procedure and the Students Disciplinary Policy, the Registrar shall refer the matter to an Investigating Officer.

- 1) The Investigating Officer may constitute a Disciplinary Investigation Committee which shall assist him/her with the investigation.
- 2) The Investigating Officer shall keep accurate records of all activities and shall produce them when requested in a prescribed form, unless he/she classified such information as *confidential*.
- 3) The activities of the Investigating Officer shall not be interrupted in the event of one or more members of the Investigating Committee fails to participate in the proceedings for any reason.
- 4) In the event of the Investigating Officer declining to recommend a prosecution, he/she must indicate in writing to the Registrar the reasons thereof.
- 5) After the investigation, the Investigation Officer may make recommendations to the Registrar regarding the charge or any other matter regarding the Student Disciplinary Process. The Registrar is, however, not bound to accept any such recommendation.
- 6) The Investigating Officer shall recommend to the Registrar which Student Disciplinary Committee has jurisdiction to hear particular allegations of

misconduct. The Registrar is, however, not bound to accept any such recommendation.

- 7) The Registrar reserve the final decision on which Forum/Disciplinary Committee shall hear the matter.
- 8) The Investigating Officer shall complete his/her work as soon as is reasonably practical.
- 9) 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, however, not bound to accept any such recommendation.
- 10) 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 relevant student/s.
- 11) The appointed Investigating Officer should also serve on the relevant disciplinary committee.
- 12) Should the appointed Investigating Officer have any personal interest/conflict of interest with the particular case, he/she may decline the appointment.

## **9.2.6 The College Disciplinary Committees**

9.2.6.1 The College Disciplinary Committees include the following:

- 1) Student's Appeal Committee
- 2) Student Affairs Disciplinary Committee (General offences)
- 3) Academic Disciplinary Committee (Academic related offences)

9.2.6.2 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 may include suspension or one or more of the following:

- a) He/she must refrain in participating in any or all academic activities at the College premises or any other premises under the control of the College or activities conducted by the College at any place.
- b) He/she must refrain from entering any part of or all premises of the College or any place under its control; except with the written permission from the Principal.
- c) Vacate any College residence or any part of any structure under the control of the College.



9.2.6.3 Any order made, shall lapse if no further disciplinary proceedings have been commenced in terms of the Student Disciplinary Procedure and this Student Disciplinary Policy within fourteen (14) working days of the order having been made.

9.6.2.4 The Principal, in consultation with the chairperson of Council, shall immediately suspend any student prior to the charge if the College property, College students, College staff and/or visitors are considered to be in danger. Any such suspended student must be given preliminary charges within ten (10) working days of the decision taken.

## **9.2.6 1 Composition and Functions of Different Student Disciplinary Committees**

### **A) Student's Appeal Committee**

1) The Student's Appeal Committee shall evaluate the disciplinary actions by different student disciplinary committees of the College as referred to the Student's Appeal Committee.

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 College and shall consist of the following:

- a) The Principal – as Chairperson
- b) The Vice-principal
- c) One (1) external member of Council – appointed by the Chairperson of Council on an *ad hoc* basis
- d) The President of the Student Representative Council or a representative of the SRC who did not sit in the first disciplinary hearing

3) The Principal may alter the composition of the College's Student's Appeal Committee for whatever reason if he/she deems appropriate, provided that a member of the Council and President of the SRC (or any such SRC representative designated by the SRC) are invited to sit on such a hearing.

4) Any member of the committee who was involved in the investigation process or directly interacted with the proceedings before, must recuse himself/herself from the hearing at which the appeal is heard. In such a case, the Principal can appoint a different person to act instead. In case the affected member is a representative from the SRC, the SRC shall be advised to forward a replacement.

5) The composition of the Student's Appeal Committee may not be augmented during and when the appeal is considered. The hearing shall proceed provided



the chairperson is available and at least another two (2) members of the committee are present at the hearing.

6) The committee may impose any of the penalties set out in the Student Disciplinary Policy and Student Disciplinary Procedure. When sitting as a body of appeal, the committee may reduce, confirm or increase the penalty imposed by any of the student disciplinary committees.

7) The Student Appeal Committee shall report the outcome of its enquiry/adjudication in writing within fourteen (14) days to the Principal for the purpose of reporting to Council.

## **B) Student Affairs Disciplinary Committee**

1) The Student Affairs Disciplinary Committee shall be composed of the following members:

- a) The Head of any Department at the College – as designated by the Principal.
- b) The College official responsible for Student Affairs (or a person in such office) – as designated by the Principal.
- c) A representative of the SRC – as designated by the SRC on an *ad hoc* basis.
- d) Not more than two (2) additional members - appointed by the Principal.

2) The main function of the Student Affairs Disciplinary Committee is to hear all cases of alleged misconduct that do not primarily relate to academic or research activities (or any other matter referred to it by the Registrar).

3) The Student Affairs Disciplinary Committee may impose penalties as laid down in the Students Disciplinary Policy. The penalties imposed shall be immediately effective notwithstanding the right to appeal, unless the Principal (acting on a written request from the relevant student) decides otherwise.

4) The composition of the Student Affairs Disciplinary Committee may not be augmented during and when the appeal is in session. The hearing shall proceed provided the chairperson is available and at least three (3) members of the Student Affairs Disciplinary Committee are attending the hearing.

5) The Student Affairs Disciplinary Committee shall report the outcome of its enquiry/adjudication in writing within fourteen (14) days to the Principal for the purpose of reporting to Council.

### **C) Academic Disciplinary Committee**

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

- a) The Head of the specific Department relevant to which the student charged with misconduct, has application (or any other Head of a Department) as appointed by the Principal. The HOD present will act as chairperson.
- b) One (1) representative from the SRC – as designated by the SRC on an *ad hoc* basis.
- c) Not more than two (2) members - appointed by the Principal (from members of the Academic Committee.)

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

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 two (2) members of the Academic Disciplinary Committee are attending the hearing.

4) The Academic Disciplinary Committee may impose penalties as laid down in the Students Disciplinary Policy. The penalties imposed shall be immediately effective notwithstanding the right to appeal, unless the Principal (acting on a written request from the relevant student) decides otherwise.

5) The Academic Disciplinary Committee shall report the outcome of its enquiry/adjudication in writing within fourteen (14) days to the Principal for the purpose of reporting to Council.

### **9.2.7 Appeals**

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

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

3) Subject to the provisions of the 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.

4) In exercising its discretion, the Student's Appeal Committee may decide to deal with the appeal solely on the strength of the documents. The student shall receive written notice informing him/her about the procedure that is to be followed during the appeal hearing within five (5) working days prior to the hearing.

*5) The decision of the Student's Appeal Committee shall be the final decision and shall be binding.*

6) The Student's Appeal Committee shall communicate its decision to the affected student/s within five (5) working days of the decision being taken.

7) The Student Appeal Committee shall report the outcome of its enquiry/adjudication in writing within fourteen (14) days to the Principal for the purpose of reporting to Council.

### **9.2.8 Penalties**

The student disciplinary committees of the College may, insofar as they apply to each committee, impose any or a combination of the following penalties:

- 1) Expulsion from the College.
- 2) Suspension from the College for a specific period of time (subject to conditions which are justifiable on educational grounds and accepted within the culture of the College.)
- 3) Permanent exclusion from the residence or refusal of access to all (or some) of the buildings, land, services, facilities, etc. of the College or re-admission only subject to specific conditions.
- 4) Suspension from attending classes for a specific period, either totally or only in respect of specific courses/modules.
- 5) Refusal of admission to any examination/test, which includes forfeiture of any marks already obtained and the cancellation of any subjects/modules already registered for.
- 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 caused.
- 7) Imposition of a fine, which may be equivalent to the value of the damaged College property or the property of the College staff/visitor or other student
- 8) Refusal of readmission to the College for a specific period or permanently.
- 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 College.



- 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 College) is reasonable and fair under the circumstances.
- 11) Severe admonition and caution.
- 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.
- 13) The Principal may order the withholding of examination results or the conferment of a degree or awarding of a diploma/certificate to any student against whom an allegation of misconduct has been laid pending the outcomes of the disciplinary hearing.
- 14) The Principal may order the withholding of examination results or the conferment of a degree or awarding of a diploma/certificate until the Principal is satisfied that any fine/money owed to the College has been paid or any act a student is obliged to perform, has been executed satisfactorily.
- 15) A student may not by reason of any action taken/punishment imposed in terms of the rules have a claim to repayment or reduction of tuition fees (or any other amount) paid or payable to the College.

### **9.2.9 Admission of Guilt**

Any admission of guilt should be directed to the Investigating Officer of the relevant committee by means of the following procedure/manner in writing:

- 1) When the Investigating Officer considers a charge after a preliminary hearing investigation, he/she may offer to accept an "admission of guilt" option from the accused student/s before a disciplinary hearing is convened.
- 2) When the offer of acceptance of an "admission of guilt" option is made, the accused student/s must be informed of the possible punishment that may be imposed. Such an offer to accept an "admission of guilt" option may only be made in the presence of the student's representative and/or parent/guardian and will be recorder accordingly.
- 3) When pleading guilty, the student acknowledges that he/she 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 he/she understood what was explained to him/her in the official language of the College.
- 4) The Investigating Officer shall report the matter to the Registrar indicating that the student has accepted guilt.
- 5) The Registrar shall impose any penalty which is equivalent to the misconduct or any penalty he/she deem proper under the circumstances or may refer the matter to the relevant disciplinary committee for hearing.
- 6) The student who chose the option of accepting an offer of admission of guilt, shall not appeal against the penalty imposed, but may request a pardon from the Principal in writing.

### 9.2.10 Hearing/Disciplinary Procedures

9.2.10.1 After the relevant 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 also determine the venue and time of the sessions.

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

9.2.10.3 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.

9.2.10.4 The notice of the hearing shall be served as follows and proceedings handled as described below:

- 1) Personal serving of the notice upon the student/s concerned by any person authorised to do so (on condition that the person serving the notice records the fact of service in writing.)
- 2) Serving of the notice at the College address of the student/s concerned if he/she is a resident in a College residence by any person authorised hereto (provided that the person effecting the service must state in writing that he/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 College at the same address.
- 3) By serving the notice by means the registered mail to the address of the student at his/her home address as reflected on his/her College records. The notice shall be deemed to have been served on the third (3<sup>rd</sup>) day after its posting. It is the responsibility of any student to ensure that the records containing his/her home or mail address is always updated.
- 4) The notice served on the student shall contain the name of the Chairperson of the disciplinary committee.
- 5) In an event where a student refuses to accept service, it must be recorded as such.
- 6) If a student fails to attend the hearing on the stipulated time and he/she has not prior to the hearing furnished (in writing) sound and sufficient reason for such failure to the Chairperson of the specific disciplinary committee (or to the Investigating Officer), the hearing may proceed notwithstanding the absence of the student.



- 7) Failure of the relevant affected student to appear or attend the proceeding, 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/her removal from the hearing and the proceedings may be continued and even brought to a conclusion in his/her absence.
- 8) At the beginning of the hearing, the Chairperson shall ensure that the specific disciplinary committee is properly constituted.
- 9) 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.
- 10) At the hearing and after the procedure has been outlined, the concerned student/s shall be informed orally of the charge against him/her and shall be asked to plead to the allegations.
- 11) The Chairperson of the specific disciplinary committee, shall decide on any question/matters of procedure or admissibility of evidence (including the manner or form in which it may be admitted) since the disciplinary committee shall not be bound by all formal rules of criminal procedure or evidence.
- 12) If the concerned student admits to the alleged offence, the specific disciplinary committee may find the student guilty without hearing further evidence (provided the student is invited to provide mitigating factors).
- 13) In the event of a plea of guilty made before the specific disciplinary committee, the committee may invoke any of the penalties without hearing any further evidence.
- 14) If the concerned student/s denies the alleged offence, the disciplinary committee shall hear the evidence in accordance with the prescribed procedure.
- 15) After hearing all evidence, the specific disciplinary committee shall allow the concerned student/s and the College to address it on mitigating and/or aggravating circumstances.



- 16) The specific disciplinary committee shall adjourn for deliberators in order to make a finding with regard to guilt or innocence of the accused student/s after all parties have closed their presentation. No person other than the members of the specific disciplinary committee may be present during these deliberations.
- 17) After consideration of evidence, the specific disciplinary committee shall hand down a verdict in respect of each charge – which shall be either: guilty/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.
- 18) The specific disciplinary committee shall hand the report of its findings to the Principal, the Registrar and the Student Affairs Officer. This report should be including the particulars of the charge, any amendment thereof, the plea, material findings as to facts, mitigating and/or aggravating circumstances, the verdict, the penalty imposed and the reasons for the imposition of the specific penalty imposed.
- 19) The Registrar shall send a letter concerning the findings of the hearing to the parents or guardian of the affected student.
- 20) Unless the specific disciplinary committee directs otherwise, the hearing shall be conducted “in camera” and neither the proceedings, nor the verdict of the specific disciplinary committee may be published.

#### **9.2.11 Right to a Representative**

- 1) Every student facing a disciplinary hearing shall have the right to a representative in the form of a fellow student of the College. The name of such a representative shall be communicated to the Chairperson of the relevant disciplinary committee at the hearing.
- 2) The student may change representative at any stage of the proceedings; such a change may not affect the progress of the proceedings. Any change made, shall be communicated to the Chairperson of the relevant disciplinary committee at the hearing.

### **9.2.12 Amending the Student Disciplinary Procedure**

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

### **9.3 Monitoring and evaluation**

Monitoring and evaluation as well as advocacy of this Students Disciplinary Policy for Tompi Seleka College of Agriculture, would be conducted by Tompi Seleka College of Agriculture itself.

### **9.4 Dispute resolution**

Any disputes in relation to this Students Disciplinary Policy, its application and implementation shall be managed in line with the dispute resolution and grievance mechanisms of Tompi Seleka College of Agriculture

#### **10) Default**

The Students Disciplinary Policy sets out all procedures and stipulations and no deviation from this Policy will be allowed. Should any special deviation be needed, it will only be considered after:

- i) A written motivation for the deviation is submitted to the HOD of the LDARD
- ii) Written permission is received from the HOD of the LDARD

#### **11) Inception date**

The inception date of the Students Disciplinary Policy for Tompi Seleka College of Agriculture, is the date of approval by the Hon MEC (as indicated on the cover of this document.)

#### **12) Termination and review**

This Policy will be reviewed every three years (or as and when a need arise) and may be replaced by a transversal Policy presented by Department of Agriculture, Forestry and Fisheries (DAFF) at any time.

Should the Policy still be in the review process by the time it lapses, an extension period is applicable and the approved Policy remain valid until the reviewed version is approved.


#### **13) Enquiries and reporting**

All enquiries regarding the Students Disciplinary Policy should be directed towards: Tompi Seleka College of Agriculture at 013 264 5300. The specific College of Agriculture is



responsible for the timeous review, circulation, advocacy, availability and feed-back regarding this policy document. The specific College of Agriculture is responsible for reporting towards oversight bodies in the event of enquiries with regards to this policy document.

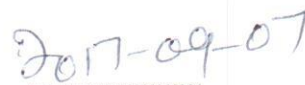
**Recommended by:**



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**Head of Department**

**(Maisela, RJ)**



**Date**

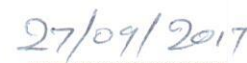
**Approved by:**



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**Hon MEC for Agriculture and Rural Development**

**Mapula Mokaba-Phukwana (MPL)**



**Date**