Student Disciplinary Policy

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1. Policy Statement

Aligned with MANCOSA's vision of "Education for a better world for all" and its mission of "Impacting lives through innovative education," this policy establishes a clear, enforceable standard for student conduct. It prescribes the expectations for behaviour from all students, ensuring adherence to principles of mutual respect, academic integrity, and accountability. The Student Disciplinary Policy provides a structured and binding process for addressing and managing student misconduct, reinforcing MANCOSA's commitment to maintaining a disciplined and ethical learning environment.

This policy articulates MANCOSA's commitment to undertaking support and remediation efforts for students to understand and commit to the provisions and expectations with respect to student conduct, behaviour and discipline communicated in MANCOSA's Student Code of Conduct, Institutional Rules, and Student Disciplinary Policy.

While MANCOSA has adopted a remediative, communicative, and supportive approach to ensure that students understand and abide by the provisions of the Student Code of Conduct and Student Disciplinary Policy, the institution will, where relevant, enforce relevant disciplinary measures or undertake disciplinary enquiries for incidents of student misconduct as outlined in the policy below, which may result in punitive sanctioning, including formal warnings, suspension or expulsion. This Policy applies to all students enrolled at MANCOSA.

Objectives of the Policy

The objectives of the policy are to:

- Define clear expectations for student behaviour during their registration at MANCOSA, as well as address any disciplinary matters involving alumni where institutional policies or ethical standards were violated during their period of study.
- Establish a fair, impartial, and transparent process for addressing incidents of misconduct; and

- Foster a culture of accountability amongst MANCOSA students and encourage them to take responsibility for their actions and understand the consequences of violations of institutional rules or policies.

2. Policy Background

The MANCOSA Student Disciplinary Policy is framed within the legislative and regulatory context governing higher education in South Africa. While specific directives on student disciplinary matters are limited, several key documents and legislative frameworks provide foundational principles and guidelines for this policy.

Constitution of the Republic of South Africa, 1996

The Constitution, as the supreme law of South Africa, establishes the rights and responsibilities of all citizens. Section 29(1) guarantees the right to education, emphasising equitable access and fair treatment within educational institutions. The Bill of Rights further highlights the principles of equality, human dignity, and freedom, which are critical in developing disciplinary policies that are fair, transparent, and respectful of individual rights (Constitution of the Republic of South Africa, 1996).

Higher Education Act, 1997 (Act No. 101 of 1997)

The Higher Education Act provides the regulatory framework for governance and operations in the higher education sector. It requires institutions to establish governing bodies and institutional statutes to oversee academic and disciplinary matters, ensuring that such policies promote academic integrity and uphold institutional order (Higher Education Act, 1997).

Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)

The Promotion of Administrative Justice Act (PAJA) ensures that administrative actions, including those within higher education institutions, are lawful, reasonable, and procedurally fair. In the context of student disciplinary procedures, PAJA mandates that affected individuals are afforded the right to a fair hearing, reasons

for decisions, and an opportunity to appeal. This Act reinforces the principles of transparency, accountability, and justice in institutional governance (PAJA, 2000).

Regulations for the Registration of Private Higher Education Institutions, 2016

The Department of Higher Education and Training (DHET) regulations require Private Higher Education Institutions (PHEIs) to develop policies and procedures for addressing staff and student grievances and complaints (DHET, 2016). While these regulations do not explicitly address disciplinary matters, their emphasis on fair and transparent grievance procedures underscores the importance of clear and equitable processes for resolving student issues.

Good Practice Guide on Student Engagement in Quality Assurance and Promotion in Higher Education, 2023

The Council on Higher Education (CHE) highlights the importance of student participation in quality assurance through its Good Practice Guide on Student Engagement. This guide advocates for student involvement in the formulation and review of policies affecting them, including disciplinary procedures. Such engagement promotes transparency, accountability, and the quality of governance within higher education institutions (CHE, 2023).

Institutional Context

Aligned with the Constitution, the Higher Education Act, PAJA, DHET regulations, and CHE guidelines, MANCOSA affirms its commitment to principles of fairness, transparency, and student engagement in its disciplinary processes. The Student Disciplinary Policy is designed to balance institutional objectives with the rights and responsibilities of all stakeholders, fostering an environment conducive to academic excellence and personal growth. By integrating constitutional and legislative values and embracing good practices, MANCOSA strives to uphold a disciplinary framework that is just, effective, and reflective of the highest standards in higher education governance.

3. Definitions

Academic Integrity: Academic Integrity refers to the commitment to honesty, ethics, and accountability in all academic activities at MANCOSA. It upholds principles of truthfulness, fairness, and respect, requiring students to produce original work, acknowledge sources, and avoid plagiarism, cheating, or any form of academic misconduct.

Academic Dishonesty: Any form of cheating, plagiarism or misrepresentation in academic work, including collusion with third parties.

Alumnus (plural: Alumni) refers to an individual who has previously been enrolled at MANCOSA and has successfully completed a qualification or programme of study. Alumni remain part of the broader institutional community and may be subject to disciplinary review if misconduct related to their period of study comes to light after graduation.

Student Code of Conduct: A document that outlines the expected behaviours and responsibilities of students while enrolled at MANCOSA. This includes academic integrity, interpersonal behaviour, and adherence to institutional policies.

Disciplinary Action: Formal, transparent and appropriate measures taken in response to alleged or prima facie violations of the student code of conduct.

Student Disciplinary Committee: A panel of faculty and administrative members who are responsible for reviewing cases of student misconduct, holding hearings, and determining appropriate sanctions.

Student Misconduct: Any student behaviour or action that has been objectively scrutinised and deemed to violate MANCOSA's Code of Conduct or institutional rules. This includes both academic and non-academic behaviour that disrupts the learning environment or violates community standards.

Restorative Justice: A method of resolving conflicts and addressing misconduct through reconciliation, where the student is encouraged to take responsibility for their actions and make amends.

Sanction: A consequence or penalty imposed on a student found guilty of misconduct. Sanctions may range from warnings to expulsion, depending on the severity of the offense.

Student: Any individual enrolled on a MANCOSA programme.

4. Policy Content

4.1 Standards of Conduct

MANCOSA upholds a standard of academic and personal conduct that reflects integrity, respect, accountability, and ethical behaviour. Students are expected to act in a manner that aligns with these principles, both within and beyond the academic environment. The following behaviours are considered misconduct, with full details regarding the types of misconduct outlined in the Student Code of Conduct and Institutional Rules, which are reviewed and updated annually:

- **Academic Misconduct**: Refers to any act that compromises the integrity of academic work, including cheating, plagiarism (including self-plagiarism), falsifying records, submitting work that is not one's own, or any form of dishonesty in assessments, assignments, or research.
- **Behavioural Misconduct**: This includes, but is not limited to, harassment, bullying, threats, violence, substance abuse, discrimination, and any form of inappropriate conduct that disrupts the educational environment.
- **Criminal Misconduct**: Students are required to comply with all national and local laws. Any criminal activity, including theft, vandalism, assault, and illegal possession of substances, will lead to disciplinary, and potentially legal action.

4.2 Disciplinary Process

4.2.1 Reporting Misconduct

MANCOSA encourages students, faculty, and staff to report any instances or allegations of misconduct to the Student Bureau under the Office of the Registrar. Reports may be submitted via email to student.disciplinary@mancosa.co.za.

Misconduct may be reported based on direct observation or second-hand information. While anonymous reports will be considered, they must contain sufficient detail and evidence to allow for a fair and thorough investigation. However, anonymity may limit the institution's ability to verify claims, gather additional evidence, or provide feedback to the complainant. Where possible, individuals are encouraged to identify themselves to facilitate a comprehensive investigation and resolution process.

All reports of misconduct will be acknowledged by the Office of the Registrar within two (2) working days of receipt, confirming receipt and outlining the next steps. Allegations of misconduct will be reviewed and investigated in accordance with established procedures to determine the appropriate course of action.

MANCOSA is committed to maintaining confidentiality and protecting complainants who fear retaliation, as outlined in the Whistleblower Protection Policy. The Office of the Registrar is responsible for documenting and overseeing all reports to ensure procedural integrity and fairness.

4.2.2 Preliminary Assessment

Upon receiving a report of alleged or potential misconduct, the Office of the Registrar will conduct a preliminary review to assess whether the report contains sufficient grounds for further investigation. The Registrar will aim to complete this review within 5 working days of receiving the report, depending on the complexity of the case.

If the complaint is found to be frivolous or without basis, it will be dismissed, and the reasons for dismissal will be documented in the case file. If the complaint is found to be valid and supported by sufficient evidence, the case will be forwarded to the Student Disciplinary Committee (SDC) for further action.

Anonymous complaints will undergo an initial review to determine whether sufficient evidence exists to warrant further investigation. Complaints lacking adequate detail or evidence may be dismissed at this stage, with reasons documented.

If an anonymous complaint involves serious allegations that pose potential risks to the institution or individuals, the Registrar may prioritise an internal inquiry, even if the available evidence is limited.

The Office of the Registrar is responsible for ensuring all evidence is reviewed, frivolous claims are dismissed, and valid cases are referred to the Student SDC for further action.

4.2.3 Enquiry and Hearing

The Enquiry and Hearing process outlines the structured steps for addressing cases of student misconduct, ensuring fairness, transparency, and adherence to institutional timelines and responsibilities:

- The SDC will convene a meeting to review the case and commence a formal Disciplinary Enquiry.
- Upon reviewing the merits of the case, the Committee will decide whether there is sufficient merit to proceed. If there is no merit, the case is referred back to the complainant along with any recommendations from the committee. If merit is established, the committee will appoint one of its members to serve as the Chairperson for the case. The appointed Chairperson must remain impartial, with no conflict of interest or prior involvement in the incident, to avoid any conflict of interest.
- A Notice of Investigation (NOI) meeting is then held with the appointed chairperson, the complainant and the alleged offender / student. In this NOI meeting the student is formally informed that there is a Disciplinary Enquiry that has been initiated due to a complaint and report of alleged misconduct.
- The student will be informed of the nature of the incident, the initial charge, and the complainant's evidence will be presented in support of the charge. During this meeting, the student will have the opportunity to respond to the charge, share their perspective, and provide any counter-evidence. All parties, including the Chairperson, may ask clarifying questions during this stage.

- Following the NOI, the Chairperson will decide whether to proceed with a formal hearing. If a hearing is warranted, the charges will be formalised, and a formal hearing must be scheduled no later than 10 calendar days after the NOI is sent.
- During the hearing, if the student pleads not guilty, the complainant will lead the charges and present evidence. The student will then have the opportunity to respond to the charges, present their own evidence, and ask or answer clarifying questions under the direction of the Chairperson.
- If the student pleads guilty or if the Chairperson arrives at a guilty verdict, the institution may present aggravating factors, while the student may present mitigating factors. These will be considered by the Chairperson in determining an appropriate sanction.
- The Chairperson will issue the final sanction following the hearing. The student will have 10 calendar days to appeal the verdict or sanction, as per the Grievances and Appeals process.
- If the Chairperson finds the student not guilty, the hearing will be adjourned, and the proceedings concluded.
- Hearings should be concluded within 21 calendar days of commencement. However, in cases involving extenuating circumstances, such as the unavailability of key participants, the need for additional evidence, or procedural complexities, an extension may be granted. If a hearing cannot be concluded within the stipulated timeframe, the Office of the Registrar must provide a written justification for the delay and communicate a revised timeline to all relevant parties.
- Throughout the process, the complainant has the opportunity to present their case and supporting evidence, while the student has the opportunity to respond to the charges and present their defense.

4.2.4 Decision

After reviewing all relevant evidence, the Student Disciplinary Committee (SDC) will issue a written decision. The Chairperson of the SDC is responsible for managing the hearing process and compiling the decision, which will include details of the misconduct, the findings, and any sanctions imposed (if applicable).

The compiled decision will be submitted to the SDC for ratification, requiring a majority vote from committee members to ensure consensus and fairness. Once ratified, the final decision must be communicated to the student within five (5) working days of ratification.

The Office of the Registrar is responsible for ensuring the timely communication of outcomes to all parties involved, including the student, complainant, and other relevant stakeholders.

4.2.5 Sanctions

Possible sanctions are detailed in the Student Code of Conduct, and include, but are not limited to:

- **Warning**: A formal warning issued to the student for minor infractions.
- **Probation:** The student is allowed to continue their studies under specific terms of probation as sanctioned by the committee and monitored by the Student Bureau.
- **Suspension:** Temporary removal from classes or academic activities for a specified period.
- **Expulsion**: Permanent removal from the institution for serious or repeated misconduct.
- **Withdrawal of Qualification:** The process of rescinding a qualification that has already been conferred.
- **Restorative Justice:** In some cases, the student may be required to undertake restorative measures as part of their sanction, including, but not limited to, making a formal apology to affected staff and / or students, undertaking an activity such as writing a reflective essay pertaining to their misconduct and disciplinary experience, or participating in conflict resolution sessions to mend relationships. Such restorative justice measures will be at the discretion of the chairperson and will require approval by the Student Disciplinary Committee before being handed down.

4.2.6 Handling Group misconduct Cases

In cases where multiple students are involved in a single incident of misconduct, the following procedures will apply to ensure fairness, accountability, and appropriate sanctions based on individual culpability:

4.2.6.1 Definition and Applicability

- Group Misconduct refers to any violation of the Student Code of Conduct involving two or more students acting collaboratively or contributing to the same incident.
- This process applies to both academic and behavioural misconduct cases involving groups.

4.2.6.2 Investigation

- **Identification and Roles:** All individuals involved will be identified, and their roles in the incident assessed through:
    - Review of evidence, including communication logs, eyewitness accounts, and institutional records.
    - Separate interviews with each accused individual to gather independent statements and prevent collusion.
- **Classification of Responsibility:** Participants will be classified as:
    - **Primary Offenders:** Those who planned, initiated, or played a leading role.
    - **Secondary Offenders:** Those who contributed to the misconduct but were not principal actors.
    - **Passive Participants:** Those who were present or marginally involved but did not actively engage.

4.2.6.3 Sanctions

- Sanctions will reflect individual culpability:
    - **Primary Offenders:** Subject to the most severe penalties, which may include suspension or expulsion.
    - **Secondary Offenders:** Sanctions may include probation, restorative actions, or mandatory ethics training.

- **Passive Participants:** May receive warnings or lighter penalties such as participation in educational workshops.

- **Group-Specific Sanctions:** In addition to individual penalties, group sanctions may include joint reparative actions, such as community service or public apologies.

4.2.6.4 Hearing Process

- Each participant will undergo their own hearing, and sanctions will be determined independently based on the evidence, merits, and specific context of their case.
- All hearings will be conducted in accordance with MANCOSA's commitment to fairness, impartiality, and procedural transparency.
- In cases where there is serious prima facie evidence of misconduct, the institution may appoint an external chairperson to oversee the hearing, ensuring an objective and unbiased process.

4.2.6.5 Appeals

- Students may submit individual appeals against their sanctions as per the Grievances and Appeals Process (4.2.4.4).
- Appeals must specify grounds of procedural or substantive unfairness in their individual case.

4.2.6.6 Monitoring and Records

- A case manager will oversee the implementation of sanctions and track compliance for each participant.
- Group misconduct cases will be documented and analysed for trends to inform future policy reviews.

4.2.7 Appeals Process

Students who disagree with the decision of the Student Disciplinary Committee have the right to appeal. Appeals must be submitted in writing to the Grievances and Appeals Committee within 10 calendar days of receiving the decision.

Appeals will only be considered if they are based on one or both of the following grounds:

Substantive Unfairness: This includes circumstances where the outcome or sanction is disproportionate to the nature of the offense or where the student can demonstrate that they were acting under the instruction of a MANCOSA staff member and inadvertently breached institutional rules.

Procedural Unfairness: This includes cases where the correct disciplinary procedures were not followed during the enquiry or hearing, resulting in a potential miscarriage of justice.

The appeal submission must clearly outline the grounds on which the appeal is being made, referencing specific instances of substantive or procedural unfairness. It is important to note that no new evidence will be considered during the appeals process. Students are expected to present all relevant evidence during the initial disciplinary hearing, as sufficient opportunity is provided for this purpose.

The GAC must review and decide on the appeal within 15 calendar days of receiving it. Possible outcomes of the appeal review include:

- Upholding the original decision;
- Modifying the sanction imposed; or
- Reversing the original decision.

The decision of the Grievances and Appeals Committee is final and binding.

4.2.8 Formal Support Structure

To ensure a fair and transparent disciplinary process, the Secretary of the SDC will serve as a formal support structure for students involved in disciplinary proceedings. The Secretary's responsibilities include:

4.2.8.1 Initial Communication

- Contacting the student upon receiving notice of the disciplinary case.

- Providing an overview of the disciplinary process, including key steps, timelines, and the student's rights and responsibilities.

4.2.8.2 Guidance and Support

- Assisting students in understanding the charges brought against them and the evidence being considered.
- Explaining the procedural requirements for hearings, including the submission of evidence and preparation for presenting their case.
- Informing students about available resources, such as the Student Code of Conduct and institutional policies relevant to their case.

4.2.8.3 Liaison Role

- Acting as the primary point of contact between the student and the SDC for procedural queries.
- Coordinating the scheduling of hearings and ensuring that students receive timely notifications and relevant documentation.

4.2.8.4 Confidentiality and Impartiality

- Ensuring all guidance provided to students is impartial and respects the confidentiality of the case.
- Avoiding any influence on the outcomes of the case by strictly adhering to the procedural and advisory role.

4.2.8.5 Follow-Up

- Providing students with a written summary of the hearing outcomes and the next steps, including the appeals process, where applicable.
- Ensuring that students are aware of their obligations under any sanctions imposed.

By incorporating this formal support structure, MANCOSA reaffirms its commitment to procedural fairness and the promotion of student understanding and accountability during disciplinary proceedings.

5. Roles and Responsibilities

5.1 Students

Students are expected to adhere to the standards set out in the Student Disciplinary Policy and Student Code of Conduct. They should be familiar with their rights and responsibilities and participate in the disciplinary process in good faith.

5.2 Office of the Registrar

The Office of the Registrar is responsible for handling reports of misconduct, conducting preliminary assessments, and liaising with the Student Disciplinary Committee. They are also responsible for ensuring that the disciplinary process is fair, transparent, and timely.

5.3 Student Disciplinary Committee

The Student Disciplinary Committee is responsible for conducting enquiries, hearings, reviewing evidence, and determining appropriate sanctions. Members of the committee are expected to remain impartial and base their decisions on the evidence presented and institutional guidelines.

5.4 Faculty and Staff

Faculty and staff members play an important role in observing and reporting misconduct. They are also responsible for fostering a respectful environment and assisting students in understanding institutional expectations.

6. Compliance and Enforcement

Compliance with this policy is mandatory for all students at MANCOSA. Disciplinary procedures will be enforced fairly and consistently, and students who violate the policy will face appropriate consequences. Non-compliance with disciplinary sanctions, such as refusal to attend a hearing or failure to complete assigned restorative actions, may result in further sanctions.

7. Policy Review and Revision

This policy will be reviewed every 3 years or more frequently if required by changes in legal or regulatory frameworks. The review process will involve consultation with relevant stakeholders, including faculty, and administrative staff. The final policy revision will be approved by EXCO.

8. Communication and Training

The Student Disciplinary Policy will be effectively communicated and supported through a comprehensive framework of training and capacity-building initiatives to ensure awareness, understanding, and consistent implementation across the institution.

8.1 Communication with Students

- The Student Disciplinary Policy will be introduced to all students during Induction and made accessible on the student portal for ongoing reference.
- The Student Bureau will proactively communicate the key provisions, expectations, and requirements of the Student Disciplinary Policy and the Student Code of Conduct through regular updates, reminders, and awareness campaigns.

8.2 Training for Faculty and Staff

- Faculty and staff will receive structured training on the procedures for reporting, documenting, and handling incidents of misconduct.
- Training sessions will include case studies, guidelines on procedural fairness, and the importance of upholding ethical standards in the disciplinary process.

- Refresher training will be held annually to address updates to the policy and reinforce best practices.

8.3 Capacity Development for Committee Members

- A formal induction programme will be implemented for all new members of the Student Disciplinary Committee (SDC) to familiarise them with the policy framework, procedural guidelines, and their roles and responsibilities.
- Capacity development initiatives will include:
    - Training on chairing disciplinary hearings.
    - Advanced training on evidence evaluation, hearing management, and fair decision-making.
    - Workshops focused on legal and regulatory frameworks governing student disciplinary matters, such as the Promotion of Administrative Justice Act (PAJA).
    - Ethical decision-making and handling sensitive cases with impartiality and confidentiality.

8.4 Periodic Workshops and Engagements

- Periodic workshops for students, faculty, staff, and SDC members will reinforce the importance of ethical behavior, academic integrity, and accountability.
- These workshops will also serve as platforms for discussing challenges, sharing experiences, and enhancing understanding of the disciplinary process.

9. Implementation Timeline

This policy will be implemented over a seven-month period, with specific milestones:

Timeline	Task
January 2025	Ratification and approval of policy, and development of associated SOP/s
February 2025	Stakeholder engagements, awareness building and training
March 2025	Implementation of associated SOPs

July 2025	First formal review of policy rollout, achievement of deliverables, areas for improvement, and planning for next phase.

10. Approval and Authorisation

This policy requires approval from the MANCOSA Executive Committee. The effective date will be documented upon approval. External legal counsel may also review the policy as necessary.

11. Appendices

Appendix A: Student Code of Conduct

Appendix B: Grievances and Appeals Process Guidelines

Appendix C: Incident Report Form

12. Assessment and Continuous Improvement of the Disciplinary Process

To ensure the MANCOSA disciplinary process remains effective, fair, and responsive to stakeholder needs, the institution will regularly evaluate its policies, procedures, and outcomes through the following mechanisms:

12.1 Process Monitoring and Data Collection

- Maintain detailed records of all disciplinary cases, including timelines, outcomes, and the nature of the misconduct, to identify patterns and potential bottlenecks in the process.
- Track compliance with procedural timelines, including reporting, preliminary assessments, hearings, and appeals, to assess process efficiency.

12.2 Stakeholder Feedback

- Collect feedback from students, faculty, staff, and members of the Student Disciplinary Committee (SDC) regarding their experiences and perceptions of the disciplinary process.
- Administer anonymous surveys and conduct periodic focus groups to identify areas for improvement and ensure stakeholders feel their voices are heard.

12.3 Fairness and Equity Review

- Conduct regular reviews of disciplinary outcomes to ensure fairness, consistency, and proportionality of sanctions.
- Analyse demographic and case data to identify any biases or disparities in how policies are applied.

12.4 Identification of Bottlenecks

- Assess recurring delays or inefficiencies in the disciplinary process, such as extended timelines for case resolutions or frequent appeals.
- Develop action plans to address identified bottlenecks, ensuring that cases are resolved promptly and fairly.

12.5 Annual Reporting and Reflection

- Prepare an annual report summarising key trends, stakeholder feedback, and identified issues in the disciplinary process.
- Present the report to the Executive Committee and relevant governance bodies for review and approval of recommended changes.

12.6 Policy Review and Updates

- Use findings from the assessments to inform updates to the Student Disciplinary Policy, ensuring alignment with institutional goals and legal standards.
- Incorporate lessons learned into the training and induction programmes for faculty, staff, and SDC members.

13. Governance Activities

The governance activities under the MANCOSA Student Disciplinary Policy are integral to ensuring transparency, accountability, and consistency in managing student misconduct and breaches of the MANCOSA Student Code of Conduct. These activities include the following:

No.	Governance Items	Governance Committee
1.	Investigating and adjudicating reported incidents of alleged student misconduct and breaches of the Institutional Rules and Student Code of Conduct.	Student Disciplinary Committee
2.	Student disciplinary hearings	Hearing Chair appointed by the Student Disciplinary Committee
3.	Student appeals	Grievances and Appeals Committee
4.	Withdrawal of qualification	Assessment, Verification and Certification Committee