

PREAMBLE

With this Code of Conduct EMC complies to Act 16 of 2006: Further Education and Training College Act (15(1)): Every student at a public college is subject to a code of conduct, disciplinary measures and procedures which are determined by the council subject to provincial policy.

2. OVERVIEW/SYNOPSIS

2.1. Extent/Scope of Policy:

This policy encompasses the code of conduct which is given to all students of EMC.

2.2. Statement of Policy:

It is the policy of EMC to offer all students the maximum opportunity to receive education and training and develop within clearly defined guidelines. The aim of this policy is to lay down a code of conduct for all students in order to ensure equal rights for all students.

2.3. Definition: “Code of conduct” refers to the guidelines as laid down by EMC College which all students have to conform to. These guidelines are laid down to:

- Clearly defined permissible and impermissible behavior.
- Lay down disciplinary procedures.

3. CONSIDERATIONS AND PRINCIPLES

The design of the Eastcape Midlands College Code of Conduct is based on the following considerations and principles:

Eastcape Midlands College;

- 3.1. acknowledges the right of the individual to receive tuition at Eastcape Midlands College;
- 3.2. acknowledges the uniqueness and individuality of each student;
- 3.3. accepts the democratic value of freedom of all staff and students of Eastcape Midlands College;
- 3.4. acknowledges that all students and staff members are equal and have the right to equal protection;
- 3.5. acknowledges that every student and staff member has an inherent dignity and the right to have their dignity respected and protected;
- 3.6. acknowledges that all students have the right to study in a secure environment at Eastcape Midlands College.

4. CONTENT AND SCOPE OF POLICY

4.1. INTRODUCTION

The educational vision of Eastcape Midlands College is supported by the student code of conduct, which sets standards of behavior for students and students' organizations of Eastcape Midlands College. The code of conduct further ensures that the individual rights of all students are respected, by prescribing procedures that have to be followed in cases where a student violates the rights and liberties of a co-student, staff members and members of Eastcape Midlands College communities. Eastcape Midlands College has an educational approach to the implementation of the code of conduct with the aim that all students should learn the importance of their responsibilities and value of their rights.

4.2. APPLICABILITY

This code of conduct applies to any registered student of Eastcape Midlands College, from first registration to acquiring the intended qualification or until suspension of studies. The code of conduct is also applicable to any group of students that meet the requirements of the College and therefore qualify to be known as a student organization.

4.3. OVERVIEW OF PROCEDURES

Eastcape Midlands College subjects students or student organizations that are guilty of any of the transgressions listed under point 6 of this document, to disciplinary action. Any member of the college community can report a transgression to a member of the disciplinary committee (refer "Definitions", par.5). When an alleged transgression is reported, the procedures as set out under point 7 of this document must be followed.

When a student or student organization is accused that he/she/they has/have contravened the code of conduct, the disciplinary committee concerned will initiate an investigation to ascertain whether a transgression has been committed. Should sufficient proof of a transgression exist, the concerned student or student organization will face a disciplinary hearing. The procedures for a disciplinary hearing are set out under point 8 of this document.

In a case where the student or student organization is found guilty of contravening the code of conduct, the student or student organization may lodge an appeal via the disciplinary committee concerned, who will forward the appeal to the appeal committee. Procedures for appealing are set out under point 11 of this document.

5. DEFINITIONS USED IN THIS DOCUMENT

- 5.1. The term "College" refers to Eastcape Midlands College.
- 5.2. The term "Campus" refers to any property of Eastcape Midlands College, or any premises that are used or rented by Eastcape Midlands College.
- 5.3. The term "class days" refers to all days on which classes are offered.
- 5.4. The term "student(s)" refers to any individual who is registered at Eastcape Midlands College on a full-time, part-time or distance education basis or has enrolled for a skills programme.
- 5.5. Eastcape Midlands College community: Students, staff, parents, guardians, service providers, or stakeholders of Eastcape Midlands College.

- 5.6. Disciplinary committee: Campus Head (chairperson), Campus Student Council Chairperson, Senior Manager Education Services, Council Member (optional), Campus Student Support officer (observer).
- 5.7. Appeal committee: CEO (chairperson), Senior Manager Education Services, Director Student Support, Member of College Council, and Cluster SRC Chairperson.
- 5.8. "Initiation" is defined as any behavior that threatens the psychological or physical health or safety of a student, with or without his permission. This action can lead to discomfort, humiliation and/or ridicule.
- 5.9. Weapons: Any item that could be used with the intention of inflicting bodily harm to another person.
- 5.10. Advisor: present in hearing, may consult with client, but not otherwise partake in the hearing.

6. REGULATIONS

Any student/student organization that is found guilty of the charges related to the following transgressions, on or off campus (refer 4.2), that knowingly or voluntarily found himself/herself/themselves in the presence of a transgression, or who helped others or encouraged them to perpetrate the transgression, can be summoned to a disciplinary hearing.

- 6.1. Behavior/actions that is/are conflict with laws of the country. Disciplinary action may continue without a charge being laid at the criminal or civil court.
- 6.2. Prohibited behavior which leads to physical or emotional damage to any other individual or the individual himself, or the health or safety of another person or the individual himself. The prohibited behavior may be deliberate or reckless and includes, but is not confined, to the following:
 - 6.2.1. Undesired physical contact such as hitting or bumping another individual, or the exposure or attempted exposure of another individual.
 - 6.2.2. Sexual contact with another person without the person's permission, with or without intimidation. A person, who is not in a state to understand the nature of the permission, is regarded as incompetent to grant permission.
 - 6.2.3. Threatening another person with physical and/or emotional harm or unwanted sexual contact.
 - 6.2.4. Harassment of another person in any way including the creation of a dangerous, intimidating or offensive environment or which to a great extent interferes with a person's educational aims. The harassment can be perpetrated on any basis, including for example race, color, nationality, age, gender, disability, religious conviction, intimidation of sexual nature or sexual orientation.
 - 6.2.5. Initiation or harassment of another person with the aim of initiating or maintaining a group affiliation. According to Article 12(2) of the Bill of Rights, everyone has the right to bodily and psychological integrity, which includes the right to security, of and control over their body. The following applications apply: No students may subject a co-student to any form of violence. Students may not be shouted at if it is in a mean, dehumanizing, or disparaging way. Students

may refuse to be sent/ordered around against their will. Students may refuse to change their physical appearance.

6.2.6. Any student convicted of any criminal offence by a South African court with criminal jurisdiction in terms of the Criminal Procedure Act 51 of 1977 shall be guilty of an offence in terms of this Code of Conduct, and shall be subject to disciplinary action by Eastcape Midlands College.

6.3. Disorderly, disturbing behavior which interferes with orderly College contingencies, including, but not confined, to the following:

6.3.1. Neglect to respond to instructions as given by the police and college staff.

6.3.2. Failure to comply with Health and Safety measures e.g. vacate College buildings during fire warnings, including fire and emergency drills.

6.3.3. Being responsible for excessively loud music, noise or disturbance to the detriment of other members of the college community.

6.3.4. Disturbance of scheduled College programmes and activities irrespective of the nature of the activity.

6.3.5. Public drunkenness and indecent behavior in public which may bring the image of the institutions into disrepute.

6.3.6. Obstruction of traffic, including road and pedestrian traffic.

6.4. Deliberate actions which interfere with the electronic resources of the College.

6.5. Behavior which includes theft or abuse, or indicates an attempted theft or abuse of College property or funds, including electronic resources, the property or funds of another person, entity or organization.

6.6. Deliberate or negligent behavior which results in College property or the property of others being endangered or being damaged.

6.7. Behavior which threatens the well-being of another, including but not confined to:

6.7.1. Being in possession of or provide fireworks and/or other explosive agents;

6.7.2. Being in possession of or provide firearms and other weapons;

6.7.3. The starting of prohibited fires;

6.7.4. The misuse or damage of fire and other safety equipment.

6.7.5. A student on any Eastcape Midlands College campus shall not connect any equipment or appliance to an electrical supply in contravention of normal safety standards.

6.8. Possession, duplication or use of any College property which has not been approved.

- 6.9. Trespassing or gaining admission to College property or facilities without approval.
- 6.10. A student shall not commit any act of sale, distribution, use or possession of any illegal drug, as defined by the Drug and Drug Trafficking Act 140/1992, on any campus of Eastcape Midlands College.
- 6.11. No student may keep, use or consume any habit-forming substance or illegal drug, as defined in the Drug and Drug Trafficking Act No. 140/1992, as amended.
- 6.12. Dishonest behavior, including, but not confined, to the following:
 - 6.12.1. Supplying false information to any College employee, whether orally, in writing or electronically;
 - 6.12.2. Falsifying, changing or abusing any College document, report, certificate; medical certificates or identification document;
 - 6.12.3. Dishonest academic actions.
- 6.13. Behavior which interferes with the code of conduct of the College, but is not confined to:
 - 6.13.1. Neglecting to appear before the disciplinary committee, in case of being accused of breaking the code of conduct, after written notice of the hearing has been given in good time;
 - 6.13.2. Neglecting to respond to the punishment as decided by the disciplinary committee.
- 6.14. Behavior which is in conflict with the Bill of Rights.

7. PROCEDURE FOR REPORTING AND LODGING OF COMPLAINTS

- 7.1. Any member of the college community may report an alleged transgression of the code of conduct to the Disciplinary Committee.
- 7.2. A written report by the complainant must be handed in within two class days after the incident. Statement must be signed and dated by both the complainant and recipient.
- 7.3. The alleged transgressor will be requested to hand in a statement on the incident immediately after it was reported. Statements must be signed and dated by both the alleged transgressor and recipient.
- 7.4. Any possible witness/s will be requested to submit a statement on the incident immediately after it was reported. Statements must be signed and dated by both the witness/s and recipient.
- 7.5. The disciplinary committee will decide whether there is sufficient ground to lay a charge against a student/student organization for transgression of the code of conduct.
- 7.6. College hearing procedures may still be followed in cases where an alleged transgression by a student/student organization is subject to criminal procedures. No criminal conviction is necessary before a transgressor of the code of conduct is subjected to disciplinary action.

7.7. A Disciplinary Record Book shall be kept, in which the following shall be entered:

- the date of the sentence;
- the name and student number of the person found guilty;
- the nature of the charge;
- the finding at the disciplinary hearing;
- the penalty imposed;
- the name/description of the Disciplinary Body;
- the signature of the Chairperson of the Disciplinary Committee who reviewed the case.

The above information shall be submitted to the Dean: Student Affairs by the Chairperson of the Disciplinary Committee.

The Dean shall also have a note made on the student's record indicating:

- that the student had been found guilty of an offence;
- the date of the sentence.

If on appeal, the finding and/or penalty is amended, this shall be entered in the Disciplinary Record Book or, if set aside, the original record shall be amended to indicate this and shall be removed [from the Book] from the Student's record.

8. HEARING PROCEDURE

The following procedure is applicable to disciplinary hearings:

8.1. The student/student organization being charged with alleged transgression(s) will receive an official notice from the Disciplinary Committee at least five class days before the hearing in which the following information will be given:

- 8.1.1. The name of the student/student organization who/which is being charged;
- 8.1.2. The date, time and place and nature of the alleged transgression, with reference to the college code of conduct;
- 8.1.3. The date, time and place of the disciplinary hearing;
- 8.1.4. The rights of the student/student organization;
- 8.1.5. Special instructions (if applicable).

8.2. This notice will be issued in duplicate and the student/representative of student's organization will sign both copies as proof of receipt.

8.3. The parent/guardian/sponsor will be notified in writing of the disciplinary hearing.

8.4. The campus head superintendent will be the chairperson of the Disciplinary Committee.

8.5. A record must be kept of all hearings. It can be verbatim, written report or an electronic recording or both.

- 8.6. In all cases the hearings of alleged transgressors will be conducted individually, irrespective of the number of students involved in the same incident.
- 8.7. The chairperson will advise all parties that testify during the hearing, before the commencement of the hearing, regarding their responsibility to tell the truth.
- 8.8. The charge will be stated to the student by the member of committee acting as complainant.
- 8.9. Witness/s will be called to testify.
- 8.10. The student/student organization being charged, will be allowed to hear the testimony of witnesses, and question witnesses, as well as be given the opportunity to evaluate evidence/exhibits.
- 8.11. The student/student organization being charged will be allowed to call witnesses, submit relevant evidence/exhibits and give his/her/their version of events which led to the transgression of the code of conduct.
- 8.12. The student/student organization will be allowed to bring an advisor to act merely as an observer to the hearing. (Refer definition: 5.10)
- 8.13. Failure to attend will lead to the hearing being conducted in the absence of the accused. If a valid reason for absence (e.g. medical certificate) is offered, the hearing could be rescheduled.
- 8.14. The findings of the Disciplinary Committee will be communicated in writing to the student within five working days after the hearing. The right to appeal will be stated in the letter.
- 8.15. Parents/guardians/sponsors will be informed in writing of the finding(s) of the Disciplinary Committee.

9. OFFENCES

Offences are graded according to the nature of the offences, of which Grade 5 offences are the most serious.

9.1. GRADE 1 OFFENCES

- 9.1.1. Grade 1 offences are dealt with in the first instance **by the staff member concerned**, but will be reported to and signed by the Head of Division.
- 9.1.2. When a third offence occurs, the matter is referred to the Head of Division who will issue a final written warning.
- 9.1.3. If the same offender commits another offence of any nature, the matter will be referred to the Disciplinary Committee.
- 9.1.4. The following will be regarded as **grade 1 Punishable Offences**:

- 9.1.4.1. Cheek/Insolence;
- 9.1.4.2. Disruption of lectures in any way;

- 9.1.4.3. Foul language and signs;
- 9.1.4.4. Absence or late arrival for lectures;
- 9.1.4.5. Littering;
- 9.1.4.6. Disruptive/un-cooperative behavior in class;
- 9.1.4.7. Smoking in unauthorized places;
- 9.1.4.8. Unsuitable attire/appearance;
- 9.1.4.9. The use of cellular phones in classrooms;
- 9.1.4.10. Eating, drinking, chewing gum in classroom;
- 9.1.4.11. Damaging property unintentionally on college premises.

9.2. GRADE 2 OFFENCES

- 9.2.1. Grade 2 offences are referred to the Campus Head who will issue a written warning which will be considered a final written warning.
- 9.2.2. If the same offence occurs again, the matter will be referred to the Disciplinary Committee.
- 9.2.3. The following **will be considered Grade 2 Punishable Offences:**

- 9.2.3.1. Fighting (without weapons);
- 9.2.3.2. In possession of offensive material;
- 9.2.3.3. Cheating in tests, internal examinations, copying of computer exercises, projects or any other work intended for year mark;
- 9.2.3.4. Tampering with safety and other equipment on campus;
- 9.2.3.5. Distribution of, or placing of notices without permission;
- 9.2.3.6. Failing to prove identity as student/produce student card;
- 9.2.3.7. Use of a mobile phone during examinations.

9.3. GRADE 3 OFFENCES

- 9.3.1. Grade 3 offences are dealt **with by the Disciplinary Committee.**
- 9.3.2. The following will be **considered as Grade 3 Punishable Offences:**

 - 9.3.2.1. Verbal or non-verbal abuse of staff member;
 - 9.3.2.2. Physical/verbal threat of staff member/fellow student;
 - 9.3.2.3. Racial remarks/insults;
 - 9.3.2.4. Organizing, inciting, or taking part in illegal student actions such as meetings, campaigns or marches on the campus;
 - 9.3.2.5. Distribution of political material on the premises;
 - 9.3.2.6. More than one Grade 2 offences;
 - 9.3.2.7. Altering of official documents such as medical certificates and qualifications and fraudulent use thereof.

9.4. GRADE 4 OFFENCES

- 9.4.1. Grade 4 offences **are immediately referred to the police** after which a Disciplinary Hearing will take place. In addition, students who transgress this Code of Conduct in cases 9.4.2.6 will be immediately suspended from classes until the Disciplinary Hearing took place.
- 9.4.2. The following will be considered as Grade 4 Punishable offences:

- 9.4.2.1. In possession of dangerous weapons;
- 9.4.2.2. Assault of students/staff members;
- 9.4.2.3. Vandalism to staff member's/College's/fellow students' property;
- 9.4.2.4. Sexual harassment;
- 9.4.2.5. Theft;
- 9.4.2.6. Any offence punishable under common law which can damage the college's image.

9.5. Should a student be found guilty of a Grade 4 offence and suspended by the Internal Disciplinary Committee, the finding is guilty but that the student may return to classes, it is the responsibility of the student to catch up any work conducted during the temporary suspension. In the case of missing an assessment during this period, no additional assessment will be given by the college.

If the student is found not guilty, the student must consult with the college to provide support regarding any work missed.

9.6. GRADE 5 OFFENCES / GROSS MISCONDUCT

9.7. Drunkenness or use of narcotic drugs on the College premises:

If a student is found drunk/using drugs/is in possession of alcohol or narcotic drugs on the premises he/she will be expelled with immediate effect.

10. POSSIBLE DISCIPLINARY ACTION AGAINST TRANSGRESSORS OF THE CODE OF CONDUCT

Eastcape Midlands College may exercise any of the afore-mentioned disciplinary actions against student/student organizations that are found guilty of transgressing the code of conduct. The College is, however, not confined to these abovementioned actions.

10.1. DISCIPLINARY ACTION AGAINST INDIVIDUAL STUDENTS:

- 10.1.1. Oral reprimand and/or warning.
Reprimand and/or warning in writing.
- 10.1.2. Refusal of admission to any or all College examinations and/or tests and/or other forms of assessments.
- 10.1.3. **Interim suspension or the lessening of privileges** – Should the presence of a student potentially endanger co-students and staff, an interim suspension may be made applicable to the hearing. In this case the hearing and verdict must be concluded within five class days. **Expulsion** – The student is prohibited from attending classes and participating in College activities, permanently or temporarily forfeiting the opportunity to be assessed in a particular year, pending the nature of his/her case. He/she may be considered if he/she applies the following year.

The following steps can possibly be taken in conjunction with the above - mentioned action:

- 10.1.4. Regulation for educational punishment – A student can be expected to attend an educational programme.

- 10.1.5. Participation as a member, organizer of official or any student organizing or participation in any student activities of any nature;
Obtaining of/or wearing the colors of the college in any form;
Use of library facilities;
Access to computer facilities of the College.
- 10.1.6. Compensation for, or repair of damage caused by the student.
Payment of a suitable fine, not exceeding R500.00.

- 10.1.7. Referral – the student is expected to go for counselling or rehabilitation. In this case the costs incurred have to be paid by the student.

10.2. STUDENT ORGANISATIONS

- 10.2.1. Disciplinary action as set out in 10.1.1, 10.1.6, 10.1.7 and 10.1.8.
Action taken against a student organization does not apply to all members of the organization.
- 10.2.2. Forfeit college acknowledgement and privileges for a certain period.

11. PROCEDURES FOR APPEAL

- 11.1.1. If a student/student organization should be found guilty on charges of transgressing the code of conduct, he/she/they is/are entitled to appeal with the Appeal Committee, consisting of CEO (chairperson), Senior Manager: Educational Services, Director Student Support, Member of College Council, Cluster SRC Chairperson.

The procedures to lodge an appeal are as follows:

- 11.1.2. The appeal must be lodged in writing within five class days after conviction at the office of the chairperson of the Disciplinary Committee, who will send the written appeal to the Appeal Committee.

- 11.2. The lodging of the appeal must be based on one of the following:

- 11.2.1. Alleged transgression of hearing procedures.
- 11.2.2. New information which contributes to the case and was not available at the time of the hearing and which can possibly influence the verdict of the case.
- 11.2.3. The student/student organization is of the opinion that the disciplinary action (punishment) meted out was unjust and unreasonable.

- 11.3. The Appeal Committee may:

- 11.3.1. Uphold the findings and disciplinary actions of the Disciplinary Committee;
- 11.3.2. Change the finding (punishment);
- 11.3.3. Request a new hearing.

11.4. The decision of the appeal committee will be final.