RULES FOR STUDENTS 2020

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.
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.
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.

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

1.3 Both these General Rules and the Rules for Student Discipline are prescribed by the Council of the University in terms of section 36 of the Higher Education Act No. 101 of 1997.

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; or

13.4.8. referring the matter for compulsory arbitration to a person nominated by the Registrar for such purpose. Such arbitration will be final and binding on the parties and shall not be subject to appeal. This provision will be inapplicable in cases concerning sexual or gender-based violence, assault with intent to commit grievous bodily harm and/or malicious injury to property.

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, Director of Legal Services or the Acting Director of Legal Services, 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 or Acting Director of Legal Services, may order that, until the final disposition of the charge in the Student Discipline Court and/or a Court of law, if applicable, 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
depivation 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.
MISCELLANEOUS

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, kuqlangene nesidingo sokuba khona kwesimo esivuna ukubekwa kwemibono ngenkululeko emphakathini waseNyuvesi, kuyilungelo lawo wonke umuntu oyingxenye yeNyuvesi kanye nabamenyiwe ngokusemthethweni ukuba babeke imibono yabo ezinhleni zokuxhumana zeNyuvesi uma nje leyo mibono ingagqagquzeli udlame, yehlisa isithunzi noma icindezelu amalungelo abanye.


3. Ukwengeza ngenxa yobucayi obukhona kulesimo samanje, angeke zibekezelelele neze izenzo ezihlose ukuchukuluza futhi ziholele ukuphakameni kwemimoya nasodlameni.
UMTHETHO OLAWULA IMIBUTHANO


a) Nanoma iyiphi inhlango kunoma iyiphi ikhempasi yeNyuvvesi uma ifuna ukubamba umhlango kumele ibeke umuntu wayo ozokwenza amalungiselelo omhlango futhi athintane namaphoyisa (SAPS), abaphathi bendawo kanye nabaphathi beNyuvvesi. Lowo okhethiwe kumele athintane nabezokuvikela izingozi ekhempasini ethintekayo;

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

c) Lesi saziso kumele sicacise imininingwane ngomhlango. Kumele sibe negama kanye nekheli lalowo ohlela umhlango kanye nekheli lenhlangano; isizathu somhlangano, isikhathi; usuku; ubude bomhlango; abalindeleke ukuzothamele umhlango; abaqaphi; uma kuuzozungezwa, imininingwane yomzila kanye nendlela ezosetshenziswa ukuthutha abazobe bebambe iqhaza.

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

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

f) Ukwengeza, ababambe iqhaza kumele bazithibe ekusebenziseni amagama aziswana angaholela odlameni noma agqugquzele inzondo ngokwebala noma ngokubuhlanga;

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

h) Izikhali azivumelekile emhlanganweni;

i) Yonke imiyalelo yamaphoyisa kumele ilalelewe.
IMITHETHO EJWAYELEKILE

1. 1.1 Wonke umfundisi ngokusayina ifomu lokubhalisa, ulawulwa yimithetho yeNyuvu kathu kule mithetho engaphansi Kwemithetho YeZokupathwa Kwabafundi, iikhophi yayo iyatholakala ehhovisi likaMabhalane Omkhulu.

1.2 Wonke umuntu ongena enNyuvu kuthlo sokubhalisa njengomfundisi noma asebenzise impahla yeNyuvu njengomfundisi uyothatha njengomfundisi ngokwesimiso Somthetho WeZokupathwa Kwabafundi;

1.3 Yomibili Lemithetho Ejwayelekile kanye Neyokupathwa Kwabafundi inquenywe uMkhandlu weNyuvu katho vaisahlukile sama 36 somthetho Wezemfundo 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 nomalavanisise eziphuma kumfundisi nomalavanisise enelungana nomalavanisise eeqenjini lezemidlalo angeke zikhangiswe zingagunyazwanga umKhundlu Wabafundi.

5. Inhlango yezezimidlalo nomalavanisise eyiphi enye inhlangano kumele itholo imvume kweDini Elawulayo KweZabafundi uma bezithatha uhambo nomalavanisise eyiphi enye into engabangela ukungabikhona kwabafundi emakila.

6. Umfundisi olimaza impahla yeNyuvu kuthlo sokubhalisa noma ngobude ngumfundo uyowukhokhele umonakalo.


IMITHETHO YEZOKUPATHWA KWABAFUNDI

8. 8.1 Kule mithetho Isekela Likashansela libizwa ngoThishanhloko kanti nomalavanisise uMkhulu (esebenza ngaphansi kwehhovisi Lomqondisi : KweZomithetho) ubizwa ngoMabhalane Omkhulu.

8.2 Ukubhali swa kuma nomalavanisise umfundisi weNyuvu otholakala ene cala elibucayi lubhobengeng (njengokubeka komithetho 14.1) yinkantolo yomithetho uyomiswa ngokunquwa kwaMabhalane Omkhulu.

UKUNGAZIPHATHI KAHEL

9. Umfundisi uyotholakala esecaleni lokungaziphathi kahle uma:

9.1 ephazamisa amalungelo abanye abantu njengoba equkuthwe kumqulu wamalungelo Islahluko 2 somthethosekelo weze wezi 1996, nomalavanisise eyiphi ephula eminye imithetho yeziqo noma imithetho nemiyalelo yeNyuvu;
9.2 eziphatha ngendlela ephambene nemiyalelo yeNyuvesi njengokugunyazwa kwayo kwaleso sikhati;

9.3 ekopela kunoma yisiphi isivivinyo seNyuvesi. Ngokwesidingo salomthetho ukuhlolwa simbandakanya konke ukuhlolwa kolwazi lomfundi okwenziwa yiNyuvesi noma umnyango weNyuvesi noma yimuphi umuntu oyilungu labafundisayo eNyuvesi. Ukukopela kumbandakanya lokhu :

9.3.1 ukufaka noma ukuzama ukufaka endaweni yesivivinyo incwadi, ipheshhana,iselula, noma yini enye ekwazi ukulondoloza, ithumele noma ithole ulwazi noma yipheshana elinolwazi oluxhumene nokuhlolwa ngaphandle kugunyazwa ohlolayo;

9.3.2 ukuphatha, usebenzise, noma uzame ukusebenzisa ngesikhathi sokuholwa incwadi, ipheshhana,umakhal'ekhukhwinini, noma yini enye ekwazi ukulondoloza, ithumele noma ithole ulwazi noma yipheshana elinolwazi oluxhumene nokuhlolwa ngaphandle kugunyazwa ohlolayo;

9.3.3 ukuthatha noma ukuzama ukuthatha nokuphuma nencwadi noma iphepha lokubhala izimpendulo egumbini ekuhololwa kulo olinikezwe yiNyuvesi ukuze ubhale izimpendulo;

9.3.4 ukuxhumana noma ukuzama ukuxhumana nomunye umfundi ngenhlolo yokunikana ulwazi olumayelana nokuhlolwa ngesikhathi sokuholwa;

9.3.5 ukusetshenziswa kwegama elingamanga kanye nenombolo yepasi engamanga ngesikhathi sokuholwa;

9.3.6 ukungenisa umsebenzi okungewona owakho, obhaliwe noma iphrojekthi ekopeliwe yonke noma ingxenye komunye umfundi noma yimuphi omunye umuntu njengomsebenzi wakho;

9.3.7 ukulekelela omunye umfundi ngenhlolo noma ngobudeyendugu ukuba akopele njengoba kuchaziwe esigabeni 9.3.6;

9.3.8 ukwenza isenzo noma yisiphi sokungathambeke, ukukhohlisa kanye nokwenza okungumunyathi ngesikhathi sokuholwa ngoba umfundi ehlose ukudukisa abahloli;

9.4 eziphatha ngendlela enodlame futhi engafanele budebuduze noma emagcekeni eNyuvesi noma emcimbini ohlelewe yiNyuvesi;

9.5 eziphatha ngendlela enokwethuka futhi engafanele ebhekise komunye umfundi, umsebenzi waseNyuvesi noma yilungu lomphakathi;

9.6 elimaza ngokomqondo noma ejivaza noma ehlsa isithunzile somunye umfundi, umsebenzi waseNyuvesi noma ophethe umnyango thize;

9.7 enza inkulumo enenzondo;

9.8 ehlukumeza izilwane;

9.9 ehlanakezela ngenhlolo iquiniso ngezenzo noma ngokuziphatha kongumsebenzi waseNyuvesi noma ophethe umnyango thize waseNyuvesi;

9.10 eziphatha ngendlela eholela noma engalindeleka ukuthi itholele ekuphazamisekeni kokufundisa, uwaning kanye/noma ukufunda eNyuvesi noma ukuphazamiseka kwezinhlelo ezijwayelekile zeNyuvesi;
9.11 eziphatha ngendlela eholela noma engalindeleka ukuthi iholele ekuphazamisekeni noma ekubekeni engcupheni ezokuphetha, umthetho kanye nezokuphatha eNyuvesi;

9.12 eziphatha ngendlela eholela noma engalindeleka ukuthi iholele ekutheni kudicileleke phansi igama leNyuvesi;

9.13 enganaki noma ephikisana nanoma yimuphi umyalelo noma isicelo esisemthethweni esibhaliwe esivela koyilungu labasebenzi noma opethe umnyango othize waseNyuvesi;

9.14 evimbela inkululeko noma izimfihlo zomunye umfundi noma ilungu leNyuvesi;

9.15 evimbela ukudlwengula kophenyo mayelana nezenzo zokungaziphathi kahle, noma ukudlwengula kwenzinyathelo zokuqondiswa kweziggwewa;

9.16 esusa ngenhloso noma ngephutha, esebenzisa ngendlela engavumelekile, elimaza, ecekela phansi noma esebenzisa noma engena ngokungemthetho endaweni yeNyuvesi;

9.17 esebenzisa izinto zokusetshenziselwa isimo esinobungozi ngokungenasidingo;

9.18 engena, esebenzisa, ehlala endaweni yeNyuvesi ngaphandle kwemvume noma esebenzisa indawo yeNyuvesi ngendlela engavumelekile;

9.19 engena nesikhali esiyingozi, isiqhumane noma into engavumelekile ekhempasini yeNyuvesi ngaphandle kwemvume;

9.20 elekelela noma egqugquzela omunye umfundi ukuba angaziphathi kahle;

9.21 esebenzisa kabi igama leNyuvesi okanye esebenzisa noma ingayiphi indlela uphawu lwNyuvesi ngaphandle kwemvume ebhaliwe evela kuMabhalane Omkhulu;

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

9.23 ehluleka ukulandela imiyalelo noma engayishayi ndiva eyekomidi lokuqondisa iziggwegwe 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) Ukulwengula
Yinoma imuphi umuntu (‘A’) owenza isenzo sokufaka isitho sakhe sangasese komunye ongumumangali (‘B’), ngaphandle kwemvume yomangalelayo u-B, unecala lokulwengula;

b) Ukulwengula ngempooqo
Yinoma imuphi umuntu (‘A’) ophoqa omunye umuntu wesithathu (‘C’), ngokungemthetho nangenhloso ukuba afake isitho sakhe sangasese komangalelayo (‘B’), ngaphandle kwemvume yomangalelayo u-B, unecalalokulwengula;
c) **Ukuphoqelela ngokocansi**
(1) Umuntu (‘A’) ophoqelela ngokocansi ngokungemthetho nangenhloso omangalelayo (‘B’), ngaphandle kwemvume yomangalelayo u-B, unecala lokuphoqelela ngokocansi;

(2) Uma umuntu (‘A’) owenza ngokungemthetho nangenhloso omangalelayo (‘B’) akholwe ukuthi uzophoqelelwa ngokocansi, unecala lokuphoqelela ngokocansi;

d) **Ukuphoqelela ngokocansi ngempoqo**
Umuntu (‘A’) ophoqa ngokungemthetho nangenhloso umuntu wesithathu (‘C’), ngaphandle kwemvume ka-C, ukuba aphoqelele ngokocansi omangalelayo (‘B’), ngaphandle kwemvume ka-B, unecala lokuphoqelela ngokocansi ngempoqo.

e) **Ukuziphoqelela ngokocansi ngempoqo**
Una umuntu (‘A’) ephoqa omangalelayo (‘B’), ngaphandle kwemvume ka-B, ukuba a-
(i) shaye indlwabu;
(ii) bangele nomu yinhloboni yesenso esiholela ekulangazeleleni nasekukhanukeleni ucansi kowesifazane ngokuthinta amabele; noma enza noma yisiphi isenso esinomthelelona nomu esingaba nomthelelona wokukhanukela ucansi noma sikhlabalaze ngokocansi u-B; noma siholele ekutheni u-B azifake okuthi esinethweni sakhe sangasese noma ingayiphi indlela okungaba ezangaphambili noma ngemuva, unecala lokuziphoqelela ngokocansi ngempoqo.

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 nangenhloso yokulimaza kanzima (GBH)
Lolu olunye uhlolo lokushaya kodwa olwenziwa nangenhloso yokulimaza kanzima.

9.24.3 Okubangela ukulimala engqondweni okungahlakanisa 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 umfundlapho ummangalele esabisa ngodlame futhi lokhu kuhlakanisana:

   a) Ukuhlukumeza (njengoba kuchaziwe eMthethweni i-Protection and Harassment Act 17 yangonyaka wezi-2011):

      Ukuhlukumeza kuhlakanisana kokubili ukuziphatha okuqonde ngqo nokungaqondile ngqo okuholela ekuqondelani no omzwenza lowo lomhalaza ngokuhlukanyeza akholelwe ekutheni uzolinyanzwa.

      Lokhu kuziphatha kuhlakanisana ukudlangeleka, ukugqolozela, ukuhlela noma ukuncenga osondelene kakhulu nomangalelelo.

      Ukuhlukumeza okuhlukumezayo futhi kuhlakanisana nokuzulazula ngaphandle no umzwenza lowo mahlala, kusebenza, kufunda noma lafelo ekhona nje omangalelelo.

      Ukuhlukumeza kubuye kuhlakanisane nokuxhumana ngenkulomu nomangalelelo. Kuhlakanisana nokuxhumana ngogesi okubangela omangalelelo azizwe sengathi usengozini yokulinyazwa.

   b) Ukwesabisa

      Noma yimuphi umuntu ongenasizathu esisemthethweni futhi enenhloso yokuphoga no umpho yemuntu o umuntu o abantu vezitinga o umhlobo oluthile o abantu abajwayelekile ekutheni benze no bangakwenzi okuthi.
10.1 Lapho umfundzi ongumsebenzi waseNyuvesi enecala, lelo cala, uma lingenamthelela ebuluulele waseNyuvesi komfundi yiNyuvesi, liyolalela Inkantolo Yezokuphathwa Kwabafundi uma limayelana nezokufunda.

10.2 Lapho ukungaziphathi kahle, kuhlanganiswa nokwezemfundo kubonakala kungaba nomthelela ebuluulele waseNyuvesi komfundi yiNyuvesi, udaba luyodluliselwa eMnyangweni Wezabasebenzi ukuse lulungiswe khona.

**INDLELA YOKWENZA**

11. Ukubikwa Kokungaziphathi Kahle

11.1 Zonke izehlakalo zokungaziphathi kahle kumele zibikwe kwabezoPhiko Lwezokuvikela Izinzo kuleyo khempasi ethintekayo noma kuxeshisa

11.2 Abezokuvikela ubungozi bazokwenza uphenyo ngalembiso benze owabo umbiko ozoya eIhovisi Lezokuphathwa Kwabafundi

11.3 Abaphathi bophenyo kwezokuvikela izinzo ekhempasini kumele banikezwe amandla okunzi umfundzi isexwayiso uma ene ukungaziphathi kahle okungenasidingo, isibonelo ukucima amalambu kumaphaseji/ ezindaweni zokufunda, emva kokuhuluma nomShushisi.

11.3.1 Umbiko waleso sixwayiso kumele unikezelwe kuMshushisi ngabaphathi bophenyo kwezokuvikela izinzo.

12. **IHOVISI LEZOKUZIPHATHA KWABAFUNDI**

12.1 Ihovisi Lezokuphathwa Kwabafundi lizobhekana nokubilangwa kwayo yonke imibiko ephathelene nokuziphatha kwabafundi ethunyelwa Abuzokuvikela Ubungozi.

13. **Umshushisi**

13.1 Umabhalane Omkhulu uyokhetha umshushini noma abashushisi.

13.2 Umshushisi ozoba ngumeluleki kaMabhalane Omkhulu ezindabeni eziphathelene nezokuphathwa kwabafundi enyuvesi.

13.3 Umshushisi ozoba nelungelo lokumela iNyuvesi kuzona zonke izindawo eziphathelene nezokuziphatha kwabafundi enyuvesi.

13.4 Emva kokuthola umbiko wehovisi lokuziphatha kwabafundi, umshushisi ozoba namandla ngokwenqubomgomo ebekwe nguMabhalane Omkhulu yokubhekana nalezi zimo:

13.4.1 ukuyalela ukuba uphenyo luqhubeka; noma

13.4.2 ukwenqaba ukushushisa; noma

13.4.3 ukukhopha isexwayiso sikaMshushisi; noma

13.4.4 ukubhekana nesimo ngaphansi Komthetho wama-15.6; noma

13.4.5 udaba aludlulisele kumlamlu noma umxazululi; noma

13.4.6 ukudlulisela udaba kumeluleki noma
13.4.7 ukudlulisela ubaba lokwehlulela Enkantolo Yokuziphatha Kwabafundi; noma
13.4.8 ubaba aludlulisela esigabeni sowahlulela esiyimpoqo lapho uMabhalane Omkhulu ezoqoka umuntu ozokwenza lokhu. Lokhu sowahlulela kuyoba umnqamulajuqu kubuye kubophezele futhi ngeke icala libe nethuba lokudluliswa. Lokhu ngeke kusebenze emacaleni athinta ukuhlukumeza ngokocansi nangokobulili, ukushaya ngenhloso yokulimaza kanzima kanye/noma nokucejeka phansi impahlia.

14. Inqubomgomo Efingqiwe

14.1 Uma kwethweswa umbundi icala ngesenzo esiyicala esenziwe ngokokuchaza kwalemithetho futhi kusaphenywa, noma ngokubona kwaMabhalane Omkhulu, uMqondisi WezokuHlinzekwa KwezoMthetho noma uMqondisi WezokuHlinzekwa KwezoMthetho Oyibamba, kufanele umbundi athweswe lelo icala noma icala emacaleni athin, (njengokukleliswa kwawo Ohlwini 1 IoMthetho Wezokushushisa Ubugebengu 51 wezi 1997, nezichibiyo icala, enkantolo yezomthetho, uMqondisi wezokuHlinzekwa KwezoMthetho noma uMqondisi wezokuHlinzekwa kwezoMthetho Oyibamba, angayalela ukuthi ngaphambi kokuba kuphume isinqumo enkantolo Yabafundi Yokuqondiswa kwezigwegwe kanye/noma enkantolo Yomthetho uma ithintenka ngamakalala athweswe umbundi:

14.1.1 umbundi amiswe ekuyeni emakilasini;
14.1.2 umbundi angalibambi iqhaza kweminke yeNyuvesi ezobekwa ngokucacile;
14.1.3 umbundi angangeni kwezinye izingxenye zeNyuvesi nomaxithi ezinye izindawo ezibaliwe zeNyuvesi;
14.1.4 angangeni ngemomo emagekekeni eNyuvesi;
14.1.5 angahlali ezindaweni zokuhlala zeNyuvesi;
14.1.6 akanayo imvume ukuxhumana nqo noma ukuxhumana nabamangali nomaxithi ezinye izinsuku ezinhlanu zokuhlala.

14.2 uMabhalane Omkhulu ngeke enze umyalelo ngaphansi kwesigaba 14.1 ngenhlayo ngaphandle uma-

14.2.1 umbundi elekelela abamumele ngokusho komthetho-18, ngaphandle uma icala emacaleni athinenga ngenhlanzi zithumba lokumelwa ebenikeziwe ithuba lokuvela phambi kukaMabhalane Omkhulu ezoveza izithunzi ukuthi kungani umyalelo ungenziwanga; futhi
14.2.2 uMabhalane Omkhulu ukuthatha njengokuyindlela yokuvikela abafundi nabasebenzi ukwenza lomyalelo.

14.3 Umphathi Wezindawo Zokuhlala Zabafundi angayalela umbundi osolwa ngokwephula Umthetho Wezokuphathwa Kwabafundi ukuba aphume aphele endaweni yokuhlala futhi angabuyi kuse kuphume izinsuku ezinhlanu zokusebenza.

14.4 Umphathi Wezindawo Zokuhlala Zabafundi ngeke enze umyalelo ngokwesigaba 14.3 uma:

14.4.1 umbundi esenikeziwe ithuba lokubeka izithunzi ezenza ukuba lomyalelo ungenikeza; futhi
14.4.2 uMphathi Wezindawo Zokuhlala Zabafundi ekubona kuyindlela yokuvikela abanye abafundi abahlala kulendawo nama kuhambisana nokukhutshwa Komthetho Wezokuphathwa Kwabafundi;

14.5 uMphathi Wezindawo Zokuhlala Zabafundi emva kokwenza lomyalelo ngokwesigaba 14.3 abhale umbiko ophuthumayo ngomyalelo nezizathu ezisekela lokho awuthumele kuMabhalane OmkhuLO oyoVumela nama aphikisane nAWo.

14.6 uma umyalelo owenziwe ngokwesigaba 14.3 uvunyelwa, noma umfundi efaka isicelo sokudululiswa kwalomylelo, uMabhalane OmkhuLO uyothatha izinyathelo ezihambelana Nomthetho 14.1, kusalindelwe umpumela okunzenzeka uMabhalane OmkhuLO akhuphule isibalo sezinsuku zokuxoshwa komfundi endaweni yokuhlala


15. **INDLELA YOKWENZA NGOKWEZOKUPHATHA**

15.1 Umfundi osolwa ngokukopela esivivinyweni sasekilasini, noma omunye umsebenzi wokuhlolwa, angavuma icaLa ngokugcwalisa ifomu elifanele ngemvume yeNhloko Yesikole uma

15.1.1 lokho kuhlolwa kunqeqile emaphesentini angama 25 emamakini okuhlolwa okuçcina kuleso sifundo.

15.1.2 umfundi engakaze atholwe enecala lokukopela ngaphambiliini noma avume icaLa;

15.1.3 Nhloko Yesikole inombono wokuthi leli cala alidingi isigwebo esingaphezulu kwalesi esikumthetho 15.3

15.2 Ngokwalomthetho, ukukopela kuhlanganisa zonke izinhobo njengokuchazwa kwazo kumthetho 9.3.

15.3 Uma umfundi evuma icaLa njengalokhu okushiwO okungenhla:

15.3.1 imaki lokuhlolwa liyomlahlekela noma licinywe;

15.3.2 Igama kanye neSikole somfundi kuyoshicilelwa ngokwendlela egunyazwe uMkhandlu weNyuvuse;

15.3.3 Ukuvunywa kwecala kuzoqoshwa kumarekhodi omfundi ngesikhathi esafunda kuleNyuvuSe futhi kuyosetshenziswa ngaphakathi kweNyuvuSe kuphela;

15.4 Umfundi othi waliyuma ngephutha icaLa, ngokunganganaki noma ngezizathu zokungalandela kwendlela yokwenza, angafaka isicelo esibhalwe kungakapheli izinsuku ezintathu elivumile icaLa, abeke izizathu kumshushisi ezenza afune ukugqulwa kwalesisivumo secalA. Isicelo esifana nalesi sizophenywa uMshushisi ongasivumela ukuSho icaLa seliyodlulela eNkantolo Yezokuphathwa Kwabafundi.

15.5 Nhloko Yesikole izodlulisa iKhophi esayiniwe yefomu lokuvuma icaLa eHhovisi likaMabhalane OmkhuLO kanye nenhovisi lokuziphatha kwabafundi
15.6 Umfundi otholakale ephula le mithetho esikhundleni sokushushiwaangashushiwa ngokuqkethwe ethithweni, ngokwemvume kaMshushisi angagcwalisa ifomu lokuvuma icala uma:
15.6.1 umfundi engakaze atholakale enecala elifanayo ngaphambilini, noma alivume noma ukuziphatha kabi okushiwo imithetho;
15.6.2 Umshushisi enombokono wokuthi lela cala alidingi isigwebo esingaphezu kwesi esikumthetho 15.7
15.7 Uma umfundi evuma icala ngokomthetho 15.6, umshushisi angamnika esinye salezi sigwebo:
15.7.1 Isehayiso nomu ukuthethiswa okanye kokubili
15.7.2 inhlawulo engekho ngaphezulu kwemali engange R1 500, edingeka ikhokhiwe ngosuku olumisiwe;
15.7.3 Ukuxoshwa endaweni yokuhlala isikhathi esiminisi;
15.7.4 Ukukhokhwa kwesindleko zokulimaza ngosuku olumisiwe.
15.8 Emva kokuvunyelwa uMabhalane Omkhulu:
15.8.1 Igama kanye neSikole somfundi kuyoshicilelewa ngokwendlela egunyazwe uMkhandlu weNyvusi;
15.8.2 Ukuvunyuwa kwecala kwesibile kumarekhodi omfundi ngesikhathi esafunda kuleNyvusi futhi kuyosetshenziswa ngaphakathi kwNyvusi kufumula;
15.9 Umfundi othi walivuma ngapho guthetho komthetho 15.6, ngokungananaki noma ngezizathu zokungalandela kwendlela yokwenzwa, angafaka isicelo esibhaliwe kungakapheli izinsuku ezintathu elivumile icala, abeke izizathu kuMabhalane Omkhulu ezenza afune ukugqulwa kwalesisivumo icala, Umanabhalane Omkhulu angalubeka eceleni udaba lokuvuma icala, udaba lungadlulela kuMshushisi ukuze kuthshekwe nemithetho yokuqondiswa kwezizathu Nkwazi.

Inkantolo Yezokuziphatha Kwabafundi

16.1 Inkantolo yezokuziphatha kwabafundi izoba nalaba bantu
16.1.1 Umongameli ozoba:
16.1.1.1 umuntu oqokwe uMabhalane Omkhulu ukuze enze lomsebenzi
16.1.1.2 ngummeni noma umuntu, ngokubona kwaMabhalane Omkhulu, onesipiliyoni futhi /noma onokuthembeka
16.1.2 ilungu Lommkhandlu Wabafundi jikelele noma umkhandlu wabafundi wekhempasieliqokelwe lomsebenzi ozohlala abheke nje kufumula, ngaphandle uma icala lethweswa uMkhandlu Wabafundi
16.1.3 uSolwazi oqokelwe lomsebenzi yiKholeji lapho kubhalise khona umfundi othintekayo, uma ukungaziphathi kahle kuxhumene naloku:
16.1.3.1 Uma umfundi ezimisele ngokuliphika icala lokukopela (ngokulandisa komthetho 9.3) ngesikhathi sokuhlolo.

16.1.3.2 ukukopela (njengoba kuchazwe kumthetho 9.3) komfundl owenza iziqu zeMasters noma owenza iziqu zobudokotela

16.1.3.3 Ukuntshontsha imiqondo yabanye okuchazwe kumgomo wokuntshontshwa kwemiqondo yabanye

16.1.3.4 Iapho kunethuba lokuthi isigwebo kute ukuphucwa iziqu, ukuxoshwa unomphele, noma ukumisw eNyuvesi okwesikhathi esingaphezu kwamasimista amane.

16.2 Umphathi Wenyuvesi angayalela ukuthi ecaleni thize kuhlale noMabhalane Omkulu njengelungu elengeziwe lenkantolo, uma kungukuthi icala livulwe uMabhalane Omkulu ngokomthetho 14 uMabhalane Omkulu angeke akwazi ukuqokwa ahlale kulenkatalo.

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


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

16.6 Uma kakhona ukungavumelani ekuthathweni kwesiqumo senkantolo, isinqumo sikaMongameli siyoba ngujuqu.

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 aqokwelwe ukumela umfundl othintekayo

18. Ukumelwa Komfundl Ongummangalelwana

18.1 Emva kokuxhumana neDini Yessikole Sezomthetho, uMabhalane Omkulu uzokhetha ezizingxenyeni ezafulukene zenyuvesi umuntu oyedwa noma ngapehezulu abazoba Abammeli Babafundi abangabasebenzi eSikoleni Somthetho noma abaneziqu abafunda eSikoleni Somthetho futhi abanamakhono adingekayo.

18.2 Abammeli Babafundi bayokwenza lokhu, uma becelwa ngumfundl:

18.2.1 ukululeka umfundl kukho konke okuphathelene n zalea athweswe lona ngaphansi kwaalemithetho, ikakhulukazi ngohlolo lobufakazi obudingekayo ukuze kwakheke lokhu ukuzivikela;

18.2.2 ukuvela phambi kweNkantolo Yokuziphatha Kwabafundi bemele umfundl athenetho icala njengomele umfundl
18.2.3 Ukuzomela umfundli ukuze kuxoxiswane ngodaba lapho kwamukelekele ukuthi enze njalo.

18.3 Umganyama angakakwele ecaleni ngokuhambisana nomthetho 18.4 kodwa ngeke amelwe ngokusemthethweni ngaphandle kokubalulewe kumthetho 18.4 lapha ngezansi.

18.4 Umganyama angakakwele angameli islayise omunye umfundli nomqambo eme sesonqalo weNyuvesi.

19 Ukudingidwa odaba phambi kweNkantolo Yezokuziphatha Kwabafundi kuyokwenzeka ngokomyalela kaMabhalane Omkhulu elulekwe uMshushisi okunguyena oyokhomba okumele athweswe amacala, namacala azothweswa wona, uphenyo okumele Iwenziwe, nobufakazi okumele butholakale. Umabhalane Omkhulu uyoyalela iNKantolo Yezokuziphatha Kwabafundi ukuba yazise umfundli noma inhlango yabadwaba (njengokomthetho 20) ukuthi kunezinyathelo ezithathwayo.

20. Uma kutholakala ukuthi kakhona ukungaziphathini kahle okwenziwe abafundi ngesikhathi benza izinto zenhlango, ikomidi, inyanychana noma ikilabhu yabadwaba (ngokawelelhetho zonke lezi zinto zizobizwa ngenhlango yabadwaba) uMshushisi angayithwesa icala lokungaziphathi kahle inhlango futhi ifinise futhi futhi phambi kwenkantolo imelwe ngumongameli noma usihlalo kanye nonobhala wayo.

Isaziso Nenqubo Ngaphambi Kokuthethwa Kwacala Enkantolo

21. A. Isaziso

21.1 Uma kunezinyathelo ezithathelwa umfundli ngokomthetho 19, Ihuvisi Lezokuziphatha Kwabafundi liyonikeza umfundli othintekayo isaziso esibhaliwe ngesikhathi esingekho sgaphalsi kwamahora angama 120 esisho ukuthi icala lizoqulela kuyiphithi indawo angama nesikhathi, uma kungukuthi seksulese amasonto amathathu kuphele isimela, lehisaziso kumele sitholakale ngesikhathi esingekho ngaphalsi kwamahora angama 72, izimpela sonto zingabalwa.

B. Inkubo Ngaphambi Kokuthethwa Kwacala Enkantolo

a. Zonke izinhlangothi kumele zibone/ zinikezane bonke ubufakazi ezizobusebenzisa ekuqulweni kwacala ngaphambili kwezinsuku eziyi-7 zokuya enkantolo.

b. Umhlango ngaphambi kokuthethwa kecala noma isixazululo singazanywa yizinhlangothi zombili. Isinqumo sokwenza isixazululo noma umhlango ngaphambi kokuthethwa kwacala kumele sikhishwe uMshushisi.

21.2 Isaziso siyothunyelwa kumfundli ngesandla, nomqambo eme sesonqalo weNyuvesi, ekhelini lomfundli le-imeyili elisemabukwini eNyuvesi, lokhu kuncike ekutholakaleni kobufakazi bokukthi umfundli uyitholile i-imeyili, uma umfundli engatholakali, isaziso:

21.2.1 singathunyelwa ngaposi ekhelini elisemabukwini eNyuvesi elabhaliswa umfundli futhi siyothethwa njengesitholiwe umfundli kungakapheli amahora angama-72 emva kokusiposa.
21.2.2 singashiywa ekelini elibhaliswe umfundu futhi siyothathwa njengesitholiwe ngesikhathi sithunyelwa.

21.3 Isaziso okukhulunywa ngaso kumthetho 21.1 siyokwazisa umfundu ukuthi:

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

21.3.2 yimiphi imithetho athathelwa izinyathelo ngaphansi kwayo siphinde sicacise amacala athweswa wona umfundu ukuze azi amacala abhekene nawo

21.3.3 ukhona uMmeli Wabafundi ongaluleka umfundu mayelana necala kanye namalungiselelo adingekayo;

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

21.3.5 umfundu angabethula yena ubufakazi noma asebenzise ummeli wakhe ecaleni, abize ofakazi, abafake imibuzo ofakazi, ahlole amaphepha nomu obunye ubufakazi aphinde anxenxe inkantolo uma sekuzophuma isigwebo.

22. Inqubomgomo Enkantolo

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

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

22.3 icala liyoquthethwa phambi kwabantu, ngaphandle uma iNkantolo inqume ngenye indlela.

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

22.5 Inkantolo iyonikeza umfundu noma omele umfundi ithuba elanele lokubeka ingxenye yabo nokuphendula ngokwamacala athweswe wona.

22.6 Inkantolo iyokwenza lokhu:

22.6.1 iyonikwa izitatimende zofakazi noma yini enye ebalulekile ekushintshwenwe ngayo ngabamele iNyuvesi nomfundi;

22.6.2 iyoyibheka lembihalo nobunye ubufakazi futhi ilalele ofakazi ababizwa yiNyuvesi, noma umfundi, noma omele umfundi futhi ingafaka imibuzo kulafofakazi kanye nomfundi.

22.6.3 iyokwamukela isicelo sokuguqula amacala athweswe umfundi okungaba ukucubungula ukuvuma, noma ukwenza okunye, noma ithathe isinqumo sokubuyeze amacala okungaba ukwengeza amacala amanye noma ukususwa kwelinye kubekwe elinye
22.7 Inkantolo, ngokuthanda, kwayo ingabiza ofakazi, ithole imibhelo nanoma yibuphi obunye ubufakazi obuthintene necala futhi ingayalela ukuba kukhonijswe, kuvezwe noma kwenzwiwe phambi kwayo lokho elfuna ukukubona ukuze ikwazi ukuthatha isinqumo ngecala eliphambi kwayo.

22.8 Ekapothulweni kwecala, inkantolo iyothatha isinqumo, esisuselwa ebufakazini obethuliwe, sokuthi umfundi unecale noma akanalo icala. Isinqumo esithi umfundi unecale siyothathwa kuphela uma:

22.8.1 icala lokungaziphathi kahle ,ngokokubona kwenkantolo, livezwe ngokungangabazeki, noma ukuvezwa kwezinto phambi kwayo sekuphelilele.

22.8.2 umfundi ezivumele yena ngokukhululeka ukuthi umfundi unecale nenkantolo yeneliseklele ukuthi kunobufakazi obuvela kumfundi noma obuvela kwenye indawo obufakazela lokhu.

Uma inkantolo ithola umfundi engenacala, umfundi uyotholwa emusulwa.

22.9 Konke okwenzeza enkantolo kuyoqoshwa umuntu oqokwe uMabhalane Omkhulu futhi onekhono lokwenza lo msebenzi.

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

22.11 Icalal iyothethwa ngendlela enganamcikilisho, ngokuhambisana nemithetho yezomthetho jikelele, futhi akeko ummangalelwana oyothola ukungaphathwa ngendlela emlahlekiselayo ngena yokuuhluleka kwakhe noma ommele ukucincina imithetho nje ngokusetshenziswa kwayo yizinkantolo zikazweloneke: uma izindlela zokwenza ezilandelwayo zaleMithetho Yezokuziphatha Kwabafundi iyolandelwa ngokukucwene, eminye imithetho nemiyalelo emayelana nokuquthshwa kewcala engahambisani nalemithetho engabekwa ngezinye izikhathi, iyolandelwa futhi igcinwe.

22.12 Uma inkantolo ikubona kuwusizo kwinyuvesi nomu umfundi waseNyuvesi ukuba igama likafazi othula ubufakazi phambi kwenkantolo lingadalulwa futhi lingabhalwa nakumbiko, inkantolo, ngokosicelo sikaMshushisi, ingakhipha enye noma yonke lemiyalelelo:

22.12.1 ukuthi kungabi khona omunye umuntu enkatolo ngesikhathi ufakazi ethula ubufakazi ngaphandle kommele iNyuvesi kanye nommele ummangalelwana, noma

22.12.2 ukuthi igama likafazakazi lingashicilelwana embikweni ngecala, noma

22.12.3 ukuthi irekhodi lobufakazi liqoshwe ngendlela ezofihiha igama likafakazi.

22.13 UMemagameli weNkantolo yokuPhathwa Kwabafundi uyoba namandla okuxazululwana uDaba uma kubonakala kufanelekile ukwenza kanjalo. Esigamekweni lapho lesi sixazululwana singaphumelelana, UMemagameli weNkantolo yokuPhathwa kwabafundi kumele aqhubekwa aqhubekel weNkantolo kwemagameli

23. Inqubo Umgameli

23.1 Uma umfundi esetholwe enecala lokungaziphathi kahle, iNKantolo ingamnika lezi zigwebo ezilandelayo:
23.1.1 isexwayiso noma ukuthethwa noma kokubili,
23.1.2 umyalelo wokuhokha inhlawulo ehambelana nomenako  
odalekile ngalolosuku njengokunquma kweNkantolo,
23.1.3 inhlawulo engeqile kwIR2 500 eyokhokhwa ngosuku 
olunqunywe inkantolo,
23.1.4 ukunqatshelwa ukubamba iqhaza ezintweni zeNyuvesi kuze 
kudule isikhathi esinzunywe,
23.1.5 ukuxoshwa isikhathi esinzunywe ezingxenyeni ezithize 
eNyuvesi,
23.1.6 ukumiswa isikhathi esinzunywe eNyuvesi,
23.1.7 ukuxoshwa unomphele kwNyuvesi okungukuthi umfund 
geke aphinde amukwelwe 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 wokuhlalwa
   b. Isikhathi somsebenzi wokuhlalwa
   c. Indawo laphe umsebenzi wokuhlalwa uyyokwenzelwa khona
   d. Indlela lomsebenzi wokuhlalwa oyokwenziwa ngayo
      lsayinwe ngumholi oqoqiwe, ovumile ukubheka umsebenzi
      wokuhlalwa, kanye nombhali wombiko azethule enkantolo
      yokuziphatha kwabudumuxhali ukwethula umbiko mathupha uma
      inkantolo imdinga ukuba enze lokho.

23.1A Ngokuhambelana nokumiswe uMthetho 23.5, laphe iNkantolo ithola 
ummangalelwa enecala lokudlwengula kanye/noma ukudlwengula ngempqoqo,
   njengokuchazwa kwakho eMthethweni i-Sexual Offences Act 32 yangonyaka wezi-
   2007, ngaphezu kwesigwebo esibekwe ngokoMthetho 23.1, umfundile kumele 
   axoshwe ngokoMthetho 23.1.7.

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

23.1C Ngokuhambelana nokumiswe uMthetho 23.5, laphe iNkantolo ithola 
ummangalelwa enecala lokudlwengula kanye/noma ukudlwengula ngempqoqo,
   njengokuchazwa kwakho eMthethweni i-Sexual Offences Act 32 yangonyaka wezi-
   2007, ngaphezu kwesigwebo esibekwe ngokoMthetho 23.1, umfundile 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 kunokuhlalwa okusemthethweni eNyuvesi, ngaphandle uma iNkantolo ithola umfundi eneacala ngokomthetho 9.3.1 omayelana nokungenisa kanye no 9.3.2 omayelana nokutholakala uphethe umakhale'ekhukhwini, iNkantolo iyogweba ngalandilela:

23.2.1 ukwesulwa kwayo yonke imiphumela yokuhlolwa kanye nemiphumela yokuhlolwa kwamanye amamojuli kuleyo simesta ethintekayo;

23.2.1Ukuhoxiswa noma ukuphucwa amamaki okuhlolwa kwesifundo lapho umfundi etholakale enecala lokukopela khona.

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

23.2.3 uma kungekho zizathu eziphikisayo, umfundi angamiswa eNyuvesi isikhathi esingangaba amasimesta amabili.

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

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

23.4.1 ingagweba ngokwezigwebo eziku 23.1.1 kuya ku 23.1.10, lapho uma isigwebo kuyinhlawulo, iNkantolo iyonquma ukuba wonke amalungu eqembu akhokhe ngokokunquma kweNkantolo isamba esizokhokhwa yilungu ngalinye,

23.4.2 ukumiswa kokusebenza kwenhlangango ngokwesikhathi esinqunyiwe.

23.5 Ngaphambi kokukhipha isigwebo ikantolo iyonika umfundi noma omumele ithuba lokuletha ubufakazi, okuthinta nelwazi oluyimfihlo ngokubhala nokubiza ofakazi ekudingidweni kwesigwebo. Inkantolo iyobuye inike iNyuvesi ithuba lokubeka uhlangothi lwayo ngokwezidingo zeNyuvesi noma zabafundi baseNyuvesi oluyobhekwa yiNkantolo ngaphambi kokuthatha isinqumo. Inkantolo iyobheka ubufakazi obuphambi kwayo, imiphumela yomfundi yaphambiliini kanye nokuziphatha komfundii eNyuvesi ngaphambi kokukhipha isigwebo.

23.6 Ekutholakaleni komfundii eneacala wagwelshwa inkantolo, ngaphandle uma inkantolo ikhiphe omunye umyalelo, igama lomfundi nesikole sakhe kuyosicilelewa eNyuvesi ngokwemiyalelo yenkantolo
23.7 ICALA LIYOQOSHWA EMBabhukwini omfundi kuze kuphele isikhathi
sokufunda komfundi eNyuvesi, ngaphandle uma iNkanTolo
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 Ekuphotothulweni kwecala, Ihhovisi Lezokuziphatha Kwabafundi
liyokwazisa umfundi ngokubhalwe ngokomthetho 21,
ngomphumela wecala kanye nesigwebo esikhishiwe 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
yokuhla uyovela phambi kweNkantolo Yendawo Yokuhlala.

24.2 Inkantolo YaseNDaweni YokuHLala iyoba nalaBantu:
24.2.1 UMengameli weNkantolo yokuPhathwa Kwabafundi.
24.2.2 Uphathi 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 nama okhethwe
nguye oyilungu Lekomidi Lendawo Yokuhlala.

25.
Inqubo Enkantolo Yezindawo Zokuhlala

25.1 ICala lokungaziphathi kahle liyokwethweswa umfundi uma:
25.1.1 Ngokophethe Indawo Yokuhlala kubonakala ukuthi umfundi
uphule umthetho, okuchaziwe ngokomthetho 9, kodwa emva
kukuxhumana nomshushisi; noma
25.1.2 uMshushisi ayalele iNkantolo Yezindawo Zokuhlala ukuba
ibheke lolu daba.
25.2 Umfundi othweswa icala lokungaziphathi kahle uyobizwa ukuzovela
phambi kweNkantolo Yezindawo Zokuhlala ngokwesaziso esibhalwe
esingekho ngaphansi kwamahora angama-72 esibhalwe
ngokulandela 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 iyoqhubeke engekho, ngaphandle uma umfundi ezoletha imibhalo ezobhekwa yiNkantolo.

26. **Inqubo Yokukhishwa Kwesigwebo Enkantolo Yendawo Yokuhlala**

26.1 Uma kwenzeka iNkantolo Yendawo Yokuhlala ithola umfundi enecala lokungazipathi kahele iyomnika esisodwa noma ngaphezulu kulezi zigwebo;

26.1.1 ukuthethiswa noma isexwayiso, noma kokubili;

26.1.2 umyalelo wokuba kuhlukho inhlawulo ngomonakalo owenziwe empahleni noma ukulahlekelwa okwenzekile ngosuku olumiswe inkantolo

26.1.3 inhlawulo engeqiële kwIR1000, okumele ikhokhwe ngosuku olunqunywe yiNkantolo;

26.1.4 ukuphucwa wonke amalungelo noma ambalwa endawo yokuhlala;

26.1.5 ukwenza isikathhi esinunyiwe endaweni yokuhlala noma ezingxenyingi zayo;

26.1.6 ukuxoshwa endaweni yokuhlala, okuncike ekubikwenni kwesigwebo kuMabhalane Omkhulu futhi ngeke kuqale ukusebenza ngaphambili kokuvunywa yiNkantolo esingeke sibe ngaphezu kwesigwebo eyodwa;

26.1.7 ukuxoshwa endaweni yokuhlala, okuncike ekubikwenni kwesigwebo kuMabhalane Omkhulu futhi ngeke kuqale ukusebenza ngaphambili kokuvunywa yiNkantolo esingeke sibe ngaphezu kwesigwebo eyodwa;

26.2 Uma umfundi esetholwe enecala uyokwelulekwa ngamalungelo ache okudululisa icala ngaphanso komthetho 30

**UKULENGiswa KWESIGWEbo Nokudululisa IcalA**

27. **Ukulengiswa Kwezigwebo**

27.1 Inkantolo Yokuziphatha Kwabafundi noma iNkantolo Yezindawo Zokuhlala eyakheke ngokwalemithetho ingayalela ukuthi noma isiphi isigwebo esikhishwwe yiNkantolo ethintekayo silengiswe isikhathi esingeqi esikhathini lapho umfundi esengumfundi eNyuvesi nalapho iNkantolo ibona kufanele ngaphandle uma isixwayiso noma ukuthethiswa futhi uma wezigwebo ezikumthetho 23.1.7 zingeke zilenengwe;

27.2 Uma isigwebo esikhishwwe silengiswe kodwa umfundi aphule imibandela ebekiwe iNkantolo ebeke isigwebo sokuqala ingenza lokhu:
27.2.1 iyoyalela ukuba isigwebo esilengisiwe sisetshenziswe; noma
27.2.2 iphinde iyalele ukuqhubeka kokulengiswa kwesigwebo ngaphansi kwemibandela efanayo noma eyehlukile; noma
27.2.3 yenze eminye imiyalelo eyibona ifanelekile emayelana nesigwebo esilengisiwe

28. Ukudluliswa Kwecala


28.2 Ngaphandle uma iNkantolo iyalela ngenye indlela ngesikhathi kukhishwa isigwebo, ukudonswa kadesi yizikhishwe isigwebo esikhishwe yiNkantolo kuyolengiswa kuze kudlule ukudluliswa kwecala ngokulandelwa kwemithetho ebekwile ngaphandle uma kunqumbono ka Mabhalane Omkuhluko ukuthi kuyosiza iNyuvesi, noma kuyosiza Umfundi ukuba isigwebo singalengiswa, uMabhalane Omkuhluko angayalela ukuba ukuba isigwebo singalengiswa, uMabhalane Omkuhluko uyena oseyobona ukuthi isigwebo silengisiwe noma cha.

29. Ukudluliswa Kwecala kusuka eNkantolo Yozokuziphatha Kwabafundi Kuya Ekomidini Lokudlulisa Amacala Lomkhandlu

29.1 Umfundi otholwe enecala yiNkantolo Yozokuziphatha Kwabafundi angalidululisa icala noma akhononde ngesigwebo, noma kokubili kanti neNyuvesi ingadlulisa icala uma ikhononda ngokungatholwa necala komfundi noma isigwebo seNkantolo singadlulela eMkhandlwini WeNyuvesi ngokwendlela ebekwile kulomthetho.

29.2 Umdlulisicala (okungaba umfundi nama iNyuvesi) uyofaka isicelo sekudululisa icala eNkantolo Yozokuziphatha Kwabafundi liya kuMkhandlu WeNyuvesi; ngendlela okulandiswa ngayo kulomthetho.

29.3 Isicelo esifana nalesi esincike ebufakazini obethuliwe nom/kanye nenokwethulwe eNkantolo Yozokuziphatha Kwabafundi, siyokwenziwa kanje:

29.3.1 siyokwethulwa ngomlomo, ngokubeka izizathu zokwenza lesi sicelo sekudululisa icala emva kokuphuma kwesigwebo futhi ngaphambili kakhulethulwana kokusebenza kweNkantolo; noma

29.3.2 isaziso esibhaliwe esicacisa izizathu zokudululisa icala ekumele sifakwe eHhovisi Lezokuziphatha Kwabafundi kungakadluli ezinsuku ezintathu kakhulethulwe icala.

29.4 Uma iNkantolo ibona isicelo sinethuba lokuba yimpumelelo, iyovumela ukuba kudululiswe icala iphinde yazi seHhovisi Lezokuziphatha Kwabafundi kanye noMabhalane Omkuhluko ngesinqumo sayo. Hhovisi Lezokuziphatha Kwabafundi liyokwazisa omele umfundi noma uma umfundo ezimele, umfundi uqobo lwakhe uma ezimele.
29.5 Uma iNkantolo yenqaba ukudlulisa ica la lomfundi ogwetshwe ngaphansi kwalemithetho, iyoyalelela iHhovisi Lezokuziphatha Kwabafundi noMabhalane Omkhulu. iHhovisi Lezokuziphatha Kwabafundi iyokwazisa omele umfundi noma umfundi uqobo lwakhe. Uma kunje: 
29.5.1 umfundi anganxenxa uMkhandlu ukuba uvumele uku dudululiswa 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 sokudululisisa.
29.5.3 uMabhalane Omkhulu uyodulisela lokhu kunxenxa kuMqondisi Wezomthetho oyokubheka emva kwalokho aluleke uSihlalo woMkhandlu.
29.5.4 uSihlalo woMkhandlu uyovumela nama aphikise lokhu kunxenxa.
29.5.5 uma ukunxenxa kuphumelela, ukudlulisa kuyolalelwa ngokuhambisana nalemitetho.
29.5.6 Isinqumo sikaSihlalo woMkhandlu siyoba ngujuqu futhi aku kuko kunxenxa okuyolalelwa noma kubhekwe.
29.6 Uma iNkantolo noma uSihlalo woMkhandlu evuma ukuba kudluliswe ica la, umfundi kuyomele abhale amaphuzu aphikisa ngawo isigwebo okuyomele afakwe eHhovisi Lezokuziphatha Kwabafundi kungakadluli izinsuku eziyishumi zokusebenza emva kokuthola isaziso ngokomthetho 29.4 noma 29.5. Uma umdlulisicala engawafaki lamaphuzu, uMabhalane Omkhulu uyoba nelungelo lokusebenzisa okugunyazwa umthetho 28.2
29.7 Ngaphandle kokuyalela ngenye indlela koMkhandlu WeNyuvesi, ukudlulisa kuyosuselwa kokuqoshwe ngesikhathi secala eNkantolo Yezokuziphatha Kwabafundi; ngaphandle uma umdlulisicala efaka isicelo kuMabhalane Omkhulu ecela Ikomidi Lokudlulisa Amacala ukuba lamukele ubufakazi obusha. Lobu bufakazi kufanele: 
29.7.1 budluliselwe kuMabhalane Omkhulu kungakadluli izinsuku eziyishumi kuphume isaziso seNkantolo ngokomthetho 29.4 noma ukuvunyelwa kokunxenxa ngokomthetho 29.5; futhi
29.7.2 acacise ngobunjalo nenhloso yalobu bufakazi namagama ofakazi uma bekhona;
29.7.3 kuyophikiswana ngabo phambi kweKomidi Lokudlulisa Amacala ekuqaleni kokukhuye kokudlulisa ica la; Ikomidilokudluliselwa kwamanacala, uma libona kuyingxenye yobulungiswa, lingavumela liphinde nilale ubufakazi obengeziwe njengagexenye yokudululisisa. Uma iKomidi lisichithi lesi sicele, leso sinqumo siyoba ngujuqu.
29.8 Uma iNkantolo ikuvumela ukudlulisa icala noma uSihlalo woMkhandlu ekuvumela ukudluliswa kwecala, uMabhalane Omkhulu uyodulisela kwikomidi Lokudlulisa Amacala loMkhandlu: 
29.8.1 isaziso sokudululisisa icala,
29.8.2 okuqoshiwe ngenkathi kuqulwa icala,
29.8.3 umbiko owenziviwe yiNkantolo ngokomthetho 22.9
29.8.4 izimpikiswano ezifakwa ngokomthetho 29.6, kanye
29.8.5 nanoma yisiphi isicelo esifakwa ngokomthetho 29.7.

29.9 Uma kungenasicelo esenziwe ngokomthetho 29.7, iKomidi Lokudululisa Amacala liyobheka liphinde linqume ngokwamaphepha afakwe ngokomthetho 29.8

29.10 Uma kunesicelo esifakiwe ngokomthetho 29.7, futhi siphumelele ngokweKomidi Lokudululisa Amacala, uMabhalane Omkhulu uyonika umdlulisicala kanye naloyo aphikisana naye amahora angama 120 ngesaziso esibhaliwe mayelana nendawo kanye nesikhathi sokulalelwana kobotufakazi obusha. Kulelica:
29.10.1 kuyobizwa ofakazi abasha baphinde bafakwe imibuzo;
29.10.2 emva kokulalela ubufakazi, iKomidi Lokudululisa Amacala liyovala ukulalwa kwalobu bufakazi ngokomthetho 29.8.

29.11 Ukudululisa icala kuyocubungulwa yiKomidi Lokudululisa Amacala ioMkhandlu elinalamalungu:
29.11.1 amalungu amathathu akhethwe uSihlalo woMkhandlu kubantu abakhethelwe lomsebenzi eMkhandlwini; uma nje lamalungu enengebe abe yiwodwa njengamalungu alesi sigungu, futhi
29.11.2 uSihlalo weKomidi uyoba umuntu ongummeli.

29.12 Ikomidi Lokudululisa Amacala liyovumela nama liphikise ukudululiswa kwecala ngokuphelelele noma ngokwakunxaweni futhi lesi sinqumo siyoshicilelwa ngokomthetho 23.6; uma isinqumo salelikomidi siyobikwa eMkhandlwini olandelayo ojwayelekile woMkhandlu.

29.13 Lo mtetheyo uyozebenza ngendlela efanayo uma isicelo sokudululisa icala sifakwa yinhlangano ethweswa icala ngokomthetho 20 noma ngokudululisa okwenziwa yiNyuvesi ngokwesigwebo esikhishelwe lenhlangano.

29.14 Uma kunenakudululiswa kwesigwebo nomu icala njengokukusho komthetho futhi uMkhandlu unesizathu sokukhokolelwana wukuthi umfundli ugwetshwe engenacala, noma isigwebo asiniwile sikulu kakulu, uMkhandlu ungaqoka ithimba elibalulwe kumthetho 29.12 elizoba yokomidi elizobhekana lesi sigwebo nomu lelcalala lenze iziphakamiso kuMkhandlu ngalolu daba ngaphandle uma ikomidi lingeke liphakamise kuMkhandlu ukuthi icala lisulwe nomu isigwebo sihoxiswe ngenxa yokungenzi ngendlela esemthethwani ngenkathi kuthethwa icalphambi kwesigwebo Yezokuziphathwa Kwabafundi

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

30.1 Ukudululiswa kwecala nomu isigwebo yiNkantolo Yasezindaweni Zokuhlala iCalalalelwana yiNkantolo Yezokuziphathwa Kwabafundi njengokusho kwalomthetho.

30.2 Umfundli ugwetshwe yiNkantolo Yezindawo Zokuhlala unelungelo lokudululisa icala, ngokubhala isaziso, esyofakwa eHhovisi Lezekuziphathwa Kwabafundi kungakadluli izinsuku ezintathu kakhishwe isigwebo yiNkantolo Yezindawo Zokuhlala.
30.3 Icalalokudluliselwa liyolalelwa iNkantolo Yezokuziphatha Kwabafundi njengokulandisa kwezimiso zomthetho 16.

30.4 Uma ukudluliswa kwecala kumayelana nokugwetshwa komfundi, iNkantolo Yezokuziphatha Kwabafundi iyolalela amacala athweswe umfundi ngokwendlela ye de novo konke kuyoqhuntshwa ngokomthetho 22.

30.5 Uma ukudluliswa kwecala kumayelana nesigwebo kuphela, iNkantolo Yezokuziphatha Kwabafundi iyolalela ubufakzi obusekela noma obuphikisa isigwebo.

30.6 Inkantolo Yezokuziphatha Kwabafundi ingavumela noma iphikise ukudlulisa icala ngokuyingxenyene noma ngokuphelele noma penyuse isigwebo futhi ingayalela ukuba isinqumo sishicilelwe ngokomthetho 23.6, futhi lesi sinqumo singujuqu.

30.7 Konke okumayelana nalomthetho kuyosebenza nanoma isiphi isimo sokudlulisa icala okwenziwa yinhlangango yabafundi ngokomthetho 20.

31. Izinhlawulo Nezinxephezelo

31.1 Zonke izinhlawulo nezinxephezelo ziyokhokhwa umfundi noma inhlangango yabafundi ngaphansi kwalemithetho kuMphathizimali weNyuvesi kungakapheli isikhathi esinquinyiwe noma uma ledlulisiwe icala njengongokulandisa kwalemithetho, kungakapheli izinsuku ezingama 21 kuphume isinqumo.

31.2 Isikhathi sokukhokha siyokwengezwa kuphela uma umfundi noma inhlangango yabafundi ifaka isicelo kuMabhalane Omkhulu, lesi sengezo siyogunyazwa ngokubona kukaMabhalane Omkhulu ebambisene noMshushisi.

31.3 Uma kuba nesimo lapho umfundi engakhokhi inhlawulo noma isinxephezelo ngesikhathi esinquinyiwe yiNkantolo noma uMshushisi (njengesimo secala), noma emva kxesengezo esifikwe uMabhalane Omkhulu ngokomthetho 31.2 isamba leso esingakukhokhiwe siyofakwa emalini yesikole yomfundi.

31.4 Uma kuba nesimo lapho inhlangango yabafundi ingakhokhi inhlawulo noma isinxephezelo ngesikhathi esinquinyiwe ngokwalomthetho, uMabhalane Omkhulu emva kokukhipha isexwayiso esibhalwe phansi, angayimisa lenhlangango ize ikhokhe.

31.5 Zonke izinhlawulo nezinxephezelo ezikhokhwa ngokwalemithetho, siyofakwa esikhwameni seNyuvesi esingujikelele.
32. Ukwesulwa kwesigwebo noma kwecala emabhukwini omfundi

32.1 Wonke umuntu owetshwe yiNkantolo esungulwe ngokwalemithetho mayelana nokungazipathi kahle, angafaka isicelo sokuba leso sigwebo noma icala lesulwe nguMabhalane Omkhu1 emabhukwini akhe.

32.2 Umabhalane Omkhu1 uyothintana nePhini Lomphathi Wenyuvesi nom1 iNhloko Yesikole lapho umfundi ebhaliswe khona, emva kokuhlaziya konke okufanele okumbandakanya nohlobo lokungazipathi kahle, angayalela ukuthi kusulwe icala noma isigwebo emabhukwini omfundi.

33. Isicelo sokubuyiswa komfundi obexoshiwe

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

33.2 Isicelo sokubhaliswa kabusha ngeke sithathwe njengesicelo kwesigwebo kweNkantolo esingulwe ngokwalemithetho mayelana nokungazipathi kahle.

33.3 Isicelo sokubhaliswa kabusha kumele sibhale, sikhathi esesidlulile emva kokuxoshwa; sikhathi esesidlulile emva kokuxoshwa.

33.4 Isicelo sokubhaliswa kabusha ngeke sikhathi esesidlulile esingulwe ngokwalemithetho mayelana nokungazipathi kahle.

33.5 Ikomidi lingacela iminingwane eminye futhi licele uMabhalane Omkhu1, ummangali, nanoma yimuphi umuntu onendaba naloludaba abhalele ikomidi ezakalisa umbono wakhe ngalesi icelo. Ofake isicelo uyoba nelungelo lokuthola amakhophi emibhalo yali zimpendulo aphinde aziphendulele ngokubhalala.

33.6 Ikomidi liyothatha isinqumo ngendlela elizosebenza ngayo kanye nezikathathi bezimpendulo, amaphepha azofakwa kanye bezimpendulo.

33.7 Ikomidi liyothatha isinqumo lisebenzisa okubhalala woba ukuba bazozikhulumela.

33.8 Ikomidi lingavumela ukubhalisa kabusha uma lenelisekile ngokuthi umfundi uzokwamukelwa futhi linesiqiniseko sokuthi yonke into ime ngomum. Ekuthatheni lesi sinqumo, ikomidi liyobhekwa lokuhambisa

33.8.1 isimo kanye nobucayi kwecala;
33.8.2 isikhathi esesidlulile emva kokuxoshwa;
33.8.3 imibono nemizwa kaMabhalane Omkhu1 mayelana nesicelo; emba; emba; emva nokuxoshwa;
33.8.4 imibono nemizwa yommangali kanye nabanye abanendaba nalolu daba mayelana nesicelo;
33.8.5 izinga lokuzisola elikhonjiswa ofake isicelo; izinga lokuzisola elikhonjiswa ofake isicelo.

33.9 Uma ikomidi lisichitha isicelo, asikho esinye isicelo esiyobhekwa yiNyuv1.

33.10 Uma ikomidi livumela isicelo, lokhu kuyovumela ofake isicelo ukuba afunde eNyuv1. Isicelo saloluhlolo kumele sibhekwe ngokusisekelayo ngokuhambisa nemithetho yokufunda kanye nemigomo ebheke ukwamukelwa kwabafundi.