



| | | |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POLICY NUMBER: | IIE 015 | |
| POLICY NAME: | STUDENT CODE OF CONDUCT | |
| | | Implementation Date |
| DATE OF APPROVAL: | 23 NOVEMBER 2005 | JANUARY 2006 |
| DATES AMENDED: | 23 NOVEMBER 2007 23 JULY 2008 20 NOVEMBER 2008 31 MARCH 2009 30 JUNE 2009 01 DECEMBER 2009 22 NOVEMBER 2011 (w)¹ | JANUARY 2008 JANUARY 2009 JANUARY 2009 JANUARY 2010 JANUARY 2010 JANUARY 2010 JANUARY 2012 |
| DATE OF NEXT REVIEW: | 2015 | |
| RELATED POLICIES AND PROCEDURES | IIE 001: Quality Assurance Policy IIE 002: Admissions Policy IIE 006: Work-Integrated Learning Policy IIE 009: Assessment Strategy and Policy IIE 021: Safe Campus Policy IIE 023: Intellectual Integrity Policy PDIE 015: Student Disciplinary Procedure | |

This policy enjoys copyright under the Berne Convention. In terms of the Copyright Act, no 98 of 1978, no part of this policy may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or by any other information storage and retrieval system without permission in writing from the proprietor.

¹ S28: 2011-11-22 Item 8.7

Table of Contents

| | | |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1. | PREAMBLE TO THE INDEPENDENT INSTITUTE OF EDUCATION STUDENT CODE OF CONDUCT POLICY (HEREINAFTER REFERRED TO AS “THE CODE”) | 3 |
| 2. | OVERVIEW | 3 |
| 3. | GENERAL EXPECTATIONS | 3 |
| 3.1 | Student Conduct..... | 3 |
| 3.2 | Specific Rules..... | 4 |
| 3.3 | Further Definitions of Misconduct..... | 5 |
| 4. | PENALTIES | 7 |
| 4.1 | Penalties that may be imposed for Misconduct..... | 7 |
| 5. | DISCIPLINARY ACTION | 8 |
| 6. | INVESTIGATING OFFICER | 8 |
| 7. | INVESTIGATION | 8 |
| 7.1 | Principles..... | 8 |
| 7.2 | Procedure..... | 9 |
| 8. | DISCIPLINARY HEARING | 10 |
| 8.1 | Disciplinary Committee..... | 10 |
| 8.2 | Hearing..... | 11 |
| 9. | APPEAL | 12 |
| 9.1 | Disciplinary Appeals Committee..... | 12 |
| 9.2 | Proceedings..... | 13 |
| 10. | STUDENT COMPLAINTS | 14 |
| 10.1 | General Process..... | 14 |
| 10.2 | Complaint Resolution Stage 1: Early Conciliation and Informal Complaint Resolution..... | 15 |
| 10.3 | Complaint Resolution Stage 2: Further Conciliation and/or Investigation..... | 15 |
| 10.4 | Complaint Resolution Stage 3: Investigation and Determination by Head of Programme/Head of relevant Faculty or Academic Manager..... | 16 |
| 10.5 | Appeals Process..... | 17 |
| 10.6 | Conclusion of the Process..... | 18 |
| | ANNEXURES | 19 |
| | ANNEXURE AA: COMPUTER VENUE PROTOCOL | 20 |
| | ANNEXURE BB: LIBRARY PROTOCOL | 22 |

1. PREAMBLE TO THE INDEPENDENT INSTITUTE OF EDUCATION STUDENT CODE OF CONDUCT POLICY (HEREINAFTER REFERRED TO AS “THE CODE”)

The rules in this policy have been approved by the Senate of The Independent Institute of Education Pty (Ltd) (The IIE) which exercises control over student discipline in terms of these rules. All students are subject to this policy and all other rules of The IIE in force at any time during their studies. The IIE subscribes to the belief that maintaining an environment conducive to effective teaching and learning and free from behaviour that could in anyway disrupt teaching and learning is achieved by students and others on campus adhering to a reasonable code of conduct. This code is spelled out in this document.

2. OVERVIEW

This code outlines the rules, definitions of misconduct, procedures for handling misconduct and penalties associated with misconduct. It also outlines how complaints from students should be handled.

Students are expected to conduct themselves in a manner that enhances and extends the reputation and the orderly functioning of The IIE and to observe all rules and regulations concerning their conduct in letter and spirit.

3. GENERAL EXPECTATIONS

3.1 Student Conduct

3.1.1 Every student is expected to:

- a) Contribute to a harmonious and positive learning environment that is respectful of all those that are in the environment;
- b) Behave in a manner free from stereotype, prejudice or discrimination in relation to the gender, race, sexual preference, political affiliation, nationality, marital status, disability or religious belief of any other person;
- c) Familiarise him/herself with the rules, regulations, policies and procedures of The IIE and to comply with these;
- d) Participate actively, honestly and positively in all the activities that constitute the teaching/learning process including acting with integrity in relation to his/her work which includes but is not limited to not cheating or in any other way falsifying or misrepresenting any work;
- e) Monitor his/her own progress throughout his/her study and to seek advice when he/she experiences difficulties;
- f) Provide solicited and unsolicited feedback for the improvement of the teaching and learning environment;
- g) Recognise the intellectual property rights over the work that others produce using the prescribed conventions for referencing these rights in this regard;
- h) Resolve disputes, appeals or grievances honestly and openly by participating in grievance procedures;
- i) Use the facilities and resources that are provided in accordance with their function and the conditions for their use; and

- j) Respect other students' and staff members' (including independent contractors') right to privacy, dignity, safety and appropriate confidentiality.

3.2 Specific Rules

3.2.1 A student shall:

- a) At all times when within the precincts of a campus of The IIE carry his/her official identity card and produce it when called upon to do so by a member of staff/independent contractor or other official;
- b) Respect and comply with reasonable instructions given to him or her by a member of staff/independent contractor or other official;
- c) Comply with any traffic and parking rules of The IIE campus;
- d) Comply with the rules prescribed for examinations², the use of the library, the computer facilities and other educational facilities of The IIE, annexed to this Code and contained in other policies of The IIE;
- e) Within a reasonable period of time, report any offence or misconduct committed within the precincts of The IIE's campus;
- f) Honour deadlines, timetables and schedules assigned to classes and assignments and tests and other events on campus so as not to undermine teaching and learning on the campus; and
- g) At all times when engaged in work-integrated learning or any activity in which he/she represents The IIE or can be identified as a student of The IIE. Act as an ambassador for The IIE by working and behaving in a manner that will not bring The IIE in to disrepute. This includes refraining from misconduct and conducting oneself in accordance with the appropriate conventions of the context concerned.³

3.2.2 A student shall not:

- a) Without prior permission of The IIE, register or be registered with another educational institution unless registration with the other institution is a requirement for receiving tuition services from a brand of The IIE, except in the case of official functions convened by the educational brand of The IIE, or with the written permission of the campus principal, bring, or be in possession of or consume alcoholic liquor within the precincts of The IIE campus;
- b) Under any conditions be inebriated or under the influence of alcohol or any other substance on campus⁴;
- c) Use, be in possession of, or under the influence of a dependence producing substance within the precincts of The IIE campus without a medical prescription in which case the campus principal must be notified and a copy of the prescription produced;
- d) Smoke:
 - i) In a place where smoking is prohibited;
 - ii) At any lecture, seminar or tutorial; or
 - iii) In the library, any laboratory or any educational facility of The IIE;

² S13: 2007-11-23 Item 8.1

³ S22: 2009-12-01 Item 8.26

⁴ S13: 2007-11-23 Item 8.1

- e) Use a cellular telephone for voice or other non-work related communication during any academic period, i.e. lecture, seminar, tutorial, laboratory session or examination;
- f) Use any device for communication that will undermine the integrity or normal conduct of any assessment or teaching and learning process of The IIE;
- g) Bring within the precincts of The IIE's campus, or have in his/her possession or control, or supply or dispose of to any other person within the precincts of The IIE campus, any firearm of any kind;
- h) Bring within the precincts of The IIE's campus, or have in his/her possession or control, or supply or dispose of to any person within the precincts of The IIE's campus, any object which is capable of being used for the infliction of bodily harm;
- i) Visit any internet site that contains any prejudicial or pornographic material or any material that would violate any SA law; nor view, download or save any such material from such a site or any other source using of The IIE's equipment;⁵
- j) Bring any material covered in the item above on to any IIE campus without the permission of the Principal and then only for appropriate academic work;
- k) Engage in any cheating or dishonesty in any form of assessment or other prescribed work.⁶

3.2.3 Students must consult the examination timetables displayed on site before each examination session. Misreading the examination timetable will not be condoned.

3.2.4 The results obtained by a student in any examination and/or graduation certificate shall not be published unless and until he/she has paid all fees and other monies due to the educational brand of The IIE.

3.2.5 The IIE does not accept responsibility for loss, theft of, or damage to vehicles or property arising out of a student's attendance at an IIE campus, howsoever caused.

3.3 Further Definitions of Misconduct

3.3.1 In addition to contravention of rules 3.2.1 and 3.2.2, a student shall be guilty of misconduct if he/she:

- a) Falsifies an academic record or research results, furnishes false or misleading information to The IIE or its educational brands or its staff/independent contractors, or uses The IIE's/ educational brand's name, symbol or seal without due authority;
- b) Obstructs or disrupts any teaching, study, research, examination or test or any official meeting, proceeding or ceremony or any other activity of The IIE's campus;
- c) Discriminates unfairly against any person within The IIE on any grounds, including but not limited to, race (colour, ethnicity, national origin, nationality or descent), gender, sex, pregnancy, marital status, age, sexual orientation,

⁵ S18: 2008-11-20 Item 8.10

⁶ S20: 2009-06-30 Item 8.11.2

- family responsibility, family status, political conviction, religion, belief or culture, language, birth and disability or medical condition;
- d) Interferes unduly with the freedom of speech within The IIE; of any member of The IIE or of any speaker invited by any member of The IIE to express their views;
 - e) Interferes with the freedom of movement within The IIE or of any member of The IIE or any guest or visitor;
 - f) Enters or remains in or on any building or land of The IIE where students are forbidden to enter or remain;
 - g) Obstructs or attempts to obstruct or deter any staff members/independent contractors of The IIE in the performance of their duties;
 - h) Damages, destroys, attempts to damage or destroy, wrongly deals with, sells or wrongly uses, unlawfully possesses⁷ or misappropriates any property of The IIE, or the property of any person within The IIE;
 - i) Physically, verbally or sexually assaults or attempts to assault any person within The IIE, or causes any person to hold reasonable fears for her or his safety or physical or psychological well-being;
 - j) Is insubordinate to any staff member (including independent contractors), office bearer or official body of The IIE;
 - k) Intentionally or negligently contravenes this code or encourages any other person to contravene this code;
 - l) Threatens to injure, or injures, another person or persons within the precincts of The IIE campus;
 - m) Commits any fraudulent act such as presenting false doctor's/parents' notes, misrepresenting the facts about a situation or forging any official documentation;
 - n) Advertises, distributes or displays a banner, placard, notice, circular, letter or pamphlet on The IIE campus without the prior written consent of the campus principal;
 - o) Advertises goods, offers goods for sale, fundraises or collects money on the campus without the prior written consent of the campus principal;
 - p) Makes false or incorrect statements or provides incorrect information about The IIE or its educational brands, to any person;
 - q) Conducts himself/herself in a way which is or could be prejudicial to the good name of The IIE, the maintenance of order and discipline at The IIE campus, or the proper performance of the work of The IIE;
 - r) Refuses to submit to the authority of any legitimate decision of an authoritative body of The IIE or staff member/independent contractor of The IIE;
 - s) Conducts himself/herself in an unbecoming, improper or disgraceful way on the campus or elsewhere as a student of The IIE;
 - t) Engages in inappropriate behaviour of a sexual nature on an IIE campus;
 - u) Takes into an assessment venue, or has in his/her possession whilst in the venue, any books, memoranda, notes, devices, or any paper whatsoever, except such answer books or other books or papers or devices as have been authorised by the invigilator;
 - v) Aids or attempts to aid another candidate or obtains or attempts to obtain aid from another candidate or communicates or attempts to communicate in any way with another candidate during an assessment;

⁷ S13: 2007-11-23 Item 8.1

- w) Uses The IIE's computers, educational facilities or communication equipment in an unauthorised or inappropriate manner;
- x) Commits an act of plagiarism, including the copying of another student's assignment, or any copyright infringement, as provided for in the Intellectual Integrity Policy;
- y) Uses any illegal drugs, or has in his/her possession or control, or supplies or attempts to supply, or disposes of or attempts to dispose of any illegal drugs to any person within the precincts of The IIE campus;
- z) Compromises the privacy of an individual;
- aa) Fails to comply with any penalty imposed under any, Policy, Regulation, Rule or Senate resolution of The IIE.

4. PENALTIES

4.1 Penalties that may be imposed for Misconduct

4.1.1 Where a student is found guilty of misconduct, one or more of the following penalties may be imposed:

- a) Verbal, written and final written warnings;
- b) The requirement to rewrite and resubmit an assignment or other assessment component, or to write and submit another assignment in its place;
- c) Failure in an assessment component of a module, or a reduced mark for that component;
- d) Failure in a module;
- e) Suspension of all or some of the student's rights and privileges, including exclusion from classes, examinations or other forms of assessment, from use of facilities, withholding the student's assessment results and/or graduation, and prohibition of re-enrolment;
- f) Suspension of the student's enrolment for one or two semesters;
- g) Expulsion from The IIE's campus; or
- h) Restitution for damages caused at The IIE campus or to the personal property of any member of The IIE.

4.1.2 The penalties indicated in 4.1.1 (b), (c) and (d) above shall only be applied for misconduct involving dishonesty in assessment. In determining what penalty to impose in such cases, officers shall take into account any guidelines approved by Senate.

4.1.3 Any penalty imposed under this policy may be suspended by the person or body imposing it:

- a) Until the time for appealing against it has expired; or
 - b) For a longer period or indefinitely.
- Any such suspension may be subject to such terms and conditions (including undertakings by the student) as the person or body granting it deems fit.

4.1.4 Subject to the rights of appeal provided for in this policy, any decision under this policy that a student has been found guilty of misconduct and any imposition of a penalty on a student is final and conclusive.

- 4.1.5 A student expelled from The IIE's campus shall not be re-enrolled on any campus of The IIE except with the prior written approval of the Senate.
- 4.1.6 In case of misconduct resulting in any of the penalties provided for in 4.1.1 (d), (e), (g) and (h), and where the student concerned is a bursary holder, the provider of the bursary and any other appropriate parent(s)/guardian(s)/fee-payer will be advised accordingly.
- 4.1.7 The conditions associated with penalties in 4.1.1 (a) will be stipulated alongside those penalties. Normally a verbal warning will remain in force for a stipulated period. If there is repeated misconduct before the warning has lapsed, it will be taken in to consideration when penalising the repeated misconduct. A written warning is considered more serious and - if there is further misconduct - will be taken into account when determining further penalties. Misconduct following a final written warning will result, if guilt is proven, in penalties 4.1.1 (e), (f), (g) or (h).

5. DISCIPLINARY ACTION

Whenever misconduct is alleged, or if any person has reason to believe that misconduct in terms of this code is being or has been committed, a written report must be made to the relevant campus principal. After receiving the report, the campus principal must initiate the investigation of the matter by selecting an investigating officer (see Annexure A).

6. INVESTIGATING OFFICER

In designating an investigating officer, the campus principal shall have due regard to the capacity, ability and experience of the designee. The investigating officer may also act as the complainant during the disciplinary hearing.

7. INVESTIGATION

7.1 Principles

- 7.1.1 Any investigation under this code shall be in accordance with the principles of natural justice and will not be bound by the rules of evidence required for court proceedings.
- 7.1.2 The principles of natural justice include the right to:
- a) A fair hearing;
 - b) The opportunity to present a case; and
 - c) A decision by an unbiased person.
- 7.1.3 Decisions are made on the balance of probabilities i.e. that based on the facts; it is more likely than not that the alleged act did occur.
- 7.1.4 All parties involved in an investigation shall be treated with respect, dignity and impartiality.

- 7.1.5 Any investigation under this code shall have due regard for confidentiality subject to legal requirements for disclosure and the need for a full investigation.
- 7.1.6 Should an investigation reveal apparent or suspected criminal conduct, The IIE may report the matter to the South African Police Service.

7.2 Procedure

- 7.2.1 Upon preliminary review of the allegations and supporting evidence, the investigating officer may recommend to the campus principal that the student be suspended from The IIE's campus, if the alleged misconduct poses a threat of:
- a) Disruption of activities on the campus of The IIE;
 - b) Injury to a person;
 - c) Damage to property;
 - d) Interference with witnesses, any students or staff/independent contractor or other official of The IIE; or
 - e) Theft of property of The IIE or any other person on The IIE's campuses.

The campus principal may then suspend the student from access to The IIE campus or activity; the student concerned should be served a notice to that effect (see Annexure B) within one working day of having received the complaint, clearly indicating the rights of the student.

- 7.2.2 After a preliminary review of the allegation and supporting evidence, the investigating officer may:
- a) On the basis of insufficient grounds for proceeding against the student, recommend to the campus principal that the case not be pursued further; in which case the campus principal will inform the person(s) having raised the allegation (complainant) accordingly (see Annexure C). The case can only be re-opened if additional corroborating evidence is produced by this person within a specific time-frame; or
 - b) Proceed with a formal investigation in terms of 7.2.3.
- 7.2.3 If the investigating officer decides to proceed with a formal investigation, she/he must serve the student and the complainant with a notice to that effect within two working days of the allegation having been made (see Annexures D(i) and D(ii)). The student and the complainant must be made aware of their rights; namely:
- a) The right to attend/ **not attend** an information gathering where the allegations will be examined by the investigating officer;
 - b) The right to submit/ **not submit** a written statement and or supporting information in support/ defence of the case;
 - c) The right to be assisted by a fellow student or staff member/independent contractor during the information gathering meeting.
- Note:** Regardless of the choices made in 7.2.3 (a), (b) and (c) above, the investigation will proceed as normal.
- 7.2.4 The investigation shall include:
- a) A review of relevant documentation, if any;

- b) Separate discussions with the student and the initiator of the allegation – for purposes of information gathering regarding the allegations;
- c) Clarifying and/or verifying any aspect of the allegation by seeking additional information; and
- d) Creation and maintenance of a complete file of all evidence.

7.2.5 Upon conclusion of the investigation, the investigating officer shall refer the file of evidence to the campus principal with a recommendation that:

- a) In cases where the allegations are not serious enough to warrant a formal disciplinary hearing, a recommendation of a penalty (e.g. a warning) based on the balance of probabilities and that the student be made aware of the right to be heard through a formal disciplinary hearing if they so choose; or
- b) In cases where the student admitted guilt during or upon conclusion of the investigation and the student has waived his/her right to a formal disciplinary hearing, a recommendation of a penalty – the investigating officer shall provide the campus principal with the written admission of guilt by the student; or
- c) The student be formally charged with misconduct.

7.2.6 Subsequent action

- a) In case of 7.2.5 (a) above, the campus principal may impose an appropriate penalty in terms of 4.1.1 (a), (b), (c) or (d). A notice to this effect will be sent to the student, within two working days of having met with the student (see Annexure E (i)).
- b) In case of 7.2.5 (b) above, the campus principal will impose the penalty within two working days of receipt of the recommendation. A “Notice of Penalty” (see Annexure E (ii)) must be sent to the student.
- c) In case of 7.2.5 (c) above, the campus principal will cause the disciplinary hearing to proceed within five working days of receipt of the investigating officer's recommendation. A notice to this effect must be sent to the student, complainant and disciplinary committee (see Annexures F (i), (ii) & (iii), respectively). Should the student request an interpreter, a notice of the disciplinary hearing will also be sent to the Interpreter (see Annexure F (iv)).

8. DISCIPLINARY HEARING

8.1 Disciplinary Committee

8.1.1 The campus principal, in conjunction with the Managing Director of the educational brand, shall annually constitute for every site of delivery a disciplinary committee comprising the following members:

- a) The campus principal or his/her nominee as chair;
- b) Two staff members/independent contractors; and
- c) Two students selected by the chairperson from the student liaison body/equivalent committee or the Student Forum, which students do not necessarily have to be selected from the same site at which the alleged offence occurred.

8.1.2 The five members of the disciplinary committee shall constitute a quorum and during the year of its constitution shall hear and decide all cases of alleged

misconduct on site. Decisions of the disciplinary committee shall be taken by majority vote.

8.2 Hearing

8.2.1 Notice

The campus principal shall, within two working days of having received a recommendation to that effect from the investigating officer, serve the student a notice of the hearing in such a way that he/she is certain that the student understands the notice. The student must be informed of his/her rights. A notice of a hearing shall be in the form of Annexure F (i). The date for the hearing shall be as soon as is reasonably possible after the notice. The complainant, disciplinary committee members and interpreter (if requested by the student) shall also be served with a notice of the disciplinary hearing.

8.2.2 Proceedings

- a) Proceedings will continue as set out below and the chairperson of the disciplinary committee will record essential details in the disciplinary case book. In addition, the scribe - appointed by the chairperson - shall record the proceedings using an electronic device.
- b) The chairperson opens the hearing, introduces everyone present, explains their roles, advises that it is a disciplinary hearing, that the proceedings will be recorded and confirms with the accused/complainant and interpreter that due process has been followed leading to the disciplinary hearing. The chairperson explains the disciplinary proceeding process and reminds the student of his/her rights during the process. The witness/es is/are then allowed to leave the room; thereafter the chairperson puts the charge(s) to the student who has the opportunity to plead.
- c) If the student pleads guilty, the chairperson gives both parties an opportunity to present mitigating and aggravating factors; following this, the disciplinary committee will deliberate an appropriate penalty which will be imposed by the chairperson.
- d) If the student pleads not guilty, the complainant (who may be the investigating officer) proceeds with presenting evidence and the student is allowed to cross-question the complainant and his/her witness/es. The complainant may then re-examine any witness. The chairperson may, at any stage during this process, ask questions for clarity purposes.
- e) The student or his/her representative is then allowed to present his/her argument and evidence and to call any witness in this regard. The student and his/her witness/es in turn may be cross-questioned by the complainant. The student or his/her representative may re-examine any witness. The chairperson may, at any stage during this process, ask questions for clarity purposes.

- f) Upon closure of presenting leading evidence the student and the complainant are allowed to summarise their cases. They must then leave the venue in order for the committee to deliberate on the verdict.
- g) Once the committee has reached a verdict, the parties will be requested to return to the venue in order for the verdict to be delivered. The committee will not be obliged to reach a verdict immediately upon closure of the respective parties' cases.
- h) In the case of a verdict of not guilty being delivered, the case is closed. In the case of a verdict of guilty, both parties are again permitted to state mitigating or aggravating factors should they so wish. Thereafter, they must again leave the venue for the committee to deliberate on an appropriate penalty, now taking the mitigating and aggravating factors in to consideration. Decisions are taken by majority vote in case of consensus not being reached.
- i) As soon as a decision on a penalty is reached, both parties will be requested to return to the venue to hear the penalty. The chairperson will inform the student that she/he will receive a written outcome (see Annexure H (i)) of the disciplinary hearing, with reasons for the verdict reached, within two working days. Further, the chairperson will inform the student of his/her right to appeal.
- j) A copy of the record of proceedings shall be made available to the student if requested.
- k) A copy of the outcome of the disciplinary process/hearing (verdict and penalty) will be placed on the student's file, given to the student and copied to the parent(s)/guardian(s)/fee-payer.
- l) The chairperson shall keep a record of all student disciplinary hearings.
- m) Should the student fail to cooperate at any time during the hearing, the chairperson shall indicate to the student that his/her conduct may be considered as an aggravating factor when a penalty is imposed. The chairperson, in collaboration with the disciplinary committee, shall decide on the best possible action should a student fail to cooperate during the disciplinary hearing. This may include re-scheduling the hearing or continuing the hearing in the absence of the student.

9. APPEAL

9.1 Disciplinary Appeals Committee

- 9.1.1 The disciplinary appeals committee is composed of the following members:
- a) The group legal manager of The IIE (chair)/the company secretary (chair) or group legal advisor⁸;
 - b) The registrar/deputy or senior assistant registrar⁹; and
 - c) A student representative – the registrar's office will approach any campus for a student representative from its student liaison body/equivalent committee or

⁸ S22: 2009-12-01 Item 8.13

⁹ S22: 2009-12-01 Item 8.13

the student forum. The student may be selected from any IIE campus - not necessarily from the same site at which the alleged offence occurred – with a view to ensuring that the student representative has no personal conflict of interest in terms of the case, i.e. the accused and the student representative should not have a personal relationship.

- 9.1.2 The three members of the disciplinary appeals committee shall constitute a *quorum*. Decisions of the disciplinary appeals committee shall be taken by majority vote.

9.2 Proceedings

- 9.2.1 Any appeal on grounds of procedural error, new evidence, the merits of the case or the penalty must be lodged in writing with the campus principal within five working days of the appellant having received the written outcome of the disciplinary hearing in terms of section 8.2.2 (i) of this code.
- 9.2.2 The notice of appeal shall clearly state the grounds for appeal.
- 9.2.3 The campus principal shall immediately dispatch the notice of appeal and the record of proceedings to the chairperson of the appeals committee via the registrar's office, who shall cause the appeals committee to meet within three working days of receipt of the documents concerned (see Annexure I). This timeline may be extended in the event of any member of the appeals committee being unavailable.
- 9.2.4 The appeals committee shall consider the documents and reach a decision to:
- a. Uphold the verdict and penalty; or
 - b. Uphold the verdict and change the penalty; or
 - c. Uphold the appeal and set aside the verdict and penalty; or
 - d. Have the case, or part thereof, re-heard.
- 9.2.5 The chairperson shall use the Disciplinary Appeals Case Book (see Annexure J) to record the proceedings of the disciplinary appeals committee meeting and shall convey the decision (see Annexure K) of the disciplinary appeals committee to the campus principal (to forward to the appellant) within two working days of the appeals committee having reached a decision.
- 9.2.6 A copy of the decision of the appeals committee shall be filed in the registrar's office.
- 9.2.7 The chairperson shall keep a record of all appeals considered and their outcomes.

10. STUDENT COMPLAINTS

10.1 General Process

- 10.1.1 Complaints by students must be dealt with in a supportive environment free of victimisation or intimidation of anyone connected with the complaint, either during or subsequent to a complaint resolution procedure. Informal and early resolution of complaints is encouraged.
- 10.1.2 Complaints processes will be conducted in accordance with the principles of natural justice, and include:
- a) An opportunity to be heard in a manner that provides sufficient time and information to prepare a statement;
 - b) An absence of bias through decision making by the involvement of persons who are disinterested or unbiased in relation to the matter to be decided;
 - c) Timeous handling of complaints so that issues are brought to a point of clear resolution without undue delay.
- 10.1.3 Subject to paragraph 10.1.4 below, confidentiality will be respected and maintained at all times. Occasionally, however, serious allegations arising during investigation of a complaint may require The IIE, by law, to report such allegations to external authorities.
- 10.1.4 Any student who lodges a complaint and any staff member (including an independent contractor) who may be directly impacted by the complaint will be regularly informed of the progress of the matter.
- 10.1.5 Except in special circumstances, as determined by the Head of The IIE, a complaint may not be lodged later than six months from the date on which the complaint was alleged to have arisen.
- 10.1.6 The student complaints operational policy applies to all student complaints relating to institutional decisions or processes.
- 10.1.7 Complaints can be lodged in terms of:
- a) Improper, irregular or negligent conduct against a student of The IIE;
 - b) Discrimination, prejudice or bias;
 - c) Failure to adhere to appropriate or relevant published IIE policies and procedures;
 - d) A decision made without sufficient consideration of facts, evidence or circumstances of specific relevance to the student;
 - e) Quality of teaching and learning;
 - f) Refusal to write examinations;
 - g) Certification;
 - h) Closure of the private college without informing the students;
 - i) Unfair business practices;
 - j) Refunds; and
 - k) Fees.

10.2 Complaint Resolution Stage 1: Early Conciliation and Informal Complaint Resolution

- 10.2.1 The student is encouraged to resolve the matter directly with the respondent - that is, the person directly involved in the circumstances surrounding the complaint being raised. Normally, this stage of complaint is handled orally through discussion of the matter between the parties.
- 10.2.2 If the student is uncomfortable with raising the matter with the respondent, then he or she may discuss it with the unit chair/course coordinator or line manager of the relevant administrative area.
- 10.2.3 If the student believes he or she has not received adequate resolution of the complaint through informal complaint resolution, then the student may seek further advice and information from the student relations manager and/or the academic development co-ordinator. Having considered this advice, the student may then decide to:
- a) take no further action, or
 - b) make a formal complaint (see Stage 2).
- 10.2.4 Counsellors from the division of student support can act as mediators in the informal and formal complaint resolution processes.
- 10.2.5 The process at this stage should normally take no more than five working days, from initial complaint to the appropriate person to resolution. This timeline may be extended in light of matters such as the availability of relevant staff/independent contractors or students.
- 10.2.6 Resolution of the complaint shall be recorded in writing by the staff member/independent contractor investigating the complaint and signed by both the student and the respondent.
- 10.2.7 If the complaint cannot be resolved at Stage 1, the student may elect to move to Stage 2 of the complaints process.

10.3 Complaint Resolution Stage 2: Further Conciliation and/or Investigation

- 10.3.1 The student may only move to Stage 2 after informal complaint resolution has been attempted.
- 10.3.2 Students wishing to take their complaint to Stage 2 must do so within ten working days of the date of completion of Stage 1.
- 10.3.3 Stage 2 involves lodgement of a formal complaint. This must be in the form of a written submission made to the Head of Programme/Head of the Faculty or the appropriate manager within the relevant division, as appropriate to the particular complaint. However, if that person is the subject of the complaint or has a conflict of interest in the case, then the next most senior staff member/independent contractor higher than that person must be approached.

- 10.3.4 The Head of Programme/Head of the Faculty or line manager or administrative manager, as appropriate, may undertake any of the following actions to resolve the complaint:
- Discuss with the parties options for resolution;
 - Consider all relevant matters and where appropriate make further enquiries;
 - Discuss the situation with the student and other parties to the complaint in an attempt to conciliate the grievance; and
 - Conduct an investigation or appoint a trained person to do so on their behalf.
- 10.3.5 The student and/or the respondent may elect to be represented or supported by a fellow student or staff member/independent contractor of choice provided that such fellow student or staff member/independent contractor accepts such appointment.
- 10.3.6 The process at this stage should normally take no more than ten working days from receipt of the written complaint by the appropriate person to resolution. This timeline may be extended in light of matters such as the availability of relevant staff/independent contractors or students.
- 10.3.7 Resolution of the complaint shall be recorded in writing by the staff member/independent contractor investigating the complaint and signed by the student and the respondent.
- 10.3.8 If the complaint cannot be resolved at Stage 2, the student may elect to move to Stage 3 of the complaints process.

10.4 Complaint Resolution Stage 3: Investigation and Determination by Head of Programme/Head of relevant Faculty or Academic Manager

- 10.4.1 The student cannot proceed to this stage of the formal resolution process without having attempted to resolve the matter at Stages 1 and 2. The student must demonstrate how prior resolution of the complaint was attempted.
- 10.4.2 Students wishing to take their complaint to Stage 3 must do so within ten working days of finalisation of the Stage 2 process.
- 10.4.3 Where the complaint is not resolved at Stage 2 of these procedures the student may lodge a written application to the Academic Manager or the Head of Faculty or Head of Programme. If that person is the subject of the complaint or has a conflict of interest in the case, the Registrar may appoint an alternative investigator.
- 10.4.4 The Head of Programme/Academic Manager, Head of Faculty or alternative will undertake the following steps in carrying out an investigation and reaching a resolution:
- a) Interview and/or take a written statement from the student;
 - b) Interview and/or take a written statement from the respondent;
 - c) Interview and/or take written statements from all relevant people involved in the matter;

- d) Interview and/or take written statements from the personnel who handled the complaint at stages 1 and 2;
- e) Review all relevant documents;
- f) Consider the complaint in the context of any other relevant policy ;
- g) Seek advice from any other person deemed appropriate;
- h) Grant the student and the respondent the opportunity to respond to all relevant information gathered ;
- i) Determine if the complaint is substantiated;
- j) Determine an outcome, noting if there are mitigating circumstances; and
- k) Advise the student and respondent in writing of the outcome of the investigation.

10.4.5 The student and/or the respondent may elect to be represented or supported by a fellow student or staff member/independent contractors of choice provided that such fellow student or staff member/independent contractor accepts such appointment.

10.4.6 Resolution of the complaint shall be recorded in writing by the staff member/independent contractor investigating the complaint and signed by the student and the respondent.

10.4.7 The process at this stage should normally take no more than ten working days from receipt of the written complaint by the appropriate person to resolution.

10.5 Appeals Process

10.5.1 A student or a member of staff/independent contractor affected by the determination of a Stage 3 complaints' process may appeal against a decision directly to the Head of the Brand (Managing Director). The appeal must be in writing and be received by the Head of Brand within fourteen days of notification of the outcome of the Stage 3 process, but only on one or more of the following grounds:

- a) The penalty imposed on the respondent, having regard to the evidence available, was too severe
- b) The penalty imposed on the respondent, having regard to the evidence available, was insubstantial in the opinion of the complainant
- c) There was a misapplication of procedures resulting in some disadvantage to the student or staff member/independent contractor.

10.5.2 Should the Managing Director of the education brand be in any way involved in the determination of a stage 3 complaint, the appeal in terms of section 10.5.1 applies to the Disciplinary Appeals Committee constituted in terms of section 8 of this Code.

Participation and Support Available During the Complaint Resolution Process

- 10.5.3 It is expected that students and/or staff/independent contractor involved in these procedures will participate in good faith.
- 10.5.4 It is recognised that in applying these procedures the student or respondent may require support. In the case of the student or respondent being a student or group of students, this support may be sought from a friend or colleague of choice or from counsellors within the Institute.
- 10.5.5 In the case of the student or respondent being an organisational unit, support and advice may be sought from relevant staff members of The IIE with specialist knowledge of the situation, provided that such contact does not create a conflict of interest.

10.6 ¹⁰Conclusion of the Process

- 10.6.1 Within five working days of the complaint having been concluded, the campus principal shall cause the following documents to be forwarded to the registrar's office:
- a) A copy of the written complaint
 - b) Details in memorandum format of the process and the outcome of resolution of the complaint.
 - c) Details in memorandum format of further intended action by either party should resolution of the complaint not be satisfactory to that party.

¹⁰ S16: 2008-07-23 Item 8.17.5

ANNEXURES

ANNEXURE AA COMPUTER VENUE PROTOCOL

ANNEXURE BB LIBRARY PROTOCOL

THE FOLLOWING ANNEXURES ARE CONTAINED IN THE STUDENT DISCIPLINARY PROCEDURE (PDIIE 015) DOCUMENT:

ANNEXURE A: DESIGNATION OF INVESTIGATING OFFICER
ANNEXURE B: NOTICE OF SUSPENSION
ANNEXURE C: INSUFFICIENT GROUNDS FOR PROCEEDING AGAINST STUDENT
ANNEXURE D (i): NOTICE OF DISCIPLINARY INVESTIGATION – ACCUSED
ANNEXURE D (ii): NOTICE OF DISCIPLINARY INVESTIGATION– COMPLAINANT
ANNEXURE E (i): NOTICE OF PENALTY – FORMAL DISCIPLINARY HEARING NOT WARRANTED
ANNEXURE E (ii): NOTICE OF PENALTY- ADMISSION OF GUILT AND RIGHT TO HEARING WAIVED
ANNEXURE F (i): NOTICE OF DISCIPLINARY HEARING – ACCUSED
ANNEXURE F (ii): NOTICE OF DISCIPLINARY HEARING – COMPLAINANT
ANNEXURE F (iii): NOTICE OF DISCIPLINARY HEARING – DISCIPLINARY COMMITTEE
ANNEXURE F (iv): NOTICE OF DISCIPLINARY HEARING – INTERPRETER
ANNEXURE G: DISCIPLINARY HEARING CASE BOOK
ANNEXURE H (i): NOTICE OF OUTCOME OF DISCIPLINARY HEARING (PENALTY) – ACCUSED
ANNEXURE H (ii): NOTICE OF OUTCOME OF DISCIPLINARY HEARING – CASE DISMISSED
ANNEXURE I: NOTICE OF DISCIPLINARY APPEALS COMMITTEE MEETING
ANNEXURE J: DISCIPLINARY APPEALS CASE BOOK
ANNEXURE K: FINDINGS OF THE DISCIPLINARY APPEALS COMMITTEE

ANNEXURE AA: COMPUTER VENUE PROTOCOL

COMPUTER VENUE PROTOCOL

(In terms of Sections 3.2.1 (d) of the Student Code of Conduct)

1. The equipment is available for the benefit of all students, and as such needs to be respected and looked after.
2. Students are allowed access to computer venues only under the supervision of IT support staff or lecturing staff/independent contractors.
3. All students are required to display their student cards at their workstations when using the computer facilities.
4. Students are only allowed to access websites that are applicable to their course requirements.
5. Students are allowed to bring their own laptops and devices on campus and connect to the wireless networks where available.
6. The following sites, searches and downloading are prohibited: Music, videos, films, games, mobile fun, x-rated sites and other software, unless required as part of the curriculum.
7. Classroom computers are configured to ensure the best possible learning environment for students. Therefore, students do not have privileges to install any additional software or make changes to any hardware and/or software settings. This extends to: set-ups, screen savers, autoexec, configurations, initial prompts and backgrounds.
8. Students are allowed to use their own memory sticks. The anti-virus software will scan these memory sticks when inserted into The IIE computers. The anti-virus software could delete virus-infected documents.
9. Data and backup of data remains the responsibility of the student. Therefore The IIE does not take responsibility for data loss.
10. Students are provided with a student e-mail address and a sky-drive. It is recommended that students upload data to the sky-drives to ensure that their data is secured.
11. Loading of software without prior authorisation from the relevant staff member/independent contractor is not permitted.
12. Removal of hardware and software (or any part thereof) without proper authorisation will be considered theft and disciplinary action will be taken.
13. Use of cell phones in the computer venue is not permitted.

14. Students are to ensure that all applications are closed and that they log off the computer upon leaving the venue.
15. No food or drink of any kind is permitted in the computer venue. Smoking is also strictly prohibited.
16. Academic work takes priority over non-academic or non-class related work. If a student is looking for a computer to do his/ her class related work and all seats are taken, another student not doing academic work must be prepared to vacate his/her computer for use by such a student.

ANNEXURE BB: LIBRARY PROTOCOL

LIBRARY PROTOCOL

(In terms of Section 3.2.1 (d) of the Student Code of Conduct)

1. Information Service

All institutional libraries render the following basic information services:

- 1.1. Answering enquiries with the help of the library's own source.
- 1.2. Helping with computer and literature searches.
- 1.3. Assistance with CV compilations and job-seeking.
- 1.4. Library training.
- 1.5. Interlibrary loans

2. Obligations

- 2.1 Users have to observe at all times the conditions relating to the use of the library materials.
- 2.2 Users have to accept in writing, liability for the replacement/ repair cost in respect of any loss/ damage caused to library property.

3. Library Rules

Library rules need to be displayed in each library and should be supplemented with information about opening times and borrowing rules. It is the responsibility of the campus librarian to make these publicly available.

- 3.1. Students must behave in such a way as not to disturb or hinder the operation of the library by, for example, not observing silence.
- 3.2. A valid student card must be produced at all times in order to make use of the resources in the library. Students are not allowed to use other library users' identity cards.
- 3.3. Terms and conditions relating to borrowing of library materials must be observed at all times.
- 3.4. Food and drink may not be consumed inside the library. This is necessary in order to provide a healthy, clean and pleasant environment for everyone.
- 3.5. Students are not allowed to use or answer the library's telephones and may not use cell phones in the library.
- 3.6. Smoking is not allowed in the library.

- 3.7. Animals are not allowed inside the library.
- 3.8. Students may not damage library material, furniture or equipment and may not move furniture around.
- 3.9. Students are not allowed to leave any possessions unattended.
- 3.10. Students are not to put up any notice without the prior approval of the librarian in charge.
- 3.11. Students are not allowed behind staff workstations or any other restricted areas without permission.
- 3.12. Any student who fails to comply with any of the above may have his/her borrowing privileges revoked and denied entry to the library.
- 3.13. Students and staff are obliged to sign an agreement that they accept liability for the cost of damage to or loss of library cards and material¹¹.

¹¹ S19: 2009-03-31 Item 8.3