



## STUDENT DISCIPLINARY CODE

### SECTION A: RULES OF CONDUCT

1. The rules in this Student Disciplinary Code apply to every student regardless of whether the alleged conduct in question has taken place on or off campus. Where the alleged conduct has taken place off campus, there must be a link between the conduct in question and the School and/or it must be reasonably likely to bring the School into disrepute.
2. Contravening any of the rules set out in this Code shall be deemed a disciplinary offence which shall be subject to the School's internal disciplinary procedure.
3. The School's internal disciplinary procedure is not a legal process.
4. In circumstances where a student has allegedly committed an offence which is a criminal offence as well as a contravention of the rules and regulations, the School may subject the student to disciplinary action according to these regulations and/or report the case to the police for a possible criminal process.
5. The following shall, individually and/or collectively, constitute a transgression of the Student Disciplinary Code.
  - a. Committing a common law or criminal offence such as murder, abduction, rape, arson, theft, fraud, robbery, etc.
  - b. Unlawful use or causing the removal of any property belonging to the School or another person without their permission, with or without the intention to steal.
  - c. Contravening the offence sections of the Liquor Act 27 of 1989.
  - d. Contravening the offence sections of the Drugs and Drug Trafficking Act 140 of 1992
  - e. Use of abusive or threatening language
  - f. Bringing a firearm or using a firearm on any part of the School property without the permission of the Dean and Director or his authorised representative.
  - g. Behaving in a violent or disorderly manner either towards staff or fellow students.
  - h. Damaging or defacing, or attempting to damage or deface, any property of the School or any property whatsoever within the precincts of the School, including emergency equipment (emergency assistance buttons, fire-extinguishers, cameras and telephones, etc.)
  - i. Aiding or attempting to aid another candidate, or obtaining or attempting to obtain aid from another candidate, during an examination
  - j. Instances of plagiarism and other forms of academic misconduct
  - k. Engaging in conduct which interferes or is likely to interfere with teaching, studying, research, lectures, meetings, or other events at the School
  - l. Engaging in conduct which obstructs or interferes with an officer, staff member, employee, or any other student in the performance of his/her lawful duties
  - m. Engaging in any conduct which is offensive to, and/or defamatory of, any staff member, student, or member of the public
  - n. Interfering with the governance and proper administration of the School.

- o. Uttering, distributing, displaying, showing, or projecting disparaging, discriminating, and derogatory material based on a person's race, cultural identity, gender or sexual orientation
- p. Engaging in conduct likely to bring the School, or any part of it, into contempt or disrepute
- q. Engaging in any form of harassment or discrimination
- r. Deliberately or negligently responding untruthfully to any relevant and lawful question put to him/her in the course of a disciplinary hearing, or by a prosecutor during an investigation into an alleged disciplinary offence
- s. Hindering or obstructing the hearing of any disciplinary proceedings or failing to obey an instruction given by the person chairing or conducting the proceedings.
- t. Failing to attend a disciplinary hearing. During a hearing, a student must remain in attendance until excused. If a student fails to attend a disciplinary hearing and the person chairing/conducting the proceedings is satisfied that adequate notice had been effected and that all reasonable attempts to contact the student have been made, then the disciplinary hearing shall proceed in his/her absence.
- u. Contravening the School's Library or IT Use and Code, or any other regulation
- v. Conspiring with, or aiding and abetting, anybody in committing a transgression of the rules.

## **SECTION B: DISCIPLINARY AUTHORITIES**

1. The **Dean and Director** is the Chief Disciplinary Authority of the School and has the following powers:
  - a. S/he may, after following due process, expel a student from the School and/or from a programme of study. In the case of an MBA student or a student who is enrolled in any University of Reading (UoR) programme, the Dean and Director shall recommend to the relevant UoR disciplinary body to expel the student.
  - b. S/he may take interim action against any student as s/he in his/her discretion may consider desirable in the case of any apparent disciplinary offence by the student. In exercising this power, the Dean and Director may suspend the student concerned from attendance at classes and/or from participation in any other activities of the School pending a final decision in the matter. In suspending the student, the Dean and Director or his/her designate shall allow the student to make an oral representation against suspension.
  - c. The case of any student who has been found guilty by a civil or a criminal court may be referred by the Dean and Director, at his/her discretion, to the Disciplinary Committee to decide whether the student shall be allowed to continue with his/her studies at the School. The Dean and Director will normally exercise this discretion only when it appears that the continuation of the student with his/her studies will be detrimental to the School community.
  - d. S/he may delegate all or any of his/her powers in connection with student discipline to the Academic and Governance Director, or any other person.
  - e. S/he shall appoint a Prosecutor and a Disciplinary Officer in any disciplinary case.
  - f. S/he may withhold examination results of any student, in respect of whom an investigation by a Prosecutor is pending, until any proceedings resulting from the investigation have been completed or withdrawn.
  - g. S/he has the power to exercise clemency.

2. The **Academic and Governance Director** shall have the power to
  - a. Decide that in his/her opinion
    - i. No case of a breach of discipline has been established; or
    - ii. A breach of discipline has been established.
  - b. Where the academic director is of the opinion that a minor breach of discipline has been established, s/he may impose any of the following penalties, or alternatively invoke a formal disciplinary procedure to be followed.
    - i. Require a student or students to make good, in whole or in part as s/he shall determine, any damage(s) done by the student or students to any property belonging to the School or any other person.
    - ii. Reprimand a student.
    - iii. Impose such other reasonable penalties as s/he may deem fit, provided that these do not include suspension or expulsion from the School or a programme of study.
  
3. The **Disciplinary Committee** shall have the power to
  - a. Recommend to the Dean and Director to expel a student from the School or from a programme of study.
  - b. Withdraw, subject to confirmation by the Academic Board, any degree, diploma, certificate or other award already conferred on a student.
  - c. Suspend a student from the School for such period as it may deem fit.
  - d. Deem a student to have failed a programme, or a course/module, or other element of a programme or course/module as it may think fit.
  - e. Reduce the mark obtained by a student in a course/module or other assessment.
  - f. Remove any right which a student might normally have to be reassessed in an examination or other form of assessment.
  - g. Require that further academic work be undertaken.
  - h. Impose a penalty not otherwise specified, provided that the penalty relates to the student's programme of study.
  
4. The **Academic Board** shall have the power to
  - a. Withhold, in its absolute discretion, a degree or diploma or certificate or any other award from a student whose conduct it shall consider to merit such action.
  - b. In pursuance of this power, the academic board may withhold an award from a student against whom a disciplinary charge has been brought but not yet determined, or from any student whose appeal against any sanction is pending, until the charge or appeal has been settled, whereupon the academic board shall take a final decision.
  - c. In the case of a student who does not settle, by the due date, any debt to the School which s/he may have outstanding, the academic board may in its absolute discretion withhold any examination result or degree or diploma or certificate, or may impose a combination of these penalties.

## **SECTION C: DISCIPLINARY PROCEDURE**

### **1. Before the hearing**

- a. A complaint or report of a transgression must be lodged with the relevant official or body in order to trigger a hearing.

- b. The Dean and Director shall appoint
  - i. a “Prosecutor” to investigate and assess any possible contraventions of the Disciplinary Code;
  - ii. A “Disciplinary Officer” to hear each case.
- c. Notice shall be served to the accused person, either in person or by email, at least seven days before the hearing, setting out the following:
  - i. The offence allegedly committed;
  - ii. Date, time and place of the offence;
  - iii. The person against whom the offence was committed, and any other relevant details of the offence;
  - iv. Date, time and place of the hearing.
- d. The accused shall be informed of his/her right to be accompanied by a staff member or a fellow student to act as a ‘friend’ during the hearing. No legal representation shall be allowed.

## **2. During the hearing**

- a. The person conducting the hearing (Disciplinary Officer) must read out the charges to the accused student.
- b. The accused student will be required to plead. He/She may
  - i. Deny the charges (plead ‘not guilty’)
  - ii. Admit the charges (plead ‘guilty’)
  - iii. Admit a lesser offence.
- a) Where the accused pleads guilty, the Disciplinary Officer shall question the student to ensure that the student’s admission of the charge (guilty plea) is a genuine and complete admission.
- b) The accused may alternatively hand in a written plea statement in lieu of the questioning mentioned above.
- c) If the Disciplinary Officer is satisfied that the student’s answer to the charge is a genuine and complete admission of the charge (a guilty plea) with no defence, the student may be found guilty of the charge without any evidence being heard.
- d) Where a student pleads not guilty, the Disciplinary Officer may question the student to ascertain which of the allegations in the charges are in dispute.
- e) Where a student pleads not guilty, the Disciplinary Officer shall request the Prosecutor to lead evidence in support of the charge.
- f) The Prosecutor may submit documents, witness statements, photographs and/or details of electronic evidence that are relevant to the case.
- g) Witnesses appearing before a Disciplinary Officer will be required to confirm that the evidence they are about to give is truthful.
- h) Each witness will be examined, cross-examined, or re-examined (as the case may be) by only one person at a time – though not necessarily the same person for different witnesses.
- i) An accused student shall have the right to remain silent or to give evidence on affirmation, provided that s/he is not compelled either way.
- j) An accused student will have the right to call witnesses. Should the accused elect to give evidence, his/her evidence must be heard before that of his/her witnesses.
- k) Any documents, witness statements, photographs and/or details of any electronic evidence which the accused intends to use at the hearing must be submitted to the Disciplinary Officer prior to the hearing or during the hearing.

- l) The Disciplinary Officer may question any witness, including the accused student, at any time while they are giving evidence.
- m) The Disciplinary Officer may call any witness not already called, or recall any witness who has already given evidence, if s/he believes that the evidence or further evidence of that witness would be essential.
- n) After all the evidence has been presented, the Prosecutor and the accused student shall have the right to give a closing argument regarding guilt or innocence of the accused. This argument may be delivered orally or in writing, or both.
- o) After the conclusion of the arguments, the Disciplinary Officer shall give a judgment, with reasons for the verdict, as to whether or not the accused is guilty of the charge/s or any alternative charge/s.
- p) Where a student is found guilty of a disciplinary offence, both the Prosecutor and the accused student may lead evidence in aggravation or mitigation of sanction, including what they would like the sanction should be.
- q) Where a student has been sanctioned in terms of this Code, the sanction shall come into effect immediately regardless of whether the student intends to take the matter on appeal, unless the Dean and Director, on written application by the student, decides that there is good cause to suspend the implementation of the sanction pending the outcome of an appeal. The written application by the student shall set out fully all relevant facts and submissions that he or she wishes the Dean and Director to consider in arriving at a decision in this regard.
- r) If a student who has been directed to appear before a Disciplinary Officer fails to appear at the place, date, and time specified in the notice, or fails to remain in attendance during the hearing, the Disciplinary Officer shall make all reasonable attempts to locate the student. If the Disciplinary Officer is satisfied that all reasonable attempts have been made to contact the accused the hearing shall proceed in his/her absence.
- s) If, during the course of a hearing, it comes to the knowledge of the Disciplinary Officer that a student appearing at such hearing may have committed any disciplinary offence/s other than, or in addition to, those with which s/he has been charged, the Disciplinary Officer may charge the student concerned with such supplementary disciplinary offence/s.
- t) If a student appearing at a hearing conducts him/herself in a manner which makes the continuance of the proceedings in his/her presence impossible or impractical, the Disciplinary Officer may, after warning the student of the consequences of such conduct, direct that s/he be removed. On such occasions, the proceedings will continue in his/her absence.
- u) Within three days of the imposition of a sanction by a Disciplinary Officer, the Disciplinary Officer shall record the charge/s, plea/s, aggravating and mitigating circumstances (if any), the verdict, the sanction imposed, and the reasons for the imposition of the sanction, and forward such record to the Dean and Director, the Prosecutor/s and the convicted student. This document shall constitute the record of the proceedings.

### **3. After the hearing**

- a) The Prosecutor or a student who has been found guilty of a disciplinary offence shall have the right of appeal against either the judgement or the sanction imposed, or both, provided s/he gives notice of the intention to appeal in writing to the Dean and Director not more than seven days after being notified of the sanction(s).

- b) Such an appeal shall be considered by the Standing Disciplinary Committee of the Academic Board in such a manner as it shall deem fit, which shall have the power to quash the decision or to confirm it or to vary it, or to substitute another decision for it or, where a decision is upheld, to confirm, set aside, vary or substitute any penalty that has been imposed.
- c) Due regard shall be paid to confidentiality by all parties in relation to the proceedings of the Disciplinary Committee.
- d) A verdict of the Disciplinary Committee shall be reached by way of a majority vote.
- e) Where a Disciplinary Officer who originally heard the case is a member of the Disciplinary Committee, s/he shall recuse himself from the proceedings of the Committee regarding the appeal.
- f) A student who appeals to the Disciplinary Committee shall not be discriminated against for making the appeal either at the time of the hearing of the appeal or thereafter.