

**HILLCROSS COLLEGE
Of
HIGHER EDUCATION
(PTY) LTD**

LEARNERS CODE OF CONDUCT POLICY

1. Introduction

1.1. HillCross College is a community of staff, students and graduates joined together for the common purpose of the advancement and dissemination of knowledge. Its chief officer is the Principal and its main supervisory body is the College Governing Council.

1.2. The Principal and the Governing Council have supervisory responsibility, under national legislation and the Charter and Statutes of HillCross College, in matters concerning the conduct and duties of the staff and students of the College. In practice, this responsibility is often exercised through the College Principals, Heads of School, lecturers or other academic or non-academic staff, as appropriate in the daily life of the College.

1.3. The Statutes of the College impose a duty on the appropriate committee "to regulate the discipline of the students of the College and to impose penalties for breaches of discipline, subject to the right of a student to appeal any penalty to the College Governing Council". This code sets out these Disciplinary Regulations. It is available, free of charge, from the Administrator of the College, and it is published periodically.

2. Norms of Behaviour

2.1. The College sustains commitment to quality in teaching, learning, scholarship and research; emphasizes the value of honesty, integrity, commitment, engagement and achievement; and emphasizes commitment to equality, and to dignity and respect for all members of the College community. As a consequence all members of the College community are expected to act responsibly at all times, to observe and abide by the Regulations of the College, and not to engage in any activity which might bring the good name of the College into disrepute.

3. Student Conduct with Reference to Academic Courses

3.1. Students are required to attend regularly and punctually the lectures and classes of the courses of study for which they have registered and to which they have been assigned, and they shall, in all laboratory activity, field exercises or research work, seminars or any other academic work, conform to the directions of the Head of School or of the staff member responsible.

3.2. Students may experience a range of serious and unanticipated difficulties, which adversely affect their ability to study, complete assessments or attend their required lectures and other learning activities. Normally such circumstances will include serious illness, hospitalisation, accident, family bereavement or other serious personal or emotional circumstances. The College has a policy and procedure to consider such extenuating circumstances and is available at <http://www.hillcrosscollege.com>.

3.3. Should any student, during lectures and classes, or while engaged in laboratory work, research work or field exercises, seminars or any other academic work, be responsible for any breach of good conduct or discipline, or fail to obey instructions from any member of staff, or breach any regulations, such a member of staff may require the student to withdraw from the particular lecture or class or other academic activity; the staff member, if they shall think fit, may bring the matter to the notice of the Administrator or his/her nominee for appropriate action to be taken.

4. Student Conduct on Work Placements

Where students, as part of their academic programmes, obtain professional instruction or are placed for training, professional experience or work experience at a school, hospital, farm, company, professional practice or other workplace (referred to below as "the host institution"), they should be aware of all the relevant College policies.

Students registered to such programmes should observe the following code of conduct:

- 4.1** Students should conduct themselves in such a way as to reflect credit on the College and its students and not to bring the College or the host institution into disrepute.
- 4.2** Students should conduct themselves in such a way as not to bring the College into disrepute with the host institution.
- 4.3** Students should respect the staff, the property and the activities of the host institution as they would the staff, the property and the activities of the College; conduct which would constitute a breach of this code if directed towards the staff, property or activities of the College shall be considered a breach of the code if directed towards the staff, property or activities of the host institution, and section 5 of this code shall apply in relation to damage to the host institution's property as if it were the College's property.
- 4.4** Students should acquaint themselves with any traditions, codes of conduct or internal regulations of the host institution and should comply with such traditions, regulations or codes of conduct.
- 4.5** Students should, if eligible, apply for membership of any professional body relating to the profession for which they are studying, and should conduct themselves within the general ethics of the profession and comply with any professional guidelines in so far as they are applicable to students.
- 4.6** Students should comply with the reasonable and lawful instruction of their supervisors.
- 4.7** Students should comply with any disciplinary procedures or processes of the host institution or of the profession for which they are studying and shall be liable to any penalty which may be imposed following due process.
- 4.8** For the purpose of enforcing this code, the College shall be entitled, but shall not be obliged, to investigate any complaint against a student arising from any alleged misconduct while on placement or any alleged failure to comply with a host institution's traditions, regulations or codes of conduct and, following the appropriate disciplinary procedures, the College may impose a penalty in respect of such misconduct or failure to comply with a host institution's traditions, regulations or code of conduct as a breach of the Student Code.
- 4.9** Programmes that lead to a professional qualification and/or a licence to practise that require students to undertake practical training in a professional environment with patients, clients or other service users may be subject to the College's Student Fitness to Practise Policy. Students registered to such programmes should familiarise themselves with the policy and comply with stated programme fitness to practise requirements.

5. Damage to Property

5.1. Students are required to make good to the satisfaction of the College any damage or loss which they intentionally cause to any property of the College or for any such loss or damage which arises as a result of their being reckless or negligent. Students are similarly required to make good any damage or loss which they cause to the personal property of any other student or member of staff.

6. Breaches of Discipline

Any act or omission, which affects adversely the rights of any other member of the academic community, or which disrupts the orderly and responsible conduct of any College activity, or which violates any College Regulation, shall constitute a breach of discipline, examples of which could include but are not limited to:

6.1 Breaches of examination regulations but not limited are as follows:

- 6.1.1 Copying or cheating at any examination or test
- 6.1.2 Personation of a HILLCROSS COLLEGE student at any examination or test
- 6.1.3 Bringing notes or other unauthorised materials into an examination hall,
- 6.1.4 Use or attempted use of a mobile phone or any other electronic device during an examination
- 6.1.5 Removing scripts or other stationery from an examination hall
- 6.1.6 Any other breach of the examination regulations or any offence involving the integrity of an examination.

6.2 Plagiarism, that is the copying of another person's writings or works or ideas in any thesis, essay, project, laboratory report, oral, poster or slide presentation or other exercise, which forms part of the assessment requirement for a module or programme of study without due acknowledgement either wholly or in part of the original source of the material through appropriate citation. For further details on Plagiarism, please see HILLCROSS COLLEGE's *Plagiarism Statement, Plagiarism Policy and Procedures* (<http://www.hillcrosscollege.com>) and any other such policies or regulations as approved by Academic Council governing the academic operation of programmes.

6.3 Submission or allowing the submission of work acquired or prepared by another individual as part of any assessment, examination or text.

6.4 Failure to conduct research ethically, lawfully or in compliance with the HILLCROSS COLLEGE *Code of Good Practice in Research*.

6.5 Conduct which is disruptive of or which may disrupt teaching, study or research.

6.6 Abuse of alcohol or other substances on the campus, including contravention of the regulations, which may be made from time to time relating to the consumption of alcohol on the campus.

6.7 Conduct interfering with the proper conduct of examinations.

6.8 Conduct which is likely to interfere with any meeting or other activity, including sporting and social activities, within the College or organised by the College, a College Club or Society.

6.9 Conduct that interferes, or is likely to interfere, with the administration or the good order of the College.

6.10 Obstruction or harassment, including bullying, of any student, member of staff or persons carrying out activities on behalf of the College in the performance of duties, work or other College activity.

6.11 Damaging, defacing, stealing or misappropriating any property of the College, or of any Club or Society of the College, or occupying or using such property other than in accordance with the provisions made by the College, Club or Society.

6.12 Misuse of a Student Card, or personation or activities involving false pretences or dishonesty.

6.13 Misuse of official College documentation, including, without limitation, the unauthorised amendment or alteration, or defacement of, such documentation, or the use or attempted use of College documentation for fraudulent or other dishonest purposes or in a fraudulent or other dishonest manner.

6.14 Sexual harassment of any student or member of the staff of the College.

6.15 Smoking in College buildings.

6.16 Contravention of any of the College Rules or Regulations. Detailed Regulations applicable to specific areas may be made by the appropriate Council. Where such Regulations are made, information as to their content shall be publicised and made available to the student body by posting in appropriate areas, by written communication or otherwise. It is incumbent on students to ensure they are familiar with the regulations applicable for the time being.

6.17 Acts or omissions by students while outside College engaged in field exercises, work experience, placement or assignment, organised by the College, or while representing the College or any College Club or Society which would breach these Regulations if committed in the College.

6.18 Any activity, whether committed inside or outside the College, which adversely affects, or is likely to adversely affect, the reputation of the College, its students or members of staff.

6.19 Refusal or failure to pay a fine or comply with any penalty (subject to the right of appeal applicable) imposed for offences.

6.20 Breach of the Terms and Conditions of the study contract.

6.21 Incitement or encouragement of any other person or persons to do any of the aforementioned things.

7. Complaints and Summary Procedure

7.1. Where a complaint of misconduct or alleged breach of the Disciplinary Regulations by a student has been brought before the Administrator or his/her nominee, the Administrator or his/her nominee will take steps as soon as is practicable to arrange a meeting with the student and will provide in advance details of the alleged offence (ie a preliminary hearing).

7.2. Where it proves impracticable, in exceptional circumstances, for the Administrator or his/her nominee to arrange a meeting with the student, the Administrator or nominee may communicate with the student by telephone, email or by registered letter.

7.3. The student may, prior to or during the meeting with the Administrator or his/her nominee, request that the matter be referred to a Disciplinary Committee for adjudication. Where it is impracticable to arrange such a meeting, the student may request that the matter be so referred at any time following receipt of communication from the Administrator or his/her nominee.

7.4. Where an alleged breach of discipline appears to involve two or more students, such students may be jointly charged and heard together.

7.5. Where an alleged breach of discipline may, in the reasonable opinion of the College, constitute a criminal offence, the College will respond and act in accordance with law, which may include an obligation to report the suspected offence to external law enforcement authorities. Any such report may be in addition to the implementation of the Disciplinary Procedures set out in this Code.

7.6. The proceedings and details of student disciplinary cases are private and confidential and where student disciplinary data is reported to Academic Council and the Governing Council the identity of students is not revealed. However, it is noted that this does not preclude the College communicating the decisions taken at preliminary hearing; the decisions of the Discipline Committee or the decisions of the Disciplinary Appeals Committee to individual members of staff, including those raising complaints, where it is deemed necessary for the effective administration of the process. To be clear, the principles of natural justice are enshrined in the Student Code and are applicable to both respondent and the complainant.

8. Procedure of the Preliminary Hearing

8.1 Pre-hearing

8.1.1 The Administrator or his/her nominee shall notify the student, in writing, of the allegation that has been made against them. The student shall be invited by the Administrator or his/her nominee to attend a preliminary hearing to address the allegation. Notification shall be sent by registered post to the last known address of the student.

8.1.2 The student must respond to the notification and make an appointment with the Administrator or his/her nominee as soon as is practicable. Failure to respond to the Administrator or his/her nominee's request to make an appointment will constitute a disciplinary offence, and may result in the matter being referred directly to a Disciplinary Committee for adjudication.

8.2 Preliminary Hearing Procedure

8.2.1 The function of a preliminary hearing is to permit the Administrator or his/her nominee to consider the case, interact with the student and form an opinion on the seriousness of the case. The process is student-centred and based on natural justice. To be clear, the case may be concluded at the preliminary hearing stage or referred to a Disciplinary Committee. It is a matter for the Administrator or his or her nominee to make a determination in this regard.

8.2.2 Before commencement of the preliminary hearing, the Administrator or his/her nominee shall notify the student that they are being interviewed under the conditions laid out in the HILLCROSS COLLEGE Student Code. The Administrator or his/her nominee shall also explain that it is the student's right to refer the matter directly to a Disciplinary Committee for adjudication at any stage during the interview. The Administrator or his/her nominee must confirm that the student understands the process and is willing to continue.

8.2.3 The Administrator or his/her nominee will outline the allegation made against the student and ask them to accept or reject the accusation and offer to consider whatever submission they see fit to make in regard to the charge.

8.2.4 The Administrator or his/her nominee may, following this meeting or communication:

(i) Dismiss the complaint with no further action.

(ii) Conclude the process, subject to certain conditions to remedy their behaviour, such as the writing of a satisfactory letter of apology.

(iii) Uphold the alleged breach, subject to one or more of the following sanctions.

- Issue formal caution via a letter of warning to the student regarding their future behaviour. The Administrator or his/her nominee may refer to the matter should any further allegations be made against the student.
- Impose a fine: The Administrator or his/her nominee may also require a contribution by the student towards the cost of remedying, in whole, or in part, any damage or loss caused.

(iv) Refer the matter to a Disciplinary Committee, without making any decision as to guilt, where the Administrator or his/her nominee considers that course of action appropriate having regard to the gravity or nature of the charge or on account of the complexities of the issues. Where the gravity of the matter warrants it, the Administrator or his/her nominee may impose, without prejudice, a temporary suspension of the student from the College and/or may postpone the award to the student of a degree, diploma, certificate, scholarship, prize or other academic award and shall in such a case ensure that the Disciplinary Committee is convened without delay.

(v) Where an allegation of harassment has been made the Administrator or his/her nominee may decide it is appropriate to recommend the exploration of mediation.

8.2.5 The Administrator or his/her nominee may defer the communication of the outcome to the student where a submission made by the student requires further investigation.

8.2.6 The outcome of the preliminary hearing shall be given in writing to the student. The student shall be informed of their right to appeal a decision to a Disciplinary Committee, the procedure for lodging an appeal and the time limit for lodging an appeal. Appeals may be lodged within two weeks from the date of the preliminary hearing.

8.2.7 Where the matter is resolved at the preliminary hearing stage of the process, the Administrator or his/her nominee shall write to the person who raised the complaint advising them that the matter has been dealt with under the procedures of the preliminary hearing and related outcome noted.

9. Disciplinary Committee

9.1. The Disciplinary Committee shall be appointed by the Administrator or his/her nominee and composed of a Chair and two further members (these two members shall be either Senior Lecturers). Each Committee of Discipline shall have at least one male and one female member. The following are eligible to Chair Committees of Discipline: Principal, Vice-Principals, Administrators, and any members of a Panel nominated by Academic Council.

9.2. Decisions of the Committee shall be taken by a simple majority.

9.3. A record, written or otherwise, of the proceedings shall be made.

10. Procedures of the Disciplinary Committee

10.1 Pre-hearing

10.1.1 The Administrator or his/her nominee shall prepare a summary containing particulars of the alleged offence and shall forward the summary to the Disciplinary Committee.

10.1.2 The Committee shall cause notice of the hearing to be sent by registered post to the last known address of the respondent student at least ten days before the date of the hearing or to be handed personally to the said student.

10.2 The written notice referred to in paragraph 10.1.2 shall contain a copy of the summary compiled by the Administrator or his/her nominee and a note of any documents on which the College proposes to rely at the hearing. In addition, the notice shall state that the respondent student is entitled within reason to call the attendance of witnesses for the purpose of the hearing, to inspect all relevant documents and to obtain copies of any documents listed in the notice upon which the College intends to rely. The notice shall also state that the student may be represented/supported at the hearing by a person of the student's choice, such as the Principal of the Students' Union, a Chaplain, a Student Adviser, parent(s) or, if wished, a practising lawyer. If availed of, the student is required to confirm the details of their chosen representative in advance of proceedings. The student shall be informed that written submissions may be made to the Disciplinary Committee in advance of the hearing.

10.3 Disciplinary Committee Procedure

The following procedure shall be followed by the Disciplinary Committee:

10.3.1 The Administrator or other College representative appointed by the Administrator or his/her nominee shall present the case to the Committee.

10.3.2 The student shall be asked to admit or deny the alleged offence.

10.3.3 If the student accepts the substance of the charge or complaint to be true, it shall not be necessary for the Administrator or Administrator's representative to offer evidence, although both parties may make such submissions or addresses as they wish in relation to the penalty.

10.3.4 If the student denies the alleged charge, the subsequent procedure shall be fair and reasonable having regard to the nature of the offence and the penalties laid down in these Regulations. In particular the following practices shall be observed:

- all the evidence shall be heard in the presence of the student and of the student's representative and they shall be given the opportunity to cross-examine all witnesses called by the Administrator or Administrator's representative who likewise may cross examine witnesses called by the student;
- the student shall be given the opportunity of offering evidence themselves and witnesses and documentation relevant to the issues;
- the Administrator or Administrator's representative and the student or student's representative(s) shall be given the opportunity to make submissions after evidence has been taken including representations in regard to the penalty where the Disciplinary Committee has found that the charge has been proved against the student.
- the Committee shall deliberate in the absence of the complainant, respondent student and/or representatives but shall be entitled to seek legal advice on any legal matter arising in the course of the proceedings.
- these procedures set forth above shall be deemed vitiated if the conduct of the student or the student's representative or any other person or persons on the student's behalf, in the opinion of the Disciplinary Committee, renders compliance with the said procedures impossible or impracticable.

10.3.5 Where a student fails to attend a Disciplinary Committee hearing and the College has made reasonable attempts to accommodate the student, the Committee may decide to adjudicate on the matter in the student's absence, relying on the documentation furnished to the student and to the Disciplinary Committee.

10.4 *Disciplinary Committee Penalties*

Where a student is found guilty of the offence or offences charged, the Committee is empowered to impose any of the following penalties, either separately or in combination as appropriate to the offence, or nature of the offence:

- (a) expulsion from the College;
- (b) suspension from the College for a stated period, or until such time as any requirements laid down by the Committee such as payment of a fine or the restitution of damage or loss are fulfilled;
- (c) exclusion from specific College facilities;
- (d) debarring from examinations for a specified period;
- (e) a reprimand and a note on the student's record;

(f) in the case of an offence of plagiarism or of copying, cheating or other offence in connection with an examination, exclusion from the examination in question and deprivation from any benefits connected therewith, in part or *in toto*, and/or from the academic course being followed by the student or any part of it;

(g) an order for the reparation of any damage or loss caused, either to the College or to any of its members of staff or students or members of the public;

(h) deprivation of award of degree, diploma, certificate, scholarship, prize or other academic award;

10.5 Communication of Decision

10.5.1 The determination of the Disciplinary Committee in every case brought before it shall be given in writing, and a copy thereof forwarded in due course to the student concerned or the student's duly appointed representative. The student should be informed of the right to appeal to the Governing Council, the procedure for lodging an appeal and the time limit for lodging an appeal. A determination involving deprivation of a scholarship or other prize shall be referred to the decision of the Governing Council.

10.5.2 The Administrator or his/her nominee shall write to the person who raised the complaint and advise them of the decision of the Disciplinary Committee, noting that the student has the right to appeal the decision.

11. Appeal

11.1 An appeal may be made to the Governing Council within two weeks from the date of issue of the decision of the Disciplinary Committee and the appellant shall submit in writing the grounds for appeal. The date of issue of the said decision shall be the date on which the decision is emailed and posted (by registered post to the student's address as appears on the College's student information system), or handed to the student.

11.2 Disciplinary Appeal Committee

(a) The Governing Council delegates to the Disciplinary Appeal Committee of the Governing Council the power to hear appeals from decisions of the Disciplinary Committee of the Academic Council. The Disciplinary Appeal Committee shall be composed of an uneven number of members of the Governing Council.

No member of the Disciplinary Committee or person providing administrative support) who had adjudicated on the original complaint may serve on the Disciplinary Appeal Committee.

(b) Decisions of the Disciplinary Appeal Committee shall be taken by a simple majority.

(c) A record, written or otherwise, of the proceedings shall be made.

11.3 Procedures of Disciplinary Appeal Committee

- (a) A copy of the appellant's grounds of appeal including the appellant's submission, if any, shall be provided to the Committee.
- (b) A copy of the relevant record of the Disciplinary Committee of the Academic Council shall be obtained from the said Disciplinary Committee.
- (c) The appellant or appellant's representative, and the Administrator or other College representative may make oral submissions to the Disciplinary Appeal Committee.
- (d) Where in the opinion of the Disciplinary Appeal Committee the requirements of justice so dictate, the Committee may consider evidence which was not tendered at the hearing before the Disciplinary Committee but provided always that the intention to adduce such fresh evidence has been notified to the student or to the Administrator or other College representative, as the case may be, in time sufficient to enable the student or the Administrator or other College representative to consider properly the said fresh evidence and to deal therewith adequately at the hearing of the appeal.
- (e) The Disciplinary Appeal Committee may:
- (i) allow the appeal;
 - (ii) decrease or increase the penalty, or vary the nature of the penalty;
 - (iii) reject the appeal.

11.4 *Communication of Decision*

The determination of the Disciplinary Appeal Committee shall be given in writing and a copy thereof forwarded to the student concerned by prepaid registered post to the student's address appearing on the College register of students, or to the student's representative. Determinations of the Disciplinary Appeal Committee shall be reported for noting to the Governing Council and data on appeals will included in the annual report to the Academic Council. The Chair of Disciplinary Appeal Committee shall write to the person who raised the complaint and advise them of the decision of the Disciplinary Appeal Committee.

Policy Title	Learners Code of Conduct	
Policy Owners	Hillcross College of Higher Education (Pty) Ltd	
Contact Person	The Rector	
Key Stakeholders	All students and staff	
Approval body	College Board	Agenda item and meeting date approved In consultation with Committee members,
Related guidelines	N/A	
File Information	File Number	Version Number V1.2 - 13401/2022
Date effective	14/01/2022	Next Review Date 14/17/2022
Version 1.2 approved by	School Management Board	
Previous version V1.2	Ineffective 14/01/2022	