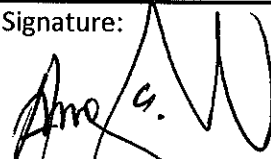






**0211-RS-PL-CODE OF CONDUCT-D**

**STUDENT DISCIPLINARY  
POLICY(CODE OF CONDUCT)**

Document title: <b>Student Disciplinary Policy (Code of Conduct)</b>	Formal document number	<b>0211-Registrar-PL- Code of Conduct</b>
	Revision number	<b>C</b>
Purpose of Document:  <b>To set out procedures and rules to regulate the Code of Conduct of Students of Ikhala TVET College.</b>	Issue date	<b>01 / 09 / 2022</b>
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Approval by Council: <b>Title: Council Chairperson Name: Dr NB Jada</b>	Signature: 	Approval date: <b>12/12/2022</b>

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## 1. PURPOSE

The Policy serves to set out procedures and rules to regulate the Code of Conduct of students of Ikhala TVET College.

## 2. SCOPE

The Policy applies to all students registered at Ikhala TVET College in ministerial and occupational programmes.

## 3. LEGISLATIVE AND POLICY FRAMEWORK

- 3.1. Constitution of Republic of South Africa of 1996.
- 3.2. Continuing Education and Training Act, 16 of 2006 as amended.
- 3.3. White Paper for Post School Education and Training, 2013.
- 3.4. Student Support Manual
- 3.5. Student Support Framework
- 3.6. TVET College Student Attendance and Punctuality Policy

## 4. TERMS AND DEFINITIONS

The following terms shall have meanings ascribed unless the context indicates otherwise:

TERMS	MEANING
3.1. Campus	Means Ikhala TVET College Teaching Sites
3.2. College	Means Ikhala TVET College
3.3. College Premises	Means any premises or building which is the property of Ikhala TVET College or is controlled by Ikhala TVET College or Ikhala TVET College activities including campuses and examination centres
3.4. Council	Means the Council of Ikhala TVET College
3.5. Day	Means a working day with the exclusion of Saturdays, Sundays and Public holidays
3.6. Employee	Means a permanent or temporary employee of Ikhala TVET College
3.7. Manager	Means Senior Managers, Registrars, Assistant Directors and Campus Heads;
3.8. Principal	Means Accounting Officer of Ikhala TVET College
3.9. Student	Means any person, who at the time of the alleged misconduct is or was: registered for a qualification listed in the Ikhala TVET College Calendar; or taught or evaluated on any Ikhala TVET College premises by an employee; or someone contracted by Ikhala TVET College for that purpose;
3.10. Student Disciplinary Appeals Committee	Means the committee constituted by the Accounting Officer to consider cases of student appeals from decisions of the Student Disciplinary Committee;



3.11. Student Disciplinary Committee	Means the committee constituted by the Accounting Officer to adjudicate charges of misconduct relating to students;
3.12. SRC	Means the Student Representative Council of Ikhala TVET College.

**5. PRINCIPLES AND RULES**

4.1. The Student Disciplinary Code is aimed at:

- 5.1.1 upholding the name and reputation of Ikhala TVET College;
- 5.1.2 maintaining order, discipline, safety and security at Ikhala TVET College;
- 5.1.3 ensuring the integrity of the academic processes of Ikhala TVET College; and
- 5.1.4 ensuring the quality of the assessment processes at Ikhala TVET College;

4.2. Any conduct of a student which contravenes the Disciplinary Code and/or negatively impacts on these goals may be regarded as misconduct and subject to disciplinary measures.

4.3. The general supervision and control of student discipline at Ikhala TVET College Campuses vests with the Campus Manager and are administered in terms of the Students' Disciplinary Code of Ikhala TVET College.

**6. MISCONDUCT**

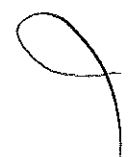
5.1. A student shall be charged for misconduct if she/he:

- 6.1.1 Intentionally or negligently contravenes or subverts, or attempts to contravene or subvert, or assists, encourages or persuades any other person to contravene or subvert a code, regulation, rule or instruction of Ikhala TVET College;
- 6.1.2 Refuses or fails to comply with a lawful instruction or request of an employee of Ikhala TVET College authorized to give such instruction or make such request, or acts contrary to such instructions or request;
- 6.1.3 Commits any statutory or common law crime whilst on the premises of Ikhala TVET College;
- 6.1.4 Intentionally or negligently misuses, damages, defaces, destroys or alienates, or without authorization, users any building, furniture or equipment, computer, vehicle, notes, documents or any other thing owned or controlled by Ikhala TVET College or by any employee of Ikhala TVET College, or by any registered student of Ikhala TVET College;
- 6.1.5 Intentionally or negligently mismanages ad/or misappropriates funds of Ikhala TVET College;
- 6.1.6 Introduces intoxicating liquor onto the premises of Ikhala TVET College without the consent of the Principal (or a person duly authorized by the principal) or consumes or abuses intoxicating liquor and/or is under the influence of such liquor while on the premises of Ikhala TVET College;
- 6.1.7 Introduces an illegal dependence-producing drug (as defined in section 1 of the Drugs and Drug Trafficking Act, 1992) onto the premises of Ikhala TVET College, or is found to be in possession of such illegal substance or is under the influence of such substance whilst on the premises of Ikhala TVET College;



6.1.8 Without proper authorization:

- i. Brings onto or stores on the premises of Ikhala TVET College a firearm, other dangerous weapon, fuel that cannot reasonably be shown to be required for the operation of a motor vehicle or any explosive device; or
- ii. Allows or arranges for the afore-going to be brought onto or stored on the premises of Ikhala TVET College;
- iii. Sexually or otherwise harasses any person (as defined in Sexual Harassment Policy (students) whilst on Ikhala TVET College premises;
- iv. Acts in a racist manner towards any person whilst on Ikhala TVET College premises;
- v. Commits an accident act on the premises of Ikhala TVET College;
- vi. Unlawfully expresses, publishes or disseminates in speech, writing, print, or other medium on the premises of Ikhala TVET College any views, beliefs or ideology which would infringe upon the dignity or other human rights of any student or groups of students, or any employee of Ikhala TVET College, or person invited by Ikhala TVET College as a guest;
- vii. Without the written permission of the campus head/Manager and CEO uses the name of Ikhala TVET College, or uses or displays the logo and/or the Coat of Arms of Ikhala TVET College;
- viii. Convenes an assembly on the premises of Ikhala TVET College without obtaining the prior consent of the Campus Head/Manager and CEO (or the person duly authorized by him/her) or the management of the Administration centre, or attends a gathering prohibited by the Campus Head/Manager and CEO or management of the regional centre;
- ix. Knowingly makes a false statement about Ikhala TVET College or otherwise intentionally provides materially false information to anyone in-or outside of Ikhala TVET College and about Ikhala TVET College;
- x. Intentionally or negligently tenders or presents to any employee of Ikhala TVET College any document which he or she knows or ought reasonably to know to be false or a forgery and which causes or has the potential to cause prejudice to the administrative, financial or academic interests of Ikhala TVET College;
- xi. Accepts or offers a bribe to students, employees or any other official of Ikhala TVET College;
- xii. Reproduces or transmits in any form or manner, whether electronically or mechanically(including photocopying and faxing), any study guide, book, thesis, dissertation, article, examination paper, lecture, printed tutorial matter or any other study aids in respect of which copyright exists, unless such reproduction or transmission is done in a manner authorized in terms of the Copyright Act, 1978 (as amended), and unless the copyright owner's permission for the reproduction or transmission is obtained;
- xiii. Contravenes the provisions of the Copyright Infringement and Plagiarism Policy of Ikhala Public College as it relates to plagiarism;



- xiv. Collects money or offers goods for sale or advertises goods on the premises of Ikhala TVET College without the permission of the Campus Head/Manager and CEO (or a person duly authorized by him/her) or the management of Ikhala TVET College;
- xv. Neglects or refuses to return library material borrowed from Ikhala TVET College library;
- xvi. Behaves in a way that leads or may lead to the consequences described below, if such consequences were or should reasonably have been foreseen at the time when such behaviour occurred. Such behaviour includes conduct by which:
  - a) The good name and reputation of Ikhala TVET College is or may be impaired,
  - b) The maintenance of order, discipline and security at Ikhala TVET College is or maybe prejudiced, or imperilled or;
- xvii. The process of tuition, research and administration and general Ikhala TVET College activities are or may be prejudiced or imperilled.

**6.2** With specific regard to assessments, a student will be charged for misconduct if he/she cheats in any Ikhala TVET College examination.

6.2.1 For purposes of this rule **'examination'** includes all assessments of student's performance organized and/or conducted in the name of Ikhala TVET College.

6.2.2 Further for purposes of this rule, **'cheating'** includes:

- i The possession of any unauthorized notes and/or aid(s) in the examination venue after the first answer book or question paper is made available to students, which may assist the student in the examination;
- ii The use or attempted use during an examination of any note or aid, of which is not authorized by the examiner or examination officer;
- iii The communication or attempted communication of any information relating examination with any other candidate whilst the examination is in progress;
- iv The removal or attempted from an examination room of any examination book or writing paper supplied by Ikhala TVET College for the purposes of answering an examination;
- v The use of false name, identity number or student number in an examination;
- vi The submission for examination as own work any matter that has been copied, reproduced, or extracted in whole or part from the work of another student or some other person, or which is substantially the same in whole or in part as the work of another student;
- vii Intentionally or negligently assisting another student to cheat as defined in 2.2; and
- viii The commission of any other fraudulent or dishonest practice whereby a student, whilst being examined by Ikhala TVET College, seeks to mislead or deceive the examiner or the examination officer.

## **7. THE STUDENT DISCIPLINARY COMMITTEE (SDC)**

## **7.1 The Panel**

The Student Disciplinary Committee shall comprise of the following persons:

- 7.1.1 Campus Head/Manager;
- 7.1.2 Lecturer/Senior Lecturer or any Ikhala TVET College official nominated by the Campus Head/Manager;
- 7.1.3 Manager or any official nominated by student affairs;
- 7.1.4 Student from the SRC with observer status.

## **7.2 Quorum**

Three members of the SDC constitute a quorum.

## **7.3 Decisions of the SDC**

- 7.3.1 At the conclusion of the evidence, the Committee decides, considering all the evidence led, whether the student is or not guilty of the misconduct, as charged. A finding of guilty shall only be determined if:
  - i the charge of misconduct has, in the opinion of the Committee, been proved on a balance of probabilities; or
  - ii the student has freely and voluntarily admitted guilty and the committee is satisfied that there is evidence from the accused or from another source to substantiate the admission. Should the committee not be satisfied with the evidence presented, it may of its own accord call for further evidence to be led in respect of the charge.
- 7.3.2 If the committee does not find the student guilty, the student is acquitted of the charge.
- 7.3.3 The decision of the SDC is determined by a majority vote of the panel.
- 7.3.4 In the event of an equality of votes, the chairperson of the SDC has a casting vote in addition to his/her ordinary vote.

## **7.4 Student's Absence from Hearing**

If a student charged with misconduct does not attend his/her disciplinary hearing, such hearing proceeds in his/her absence and the proceedings of the SDC are not invalid as result thereof.

## **7.5 Record of proceedings**

The chairperson of the SDC appoints a person to record, by means of tape recording or in writing, the proceedings of the SDC and all the evidence tendered.

## **7.6 Sanctions**

- 7.6.1 When considering an appropriate sanction, the SDC takes account of all mitigating and aggravating factors presented during the hearing. Further, when considering the appropriateness of the disciplinary measures to be imposed, the SDC ensures that such disciplinary measures are, as far as possible, appropriate to and commensurate with the nature and gravity of the misconduct of which the student has been found guilty. The SDC is also bound by the rules of administrative law and natural justice and the principles of precedent.

7.6.2 After finding a student guilty of misconduct, the SDC may impose one or more of the following sanctions:

- i A written reprimand and/or warning;
- ii A final written warning;
- iii Temporary suspension of a student from class/lectures, and/or the suspension of the student for a specific period or further period subject to any condition(s) which the SDC deems reasonable;
- iv Payment of compensation or require the accused student/parent or guardian to repair the damaged caused by his/her misconduct;
- v Exclusion from Ikhala TVET College activities and functions;
- vi Refusal of a testimonial;
- vii Denial of the Bursary benefits or withdrawal of an awarded Bursary or Ikhala TVET College Financial assistance;
- viii Any other appropriate sanction(s) including dismissal and refusal to enrol for the next academic years, which the SDC deems suitable in the particular circumstances after consultation with the Principal and Council.

## 7.7 Appeals

The Student Disciplinary Appeals Committee (SDAC) hears appeals in respect of findings of the SDC.

## 7.8 Functions and powers of the SDAC

- 7.8.1 The SDAC is responsible for the hearing of appeals in respect of the decisions of the SDC whether based on factual findings, matters relating to procedure and/or the sanctions imposed.
- 7.8.2 The SDAC has the powers to review, reverse, nullify or replace decisions of the SDC in all respects, and can also order that hearings be held de novo.

## 7.9 Commencement of this code of conduct.

- 7.9.1 The Code of Conduct comes into operation on the date on which it is approved by Ikhala TVET College Council.
- 7.9.2 The Code is the relevant Code for all student registered at Ikhala TVET College.
- 7.9.3 From the commencement date, the Code repeals all previous Student Disciplinary Codes, Policies and Procedures that may have previously pertained.

## 7.10 Operational Guidelines.

- 7.10.1 The Manager, Student Support Services may prepare/develop operational guidelines regarding:
  - i Notification of Misconduct;
  - ii Preliminary Investigation;
  - iii Referral to the SDC;
  - iv General Procedure at the hearing;
  - v Disciplinary Policy

## 7.11 Monitoring

The implementation of the policy will be monitored by Ikhala TVET College Management in all campuses.



**8. ADOPTION OF POLICY**

This policy is effective from the date on which it is adopted by the Council

**9. AVAILABILITY OF STUDENT CODE OF CONDUCT POLICY**

A copy of this policy and other relevant documentation should be made available on the College website.

**10. POLICY IMPLEMENTATION AND REVIEW**

- 10.1 This policy will be subject to a policy review process by College Management to ensure its relevance.
- 10.2 Policy review is done every three years of policy existence unless there are changes in legislation and Ministerial directives.

