RULES FOR STUDENTS 2018

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 University community, it is the right of each member of the University community, and of properly invited visitors, to express their views on the platforms of the University 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 community. Violence, threats of violence and intimidation are particularly repulsive within a University community committed to reasoned debate, and behavior by any individual within the University community which either causes or threatens to cause harm to another individual or damage to property is unacceptable.

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.
COMMUNICATION PROTOCOL FOR ADDRESSING STUDENT GRIEVANCES

The following communication channels should be followed in addressing grievances, concerns or complaints (hereafter referred to as grievances) by students:

<table>
<thead>
<tr>
<th>OFFICE OF THE OMBUD</th>
<th>Registrar or relevant Executive Director</th>
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</thead>
<tbody>
<tr>
<td>Deputy Vice-Chancellor &amp; Head of College</td>
<td>College Dean Teaching &amp; Learning or Research</td>
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<tr>
<td>College Dean Teaching &amp; Learning or Research</td>
<td>Director: College Professional Services</td>
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<tr>
<td>School Academic Leader Teaching &amp; Learning or Research</td>
<td>College or Student Support Manager</td>
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<td>College or Student Support Manager</td>
<td>(College Academic Services/Student Leadership and Governance/Residences, Finance, etc)</td>
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<tr>
<td>Academic Staff member</td>
<td>Student Representative</td>
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<tr>
<td>Student (or Representative)</td>
<td>(SRC/House Committee/Sports Union, etc)</td>
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</tbody>
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| ACADEMIC MATTERS | NON-ACADEMIC MATTERS |

**Figure 1**

Academic matters include matters relating to lectures and lecturers, assessment, marks, plagiarism and cheating.

Non-academic matters include all other matter such as registration, financial queries such as fees and funding, residence matters … etc.
OUTLINE OF MEASURES TO BE TAKEN IN RESOLVING GRIEVANCES

1. Grievance in the first instance. Grievances should be clearly communicated in writing to the relevant Academic staff member or Support staff member (as illustrated in Figure 1) and where necessary, a formal meeting should be convened with the relevant responsible office at the onset of the grievances.

2. In the event that there has been no response or the grievances have not been resolved within 3 working days from the initial written communication or formal meeting respectively, follow-up measures telephonically, in writing and through a formal meeting, should be instituted using the proper chains of command as outlined in Figure 1.

3. In the event that the grievances are still not resolved through the follow-up communication and/or meeting, the grievances should be escalated to the higher level within the chain of command as outlined in Figure 1 until all avenues have been exhausted.

4. The Office of the Ombud serves as a point of last resort and will consider grievances when all formal University channels have been exhausted.

5. Once all avenues have been exhausted, proper protocols should be followed (as outlined in the Regulations for Staff and Student Gatherings, Demonstrations, Marches or Rallies) for embarking on a legal protest action.

6. All evidence relating to all attempts towards resolving grievances in the form of written communication and/or minutes of meetings which detail a record of decisions taken accompanied by a signed attendance register, should be properly documented and be made available by the aggrieved party(ies) upon request.

7. A summary of evidence of all attempts at resolving grievances documenting the dates, actions taken, the responsible individual(s) and the results of the actions taken should be made available, together with the supporting documentary evidence, by the responsible officer, upon request.
REGULATION OF GATHERINGS ACT

The University respects and upholds the right of any individual within the University community to participate in gatherings, processions and demonstrations on any campus of the University. However, such right must be exercised subject to the rights of other members of the University 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 organisation on any campus of the University intending to hold a gathering must appoint a person (referred to as a convenor) to be responsible for the arrangements for that gathering and to liaise with relevant members of the SAPS, the local authority and the University. In particular the convenor must liaise with the Manager of Risk Management Services on the campus concerned;

b) The convenor must give at least 7 days’ notice of the intended gathering to the Manager of Risk Management Services concerned. (Where it is not reasonably possible to give seven 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 convenor and the organisation; 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 minimising 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 convenor 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 may be armed while participating in any gathering;

i) all orders of members of the SAPS must be obeyed.
STUDENT DISCIPLINARY RULES 2018

GENERAL RULES

1. Every student, by signing an official registration form, becomes subject to the rules of the University contained, 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.

2. Students shall wear academic dress at those functions for which such dress is prescribed.

3. The annual RAG publication shall be submitted to the Executive Director: Student Services for approval before it is distributed to the public.

4. 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 Director: Student Services 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 University shall make good such damage.

7. Students shall acquaint themselves with, and comply with, the rules relating to examinations, the General Academic Rules for Degrees, Diplomas and Certificates, the College Rules for 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 University libraries, residences, Students' Representative Councils and the Joint Sports Council.

RULES FOR STUDENT DISCIPLINE

8. In these Rules, the Vice-Chancellor and Principal is referred to as the Principal and the Registrar (acting through the Director: Legal Services), as the Registrar. 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 Registrar, in terms of these Rules.

8.2 The registration of any student who, while a registered student of the University, has been convicted of a serious crime (as defined in Rule 14.1) by a court of law may at any time be cancelled at the discretion of the Registrar.

MISCONDUCT

9. 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, Chapter 2 of the Constitution, 1996, or acts in a way that breaches any other laws of the land, or the rules, regulations and provisions of the University;

9.2 acts in a manner that is contrary to any of the provision of the University policies as approved from time to time;

9.3 cheats in any University examination. For the purposes of this rule an examination includes every examination or test or assessment of a student’s knowledge or performance organised or conducted by the University or any department of the University or any member of the academic staff of the University. 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 authorised by the examiner or the examinations officer;

9.3.2 the possession, use, or attempted use, during an examination 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 authorised by the examiner or the examinations officer;

9.3.3 the removal or attempted removal from an examination room of any examination book or writing paper supplied by the University for the purposes of answering an examination;
9.3.4 the communication or attempted communication of any information relating to an examination to any candidate while the examination is in progress;

9.3.5 the use of a false name or identity number in an examination;

9.3.6 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 which is substantially the same, in whole or in part, as the work of another student;

9.3.7 intentionally or negligently assisting another student to cheat as defined in paragraph 9.3.6;

9.3.8 the commission of any other fraudulent, deceitful or dishonest practice whereby any student, while being examined by the University, 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, University premises or at a function organised by the University;

9.5 acts in an insulting, indecent or improper manner towards another student, a University 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 University personnel member or functionary;

9.7 engages in hate speech;

9.8 engages in cruelty to animals;

9.9 misrepresents themselves, through their behavior or actions, to any personnel member or functionary of the University, knowing full 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 University, or to the general activities at the University;

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 University;

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 University;
9.13 ignores or acts in conflict with any lawful oral or written instruction or request of any governing body, personnel member or functionary of the University;

9.14 impedes the freedom or privacy of another student or of a personnel member of the University;

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 University, or by any personnel member, or student of the University;

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

9.18 enters, uses or occupies any property of the University 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 University campus without permission;

9.20 assists or encourages another student to commit Misconduct;

9.21 improperly uses the name of the University, or in any way whatsoever uses or displays the armorial bearings of the University without prior written permission of the Registrar;

9.22 allows another student or any other person to utilise their student card or student number for any purpose whatsoever, or to utilise 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 tribunal or court;

9.24 Causes physical injury and this will include the following:

9.24.1 Acts committed of a sexual nature which is in terms of the Sexual Offences Act 32 of 2007 includes:-

a) Rape
Any person ('A') who unlawfully and intentionally commits an act of sexual penetration with a complainant ('B'), without the consent of B, is guilty of the offence of rape;

b) Compelled rape
Any person ('A') who unlawfully and intentionally compels a third person ('C'), without the consent of C, to commit an act of sexual penetration with a
complainant ('B'), without the consent of B, is guilty of the offence of compelled rape;

c) Sexual assault
(1) A person ('A') who unlawfully and intentionally sexually violates a complainant ('B'), without the consent of B, is guilty of the offence of sexual assault.
(2) A person ('A') who unlawfully and intentionally inspires the belief in a complainant ('B') that B will be sexually violated, is guilty of the offence of sexual assault;

d) Compelled sexual assault
A person ('A') who unlawfully and intentionally compels a third person ('C'), without the consent of C, to commit an act of sexual violation with a complainant ('B'), without the consent of B, is guilty of the offence of compelled sexual assault.

e) Compelled self-sexual assault
A person ('A') who unlawfully and intentionally compels a complainant ('B'), without the consent of B, to engage in-
(i) masturbation;
(ii) any form of arousal or stimulation of a sexual nature of the female breasts;
or
(iii) sexually suggestive or lewd acts, with B himself or herself; or
engage in any act which has or may have the effect of sexually arousing or sexually degrading B; or cause B to penetrate in any manner whatsoever his or her own genital organs or anus, is guilty of the offence of compelled self-sexual assault.

9.24.2 Acts committed involving assault are as follows:

a) Common assault
Assault consists of unlawfully and intentionally applying force to the person of another; inspiring a belief in another person that force is immediately to be applied to him or her;

b) Assault with intent to cause grievous bodily harm (GBH)
Assault with intent to cause grievous bodily harm. This is another form of assault, however, committed with the intention to cause serious bodily injury.

9.24.3 Causes mental injury and this will include the following:

a) Crimen Injuria
Crimen injuria consist of unlawfully and intentionally impairing the dignity or privacy of another person.

b) Defamation
Defamation consists of the unlawful and intentional publication of matter that impairs another person’s reputation.
9.24.4 where an accused student engages in threats of violence and this includes:

a) Harassment (as defined in terms of the Protection and Harassment Act 17 of 2011):

Harassment includes both direct and indirect conduct that either causes harm or that inspires the person complaining of harassment (“the complainant”) to reasonably believe that harm may be caused.

Such conduct includes following, watching, pursuing or accosting of the complainant or someone in a close relationship with the complainant.

Harassing conduct also includes loitering outside or near the building or place where the complainant lives, works, studies or happens to be.

Harassment also includes contact through verbal communication aimed at the complainant. It also includes electronic communication that causes harm or makes the complainant feel in danger of being harmed as harassment.

b) Intimidation

Any person who without lawful reason and with intent to compel or induce any person or persons of a particular nature, class or kind or persons in general to do or to abstain from doing any act.

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 University;

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

9.27 consumes any alcohol (as defined in the Liquor Act, 2003), on and University premises, other than at a place and time approved by the University;

9.28 commits an act of plagiarism as defined in the Plagiarism Policy.

9.29 is required to testify in the Student Discipline Court and in the absence of valid reasons fails and/or refuses to do so.

9.30 The commission of any fraudulent, deceitful or dishonest practice, including any disruption caused by a student, while being examined by the University, or which student seeks to mislead or deceive the examiner or the examinations officer.
9.31 acts in a way that is disobedient and/or disrespectful towards any officer of the Court.

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

10.1. Where a student who is also a staff member of the University is charged with misconduct, such charge, if it does not impact on the student’s employment relationship with the University, shall be heard by the Student Discipline Court in so far as it relates to academic misconduct.

10.2. Where the misconduct, including academic misconduct has the potential to impact on the student’s employment relationship with the University, the Proctor shall refer the matter to the Human Resources Division for staff disciplinary action.

PROCEDURES

11. Reporting of Misconduct

11.1. All incidents of Misconduct shall be reported to Risk Management Services (RMS) on the relevant campus or to the Proctor.

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

11.3. RMS Investigations Managers shall be vested with the power to warn a student for committing a petty misconduct, for example, switching off lights in corridors/lecture venues, after consultation with the Proctor.

11.3.1. A record of such warning shall be provided to the Proctor by RMS Investigations Managers.

12. Student Discipline Office

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

13. Proctor

13.1. The Registrar shall appoint a Proctor/s.
13.2. The Proctor shall advise the Registrar in any matter relating to student discipline in the University.

13.3. The Proctor shall have the right to represent the University in all disciplinary forums and shall be responsible for administering student discipline at the University.

13.4. On receipt of a disciplinary report by the SDO, the Proctor shall, subject to guidelines provided by the Registrar, have the discretion to deal with the matter by:

13.4.1. requesting further investigation; or

13.4.2. declining to prosecute; or

13.4.3. issuing a Proctor’s Warning; or

13.4.4. dealing with the matter under Rule 15.6; or

13.4.5. referring the matter to mediation or conciliation; or

13.4.6. referring the matter to counseling; or

13.4.7. referring the matter for prosecution in the Student Discipline Court or Residence Tribunal.

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 Registrar, such a charge ought to be instituted against a student, or when a student has been charged with a serious crime, (as listed in Schedule 1 of the Criminal Procedure Act 51 of 1977, as amended) in a court of law, the Registrar/(Director of Legal Services in the absence of the Registrar) may order that, until the final disposition of the charge, the student shall:

14.1.1. cease attending lectures or classes;

14.1.2. cease participating in such other activities of the University as may be specified;

14.1.3. not enter the precincts of the University or any specified part thereof;

14.1.4. not bring any motor vehicle onto the grounds of the University;
14.1.5. cease to reside in any University residence.

14.1.6. be prohibited from communicating directly or indirectly with the complainant or any of the complainant’s witnesses.

14.2. The Registrar shall not make any order in terms of paragraph 14.1 unless-

14.2.1. the student with the assistance of his or her representative as provided for in rule 18, unless the student has waived the right to representation, has been given an opportunity to appear before the Registrar to show cause why the order should not be made; and

14.2.2. the Registrar considers it to be in the interests of the other students or staff or the University to make the order.

14.3. The Manager of Student Residence Affairs 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 five (5) working days.

14.4. The Manager of Student Residence Affairs shall not make an order in terms of paragraph 14.3 unless:

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

14.4.2. the Manager of Student Residence Affairs 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 for Student Discipline to make the order.

14.5. The Manager of Student Residence Affairs who has made an order in terms of paragraph 14.3 hereof shall, as soon as is practicable, provide a written report of the order and the reasons for which it was made to the Registrar who shall either confirm or rescind 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 Registrar shall thereafter act in accordance with Rule 14.1, pending the conclusion of which the Registrar may extend the period of the student’s exclusion from the residence.

14.7. In the event of the Manager of Student Residence Affairs being unavailable, the powers and duties granted by Rules 14.3, 14.4, 14.5 and 14.6, may be
exercised by the Executive Director: Student Services, or by a person nominated by the Registrar 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 School 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 School 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 shall be cancelled or forfeited;

15.3.2. the name and School of the student shall be published in the University 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 University, for use only within the University.

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 Court for a charge of cheating.

15.5. The Head of School shall forward a copy of the signed admission of guilt form to the Office of the Registrar and the Student Discipline Office.
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 shall impose one or more of the following punishments:

15.7.1. a warning or reprimand, or both;

15.7.2. a fine of not more than R1 500, payable by a stipulated date;

15.7.3. exclusion from residence for a stipulated period;

15.7.4. 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 Registrar for confirmation.

15.8. On confirmation by the Registrar,

15.8.1. the name and School of the student shall be published in the University 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 University, for use only within the University.

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 COURT**

16.1. The Student Discipline Court shall consist of the following panel of persons:

16.1.1. the President, who shall:

   16.1.1.1. be a person nominated by the Registrar for such purpose; and
   
   16.1.1.2. be a lawyer or a person, in the opinion of the Registrar, of sufficient standing and/or experience; and

16.1.2. a member of the Central Student’s Representative Council, nominated for this purpose, who shall sit 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 Professor, 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. when a student intends pleading Not Guilty to a charge of cheating (as defined in Rule 9.3) in a formal examination session; or
   
   16.1.3.2. cheating (as defined in Rule 9.3) by a Masters or Doctoral student;
   
   16.1.3.3. plagiarism as defined in the Plagiarism Policy; or
   
   16.1.3.4. where the possible sanction could include cancellation of a degree, diploma or certificate, or expulsion, or exclusion from the University for a period longer than four semesters.

16.1.4. An Assessor/s. The President shall have the discretion to appoint an assessor/s (to a maximum of two), where the President deems it necessary.

16.2. The Principal may direct that, in a particular inquiry, the Registrar shall be an additional member of the Court, provided that, where the inquiry has been instituted by the Registrar in terms of Rule 14, the Registrar shall not be so appointed.
16.3. A member who has been personally involved in any significant way in the events which are the subject of the inquiry shall not be appointed as a member of the Court that inquires into the matter.

16.4. Save for cases involving matters referred to under Rule 16.1.3, the presence of the President shall render the Court quorate.

16.5. In all matters referred to under Rule 16.1.3, both the President and a Professor nominated under Rule 16.1.3, shall be present.

16.6. In the event of a deadlock in the decision of the Court, the President’s decision shall prevail.

17. Prosecutor

17.1. The Proctor shall prosecute and represent the University in all disciplinary forums; alternatively

17.2. The Proctor may delegate this responsibility to a person appointed under Rule 18.1, save that such delegatee shall not be a person appointed to represent the student concerned.

18. Representation of Accused Student

18.1. After consultation with the Dean of the School of Law and Head of the School of Law, the Registrar shall appoint in each centre of the University one or more Student Legal Representatives who shall be full-time members of the academic staff in the School of Law or post graduate students in the School of Law and have the requisite experience.

18.2. The Student Legal 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 the evidence required to establish that defence;

18.2.2. appear on behalf of the student at any inquiry before the Student Discipline Court, and conduct the defence of the student.

18.2.3. appear on behalf of the student to mediate matters where it is appropriate do to so.

18.3. An accused student may, subject to the provisions of Rule 18.4, personally conduct a defence but may not be legally represented other than as set out in Rules 18.1 or 18.4.
18.4. An accused student may be represented by another student or a member of the staff of the University.

19. Proceedings before the Student Discipline Court shall be undertaken upon the instruction of the Registrar, acting on the advice of a Proctor, who shall determine who shall be charged, what the charge shall be, what investigations shall be carried out, and what evidence shall be obtained. The Registrar shall instruct the Student Discipline Office to notify the student or Student Organisation (as defined in Rule 20) that a proceeding is to be instituted.

20. 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 organisation of students (for the purposes of these Rules hereinafter referred to as a ‘Student Organisation’) the Proctor may charge such Student Organisation with the Misconduct that has been committed, and the Student Organisation shall appear before the inquiry in the form of its president or chairperson and its secretary.

21. **Notice and Procedure before the Court Enquiry**

21. A. **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 that 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 that seventy-two (72) hours, excluding week-ends.

21.2. Such notice shall be delivered to the student personally, or by e-mail to the student’s official University email address, subject to proof of delivery, provided that if the student cannot conveniently be found, the notice may:

21.1.1 be posted by registered post to the student’s last known address as provided by the student and shall be deemed to have been received by the student within a period of seventy-two (72) hours after the time of posting; or

21.1.2 be left at the student’s last known address as provided by the student and shall be deemed to have been received by the student at the time of delivery.

21.2 The notice referred to in Rule 21.1 shall inform the student:
21.2.1 that proceedings under the Rules for Student Discipline are to be instituted and notify the student that a copy of the Rules is available for inspection in the Office of the Registrar or the Student Discipline Office.

21.2.2 of the terms of 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;

21.2.3 that a student’s representative is available to advise in relation to the charge and the preparation of a defence thereto;

21.2.4 that a defence to the charge may be conducted personally by the student or on the student’s behalf by a person referred to in Rule 18.1 or Rule 18.4;

21.2.5 that 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 Court in mitigation of punishment.

21.B. Procedure before the Court Enquiry

a. The parties shall discover/exchange all evidence that they are to make use of in the proceedings 7 working days prior to the court enquiry.

b. A pre-trial conference and/or mediation may be attempted by the parties. The discretion to apply mediation and/or pre-trial conference shall vest with the Proctor.

22 Procedure at the Court Inquiry

22.1 Subject to the provisions of Rule 22.2 and Rule 22.12, the inquiry shall be conducted in the presence of the student charged with Misconduct.

22.1 If a student, after notice duly given in terms of Rule 21, and without the leave of the Court, 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 Court which the Court shall consider.

22.2 An inquiry shall be conducted in public, except if the Court directs otherwise.

22.3 The Prosecutor shall lead the evidence against the accused student and generally conduct the case for the University.
22.4 The Court shall afford the student, or the person representing the student, reasonable opportunity to present a defence and to answer the charges.

22.5 At the inquiry the Court shall:

22.5.1 be provided with any statements by witnesses or other relevant matter which has previously been exchanged by the representatives of the University and the student; and

22.5.2 consider such documents or other evidence and hear any witnesses called by the University or the student, or person representing the student, and may put questions to such witnesses and to the student;

22.5.3 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.

22.6 The Court 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.

22.7 At the conclusion of the hearing the Court shall decide, in the light of the evidence, whether or not the student is guilty of the offence charged. A finding of guilty shall be returned only if:

22.7.1 The Misconduct charged has, in the opinion of the Court, been proved on a balance of probabilities, or a determination of the issue(s) before it is concluded.

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

If the Court does not find the student guilty as herein provided, the student shall be acquitted.

22.8 The proceedings at an inquiry shall be recorded in full by a competent person appointed by the Registrar for this purpose.

22.9 The provisions of Rule 21 and 22 shall apply in all appropriate respects to charges brought against a Student Organisation in terms of Rule 20.
22.10 An inquiry shall be 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 courts of the land: Provided that the procedures prescribed by the 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 court hearing a charge, shall be observed and complied with.

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

22.11.1 that, besides the members of the Court, only the person representing the University and the person representing the accused may be present in the Court when the witness testifies before the Court; or

22.11.2 that the name of a witness shall not be published in any report of the proceedings of the case; or

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

22.13 The President of the Student Discipline Court shall have the discretion to mediate the matter if it is deemed appropriate to do so. In the event that such mediation should be unsuccessful, the President of the Student Discipline Court shall immediately proceed to hear the matter by enquiry.

23 Procedure upon Conviction of a Student

23.1 Upon the conviction of a student of a Misconduct, the Court shall impose one or more of the following punishments:

23.1.1 a warning or reprimand, or both,

23.1.2 an order for reparation for any damage caused by a date stipulated by the Court,

23.1.3 a fine not exceeding R2500 payable by a date stipulated by the Court,
23.1.4 exclusion from participating in specified activities of the University for a stated period,

23.1.5 exclusion for a stated period from any part of the University,

23.1.6 exclusion from the University for a stated period of time,

23.1.7 expulsion from the University, in which event the student shall not be readmitted to the University, 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 University, imposed as a condition of the suspension of a sentence under 23.1.1 to 23.1.9 above, provided that the Court has before it a report, outlining the provisions as follows:

a. the full details of the punitive service;
b. the length of the punitive service;
c. where the punitive service would be undertaken; and
d. how the punitive service would be applied;

signed by the intended supervisor, agreeing to supervise the punitive service; and the author of the report to present him/herself to the Student Discipline Court to provide oral evidence in respect of that report provided if the Court so requests; and

23.1A Subject to Rule 23.5, where a Court finds an accused guilty of rape and/or compelled rape, as defined in the Sexual Offences Act 32 of 2007, then in addition to any other punishment imposed in terms of Rule 23.1, the student must be expelled in terms of Rule 23.1.7

23.1B Subject to Rule 23.5, where a Court finds an accused guilty of sexual assault and/or compelled sexual assault, as defined in the Sexual Offences Act 32 of 2007, then in addition to any other punishment imposed in terms of Rule 23.1, the student must be expelled in terms of Rule 23.1.7 unless, at the discretion of the Court, there are exceptional circumstances.

23.1C Subject to Rule 23.5, where a Court finds an accused guilty of a sexual offence as defined in the Sexual Offences Act 32 of 2007, then in addition to any other punishment imposed in terms of Rule 23.1, the student must be expelled in terms of Rule 23.1.7 unless, at the discretion of the Court, there are exceptional circumstances.
23.2 In addition to any punishment imposed under Rule 23.1.1 to 23.1.10 above, where the Misconduct involved is a contravention of Rule 9.3 during an official University examination session, save, at the discretion of the Court, in respect of a conviction for mere ‘introduction’ (Rule 9.3.1) or ‘possession’ (Rule 9.3.2), of a cellphone, the Court shall impose the following punishments:

23.2.1 Cancellation or forfeiture of the examination module in which the student was found guilty of cheating in, or

23.2.2 deprivation of a degree, diploma or certificate obtained as a result of the Misconduct, and

23.2.3 unless compelling mitigating factors are found to exist, exclusion from the University 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 including plagiarism, the Court may order the deprivation of a degree, diploma or certificate obtained as a result of such dishonesty or plagiarism.

23.4 Where the accused before the Court is a Student Organisation charged in terms of Rule 20, the Court may;

23.4.1 impose any of the punishments provided for in Rule 23.1.1 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 Court may direct that it be collectively levied upon all members of the Student Organisation, provided further that the Court shall specify the maximum amount an individual student may be levied,

23.4.2 suspend the existence of such Student Organisation for a specified period of time.

23.5 Before imposing a punishment referred to above, a Court shall afford 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 Court shall also afford the University the opportunity to make representations regarding such interests of the University or the students of the University, which ought to be taken into account by the Court, in deciding upon the sentence it shall impose. In determining the sentence that it imposes, the Court shall take account of the evidence so adduced as well as the academic record and the general conduct at the University of the Student before passing sentence upon the student.
23.6 Upon the conviction of a student the findings and sentence of the Court and, unless the Court especially directs otherwise, the name and School of the student, shall be published in the University in such manner as the Court may direct.

23.7 The conviction shall be recorded in the record of the student for the duration of the student’s studies at the University, unless the court specifically directs:

23.7.1 that the records of the student shall not be endorsed, or

23.7.2 that the endorsement shall remain on the student’s record after completion of the student’s studies at the University.

Nothing contained herein shall derogate the provisions of Rule 32.

23.8 A student who has been found guilty of Misconduct shall be 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 shall inform 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 Court, if any, made in terms of Rule 23.6 and 23.7, and of the procedures for an appeal.

RESIDENCE TRIBUNALS

24

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 shall appear before a Residence Tribunal.

24.2 A Residence Tribunal shall consist of:

24.2.1 A President of the Student Discipline Court, and

24.2.2 The Residence Life Co-ordinator on the campus concerned, appointed by the Executive Director: Student Services; and

24.2.3 The Chair of the House Committee or a nominee who shall be a member of the House Committee.

25 Procedure at the Tribunal Inquiry

25.1 A charge of Misconduct shall be 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; or

25.1.2 where the Proctor has directed that a Residence Tribunal shall consider the charge.

25.2 A student who is charged with committing a Misconduct shall be 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 shall proceed in an inquisitorial manner and shall call and examine 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 shall consider.

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 shall impose 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 by a date stipulated by the Tribunal;

26.1.3 a fine not exceeding R1000, payable by a date stipulated by the Tribunal;

26.1.4 deprivation of all or specified student privileges in the residence;

26.1.5 the performance of such duties or tasks in, or on behalf, of the residence as the Tribunal may determine for a period that shall not exceed one semester;

26.1.6 exclusion for a stated period from any residence or part of a residence;

26.1.7 expulsion from the residence; provided that this sentence shall immediately be reported to the Registrar and shall not come into effect unless and until it has been approved by the Registrar, who
shall thereupon inform 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 Registrar in the manner provided in this rule, and unless the Registrar directs otherwise, the student shall not be admitted to another residence.

26.2 Upon conviction, a student shall be advised of their rights of appeal under Rule 30.

SUSPENSION OF SENTENCES AND APPEALS

27 Suspension of Sentences

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

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 University 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 Court or Residence Tribunal. For these purposes an appeal may include a request to review the proceedings of the court or tribunal on the grounds of procedural irregularity in terms of these rules or on the grounds that the Court or Tribunal failed to observe the rules of natural justice.

28.2 Unless the court or tribunal directs otherwise at the time of imposing the punishment, the operation of any punishment imposed by the Student
Discipline Court or Residence Tribunal shall be suspended until an appeal instituted under these rules has been finally disposed of; provided that if, in the opinion of the Registrar, it is in the interests of the University, or the students of the University, that the operation of the sentence be not suspended, the Registrar may order that the operation of the sentence be not suspended; provided further that in the event that the court or tribunal has failed to consider whether the operation be suspended, the Registrar shall determine whether the operation of the sentence shall be suspended or not.

29 Appeal from Student Discipline Court to Appeal Committee of Council

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

29.2 The appellant (whether a student or the University) shall apply to the Student Discipline Court for leave to appeal to the Council of the University in the manner provided in this rule.

29.3 Such application, based solely on evidence already led and/or representations to the Student Discipline Court, shall be made either:

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

29.3.2 written notice setting forth the grounds of appeal which must be lodged with the Student Discipline Office within 3 working days of the conclusion of the proceedings.

29.4 If the Court considers that the appeal has a reasonable prospect of success, it shall grant leave to appeal and notify the Student Discipline Office and the Registrar of its decision. The Student Discipline Office shall notify the Student’s Legal Representative, or in the event of the student not being represented, the student.

29.5 If the Court refuses leave to appeal to any student who has been convicted under these rules, the Court shall convey such decision to the Student Discipline Office and the Registrar. The Student Discipline Office shall notify the Student’s Legal 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 shall be in writing and shall set out the grounds for seeking relief and shall be lodged with the Registrar within ten (10) working days of the court refusing leave to appeal.

29.5.3 the Registrar shall refer the petition to the Director: Legal Services who shall consider the petition and who shall thereafter advise the Chairperson of the Council.

29.5.4 the Chairperson of the Council shall either grant or refuse the petition.

29.5.5 if the petition is granted the appeal shall be heard in the manner set out in this rule.

29.5.6 the decision of the Chairperson of the Council shall be final and no further petition shall be received or considered.

29.6 Should the Court grant leave to appeal, or should the Chairperson of Council grant the petition, the appellant and the representative of the other party, shall file written appeal argument, to be lodged with the Student Discipline Office within ten (10) working days of receipt of notification in terms of Rules 29.4 or 29.5. Should the appellant not file argument timeously, the Registrar shall have the right to invoke the provisions of Rule 28.2.

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

29.7.1 be lodged with the Registrar within ten (10) working days of notification of the Court’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 witness(es);

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 Court or the Chair of Council grant leave to appeal, the Registrar shall forward to the Appeal Committee of Council;

29.8.1 the notice of appeal,

29.8.2 the transcript of the proceedings of the inquiry;

29.8.3 the report of the Court 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 shall consider and decide 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 Registrar shall give the appellant and the respondent at least 120 hours written notice of the time and place of the hearing of the additional evidence. At such hearing:

29.10.1 such witness(es) shall be called, led and cross-examined;

29.10.2 having heard the evidence of such witness(es), the Appeal Committee shall terminate the hearing to consider the additional evidence in conjunction with the other documents submitted under Rule 29.8.

29.11 The appeal shall be considered by the Appeal Committee of Council, which shall comprise:

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

29.11.2 the President of an Appeal Committee shall be a person who is a lawyer.

29.12 The Appeal Committee shall 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; provided that the decision of the Committee shall be reported to Council at the next ordinary meeting of the Council.
29.13 The provisions of this rule shall apply in all appropriate respects to an appeal by a Student Organisation charged in terms of Rule 20 or on appeal by the University 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 29.11 above a committee that shall review the conviction or sentence and make recommendations to the Council in this regard; provided that the committee shall not recommend 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 Court which did not result in a substantial failure of justice.

30 **Appeal from a Residence Tribunal to the Student Discipline Court**

30.1 An appeal against a conviction or sentence by a Residence Tribunal shall be heard by the Student Discipline Court in the manner set out in this rule.

30.2 A student convicted by a Residence Tribunal shall have an automatic right of appeal, on written notice, to be lodged with the Student Discipline Office within three (3) days of the decision of the Residence Tribunal. On receipt of such written notice, the Proctor shall, with the consent of the student, deal or dispose of the matter as provided for under Rule 13.4.4, 13.4.5 or 13.4.6; alternatively, refer the appeal to the Student Discipline Court.

30.3 The appeal shall be heard by a Student Discipline Court constituted in the manner set out in Rule 16.

30.4 If the appeal is against the conviction of the student, the Student Discipline Court shall hear the charge against the student *de novo*, and the proceedings shall be conducted in the manner prescribed in Rule 22.

30.5 If the appeal is against the sentence only, the Student Discipline Court shall only hear evidence in mitigation of sentence.

30.6 The Student Discipline Court 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 shall be final.

30.7 The provisions of this rule shall apply in all appropriate respects to an appeal by a Student Organisation charged in terms of Rule 20.
MISCELL ANEOUS

31 Fines and Reparations

31.1 Any fine or reparation levied under these rules shall be paid by the student or Student Organisation to the Finance Officer of the University within the time period stipulated in such order, or, where an appeal has been instituted in terms of these Rules, within 21 days of the final disposal of the appeal.

31.2 Upon application to the Office of the Registrar by the student or Student Organisation, an extension of time for 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 Registrar 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 Court, Tribunal, or Proctor (as the case may be), or by the extended date granted by the Registrar in terms of Rule 31.2, then the amount in question will be debited to the student’s fee account.

31.4 In the event of a Student Organisation failing to make payment within the period provided by this rule, the Registrar, after written warning delivered to the Student Organisation, may suspend such organisation until the fine is paid.

31.5 All fine or reparations paid in terms of these rules shall accrue to the general funds of the University.

32 Expunging of conviction and sentence from the student’s Academic Record

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

32.2 The Registrar shall consult the Deputy Vice-Chancellor/Head of School in which the student was registered and, thereafter, having considered all relevant facts and circumstances, including the nature of the Misconduct, and the period of time that has elapsed, may direct that the conviction and sentence be expunged from the Academic Record.

33 Application for readmission by expelled student

33.1 A person expelled in terms of these rules may, after a period of 7 years, make application to the University for readmission 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 Registrar.

33.4 The application shall be heard by a three-person committee appointed by the Chair of the University Council.

33.5 The committee may call for additional information and shall call upon the Registrar, 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 shall determine 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 readmission 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 University.
33.10 If the committee grants the application, the effect will be to allow the applicant to apply to study at the University. Such application must be dealt with on its merits in accordance with the relevant academic rules and policies relating to admission.
1. Ngokuhambisana nelungelo lawo wonke umuntu lokukhululeka ngonembeza, umbono kanye nokuveza okusemqondweni, kuhlangene nesidingo sokuba khona kwesimo esivuna ukubekwa kwemibono ngenkululeko emphakathini waseNyuviesi, kuyilungelo lawo wonke umuntu oyingxenye yeNyuviesi kanye nabamenyiwe ngokusemthethweni ukuba babeke imibono yabo ezinhlakeni zokuxhumana zeNyuviesi uma nje leyo mibono ingagquqquzeli udlame, yehlisa isithunzi noma icindezela amalungelo abanye.


3. Ukwengeza ngenxa yobucayi obukhona kulesimo samanjane, angeke zibekezelelewe neze izenzo ezihlose ukuchukuluza futhi ziholele ekuphakameni kwemimoya nasodlameni.
# STUDENT DISCIPLINARY RULES 2018

**INDLELA YOKUXHUMANA UMA KUBHEKENWE NEZIKHALO ZABAFUNDI**

Lezi zindlela zokuxhumana kumele zilandelo uma kubhekenwe nokunganeliseki, nokukhonomnda (okubizwa lapha) ngezikhalo zabafundi:

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<td>Umqondisi Wezemisebenzi Yokufunda Ekolishi</td>
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**Isithombe 1**

Izindaba eziphathelene nokufunda zihlanganisa okumayelana namakilasi nabafundisi, ukuhlolwa, amamaki, ukukopela nokuntshontsha imiqondo.

Ezingaphathelene nokufunda zihlanganisa konke okunye njengokubhalisa, eezimali njengemali yokufunda, ezimayelana nezindawo zokuhlala njl.
UHLU LOKUFANELE KWENZIWE UKUZE KUXAZULULWE IZIKHALO

1. Ukuqala kwesikhalo. Izikhalo kumele zidluliswe ngokucacile futhi zibhalwe zithunyelwe kumsebenzi ofundisayo nomina ongafundisi uthintekayo (njengasesithombeni 1) futhi uma kunesidingo, kubizwe umhlhangano nehhovisi eliqondene nodaba ekuqaleni kwesikhalo.

2. Uma kungenampendulo nomina izikhalo zingazaxululwe esikhathini esingaphansi kwezinsuku ezintathu kusukela osukwini lokuqala kufakwe isikhalo esibhaliwe nomina kubanjiwe umhlhangano, kumele kulandeliswe ngokushaya ucingo, ngokubhala nomina ngomhlhangano kulandelwa imigudu efanele yokuxhumana njengoba kubekezi esithombeni 1.


4. Ihhovisi Lomxazululi lisebenza njengendawo yokucincina laphe kulethwa khona izikhalo futhi liyobheka izikhalo ezilandele imigudu yonke efanele yaseNyuvesi

5. Uma isilandelwe yonke imigudu, kufanele kulandeliswa ezindlela ezesithembweni ezibekiwe (njengoba kubekezi emithethweni ephathelene nemibuthano yabafundi nabasebenzi, Imibhikisho, Amamashi, Namarali) zokubamba imibhikisho esethembweni.

6. Bonke ubufakazi obupathelene nemizamagama ezenziwe yokuxazulula isikhalo okuyikho konke ukuxhumana okwenziwe namaminithi emihlangano ebabemakhu noma akhona ahambisana nolulu olusayiniwe wwalabo abebejemihlanganweni kumele kubekezi ukuzazi ukutholakala uma kudingwa abathintekayo

7. Umbiko ofingqiwe owubufakazi bemizamo ezenziwe yokuzama ukuxazulula lesi simo oluzobalula izinsuku, okwenziwe, abebebebhekene naloku nemiphumela yezenzo zabo kumele kutholakale kuhlhangene nobufakazi obuvumibhalo obuvela kobhekene nalolu daba uma kunesidingo.

UMTHETHO OLAWULA IMIBUTHANO


a) Nanoma iyiphi inhlangano kunoma iyiphi ikhempasi yeNyuvesi uma ifuna ukubamba umhlhangano kumele ibeke umuntu wayo ozokwenza amalungiselelo
omhlangano futhi athintane namaphoyisa (SAPS), abaphathi bendawo kanye nabaphathi beNyuvesi. Lowo okhethiwe kumele athintane nabezokuvikela izingozi ekhempasini ethintekayo;

b) Lowo ohlela umhlangano kumele azise uMmpathi Wophiko Lwezokuvikela Izingozi kusasele izinsuku eziyisikhombisa ngaphambi kokuba uhlale umhlangano. (Uma kungeke kukwazi ukunikeza isaziso kusasele izinsuku eziyisikhombisa, kumele isaziso siphume kusenesikhathi esanele. Uma kufakwa isazizo somhlangane sekunesikhathi esingaphansi kwesingamahora angama 48, lowomhlangano uyothathwa njengongekho emthethweni.;

c) Lesi saziso kumele sicacise imininingwane inomhlangano. Kumele sibe negama kanye nekheli lalowo ohlela umhlangano kanye nekheli lenhlangano; isizathu somhlangano, isikhathi; usuku; ubude bomhlangano; abalindeleke ukuzothamela umhlangano;abaqaphi; uma kuzuozungeza, imininingwane yomzila kanye nendlela ezosetshenziswa ukuthutha abazobe bebambe iqhaza.

d) Umphathi wendawo unelungelo lokubeka imibandela mayelana nokubanjwa komhlangano okungaholela ekuncipheni kokuphazamiseka kwezimoto kanye nabangalibambile iqhaza kanye nokunciphisa ingozi yodlame nokuphazamiseka komphakathi;

e) Mayelana nokuphathwa komhlangano, bonke ababambe iqhaza kumele bahambisane nemithetho kanye neminye imibandela ebekiwe. Ohlelayo kumele aqinisekise ukuthi kunabaqaphi abanele ukuze bagcine konke kuhambe kahle;

f) Ukwengeza, ababambe iqhaza kumele bazithibe ekusebenziseni amagama aziswa angaholela odlameni nama agqugquzele inzondo ngokwebala nomu ngokubahlanga;

g) Ababambe iqhaza abavunyelwe ukufaka okokufihla ubuso noma bafake umfaniswa ofana nowabezokuphepha;

h) Izikhali azizumelekile emhlanganweni;

i) Yonke imiyalelo yamaphoyisa kumele ilalelwe.

**IMITHETHO EJWAYELEKILE**

1. 1.1 Wonke umfundi ngokusayina ifomu lokubhalisa, ulawulwa yimithetho yeNyuvesi equkethwe noma ethintwayo kule mithetho engaphansi Kwemithetho Yezokupathwa Kwabafundi, ikhophi yayo iyatholakala ehhovisi likaMabhalane Omkhulu.

1.2 Wonke umuntu ongena eNyuvesi ngenhloso yokubhalisa njengomfundi noma asebenzise impahlia yeNyuvesi njengomfundi uyoathathwa njengomfundi ngokwesimiso Somthetho Wezokupathwa Kwabafundi;
1.3 Yomibili Lemithetho Ejwayelekile kanye Neyokuphathwa Kwabafundi inqunywe uMkhandlu weNyuvesi ngaphansi kweSigaba sama 36 somthetho Wezemfundwo Ephakeme 101 wezi 1997.

2. Abafundi bayogqoka umfaniswano wokufunda lapho udingeka khona.
3. Umbhalo weRag ophuma kanye ngonyaka, uyoqala ubhekwe yiDini Elawulayo Kwezabafundi.
4. Izikhangiso nama izaziso eziphuma kumfundlo nama enhlanganweni nama eqenjini lezemidlalo angeke zikhangiswe zingagunyazwanga uMkhandlu Wabafundi.
5. Inhlangano yezemidlalo nama iyiphi enye inhlangano kumkomele ithole imvuwe kwiDini Elawulayo Kwezabafundi uma bezothatha uhambo noma iyiphi enye into engabangela ukungabikhona kwabafundi emakilasini.
6. Umfundlo olimaza impahla yeNyuvesi ngenhluso noma ngobudedengu uyowukhokhela umonakalo.
7. Abafundi kumkomele bazijwayeze futhi bayithobele imithetho yesikole ephathelene nezivivinyo, imithetho ejwayelekile yeziqo, imithetho yezikole ezithintekayo, kanye nemithetho ejwayelekile eshicilele we futhi etholakala Emitapweni Yolwazi, Ezindaweni Zokuhlala, Emikhandlwini Wabafundi kanye NaseMkhandlwini Wezemidlalo.

**IMITHETHO YEZOKUPHATHWA KWABAFUNDI**

8. 8.1 Kule mithetho Isekela Likashansela libizwa ngoThishanhloko kanti nomabhalane Omkhulu (esebenza ngaphansi kwehhovisi Lomqondisi : Kwezomthetho) ubizwa ngomabhalane Omkhulu.
8.2 Ukubhaliswa kwomana yimuphi umfundlo weNyuvesi otholakala enecala elibucayi lobugebengu (njengokubeka komthetho 14.1) yinkantolo yomthetho uyomiswa ngokunquma kwamabhalane Omkhulu

**UKUNGAZIPHATHI KAHLE**

9. Umfundlo uyotholakala esecaleni lokungaziphathhi kahle uma:
9.1 ephazamisa amalungelo abanye abantu njengoba equkethwe kumqulu wamalungelo Isahluko 2 somthethosisekelo weze wezi 1996, noma oziphatha ngendlela ephula eminye imithetho yeziwe noma imithetho nemiyalelo yeNyuvesi;
9.2 eziphatha ngendlela ephambene nemiyalelo yeNyuvesi njengokugunyayizwa kwayo kwaleso sikhathi;
9.3 ekopela kunoma yisiphi isivivinyo seNyuvesi. Ngokwesidingo salomthetho ukuhlolwa simbandakanya konke ukuhlolwa kolwazi lomfundlo okwenziwa yiNyuvesi nomaba umnyango weNyuvesi noma yimuphi umuntu oyiilungu labafundisayo eNyuvesi. Ukukopela kumbandakanya lokhu :
9.3.1 ukufaka nomazemelitshi ukufaka endaweni yesivivinyo incwadi, ipheshana,iselula, noma yini enye ekwazi ukulondoloza , ithumele noma ithole ulwazi noma yipheshana elinolwazi oluxhumene nokuholwa ngaphandle kokugunyayizwa ohlolayo;
9.3.2 ukuphathwa, usebenzise, noma uzame ukusebenzisa ngesikhathi sokuhlowa incwadi, ipheshana,umakhal'ekhukhwi, noma yini enye ekwazi ukulondoloza , ithumele noma ithole ulwazi noma yipheshana elinolwazi oluxhumene nokuholwa ngaphandle kokugunyayizwa ohlolayo;
9.3.3 ukuthatha noma ukuzama ukuthatha nokuphuma nenowadi noma iphepha lokuhala izimpendulo egumbini ekuhlolelwa kulo olinikezwe yiNyuvesi ukuze ubhale izimpendulo;

9.3.4 ukuhlephana nomfundo nomunye ngezabezela nokuphuma ngokuphula nokuphuma ongqola noma nokuphuma ngokuphuma nokuphuma nokuphuma ngesikhathi sokuholo;

9.3.5 ukunye ukukusa nokuphuma ngesikhathi sokuholo;

9.3.6 ukukhethwa ukumvelo yonke, ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.7 ukulelelela omunye umfundi ngezabezela nokuphuma ngesikhathi sokuholo;

9.3.8 ukuxhumana noma ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.9 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.10 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.11 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.12 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.13 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.14 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.15 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.16 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.17 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.18 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.19 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;

9.3.20 ukukhethwa ukumvelo yonke noma ukuhlephana nokuphuma ukuhlephana nokuphuma sokuholo;
esebenzisa kabi igama leNyuvesi okanye esebenzisa noma ingayiphi indlela
uphawu lweNyuvesi ngaphandle kwemvume ebhaliwe evela kuMabhalane
Omkhulu;

9.22 evumela omunye ufundi noma umuntu ukuba asebenzise inombolo noma
ikhadi lakhe labafundi okanye yena esebenzise inombolo noma ikhadi
lomunye umfundi;

9.23 ehluleka ukulandela imiyalelo noma engayishayi ndiva eyekomidi
lokupqondisa izigwegwe noma yenkantolo;

9.24 Ebangela ukulimala emzimbeni, okuhlanganisa nalokhu okundelayo:

9.24.1 Enza izenzo zocansi ezithathwa ngokoMthetho i-Sexual Offences
Act 32 yangonyaka wezi- 2007 okuhlanganise:-

a) Ukudlwengula
Yinoma imuphi umuntu ('A') owenza isenzo sokufaka isithathwa
sangasese komunye ongumumangali ('B'), ngaphandle kwemvume
yomangalelayo u-B, unecala lokudlwengula;

b) Ukudlwengula ngempoqo
Yinoma imuphi umuntu ('A') ophoqa omunye umuntu wesithathu ('C'),
ngokungemthetho nangenhluso ukuba afake isithathwa
sangasese komangalelayo ('B'),
ngaphandle kwemvume yomangalelayo u-B, unecala lokudlwengula;

c) Ukuphoqelela ngokocansi
(1) Umuntu ('A') ophoqelela ngokocansi ngokungemthetho nangenhluso
omangalelayo ('B'), ngaphandle kwemvume yomangalelayo u-B, unecala
lokuphoqelela ngokocansi;

(2) Uma umuntu ('A') owenza nangenhluso omangalayo
('B') akholwe ukuthi uzophoqelelela ngokocansi, unecala lokuphoqelela
ngokocansi;

d) Ukuphoqelela ngokocansi ngempoqo
Umuntu ('A') ophoqa ngokungemthetho nangenhluso umuntu wesithathu
('C'), ngaphandle kwemvume ka-C, ukuba aphaqelela ngokocansi
omangalelayo ('B'), ngaphandle kwemvume ka-B, unecala lokuphoqelela
ngokocansi ngempoqo.

e) Ukuziphoqelela ngokocansi ngempoqo
Uma umuntu ('A') ophoqa omangalelayo ('B'), ngaphandle kwemvume ka-B,
ukuba a-
(i) shaye indlwabu;
(ii) bangile noma yinhloboni yesenza esiholela ekulangaleleleni
nasekukhanukeleni ucansi kowesifazane ngokuthinta amabele;
noma
(iii) izenzo ezikhomba ucansi noma ezihlambalazayo, kuyena;
noma
enza noma yisiphi isenzo esinomthelela noma esingaba nomthelela
wokukhanukela ucansi noma sihlambalaze ngokocansi u-B; noma siholele
9.24.2 Izenzo ezithinta ukushaya yilezi ezilandelayo:

   a) Ukushaya okujwayelekile
      Ukushaya kubandakanya ukusebenzisa indluzula ngokungemthetho
      nangenhloso komunye umuntu, noma ukwenza omunye umuntu
      akholwe ukuthi kuzosetshenziswa indluzula kuyena;

   b) Ukushaya ngenhloso yokulimaza kanzima (GBH)
      Lolu olunye uhlobo lokushaya kodwa olwenziwa ngenhloso
      yokulimaza kanzima.

9.24.3 Okubangela ukulimala engqondweni okungahlanganisa lokhu
okulandelayo:

   a) Ukwehlisa Isithunzi
      Ukwehlisa isithunzi kubandakanya ukwehlisa ngokungemthetho
      nangenhloso isithunzi nengasese lomunye umuntu.

   b) Ukuthuka
      Ukuthuka kuhlanganisa ukushicilela kwemininingwane
      ngokungemthetho nangenhloso yokuthunaza omunye umuntu.

9.24.4 Lapho umfundi ummangalelw esabisa ngodlame futhi lokhu
kuhlanganisa:

   a) Ukuhlukumeza (njengoba kuchaziwe eMthethweni i- Protection
      and Harassment Act 17 yangonyaka wezi-2011):
      Ukuhlukumeza kuhamlanisa kokubili ukuzipathatha okugonde ngqo
      nokungaqondile ngqo okuholela ekulimaleni noma okwenza lowo
      okhalaza ngokuhlukunyezwa akholelwe ekutheni uzolinyanzwa.

      Lokhu kuziphatha kuhlanganise nokuxhumana nomangalelayo
      Ukuhlukumeza okuhlanganiseyo futhi kuhamlanisa nokuzulazula
      ngaphandle noma eduze kwalapho kuhlala, kusebenza, kufunda
      noma lapho ekhona nje omangalelayo.

      Ukuhlukumeza kuhamlanise nokuxhumana ngenkulumo
      nomangalelayo. Kuhlanganisa nokuxhumana ngogesi okubangela
      omangalelayo azizwe sengathi usengozini yokulinyazwa.

   b) Ukwesabisa

      Noma yimuphi umuntu ongenasizathu esisemthethweni futhi
      enenhloso yokuphoqa noma yokuholela omunye umuntu noma
abantu bezina noma uhlobo oluthile noma abantu abajwayelekile
ekutheni benze noma bangakwenzi okuthile.

9.25 eziphatha ngendlela enokungathembeki engabangela ukulimala
nokulahlekela komunye umfundi noma umsebenzi waseNyuvesi;
9.26 enqaba ukuveza ikhadi lakhe labafundi uma ecelwa ngokusethethweni
ongumsebenzi waseNyuvesi
9.27 ephuza utshwala (njengokuchaza Komthetho Katshwala wezi 2003),
emageceki enNyuvesi ngaphandle kwezindawo ezimiselwe yiNyuvesi kanye
nezikhathi zakhona;
9.28 enza isenzo esiwukuntshontsha umqondo womunye umuntu
njengokuchazwa kwakho kwiniQubomiyo Yokuntshontshwa Kweminqondo.
9.29 Kudingeka afakaze eNkantolo Yokuphathwa kwabafundi futhi uma zingekho
iziszathu noma ehluleka ukwenza njalo.
9.30 ukwenza izenzo ezinokukhwabanisa, ukulutha nokungathembeki
okuhlanganisa noma yikuphi ukuphazamisa okwenziwa umfundi laphe
ehlolwa yiNyuvesi, noma laphe umfundi ehluse ukulutha noma ukwedusa
ongumhloli.
9.31 eziphatha ngendlela ekhombisa ukungalalele kanye/noma ukungahloniphile
omele iNkantolo.

10. Icala elethweswa umfundi ngokungaziphathi kahle ngaphansi komthetho 9
uyolalelwa Inkantolo Yezokuphathwa Kwabafundi noma, Inkantolo Yasendaweni
Yokuhlala.
10.1 Lapho umfundi ongumsebenzi waseNyuvesi enecalala, lelo cala, uma
lingenamthelela ebudlelwaneni bokuqashwa komfundi yiNyuvesi, liyolalelwa
Inkantolo Yezokuphathwa Kwabafundi uma limayelana nezokufunda.
10.2 Lapho ukungaziphathi kahle, kuhlanganiswa nokwezemfundo kubonakala
kungaba nomthelela ebudlelwaneni bokuqashwa komfundi yiNyuvesi, udaba
luyodluliselwa eMnyangweni Wezabasebenzi ukuze lulongiswe khona.

INDLELA YOKWENZA

11. Ukubikwa Kokungaziphathi Kahle
11.1 Zonke izehlakalo zokungaziphathi kahle kumele zibikwe kwabezoPhiko
Lwezokuvikela Izingozi kuleyo khempsa ethinlekalayo noma kuMshushisi
11.2 Abezokuvikela ubungozi bazokwenza uphenyo ngalemibiko benze owabo
umbiko ozoya eHhovisi Lezokuphathwa Kwabafundi
11.3 Abaphathi bopheny okezokuvikela izingozi ekhempsini kumele banikezwe
amandla okunika umfundi isexwayiso uma enze ukungaziphathi kahle
okungenasidingo, isibonelo ukucima amalambu kumaphaseji/ ezindaweni
zokufunda, emva kokukhuluma noMshushisi.
11.3.1 Umbiko waleso sixwayiso kumele unikezelwe kuMshushisi ngabaphathi
bopheny okezokuvikela izingozi.

12. IHHOVISI LEZOKUZIPHATHA KWABAFUNDI
12.1 Ihhovisi Lezokuziphatha Kwabafundi lizobhekana nokuphathwa kwayo yonke
imibiko epathelene nokuziphatha kwabafundi ethunyelwa Abezokuvikela
Ubungozi.
13. Umshushisi

13.1 Umabhalane Omkhulu uyokhetha umshushini noma abashushisi.
13.2 Umshushisi uzoba ngumeluleki kaMabhalane Omkhulu ezindabeni eziphathelelene nezokuphathwa kwabafundi enyuvesi.
13.3 Umshushisi uzoba nelungelo lokumela iNyuvesi kuzona zonke izindawo eziphathelelene nezokuphathwa kwabafundi enyuvesi.
13.4 Emva kokuthola umbiko wehhovisi lokuziphatha kwabafundi, umshushisi uzoba namandla ngokwenqubomgomo ebekwe nguMabhalane Omkhulu yokubhekana nalezi zimo:
   13.4.1 ukuyalela ukuba uphenyo luqhubeke; noma
   13.4.2 ukwenqaba ukushushisa; noma
   13.4.3 ukukhipha Isewayiso sikaMshushisi; noma
   13.4.4 ukubhekana nesimo ngaphansi Komthetho wama-15.6; noma
   13.4.5 udaba aludululisele kumlamuli noma umxazululi; noma
   13.4.6 ukudululisele udaba kumeluleki noma
   13.4.7 ukudululisele udaba lokwehlulela Enkantolo Yokusipaththa Kwabafundi.

14. Inqubomgomo Efingqiwe

14.1 Uma kwethweswa umfundi icala ngesenzo esiyicala esenziwe ngokokuchaza kwalemithetho futhi kusaphenywa, noma ngokubona kwaMabhalane Omkhulu kufanele umfundo athweswe lelo cala noma uma umfundo ethweswe icala elinzima, (njengokukleliswa kwawo Ohlwini 1 loMthetho Wezokushushisa Ubugengu 51 wezi 1997, nezichibiyelo zawo) enkantolo yezomthetho, uMabhalane Omkhulu/ UMqondisi wezoMthetho uma engekho uMabhalane Omkhulu angayalela ukuthi ngaphambi kokuba kuphume isinqumo senkantolo ngamagama cala athweswe umfundo:
   14.1.1 umfundo amiswe ekuyeni emakilasini;
   14.1.2 umfundo angalibambi iqhaza kweminye imisebenzi yeNyuvesi ezobekwa ngokucacile;
   14.1.3 umfundo angangeni kwezinye izingxenye zeNyuvesi noma iziphi ezinye izindawo ezibaliwe zeNyuvesi;
   14.1.4 angangeni ngemoto emagceleni eNyuvesi;
   14.1.5 angahlali ezindaweni zokuhlala zeNyuvesi;
   14.1.6 akanayo imvume ukuxhumana ngqo noma ukuxhumana nabamangali noma omunye wofakazi babo ongummangali
14.2 uMabhalane Omkhulu ngeke enze umyalelo ngaphansi kwesigaba 14.1 ngenhla ngaphandle uma-
   14.2.1 umfundo elekelelewa abamumele ngokusho komthetho-18, ngaphandle uma umfundo engalisebenzisanga ilungelo lakhe lokumelwa ebenekeziwe ithuba lokuvela phambili kukaMabhalane Omkhulu ezoveza izizathu zokuthi kungani umyalelo ungenziwanga; futhi
   14.2.2 uMabhalane Omkhulu ukuthatha njengokuyindlela yokuvikela abafundi nabasebenzi ukwenza lomyalelo.
14.3 Umphathi Wezindawo Zokuhlala Zabafundi angayalela umfundi osolwa ngokwephula Umthetho Wezokuphathwa Kwabafundi ukuba aphume aphele endaweni yokuhlala futhi angabuyi kuze kuphele izinsuku ezinhlanu zokusebenza.
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14.4 Umphathi Wezindawo Zokuhlala Zabafundi ngeke enze umyalelo ngokwesigaba 14.3 uma:

14.4.1 umfundi eseniekeziwe ithuba lokubeka izizathu ezenza ukuba lomyalelo unganiekwa; futhi

14.4.2 uMphathi Wezindawo Zokuhlala Zabafundi ekubona kuyindlela yokuvikela abanye abafundi abahlala kalendawo nama kuhambisana nokuhutshwa Komthetho Wezokuphathwa Kwabafundi;

14.5 uMphathi Wezindawo Zokuhlala Zabafundi emva kokwenza lomyalelo ngokwesigaba 14.3 abhale umbiko ophuthumayo ngomyalelo nezizathu ezisekela lokho awuthumele kuMabhalane Omkhulu oyovumela nama aphihiskane nayo.

14.6 uma umyalelo owenziwe ngokwesigaba 14.3 uvunyelwa, noma umfundi efaka isicelo sokudululiswa kwalomyalelo, uMabhalane Omkhulu uyothatha izinyathelo ezihambelana Nomthetho 14.1, kusalindelwe umpumelwa okungenzeka uMabhalane Omkhulu akhuphule isibalo sezinsukela zokuxoshwa komfundhi endaweni yokuhlala


15. INDLELA YOKWENZA NGOKWEZOKUPHATHA

15.1 Umfundi osolwa ngokukopela esivivinyweni sasekilasini, noma omunye umsebenzi wokuhlala, angavuma icala ngokugcwaliisa ifomu elifanele ngemvume yeNhloko Yesikole uma

15.1.1 lokho kuhlolwa kungeqile emaphesentini angama 25 emamakini okuhlolwa okugcina kuleso sifundo.

15.1.2 umfundi engakaze atholwe enecala lokukopela ngaphambiliini nama avume icala;

15.1.3 Nhloko Yesikole inombono wokuthi leli cala alidingi isigwebo esingaphezulu kwakwesikumthetho 15.3

15.2 Ngokwalomthetho, ukukopela kuhlanganisa zonke izinhlobo njengokuchazwa kwazo kwumthetho 9.3.

15.3 Uma umfundi evuma icala njengalokhu okushiwo okungenhla:

15.3.1 imaki lokuhlolwa liyomialehekela noma licinywe;

15.3.2 Igama kanye neSikole somfundi kuyoshicilelela ngokwendlela egunyazwe uMkhandlu weNyuvesi;

15.3.3 Ukuvunywa kwecela kukoqoshwa kumarekhodi omfundi ngesikhathi esafunda kuleNyuvesi futhi kuyosetshenziswa ngaphakathi kweNyuvesi kuphela;

15.4 Umfundi othi waliwuma ngaphutha icala, ngokungankanakana noma ngezizathu zokungalandela kwendlela yokwenza, angafaka isicelo esibhalwe kungakapheli izinsuku ezintathu elivumile icala, abeka izizathu kumshushisi ezenza afune ukugqulwa kwalesisivumo secala. Isicelo esifane nalesi sizophenya uMshushisi ongasivumela okusho ukuthi icala selynayelwelela eNkantolo Yezokuphathwa Kwabafundi.

15.5 Nhloko Yesikole izolulisa ikhophi esayiniwe yefomu lokuvuma icala eHhovisi likaMabhalane Omkhulu kanye nehhovisi lokuziphatha kwabafundi

15.6 Umfundi otholakale ephula le mithetho esikhundleni sokushushiswaangashushiswa ngokukuqethwe emithethweni, ngokwemvume kaMshushisi angagcwaliisa ifomu lokuvuma icala uma:
15.6.1 umfundi engakaze atholakale enecala elifanayo ngaphambilini, noma alivume noma ukuziphathathu kabi okushiwo imithetho;
15.6.2 Umshushisi enombono wokuthi leli cala alidingi isigwebo esingaphezu kwalesi esikumthetho 15.7

15.7 Uma umfundi evuma icala ngokomthetho 15.6, umshushisi angamnika esinye salezi zigwebo:
15.7.1 Isewayiso noxa ukuthethiswa okanye kokubili
15.7.2 inhlawulo engekho ngaphamsele kwemani engange R1 500, edingeke ikhokhiwe ngosoku olumisiwe;
15.7.3 Ukuxoshwa endaweni yokuhlala isikhathi esimisiwe;
15.7.4 Ukuthumunye kwezindleko zokulimaza ngosoku olumisiwe.

15.8 Emva kokuvunyelwa uMabhalane Omkulu:
15.8.1 Igama kanye neSikole somfundi kuyoshicilelwa ngokwendlela egunyazwe uMkhandlu weNyuswa;
15.8.2 Ukuvunywa kwecala kuyendlela omfundi ngesikhathi esafunda kuleNyuswa futhi kuyosethenziswa ngaphakathi kweNyuswa kuphela;

15.9 Umfundi othi wilivuma ngaphutha icala ngaphansi komthetho 15.6, ngokungbanakazi noma ngezizathu yokugcahlela kwendlela yokwenza, angafaka isicelo esibhaliwe kwakapheli iziphezele ephumali icala, abeke izizathu ukuthakalisa uMabhalane Omkulu ezenza afune ukugqunywa kwalesivumo sekala.Umabhalane Omkulu angalubeka ecelela udaba lokuvuma icala, udaba lungadludelela kuMshushisi ukuze kuqhutshekwe nemithetho youkuqondiswa kwesigwesigwe.

**Inkantolo Yezokuziphatha Kwabafundi**

16.1 Inkantolo yezokuziphatha kwabafundi izoba nalaba bantu
16.1.1 Umongameli ozoba:
16.1.1.1 umuntu oqokwe uMabhalane Omkulu ukuze enze lo msebenzi
16.1.1.2 ngumumeli noma umuntu, ngokubona kwaMabhalane Omkulu, onesipiliyoni futhi /noma onokuthembeka
16.1.2 ilungu Lommkhandlu Wabafundi jikelele noma umkhandlu wabafundi wekhempasi iqokwelwe lomsebenzi ozohlala abheke nje kuphela, ngaphandle uma icala lethweswa uMkhandlu Wabafundi
16.1.3 uSolwazi oqokwelwe lomsebenzi yiKholeji laphe kabhalise khona umfundi othintekayo, uma ukungaziphathile kahle kuxhumene nalokhu:
16.1.3.1 Uma umfundi ezimisele ngokuliphika icala lokukopela(ngokulandisa komthetho 9.3) ngesikhathi sokuhlowa.
16.1.3.2 ukukopela (njengoba kuchazwe kumthetho 9.3) komfundi owenza iziqu zeMasters noma owenza iziqu zobudokotela
16.1.3.3 Ukuntshontsha imiqondo yabanye okuchaqwe kumgomo wokuntshontshwa kwamigqondo yabanye
16.1.3.4 laphe kunethuba lokuthi isigwebo kube ukuphucwa iziqu, ukuxoshwa unomphelo, noma umikusw eNyuswa okwesikhathi esingaphezu kwemasimela amane.
16.2 Umphathi Wenyuvesi angayalela ukuthi ecaleni thize kuhlale noMabhalane Omkhulu njengelungu elengeziwe lenkantolo, uma kungukuthi icala livulwe uMabhalane Omkhulu ngokomthetho 14 uMabhalane Omkhulu angeke akwazi ukuqokwakhi ahliale kuhlale lenkantolo.

16.3 ilungu elithintekayo nganoma iyiphi indlela ezизigungxenyeye yecala ngeke liqokwe ukuba lihlale kule nkantolo


16.5 Kukho konke okubalulwe kumthetho 16.1.3, bobabili uMongameli noSolwazi abaqokwakhe ngokomthetho 16.1.3 kumele babe khona.

16.6 Uma kukhona ukungavumelani ekuthathweni kwesingumo senkantolo, isiningumo sikaMongameli siyoba nguqu.

17. Umshushisi

17.1 Umshushisi uyoshushisa futhi amele iNyuvesi kuzona zonke izigcawu zenkantolo yokuqondiswa kwezigwegwe; uma kungenzeki

17.2 Umshushisi angathumela umuntu okhethwe ngaphansi komthetho 18.1 ozomubambela uma lomuntu engake aqokelwe umkumela umfundi othintekayo

18. Ukumelwa Komfundi Ongummangalelwa

18.1 Emva kokuxhumana neDini Yessikole Sezomthetho, uMabhalane Omkhulu uzoekhetha ezизigungxenyene ezahlukene zeNyuvesi umuntu oyedwa noma ngaphezulu abazoba Abammeli Babafundi abangabasebenzi eSikoleni Somthetho noma abanezipha abafunda eSikoleni Somthetho futhi abananamakhomo adingekayo.

18.2 Abammeli Babafundi bayokwenza lokhu, uma becelwa ngumfundisa:

18.2.1 ukululeka umfundi kukho konke okuphathelene necala athweswe lona ngaphezulu abazoba Abammeli Babafundi abangabasebenzi eSikoleni Somthetho noma abanezipha abafunda eSikoleni Somthetho futhi abananamakhomo adingekayo.

18.3 Umfundla omangalele angazimela ecaleni ngokuhambisana nomthetho 18.4 kodwa ngeke amelwe ngokusemthethweni ngaphandle kokubalulwe kumthetho 18.4 lapha ngezansi.

18.4 Umfundla omangalele angazimela ecaleni ngokuhambisana nomthetho 18.4 kodwa ngeke amelwe ngokusemthethweni ngaphandle kokubalulwe kumthetho 18.4 lapha ngezansi.


angayithwesa icala lokungaziphathi kahle inhlangano futhi iphinde ivele phambi kwenkantolo imelwe ngumongameli noma usihlalo kanye nonobhala wayo.

**Isaziso Nenqubo Ngaphambili Kokuthethwa Kwecala Enkantolo**

21. **A. Isaziso**

21.1 Uma kunezinyathelo ezithathelwana umfundi ngokomthetho 19, Ihhovisi Lezokuziphatha Kwabafundi liyonkeza umfundi othintekayo isaziso esibhiwini ngesikhathi esingekho ngaphansi kwamahora angama 120 esisho ukuthi icala lizoqulelwana kuyiphili indawo kanye nesikhathi, uma kungukuthi sekusele amasondo amathathu kuphele isimesta, lesisaziso kumele sitholakale ngesikhathi esingekho ngaphansi kwamahora angama 72, izimpela sonto zingabalwa.

21.2 Isaziso siyothunyelwana kwumfundi ngesandla, nomu nge-imeyili, ekhelini lomfundini le-imeyili elisedalubhukwini enyuvu, lokhu kuncike ekutholakaleni kobufakazi bokukuthi umfundi uyitholile i-imeyili, uma umfundi engatholakaleni, isaziso:

21.2.1 singathunyelwana ngaposi ekhelini elisedalubhukwini enyuvu elabhaliswa umfundi futhi siyothathwa njengesitholwini umfundi kungakapheli amahora angama 72 emva kokusiposa.

21.2.2 singashiywa ekhelini elibhalisowe umfundi futhi siyothathwa njengesitholwini ngesikhathi sithunyelwana.

21.3 Isaziso okukhulunywa ngaso kumthetho 21.1 siyokwazisa umfundi ukuthi:

21.3.1 umfundi uzothathelwana izinyathelo ngaphansi koMthetho Wezokuziphatha Kwabafundi futhi simazise nokuthi ikhophi yalemithetho iyatholakala iehhovisi likaMabhalane Omkhulu noma ehhovisi lezokuziphatha kwabafundi uma efuna ukuyibheka;

21.3.2 yimiphi imithetho athathelwana izinyathelo ngaphansi kwayo siphindwe sicacise amacala athweswa wona umfundi ukuze azi amacala abhekene nawa

21.3.3 ukhona uMmeli Wabafundi ongareluka umfundi mayelana ncalala kanye namlungiselelo adingekayo;

21.3.4 umfundi angazimela naye noma omunye umuntu okucacisiwe kumthetho 18.3 no 18.4;

21.3.5 umfundi angaphambili yena ubufakazi noma asebenzise yembednye wakhe eceleni, abize ofakazi, abafake imibuzo ofakazi, ahlole amaphaphe noma obunye ubufakazi aphinde anxenxe inkantolo uma sekuziphuma isigwebo.
22. **Inqubomgomo Enkantolo**

22.1 Ngokuhambelana nokubalulwa umthetho 22.2 no 22.12, icala liyoqulwa ekhona umfundis othweswe icala lokungaziphathi kahle.

22.2 Uma umfundis, emuva kokunikwa isaziso ngesikhathi esanele ngokomthetho 21, engenayo indlela yokuvela phambi kweNkantolo, udaba lungaqhubeka ngaphandle komfundini uma umfundi angabhala afisa ukukubeka phambi kweNkantolo ukuze ikubheke.

22.3 Icali liyothethwa phambi kwabantu, ngaphandle uma iNkantolo inqume ngenye indlela.

22.4 Umshushisi uyokwethula ubufakazi obucindezela umfundi othweswe icala futhi ephathele iNyuvesi icala.

22.5 Inkantolo iyonikeza umfundi nomaxolele umfundi ithuba elanele lokubeka ingxenyeni yabo nokuphendula ngokwamacala athweswe wona.

22.6 **Inkantolo iyokwenza lokhu:**

22.6.1 Iyonikwa izitatimende zofakazi nomaxolele enye ebalulekile ekushintshwenwe ngayo ngabamele iNyuvesi nomfundisi;

22.6.2 Iyoiyibheka lembhalo nobunye ubufakazi futhi ilelale ofakazi ababizwa yiNyuvesi, nomaxolele, nomaxolele umfundi futhi ingafaka imibuzo kulabofakazi kanye nomfundisi.

22.6.3 Iyokwamukela isicelo sokuguqula amacala athweswe umfundi okungaba ukucubungula ukuvuma, nomaxwezenza okunye, nomaxwezenza isingqumo sokubuyekeza amacala okungaba ukwenxeza amacala amanyi nomaxwezenza ukweswali kwelinye kubekwe elinye

22.7 Inkantolo, ngokuthanda, kwayo ingabiza ofakazi, ithole imibhalo nanomaxwezenza yibuphi obunye ubufakazi obuthintene necala futhi ingayalela ukuba kakhonjiswe, kuzezwe nomaxwezenza phambi kwalo lokho efuna ukukubona ukuze ikwazi ukuthanda isingqumo ngaleyi kewuvela eliphazi kwalo.

22.8 Ekuphothulweni kwecala, inkantolo iyothatha isingqumo, esisusela lebufakazini obethuliwe, sokuthi umfundisi unacele nomaxwezenza ake nakanalo icala. Isingqumo esithi umfundisi unacele siyoathatha kuphela uma:

22.8.1 Icali lokungaziphathi kahle ,ngokukubona kwenkantolo, livezwe ngokungangabazeki, nomaxwezenza kwembele kwamazwi phambi kwalo sekuphelile.

22.8.2 Umfundi ezivumele yena ngokukululeka ukuthi unacele nenkantolo yenelisekile ukuthi kunobufakazi obuvela komfundini nomaxwezenza obuvela kwenyi indawo obufakazela lokhu.

Uma inkantolo ithola umfundisi engenaca, umfundisi uyotholwa eMsulwa.

22.9 Konke okwenzeka enkantolo kuyiqoshwa umuntu oqokwe uMabhalane Omkhulu futhi onekho lokwenza lo mseaubenzi.

22.10 okuqukethwe umthetho 21 no 22 kuyosebenza emacaleni athweswa inhlango ngokomthetho 20.

22.11 Icali iyothethwa ngendlela enganamcikiliso, ngokuhambisa nemithetho yezomthetho jikelele, futhi akekho ummangalela oyothola ukungaphathwa ngendlela emlahlekiselayo ngexa yokuhuleka kwakhe nomaxolele ukucina imithetho njengokusetshenziswa kwayo yizinkantolo zikazwelonke: uma izindlela zokwenza ezilandelayo zaleMithetho Yezokuziphatha
Kwabafundi iyolandelwa ngokugcwele, eminye imithetho nemiyailelo emayelana nokuqhutshwa kewcala engahambisani nalemithetho engabekwa ngezinye izikhathi, iyolandelwa futhi igcinwe.

22.12 Uma inkantolo ikubona kuwusizo kwiNyuvesi nomu kumfundlana waseNyuvesi ukuba igama likafazi othula ubufakazi phambi kwenkantolo lingadalulwa futhi lingabalwa nakumbiko, inkantolo, ngokosicelo sikaMshushishi, ingakhipha enye noma yonke lemiyailelo:

22.12.1 ukuthi kungabi khona omunye umuntu enkatolo ngesikhathi ufakazi ethula ubufakazi ngaphandule kommele iNyuvesi kanye nomnele ummangalelewe, noma

22.12.2 ukuthi igama likafakazi lingashicilelewa embikweni ngecalala, noma

22.12.3 ukuthi irekhodi lobufakazi liqoshwe ngendlela ezofihla igama likafakazi.

22.13 UMengameli weNkantolo yokuPhathwa Kwabafundi uyoba namandla okuxazulula udaba uma kubonakala kufanelekelele ukwenza kanjalo.

23. Inqubo Uma Umfundi Etholwa Enecala

23.1 Uma umfundi esetholwe enecala lokungaziphathi kahle, iNkantolo ingannika lezi zigwebo ezilandelayo:

23.1.1 isexwayiso noma ukuthethiswa noma kobukile,

23.1.2 umyalelo wokukhokha inhlawulo ehambelana nomonakalo odakilele ngalolosuku njengokunquma kweNkantolo,

23.1.3 inhlawulo engeqile kwiR2 500 eyokhokhwa ngosuku olunqunywe inkantolo,

23.1.4 ukungenqeshelwe ukubamba iqhaza ezintweni zeNyuvesi kuze kudlude isikhathi esinqunyiwe,

23.1.5 ukuxoshwa isikhathi esinqunyiwe ezingxenyeni ezithize eNyuvesi,

23.1.6 ukumiswa isikhathi esinqunyiwe eNyuvesi,

23.1.7 Ukuxoshwa unomphele swiNyuvesi okungukuthi umfundi, ngeke aphinde amukelwe eNyuvesi ngaphandle uma kungokomthetho 33

23.1.8 ukwenqatshelwa ukungena egunjini lokuhlolwa,

23.1.9 ukwephucwa amamaki okuhlolwa okunhlobonhlobo,

23.1.10 a. Imininingwane egcwele ngohlobo lomsebenzi wokuhlalula b. Isikhathi somsebenzi wokuhlalula
c. Indawo mphakathi wokuhlalula uyokwenzelwa khona
d. Indlela nomsebenzi wokuhlalula yokuqhize ngayo

23.1A Ngokuhambelana nokumiswe uMthetho 32.5, lapho iNkantolo ithola ummangalela enecala lokudlwengula kanye/noma ukudlwengula ngempqo, njengokuhazwa kwakhno eMthethweni i-Sexual Offences Act 32 yangonyaka weziyeng 2007, ngaphezu kwesigwebo esibekwe ngokoMthetho 32.1, umfundi kumele axoshwe ngokoMthetho 32.1.7.
23.1B Ngokuhambelana nokumiswe uMthetho 23.5, lapho iNkantolo ithola ummangalelwa enecala lokudlwengula kanye/noma ukudlwengula ngempooqo, njengokuchazwa kwakho eMthethweni i-Sexual Offences Act 32 yangonyaka wezi-2007, ngaphezu kwesigwebo esibekwe ngokoMthetho 23.1, umfundi kumele axoshwe ngokoMthetho 23.1.7. ngaphandle, uma kunezingqinamba ezithile ezifanele ukubhekisiswa, ngokubona kweNkantolo.

23.1C Ngokuhambelana nokumiswe uMthetho 23.5, lapho iNkantolo ithola ummangalelwa enecala lokudlwengula kanye/noma ukudlwengula ngempooqo, njengokuchazwa kwakho eMthethweni i-Sexual Offences Act 32 yangonyaka wezi-2007, ngaphezu kwesigwebo esibekwe ngokoMthetho 23.1, umfundi kumele axoshwe ngokoMthetho 23.1.7. ngaphandle, uma kunezingqinamba ezithile ezifanele ukubhekisiswa, ngokubona kweNkantolo

23.2 Ngephezulu kwanoma yisiphi isigwebo esikhishiwe ngaphansi komthetho 23.1.1 kuya ku 23.1.10 ngenhla, lapho ukungaziphathi kahle okuthintekayo kuphula umthetho 9.3 ngesikhathi kunokuhlulwa okusemthethweni eNYuvesi, ngaphandle uma iNkantolo ithola umfundi enecala ngokomthetho 9.3.1 omayelana nokungenisa kanye no 9.3.2 omayelana nokutholakala uphethe umakhal’ekhukhwini, iNkantolo iyogwenza ngalendlela:

23.2.1 ukwesulwa kwayo yonke imIPHumela yokuhlulwa kanye nemiphumela yokuHululwa kwamanye amamojuli kuleyo simesta ethintekayo;

23.2.1Ukuhoxiswa nomu kuphucwa amamaki okuhlulwa kwesifundo lapho umfundi etholakale enecala lokukopela khona.

23.2.2 ukwephucwa iziqu, idiploma noma isitifiketi esitholakale ngenxa yokungaziphathi kahle;

23.2.3 uma kunegkez sonzathu eziphikisayo, umfundi angamiswa eNYuvesi isikhathi esingangaba amasim_page-0001.pngestama amabili.

23.3 Ngephezulu kwesigwebo esikhishwe kumthetho 23.1.1 kuya ku 23.1.10 lapho ukungaziphathi kahle kuthintene nokungathembeki, ukuntshontha imiqondo yabanye iNkantolo ingayalela ukuthi kwesulwe iziqu, idiploma noma isitifiketi esitholakale ngokungathembeki.

23.4 Uma ummangalelwa ophambi kweNkantolo kuyinhlangano yabafundi ethweswa icala ngokomthetho 20, iNkantolo ingenza lokhu:

23.4.1 ingagweba ngokwesigwebo eziku 23.1.1 kuya ku 23.1.10, lapho uma isigwebo kuyinhlawulo, iNkantolo iyonguqa ukuba wonke amalu ngewu aqembu akhokhe ngokokunquma kweNkantolo isamba esizokhokhwa yilungu ngalinye,

23.4.2 ukumiswa kokusebenza kwenhlangano ngokwesikhathi esingunyiwe.

23.5 Ngaphambi kokukhipha isigwebo ikantolo iyona noma omumele ithuba lokuletha ubufakazi, okuthinta noiwazi oluyimfihlo ngokubhala nokubiza ofakazi ekudingidweni.
kwesigwebo. Inkantolo iyobuye inike iNyuvesi ithuba lokubeka uhlangothi lwayo ngokwezidingo zeNyuvesi nomasebaNyuvesi oluyobhekwa yiNkantolo ngaphambi kokuthatha isinqumo. Inkantolo iyobheka ubufakazi obuphambi kwayo, imiphumela yomfundi yaphambilihle kanye nokuziphatha komfundi eNyuvesi ngaphambi kokuhipha isigwebo.

23.6 Ekutholakaleni komfundi enecala wagwetshwa inkantolo, ngaphandle uma inkantolo ikhiphe omunye umyalelo, igama lomfundi nesíkole sakhe kuyoshicilelela eNyuvesi ngokwemiyalelo yenkantolo

23.7 Icalaliyogqasha emabukwini omfundi kuze kuphele isikhathi sokufunda komfundi eNyuvesi, ngaphandle uma iNyuvesi iyalela ukuthi:

23.7.1 irekhodi lomfundi lingaqoshwa, noma
23.7.2 lokhu okuqoshwe erekhodini lomfundi kuhlale khona Akukho okuqoshwe lapho okuyophambana nomthetho 32.

23.8 Umfundi otholwe enecala lokungaziphathi kahle uyokwelulekwa ukuthi acele ukwedlulisa icala liye kuMkhadlu Wenyuvesi.

23.9 Ekuphothulweni kucala, Iihovisi Lezokuziphatha Kwabafundi liyokwazisa umfundi ngokubhaliwe ngokomthetho 21, ngompumela wecalalanye kanye nesigwebo esikhishwe kanye nomyalelo weNkantolo, uma ukhona, owenziwe ngokomthetho 23.6 no 23.7, kanye nenqubo yokudlulisela icala.

IZINKANTOLO ZEZINDAWO ZOKUHLALA

24.

24.1 Lapho uMshushisi edlulisela udaba, noma emva kokuxhumana noMshushisi, umfundi othweswa amacala okungaziphathi kahle njengokuchazwa kwawo kumthetho 9, noma nokuthintene, nendawo yokuhlala uyovela phambi kweNkantolo Yendawo Yokuhlala.

24.2 Inkantolo Yasendaweni Yokuhlala iyoba nalabantu:

24.2.1 UMengameli weNkantolo yokuPhathwa Kwabafundi.

24.2.2Uphathi Wezindawo Zokuhlala Zabafundi, noma kube uMphathi Wendawo Yokuhlala ethintekayo, kanye

24.2.3 Nobhekelele Inhlalakahle Ezindaweni Zokuhlala Abafundi kuleyondawo ethintekayo, okhethwe yiDini Enkulu Yezabafundi; kanye

24.2.4 NoSihlalo Wekomidi Lendawo Yokuhlala noma okhethwe nguye oyilungu Lekomidi Lendawo Yokuhlala.

25. Inqubo Enkantolo Yezindawo Zokuhlala

25.1 Icalaliyokungaziphathi kahle liyokwethweswa umfundi uma:

25.1.1 Ngokophethe Indawo Yokuhlala kubonakala ukuthi umfundi uhulele umthetho, okuchaziwe ngokomthetho 9, kodwa emva kukuxhumana noMshushisi; noma

25.1.2 uMshushisi ayalele iNyuvesi Yezindawo Zokuhlala ukuba ibheke lolu daba.

25.2 Umfundi othweswa icalaliyokungaziphathi kahle uyobizwa ukuzovela phambi kweNyuvesi Yezindawo Zokuhlala ngokwesaziso esibhaliwe
esingekho ngaphansi kwamahora angama-72 esibhalwe ngokulandelwa umthetho 21.

25.3 Ekuquleni icala, iNkantolo iyosebenza njengenqubo yezinkantolo futhi iyobiza iphinde ifake imibuzo kofakazi abangavela bezofakaza.

25.4 Uma umfundi, emva kokunikwa isaziso sokuzovela phambi kweNkantolo, futhi engagunyazwanga yiNkantolo, ehluleka ukuvela phambi kweNkantolo ngokomthetho 25.2, iNkantolo iyohubeka engekho, ngaphandle uma umfundi ezoletsha imibhalo ezobhekwa yiNkantolo.

26. Inqubo Yokukhishwa Kwesigwebo Enkantolo Yendawo Yokuhlala

26.1 Uma kwenzeka iNkantolo Yendawo Yokuhlala ithola umfundi enecala lokungaziphathi kahle iyomnikha esisodwa nomz ngaphezulu kulezi zigwebo;

26.1.1 ukuthethisiwa nomz isexwayiso, nomz kokubili;

26.1.2 umyalelo wokuba kuhlakhe inhlawulo ngomonakalo owenzwi empahlwani nomz ukulahlkelwe okwenzekile ngesuku olumiswe inkantolo

26.1.3 inhlawulo engeqile kwiR1000, okumele ikhokhwe ngosuku olunqunywe yiNkantolo;

26.1.4 ukuphucwa wonke amalungelo nomz ambalwa endawo yokuhlala;

26.1.5 ukwenza imisebenzi yendawo ngokwesikhathi esiyonqunya yiNkantolo esingeke sibe ngaphezulu kwesimena eyodwa;

26.1.6 ukumiswa isikhathi esinzunywe endaweni yokuhlala nomz ezingxenyeni zayo;

26.1.7 ukuxoshwa endaweni yokuhlala, okuncike ekubikweni kwesigwebo kuMabhalane Omkhulu futhi ngeke kuqale ukusebenza ngaphambi kokuvunywa nguMabhalane Omkhulu yena ozobe esazisa umfundi ukuqala umfundi eNyuvuZalo idawo iNkantolo ibonza ukuxoshwa komz endaweni yokuhlala esiyonqunya uMabhalane Omkhulu ngokuhambisana nalomthetho, uma futhi uMabhalane Omkhulu esho ngenye indlela, umfundi ngeke amukelwe kwenye indawo yokuhlala.

26.2 Uma umfundi esetholwe enecala uyoqwebelwe ngaphandle uma umfundi esivunywe uMabhalane Omkhulu aciwa ukuhlala.

27. Ukulengiswa Kwesigwebo Nokudululisa Icalala

27.1 Inkantolo Yokusiphatha Kwabafundi nomz iNkantolo Yezindawo Zokuhlala eyakhele ngokwalemithetho ingayalela ukuthi nomz yisiphi isigwebo esikhishwe yiNkantolo ethintekayo silengisiwe isikhathi esingeqi esikhathini laphe umfundi esengumfundi eNyuvuZalo nalapho iNkantolo ibona kufanele ngaphandle uma isixwayiso nomz ukuthethisiwa futhi uma wezigwebo ezikumthetho 23.1.7 zingeke silengisiwe;

27.2 Uma isigwebo esikhishwe silengisiwe kodwa umfundi aphule imbandela ebekele iNkantolo ebeke isigwebo sokuqala ingenza lokhu:

Ukulengiswa Kwesigwebo Nokudululisa Icalala

27.1 Inkantolo Yokusiphatha Kwabafundi nomz iNkantolo Yezindawo Zokuhlala eyakhele ngokwalemithetho ingayalela ukuthi nomz yisiphi isigwebo esikhishwe yiNkantolo ethintekayo silengisiwe isikhathi esingeqi esikhathini laphe umfundi esengumfundi eNyuvuZalo nalapho iNkantolo ibona kufanele ngaphandle uma isixwayiso nomz ukuthethisiwa futhi uma wezigwebo ezikumthetho 23.1.7 zingeke silengisiwe;

27.2 Uma isigwebo esikhishwe silengisiwe kodwa umfundi aphule imbandela ebekele iNkantolo ebeke isigwebo sokuqala ingenza lokhu:

Ukulengiswa Kwesigwebo Nokudululisa Icalala

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27.2.2 iphinde iyalele ukuhubeka kokulengiswa kwesigwebo ngaphansi kwemibandela efanayo noma eyehlukile; noma
27.2.3 yenze eminye imiyalelo eyibona ifanelekile emayelana ngesigwebo esilengisiwe

28. Ukudululiswa Kwecala

28.1 Umfundi noma iNyuvesi ingadluliswa icala ngokwendlela ehlinzekelwe lapha ekubhekaneni nokulaliwa yicala ngokuphula le mithetho noma ekubhekaneni nesigwebo esikhishwe yiNkantolo Yezokuziphatha Kwabafundi noma Yezindawo Zokuhlala. Ngalezi zizathu ukudululiswa kwecala kungathinta isicelo sokubuyekezwaukuqulwa kwecala ngezizathu zokuthi iNkantolo ayiyiandelanga imithetho yokubleni. Ngezizathu

28.2 Ngaphandle uma iNkantolo iyalela ngenyi indlela ngesikhathi kukhishwa isigwebo, ukudonswa kwesigwebo esikhishwe yeNkantolo kuyolengiswa kuze kudule ukudululiswa kwecala ngokulandelwa kwemithetho ebekiwe ngaphandle uma kungumbono ka Mabhalane Omkhulu ukuthi kuyolengiswa, iNyuvesi, noma kuyolengiswa Umfundi ukuba isigwebo singalengiswa, uMabhalane Omkhulu angayalela ukuba ukuba isigwebo singalengiswa, uMabhalane Omkhulu uyena oseiyobona ukuthi isigwebo silengiswe noma cha.

29. Ukudululiswa Kwecala kusuka eNkantolo Yokuziphatha Kwabafundi Kuya Ekomidini Lokudululiswa Amacala Lomkhandlu

29.1 Umfundi otholwe enecala yiNkantolo Yokuziphatha Kwabafundi angalidululisa icala noma akhononde ngesigwebo, noma kokubili kanti neNyuvesi ingadluliswa icala uma ikhonondo ngokungatholwa necala komfund noma isigwebo seNkantolo singadlulela eMkhandlwini WeNyuvesi ngokwendlela ebekwe kulomthetho.

29.2 Umdlulisicala (okungaba umfundini noma iNyuvesi) uyofaka isicelo sokudululiswa icala eNkantolo Yokuziphatha Kwabafundi liya kuMkhandlu WeNyuvesi; ngendlela okulandiswa ngayo kulomthetho.

29.3 Isicelo esifana nalesi esincike ebufakazini obethuliwe nom/kanye nenokwethulwe eNkantolo Yokuziphatha Kwabafundi, siyowenziwa kanje: 29.3.1 siyokwethulwa ngomlomo, ngokubeka izizathu zokwenza lesi isicelo sokudululiswa icala emva kokuphuma kwesigwebo futhi ngaphambi kokupholulwa kokusebenza kweNkantolo; noma

29.3.2 isaziso esibhalwe esicacisa izizathu zokulandiswa icala ekumele sifakwe eHhovisi Lezokuziphatha Kwabafundi kungakadluli izinsuku ezintathu kugqithakala icala. Uma

29.4 Uma iNkantolo ibona isicelo sinethuba lokuba yimpumelelo, iyovumela ukuba kudululiswe icala iphinde yazise iHhovisi Lezokuziphatha Kwabafundi kanye noMabhalane Omkhulu ngesiqumo sayo. iHhovisi Lezokuziphatha Kwabafundi liyokwazisa omele umfundini noma uma umfundle ezimele, umfundi uqobo lwakhe uma ezimele.

29.5 Uma iNkantolo yenqaba ukulandiswa icala lomfundi ogwetshwe ngaphansi kwemithetho, iyoyalela iHhovisi Lezokuziphatha Kwabafundi noMabhalane Omkhulu. iHhovisi Lezokuziphatha Kwabafundi liyokwazisa omele umfundi noma uma umfundle uqobo lwakhe. Uma kunje: 29.5.1 umfundini anganxenxa uMkhandlu ukuba uvumele ukudululiswa kwecala.
29.5.2 lokhu kunxenxa kuyobhalwa futhi kubalule izizathu zalesi sicelo futhi siyofakwa eHhovisi LikaMabhalane Omkhulu kungakadluli izinsuku ezilishumi zokusebenza emva kukuthi iNkantolo isichithile isicelo sokudululisa.

29.5.3 uMabhalane Omkhulu uyodululiselwa lokhu kunxenxa kuMqondisi Wezomthetho oyokubheka emva kwalokho aluleke uSihlalo woMkhandlu.

29.5.4 uSihlalo woMkhandlu uyovumela noma aphikise lokhu kunxenxa.

29.5.5 uma ukunxenxa kuphumelela, ukudululisa kuyolalelwa ngokuhambisana nalemithetho.

29.5.6 Isinqumo sikaSihlalo woMkhandlu siyoba ngujuqu futhi akukho kunxenxa okuyolalelwa noma kubhekwe.

29.6 Uma iNkantolo noma uSihlalo woMkhandlu evuma ukuba kudululiswe ica, umfundlulele abhale amaphuzu aphikisa ngawo isigwebo okuyonkulele afakwe eHhovisi Lezokuziphipha Kwabafundi kungakadluli izinsuku eziyishumi zokusebenza emva kokuthola isaziso ngokumthetho 29.4 noma 29.5. Uma umdlulisicala engawafaki lamaphuzu, uMabhalane Omkhulu uyoba nelungelo lokusebenza okugunyazwa umthetho 29.2

29.7 Ngaphandle kokuyalela ngenye indlela koMkhandlu WeNyuvesi, ukudululisa kuyosusela kokuqoshwe ngesikhathi secalaa uNkantolo Yezokuziphipha Kwabafundi; ngaphandle uma umdlulisicala efaka isicelo kuMabhalane Omkhulu ecela Ikomidi Lokudlulisa Amacala ukuba lamukeleni ukubhekwe obusha. Lobu bufakazi kufanele:

29.7.1 budluliselwe kuMabhalane Omkhulu kungakadluli izinsuku eziyishumi kuphume isaziso seNkantolo ngokumthetho 29.4 noma ukuvunyelwa kokunxenxa ngokumthetho 29.5; futhi

29.7.2 acacise ngobunjalo nenhlolo yalubu bufakazi namagama ofakazi uma bekhona;

29.7.3 quyophikiswa ngabo phambili kweKomidi Lokudlulisa Amacala ekuqaledi kokulela kokululisa icala;

Ikomidi-lokululiselwa kwamacala, uma libona kuyingxenyenye yobulungiswa, lingavumela liphinde lilele ubukaze obonkezi obenkengxenyenye yokululisa. Uma iKomidi lisichithi lesi sicelo, leso sinqumo siyoba ngujuqu.

29.8 Uma iNkantolo ikuvumela ukudululisa icala noma uSihlalo woMkhandlu ekuvumela ukudululiswa kwecela, uMabhalane Omkhulu uyodululiselwa kwidence Komidi Lokudlulisa Amacala loMkhandlu: 29.8.1 isaziso sokudululisa icala,

29.8.2 okuqoshiwe ngenkathi kuqulwa icala,

29.8.3 umbiko owenziwe yiNkantolo ngokumthetho 22.9

29.8.4 izimpikiswano ezifakwa ngokumthetho 29.6, kanye 29.8.5 nanoma yisiphi isicelo efakwa ngokumthetho 29.7.

29.9 Uma kungenasicelo esenziwe ngokumthetho 29.7, iKomidi Lokudlulisa Amacala liyobheka liphinde linqume ngokwamaphetha afakwe ngokumthetho 29.8

29.10 Uma kunxesicelo esifakwe ngokumthetho 29.7, futhi siphumelele ngokweKomidi Lokudlulisa Amacala, uMabhalane Omkhulu uyonika umdlulisicala kanye naloyo aphikisana naye amahora angama 120 ngesaziso esibhaliwe mayelana nendawo kanye nesikhathi sokulalela kobufakazi obusha. Kulelicala:

29.10.1 kuyobizwa ofakazi abasha baphinde bafakwe imibuzo;

29.10.2 emva kokulela ubufakazi, iKomidi Lokudlulisa Amacala liyovala ukulalwa kwalobu bufakazi ngokumthetho 29.8.
29.11 Ukudlulisa icala kuyocubungulwa yiKomidi Lokudlulisa Amacala loMkhandlu elinalamalungu:
29.11.1 amalungu amathathu akhethwe uSihlalo woMkhandlu kubantu abakhethelwe lomsebenzi eMkhandlwini; uma nje lamalunguengeke abe yiwo wodwa njengamalunga alesi sigungu, futhi
29.11.2 uSihlalo woKomidi uyoba umuntu ongumveli.
29.12 Ikomidi Lokudlulisa Amacala liyovumela noma liphikise ukudluliswa kwecala ngokuphelelele noma ngokuyingxenyewe futhi lesi sinqumo siyoshicilelwa ngokomthetho 23.6; uma isinqumo salelikomidi siyobikwa emhlanganweni olandelayo ojwayelekile woMkhandlu.
29.13 Lo mthetho uyosebenza ngendlela efanayo uma isicelo sokudlulisa icala sifakwa yinhlangano ethweswa icala ngokomthetho 20 noma ngokudlilisa okwenziwa yiNyuvesi ngokwesigwebo esikhishelwe lenhlhangano.
29.14 Uma kungenakudluliswa kwesigwebo noma icala njengokukusho komthetho futhi uMkhandlu unesizathu sokukholelwawukuthi umfundi uwagwetshwe engenacala, noma isigwebo asinikiwe sikhulu kakhulu, uMkhandlu unngaqoka ithimba elibalulwe kumthetho 29.12 elizoba yikomidi elizobheka lesi sigwebo noma lelicala lenze iziphakamiso kuMkhandlu ngalolabana ngaphandle uma
ikomidi lingeke liphakamise kuMkhandlu ukuthi icala lisulwe noma siwwebo sihoxiswe ngenxa yokungenzi esemthethweni ngenkathi kuthethwa icalphambi kweNkantolo Yezokuziphatha Kwabafundi okungazange kwaba nomphumela ongumuhlwule wokungabikhona kobulungiswa.

30. Ukudlulisa icala kusuka eNkantolo Yezindawo Zokuhlala kuya Enkantolo Yezokuziphathwa Kwabafundi

30.1 Ukudliliswa kwecala noma isigwebo yiNkantolo Yasezindaweni Zokuhlala kuyolalelwayiNkantolo Yezokuziphatha Kwabafundi njengokusho kwalamomthetho.
30.2 Umfundi ogwetshwe yiNkantolo Yezindawo Zokuhlala unelungelo lokudlulisa icala, ngokubahala isazise, esyoafaka eHhovisi Lezokuziphatha Kwabafundi kungakadluli izinsuku ezintathu kukhishwe isigwebo yiNkantolo Yezindawo Zokuhlala.
30.3 Icalalokudluliselwa liyolalelwaiNkantolo YezokuziphathawiNkantolo Yezokuziphathwa Kwabafundi njengokukandilandisa kwezimiso zomthetho 16.
30.4 Uma ukudluliswa kwecala kumayelana nokugwetshwa komfundi, iNkantolo Yezokuziphatha Kwabafundi iyolalela amacala athweswe umfundi ngokwendlela ye de novo konke kuyogqushwa ngokomthetho 22.
30.5 Uma ukudluliswa kwecala kumayelana nesigwebo kuphela, iNkantolo Yezokuziphatha Kwabafundi iyolalela ubufakzi obusekela noma obuphikisa isigwebo.
30.7 Konke okumayelana nalomthetho kuyosebenza nanoma sisiphi isimo sokudlulisa icala okwenziwa yinhlangano yabafundi ngokomthetho 20.
31. **Izinhlawulo Nezinxephezelolo**

31.1 Zonke izinhlawulo nezinxephezelolo ziyokhokhwa umfundzi noma inhlangano yabafundi ngaphansi kwalemithetho kuMphathizimali weNyuvesi kungakapheli isikhathi esinqunyiwe noma uma ledlulisise icala njengongokulandisa kwemithetho, kungakapheli izinsuku ezingama 21 kuphumisa isinqumo.

31.2 Isikhathi sokukhokha siyokwengezwa kuphela uma umfundzi noma inhlangano yabafundi ifaka isicelo kuMabhalane Omkulu, lesi sengezo siyogunyazwa ngokubona kukaMabhalane Omkulu ebambisene noMshushisi.

31.3 Uma kuba nesimo lapho umfundzi engakhokhi inhlawulo noma isinxephezelolo ngesikhathi esinqunyiwe yiNkantolo noma uMshushisi (njengesimo secala), noma emva kwesengeze esifakwe uMabhalane Omkulu ngokomthetho 31.2 isamba leso esingakhiphise siyofakwa emalini yesikole yokulu.

31.4 Uma kuba nesimo lapho inhlangano yabafundi ingakhokhi inhlawulo noma isinxephezelolo ngesikhathi esinqunyiwe ngokwalemithetho, uMabhalane Omkulu eva kokukhipha isexwayiso esibhalwe phansi, angayimisa lenhlangano ize ikhokhe.

31.5 Zonke izinhlawulo nezinxephezelolo ezikhokhwa ngokwalemithetho, ziyofakwa esikhwameni seNyuvesi esingujikelelele.

32. **Ukwesulwa kwesigwebo noma kwecala emabhukwini omfundzi**

32.1 Wonke umuntu ogwetshwe yiNkantolo esungulwe ngokwalemithetho mayelana nokungaziphathi kahele, angafaka isicelo sokuba leso sigwebo noma icala lesulwe nguMabhalane Omkulu emabhukwini akhe.

32.2 Umabhalane Omkulu uyothintana nePhini Lomphathi Wenyuvesi noma iNhloko Yesikole la pho amabhalani ebhaliswe khona, eva kokuhlaziya konke okufanele okumbandakanya nohlobo lokungaziphathi kahele, angayalela ukuthi kusulwe icala noma isigwebo emabhukwini omfundzi.

33. **Isicelo sokubuyiswa komfundzi obexoshiwe**

33.1 Umuntu oxishiwe ngokwalemithetho angenza isicelo sokubhaliswa kabusha eNyuvesi emva kweminyaka eyisikhombisa.

33.2 Isicelo sokubhaliswa kabusha ngeke sithathwe njengesicelo sokwesulwa kwesigwebo noma icala ayethweswe lona.

33.3 Isicelo sokubhaliswa kabusha kumele sibhalwe, sichaze ngokugcwele izizathu zokufaka isicelo futhi kumele sithunyelwe kuMabhalane Omkulu

33.4 Isicelo sokubhaliswa kabusha siyobhekwa yikomidi labantu abathanayo elikhethwe uSihlalo Womkhandlu Wenyuvesi.

33.5 Ikomidi lingacela imininingwane eminye futhi lilele uMabhalane Omkulu, ummangali, nanoma yimuphi umuntu onendaba naloludaba abhalele ikomidi ezwakalisa umbono wake ngasele isicelo. Ofake isicelo uyoba nelungelo lokuthola amakhophi emibhalwe yalezi zimpendulo aphinde aziphendulele ngokubhala.

33.6 Ikomidi liyothatha isinqumo ngendlela elizosebenza ngayo kanye nezikhathi zezimpendulo, amaphoza azofakwa kanye nezimpendulo.
33.7 Ikomidi lingathatha isinqumo lisebenzisa okubhaniwe nomabize abantu ukuba bazozikhulumela.

33.8 Ikomidi lingavumela ukubhalisa kabusha uma lenelisekile ngokuthi umfundi uzoekamukelwa futhi linesiqiniseko sokuthi yonke into ime ngomumo. Euthatheni lesi sinqumo, ikomidi liyobheka lokhu okulandelayo:

33.8.1 isimo kanye nobucayi kwecala;
33.8.2 isikhathi esesidlulile emva kokuxoshwa;
33.8.3 imibono nemizwa kaMabhalane Omkulu mayelana nesicelo;
33.8.4 imibono nemizwa yomangali kanye nabanye abanendaba nalolu daba mayelana nesicelo;
33.8.5 izinga lokuzisola elikhonjiswa ofake isicelo;
33.8.6 izinyathelo ezithathwe ofake isicelo ukuze azisize (ukuqeqeshwa, ukwelashwa, ukwelulekwa) ukwenza impilo yakhe ibe ngcono.
33.8.7 ukuziphatha kofake isicelo emva kokuxoshwa.

33.9 Uma ikomidi lisichitha isicelo, asikho esinye isicelo esiyobhekwa yiNyuvesi.

33.10 Uma ikomidi livumela isicelo, lokhu kuyovumela ofake isicelo ukuba afunde eNyuvesi. Isicelo saloluhlobo kumele sibhekwe ngokusisekelayo ngokuhambisana nemithetho yokufunda kanye nemigomo ebheke ukwamukelwa kwabafundi.