



## FORT COX AGRICULTURE & FORESTRY TRAINING INSTITUTE

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### 1. PREAMBLE

This Code of Conduct for Fort Cox Agriculture and Forestry Training Institute complies with Act 16 of 2006: *Further Education and Training Institute Act [15(1)]*. The said Act states: every student at a Public Institute is subject to a code of conduct, disciplinary measures and procedures which are determined by the council, subject to provincial policy.

### 2. OVERVIEW/SYNOPSIS

#### 2.1. Extent/Scope of Policy

This policy encompasses the code of conduct that governs the conduct of all students of Fort Cox Agriculture and Forestry Training Institute (FCAFTI).

#### 2.2. Statement of Policy

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

### 3. DEFINITIONS USED IN THIS DOCUMENT

The following term definitions are used in this document within the context of application of this policy:

- 3.1. **Institute:** Fort Cox Agriculture and Forestry Training Institute (FCAFTI).
- 3.2. **Campus:** any property of FCAFTI, or any premises that are used or rented by FCAFTI.
- 3.3. **Class days:** all days on which classes are offered.
- 3.4. **Student(s):** any individual who is registered at FCAFTI on a full-time, part-

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time or distance education basis or has enrolled for a skills programme.

- 3.5. **FCAFTI Community:** Students, staff, parents, guardians, service providers, or stakeholders of FCAFTI.
- 3.6. **Disciplinary Committee:** Students Services Manager (chairperson), Student Representative Council (SRC) Welfare Representative, Head of Department, Council Member (optional), Student Support, Officer/Warden (observer).
- 3.7. **Appeal Committee:** Principal (chairperson), Head of Academics, Member of Council and SRC President.
- 3.8. **Initiation:** any behaviour that threatens the psychological or physical health or safety of a student, with or without his permission. This action can lead to discomfort, humiliation and/or ridicule.
- 3.9. **Weapons:** Any item that could be used with the intention of inflicting bodily harm to another person.
- 3.10. **Offensive Material:** Material considered vulgar or obscene.
- 3.11. **Advisor:** present in a hearing, may consult with client, but not otherwise partake in the hearing.
- 3.12. **Code of conduct:** guidelines as laid down by FCAFTI which all students have to conform to. These guidelines are laid down to:
  - a) Clearly defined permissible and impermissible student behaviour; and
  - b) Lay down disciplinary procedures.

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## 4. CONSIDERATIONS AND PRINCIPLES

The design of the FCAFTI Code of Conduct is based on the following considerations and principles:

Fort Cox Agriculture and Forestry Training Institute **acknowledges:**

- 4.1. the right of the individual to receive tuition at FCAFTI;
- 4.2. the uniqueness and individuality of each student;
- 4.3. **and accepts** the democratic value of freedom of all staff and students of

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FCAFTI;

- 4.4. that all students and staff members are equal and have the right to equal protection;
- 4.5. that every student and staff member has an inherent dignity and the right to have their dignity respected and protected; **and**
- 4.6. that all students have the right to study in a secure environment at FCAFTI.

## 5. CONTENT AND SCOPE OF POLICY

### 5.1. Introduction

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

### 5.2. Applicability

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

### 5.3. Overview Of Procedures

FCAFTI subjects students or student organizations that are guilty of any of the transgressions listed under point 6 of this document to disciplinary action. Any member of **the** FCAFTI community can report a transgression to a member of the

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disciplinary committee (refer to Definitions, par.5). When an alleged transgression is reported, the procedures, as set out under point 7 of this document, must be followed.

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

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

## 6. REGULATIONS

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

- 6.1. Behaviour/actions that is/are conflict with laws of the country: Disciplinary action may continue without a charge being laid at the criminal or civil court.
- 6.2. Prohibited behaviour which leads to physical or emotional damage to any other individual or the individual himself, or the health or safety of another person or the individual himself: Such prohibited behaviour may be deliberate or reckless and includes, but is not confined, to the following ---

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- 6.2.1. Undesired physical contact such as hitting or bumping another individual, or exposure or attempted exposure of another individual;
  - 6.2.2. Sexual contact with another person without the person's permission, with or without intimidation. A person, who is not in a state to understand the nature of such permission, is regarded as incompetent to grant permission;
  - 6.2.3. Threatening another person with physical and/or emotional harm or unwanted sexual contact;
  - 6.2.4. Harassment of another person, in any way, including the creation of a dangerous, intimidating or offensive environment or which, to a great extent, interferes with a person's educational aims. Such harassment can be perpetrated on any basis, including, for example, race, colour, nationality, age, gender, disability, religious conviction, intimidation of sexual nature or sexual orientation;
  - 6.2.5. Initiation or harassment of another person with the aim of initiating or maintaining a group affiliation: According to Article 12(2) of the Bill of Rights, everyone has the right to bodily and psychological integrity, which includes the right to security, of and control over their body. The following applications apply: No student may subject a co-student to any form of violence. Students may not be shouted at if it is in a mean, dehumanizing, or disparaging way. Students may refuse to be sent/ordered around against their will. Students may refuse to change their physical appearance; and
  - 6.2.6. Any student convicted of **any criminal offence by a South African court** with criminal jurisdiction in terms of the Criminal Procedure Act 51 of 1977 shall be guilty of an offence in terms of this Code of Conduct and shall be **subject to disciplinary action by FCAFTI**.
- 6.3. Disorderly, disturbing behaviour which interferes with orderly Institute contingencies, including, but not confined, to the following:

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- 6.3.1. Neglect to respond to instructions as given by the police and Institute staff;
- 6.3.2. Failure to comply with Health and Safety measures e.g. vacate Institute buildings during fire warnings, including fire and emergency drills;
- 6.3.3. Being responsible for excessively loud music, noise or disturbance to the detriment of other members of the Institute community;
- 6.3.4. Disturbance of scheduled Institute programmes and activities, irrespective of the nature of the activity;
- 6.3.5. Public drunkenness and indecent behaviour in public which may bring the image of the institutions into disrepute; and
- 6.3.6. Obstruction of traffic, including road and pedestrian traffic.
- 6.4. Deliberate actions which interfere with the electronic resources of the Institute.
- 6.5. Behaviour which includes theft or abuse, or indicates an attempted theft or abuse of Institute property or funds, including electronic resources, the property or funds of another person, entity or organization.
- 6.6. Deliberate or negligent behaviour which results in Institute property or property of others being endangered or damaged.
- 6.7. Behaviour which threatens the well-being of another, including but not confined to:
  - 6.7.1. Being in possession of or provide fireworks and/or other explosive agents;
  - 6.7.2. Being in possession of or provide firearms and other weapons;
  - 6.7.3. Starting of prohibited fires;
  - 6.7.4. Misuse or damage of fire and other safety equipment; and
  - 6.7.5. Connecting any equipment or appliance to an electrical supply in contravention of normal safety standards.
- 6.8. Possession, duplication or use of any Institute property which has not been

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approved.

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

**7. PROCEDURE FOR REPORTING AND LODGING OF COMPLAINTS**

- 7.1. Any member of FCAFTI community may report an alleged transgression of the code of conduct to the Disciplinary Committee.
- 7.2. A written report by the complainant must be handed in within two class days after the incident. Statement must be signed and dated by both the complainant and recipient.

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- 7.3. The alleged transgressor will be requested to hand in a statement on the incident immediately after it was reported. Statements must be signed and dated by both the alleged transgressor and recipient.
- 7.4. Any possible witness(es) will be requested to submit a statement on the incident immediately after it was reported. Statements must be signed and dated by both the witness(es) and recipient.
- 7.5. The disciplinary committee will decide whether there is sufficient ground to lay a charge against a student/student organization for transgression of the code of conduct.
- 7.6. Institute hearing procedures may still be followed in cases where an alleged transgression by a student/student organization is subject to criminal procedures. No criminal conviction is necessary before a transgressor of the code of conduct is subjected to disciplinary action.
- 7.7. A Disciplinary Record Book shall be kept, in which the following shall be entered:
  - the date of the sentence;
  - the name and student number of the person found guilty;
  - the nature of the charge;
  - the finding at the disciplinary hearing;
  - the penalty imposed;
  - the name/description of the Disciplinary Body; and
  - the signature of the Chairperson of the Disciplinary Committee who reviewed the case.

The above information shall be submitted to the Head of Academics.

The Head of Academics shall also have a note made on the student's record indicating:

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



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

### 8. HEARING PROCEDURE

The following procedure is applicable to disciplinary hearings:

- 8.1. The student/student organization being charged with alleged transgression(s) will receive an official notice from the Disciplinary Committee at least five class days before the hearing in which the following information will be given:
  - 8.1.1. The name of the student/student organization who/which is being charged;
  - 8.1.2. The date, time and place and nature of the alleged transgression, with reference to FCAFTI code of conduct;
  - 8.1.3. The date, time and place of the disciplinary hearing;
  - 8.1.4. The rights of the student/student organization; and
  - 8.1.5. Special instructions (if applicable).
- 8.2. This notice will be issued in duplicate and the student/representative of student organizations will sign both copies as proof of receipt.
- 8.3. The Students Services Manager will be the chairperson of the Disciplinary Committee.
- 8.4. A record must be kept of all hearings. It can be *verbatim*, a written report or an electronic recording or both.
- 8.5. In all cases, the hearings of alleged transgressors will be conducted individually, irrespective of the number of students involved in the same incident.
- 8.6. The chairperson will advise all parties that testify during the hearing, before the commencement of the hearing, regarding their responsibility to tell the truth.

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- 8.7. The charge will be stated to the student by the member of committee acting as complainant.
- 8.8. Witness (es) will be called to testify.
- 8.9. The student/student organization being charged will be allowed to hear the testimony of witnesses and question witnesses, as well as be given the opportunity to evaluate evidence/exhibits.
- 8.10. The student/student organization being charged will be allowed to call witnesses, submit relevant evidence/exhibits and give his/her/their version of events which led to the transgression of the code of conduct.
- 8.11. The student/student organization will be allowed to bring an advisor to act merely as an observer to the hearing (Refer to definition: 3.10)
- 8.12. Failure to attend will lead to the hearing being conducted in the absence of the accused. If a valid reason for absence (e.g. medical certificate) is offered, the hearing could be rescheduled.
- 8.13. The findings of the Disciplinary Committee will be communicated in writing to the student ***within five working*** days after the hearing. The right to appeal will be stated in the letter.

### 9. OFFENCES

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

#### 9.1. GRADE 1 OFFENCES

9.1.1. **Grade 1** offences are dealt with in the first instance by the staff member concerned, but will be reported to and signed by the Head of Department.

9.1.2. When a third offence occurs, the matter is referred to the Head of Department who will issue a *final written warning*.

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9.1.3. If the same offender commits another offence of any nature, the matter will be referred to the Disciplinary Committee.

9.1.4. The following will be regarded as **Grade 1** Punishable Offences:

- a) Cheek/Insolence;
- b) Disruption of lectures in any way;
- c) Foul language and signs;
- d) Absence or late arrival for lectures;
- e) Littering;
- f) Disruptive/un-cooperative behaviour in class;
- g) Smoking in unauthorized places;
- h) Unsuitable attire/appearance;
- i) The use of cellular phones in classrooms;
- j) Eating, drinking, chewing gum in classroom; and
- k) Damaging property unintentionally on Institute premises.

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## 9.2. GRADE 2 OFFENCES

9.2.1. **Grade 2** offences are referred to the Head of Academics who will issue a written warning to be considered as a final written warning.

9.2.2. If the same offence occurs again, the matter will be referred to the Disciplinary Committee.

9.2.3. The following will be considered **Grade 2** Punishable Offences:

- a) Fighting (without weapons);
- b) In possession of offensive material;
- c) Cheating in tests, copying of computer exercises, projects or any other work intended for year mark;
- d) Tampering with safety and other equipment on campus;
- e) Distribution of, or placing of notices without permission; and
- f) Failing to prove identity such as a student card.

### 9.3. GRADE 3 OFFENCES

9.3.1. **Grade 3** offences are dealt with by the Disciplinary Committee.

9.3.2. The following will be considered as Grade 3 Punishable Offences:

- a) Verbal or non-verbal abuse of staff member;
- b) Physical/verbal threat of staff member/fellow student;
- c) Racial remarks/insults;
- d) Cheating in end of semester examinations, as outlined in examination regulations;
- e) Use of a communication or mobile device during examinations, as outlined in examination regulations;
- f) Drunkenness or possession of alcohol on campus;
- g) Organising, inciting, or taking part in illegal student actions such as meetings, campaigns or marches on the campus;
- h) Distribution of political material on the premises;
- i) More than one **Grade 2** offences; and
- j) Altering of official documents such as medical certificates and qualifications and fraudulent use thereof.

9.3.3. Disciplinary action for **Grade 3** offences may be **expulsion or suspension** for a period determined by the Internal Disciplinary Committee.

9.3.4. Should a student be found guilty of a **Grade 3** offence and suspended by the Internal Disciplinary Committee or if the finding is *guilty* but that student is allowed to return to classes, it is the responsibility of the student to catch up on any work conducted during the temporary suspension. In the case of missing an assessment during this period, no additional assessment will be given by the Institute.

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

#### 9.4. GRADE 4 OFFENCES

9.4.1. **Grade 4** offences are immediately referred to the police after which a Disciplinary Hearing will take place. In addition, students who transgress this Code of Conduct in cases 9.4.2. (f) will be immediately suspended from classes until the Disciplinary Hearing **takes** place.

9.4.2. The following will be considered as **Grade 4** Punishable offences:

- a) **Being in possession** of dangerous weapons;
- b) Assault of students/staff members;
- c) Vandalism to staff **members**/Institute's/fellow students' property;
- d) Sexual harassment;
- e) Theft; **and**
- f) Any offence punishable under common law which can damage the Institute's image.

9.4.3. Disciplinary action for **Grade 4** offences may be **expulsion or suspension** for a period determined by the Internal Disciplinary Committee.

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

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

#### 9.5. GRADE 5 OFFENCES / GROSS MISCONDUCT

This entails the following transgressions:

9.5.1. Use of narcotic drugs on the Institute premises; **and**

9.5.2. Distribution of drugs on the Institute premises.

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

## 10. SUMMARY OF PROCEDURES

10.1. When a charge of having committed an offence, as defined in the Code of Conduct is pending against a student, or when, in the opinion of the Head of Academics, 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 Head of Academics may order that, until the final disposition of the charge, the student shall:

10.1.1. cease attending lectures or classes;

10.1.2. cease participating in such other activities of the Institute as may be specified;

10.1.3. not enter the precincts of the Institute or any specified part thereof;

10.1.4. not bring any motor vehicle onto the grounds of the Institute;

10.1.5. cease to reside in any Institute residence.

10.2. The Head of Academics shall not make any order in terms of paragraph 10.1 unless:

10.2.1. the student, with the assistance of his or her legal representative has waived the right to representation, has been given an opportunity to appear before the Head of Academics to show cause why the order should not be made ; and

10.2.2. the Head of Academics considers it to be in the interests of the other students or staff or the Institute to make the order.

10.3. The Student Services Manager (Manager) may order a student who is alleged to have contravened any rule of the Code of Conduct immediately

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to leave a residence and not return for a specified period not *exceeding five (5) working days*.

10.4. The Manager shall not make an order in terms of paragraph 10.3 unless:

**10.4.1.** the student has been given an opportunity to make a point on why the order should not be made; and

**10.4.2.** the Manager considers it to be in the **interest** of the other students in the residence or in the **interest** of proper enforcement of the Code of Conduct to make the order.

10.5. The Manager who has made an order in terms of paragraph 10.3 hereof shall, as soon as is practicable, provide a written report of the order and the reasons for which it was made to the Head of Academics who shall either confirm or rescind the order.

10.6. If the order made in terms of paragraph 10.3 is confirmed, or if the student in question appeals against the order, the Head of Academics shall thereafter act in accordance with Rule 10.1, pending the conclusion of which the Head of Academics may extend the period of the student's exclusion from the residence.

10.7. In the event of the Head of Academics being unavailable, the powers and duties granted by Rules 10.1, 10.2 and 10.6, may be exercised by the Student Services Manager or by a person nominated by the Head of Academics for such purposes.

## **11. DISCIPLINARY ACTION AGAINST INDIVIDUAL STUDENTS**

FCAFTI may exercise any of the afore-mentioned disciplinary actions against student/student organizations found guilty of transgressing the code of conduct. The Institute is, however, not confined to the **following** actions.

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- 11.1. Oral reprimand and/or warning;
- 11.2. Reprimand and/or warning in writing;
- 11.3. **Refusal of admission** to any or all Institute examinations and/or tests and/or other forms of assessments;
- 11.4. **Interim suspension or the lessening of privileges:** Should the presence of a student potentially endanger co-students and staff, an interim suspension of the student may be made before the hearing. In this case the hearing and verdict must be concluded *within five class days*;
- 11.5. **Suspension:** The student is prohibited from attending classes and participating in Institute activities, *thus* temporarily forfeiting the opportunity to be assessed in that particular year. He/she may be allowed to continue studies if he/she returns after a minimum of one academic year.
- 11.6. **Expulsion:** The student is prohibited from attending classes and participating in Institute activities, *thus* permanently or temporarily forfeiting the opportunity to be assessed in that particular year. He/she may be considered for admission and continuation if he/she applies after a minimum of two (2) years.

The following steps may be taken in conjunction with the above-mentioned actions:

- 11.7. **Regulation** for educational punishment *whereby a* student can be expected to attend an educational programme;
- 11.8. **Cancellation** or **forfeiture** of all examination results and other final results for all modules for which examinations are written during that semester's examination sessions;
- 11.9. **Refusal of access** to computer facilities of the Institute;
- 11.10. **Compensation** for, or repair of damage caused by the student and/or payment of a suitable fine, not exceeding R500.00; *and*



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11.11. **Referral** whereby the student is expected to go for counselling or rehabilitation. In this case, the costs incurred have to be paid by the student.

**11.12. STUDENT ORGANISATIONS**

11.12.1. Disciplinary action as set out in 11.3, 11.4, 11.5 and 11.6 necessitates that when the action is taken against a student organization, the action may not apply to all members of the organization.

11.12.2. The organisation may forfeit FCAFTI acknowledgement and privileges for a certain period as determined by the Disciplinary Committee.

**12. PROCEDURES FOR APPEAL**

12.1. If a student/student organization is found guilty on charges of transgressing the code of conduct, he/she/they is/are entitled to appeal with the Appeals Committee, as stipulated in 5.7 above

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

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

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

12.4. The Appeal Committee may:

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

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