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# STUDENT CODE OF CONDUCT

## 1. INTRODUCTION

The HC Group and its subsidiaries subscribe to a Code of Business Conduct and Ethics aimed to guide and support students. HC Varsity's Student Code of Conduct has been created with the aim of ensuring a learning environment that not only nurtures learning and Academic excellence but also has a positive impact on our students' personal development.

The fundamentals of the Student Code of Conduct is:-

Passion, dedication and commitment means that we must: Be passionate about our work and committed to achieving our goals, committed to providing our students with the best possible training, and always be looking for innovative and creative ways to improve, whilst constantly striving to break new ground.

Accountability means that we must: Be prepared to take responsibility for our work, make commitments, find solutions and be held accountable for delivery and results.

Integrity means that we must: Be honest, trustworthy, consistent, and open, and always act in accordance with the highest ethical standards.

Respect means that we must: Actively listen to others, respond appropriately to what they have to say, work effectively with diverse people, and be willing to learn from others.

The Code of Ethics is included in the student Induction documentation.

The Student Code of Conduct Policy identifies those behaviours considered unacceptable and not permitted for all learners of HC Varsity while on HC Varsity owned or controlled property, while on professional practice assignment, or while representing HC Varsity in the community.

The policy ensures the fair treatment of all students as well as to regulate standards of conduct and incapacity of students within HC Varsity. The aim of the discipline is to correct unacceptable behavior and adopt a progressive approach. This also creates certainty and consistency in the application of discipline.

Emphasis is placed on both student justice and the Academic honesty.

Although discipline in general can be applied according to these provisions, it should be noted that departure from these norms may be justified in proper circumstances.

The procedure does not cover every possible transgression that may occur, therefore the disciplinary code is regarded as a guideline and its interpretation must be adequately flexible in order to adjust to various circumstances

The *Code* applies to individual students and student groups/organizations and is used to enforce HC Varsity's policies and regulations.

The Student Code of Conduct addresses general student conduct, including academic responsibilities. The Code details the fundamental fairness and process requirements for student conduct proceedings; it does not duplicate or replace the purposes of the Academic Integrity Policy or the policies of HC Varsity Service Providers.

Charges may be initiated against students for alleged violations of Professionals Standards or Ethics as a separate issue or as an extension of alleged acts of academic dishonesty or violations of the Student Code of Conduct.

## **2. PARTIES OBLIGATIONS**

HC Varsity needs to ascertain that all students are aware of the rules and the reasonable standards of behavior that are expected of them while attending HC Varsity.

The student accepts the responsibility to comply with the Disciplinary Code and the Rules and Regulations of HC Varsity, accepts the fact that security checks may be done on all persons entering or leaving the premises of HC Varsity and that random checks may be done on any person on the premises at any specific time

The Managing Director is responsible for all matters of student conduct. In addition, students play a major role as their feedback is utilized in the formulation of the rules for student conduct.

## **3. INTERPRETATION AND REVISION**

Any questions of interpretation regarding the *Code* shall be referred to the Managing Director for final determination.

The *Student Code of Conduct* shall be reviewed annually under the direction of the Managing Director. Students and other college community members may make policy suggestions directly to the Managing Director

#### 4. CORRECTIVE COUNSELLING VERSUS DISCIPLINARY ACTION

There is a difference between Corrective Counselling and Disciplinary action.

Corrective counselling will be appropriate where the student is not performing to a standard or is not aware of the rule regulating conduct and/or where the breach of the rule is relatively minor and can be condoned.

Disciplinary action will be appropriate where a breach of the rule cannot be condoned, or where counselling has failed to achieve the desired effect.

Before deciding on the form of discipline, Management must meet the student in order to explain the nature of the rule she/he is alleged to have breached. The student should also be given the opportunity to respond and explain his/her conduct. If possible an agreed remedy on how to address the conduct should be arrived at.

#### 5. FORMS OF DISCIPLINE

Disciplinary action can take a number of forms, depending on the seriousness of the offence and whether the employee has breached the particular rule before. The following forms of discipline can be used (in order of severity). Please refer to “Sanctions” indicated in the Disciplinary Procedure for additional information:

- Counselling – First minor offences
- Given a “O” rating for a component in a course.
- Fine
- Suspension from the course for no longer than 1 year – Second minor offence and/or Serious misconduct
- Suspension from HC Varsity for a period not exceeding three years

No student will be suspended from HC Varsity before a hearing is held. However, the Managing Director may determine the need for a temporary suspension which will serve to prohibit such student from: entering onto the premises, or any part thereof, and/or exercising a right or privilege resulting from his/her enrolment as a student.

A temporary suspension remains in force for the period not exceeding thirty days or until the disciplinary proceedings in terms of this Code have been completed, whichever instance may first occur. The suspended student may make written representations to the Managing Director within five days of receipt of written notice of his/her suspension, advancing reasons why he/she should not be suspended. The Managing Director may at his/her discretion revoke a suspension at any time, provided that, notwithstanding such revocation, further steps may be taken to proceed with the disciplinary hearing on the charge of misconduct against the student. The Managing Director may, at his/her discretion, also confirm the suspension.

- Expulsion – in the event of a student being found guilty of a criminal act.

HC Varsity will establish how serious an offence is, with reference to the disciplinary rules. If the offence is not serious, informal disciplinary action can be taken by giving the student a verbal warning.

Formal disciplinary steps would include Counselling and the other forms of discipline listed above.

## **6. VIOLATIONS UNDER THE CODE**

Specific violations are listed as examples only. Individual students and student groups/organizations are expected to exercise good judgment and discretion in their actions at all times.

It needs to be noted, that although the list below may indicate a transgression as Major or Minor, each transgression will be viewed on its merit for instance:-

Disruption of Classes:

- The students tends to be excessively talkative – this will be viewed as a Minor transgression however.
- The student interferes with the lecturer and/or other students resulting in students not being able to complete work – this will be viewed as a Major transgression.

### **6.1. MINOR TRANSGRESSIONS.**

- Continual late arrival for classes
- Non-attendance of classes.
- Facilitating or accepting improper behavior; (depending on the seriousness of the transgression, the student transgression may be reviewed as a major transgression)
- Assisting in the violation of College policies; (depending on the seriousness of the transgression, the student transgression may be reviewed as a major transgression)
- Disruption of Classes - Knowingly or recklessly disrupting, obstructing, or interfering with teaching, research, administration or disciplinary proceedings.
- Conduct which is disorderly;
- Disruption of College operations;
- Obstruction of freedom of movement of community fellow students members or visitors;

### **6.2. MAJOR TRANSGRESSIONS**

- Possession or consumption of alcohol or drugs at HC Varsity;
- Arriving at HC Varsity while under the influence of alcohol or drugs.
- Possession of firearms or other weapons (including but not limited to firecrackers, firearms, knives, pellet guns etc.);
- Falsifying documentation
- Misuse of access privileges to HC Varsity premises;
- Misuse of HC Varsity property or organization names and images;
- Possession of stolen property;
- Providing false information to any member of HC Varsity
- Theft;

- Threatening or causing physical harm or harassment;
- Non-consensual sexual acts;
- Conduct which disturbs the peace of the community;
- Trespass on College property or premises, without authorization;
- Hate crimes,
- Abuse,
- Interference,
- Misuse of HC Varsity computing facilities, passwords, accounts, or information.
- Obtaining unauthorized access to the computer files of another person or agency, and/or altering or destroying those files.
- Failure to evacuate during an emergency and/or failing to identify oneself to any lawful person when requested to do so. Failure to allow security staff to search property and self.
- Knowingly make false charges or allegations including testimony at disciplinary hearings.
- Knowingly causing, making, or circulating a false report or warning of a fire, explosion, crime or other catastrophe or emergency, e.g. activating a fire alarm.
- Academic Dishonesty -
  - Submission of work not completed by the student
  - Dishonesty during Exam sessions and/or submission of Assessments
  - Presentation of data or other work that has been copied, falsified or in other ways obtained improperly.
  - Inclusion of material in individual work that includes significant assistance from another person.
  - Knowingly helping, or encouraging another person to engage in academic misconduct.
  - Use and/or possession of unauthorized material or technology during an examination (any written or oral work submitted for evaluation and/or grading), such as tape cassettes, notes, tests, calculators, cellphones or computer programmes.
  - Possessing, using, distributing, or selling unauthorised copies of an examination, or computer program.
  - Representing, as one's own, an examination taken by another person.
  - Taking an examination in the place of another person.
  - Submitting as one's own, original work, material obtained from an individual or agency without reference to the person or agency as the source of the material.

**Note:** Under the *Code* possession is defined as having knowledge of a substance and/or being in such close proximity to the substance that it is a reasonable presumption that one had knowledge of the substance. One of the typical sanctions for a second alcohol violation or the first illegal drug violation is immediate expulsion from HC Varsity

In all cases, HC Varsity shall reserve the right to require counselling and/or testing of learners as deemed appropriate. With respect to academic misconduct, a distinction will be made between a deliberate act and an inadvertent act occurring through unfamiliarity with academic conventions.

## 7. THE STUDENT DISCIPLINARY COMMITTEE

The Student Disciplinary Committee will consist of the relevant Academic staff member, the Managing Director

Chairperson - The Managing Director

Committee – Academic Staff Member and the Programme Officer.

Initiator – The student/staff member raising the complaint

In the case of a minor, the learner’s parent or legal guardian shall be informed wherever possible, of the charge against the learner and such parent or legal guardian may be allowed, by the committee, to attend the inquiry and to assist the learner.

In all cases, members of the disciplinary committee shall be recused for the proceedings if it is found that such member may be prejudicial to the outcome of the hearing.

## 8. DISCIPLINARY PROCEDURE

The procedure to be followed is dependent on the seriousness of the offence, the application of the Disciplinary Code will follow the stages as set out below.

### 8.1. CORRECTIVE COUNSELLING

This step will **not** apply in cases of serious misconduct.

Corrective counselling is the first step in correcting misconduct or inadequate performance, for offences not of a serious nature. Corrective counselling includes a formal counselling session.

The purpose of this will be correct poor conduct and to avoid the recurrence of mistakes and/or to enable the student to recall the required performance standards or rules of conduct.

1. The student member will attend a formal counselling session with their relevant Academic Officer.
2. Agreed out comes and deadlines of these sessions will be noted on the Counselling form.
3. The Counselling form is retained in the Students File.
4. Follow-up session is to be scheduled to review the Students members’ behavior and to ascertain if father assistance is required or further disciplinary action.
5. A Counselling form is to be completed for each counselling session

## **8.2. VERBAL WARNINGS**

This will be issued for minor offences such as late arrival for classes.

This will normally be the first formal action instituted against and Student for contravening minor transgressions as indicated in the Student Code of Conduct

1. The student will be warned verbally, in private, by the Academic Officer.
2. The student will be given full reasons for the warning and will be told what forms of action should be taken to correct or to prevent the recurrence of the same offence. (Use Counselling Forms).
3. The warning will be recorded and will remain in the students' personal file.

## **8.3. INFORMAL INQUIRY**

In the event of continual misconduct and serious misconduct, a Formal Inquiry will be launched.

A student will not be formally charged with misconduct until a written and signed statement containing an accusation, complaint or allegation made against the student has been submitted to the Managing Director

The Managing Director appoints one or more persons to conduct a preliminary investigation into an accusation, complaint or allegation brought to his/her attention. The Managing Director may, at his/her discretion, conduct the investigation him/herself.

On conclusion of the Inquiry, a written report and/or charge sheet is then submitted to the Managing Director

The person(s) appointed to conduct the preliminary investigation may consult with or obtain information from any person, including the student against whom the accusation, complaint or allegation has been made.

If the Managing Director is of the opinion that there are reasonable grounds for a charge of misconduct and that the misconduct is of a serious nature, the Formal Inquiry procedure will commence

If the Managing Director is of the opinion that an alleged misconduct of a student constitutes a minor contravention of the Code, the Managing Director may exercise his/her discretion to decide what further steps should be taken in response to the alleged misconduct.

#### **8.4. FORMAL INQUIRY PROCEDURE**

When proceedings against a student are instituted subsequent to the Initial Inquiry, the Managing will give the student concerned not less than 48 Hour notice in writing of the date, time and place of the hearing.

The Notice under this rule will inform the student:

- That proceedings under the Students' Disciplinary Code are to be instituted against him/her and that a copy of the Code is available for inspection at Reception
- Of the Rule that the student is alleged to have breached and/or the act(s) of misconduct that the student is alleged to have committed. The Notice must set out the charge with sufficient particularity to enable the student to prepare for his/her defence
- Of his/her right to answer the charge in writing at least four days before the hearing,
- Of his/her right to attend the hearing to present his/her case, or to be represented at the hearing by another student, or an employee of HC Varsity
- 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 Committee, 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 Committee void if the student is not so assisted on the date set for the hearing.

General procedures at the hearing of a charge of misconduct

- All hearings are closed meetings
- The initiator leads evidence against the accused student and generally conducts the case for the HC Varsity.
- The Committee allows the student or such person representing the student a reasonable opportunity to present a defence and to answer the charges.
- 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 Committee may also ask the witnesses questions for clarity.
- The Committee may further, of its own accord, call for evidence that it may deem relevant to a determination of the issue(s) before it.
- The hearing of the Committee is conducted in an informal manner, according to the principles of natural justice and with due regard for the rights of the accused student. No accused student will be prejudiced by reason of a failure to comply with the rules of procedure or rules of evidence as applied in the ordinary courts.



- If the 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 Committee in person.

## 9. Sanctions

- When considering an appropriate sanction, the Committee 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 Committee 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. And still further, it is noted that the Committee is also bound by the rules of administrative law and natural justice and the principles of precedent.
- After finding a student guilty of misconduct, the Committee may impose one or more of the following sanctions:
  - Revocation of a qualification obtained from HC Varsity in an improper manner;
  - A written reprimand and/or warning;
  - Denial of a right or privilege resulting from enrolment as a student at HC Varsity
  - A Fine not exceeding twice the annual tuition fee for the full first year of study of the qualification for which the student is registered;
  - Payment of compensation or requiring the accused student to repair the damage caused by his/her misconduct;
  - Denial of the right or privilege to register for a particular study module or course offered by HC Varsity;
  - Annulment of examination results and/or withdrawal of a credit(s) obtained in a study modules and/or courses;
  - Refusal of admission to an examination for a specified period;
  - Confirmation of the temporary suspension of a student, and/or the suspension of the student for a specified period or further period subject to any condition(s) which the Committee deems reasonable;
  - Denial of the privilege to register or enrol again as a student at HC Varsity for a specified period;
  - Any other appropriate sanction(s) which the SDC deems suitable in the particular circumstances;
  - 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 HC Varsity, forfeits any claim for repayment, reduction or remission of moneys paid or payable to HC Varsity.

- All documents and tape recordings, pertaining to a disciplinary matter, will be kept in safe custody by the Managing Director. A student is, however, entitled to receive copies of such documents and tape recordings at his/her own expense. Such documents and tape recordings will be held by HC Varsity for a period of three years after a matter has been finalised.

### **9.1. IMPLEMENTATION OF FINDINGS OF THE COMMITTEE**

If the Committee finds an accused student:

- Guilty - the student is notified in writing of the finding and the sanction(s) imposed by the Committee. In the Notice, the student is further informed of his/her right to appeal against the finding(s) and/or the sanction(s) imposed;
- Not guilty, the student is notified in writing of the finding of the Committee.
- If the 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 Committee in person. 9.

## **10. APPEALS**

- A student who has been found guilty of misconduct may, within fourteen days of being informed of the finding of the Committee, may lodge a written Notice of Appeal with the Managing Director, provided that a student who has been found guilty of misconduct. As student who pleaded guilty to the charge against him/her has no right of appeal against such finding, but may still appeal against the sanction.

The appellant furnishes, in writing, detailed grounds for his/her appeal

- When an appeal is lodged against a decision of the Committee, the enforcement of any disciplinary measure imposed by the Committee is deferred by the Managing Director, pending the outcome of the appeal.
- An appeal will be heard solely on the grounds of the record of the proceedings of the Committee, together with any document(s) and exhibit(s) submitted during the hearing, save where the appeal is based on a material irregularity that is alleged to have occurred in the course of the proceedings but does not appear as such from the record.
- After considering an appeal the Managing Director may:
  - Dismiss the appeal and uphold the decision of the Committee in its entirety or in part,
  - Allow the appeal and set aside the decision of the Committee in its entirety or in part,
  - Amend the decision of the Committee,

- Prior to reaching a final decision concerning the appeal, the Managing Director may refer any question pertaining to the hearing of the Committee back to the Committee concerned and order that a report be submitted.
- The Managing Director will not increase any sanction(s) imposed by the Committee unless the Managing Director 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.
- There is no further forum for appeal within HC Varsity structures after the appeal to the Managing Director.