



**MUHABURA INTEGRATED POLYTECHNIC COLLEGE**

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*"Accredited by WDA Resolutions of the BoD 1094/17 on 29 June 2017"*

# STUDENTS' CODE OF CONDUCT POLICY

## **List of abbreviations**

**MIPC:** Muhabura Integrated Polytechnic College

**ICT:** Information Communication Technology

**SDO:** Students Discipline Office

**DOD:** Director of Discipline

**BoD:** Board of Directors

**WDA:** Workforce Development Authority

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## **Introduction**

MUHABURA Integrated Polytechnic College (MIPC) is an institution opened in 2014 by Anglican Church of Rwanda, Diocese of SHYIRA. The idea of creating such kind of Institution is triggered by following objectives

1. To provide technical and professional programs for students who wish to develop competencies in specific career areas or to upgrade their skills.
2. To support economic development by providing job-specific programs for business, industry, hotels, and other organizations.
3. To provide developmental education courses for students who need basic academic skills.

## **Motto**

**“Striving for excellence...”**

And whatever you do, do it heartily as to the Lord and not to men. Colossians 3:23

## **Vision**

To be the Premier Source for education, workforce training, partnerships and economic development.

## **Mission**

To provide innovative educational environments, opportunities, and experiences that enable individuals, communities, and the region to grow, thrive, and prosper.

## **Philosophy**

We act to foster inclusion education and promote excellence in all that we do. We commit to approach all decisions with integrity, kindness and generosity both on and off campus.

## **Values**

1. Commitment
2. Respect
3. Excellence
4. Accountability
5. Diversity

## **Goals**

1. Ensure the students access and increase enrollment facilities.
2. Inspiring students' success and enabling to achieve their life skills for the labor market and entrepreneurial skills.
3. Ensure high quality programs and services.
4. Sustain environmental relationship in education.
5. Reinforce continuing education and community service.
6. To develop and implement a student welfare policy.
7. To develop and enhance library services.
8. To generate income and develop projects to support smooth learning of the college.
9. To promote a culture of entrepreneurial and business, technical skills among students.
10. Ensure students access to ICT services

## **RULES AND REGULATIONS FOR STUDENTS,**

### **(CODE OF CONDUCT)**

1. Consistent with the right of each individual to freedom of conscience, opinion and expression, and with the need for there to be a free exchange of views amongst members of the Muhabura Integrated Polytechnic College (MIPC), it is the right of each member of MIPC, and of properly invited visitors, to express their views on the platforms of the College provided such views are not supportive of violence or of the infringement of the dignity and fundamental individual rights of others.

2. Under no circumstances will any form of violence or threats of intimidation be tolerated within our college.

Violence, threats of violence and intimidation are particularly repulsive within a college community committed to reasoned debate, and behavior by any individual within the College community which either causes or threatens to cause harm to another individual or damage to property is not acceptable.

3. Further, because of the sensitivities involved in the present circumstances, acts which are clearly designed to be provocative and thus likely to cause acrimony or violent conflict will not be tolerated. The College respects and upholds the right of any individual within the College community to participate in gatherings, processions and demonstrations on any campus of the College. However, such right must be exercised subject to the rights of other members of the College community and the public at large. This applies to both participants and non-participants in any gathering, procession, etc. Further, the holding of any such gathering, procession etc. must be in compliance with the law.

In this regard, the following rules are applicable in terms of the Regulation of Gatherings Act 205 of 1993: -

A) Any organization on any campus of the College intending to hold a gathering must appoint a person (referred to as a convener) to be responsible for the arrangements for that gathering and to liaise with relevant members of the team, the local authority and the College. In particular the convener must liaise with the director of students' affairs on the campus

concerned;

**b)** The convener must give at least 10 days' notice of the intended gathering to the person in charge of student's welfare. (Where it is not reasonably possible to give ten days' notice then notice must be given at the earliest opportunity. However, where less than 48 hours' notice is given the gathering may be prohibited);

**c)** Such notice must set out the details of the gathering. In particular it must specify the name and address of the convener and the organization; the purpose of the gathering; time, date, duration and venue; the number of participants and marshals and, in the case of a procession, details of the route and the manner and means of transporting participants to the event;

**d)** the local authority is entitled to impose reasonable conditions in regard to the conducting of the gathering which will have the effect of minimizing disruption of traffic and non-participants as well as reducing the risk of violence and public disturbance;

**e)** As far as the actual conduct of the gathering is concerned, all participants are obliged to abide by the laws as well as any conditions that might be imposed. The convener is responsible for ensuring that sufficient marshals are in place to maintain order;

**f)** In addition, all participants shall refrain from uttering any words that are likely to encourage violence or incite racial or ethnic hatred;

**g)** Participants shall also not wear any disguise or mask that obscures facial features or wear any uniforms resembling those of security forces;

**h)** no-one must be armed within campus or outside, even during participating in any gathering;

**i)** All orders of members of the organized team (MIPC) must be obeyed.

## **1. GENERAL RULES**

**1.1.** Every student, by signing an official registration form, becomes subject to the rules of the College contained in the manual, or referred to, in these rules, which are administered in terms of the Rules for Student Discipline, a copy of which is available for inspection in the



office of the Registrar.

**1.2.** Any person who enters the College with the intention of registering as a student and/or who uses the College facilities as if he or she is a student shall be deemed to be a student for the purposes of the Rules for Student Discipline.

**2.** Students shall wear academic uniforms/ dresses at those functions for which such uniform is prescribed.

**3.** Posters or notices emanating from a student or student society or sports club shall not be displayed without the prior approval of the Students' Representative Council or the relevant Sports body.

**5.** A sports club, society or other body shall obtain the prior permission of the Executive Dean: Students for any tour or similar activity which involves the absence of students from classes.

**6.** A student who intentionally or negligently causes damage to any property owned, possessed or occupied by the College shall pay the repair of such damage.

**7.** Students shall acquaint themselves with, and comply with, the rules relating to examinations, the Common Rules for degrees, advanced diplomas and certificates, the Rules of the School concerned in respect of the degree, diploma or certificate for which they are registered and such rules as are prescribed and published in writing from time to time by the College libraries, Students' Representative Councils and the Joint Sports Council.

## **8. RULES FOR STUDENT DISCIPLINE**

**8.1.** In these Rules, the Principal is referred to as the Principal. The general supervision and control of student discipline is vested in the Principal and, except where otherwise directed by the Principal, shall be administered by the director of students 'welfare, in terms of these Rules.

**8.2.** The registration of any student who, while a registered student of the College, has been convicted of a serious crime by a committee of law may at any time be cancelled at the discretion of the disciplinary committee.

## **9. MISCONDUCT**

A student will be guilty of Misconduct if he or she:

**9.1.** wrongfully infringes on the fundamental rights of another person as contained in the Bill of Rights, or acts in a way that breaches any other laws of the land, or the rules, regulations and provisions of the College;

**9.2.** Acts in a manner that is contrary to any of the provisions of College policies as approved from time to time;

**9.3.** Cheats in any College examination. For the purposes of this rule an examination includes every examination or test or assessment of a student's knowledge or performance organized or conducted by the College or any department of the College or any member of the academic staff of the College. Cheating shall include:

**9.3.1** the introduction, or attempt to introduce, into any place where an examination is about to be conducted or is being conducted, of any book, note, cell phone, or other device or instrument capable of storing, sending or receiving information, or any other article containing information, the use of which is not authorized by the examiner or the examination officer;

**9.3.2.** the possession, use, or attempted use, during an examination of any book, notes, cell phone, or other device or instrument capable of storing, sending or receiving information, or any other article containing;

**9.3.3.** Information, the use of which is not authorized by the examiner or the examination officer;

**9.3.4.** the removal or attempted removal from an examination room of any examination book or writing paper supplied by the College for the purposes of answering an examination;

**9.3.5.** The communication or attempted communication of any information relating to an examination to any candidate while the examination is in progress;

**9.3.6.** The use of a false name or identity number in an examination;

**9.3.7.** The submission for examination as own work any written matter or project which has been copied, reproduced or extracted, in whole or in part, from the work of another student or some other person, or which is substantially the same, in whole or in part, as the work of another student;

**9.3.8.** Intentionally or negligently assisting another student to cheat as defined in paragraph 9.3.6;

**9.3.9.** The commission of any other fraudulent, deceitful or dishonest practice whereby any student, while being examined by the College, seeks to mislead or deceive the examiner or the examinations officer;

**9.4** acts in a violent, indecent or improper manner on or in the vicinity of College premises or at a function organized by the College;

**9.5.** acts in an insulting, indecent or improper manner towards another student, a College personnel member or functionary, or a member of the public;

**9.6.** Mentally harms or humiliates, or assails the dignity or person of another student, a College personnel member or functionary;

**9.7.** engage in hate speech;

**9.8.** engage in cruelty to animals;

**9.9.** Misrepresent themselves, through their behavior or actions, to any personnel member or functionary of the College, knowing well that it is a misrepresentation;

**9.10.** acts in such a way that their conduct results in, or could reasonably be expected to result in prejudice to or endangerment of the normal pursuit of teaching, research and/or study at the College, or to the general activities at the College;

**9.11.** Acts in such a way that their conduct results in, or could reasonably be expected to result in prejudice to, or endangerment of the maintenance of order, discipline or safety at the College;

**9.12.** Acts in such a way that their conduct results in, or could be expected to result in

prejudice to the good name of the College;

**9.13.** Ignore or act in conflict with any lawful oral or written instruction or request of any governing body, personnel member or functionary of the College;

**9.14.** impedes the freedom or privacy of another student or of a personnel member of the College;

**9.15.** impedes the orderly course of an investigation into alleged Misconduct, or the course of disciplinary proceedings;

**9.16.** intentionally or negligently removes, misuses, damages, defaces, or uses or enters, without permission, any asset or property owned or controlled by the College, or by any personnel member, or student of the College;

**9.17.** uses emergency equipment for purposes other than in an emergency situation;

**9.18.** Enters, uses or occupies any property of the College without permission, or uses the property in a manner other than that for which it was intended;

**9.19.** introduces a dangerous weapon, explosive or illegal substance onto any College campus without permission;

**9.20.** Assists or encourages another student to commit Misconduct;

**9.21.** Improperly uses the name of the College or in any way whatsoever uses or displays the armorial bearings of the College without the prior written permission of the person in charge of discipline;

**9.22.** Allows another student or any other person to utilize their student card or student number for any purpose whatsoever, or to utilize the student card or student number of another student for any purpose whatsoever;

**9.23.** fails to comply with, or ignores any order of a disciplinary Committee;

**9.24.** causes physical or mental injury to another person;

**9.25.** Acts in a dishonest manner which causes, or has the potential to cause loss or prejudice

to another student, personnel member or the College;

**9.26.** refuses to produce a student identity card upon lawful request by any personnel or functionary of the College;

**9.27.** Consuming any alcohol on any College premises, other than at a place and time approved by the College is prohibited.

**10.** A charge that a student has committed Misconduct under Rule 9 shall be heard by a Student Discipline Committee, or, with the approval of the Proctor, by a Residence Tribunal.

## **11. PROCEDURE ON MISCONDUCT:**

### Reporting of Misconduct

**11.1** All incidents of Misconduct shall be reported to director of discipline on the relevant campus.

**11.2** Director of discipline shall investigate all such reports and compile a report of their investigations for transmission to the Student Discipline Office.

## **12. Student Discipline Office**

**12.1** The Student Discipline Office (SDO) shall have administrative responsibility to handle and process all disciplinary reports.

## **13. Proctor**

**13.1** The Principal appoints a Proctor/s.

**13.2** The Proctor advises the Principal in any matter relating to student discipline in the College.

**13.3** The Proctor has the right to represent the College in all disciplinary forums and is responsible for administering student discipline at the College.

**13.4** On receipt of a disciplinary report by the SDO, the Proctor subjects to guidelines provided by the Principal, has the mandate to deal with the matter by:

13.4.1 Requesting further investigation;

13.4.2 Declining to prosecute;

13.4.3 Issuing a Proctor's Warning.

13.4.4 Dealing with the matter under Rule accordingly.

13.4.5 Referring the matter to mediation or conciliation.

13.4.6 Referring the matter to counseling.

13.4.7 Referring the matter for prosecution in the Student Discipline Committee.

#### **14. Summary Procedures**

14.1. When a charge of having committed an offence as defined in these rules is pending against a student, or when, in the opinion of the Principal, such a charge ought to be instituted against a student, or when a student has been charged with a disruptive behavior by a Committee, in charge of discipline may demand that, until the final disposition of the charge, the student may:

14.1.1 Cease attending lectures or classes;

14.1.2 Cease participating in such other activities of the College as may be specified;

14.1.3 Not enter the precincts of the College or any specified part thereof;

14.1.4 Not bring any motor vehicle onto the grounds of the College;

14.2 The Principal does not make any order in terms of paragraph 14.1 unless.

14.2.1 The student has been given an opportunity to appear before the Principal to show cause why the order should not be made; and

14.2.2 The Principal considers it to be in the interests of the other students or staff or the College to make the order.

14.3 The director of discipline may order a student who is alleged to have contravened any

rule of the rules for student discipline immediately to leave a residence and not return for a specified period not exceeding two weeks.

14.4 The Principal does not make an order in terms of paragraph 14.3 unless:

14.4.1 The student has been given an opportunity to show why the order should not be made; and

14.4.2 The Principal considers it to be in the interests of the other students in the residence or in the interests of the proper enforcement of the Rules of Student Discipline to make the order.

14.5 Principal who has made an order in terms of paragraph 14.3 hereof, as soon as practicable provides a written report of the order and the reasons for which it was made to the Principal who shall either confirms or rescinds the order.

14.6 If the order made in terms of paragraph 14.3 is confirmed, or if the student in question appeals against the order, the Principal thereafter acts in accordance with rule 14.1, pending the conclusion of which the Principal may extend the period of the student's exclusion from the residence.

14.7 When the Principal is unavailable, the powers and duties granted by rules 14.1, 14.2 and 14.6, may be exercised by the director in charge of discipline, or by a person nominated by the Principal for such purposes.

## **15. Administrative Procedures**

15.1 A Student who is alleged to have cheated in any class test, assignment or similar form of assessment may, instead of being charged as provided in these rules, be permitted by the Head of the college concerned to admit guilt by signing the approved form if

15.1.1 That assessment constitutes not more than 25% of the final overall mark for the module in question; and

15.1.2 The student has not previously been found guilty of cheating or admitted guilt in relation to cheating; and

15.1.3 The Head of college is of the opinion that the alleged cheating does not warrant a

penalty beyond that specified in Rule 15.3.

15.2 For the purpose of this rule, cheating includes all forms of cheating as defined in Rule 9.3.

15.3 If a student admits guilt as above:

15.3.1 The result of the assessment in question is cancelled or forfeited;

15.3.2 The name and college of the student are published in the College manner approved by Council;

15.3.3 The admission of guilt shall be recorded on the record of the student for the duration of the student's studies at the College, for use only within the College.

15.4 A student who alleges that guilt was admitted by mistake, in ignorance or by reason of irregular procedure may, within 3 days of signing the admission, apply in writing to the Proctor giving reasons for the application to withdraw the admission of guilt. Such an application shall be investigated by the Proctor who may set aside the admission of guilt, in which case the matter shall be referred to the Student Discipline Committee for a charge of cheating.

15.5 The Head of college shall forward a copy of the signed admission of guilt form to the Office of the Principal and the Proctor.

15.6 A student who is alleged to have committed a breach of these rules, may instead of being charged as provided in the rules, be permitted by the Proctor to admit guilt by signing the approved form, if:

15.6.1 The student has not previously been found guilty of or admitted guilt to, any Misconduct as defined in these rules;

15.6.2 The Proctor is of the opinion that the alleged breach does not warrant a penalty more severe than that specified in rule 15.7

15.7 If the student admits guilt in terms of 15.6 above, the Proctor imposes one or more of the following methods namely; preventive, restorative and punitive which also may provoke



these punishments:

15.7.1 Counseling or warning

15.7.2 Reprimand, or both;

15.7.3 Reparation for damage caused, payable by a stipulated date and forward a copy of the signed admission of guilt form together with details of the punishment imposed to the Principal for confirmation.

15.8 On confirmation by the Principal,

15.8.1 The name and college of the student shall be published in the College in the manner approved by Council;

15.8.2 The admission of guilt shall be recorded on the record of the student for the duration of the student's studies at the College, for use only within the College.

15.9 A student who alleges that he or she admitted guilt under rule 15.6 by mistake, in ignorance, or by reason of irregular procedure, may, within 3 working days of signing the admission, apply in writing to the Registrar to withdraw the admission. The Registrar may set aside the admission of guilt, in which case the matter shall be referred to the Proctor for the institution of disciplinary proceedings in accordance with these Rules.

## **16. STUDENT DISCIPLINE COMMITTEE**

16.1 The Student Discipline Committee consists of the following panel of persons:

16.1.1 The President, who shall be;

16.1.1.1 A person nominated by the director of discipline (DoD) for such purpose; and

16.1.1.2 Be a person, in the opinion of the Principal of sufficient standing and experience; and

16.1.2 A member of the Central Students 'Representative Council, nominated for this purpose, who sits as an observer only, save in instances where charges are brought against the Central or a Local Students' Representative Council; and

16.1.3 A Leader, nominated for this purpose by the college in which the student concerned is registered, in instances where the Misconduct relates to:

16.1.3.1 Cheating (as defined in Rule 9.3) in a formal examination session; or

16.1.3.3 Where the possible sanction could include cancellation of a Diploma, expulsion, or exclusion from the College for a period longer than four semesters.

16.2 The Principal may direct that, in a particular inquiry, the director of discipline is an additional member of the Committee.

16.3 Save for cases involving matters referred to under Rule 16.1.3, the presence of the President shall render the Committee.

16.5 In all matters referred to under Rule 16.1.3, both the Principal and a director of discipline nominated under Rule 16.1.3, shall be present.

16.6 In the event of a deadlock in the decision of the Committee, the President's decision shall prevail.

## **17. Prosecutor**

17.1 The Proctor shall prosecute and represent the College in all disciplinary forums; alternatively, 17.2 The Proctor may delegate this responsibility to a person appointed under Rule 18.1, save that such delegate shall not be a person appointed to represent the student concerned.

## **18. Representation of Accused Student**

18.1 After consultation with the principal of the college, he may appoint in each centre of the College one or more Student's Representatives who shall be full-time members of the academic staff.

18.2 The Student's Representative shall, if requested by a student:

18.2.1 advise the student on any matter affecting any charge laid under these rules, and in particular on the nature of any defense which may be available to the student and the nature

of the evidence required to establish that defense;

18.2.2 Appear on behalf of the student at any inquiry before the Student Discipline Committee, and conduct the defense of the student.

18.3 An accused student may, subject to the provisions of rule 18.4, personally conduct a defense but may not be legally represented other than as set out in rule 18.4 hereunder.

18.4 An accused student maybe represented by another student or a member of the staff of the College

## **19. Proceedings**

Proceedings before the Student Discipline Committee shall be undertaken upon the instruction of the Principal, acting on the advice of a Proctor, who determines who is charged, what the charge is, what investigations are carried out, and what evidence is obtained. The Principal instructs the Student Discipline Office to notify the student or student organization (as defined in rule 20) that a proceeding is to be instituted.

## **20. Disruptive behavior**

If it appears that a Misconduct has been committed by students while engaged in the business, affairs or activities of a student society, council, committee, union, club or other association or organization of students (for the purposes of these rules hereinafter referred to as a student organization) the Proctor may charge such organization with the Misconduct that has been committed, and the organization shall appear before the inquiry in the form of its president or chairperson and its secretary.

## **21. Notice**

21.1 When proceedings against a student are instituted in terms of rule 19, the Student Discipline Office shall give the student concerned not less than 120 hours' notice in writing of the place and time of the inquiry, provided that within the last three (3) weeks of any semester such notice be not less than seventy-two (72) hours, excluding weekends.

21.2 Such notice is delivered to the student personally, or by e-mail to the student's official

College e-mails address, subject to proof of receipt, provided that if the student cannot conveniently be found, the notice may:

21.2.1 be posted by registered post to the student's last known address as provided by the student and is deemed to have been received by the student within a period of 72 hours after the time of posting, or

21.2.2 Be left at the student's last known address as provided by the student and is deemed to have been received by the student at the time of delivery.

21.3 The notice referred to in rule 21.1 informs the student:

21.3.1 That proceedings under the rules for Student Discipline have to be instituted and notify the student that a copy of the rules is available for inspection in the office of the Principal;

21.3.2 The rule that the student is alleged to have breached and set out the charge in sufficient detail to acquaint the student with the case to be met;

21.3.3 That the student's representative is available to advise in relation to the charge and the preparation of a defense thereto;

21.3.4 That a defense to the charge may be conducted personally by the student or on the student's behalf by a person referred to in rule 18.3 or rule 18.4;

21.3.5 The student may give evidence at the inquiry and, either personally or through any person representing the student at the inquiry, call any witness, put questions to any witness, inspect any document or other evidence produced at the inquiry, and address the Committee in mitigation of punishment.

## **22. Procedure at the Committee Inquiry**

22.1 Subject to the provisions of rule

22.2 And rule 22.12, the inquiry is conducted in the presence of the student charged with Misconduct.

22.2 If a student, after notice duly given in terms of rule 21, and without the leave of student,

provided that the student may make written representations to the Committee which the Committee considers.

22.3 An inquiry is conducted in public, except if the Committee directs otherwise.

22.4 The Prosecutor leads the evidence against the accused student and generally conducts the case for the College.

22.5 The Committee affords the student, or the person representing the student, reasonable opportunity to present a defense and to answer the charges.

22.6 At the inquiry the Committee shall:

22.6.1 Be provided with any statements by witnesses or other relevant matter which has previously been exchanged by the representatives of the College and the student.

22.6.2 Consider such documents or other evidence and hear any witnesses called by the College or the student, or person representing the student, and may put questions to such witnesses and to the student.

22.6.3 consider and grant or otherwise, as it may determine, any application for the amendment of the charge, so as to add further charges or substitute one charge for another.

22.7 The Committee may, of its own accord, call such witnesses as it may determine, or obtain any documents or other evidence relevant to the inquiry and may, in its discretion, instruct that any exercise, test, demonstration or experiment that may be relevant to a determination of the issue before it, be conducted.

22.8 At the conclusion of the hearing the Committee decides, in the light of the evidence, whether or not the student is guilty of the offence charged. A finding of guilty is returned only if:

22.8.1 The Misconduct charged has, in the opinion of the Committee, been proved on a balance of probabilities, or a determination of the issue before it, is conducted.

22.8.2 The student has freely and voluntarily admitted guilt and the Committee are satisfied that there is evidence from the accused or from another source to substantiate the admission.

If the Committee does not find the student guilty as herein provided, the student is acquitted.

22.9. The proceedings at an inquiry are recorded in full by a competent person appointed by the Principal for this purpose.

22.10. The provisions of rules 21 and 22 shall apply in all appropriate respects to charges brought against a student organization in terms of rule 20.

22.11 An inquiry is conducted in an informal manner, according to the rules and principles of natural justice, and no accused shall suffer any disadvantage or prejudice by reason of any failure or omission on the part of the said accused or his or her legal representative to comply with any procedural rules or rules of evidence as applied in the ordinary Committee of the land: Provided that the procedures prescribed by these rules for Student Discipline shall be observed in all material respects, and provided further that any rules or instructions for the manner of conduct of a hearing, not inconsistent with these rules, that may be laid down from time to time by a Committee hearing a charge, is observed and complied with.

22.12 If a committee considers it to be in the interests of the College or a student of the College that the name of a witness giving evidence before the Committee should not be revealed or published, the Committee, on application by the Prosecutor, may make any or all of the following orders:

22.12.1 Besides the members of the Committee, only the person representing the College and the person representing the accused may be present in the Committee when the witness testifies before the Committee.

22.12.2 The name of a witness is published in any report of the proceedings of the case; or

22.12.3 that the record of the evidence of the witness be transcribed in such a manner as to conceal the identity of the witness.

### **23. Procedure upon Conviction of a Student**

23.1 Upon the conviction of a student of disruptive behavior, the Committee imposes one or more of the following punishments:

23.1.1 Counseling and advisory.

23.1.2 A warning or reprimand.

23.1.3, An order for reparation for any damage caused by a date stipulated by the Committee.

23.1.4 Exclusion from participating in specified activities of the College for a stated period,

23.1.5 Exclusion for a stated period from any part of the College,

23.1.6 Exclusion from the College for a Stated Period of time,

23.1.7 Expulsion from the College, in which event the student is readmitted to the College, except as provided for in rule 33, 23.1.8 disqualification from entry to any examination,

23.1.9 Forfeiture of test, assignment, tutorial or other assessment marks.

23.1.10 punitive service to the College, imposed as a condition of the suspension of a sentence under 23.1.1 to 23.1.9 above.

23.2 In addition to any punishment imposed under rule 23.1.1 to 23.1.10 above, where the disruptive behavior involved is a contravention of rule 9.3 during an official College examination session, save, at the discretion of the Committee, in respect of a conviction for mere 'introduction' (rule 9.3.1) or 'possession' (rule 9.3.2), of a cell phone, the Committee imposes the following punishments;

23.2.1 Cancellation or forfeiture of all examination results of at least the examination session in question and any supplementary examinations in respect of that session.

23.2.2 Deprivation of a degree, diploma or certificate obtained as a result of the Misdemeanor.

23.2.3 Unless compelling mitigating factors are found to exist, exclusion from the College for a Minimum of two semesters.

23.3 In addition to any punishment imposed under rule 23.1.1 to 23.1.10, where the Misconduct relates to dishonesty, the Committee may order the deprivation of a degree, diploma or certificate obtained as a result of the dishonesty.

23.4 Where the accused before the Committee is a student, organization charged in terms of rule 20, the Committee may;

23.4.1 impose any of the punishments provided for in rule 23.1.1 to 23.1.10 inclusive, provided that where the punishment is reparation or a fine in terms of rule 23.1.2 or 23.1.3, the Committee may direct that it be collectively levied upon all members of the organization, provided further that the Committee specifies the maximum amount an individual student may be levied,

23.4.2 Suspend the existence of such organization for a specified period of time.

23.5 Before imposing a punishment referred to above, a committee affords the student, or the person representing the student, the opportunity to submit evidence, including confidential information in writing, and to call witnesses, in mitigation of sentence. The Committee also affords the College the opportunity to make representations regarding such interests of the College or the students of the College, which ought to be taken into account by the Committee in deciding upon the sentence it imposes. In determining the sentence that it imposes, the Committee takes account of the evidence so adduced as well as the academic record and the general conduct at the College of the Student before passing sentence upon the student.

23.6 Upon the conviction of a student the findings and sentence of the Committee and, unless the Committee published in the College in such manner as the Committee may direct.

23.7 The conviction records on the record of the student for the duration of the student's studies at the College, unless the Committee specifically directs:

23.7.1 That the record of the student is not endorsed.

23.7.2 That the endorsement remains on the student's record after completion of the student's studies at the College. Nothing contained herein is derogated from the provisions of rule 32.

23.8 A student who has been found guilty of Misconduct is advised that they may Appeal to the Council in terms of rule 29.

23.9 At the conclusion of an inquiry, the Student Discipline Office informs the student in writing in the manner provided for under rule 21, of the outcome of the inquiry and of the terms of the sentence, if any, that has been imposed on the student and of the direction of the Committee, if any, made in terms of rule 23.6 and 23.7, and of the procedures for an appeal.



## **24. RESIDENCE TRIBUNALS**

24.1 Where the Proctor has referred the matter, or after consultation with the Proctor, a student who is charged with Misconduct as defined in rule 9 in, or in relation to, a residence appears before a Residence Tribunal.

24.2 A Residence Tribunal consists of:

24.2.1 The Principal: Student Housing, alternatively, the Residence Manager of the campus concerned.

24.2.2 Student welfare Officer of the campus concerned, appointed by the Principal.

24.2.3 The President of the House Committee or a nominee who is a member of the House Committee.

## **25. Procedure at the Tribunal Inquiry**

25.1 A charge of disruptive behavior is brought against a student where:

25.1.1 An Officer-in-Charge of a residence is of the opinion that a student has transgressed a rule, the contravention of which is defined as Misconduct by rule 9, but only after consultation with the Proctor.

25.1.2 Where the Proctor has directed that a Residence Tribunal considers the charge.

25.2 A student who is charged with committing misconduct is summoned to appear before the Residence Tribunal on not less than 72 hours written notice in the manner prescribed for in rule 21. 25.3 In conducting an inquiry a tribunal proceeds in an inquisitorial manner and calls and examines any witnesses who may be required to testify.

25.4 If a student, after notice duly given in terms of rule 25.2, and without the leave of the tribunal, fails to attend the inquiry, the inquiry may proceed in the absence of the student, provided that the student may make written representations to the tribunal which the tribunal considers.

## **26. Procedure upon conviction of a student in a Residence Tribunal**

26.1 In the event of a Residence Tribunal finding a student guilty of Misconduct it imposes one or more of the following punishments;

26.1.1 Reprimand or warning, or both,

26.1.2 An order for reparation for any damage to property or loss caused payable

26.1.3 by a date stipulated by the Tribunal.

26.1.4 A fine may be payable by a date stipulated by the Tribunal,

26.1.5 Deprivation of all or specified student privileges in the residence,

26.1.6 The performance of such duties or tasks in, or on behalf, of the residence as the tribunal may determine for a period that does not exceed one semester;

26.1.7 Exclusion for a stated period from any residence or part of a residence

26.1.8 expulsion from the residence; provided that this sentence is immediately reported to the director in charge of discipline and does not come into effect unless and until it has been approved by the Principal, who thereupon informs the student that he or she is expelled from the residence; provided further that where a sentence of expulsion from a residence has been confirmed by the Principal in the manner provided in the rule, and unless he directs otherwise, the student is not admitted to another residence.

26.2 Upon conviction, a student is advised of their rights of appeal under rule 30.

## **27. SUSPENSION AND APPEALS**

27.1 Any Student Discipline Committee or Residence Tribunal constituted under these rules may direct that the operation or execution of any penalty imposed by the said Committee is suspended for a period not exceeding the time the student remains a registered student of the College and upon such conditions as the tribunal may deem appropriate, provided that a warning or reprimand and the punishments referred to in rule 23.1.7 is not suspended.

27.2 Where a punishment imposed in terms of these rules has been suspended and the student

concerned breaches a condition of such suspension, the Committee or tribunal which originally imposed the punishment may:

27.2.1 Order that the suspended punishment be brought into operation; or

27.2.2 Order the further suspension of the execution or operation of the punishment on the same or different conditions.

27.2.3 Make such other order as it deems proper in relation to the suspended punishment

## **28. Appeals**

28.1 A student or the College may appeal in the manner hereinafter provided against any conviction for a contravention of these rules or against any sentence imposed by a Student Discipline Committee or Residence Tribunal. For these purposes an appeal may include a request to review the proceedings of the Committee on the grounds of procedural irregularity in terms of these rules or on the grounds that the Committee failed to observe the rules of natural justice.

28.2 Unless the Committee directs otherwise at the time of imposing the punishment, the operation of any punishment imposed by the Student Discipline Committee or residence Tribunal is suspended until an appeal instituted under these rules has been finally disposed of; provided that if, in the opinion of the Principal, it is in the interests of the College, or the students of the College, that the operation of the sentence be not suspended, he may order that the operation of the sentence be not suspended; provided further that in the event that the Committee has failed to consider whether the operation be suspended, he determines whether the operation of the sentence is suspended or not.

## **29. Appeal from Student Discipline Committee to Appeal Committee of Council.**

29.1 A student convicted by a Student Discipline Committee may appeal against the conviction or sentence, or both, and the College may appeal against any acquittal or sentence imposed by the Committee, to the Council of the College in the manner provided in the rule.

29.2 The appellant (whether a student or the College) shall apply to the Student Discipline

Committee for leave to appeal to the Committee against the conviction or a sentence, as the case may be.

29.3 Such application, based solely on evidence already led and/or representations to the Student Committee, is made either:

29.3.1 By way of verbal presentation, setting forth the grounds of appeal after sentence has been handed down, and before the conclusion of the proceedings.

29.3.2 Written notice setting forth the grounds of appeal which must be lodged with the Student Discipline Office within 7 days of the conclusion of the proceedings.

29.4 If the Committee considers that the appeal has a reasonable prospect of success, it shall grant leave to appeal and notify the Student Discipline Office and the Principal of its decision. The Student Discipline Office notifies the student's representative, or in the event of the student not being represented, the student.

29.5 If the Committee refuses leave to appeal to any student who has been convicted under these rules, the Committee conveys such decision to the Student Discipline Office and the Principal. The Student Discipline Office notifies the student's representative, or in the event of the student not being represented, the student. In such event:

29.5.1 The student may petition the Council to allow an appeal.

29.5.2 Such petition is in writing and set out the grounds for seeking relief and is lodged with the Principal within ten (10) days of the Committee refusing leave to appeal.

29.5.3 The Principal refers the petition to the Director of Legal Services who shall consider the petition and who is thereafter advises the Chairperson of the Council.

29.5.4 The Chairperson of the Council either grants or refuses the petition. 29.5.5 If the petition is granted the appeal is heard in the manner set out in the rule.

29.5.6 The decision of the Chairperson of the Council is final and no further petition is received or considered.

29.6 Should the Committee grant leave to appeal, or should the Chairperson of Council grant

the party, should file written appeal argument, to be lodged with the Student Discipline Office within ten (10) days of receipt of notification in terms of rules 29.4 or 29.5. Should the Appellant not file argument timorously, the Principal has the right to invoke the provisions of rule 28.2.

29.7 Unless the Council directs otherwise, the appeal is based solely upon the record of the proceedings of the Student Discipline Committee; provided that the appellant may, on written application to the Principal seek the approval of the appeal Committee to the introduction of additional evidence. Such evidence shall:

29.7.1 be lodged with the Principal within ten (10) days of notification of the Committee's decision under rule 29.4, or the granting of a petition under rule 29.5; and

29.7.2 set out fully the nature and purpose of such additional evidence and the name(s) of any proposed additional witnesses.

29.7.3 Be argued before the Appeal Committee at the commencement of the appeal consideration. The appeal Committee may, if it considers it to be in the interests of justice, grant the application and hear such additional evidence as part of the appeal. In the event of the appeal Committee refusing such application, such decision shall be final.

29.8 Should the Committee or the Chairperson of the Council grant leave to appeal, the Principal forwards to the appeal Committee of the Council:

29.8.1 The notice of appeal,

29.8.2 The transcript of the proceedings of the inquiry,

29.8.3. He reports the Committee made in terms of rule 22.9

29.8.4 The written arguments submitted under rule 29.6, and

29.8.5 Any application made under rule 29.7.

29.9 In the event of no application being made under rule 29.7, the appeal Committee considers and decides the appeal on the papers submitted under rule 29.8.

29.10 In the event of an application being made in terms of rule 29.7, and having been granted

by the appeal Committee, the Principal gives the appellant and the respondent at least 5 days written notice of the time and place of the hearing of the additional evidence. At such hearing.

29.10.1 Such witness (es) is called, led and cross-examined;

29.10.2 Having heard the evidence of such witness (es), the appeal Committee terminates the hearing to consider the additional evidence in conjunction with the other documents submitted under rule 29.8.

29.11 The appeal is considered by the appeal Committee of the Council, which comprises:

29.11.1 three members appointed by the Chairman of the Council from panel of persons appointed by the Council for this purpose; provided that the membership of this panel is not confined to persons who are members of the Council, and

29.11.2 The president of an appeal Committee is a lawyer.

29.12 The appeal Committee either grants or dismisses the appeal in whole or in part and may decide to be published in the manner contemplated in rule 23.6; provided that the decision of the Committee is reported to Council at the next ordinary meeting of the Council.

29.13 The provisions of this rule apply in all appropriate respects to an appeal by a student organization charged in terms of rule 20 or on appeal by the College in respect of any sentence imposed upon such organization.

29.14 In the event that no appeal is made against a conviction or sentence as contemplated by this rule, and the Council has reason to believe that a student has been wrongly convicted, or that the sentence imposed on a student is grossly excessive, the Council may appoint from the panel referred to in rule 29.12 above a committee that reviews the conviction or sentence and make recommendations to the Council in this regard; provided that the committee recommends to Council that the conviction or sentence be set aside merely by reason of some formal or technical defect in the proceedings before the Student Discipline Committee which does not result in a substantial failure of justice.

### **30. Appeal from a residence tribunal to the Student Discipline Committee**

30.1. An appeal against a conviction or sentence by a residence tribunal is heard by the

Student Discipline Committee in the manner set out in the rule.

30.2. A student convicted by a residence tribunal has an automatic right of appeal, on written notice, to be lodged with the Student Discipline Office within five (5) days of the decision of the residence tribunal.

30.3. The appeal is heard by a Student Discipline Committee constituted in the manner set out in rule 16.

30.4. If the appeal is against the conviction of the student, the Student Discipline Committee hears the charge against the student de novo, and the proceedings are conducted in the manner prescribed in rule 22.

30.5. If the appeal is against sentence only, the Student Committee is only heard evidence in mitigation of sentence.

30.6. The Student Discipline Committee may either grant or dismiss the appeal in whole or in part and may either increase or reduce any sentence imposed and may order that its decision be published in the manner contemplated in rule 23.6, and its decision is final.

30.7. The provisions of this rule apply in all appropriate respects to an appeal by a student organization charged in terms of rule 20.

## **31. MISCELLANEOUS**

### Fines and Reparations

31.1 Any fine or reparation levied under these rules is paid by the student or student organization to the Finance Officer of the College within the time period stipulated in such order, or, where an appeal has been instituted in terms of these rules, within three weeks of the final disposal of the appeal.

31.2 Upon application to the Office of the Principal by the student or student organization, an extension of time for the payment of a fine or reparation may be granted, or the payment of a fine or reparation in installments may be permitted, at the discretion of the Office of the Principal in consultation with the Proctor.

31.3 In the event of a fine or reparation imposed on a student not being paid by the date stipulated by the Committee, Tribunal, or Proctor (as the case may be), or by the extended date granted by the Principal in terms of rule 31.2, then the amount in question is debited to the student's fee account

31.4 In the event of a student organization failing to make payment within the period provided by this rule, the finance manager, after written warning delivered to the organization, may suspend such organization until the fine is paid.

31.5 All fines or reparation paid in terms of these rules accrue to the general funds of the College.

### **32. Expunging of conviction and sentence from student's Academic record.**

32.1 Any person convicted and sentenced by a committee established in terms of these rules, in respect of any Misconduct, may apply to the Principal for the conviction and sentence to be expunged from his/her Academic Record.

32.2 The discipline committee consults the Principal in which the procedure the student was registered and, thereafter, having considered all relevant facts and circumstances, including the nature of disruptive behavior, and the period of time that has elapsed, may direct that the conviction and sentence be expunged from the academic record of the applicant.

### **33. Application for re-admission by expelled student.**

33.1 A person expelled in terms of these rules may, after a period of 2 years, make application to the College for re-admission as a student.

33.2 Such application shall not be considered as an application for the setting aside of any finding, conviction or sentence.

33.3 The application must be in writing, setting out in full the grounds on which the applicant bases his/her case, and must be lodged with the student welfare.

33.4 The application is heard by a three-person committee appointed by the Chair of the College Council.



33.5 The committee may call for additional information and calls upon the director of discipline, any complainant/victim, and any other interested party to file written replies and make written submissions in relation to the application. The applicant will be entitled to receive copies of such replies and submissions and to respond to them in writing.

33.6 The committee determines its procedures and its time frames for replies, submissions and responses.

33.7 The committee may decide the matter on the papers or it may elect to hold an oral enquiry.

33.8 The committee may grant the application if it is satisfied that re-admission is warranted in all the relevant circumstances. In deciding this question, the committee must have regard to the following factors, in addition to any other relevant factors:

33.8.1 The nature and gravity of the offence;

33.8.2 The length of the period that has elapsed since the expulsion;

33.8.3 The views and attitude of the Registrar in relation to the application;

33.8.4 The views and attitude of the complainant/victim and any other interested party in relation to the application;

33.8.5 The degree of remorse (if any) shown by the applicant;

33.8.6 Any steps taken by the applicant (such as counseling, therapy, and training) to rehabilitate himself/herself;

33.8.7 The conduct of the applicant after the expulsion.

33.9 If the committee dismisses the application, no further application will be considered by the College.

33.10 If the committee grants the application, the effect will be to allow the person to apply to study at the College. Such application must be dealt with on its merits in accordance with the relevant academic rules and policies relating to admission.

Approved by Academic Senate Meeting of 05<sup>th</sup> August 2021

Chaired by

Rev. Vital MANIRAKIZA

Principal