

# STADIO



## STUDENT DISCIPLINARY CODE

Reference Number:	ACAD 010
Body responsible for Final Approval:	Board
Management Approval:	CEO Signature 
Date of Final Approval:	2020
Date of Implementation:	1 January 2021
Revision Date:	2023
Previous Revisions:	n/a
Policy Owner:	Chief Academic Officer
Institutional functionary responsible:	Registrar

## STADIO Student Disciplinary Code

### Table of contents

<b>1.</b>	<b>DEFINITIONS AND ACRONYMS</b>	<b>4</b>
<b>2.</b>	<b>GENERAL PRINCIPLES AND RULES</b>	<b>5</b>
<b>3.</b>	<b>MISCONDUCT</b>	<b>5</b>
<b>4.</b>	<b>THE STUDENT DISCIPLINARY COMMITTEE (SDC)</b>	<b>9</b>
4.1	THE SDC	9
4.2	QUORUM	9
4.3	NON-AVAILABILITY OF SDC MEMBERS	9
4.4	CHAIRPERSON TO DETERMINE PROCEDURES	10
4.5	THE INITIATOR	10
4.6	STUDENT REPRESENTATION	10
4.7	DECISIONS OF THE SDC	10
4.8	STUDENT'S ABSENCE FROM HEARING	11
4.9	RECUSAL FROM PROCEEDINGS	11
4.10	OBSTRUCTION OF PROCEEDINGS	11
4.11	RECORD OF PROCEEDINGS	11
<b>5.</b>	<b>PROCEDURE IN THE CASE OF A COMPLAINT OF MISCONDUCT</b>	<b>12</b>
5.1	NOTIFICATION OF MISCONDUCT	12
5.2	PRELIMINARY INVESTIGATION	12
5.3	NOTICE TO THE ACCUSED STUDENT	12
5.4	SERVICE OF NOTICE	13
5.5	SUSPENSION	14
<b>6.</b>	<b>GENERAL PROCEDURES AT THE HEARING OF A CHARGE OF MISCONDUCT</b>	<b>15</b>
<b>7.</b>	<b>SANCTIONS</b>	<b>15</b>
<b>8.</b>	<b>IMPLEMENTATION OF FINDINGS OF THE SDC</b>	<b>16</b>
<b>9.</b>	<b>APPEAL AGAINST A DECISION OF THE SDC</b>	<b>17</b>
9.1	FUNCTIONS AND POWERS OF THE SDAC	17
9.2	COMPOSITION OF THE SDAC	17
9.3	QUORUM	18
9.4	FUNCTIONING	18
9.5	PROCEDURES	18
<b>10.</b>	<b>REPORTING AND DISCLOSURE OF FINDINGS</b>	<b>19</b>

11. SAFEKEEPING OF THE RECORD OF PROCEEDINGS	20
12. COMMENCEMENT OF THIS CODE	20
13. REVIEW	20
14. OPERATIONAL GUIDELINES	20
ANNEXURE "A"	21
GUIDELINES FOR SANCTIONS TO BE IMPOSED FOR ACTS OF MISCONDUCT AS PER CHAPTER 13 (A) OF A STUDENT DISCIPLINARY CODE	21
<i>Purpose</i>	21

## 1. DEFINITIONS AND ACRONYMS

Senate	The highest academic decision-making body where all decisions of an academic nature are confirmed and changes to policy are approved
CEO	Chief Executive Officer of STADIO
Days	means calendar days
Employee	means a permanent or temporary/contracted employee of STADIO
External Legal Representation	means a lawyer or legal services which are external to/outside of STADIO
Faculty Head	means the Head of a Faculty at STADIO
Initiator	means an employee of STADIO appointed by the Institutional Registrar to present the evidence on behalf of STADIO at a student disciplinary hearing
Institution	means STADIO and its Campuses individually or collectively
STADIO premises	means any premises or building which is the property of STADIO or is controlled by STADIO for STADIO activities, including examination venues
Student	means any person, who at the time of the alleged misconduct is or was: <ul style="list-style-type: none"> <li>• registered for any qualification/workshop on STADIO's Student Administration System, or</li> <li>• taught or evaluated on any STADIO premises by an employee or someone contracted by STADIO for that purpose</li> </ul>
Student Disciplinary Committee (SDC)	means a committee constituted by the Institutional Registrar to adjudicate charges of misconduct involving students
Student Disciplinary Appeals Committee (SDAC)	means the Committee constituted by the Institutional Registrar to consider student appeals from decisions of a student Disciplinary Committee
Students' Representative	means a student selected to act as a representative for another student of STADIO

## 2. GENERAL PRINCIPLES AND RULES

- 2.1 The Student Disciplinary Code is aimed at:
- 2.1.2 upholding the good reputation of STADIO;
  - 2.1.2 maintaining order, discipline, safety and security at STADIO; and
  - 2.1.3 ensuring the integrity of the academic processes and assessment practices of STADIO.
- 2.2 Any conduct of a student which contravenes the Disciplinary Code and/or negatively impacts on the goals listed in Rule 2.1 may be regarded as misconduct and subject to disciplinary proceedings.
- 2.3 The general supervision and control of student discipline at STADIO vests with the Office of the Institutional Registrar and is administered in terms of the Student Disciplinary Code of STADIO.
- 2.4 This Code must be read evenly with all other Institutional Policies. In the event of a contradiction in respect of specific misconduct indicated in Rule 3 below, this Policy specifically dealing with the act of misconduct shall be deemed the primary determinant of the rule.

## 3. MISCONDUCT

- 3.1 A student is guilty of misconduct if she/he conducts him- or herself in a manner contrary to the goals set out in Rule 2.1, which includes but is not limited to if she/he:
- 3.1.1 engages in disruptive behaviour towards staff, students and/or the Institution as a whole, and/or prevents other students and/or staff from reasonably engaging in activities and practices of the Institution.
  - 3.1.2 intentionally or negligently contravenes or undermines, or attempts to contravene or undermine, or assists, encourages or persuades any other person to contravene or undermine a code, regulation, rule or instruction of STADIO;
  - 3.1.3 refuses or fails to comply with a lawful instruction or request of an employee of STADIO authorised to give such instruction or to make such request, or acts contrary to such instruction or request;
  - 3.1.4 commits any statutory or common law crime while on the premises of STADIO;
  - 3.1.5 intentionally or negligently misuses, damages, defaces, destroys or alienates, or without authorisation, uses any building, furniture or equipment, computer, vehicle, notes,

- documents or any other thing owned or controlled by STADIO or by any employee of STADIO or by any registered student of STADIO;
- 3.1.6 intentionally or negligently mismanages and/or misappropriates funds of STADIO;
- 3.1.7 introduces intoxicating liquor onto the premises of STADIO without the consent of the CEO (or a person duly authorised by the CEO) or consumes or abuses intoxicating liquor and/or is under the influence of such liquor while on the premises of STADIO;
- 3.1.8 unlawfully uses or has in his or her possession a “dependence-producing substance” or “dangerous dependence-producing substance” (as defined in section 1 of the Drugs and Drug Trafficking Act, 1992) on the premises of STADIO or introduces such substance onto the premises of STADIO;
- 3.1.9 without proper prior authorisation:
- (a) brings onto or stores on the premises of STADIO 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
  - (b) allows or arranges for the foregoing (as per Rule 3.1.8.1) to be brought onto or stored on the premises of STADIO;
- 3.1.10 sexually or otherwise harasses any person (as defined in the Sexual Harassment Policy (Students)) while on STADIO premises, and/or uses equipment or learning spaces belonging to and/or created by and/or enabled by STADIO to sexually or otherwise harass any person as defined in the Sexual Harassment Policy (Students);
- 3.1.11 acts in a racist manner towards any person while on STADIO premises and/or uses equipment or learning spaces belonging to and/or created by and/or enabled by STADIO to behave in a racist manner towards any person;
- 3.1.12 commits an indecent act on the premises of STADIO and/or uses equipment or learning spaces belonging to and/or created by and/or enabled by STADIO to commit an indecent act towards any person;
- 3.1.13 unlawfully expresses, publishes or disseminates in speech, writing, print, electronic or other medium at STADIO any views, beliefs or ideology which infringes upon the dignity or other human rights of any student or groups of students, or any employee of STADIO or person invited by STADIO as a guest of STADIO;
- 3.1.14 without the written permission of the CEO or a person duly authorised by the CEO uses the name and/or logo of STADIO, or displays it;

- 3.1.15 convenes an assembly on the premises of STADIO without obtaining the prior consent of the CEO (or the person duly authorised by him/her), or attends a gathering prohibited by the CEO;
- 3.1.16 knowingly makes a false statement about STADIO or otherwise intentionally provides materially false information to anyone inside or outside of STADIO about STADIO;
- 3.1.17 intentionally or negligently tenders or presents to any employee of STADIO 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 and/or academic interests of STADIO;
- 3.1.18 accepts or offers a bribe to students, employees, contractors, and/or any other official of STADIO;
- 3.1.19 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 authorised in terms of the Copyright Act, 1978 (as amended), and unless the copyright owner's permission for the reproduction or transmission is obtained;
- 3.1.20 plagiarises, which means representing the ideas or work of another as one's own without appropriately acknowledging the source(s);
- 3.1.21 collects money or offers goods for sale or advertises goods on the premises of STADIO without the permission of the CEO (or a person duly authorised by him/her);
- 3.1.22 neglects or refuses to return library material borrowed from the STADIO library;
- 3.1.23 behaves in any manner 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 STADIO is or may be impaired,
  - (b) the maintenance of order, discipline and security at STADIO is or may be prejudiced or imperilled, or
  - (c) the process of tuition, research and administration and general STADIO activities are or may be prejudiced or imperilled;
- 3.1.24 knowingly makes a false statement or otherwise intentionally provides materially false information in any formal STADIO investigation, proceedings or document;
- 3.1.25 incites another student to commit an act of misconduct;
- 3.1.26 bullies and/or intimidates another student or member of staff; or

- 3.1.27 prevents or attempts to prevent another student or a staff member from accessing STADIO premises or attending classes at STADIO.
- 3.2 With specific regard to assessments, a student is guilty of misconduct if he/she cheats in any STADIO examination/assignment.
- 3.2.1 For purposes of this rule, “examination/assignment” includes all assessments of a student’s performance organised and/or conducted in the name of STADIO.
- 3.2.2 Further for the purposes of this rule, “cheating” includes:
- (a) the possession of any unauthorised 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 a student in the examination;
  - (b) the use or attempted use during an examination of any note, device, equipment or aid, the use of which is not authorised by the examiner, examination officer or examination instruction;
  - (c) the communication or attempted communication of any information relating to an examination with any other candidate while the examination is in progress;
  - (d) the removal or attempted removal from an examination room of any examination paper, examination book or writing paper supplied by STADIO for the purposes of answering an examination;
  - (e) the use of a false name, identity number or student number in an examination;
  - (f) the submission for examination as own work any matter that has been copied, reproduced, or extracted in whole or in 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;
  - (g) deliberately or negligently assisting another student to cheat as defined in Rule 3.2.2;
  - (h) accessing any assessment, test, or examination paper, or marking memorandum or model answer of STADIO prior to an examination or assignment without authorisation;
  - (i) accessing the work of another person during an examination without authorisation; and
  - (j) the commission of any other fraudulent or dishonest practice whereby a student, while being examined by STADIO, seeks to mislead or deceive the examiner or the examination officer.



## 4. THE STUDENT DISCIPLINARY COMMITTEE (SDC)

### 4.1 THE SDC

4.1.1 The SDC consists of three persons identified and appointed by the Institutional Registrar from amongst the following:

- (a) a person duly authorised or appointed by the CEO;
- (b) the Head of School; or a person duly authorised or appointed by him or her from the School in which the accused student is registered;
- (c) a member of the Academic or senior Administrative staff appointed by the Senate;
- (d) a member of the School of Law appointed by the Head of the Faculty;
- (e) the Faculty or Campus Registrar.

4.1.2 The Institutional Registrar will nominate any person on the SDC as the Chairperson of the SDC.

4.1.3 No person who has lodged a complaint against the student against whom disciplinary charges are brought or involved in the disciplinary investigation of the charges may be part of the SDC.

4.1.4 A member of the Students Representative Council (SRC) may be invited by the Registrar to attend an SDC meeting, with observer status only.

### 4.2 QUORUM

All persons appointed to the SDC must be present at all proceedings before the SDC.

### 4.3 NON-AVAILABILITY OF SDC MEMBERS

4.3.1 If at any stage during the sitting of the SDC a member of the Committee is permanently no longer able to participate in the proceedings, the hearing shall be terminated and shall commence de novo before a newly constituted SDC, provided that if the student agrees, the member may be substituted by another member nominated by the Institutional Registrar.

4.3.2 If at any stage during the sitting of the SDC a member of the Committee is not available for any reason, the Committee must adjourn until that person is available.

4.3.3 The Institutional Registrar shall decide whether to apply Rules 4.3.1 or 4.3.2 in his or her sole discretion after considering the relevant facts and consulting with the student and members of the Committee.

#### 4.4 CHAIRPERSON TO DETERMINE PROCEDURES

Subject to the provisions of this Code, the procedure adopted at the SDC is determined by the Chairperson of the SDC.

#### 4.5 THE INITIATOR

The Institutional Registrar appoints the Initiator to present the case for STADIO at all disciplinary hearing proceedings. The Initiator may also investigate the complaint of misconduct and frame the charges. The Registrar may substitute or replace the Initiator at any time.

#### 4.6 STUDENT REPRESENTATION

4.6.1 A student accused of misconduct in terms of this Code may be represented at the SDC by:

- (a) a fellow student registered with STADIO; or
- (b) a member of the STADIO Students' Representative Council.

4.6.2 A student facing disciplinary charges is not entitled to be represented at an SDC by external legal representation.

#### 4.7 DECISIONS OF THE SDC

4.7.1 At the conclusion of the evidence, the SDC decides, in light of all the evidence presented, whether or not a student is guilty of the misconduct, as charged. A finding of guilty will only be returned if:

- 4.7.1.1 the misconduct charged has, in the opinion of the SDC, been proved on a balance of probabilities; or
- 4.7.1.2 a student has freely and voluntarily admitted guilt and the SDC is satisfied that there is information from the accused or from another source to substantiate the

admission. Should the SDC 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.

4.7.2 If the SDC does not find a student guilty as provided for under Rule 4.7.1.2, a student is acquitted of the charge.

4.7.3 The decision of the SDC is determined by a majority vote of the members present, where applicable.

#### 4.8 STUDENT'S ABSENCE FROM HEARING

If a student charged with misconduct does not attend his/her disciplinary hearing, in the absence of good cause for not attending provided to the SDC by no later than 30 minutes after the scheduled starting time, such hearing shall proceed in his/her absence and the proceedings of the SDC will not be invalid as a result thereof.

#### 4.9 RECUSAL FROM PROCEEDINGS

A member of the SDC who has laid a complaint of misconduct against the student or who is involved in the disciplinary investigation of the charges or who has a conflict of interest in the matter must recuse him/herself from the proceedings of the SDC which has been constituted for the purpose of adjudicating a charge emanating from the complaint.

#### 4.10 OBSTRUCTION OF PROCEEDINGS

If a student charged with misconduct interferes with or obstructs any proceedings of the SDC or refuses to carry out a reasonable instruction of the Chairperson of such SDC, the Chairperson may take such reasonable and proportional steps as he/she may consider necessary to ensure the orderly conduct of proceedings, which may include continuing in the absence of the student, provided that the student shall be offered the opportunity to make representations before the decision is taken.

#### 4.11 RECORD OF PROCEEDINGS

4.11.1 The Institutional Registrar must ensure, by means of digital recording, that the proceedings of the SDC are recorded, and must keep on record all documents forming part of the proceedings.

- 4.11.2 If for any reason the digital recording fails, the Chairperson shall take all reasonable steps to reconstruct the record in consultation with the SDC, the Initiator and the student. Where the record cannot be adequately reconstructed, the hearing must be heard de novo unless alternative arrangements are made by agreement with the student.

## **5. PROCEDURE IN THE CASE OF A COMPLAINT OF MISCONDUCT**

### **5.1 NOTIFICATION OF MISCONDUCT**

A student will not be formally charged with misconduct until a written and signed statement containing an accusation, complaint or allegation made against a student has been submitted to the Institutional Registrar or a person authorised by him/her to receive such complaint, provided that nothing contained herein will prevent the Institutional Registrar from laying a complaint of misconduct against a student.

### **5.2 PRELIMINARY INVESTIGATION**

- 5.2.1 The Institutional Registrar may appoint one or more persons to conduct a preliminary investigation into an accusation, complaint or allegation brought to his/her attention.
- 5.2.2 Such person(s) so appointed must submit a written report and/or charge sheet to the Institutional Registrar in line with the Terms of Reference accompanying the appointment.
- 5.2.3 The person(s) appointed to conduct the preliminary investigation may consult with or obtain information from any person, including a student against whom the accusation, complaint or allegation has been made.
- 5.2.4 If the Institutional Registrar is of the opinion that there is a prima facie case and that there are reasonable grounds for a charge of misconduct, he/she may refer the matter to be heard by the SDC.

### **5.3 NOTICE TO THE ACCUSED STUDENT**

- 5.3.1 When proceedings against a student are instituted in terms of Rule 5.2.4 above, a student's notice must be in writing and prescribe a period of not less than 14 calendar days stating the date, time and place of the hearing by the SDC, unless the student agrees to such shorter period.
- 5.3.2 The Notice under this rule will inform a student:

- (a) that proceedings under a Student Disciplinary Code are to be instituted against him/her and that a copy of the Code is available for inspection on the STADIO website and in the Brochure provided to all students;
- (b) of the Rule that a student is alleged to have breached and/or the act/s of misconduct that a student is alleged to have committed. The Notice must set out the charge with sufficient particularity and documentation to enable a student to prepare for his/her defence;
- (c) of his/her right to answer the charge in writing at least four days before the hearing;
- (d) of his/her right to attend the hearing to present his/her case, or to be represented at the hearing by a fellow student registered with STADIO, a member of the STADIO Student Representative Council; or an employee of STADIO.
- (e) that a student may not be represented by an external legal representative/practitioner; and
- (f) of his/her right if he/she is a minor to be assisted by his/her parent or guardian or, at the discretion of the SDC, to be assisted by any other person appointed by such parent or guardian, provided that nothing contained in this Rule renders the conduct of the SDC void if a student is not so assisted on the date set for the hearing.

## 5.4 SERVICE OF NOTICE

- 5.4.1 Service of any written notice and the furnishing of particulars in terms of this Code will be by prepaid, registered post to the residential/postal address or to the fax or email address as provided either on the most recent application form completed by a student for the purpose of registration or on any later written notice submitted by a student to STADIO of a change of address.
- 5.4.2 In the case of such service, a student will be deemed to have received the Notice and particulars within five (5) days of the date of posting thereof, or within one day of emailing or faxing thereof.

## 5.5 SUSPENSION

- 5.5.1 A student who has been served with a Notice in terms of Rule 5.4.1 may be suspended from STADIO if it is necessary to safeguard the interests of the Institution and/or the wellbeing of other student/s.
- 5.5.2 The Notice of Suspension may inter alia prohibit such student from:
- (a) entering onto the premises of STADIO or any part thereof, and/or
  - (b) exercising a right or privilege resulting from his/her enrolment as a student.
- 5.5.3 A temporary suspension in terms of Rule 5.5.1 remains in force and effect for the period not exceeding thirty (30) days or until the disciplinary proceedings in terms of this Code have been completed, whichever instance may first occur.
- 5.5.4 The Institutional Registrar or a person authorised by him/her shall, before suspending a student, give the student no less than 24 hours' notice of intention to suspend the student, with brief reasons and the proposed terms of suspension, and invite the student to make written representations advancing reasons why she/he should not be suspended.
- 5.5.5 The Institutional Registrar or person authorised by him/her shall as soon as practicable consider the student's representations before deciding on the suspension and advise the student of the decision in writing and the reasons for the decision once it has been taken, as well as the conditions of suspension.
- 5.5.6 No such suspension shall prevent a student from taking an examination or submitting an assignment.
- 5.5.7 The Institutional Registrar may at his/her discretion revoke a suspension at any time.
- 5.5.8 Suspension in urgent circumstances.
- (a) Under circumstances deemed urgent, the Institutional Registrar may suspend a student and thereafter allow the student to make representations concerning the suspension and its revocation.
  - (b) A written notice of suspension stating the reasons therefor and the conditions of suspension must be delivered to the student and the student must be afforded the opportunity to make written representations within 12 hours of receipt thereof regarding the revocation of the suspension, or such longer period as the student may request.
  - (c) The student must be notified of the decision regarding the revocation or continued suspension and the reasons therefor as soon as practicable after the student's representations have been considered and a decision has been taken.

## **6. GENERAL PROCEDURES AT THE HEARING OF A CHARGE OF MISCONDUCT**

- 6.1 The Initiator leads evidence against the accused student and generally conducts the case for STADIO.
- 6.2 The SDC allows a student or such person representing a student a reasonable opportunity to present a defence and to answer the charges.
- 6.3 Both the Initiator and the accused student are allowed to adduce all relevant evidence and call witnesses and to examine and cross-examine witnesses, as appropriate. The Initiator and the accused student may at any time agree to facts that are common cause.
- 6.4 The SDC may ask the parties which facts are common cause at the start of proceedings and record any agreement in this regard, and also ask the witnesses questions for clarity, but must remain unbiased and shall not create any reasonable apprehension of bias.
- 6.5 The SDC may further, of its own accord, call upon either the Initiator or the student to adduce evidence that it may deem relevant to a determination of the issue(s) before it.
- 6.6 The hearing of the SDC is conducted in an informal manner, according to the principles of natural justice and with due regard for the rights of the accused student. The rules of procedure and rules of evidence as applied in the ordinary courts do not apply.
- 6.7 If a student is a minor, no disciplinary action(s) will be taken against that student before his/her parent or guardian has also been informed in writing of his/her alleged misconduct and has been given a proper opportunity to make a written statement and, if he/she so wishes, to appear before the SDC in person.
- 6.8 The STADIO standard procedures serve as a guideline.

## **7. SANCTIONS**

- 7.1 When considering an appropriate sanction, the SDC must take into account all mitigating and aggravating factors presented during the hearing. Further, when considering the appropriateness of the disciplinary measures to be imposed, the SDC must ensure that such disciplinary measures are, as far as possible, appropriate to and commensurate with the nature and gravity of the misconduct of which a student has been found guilty. The Guidelines to be used in imposing appropriate sanctions are hereto attached as Annexure "A". And still further, it is noted that the SDC is also bound by the rules of administrative law and natural justice and the principles of precedent.

- 7.2 After finding a student guilty of misconduct, the SDC may impose one or more of the following sanctions in no particular order:
- 7.2.1 revocation of a degree, diploma or other qualification obtained from STADIO in an improper manner;
  - 7.2.2 a written reprimand and/or warning;
  - 7.2.3 denial of a right or privilege resulting from enrolment as a student at STADIO for a specific period;
  - 7.2.4 a fine not exceeding twice the annual tuition fee for the full first semester/year of study of the qualification for which a student is registered;
  - 7.2.5 payment of compensation or requiring the accused student to repair the damage caused by his/her misconduct;
  - 7.2.6 denial of the right or privilege to register for a particular study module offered by STADIO;
  - 7.2.7 annulments of examination results and/or withdrawal of a credit(s) obtained on a study module in question;
  - 7.2.8 refusal of admission to an examination for a specified period;
  - 7.2.9 confirmation of the temporary suspension of a student, and/or the suspension of a student for a specified period or further period subject to any condition(s) which the SDC deems reasonable;
  - 7.2.10 denial of the privilege to register or enrol again as a student at STADIO for a specified period;
  - 7.2.11 expulsion as a student from STADIO;
  - 7.2.12 any other appropriate sanction(s) which the SDC deems suitable in the particular circumstances; and/or
- 7.3 A student who is temporarily or permanently deprived in terms of this Code of a right or privilege which he/she enjoys as a student or is temporarily or permanently denied admission to STADIO forfeits any claim for repayment, reduction or remission of moneys paid or payable to STADIO.

## **8. IMPLEMENTATION OF FINDINGS OF THE SDC**

- 8.1 If the SDC finds an accused student:
- 8.1.1 guilty, a student is notified in writing of the finding and the sanction(s) imposed by the SDC. In the Notice, a student is further informed of his/her right to appeal against the finding(s) and/or the sanction(s) imposed.
  - 8.1.2 not guilty, a student is notified in writing of the finding of the SDC.
- 8.2 If a student is a minor, no disciplinary measure/s will be taken against that student before his/her parent or guardian has also been informed in writing of his/her alleged misconduct and has been given a proper opportunity to make a written statement and, if he/she so wishes, to appear before the SDC in person.



- 8.3 The Initiator is notified in writing of the finding of the SDC at the same time that the student is notified in terms of 8.1.

## 9. APPEAL AGAINST A DECISION OF THE SDC

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

### 9.1 FUNCTIONS AND POWERS OF THE SDAC

9.1.1 The SDAC is responsible for the hearing of all appeals in respect of the SDC decisions in determining whether based on factual findings, matters relating to procedure and/or the sanctions imposed.

9.1.2 The SDAC may:

- (a) uphold, review, reverse, nullify and/or substitute a decision of the SDC with its own decision;
- (b) cure any defects in the SDC hearing; and
- (c) hear new evidence in addition to the record of the SDC proceedings.

### 9.2 COMPOSITION OF THE SDAC

9.2.1 The SDAC consists of two members identified from the following groups of persons, as per the STADIO organogram:

- (a) a person duly appointed as the Head of an Academic Faculty;
- (b) a person duly appointed by the Institutional Registrar from amongst the list of 4 members nominated by the Senate;
- (c) the Chief Operating Officer: CL or the Chief Operating Officer: DL
- (d) an external person due to his/her expertise, which could include legal expertise.

9.2.2 The Institutional Registrar shall nominate any person on the SDAC as the Chairperson of the SDAC.

9.2.3 No person who has lodged a complaint against the student against whom disciplinary charges are brought or involved in the disciplinary investigation of the charges or in the SDC may be part of the SDAC.

9.2.4 A student representative may be nominated, with observer status, to attend an SDAC meeting.

### 9.3 QUORUM

All persons appointed to the SDAC must be present at all proceedings before the SDAC.

### 9.4 FUNCTIONING

The provisions of Chapters 4 to 7 apply with the necessary changes to the functioning of the SDAC.

### 9.5 PROCEDURES

- 9.5.1 A student who has been found guilty of misconduct or the Initiator, where there has been an irregularity in proceedings or where new evidence has come to light, may, within fourteen (14) days of being informed of the finding of the SDC, appeal in writing by lodging a written Notice of Appeal to the Institutional Registrar, provided that a student who has been found guilty of misconduct after having pleaded guilty to the charge against him/her has no right of appeal against such finding, but may still appeal against the sanction.
- 9.5.2 The person appealing must furnish, in writing, detailed grounds for his/her appeal in the Notice of Appeal.
- 9.5.3 Upon receipt of a Notice of Appeal, the Institutional Registrar must forward a copy of such Notice to the Chairperson of the SDC who adjudicated the charge, who within 10 days must compile a response to the grounds for appeal and submit it to the Institutional Registrar for submission to the Chairperson of the SDAC and to the other parties, i.e. the student and the Initiator. The student and the Initiator may submit a reply thereto to the SDAC within seven (7) days.
- 9.5.4 When an appeal is lodged against a decision of the SDC in terms of Chapter 9, the enforcement of any disciplinary measure imposed by the SDC is automatically suspended pending the outcome of the appeal.
- 9.5.5 An appeal will be decided based on the record of the proceedings of the SDC, together with any document(s) and exhibit(s) submitted during the SDC hearing, save where new evidence has come to light, in which case the new evidence may be presented to the SDAC. The decision whether to allow such allegedly new evidence will be that of the Chairperson of the SDAC.
- 9.5.6 The SDAC may, in its discretion, request the student and the Initiator to lead evidence and/or make submissions in respect of any matter it may consider relevant.

- 9.5.7 The SDAC shall consider the record of the SDC, any new evidence, and the representations of the student and the Initiator. After considering an appeal, the SDAC may uphold, review, reverse, nullify or substitute its own decision for the decision of the SDC in any respect.
- 9.5.8 Prior to reaching a final decision concerning the appeal, the SDAC may refer any question pertaining to the hearing of the SDC back to the SDC concerned and order that a report be submitted, in which case the student and the Initiator shall be given a copy of the question/s and the report, and have the opportunity to make representations in connection therewith to the SDAC.
- 9.5.9 The SDAC will not increase any sanction(s) imposed by the SDC unless the SDAC has given the accused student prior reasonable written notice of its intention to do so and has further considered the appellant's written representations, if any, in this regard.
- 9.5.10 All SDAC decisions are final and there is no further forum for appeal within STADIO structures after the SDAC.

## **10. REPORTING AND DISCLOSURE OF FINDINGS**

- 10.1 If a student in respect of whom the SDC has imposed a sanction or the Initiator fails to exercise his/her right of appeal as set out in Chapter 9, the Institutional Registrar shall do all things necessary to implement the decision of the SDC.
- 10.2 If a student in respect of whom the SDC has imposed a sanction exercises his/her right of appeal as set out in Chapter 9, the SDAC will submit a written report on the matter after disposing of the appeal to the Institutional Registrar who shall do all things necessary to implement the decision of the SDAC.
- 10.3 Final decisions in respect of student disciplinary hearings may be made public (without identifying a student) by any other means determined by the Institutional Registrar, save where exceptional circumstances are found to exist.
- 10.4 The Institutional Registrar shall maintain a central register of all disciplinary proceedings and sanctions.

- 10.5 The CEO shall at any time be entitled to request and to be provided with a report/feedback on a disciplinary matter pending before the SDC or SDAC.

## **11. SAFEKEEPING OF THE RECORD OF PROCEEDINGS**

- 11.1 All documents and records pertaining to a disciplinary matter will be kept in safe custody by the Institutional Registrar. A student or person authorised by the student is, however, entitled to receive copies of such documents and records at his/her own expense.

- 11.2 Such documents and records will be held by STADIO for a period of three years after a matter has been finalised.

## **12. COMMENCEMENT OF THIS CODE**

- 12.1 This Code and any amendment hereto comes into operation on the date on which it is approved by the Board of STADIO.

- 12.2 This Code is the relevant Code for all students registered at STADIO from the commencement date of this Code or any amendment hereto and repeals all previous Student Disciplinary Codes, policies and procedures that may have been previously adopted and utilised.

## **13. REVIEW**

- 13.1 This Code shall be reviewed in a three-year cycle.

- 13.2 No amendments to this Code shall be made save in consultation with the Senate.

## **14. OPERATIONAL GUIDELINES**

For the purposes of ensuring consistency in sentencing, minimum and maximum sanctions to be imposed by the SDC and SDAC will be in place for consideration by the Committees.

## ANNEXURE “A”

### GUIDELINES FOR SANCTIONS TO BE IMPOSED FOR ACTS OF MISCONDUCT AS PER CHAPTER 13 (A) OF A STUDENT DISCIPLINARY CODE

#### Purpose

The purpose of these guidelines is to provide members of the SDC panel with a yardstick against which to measure the penalty to be imposed. The Guidelines are a measure to provide uniformity in the sanctioning processes. However, these guidelines are not intended to be prescriptive and members of the panel will always have the right to accept or reject, increase or lower the sanctions set out in the guidelines with fully substantiated reasons. The guidelines must be made available to all members of the panel at the disciplinary proceedings.

When considering an appropriate sanction, the SDC must take into account all the mitigating and aggravating factors presented by both parties during the hearing and consider the said sanction on a case-by-case analysis:

1. A student who:

- 1.1 Intentionally or negligently contravened or subverted, or attempted to contravene or subvert, or assisted, encouraged or persuaded any other person to contravene or subvert a code, regulation or instruction of STADIO

Sanction:

In such cases the matter will be have to be judged on the facts and circumstances of each case and the nature of the misconduct that has been perpetrated.

- 1.2 Refused or failed to comply with a lawful instruction or request of an employee of STADIO authorised to give such instruction or make such request, acts contrary to such instruction or request

Sanction:

The sanction will be determined by the nature of the request or instruction that was disobeyed.

1.3 Committed any statutory or common law crime while on the premises of STADIO

Sanction:

The sanction will be determined by the seriousness of the crime. The crime must also be reported to the nearest SAPS as soon as possible.

1.4 Intentionally or negligently misused, damaged, defaced, destroyed or alienated, or without authorisation, used any building, furniture or equipment, computer, vehicle, notes, documents or any other property owned or controlled by STADIO or by any employee of STADIO, or by any registered student of STADIO

Sanction

The guilty student shall be liable to receive:

- (i) a warning; and/or
- (ii) a fine; and/or
- (iii) payment of compensation for the damage caused and/or repairs of/restores any property damaged by his/her conduct.

The extent of the punishment will be determined by the facts of the case and the seriousness of the misconduct.

1.5 Intentionally or negligently mismanaged and/or misappropriated funds of STADIO

Sanction

(a) If a student is found to have acted intentionally, s/he shall be liable to receive:

- (i) a fine; and/or
- (ii) payment of compensation for all losses sustained; and/or
- (iii) prevention from holding any office at STADIO which would involve working with institutional finances and financial management; and/or

(iv) denial of the privilege to register or enrol again as a student at STADIO for a minimum period of one year and a maximum period of two years.

(b) If a student is found to have acted negligently, s/he shall be liable to receive:

- (i) a fine and/or
- (ii) payment of a compensation for all losses sustained; and/or
- (iii) prevention from holding any office at the STADIO which would involve working with institutional finances and financial management.

1.6 Introduced intoxicating liquor on to the premises of STADIO without consent of the CEO (or a person duly authorised by the CEO)

Sanction

- (a) If the liquor is introduced onto the STADIO premises for the purposes of consumption, the following sanction will apply:
  - (i) A fine; and/or
  - (ii) Denial of the privilege to register or enrol again as a student at the STADIO for a period maximum of one year, which sanction shall be suspended for one year. Should the accused student be found guilty of any misconduct involving alcohol during the period of the suspended sentence, the sanction shall become immediately effective.
- (b) If the liquor is introduced on to the STADIO premises for the purposes of dealing, the following sanction will apply:
  - (i) A fine; and/or
  - (ii) Denial of the privilege to register or enrol again as a student at STADIO for a maximum period of one year.

(c) Consumed or abused intoxicating liquor while on the premises of STADIO

Sanction

A student found guilty of such misconduct will be liable to receive:

- (i) A warning; and/or
  - (ii) A fine
- (d) Under the influence of such liquor while on the premises of STADIO

Sanction

A student found guilty of such misconduct will be liable to receive:

- (i) a warning; and/or
- (ii) a fine.

1.7 Introduced an illegal dependence-producing substance (as defined in section 1 of the Drugs and Drug Trafficking Act, 1992 as amended) onto the premises of STADIO; or is found to have been in possession of such illegal substance or is under the influence of such substance while on the premises of STADIO

Sanction

- (a) if the illegal dependence-producing substance is introduced onto the STADIO premises for the purposes of CONSUMPTION, the following sanction will apply:

- (i) A fine; and/or
  - (ii) Denial of the privilege to register or enrol again as a student at STADIO for a maximum period of one year, which sanction shall be suspended for one year. Should the accused student be found guilty of any misconduct involving illegal dependence-producing substances during the period of the suspended sentence, the sanction shall become immediately effective.
- (b) if the illegal dependence-producing substance is introduced onto the STADIO premises for the purposes of DEALING, the following sanction will apply:
- (i) A fine; and/or
  - (ii) Denial of the privilege to register or enrol again as a student at the STADIO for a maximum period of one year.

## 1.8 Without proper authorisation

1.8.1 brought onto or stored on the STADIO premises a firearm, other dangerous weapon, or a fuel that cannot reasonably be shown to be required for the operation of a motor vehicle, a generator or any explosive devices

### Sanction

- (i) A fine; and/or
- (ii) Denial of the privilege to register or enrol again as a student at STADIO for a maximum period of one year, which sanction shall be suspended for one year. Should the accused student be found guilty of any misconduct involving bringing onto or storing on STADIO premises a firearm, other dangerous weapons or the fuel during the period of the suspended sentence, the sanction shall become immediately effective.

1.8.2 Allowed or arranged a firearm, other dangerous weapon, or a fuel that cannot reasonably be shown to be required for the operation of a motor vehicle, a generator or any explosive devices

### Sanction

- (i) A fine; and/or
- (ii) Denial of the privilege to register or enrol again as a student at STADIO for a maximum period of one year, which sanction shall be suspended for one year. Should the accused student be found guilty of any misconduct involving bringing



onto or storing on the STADIO premises a firearm, other dangerous weapons or fuel during the period of the suspended sentence, the sanction shall become immediately effective.

- 1.9 Sexually or otherwise harassed any person (as defined in a student Sexual Harassment Policy, while on the STADIO premises

Sanction

The sanction will be determined by the nature of the misconduct.

- 1.10 Acted in a racist manner towards any person while on the STADIO premises

Sanction

The sanction will be determined by the nature of the misconduct.

- 1.11 Committed an indecent act while on the STADIO premises

Sanction

- A warning; and/or
- A fine; and/or
- Denial of the privilege to register or enrol again as a student at the STADIO for a period of one maximum year, which sanction shall be suspended for one year. Should the accused student be found guilty of any misconduct involving indecent acts while on the STADIO premises during the period of the suspended sentence, the sanction shall become immediately effective.

The sanction to be imposed will be determined by the facts of the case and the seriousness of the misconduct.

- 1.12 Unlawfully expressed, published or disseminated in speech, writing, print or other medium on the STADIO premises any views, beliefs or ideology that infringe upon the dignity or other human rights of any student or groups of students, or any STADIO member of the staff, or person invited by STADIO as a guest

Sanction

- (i) A student must be directed to provide a formal apology to the person(s) or group offended; and/or
- (ii) A warning; and/or
- (iii) A fine; and/or

- (iv) Denial of the privilege to register or enrol again as a student at STADIO for a maximum period of one year, which sanction shall be suspended for one year. Should the accused student be found guilty of any misconduct involving a publication or dissemination of material(s) that infringes the dignity or other human rights of any member of STADIO during the period of the suspended sentence, the sanction shall become immediately effective.

The extent of the punishment will be determined by the facts of the case and the seriousness of the misconduct.

- 1.13 Without the written permission of the CEO or duly authorised person used the name of STADIO, or used or displayed the logo of STADIO

Sanction

The sanction to be imposed will be determined by the facts of the case and the seriousness of the misconduct in addition to the intention of a student concerned.

- 1.14 Convened an assembly on the STADIO premises without obtaining the prior written consent from the CEO or the person duly authorised by him or her or attended a gathering prohibited by the CEO

Sanction

- (i) A warning; and/or
- (ii) A fine; and/or
- (iii) Denial of the privilege to register or enrol again as a student at STADIO for a period of one year, which sanction shall be suspended for one year. Should the accused student be found guilty of any misconduct involving assembly convened or attend a prohibited gathering without obtaining a required prior written consent from the CEO during the period of the suspended sentence, the sanction shall become immediately effective.

- 1.15 Knowingly made a false statement about STADIO or otherwise intentionally provided materially false information to anyone inside or outside of STADIO about STADIO.

Sanction

- (i) A warning; and/or
- (ii) A fine; and/or
- (iii) Refusal of admission to an examination for a subject(s) relating or affected by the false information provided; and/or
- (iv) Annulment of examination results and/or withdrawal of a credit(s) obtained in a study module(s) affected by the false information provided; and/or

- (v) Denial of the privilege to register or enrol again as a student at STADIO for a minimum period of three years and a maximum period of five years.
  - (vi) Revocation of a degree, diploma or other qualification obtained from STADIO based on the information provided; and/or
  - (vii) The sanction to be imposed will be determined by the facts of the case and the seriousness of the misconduct in addition to the intention of a student concerned.
- 1.16 Intentionally or negligently tendered or presented to any employee of STADIO any document which s/he knows or ought to reasonably know to be false or a forgery and which caused or has the potential to cause prejudice to the administrative, financial or academic interest of STADIO
- Sanction
- (i) Refusal of admission to an examination for a subject(s) relating or affected by the false information provided; and/or
  - (ii) Annulment of examination results and/or withdrawal of a credit(s) obtained in a study module(s) and/or courses affected by the false or forged information provided; and/or
  - (iii) Denial of the privilege to register or enrol again as a student at STADIO for a minimum period of three years and a maximum period of five years.
  - (iv) Depending on the seriousness of the misconduct, expulsion from STADIO as a student.
  - (v) Revocation of a degree, diploma or other qualification obtained from STADIO based on the information provided; and/or
- 1.17 Accepted or offered a bribe to students, employee of STADIO and/or any other official of STADIO
- Sanction
- (i) Depending on the seriousness of the misconduct, a suspension carrying a minimum period of 12 months and a maximum period of three years; and/or
  - (ii) Prevention from holding any office at STADIO; and/or
  - (iii) Depending on the seriousness of the misconduct, expulsion from STADIO
- 1.18 Reproduced or transmitted in any form or manner, whether electronically or mechanically (including photocopying and faxing), any study/learner guide(s), book(s), thesis/dissertation, article(s), examination paper(s), lecture or any other study aids in respect of which copyright exists, unless the copyright owner's permission for the reproduction or transmission is obtained
- Sanction
- Depending on the seriousness of the misconduct,

- (i) warning; and/or
- (ii) a fine; and/or
- (iii) depending on the seriousness of the misconduct, a denial of the privilege to register or enrol again as a student at STADIO for a minimum period of one year and a maximum period of three years.

1.19 Contravened the provisions of the Copyright Infringement and Plagiarism as fully indicated and as distributed to all students with each module

Sanction

- (i) If it is in relation to a portion of work in an assignment, forfeiture of the marks for the said parts found to have been copied and/or plagiarised; and/or
- (ii) If it is in relation to a portion of work in an examination, forfeiture of the marks for the said parts found to have been copied and/or plagiarised; and/or
- (iii) If it is in relation to the whole assignment, forfeiture of the marks for the whole assignment as copied and/or plagiarised; and/or
- (iv) If it is in relation to the whole examination, forfeiture of the marks for the whole examination as copied and/or plagiarised; and/or
- (v) Cancellation of a student's registration for the module(s) or subjects in question and forfeiture of any amount(s) already paid or due for the said module(s); and/or
- (vi) In cases of repeated offenders, denial of the privilege to register or enrol again as a student at STADIO for a minimum period of three years and a maximum period of five years.

1.20 Behaves in a way that leads or led to:

- (i) the good name and reputation of STADIO being impaired,
  - (ii) the maintenance of order, discipline and security of STADIO being prejudiced or imperilled,
  - (iii) the tuition, research and administration processes and general STADIO activities being prejudiced or imperilled,
- and was or should have reasonably foreseen at the time when such behaviour occurred

Sanction

The penalty will be determined by the nature of the misconduct.

1.21 Is found to have STOLEN, SOLD, AND/OR DISTRIBUTED any examination paper(s) before the scheduled examination

Sanction

- (i) Denial of the privilege to register or enrol again as a student at STADIO for a minimum period of three years and a maximum period of five years.
- (ii) In cases of repeated offenders, expulsion from STADIO as a student.

1.22 Is found to have been in POSSESSION of stolen examination paper(s) and/or distributed any examination paper(s) before the scheduled examination

Sanction

- (i) Denial of the privilege to register or enrol again as a student at STADIO for a minimum period of three years and a maximum period of five years.
- (ii) In cases of repeated offenders, expulsion from STADIO as a student.

## IN RELATION TO ASSESSMENTS

1.23

(a) Is found guilty of cheating in any STADIO assessments, to include examinations and assignments:

Sanction

- (i) Where a student is found in POSSESSION of unauthorised material in the exam venue and there is no evidence that a student used or intended to use the notes, the sanction imposed is:
  - (a) a written warning
  - (b) denial of the privilege to register or enrol again as a student at STADIO for a period of six months.

Sanction

- (ii) Where it is proved that a student USED the unauthorised material, the sanction imposed is:
  - (a) cancellation of the credit if a student passed the module or a fine equivalent to the cost of the module if a student failed the module in question; and/or
  - (b) denial of the privilege to register or enrol again as a student at STADIO for a period of one year and/or;

- (c) in cases of a repeated offender, denial of the privilege to register or enrol again as a student at STADIO for a period of two years.

The nature of the unauthorised material is relevant in determining use or intention to use. If there is a clear indication of intention to use, then the sanction must be dealt with as for USE – even if the invigilator did not actually see a student using the said materials.

- (iii) If it is proven that a student threatened the invigilator (s), this is an aggravating factor and a period of six months' suspension must be added to the sanction that would normally be imposed for POSSESSION or

- (iv) However, the sanction imposed for a student's threatening misconduct is not subject to suspension and will run consecutively with any other sanction imposed.

#### Sanction

In instances of a repeat offender

- (v) For POSSESSION, the period of suspension for the first offence becomes effective and a student must be suspended for a further minimum period of six months and a maximum period of three years.

- (vi) For USE – taking into account the first offence, a student may be expelled from STADIO as a student.

- (b) is found to have an unauthorised removal or attempted to remove from an examination room any examination book or writing paper supplied by STADIO for the purposes of answering an examination paper,
- (c) used false name, identity or student number in an examination,
- (d) submitted for examination as own any material/documentation that has been copied, reproduced, or extracted in whole or in part from the work of another or some other person, or which is substantially the same in whole or in part as the work of another student,
- (e) intentionally or negligently assisted another to cheat as defined in clause 2.2 of the students' Disciplinary Code,
- (f) committed any fraudulent or dishonest practice whereby a student, while being examined by STADIO, sought to mislead or deceive the examiner or the examination officer or the invigilator.

#### Sanction

- (i) In cases of a student who is found guilty of cheating in an examination, cancellation of the credit if a student passed the module or a fine equivalent to the cost of the module if a student failed the module in question; and/or

- (ii) a denial of the privilege to register or enrol again as a student at STADIO for a minimum period of one year and a maximum period of two years.
- (iii) In cases of repeated offenders, a denial of the privilege to register or enrol again as a student at STADIO for a maximum period.

