

Student Legal Services

1 What is an offence?

According to the Statute of the North-West University, paragraph 72:

- (1) A student whose conduct is detrimental or may be detrimental to the good name, order, discipline or performance of the work of the University or of any part of the University, including any office bearer, supporter, member of staff or student thereof, is guilty of an offence, and may be disciplined for it by the council or another relevant disciplinary body contemplated in paragraph 81.
- (2) Dishonest academic conduct and conduct of a student who unreasonably harasses or treats another person or group of persons with hostility or violently are serious offences.
- (3) The transgression of any provision of this Statute, or the Rules of the University or the provisions of the constitution or relevant rules of a body within the University, or of a statutory or common-law legal rule may constitute an offence as contemplated in subparagraph (1) above.

2 What is an examination infringement?

According to the Statute and the Examination Rules of the North-West University it is a contravention to have any **unauthorised material in your possession** (unauthorised material is anything that is not allowed in the examination – according to the examination regulations). This distinction is very important as it means that it is not just about the actual act of cheating in the examination or 'copying' from a piece of paper, ruler, calculator, hands or other body parts, etc. The contravention is that **you have something in your possession that's not allowed** by the examination rules, **regardless of whether the possession was accidental or with intent**.

3 Duties of the invigilators:

The invigilator is required to report any and all contraventions of the rules of the North-West University to the Disciplinary Office for Student Affairs. Even if it might seem like a trivial matter or not such a big deal, they are expected to report it.

4 I've been reported – what happens now?

The Student Disciplinary Office receives the report from the Examination Department and will then firstly establish if there is enough information to continue with the complaint. The report and your examination book will be sent from the Examination Department and will be kept in safe-keeping until the matter is resolved.

Not enough evidence: should the Student Disciplinary Office evaluate the information and find that there's not enough evidence to continue the process, your examination book will be returned to the faculty for marking and the marks made available as soon as possible.

Enough evidence: if, however, there is enough evidence to continue, you will receive an information letter and a charge sheet. These documents will give you all the information you need regarding the offence, the charge against you as well as your rights and further action required.

5 The charge sheet:

The charge sheet will be sent via registered mail and if we have your cell phone number, you will receive an 'sms' with the tracking number. The charge sheet will allow you the opportunity to plead on the charges against you, indicate whether or not you will be attending the hearing and whether or not you need an interpreter for the hearing. You could also provide us with a statement – your version of what happened and why it happened. It is crucial that you know that within five days of posting the charge sheet, we assume that you received it and that the process can continue. It is also very important that you make contact with the Student Disciplinary Office if you had an examination irregularity and didn't receive any documentation.

6 The hearing:

A Students' Disciplinary Hearing is an informal disciplinary procedure whereby the Disciplinary Committee aims to establish exactly what happened as well as what should be done, if an irregularity did happen. The Committee will guide and lead you through the process – keep in mind that **it is not a court of law!** Our burden of proof is lower than in a criminal court and is based on a preponderance of probabilities – which means that if two people (you and the invigilator) each have a version of events, which is more likely to have happened in a reasonable world.

7 I was found guilty, what can happen to me?

If you are in the unfortunate position where you are found guilty of an examination infringement or misconduct, the following list of sanctions can be applied to your individual case: (abridged)

- (1) expulsion from the University;
- (2) suspension from the University for a period of time;
- (3) permanent expulsion from a residence, or refusal of access to all or some of the buildings, land or services of the University or admission only subject to specific conditions;
- (4) suspension from attending classes for a specific period, either totally or only in respect of specific course units;
- (5) refusal of admission to any examination or test occasion, which includes forfeiture of any marks already obtained and the cancellation of any subject or course unit;
- (6) imposition of a fine, which may not exceed an amount equal to the fees payable by the student for the particular year;
- (7) refusal of readmission to the University for a specific period or permanently;
- (8) disallowing of specific privileges as a student, with or without conditions;
- (9) imposition of any other penalty, combination of penalties or suspended penalty that, from the educational point of view and in accordance with the institutional culture of the University, is reasonable and fair in the circumstances; or
- (10) a severe admonition and caution.

Any contravention of the examination rules and paragraph 72 of the Statute of the North-West University is a serious matter. You can be expelled from University and all that you have worked for will be for nothing or if you are in your final year of study, it might mean that you have to re-register for a further year if you get 0% for the module, with all the financial implications. **It isn't worth it!** The Disciplinary Committee has as its main aim to ensure that justice is carried out and not to simply act as a prosecuting authority to 'get rid of' students. But, that being said, the North-West University is an institution of higher learning, and as such it has a mandate to provide the best possible service/education to its clients (you, our students), which includes ensuring the quality of education and that all degrees, diplomas and certificates conferred by the University are, without any doubt, conferred to students who obtained their pass marks honourably.

The University views all infringements in a very serious light and will impose strict sanctions on students who do not comply.

