



<b>POLICY NUMBER</b>	<b>IIE015</b>	
<b>POLICY NAME</b>	<b>Student Conduct and Discipline Policy</b>	
<b>POLICY VERSION</b>	<b>07</b>	
<b>LEGEND</b>	1. Formerly known as the Student Code of Conduct – renamed on 03 November 2016 2. The Student Code of Conduct, Dispute, Grievance and Disciplinary Policy v12 was merged with the IIE 021 Safe Learning Policy v5 in Nov 2021 and renamed the Safety, Student Conduct and Discipline Policy on 23 November 2021 3. Renamed from Safety, Student Conduct and Discipline Policy to Student Conduct, Discipline and Safety Policy 4. IIE 021 reintroduced and named Safety Policy <sup>1</sup>	
<b>POLICY APPROVAL</b>	<b>Date of Approval</b>	<b>Date of Implementation</b>
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<sup>1</sup> S66: 2024/09/11 Item 8.3.2

<sup>2</sup> S60: 2022/07/14 Item 8.2.3.1 Policy reviewed to make provision for Student Complaints to External Parties

<sup>3</sup> S61: 2022/11/03 Item 8.2.5

<sup>4</sup> Senate Round Robin: 2024/08/07: Policy reviewed to bring clarity to two matters (a) the use and possession of alcohol on campus and (b) assessment-related penalties.

<sup>5</sup> S65:2024/04/18 Item 8.2.5 Whole policy review

<sup>6</sup> S69: 2025-08-28 Item 10.2.4

<sup>7</sup> Post S70: 2025-12-04 Alignment with Tertiary Academic Operating Model (TAOM)

<b>RELATED POLICIES</b>	<b>IIE001:</b> Quality Assurance and Enhancement Policy <b>IIE002:</b> Admissions Policy <b>IIE006:</b> Work-Integrated Learning Policy <b>IIE007:</b> Research and Postgraduate Studies Policy <b>IIE008:</b> Information Centre Policy <b>IIE009:</b> Assessment Strategy and Policy <b>IIE011:</b> Student Records Policy <b>IIE016:</b> Student Representation Policy <b>IIE019:</b> Community Engagement and Citizenship Policy <b>IIE020:</b> Official Documentation, Marketing and Advertising Policy <b>IIE023:</b> Intellectual Integrity Policy <b>IIE026:</b> Student Support and Professional Development Policy
	<b>IIE029:</b> Distance Education Policy <b>IIE030:</b> The IIE Internationalisation Policy <b>IIE031:</b> Governance Policy <b>IIE032:</b> Personal Information, Intellectual Property and Cyber Security Policy <b>IIE033:</b> Policy on the Integration of Artificial Intelligence (AI) in Teaching and Learning Practices
<b>POLICY ANNEXURES</b>	See PDIIIE015 for Guidelines, Annexures and Protocols
<b>RELATED PROCEDURES</b>	<b>PDIIIE015:</b> Student Conduct and Discipline Procedure <b>PDIIIE021:</b> Safety Guidelines, Procedures, Protocols and Annexures

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## GLOSSARY AND ROLES

<b>Academic Centre of Excellence (ACE)</b>	The IIE team responsible for: <ul style="list-style-type: none"> <li>• Quality review of the student learning journey (IQAF).</li> <li>• Design and periodic review of qualifications and associated curricula.</li> <li>• Customisation and integration of technology and processes that enhance teaching and learning</li> <li>• Ensuring regulatory compliance.</li> <li>• Industry-leading development programmes for academics (Sirius).</li> <li>• Publishing of multiple accredited academic journals and hosting national and international conferences.</li> </ul>
<b>Aggravating factors</b>	Factors presented by the Complainant or Prosecutor that could increase the severity of the penalty to be laid down after the Respondent has been found guilty of misconduct.
<b>Appeal</b>	A <i>formal request</i> with reasons to reconsider the outcome of the disciplinary hearing, including the penalty, or a penalty where the right to a disciplinary hearing was waived. Grounds for appeal can include claims of procedural error, new evidence, the severity of the penalty or the overall merit of the case.
<b>Appeals Committee</b>	The duly constituted institutional committee that handles appeals in terms of this Policy.
<b>Appellant</b>	The person appealing against the outcome or the penalty.
<b>Balance of probabilities</b>	The standard of proof which would find that the version of an event as presented by one party is more likely to be true, based on the preponderance of evidence, than the version presented by the other party. (See <i>reasonable suspicion</i> later for the standard of proof for an initial investigation.)
<b>Bill of Rights</b>	Chapter 2 of the Constitution contains the Bill of Rights, a human rights charter that protects the civil, political and socio-economic rights of all people in South Africa.
<b>Brands</b>	The IIE's brands are Emeris and IIE Rosebank College.
<b>Brand Managing Director</b>	Approves exceptions to the general prohibition on the possession, consumption, or transportation of alcohol on The IIE campuses of their Brand.
<b>Campus</b>	An organised space (physical or virtual) where teaching and learning and associated activities take place. Also known as a registered site of delivery at The IIE
<b>Campus Head</b>	Head of the campus (physical or virtual). The Campus Head is normally the Disciplinary Officer.
<b>Charge</b>	An <i>official statement</i> accusing the student/Respondent of the alleged misconduct.
<b>Common law</b>	A body of unwritten law based on legal precedents or principles established by courts.
<b>Complainant</b>	The person who lays the complaint/brings the charges or makes the allegation against the Respondent.

<b>Complaint</b>	An allegation made by a person against another person (normally a student). The complaint may be an allegation of misconduct or an allegation of conduct that requires the intervention of a third party.
<b>Conciliation</b>	This is an alternate dispute resolution method in which the third party, referred to as a Conciliator, is appointed to settle the dispute by persuading the parties to reach an agreement. The result of this process is a settlement agreement, not necessarily consensus.
<b>Conciliator</b>	The person responsible for the conciliation process.
<b>Constitution</b>	Constitution of the Republic of South Africa, 1996
<b>Data</b>	Means electronic representations of information in any form. <sup>6</sup>
<b>Data message</b>	Means data generated, sent, received or stored by electronic means, where any output of the data is in an intelligible form. <sup>7</sup>
<b>Delegate</b>	A person delegated by a Campus Head to conduct a search and "designated person" shall have the same meaning.
<b>Disciplinary hearing/hearing</b>	A formal process in which the Disciplinary Committee hears and decides on all cases of alleged misconduct.
<b>Disciplinary Committee</b>	The duly constituted committee that hears and decides on all cases of alleged misconduct.
<b>Disciplinary Officer (DO)</b>	The person on a campus or in a division formally responsible for student complaints and discipline and the management and implementation of this Policy. This is normally, but not always, the Campus Head or equivalent.
<b>Chairperson of the Disciplinary Committee/Chairperson or Chair</b>	The person appointed by the Disciplinary Officer to chair the Disciplinary Committee.
<b>Disciplinary Committee Members</b>	The two staff members/lecturers and two students (see below) make up the Committee with the Chair.
<b>Dispute</b>	A disagreement.
<b>Expulsion/Expelled/Exclusion</b>	Permanent ejection/barring of the student from The IIE and its premises.
<b>Extremism</b>	Beliefs held that are either significantly left or right of mainstream social beliefs and that, when expressed, are disrespectful, damaging to diversity and not inclusive. Extremism may result in radicalism and radicalisation.
<b>Freedom of expression</b>	The SA Constitution (Chapter 2, Section 16) protects the right of each person to hold and express their beliefs and limits this right when the expression expresses hatred based on race, ethnicity, gender, and religion or incites violence or is used for war propaganda.
<b>Grievance</b>	A cause for a complaint, normally unfair behaviour.
<b>IIE Assist</b>	IIE Assist platform for all students' queries

<sup>6</sup> S61: 2022/11/03 Item 8.2.5

	and complaints across Tertiary. Logged on brands' public-facing websites and managed via a Case Management System.
<b>Interpreter</b>	The person requested by the Respondent to interpret the disciplinary proceedings for him/her in any of the 12 official languages. South African languages.
<b>Investigating Officer(s) (IO)</b>	The person(s), including any external person or entity, designated by the Disciplinary Officer to conduct and/or provide support in the investigation of a complaint or allegation and to make the recommendation on how to proceed and to act further as required in terms of this Policy or as requested by the Campus Head/Disciplinary Officer.
<b>Learning environment</b>	This refers to any space (physical or digital) where the campus carries out its educational activities and associated curricular, co-curricular and extracurricular activities.
<b>Lecturer</b>	The person responsible for the facilitation of student learning and the marking of student work, including a lecturer engaged on a sessional basis.
<b>Mediation</b>	An alternate dispute resolution method where the third person acts as a go-between to help students who have a dispute arguing to solve their problem themselves. The Mediator does not make the decision for the students; the students decide what their dispute is about and how they want it settled. The Mediator's task is to manage the process so that the students can reach an agreement or consensus.
<b>Mediator</b>	Any person, including a skilled external person, who does not have a conflict of interest in the matter, who has been requested by the Campus Head or their designate to assist with mediating a dispute or complaint.
<b>Minor</b>	Means a person under the age of eighteen (18) years.
<b>Misconduct</b>	Wrongful, improper, or unlawful behaviour committed intentionally or at least without regard for the reasonably accepted consequences of one's acts.
<b>Mitigating factors</b>	The factors that could positively influence/soften a penalty, presented by the Respondent / Respondent's Representative after the Respondent has been found guilty of the alleged misconduct.
<b>Natural Justice</b>	The concept of natural justice includes the right to a fair hearing, the opportunity to present a case, and a decision by an unbiased party.

<b>Next most senior person</b>	This is the person to whom someone reports. In the context of this Policy, it refers to the person who would take on a task or function if the person who should be doing it is unable to do so for any reason.
<b>Penalty/Sanction</b>	The <i>punishment</i> decided and imposed in terms of this Policy.
<b>Precinct of The IIE</b>	Any institutional building, grounds, or any other place, physical or virtual, where the institution ordinarily conducts its business or conducts its business for a specific event or period.
<b>Prohibition</b>	Prohibition from entering the Institution precinct means that a student must not enter the specified area of the Institution for the period the prohibition applies and is subject to any conditions imposed. A prohibition penalty is only imposed where it is considered necessary to protect any person or the Institution's property.
<b>Prosecutor</b>	The person who leads the case against the Respondent to the Disciplinary Committee.
<b>Radicalism/ Radicalisation</b>	Extreme views that result in the desire and advocacy for rapid social change, in which the means, violent or non-violent, are justified by the belief itself. Generally, radicalisation is the process of recruitment and indoctrination and training others to carry out the perceived necessary actions to achieve great and extreme social or political change.
<b>Reasonable suspicion</b>	This standard of proof applies to an investigation prior to making the decision to proceed with a disciplinary hearing. Reasonable suspicion/comfort means that a reasonable conclusion has been reached that an event may have occurred, which, taken together with rational inferences, would suggest that a formal disciplinary hearing should be instituted.
<b>Registrar</b>	The Registrar of The IIE.
<b>Representative</b>	The person (another student, a staff member/lecturer who supports, advises, and represents either the Respondent or the Complainant at their request throughout any process outlined in this Policy.
<b>Respondent</b>	Person or group against whom a complaint is laid or an allegation is made, or against whom a formal disciplinary charge has been laid.

<b>Restitution</b>	It is a requirement to make restitution to the Institution or the person who has suffered loss and can only be imposed to require a student to “make good” damage caused by their misconduct and does not extend to providing compensation. Restitution may be made by making a payment or undertaking certain actions.
<b>Scribe</b>	A person appointed by the Disciplinary Officer to record the hearing and taking detailed notes of all investigative discussions, meetings, and Committee proceedings
<b>Smoke</b>	Means to inhale, exhale, hold, or otherwise have control over an ignited or electronic tobacco product, cannabis/marijuana, other plant, or substance, where smoke is a by-product.
<b>South African Police Services (SAPS)</b>	The policing service of South Africa
<b>Staff</b>	A person in the employ of The IIE normally, but not necessarily, employed on the campus concerned.
<b>Statement</b>	A formal description of events supported by an explanation or interpretation of the meaning or impact of events that can be made verbally or in writing.
<b>Student</b>	Any person currently registered for a full qualification or short learning programme or other course of study at The IIE.
<b>Student Information Management System (SIMS)</b>	The IIE system for academic management used for admissions and all student records.
<b>Student Support Team</b>	Members of the staff of a campus, division, or team who can be approached for advice and direction on a complaint. These will include, but are not necessarily limited to, the Counsellor, Student Wellness Manager, Head of Operations/Head of Academics and Teaching and Learning. (T&L) Specialist.
<b>Suspension</b>	Formal <i>instruction</i> from the Disciplinary Officer, campus disciplinary panel or Campus Head or equivalent to the student indicating that some or all rights and privileges of the student are withheld. This can be for a specific period, or until a specific action has been taken and/or until the disciplinary process has been finalised.
<b>The IIE</b>	The Independent Institute of Education (Pty) Ltd.
<b>this Policy/this Code</b>	Student Conduct and Discipline Policy (IIE015).
<b>Verbal Statement</b>	A statement not committed to writing but on which notes are taken by another person. The record of the statement is then normally signed and dated by the person making the statement.
<b>Verdict</b>	The formal finding/official decision of the Disciplinary Committee on the matters they are considering.
<b>Weapon</b>	Any object that is used intentionally and unlawfully to inflict harm or damage.

<b>Work-Integrated Learning (WL)</b>	Work-Integrated Learning is a purposeful, organised, supervised, and assessed educational activity that integrates theoretical learning and its practical application. It thus encompasses curricular, pedagogic and assessment practices across a range of academic disciplines that integrate formal learning with real-world workplace application.
<b>Witness</b>	A person who has direct knowledge of the events, and who gives testimony of the facts to the Investigating Officer and/or the Disciplinary Committee.
<b>Written Statement</b>	Written statements (handwritten or printed) signed and dated by the person making the statement.

# 1 INTRODUCTION

## 1.1 Strategic Intent of the Independent Institute of Education (The IIE)

(1) The Independent Institute of Education (Pty) Ltd (“The IIE”) aims to inspire individuals to develop a sense of self as citizens of change in a complex world through its commitment to transformation and excellence in learning and teaching, scholarship, and community engagement. This means that we:

- a) Encourage and develop individuals to fulfil their potential and enable them to make meaningful contributions within their spheres of influence.
- b) Empower individuals to become mindful and ethical active citizens and leaders who challenge established ideologies, narratives, and ways of thinking.
- c) Foster creativity and innovation through embracing diverse ideas and solutions in our commitment to the co-creation of knowledge that transforms individuals and society.
- d) Pursue impactful research and collaborations that improve and enrich lives, communities, and society.
- e) Entrust individuals to take responsibility for their learning and development while providing them with appropriate support to enhance their success.

## 1.2 What We Value

(1) We value a transformative mindset characterised by ‘change’, (an acronym for the below concepts):

- a) **Co-creation:** Collaboratively pursuing knowledge that transforms individuals and society.
- b) **Holistic thinking:** Approaching challenges from a systemic viewpoint, acknowledging the interconnectedness and interrelatedness of all the parts.
- c) **Advocacy:** Championing meaningful, positive, and sustainable change ethically and mindfully.
- d) **Nation-building:** Promoting social cohesion that celebrates and embraces diversity, equity, and inclusion.
- e) **Grit:** Navigating challenges that accompany learning and transformative change with passion, perseverance, and resilience.
- f) **Empowerment:** Enabling individuals to participate actively in shaping their own lives and the world around them.

(2) These characteristics collectively form a transformative mindset that embraces change, innovation, and growth, while empowering individuals and communities to create positive and lasting change in society.

### 1.3 IIE Graduate Attributes

- (1) Our graduates have a transformative mindset and are:
  - a) **Innovative Co-creators** who seek ethical and meaningful solutions and promote transformative knowledge that addresses challenges faced by individuals and society.
  - b) **Holistic Thinkers** who adopt eco-systemic perspectives on global issues and local contexts and view challenges and solutions critically and comprehensively.
  - c) **Change Advocates** who skillfully and mindfully challenge the status quo and champion meaningful solutions through principled leadership.
  - d) **Engaged Citizens** who promote social cohesion, diversity, equity, and inclusion, leading with purpose, influence, and integrity within their respective spheres of influence.
  - e) **Resilient Navigators** who approach learning, transformational and personal challenges with unwavering perseverance and a willingness to adapt.
  - f) **Empowered Individuals** who are self-directed, life-long learners who seek opportunities for growth and continually expand their knowledge and skills in pursuit of personal and professional success.
  - g) **Intellectually Curious Individuals** who are self-reflective with a tolerance for ambiguity and the intellectual curiosity to explore new ways of thinking, knowing, being and understanding.
  - h) **Versatile Communicators** who can both collaborate effectively within a team and work independently, with well-developed negotiation and networking skills.

## 2 POLICY PURPOSE, SCOPE AND APPLICATION

- (1) This Policy supports the commitment to the creation of a campus and learning environment that is safe for all students, staff and others who engage with The IIE. This includes adherence to all rules and regulations of The IIE in general and as may be specifically detailed from time to time.
- (2) The approach taken is centred on the following principles:
  - a) Commitment to maintaining an environment characterised by **respect, accountability and integrity** in which effective teaching and learning can take place.
  - b) Expectation for students to conduct themselves in line with the Constitution, the common law of the country and the preservation of human rights and dignity.
  - c) Commitment to respecting the student's right to privacy, human dignity, and autonomy, but it does not place these rights over the rights of others to safety and security in a learning and working environment.
  - d) Prohibition of conduct (in person or virtually) is divisive, destructive or undermines the rights and freedoms of others. Extremism and radicalisation are explicitly prohibited.

- e) Respect for the right to freedom of religion, belief and opinion and advocates for academic freedom and the freedom of expression to promote these in a respectful, diverse, and inclusive manner.
- f) Promotion of Respect, Diversity, and Inclusion (RDI) as core values and will act to support these principles.
- g) The safety, health and well-being of students, campus staff, and lecturers.
- h) The quality and integrity of teaching and learning and ethical research.
- i) The creation of a respectful, diverse, and inclusive culture.
- j) The preservation of assets of The IIE and those of others on the premises.

(3) Any conduct that undermines the safety and well-being of a person, or the safeguarding of the premises, platforms, or processes of The IIE, will be handled in such a manner as to restore safety. The IIE will cooperate with others in society charged with the maintenance of the above, including but not limited to the South African Police Services (SAPS).

(4) The IIE is committed to the principles of restorative justice practises<sup>8</sup>. These are practices in a justice system that focuses on the rehabilitation of offenders and the restoration of the well-being of victims, through reconciliation with victims and the community at large, driven by the direct involvement of both the offender and the victim in determining penalties where appropriate.

(5) The IIE retains sole and final responsibility for the setting and management of penalties and whether restorative opportunities are possible.

(6) The IIE offers students and others within its environment and influences a graduated system (see section 3.1) for accessing mechanisms to redress harm, seek positive outcomes, and resolve disputes and wrongdoing. In other words, students are expected to use the most collaborative methods first, where appropriate, before engaging in methods that rely more on the principles of sanction to achieve their ends. This is not always possible or appropriate.

(7) All general concerns and grievances must be logged on IIE Assist so that adequate records can be kept.

(8) The Policy applies to all students:

- a) Irrespective of their mode of study or registration type.
- b) In-person or online or using any other means of communication or engagement.
- c) On The IIE premises or Precinct of The IIE or platforms.
- d) At The IIE sponsored or organised events on or off campus.
- e) Carrying out activities associated with The IIE.

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<sup>8</sup><https://www.justice.gov.za/rj/rj.html#:~:text=Restorative%20Justice%20processes%20must%20comply,in%20no%20domination>

- f) Representing The IIE.
- g) Engaging with others associated with The IIE.

(9) All personal information collected should be handled in accordance with the Constitution and the Protection of Personal Information Act, 2013 (POPIA). In particular, the processing of personal information should be consistent with POPIA's conditions for lawful processing of personal information. These include purpose specification, processing limitation, ensuring quality of information, accountability, limitations on further processing, correction of information, and retention of records.

## **3 STUDENT COMPLAINT RESOLUTION**

### **3.1 A Graduated System**

- (1) Learning to manage natural conflict and disagreement between individuals and groups is aligned with The IIE's commitment to assisting students to develop strong social and citizenship skills. The IIE offers students (and staff and contractors) several ways to seek assistance to resolve disputes without or before resorting to disciplinary action.
- (2) Students are encouraged to engage in the most collaborative method possible, given the nature of the dispute, without undermining their own sense of safety and well-being, or the safety and well-being of others. Similarly, depending on the nature of the concern, The IIE will seek to engage with students within a restorative framework whenever possible.
- (3) The disciplinary processes will be entered into when necessary and appropriate, and if the complaints and dispute resolution processes fail. Therefore, the Policy deals with student complaints/grievances, and requests for Mediation and Formal Disciplinary Processes in that order.

### **3.2 General Process and Principles for Student Complaint Resolution**

- (1) All complaints must be logged on IIE Assist or the relevant desk on campus, depending on the nature of the matter.
- (2) If any campus that has been recently acquired does not have access to IIE Assist, an email address for this purpose will be provided.

- (3) Individual students may opt to use the complaints process to seek to resolve a dispute or grievance with another student, a staff member, or lecturer, including online tutors, or The IIE without escalating the matter further to the disciplinary process that may apply to the Respondent. The choice must be offered to the Complainant when the matter is first reported but the decision rests with the Complainant.
- (4) If a complaint is directed against a student by a lecturer or a staff member, only level 2 of this procedure can be used if the disciplinary process is not immediately used. This is to ensure the involvement of a neutral third party that can manage any potential power differentials.
- (5) If an area of dispute or grievance is provided for in another policy, such as the Assessment Strategy and Policy (IIE009), that specific policy takes precedence until all its provisions have been exhausted, or that policy refers to this one for a particular matter.
- (6) Complaints by students must be dealt with in a supportive environment free of victimisation or intimidation of anyone connected with the complaint, either during or after a complaint resolution procedure.
- (7) Informal and early resolution of complaints is encouraged and may include Mediation by a third party if agreed to by both the Complainant and the person against whom the complaint has been laid.
- (8) Except with the explicit permission of the Registrar, no complaint will be handled that deals with an event that occurred three months or more prior to the complaint being laid and which has not recurred since the first occurrence.
- (9) Any student involved in these processes may have a representative as defined above who is able to support, guide and advise them on any part of the process but in the case of the complaints process, may not speak on behalf of the student concerned, but can be present in all interactions to assist the student.
- (10) The complaints processes will be conducted in accordance with the principles of natural justice and restorative practice, and include, for both parties:
  - a) Assurance of the absence of bias in decision-making by the involvement of persons who have no vested interest or bias in relation to the matter to be decided.
  - b) An opportunity to suggest who should be involved in the decision-making and what outcome would be viewed as having resolved the matter.
  - c) Absolute clarity on the process to be followed and regular feedback to all parties involved.
  - d) An opportunity to be heard on all elements of the matter.
  - e) Sufficient time for both parties to prepare their statements, positions, or contributions.

- f) Appropriate confidentiality without hindering the resolution of the complaint and without limiting the right of The IIE to take further action as may be required to protect individuals, or The IIE, or to deal with possible violations of the law.
- g) Timous handling of complaints to enable clear resolution without undue delay.

### 3.3 Complaint Resolution Level 1: Mediation

#### 3.3.1 Introduction

- (1) The Complainant and the Respondent may have endeavoured to resolve the matter without success prior to reporting it for Complaint Resolution Level 1: Mediation. However, negotiation is not a prerequisite for a matter to be dealt with through Mediation. The Mediator should find out from the parties if they have attempted to resolve the matter through negotiation.
- (2) **Timeline for mediation:** The Student Support Team member in receipt of the Complaint should ensure that the Complaint is resolved or finalised within five working days of the Complaint being raised with them.
- (3) **Extension of the timeline for mediation:** Extensions to this time frame can only be authorised by the relevant Disciplinary Officer (DO) or their delegate for a further period of no more than five working days only for reasons such as the availability of relevant staff member/lecturer, or students and or assessments, or holidays, or illness.
- (4) If the extension period lapses, the matter needs to be escalated to the relevant Disciplinary Officer (DO).

#### 3.3.2 Pre-Mediation

- (1) The Complainant must log the Complaint on IIE Assist.
- (2) The relevant IIE Assist staff member must forward the complaint to the relevant Student Support Team member, who will then assume the role of a Mediator.
- (3) The Student Support Team member (Mediator) should invite the Complainant and the Respondent to a meeting. The Student Support Team member conducts the pre-mediation meeting, in person or using an appropriate technology, following the guidelines for the Pre-Mediation meeting provided in the Procedure Document.

#### 3.3.3 The Mediation Process

- (1) The Student Support Team member should conduct the Mediation process, and the guidelines are provided in the Procedure Document.

- (2) The outcome of the Mediation Process would be either **Complaint Resolved** or **Complaint Not Resolved** (see Annexure 1: Outcome of Complaint Resolution Level 1: Mediation).
- (3) If the parties do not reach a consensus or agreement, the choices the Complainant would have, which must be discussed with them by the Student Support Team member designated as a Mediator, are:
  - a) Take no further action, or
  - b) Lodge a formal complaint on IIE Assist within 10 working days of the Mediation Process, with the request that the matter be handled in terms of a Complaint Resolution Level 2: Conciliation, or
  - c) Lodge a formal complaint on IIE Assist within 10 working days of the Mediation Process with the request that the matter be handled in terms of a Disciplinary Procedure.

### 3.3.4 Post-Mediation

- (1) The Student Support Team member must log the outcome of the Mediation Process on IIE Assist and annotate the Student Information System or other appropriate record of both parties within three working days.

## 3.4 Complaint Resolution Level 2: Conciliation

### 3.4.1 Introduction

- (1) A person may use Level 2 if Level 1 has failed or if Level 1 is not the most suitable method to resolve the dispute.
- (2) A Complaint that is being taken to Complaint Resolution Level 2 following a Level 1 process must be lodged within 10 working days of the date of completion of Level 1.
- (3) **Timeline for conciliation:** The Complaint Resolution Level 2 process should take no more than five working days from receipt of the written Complaint by the appropriate person for investigation.
- (4) **Extension of the timeline for conciliation:** The timeline may be extended after consultation with the Respondent and Complainant, considering matters such as the availability of relevant staff member/lecturer or students. If either object to the extension, the next most senior person may still authorise the extension but must note the objection in the record of the Complaint.

### 3.4.2 Pre- Conciliation

- (1) The Complainant must log the Complaint on IIE Assist for resolution in terms of the

Complaints Resolution Level 2.

- (2) The Complaint should be referred to the Disciplinary Officer by the relevant IIE Assist staff member.
  - a) A Complaint against the Disciplinary Officer should be referred to their immediate manager by the IIE Assist staff member.
  - b) A Complaint that has to do with an institutional matter should be referred to the Registrar by the relevant IIE Assist staff member.
- (3) Investigation prior to the Conciliation Process:
  - a) The Conciliator (Disciplinary Officer or person nominated by the Disciplinary Officer or the Registrar) (**see Annexure 2: Designation of Conciliator – Complaint Resolution Level 2: Conciliation**) should conduct an investigation by first meeting with the Complainant and Respondent separately.
    - i. The Conciliator may conduct an investigation to seek additional information on the matter, which will only be of a scope limited to gaining information to make a recommendation. Such investigation may not go beyond people listed by the parties as being relevant to the resolution unless the Conciliator has informed both parties that he/she will be speaking to people not listed.
    - ii. The Conciliator may consult with the Registrar, Deputy Registrar, or other appropriate senior people from ACE, or the brand national team on technical matters related to the Policy.
  - b) The student and/or the Respondent may elect to be represented or supported by a fellow student or staff member/lecturer of choice, provided that such fellow student or staff member/lecturer accepts such appointment (**see Annexure 3: Representation During Complaint Resolution Level 2: Conciliation**).

### 3.4.3 The Conciliation Process

- (1) The Guidelines for the Conciliation Process are provided in the Procedure Document.
- (2) During the Conciliation Process, the Conciliator needs to ensure that each party has an opportunity to tell their version of the story.
- (3) The Conciliator should ensure that they identify facts and issues by summarising each party's views and reaching a conclusion as to what the issues are in a dispute that needs to be resolved during the conciliation process. The Conciliator is advised to write down the issues in dispute.
- (4) The Conciliator should allow the parties to think about possible solutions and thereafter list the solutions and ask each party how they feel about each solution.

- (5) The Conciliator should then revise the possible solutions and attempt to identify a solution with which both parties can agree.
- (6) The Conciliator should assist the parties to reach a settlement agreement that they will sign. The settlement agreement should also state what will happen if either of them breaks the settlement agreement (see **Annexure 4: Complaint Resolution Level 2 Conciliation: Outcome/Settlement Agreement**).

#### **3.4.4 Post-Conciliation Process**

- (1) The Conciliator must log the outcome of the Conciliation Process on IIE Assist and annotate the Student Information System record or other appropriate records of both parties and request the relevant campus person to do so.
- (2) The completed Annexures must be loaded onto document tracking and must be recorded under other/miscellaneous as “Outcome of Conciliation Process” and not as Disciplinary Outcome.
- (3) As this is a complaints procedure, neither the Respondent nor the Complainant is bound to accept the outcome but will be held to the outcome if they sign the settlement agreement (see Annexure 1: Outcome of Complaint Resolution Level 2).
- (4) If the Complaint cannot be resolved at Level 2, if, for instance, the Complainant or Respondent does not agree with the settlement agreement proposed by the Conciliator, the Disciplinary Process is the remaining recourse. The Complainant will then need to log a formal complaint on IIE Assist to the Disciplinary Officer for handling in terms of the Disciplinary Code.

#### **3.5 Gravitas of Outcome**

- (1) The purpose of the complaint resolution process is to restore harmony and order and settle disputes without invoking the formal disciplinary Policy for staff or students. A finding in terms of this process is therefore recorded on either the staff member/lecturer file and on the student record (as appropriate) as the outcome of a conciliation or Mediation Process but is not recorded as a disciplinary outcome.
- (2) Should a complaint of the same nature be raised again against the same person/s, the outcome already recorded should be taken into consideration as a source of information and may be considered as an aggravating factor in determining a penalty.
- (3) Normally, the emergence of a complaint of a similar nature within a 12-month period would be a reason to escalate a new complaint to the disciplinary procedure, but this is not a binding requirement of this Policy.

### **3.6 Participation and Support Available During the Complaint Resolution Process**

- (1) It is expected that students and/or staff members /lecturers involved in these procedures will participate in good faith.
- (2) It is recognised that in applying these procedures, the student or Respondent may require support. In the case of the student or Respondent being a student or group of students, this support may be sought from a friend or colleague of choice, or from counsellors or other members of the student support team within The IIE.
- (3) In the case of the student or Respondent being an organisational unit, support and advice may be sought from relevant staff members within The IIE with specialist knowledge of the situation, provided that such contact does not create a conflict of interest.
- (4) The person from whom support is sought need not act as a formal representative for the student or staff members concerned.

### **3.7 Conclusion of the Complaints Resolutions Process**

- (1) Within five working days of the complaint having been concluded, the Disciplinary Officer shall check that the full details have been recorded on IIE Assist and on the student's Student Information System record.

### **3.8 Student Complaints to External Parties<sup>9</sup>**

- (1) Students are encouraged to resolve complaints through The IIE's complaint resolution processes.
- (2) The IIE acknowledges that students may, from time to time, be required to involve an external party to review a matter particularly where the internal processes to find the resolution have already been followed or if the complaint cannot be resolved by the usual complaint resolution process falls within and is provided for in the process of a third party or is capable of being reported and resolved by the external party concerned.
- (3) A student has the right to lodge a complaint with an appropriate external party or government authority or accreditation body in order to have the dispute resolved.
- (4) Students may not be penalised, discriminated against or victimised for lodging a complaint with an external party or in the course of carrying out the external complaints resolution process.

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<sup>9</sup> S60: 2022/07/14 Item 8.2.3.1

- (5) Students should ensure that the internal complaints resolution processes of the institution are exhausted prior to escalating to any external party. As a general rule, complaints are normally accepted by the external parties if relevant and within their scope of operations and if the internal processes of the institution have been followed and exhausted. Complaints lodged with an external party, government authority or accreditation body without following internal processes or prior to exhausting internal processes are often referred for resolution at the institution.
- (6) Students submitting complaints to any external party need to ensure that the policies and procedures relating to complaint resolution of the body or institution or party concerned are followed and that the complaint is relevant to and falls within the scope of the external party concerned and capable of being resolved by it.

### **3.9 When is the Disciplinary Process used Instead of the Complaints Process?**

- (1) The provisions and requirements of the disciplinary process are used when:
  - a) A complaint has not been resolved satisfactorily at Level 2 and is then referred to the Disciplinary Process for resolution.
  - b) A complaint relates to misconduct of a level and type not amenable to resolution within the Complaints Process.
  - c) The IIE or the Complainant is not willing to handle the matter relating to misconduct or violation of the Rules in terms of the Complaints Process, even though such matter is capable of being resolved through Mediation or Conciliation.
  - d) A student is already subject to a suspended penalty.
  - e) A second complaint of a similar nature to a complaint lodged and handled 12 months or less ago is lodged, irrespective of the outcome of the first complaint.

## **4 DISCIPLINARY STRUCTURES**

### **4.1 Campus-based Structures**

- (1) One senior manager on each campus is designated as the Disciplinary Officer (DO) and is responsible for the implementation of this Policy in general and the functions as specified. Where necessary, more than one senior manager may be appointed on a campus. The Disciplinary Officer is officially appointed by the Campus Head or Brand Managing Director.<sup>10</sup>
- (2) In the absence of the Disciplinary Officer or in the case of a conflict of interest, the next most senior person or the Campus Head will be the responsible person.

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<sup>10</sup> S61: 2022/11/03 Item 8.2.5

- (3) All members of the student support team are available to students for support in the Complaints Process as specified below but may recuse themselves due to a conflict of interest, an inability to remain objective on the matter, or for any other reason.
- (4) Campuses need to have at least one competent Mediator to assist with dispute and grievance resolution. Externally trained mediators can be used when required at the expense of the campus.
- (5) The Disciplinary Officer will appoint an Investigating Officer (IO) as per section 8.2. This person must meet the requirements of the relevant section and must have no conflict of interest in the matter. The Disciplinary Officer may carry out the investigation.
- (6) The Disciplinary Officer will appoint the Prosecutor, who is the person who will present the case against the Respondent. This may be the Disciplinary Officer, or the Investigating Officer or another person. The Investigating Officer (IO) will then normally be called as a witness to explain the investigation process if he/she is not the Prosecutor.
- (7) The language of instruction of The IIE is English and students should be able to participate in these processes in English but may request the support of an Interpreter in any official SA language in any matter in which the Prosecutor intends to ask for the sanction of expulsion. The Interpreter is then to be provided at campus expense, and the student is then required to only work through the Interpreter for the proceedings. The Interpreter does not have to be a professional but the student requiring these services must indicate that they believe the person to be sufficiently competent in the language in question.
- (8) Each campus will have a Disciplinary Committee constituted as per the requirements in section 9.1.

## 4.2 Structures for Students Registered in the Distance Mode

- (1) The matter will be allocated to the Disciplinary Officer responsible for students studying in this mode, who would then involve other staff as required.
- (2) All members of the student support team designated to support students studying online/distance, including online and programme success tutors, are available to students for support in the Complaints Process as specified below but may recuse themselves due to a conflict of interest, or an inability to remain objective on the matter, or for any other reason.
- (3) A competent Mediator is available to assist with dispute and grievance resolution. Externally trained mediators can be used when required at the expense of The IIE.
- (4) The Disciplinary Officer will appoint an Investigating Officer as per section 8.2. This

person must meet the requirements of the relevant section and must have no conflict of interest in the matter. The Disciplinary Officer may carry out the investigation.

- (5) The Disciplinary Officer will appoint the Prosecutor, who is the person who will present the case against the Respondent. This may be the Disciplinary Officer, the Investigating Officer, or another person. The Investigating Officer will then normally be called as a witness to explain the investigation process if he/she is not the Prosecutor.
- (6) The language of instruction of The IIE is English, and students should be able to participate in these processes in English but may request the support of an Interpreter in any official SA language in any matter in which the Prosecutor intends to ask for the sanction of expulsion. The Interpreter is then to be provided at The IIE's expense, and the student is then required to only work through the Interpreter for the proceedings. The Interpreter does not have to be a professional but the student requiring these services must indicate that they believe the person to be sufficiently competent in the language in question.
- (7) The Disciplinary Officer will constitute the Disciplinary Committee, drawing on staff and lecturers working with students in the distance mode and members of the group of class representatives for distance students.
- (8) Interviews and hearings are conducted online or by telephone or other form of technology as may be appropriate or may, with the consent of all parties, which must be obtained by the Disciplinary Officer, take place on the nearest campus of The IIE.

### **4.3 Institutional Appeals and Role of the Office of the Registrar**

- (1) The Registrar or Deputy Registrar is responsible for ensuring the constitution of the Appeals Committee.
- (2) Disciplinary Officers and Investigating Officers may consult with the Registrar or the relevant Deputy Registrar on matters that are being handled on campus, but the person with whom they consulted may then not be part of the Appeals Committee on the same matter.
- (3) Chairs may not consult with members of the Office of the Registrar on active matters.

## **5 MISCONDUCT**

- (1) In terms of The IIE's approach to student discipline and conduct, misconduct is wrongful, improper, or unlawful behaviour committed intentionally, or at least without regard for the reasonably accepted consequences of one's actions.
- (2) It includes specific acts that violate specific rules or principles, as well as any conduct

that undermines the proper functioning of The IIE in any way.

- (3) It is recognised that misconduct may be unintentional. Lack of intent to do harm may be a mitigating factor only if, against the test of reasonable expectations held of students, it would be unreasonable to have expected the student to be aware of the potential harm. Nevertheless, with or without intent, the extent of harm or potential harm remains material in considering appropriate penalties.
- (4) A student may, therefore, be guilty of misconduct if the student fails to act positively in terms of the Rules below or commits, or assists, or conceals any conduct as specified in the Rules below.

## 6 CORE VALUES AND STUDENT CONDUCT RULES OF THE IIE

### 6.1 Respect, Diversity, and Inclusion (RDI), Integrity and Accountability

- (1) All rules of The IIE are connected to the values of **Respect, Diversity and Inclusion (RDI), Integrity and Accountability**.
- (2) Behaviour that supports the three values is described below and the associated specific offences, which are violations of these values, are detailed in the appropriate sections of the Policy.
- (3) When a disciplinary process is initiated, it will normally reference the details of section 6 but may refer to the potential violations of elements of the Code which are based on the Values as detailed in this Code, even if the specific conduct has not been included in this Code.

### 6.2 Respect, Diversity and Inclusion

- (1) In terms of Respect, Diversity and Inclusion all students are expected to:
  - a) Conduct themselves in a manner that is respectful and inclusive and open to diversity:
    - i. Respect is the genuine admiration for people based on their qualities and characteristics and it is exercised through behaviours that do not discriminate against people due to any qualities or characteristics.
    - ii. Diversity as a value is based on a deliberate deep appreciation of people because of their differences and the value that difference can bring to an environment.
    - iii. Inclusion is the provision of equitable opportunities to all, independent of their qualities, characteristics, and differences.
  - b) Actively promote, through their own conduct or influence on the conduct of others, an environment (physical or virtual) that is free from stereotype, exclusion, prejudice, or discrimination in relation to the gender, race, sexual preference, political affiliation, nationality, marital status, disability, religious belief, or any other characteristic of any other person.
  - c) Contribute to a harmonious and positive learning environment that is respectful of the rights and interests of all those in the environment.
  - d) Respect other people's rights to privacy, dignity, safety, and confidentiality (including staff members/lecturers, other students and independent contractors, including cleaning staff and security personnel, etc.).

- e) Respect any information to which the student gains access in relation to any person or entity with due regard for the interests, dignity and rights of that person or entity.
- f) Safeguard the well-being of themselves and others.
- g) Not place others at risk.
- h) Respect the laws, rules, regulations and conventions of the country and the immediate context (formal or informal; social or academic; indoors or outdoors, virtual, or physical, etc.).

### 6.3 Rules related to Respect, Diversity and Inclusion (RDI)

- (1) Students are expected to conduct themselves in accordance with these rules and may be guilty of misconduct if they do not.
- (2) A student shall:
  - a) Respect and comply with reasonable instructions given to him or her by a member of staff/lecturer, such as cleaning staff and security personnel, etc., or other persons designated by The Independent Institute of Education, that are intended to promote the business and wellness of our Institution.
  - b) Comply with any traffic, parking, access, or appropriate use facility rules of any campus of The IIE, or any other facility in use by The IIE and adhere to security protocols on campus.<sup>11</sup>
  - c) Report any offence or misconduct committed within the precincts of The IIE's campus within a reasonable time.
  - d) Report any offence or misconduct that has impacted negatively on the safety or well-being of any member of The IIE or its facilities and systems.
  - e) Conduct themselves at all times in a manner that will not bring The IIE into disrepute including when engaged in work-integrated learning or any activity in which he/she represents The IIE or in any situation in which he/she or they<sup>12</sup> can be identified as a student of The IIE. This includes but is not limited to refraining from misconduct and conducting oneself in accordance with the appropriate conventions of the context concerned.
  - f) Conduct themselves in a manner that will not cause harm or undermine the well-being of any person associated with The IIE or cause harm to any of its resources.
  - g) Respect the rights of all individuals with whom they engage with as a student of The IIE.
  - h) Communicate, on any platform, to or about any member of The IIE and The IIE itself in a manner that is truthful and respectful and will not cause harm or unnecessary distress to the person about whom or to whom they are communicating.

<sup>11</sup> S61: 2022/11/03 Item 8.2.5

<sup>12</sup> S61: 2022/11/03 Item 8.2.5

- i) Demonstrate through their conduct respect for the Constitution and the Bill of Rights.

(3) A student shall not:

- a) Harass, threaten or bully or cause any of these actions towards any other person on or off campus in any manner, including in person or using any digital means or media.
- b) Violate or compromise the privacy or dignity of any other person or any individual, including stalking.
- c) Bring, or be in unauthorised possession of alcohol, or consume alcohol within the precincts of The IIE campus except as allowed in the Policy of The IIE, or with the written permission of the Campus Head and/or Managing Director.<sup>13</sup>
- d) Be drunk, or under the detrimental influence of alcohol or any other substance, on campus under any conditions or at any time.
- e) Use, be in possession of, or under the influence of, a dependence-producing substance, even if it is a legal substance, within the precincts of The IIE campus without a medical prescription. In the latter case, the Campus Head must be notified, and a copy of the prescription produced.
- f) Smoke (including e-cigarettes) on any IIE campuses, except in spaces specifically designated and clearly marked for that purpose.
- g) Use a cellular telephone or any other device in such a manner as to disrupt the teaching and learning process, or to use such a device in violation of any of the requirements of the Assessment Strategy and Policy (IIE009).
- h) Bring within the precincts of The IIE's campus or any other facility in use at the time by The IIE, or have in their possession or control, or supply or dispose of to any other person within the precincts of The IIE campus, or any other facility in use at the time by The IIE, any firearm or any object which is capable of being used for the infliction of bodily harm of any kind.
- i) Have in their possession, or share, in any format any prejudicial or pornographic material or any material that would violate any SA law or that would promote any discrimination, discord, disrespect or hate, or access any Internet site that contains; such material nor view, download, or save any such material from such a site or any other source using The IIE's equipment or infrastructure.
- j) Bring any material covered in the item above onto any IIE campus without the permission of the Campus Head, and then only for appropriate and pre-approved academic work. Such permission will be denied if the work request violates any other provision of the rules and policies of The IIE.
- k) Obstruct or disrupt any teaching (contact or online), study, research, examination, or test or any official meeting, proceeding, or ceremony, or any other activity of The IIE.

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<sup>13</sup> Senate Round Robin: 2024/08/07

- i) Discriminate unfairly or act in any other manner prejudicial to any person within The IIE on any grounds, including but not limited to, race (colour, ethnicity, national origin, nationality, or descent), gender, sex, pregnancy, marital status, age, sexual orientation, family responsibility, family status, political conviction, religion, belief or culture, language, birth and disability or medical condition).
- m) Interfere unduly with the freedom of speech within The IIE; of any member of The IIE, or of any speaker invited by any member of The IIE to express their views.
- n) Interfere with the freedom of movement within The IIE or of any member of The IIE, or any guest or visitor.
- o) Obstruct or attempt to obstruct or deter any staff member/lecturer or other authorised person of The IIE in the performance of their duties.
- p) Damage, destroy, attempt to damage, or destroy, wrongly deal with, sell, or wrongly use, unlawfully possess, or misappropriate any property (physical or virtual) of The IIE, or the property of any person within The IIE.
- q) Physically, verbally, or sexually assault or injure, or attempt to assault or injure, or threaten any person within The IIE, or cause any person to hold reasonable fears for their safety or physical or psychological well-being;
- r) Engage in any conduct towards or with a minor or any other person with whom they make contact while carrying out an activity sanctioned by or associated with The IIE that can reasonably be considered inappropriate for the context, and/or violates any of the rules or principles in this Code.
- s) Conduct him or herself in such a manner as to create a hostile or exclusionary environment for others.
- t) Refuse the instructions or authority of, or be insubordinate to, any staff member/lecturer, office-bearer, or official body of The IIE carrying out their roles and duties.
- u) Intentionally or negligently contravene this Code or encourage any other person to contravene this Code.
- v) Conduct himself/herself in a way that is or could be prejudicial or is or could bring into disrepute the good name of The IIE.
- w) Conduct himself/herself/themselves in a manner that has the potential to reduce confidence in the safety of the learning environment or institutional safety, including commission of a crime or act of GBV or GBV-related sexual offences.<sup>14</sup>
- x) Conduct himself/herself/themselves in a way that could be prejudicial<sup>15</sup> to the maintenance of order and discipline at The IIE campus, or the proper performance of the work of The IIE.
- y) Conduct him or herself in a way that is or could be prejudicial or is or could bring into disrepute the good name of any person within The IIE.
- z) Commit, perpetrate and/or perpetuate an act of GBV on or off the campus.<sup>16</sup>
- aa) Refuse to submit to the authority of any legitimate decision of an authoritative body of The IIE or staff member/lecturer of The IIE.
- bb) Conduct himself/herself in a disrespectful, exclusionary, unbecoming, improper

<sup>14</sup> S61: 2022/11/03 Item 8.2.5

<sup>15</sup> S61: 2022/11/03 Item 8.2.5

<sup>16</sup> S61: 2022/11/03 Item 8.2.5

or disgraceful manner on the campus, online or elsewhere as a student of The IIE.

- cc) Engage in inappropriate behaviour of a sexual nature on an IIE campus, which shall include but is not limited to engaging in sexual activity on the campus; sexually crude and/or otherwise offensive commentary, or any other form of conduct of a sexual nature, particularly where such conduct impinges on the dignity or privacy of any other person/s.
- dd) Use any illegal drugs, or have in their possession or control, or supply or attempt to supply, or dispose of or attempt to dispose of any illegal drugs to any person within the precincts of any campus or event or facility of The IIE.
- ee) Use any information that may cause harm (reputational or otherwise) to any person, particularly in violation of these rules or other rules of The IIE or any appropriate legislation.
- ff) Fail to comply with any penalty imposed under any, Policy, Regulation, Rule or Senate resolution of The IIE.

## 6.4 Accountability

- (1) In terms of Accountability all students are expected to:
  - a) Take responsibility for their conduct and their impact.
  - b) Take responsibility for their learning and their adherence to the requirements of their course of study.
  - c) Take responsibility for their involvement in any activity associated with The IIE.
  - d) Monitor their own progress throughout their course study and to seek advice, support, or assistance when he/she experiences difficulties.
  - e) Provide solicited and unsolicited feedback for the improvement of the teaching and learning environment.
  - f) Resolve disputes, appeals or grievances honestly and openly by participating in available processes.
  - g) Use the facilities and resources that are provided in accordance with their function and the conditions for their use.
  - h) Familiarise themselves with the rules, regulations, policies, and procedures of The IIE and to comply with these.
  - i) Manage their own conduct with due regard to the impact of that conduct on others and on the environment.
  - j) Participate actively, honestly, and positively in all the activities that constitute the teaching/learning process.
  - k) Familiarise themselves and comply with the protocols and other rules or policies that may apply to a facility (such as the information centre or computer venues) or a programme, or module in a programme, including those associated with work- integrated learning (WIL).

## 6.5 Rules Related to Accountability

(1) A student shall:

- a) At all times, when within the precincts of a campus of The IIE, carry their official identity card and produce it when called upon to do so by a member of staff/lecturer, or other official.
- b) Honour deadlines, timetables and schedules assigned to classes, assignments, and tests, and other events on campus so as not to undermine teaching and learning on the campus.
- c) Consult the examination and other assessment timetables available on the student portal, learning management platform or displayed on-site before each examination session. Misreading the examination or assessment timetable will not be condoned as a reason for not complying with an academic policy.
- d) Pay all fees and monies due to The IIE, noting that results obtained by a student in any examination and/or graduation certificate shall not be published or provided unless and until all fees and other monies due have been paid.
- e) Maintain proper care and oversight of their possessions as The IIE does not accept responsibility for loss, theft of, or damage to vehicles or property arising out of a student's attendance at an IIE campus, howsoever caused.

(2) A student shall not:

- a) Without prior permission of The IIE, register or be registered with another educational institution unless registration with the other institution is a requirement for receiving tuition services from a branch of The IIE.
- b) Obstruct or disrupt any teaching, study, research, assessment, or any official meeting, proceeding or ceremony or any other activity of The IIE's campus.
- c) Enter, or remain in or on any building or land of The IIE where students are forbidden to enter or remain.
- d) Intentionally or negligently contravene this Code or encourage any other person to contravene this Code.
- e) Use The IIE's computers, educational facilities, engagement, or communication platforms, tools, or equipment in an unauthorised or inappropriate manner.
- f) Breach the terms of use for the institutional information centre (library) or any other facility of The IIE.
- g) Compromise the privacy or dignity of any individual, including but not limited to inappropriate sharing of personal information or bullying or harassment or stalking.
- h) Fail to comply with any penalty imposed under any Policy, Regulation, Rule or Senate resolution of The IIE.
- i) Advertise, distribute, or display a banner, placard, notice, circular, letter or pamphlet on a campus of The IIE or using any of the online platforms of The IIE without the prior written consent of the Campus Head.
- j) Advertise goods, offer goods for sale, fundraise, or collect money on the campus without the prior written consent of the Campus Head.

- k) Breach a law of the country in which the student is located for purposes of institutional activity.

## 6.6 Integrity

- (1) Integrity is founded on six values. These values are honesty, trust, fairness, respect, responsibility and courage.
- (2) In terms of Integrity, students are expected to:
  - a) Engage with others with integrity (in accordance with positive social ethics and standards) in all their endeavours at The IIE.
  - b) Participate actively, honestly, and positively in all the activities that constitute the teaching/learning process, including acting with integrity in relation to their work, which includes but is not limited to not cheating or in any other way falsifying or misrepresenting any work.
  - c) Recognise the intellectual property rights of others and therefore use the prescribed conventions for referencing and other attributions.
  - d) Report on events honestly.
- (3) All provisions of the following policies and procedure documents are incorporated herein:
  - a) IIE023 Intellectual Integrity Policy and PDIE023 Minimum Standards, Criteria and Procedures
  - b) IIE009 Assessment Strategy and Policy and PDIE009 Minimum Standards, Criteria and Procedures.

## 6.7 Rules Related to Integrity

- (1) A student shall always conduct themselves honestly.
- (2) A student shall not:
  - a) Engage in any cheating or dishonesty in any form of assessment or other prescribed work.
  - b) Collusion, including offering a bribe or other inducement to gain unfair academic advantage.
  - c) Falsify or exaggerate any evidence or report or statement to any member of The IIE and to any person involved in a Complaint or Disciplinary Process.
  - d) Attempt to mislead any person legitimately seeking an accurate account of any event or occurrence.
  - e) Falsify an academic record or research results, furnish false or misleading information to The IIE or use The IIE's/educational brand's name, symbol, or seal without due authority.
  - f) Commit any fraudulent act, such as presenting false doctor's/parents'/guardian's notes, misrepresenting the facts about a situation, or forging any official documentation.

- g) Make false or incorrect statements or provide incorrect information about The IIE or its educational brands, to any person.
- h) Take into an assessment venue or have in their possession whilst in the venue, any books, memoranda, notes, devices, or any paper whatsoever, except such answer books or other books or papers or devices as having been authorised by the Invigilator or for an open-book assessment.
- i) Aid or attempt to aid another candidate or obtain or attempt to obtain aid from another candidate or communicate or attempt to communicate in any way with another candidate during an assessment.
- j) Commit an act of plagiarism, including the copying of another student's assignment, misleading attribution of authorship or any copyright infringement, as provided for in the Intellectual Integrity Policy (IIE023).
- k) Misrepresent (or falsify) research results or not taking due care in recording or storing data and results.
- l) Commence with any research or perform any steps in the research process without obtaining the required ethics clearance from The IIE's Research Ethics Committee or other permissions.
- m) Use any research or any other information in breach of a duty of confidentiality.
- n) Take without authority or hide or damage the property of another person related to research or any other academic activity.
- o) Commit or attempt to commit a criminal offence including offences described in IIE 021 Policy (e.g., common law crimes, statutory crimes such as cybercrimes, etc.) on or off campus, particularly under circumstances in which this Code finds application or has jurisdiction as described in this Policy and/or commit or attempt to commit such crime against The IIE or another student or other people associated with The IIE e.g., parents or sponsors when committed in the course and scope of their relations with The IIE.<sup>17</sup>
- p) Commit or attempt to commit, on or off campus or in virtual space or physical space, a criminal offence through the use of any of The IIE's resources and/or materials, including but not limited to The IIE's computers, computer systems, computer programs, computer data storage medium.<sup>18</sup>
- q) Malicious communication involving:
  - i. disclosure of data message of intimate image;
  - ii. data message inciting violence or damage to property;
  - iii. data message that harasses or threatens or bullies.
  - iv. data message threatening violence or damage to property.
- i) Attempting, conspiring with another person, aiding, abetting, inciting, inducing, instigating, instructing, commanding or procuring another person to commit any crime or cybercrime, including through the use of the resources or systems of The IIE in violation of law and the IIE 015 Policy.<sup>19</sup>

<sup>17</sup> S60: 2022/07/14 Item 8.2.3.1

<sup>18</sup> S60: 2022/07/14 Item 8.2.3.1

<sup>19</sup> 19 S61: 2022/11/03 Item 8.2.5

## 7 PENALTIES/SANCTIONS

### 7.1 Guidelines for Sanctions

- (1) The penalty imposed must be consonant with the conduct and its impact or potential impact on the Complainant or others and naturally or logically associated with the conduct wherever possible. Therefore, for example, a penalty of suspension for a period or a limitation of rights to participate in campus-based social activities or a similar penalty would be an appropriate sanction where the conduct has resulted in fear or anxiety on the part of the Complainant or others, but where remorse and insight have been shown. A verbal warning would be inappropriate in this context.
- (2) The penalty imposed must be restorative wherever possible, for instance, if a student is found guilty of being under the influence of substances on campus, a penalty that includes compliance with a rehabilitation programme for a first offence would be appropriate but would not be appropriate if a person is supplying or selling those same substances to other people in which case expulsion or suspension would be more appropriate.
- (3) A penalty should have time-related consequences that are appropriate for the offence. For instance, a period of suspension should allow a student to successfully complete their qualification unless they have been found guilty of gross dishonesty, or of causing serious harm to others, with little indication of remorse and a high possibility of re-offending.
- (4) Penalties should be graduated and should be more serious for repeat offences, even if the conduct for which a penalty is imposed differs from the first offence if there is a period of 12 months or less between offences.
- (5) More than one penalty can be imposed if there is a logical fit between penalties and the misconduct and together the penalties create an appropriate sanction for the conduct. The aim of the penalty/penalties should be to restore harmony and potentially deter similar conduct on the part of the Respondent or other persons.

### 7.2 Penalties That May Be Considered

- (1) The guidelines below must not replace the responsible officer or panel deciding based on the facts and circumstances of the case. The circumstances include the seriousness of the misconduct, the seriousness of the consequences of the misconduct, any remorse, any understanding, or insight demonstrated to the responsible officer, the likelihood of further misconduct and any mitigating personal circumstances.

- (2) Penalty guidelines must not be applied as a rule. They have been developed solely to give decision-makers a sense of a typical penalty that may apply in an ordinary case.
- (3) This guideline does not include all possible offences, and the Chair should seek similarity in principle when deciding to use this guideline.
- (4) The following levels of offence may generally apply:
  - a) First offence not of a serious nature in that no harm was done to another person or their rights; the person expresses remorse and does not appear to have understood the impact of their conduct or appears to have unintentionally committed the offence.
  - b) Second offences not of a serious nature will incur more serious penalties.
  - c) A first offence of a more serious nature (where harm has been caused) but where remorse and restitution are possible, acknowledged, and appropriate.
  - d) Further offences.
- (5) One or more of the following are the typical penalties that can be imposed when a student is found guilty of misconduct:
  - a) Verbal warning (of which a written record needs to be kept) (*Annexure AA: Record of Verbal or Written Warning Form*).
  - b) Apology: Requirement to submit a written apology to another person/persons, or to apologise to another person/s in a prescribed manner.
  - c) Restorative activity: Participation in some form of restorative activity as agreed with the Complainant.<sup>20</sup>
  - d) Rehabilitation or Treatment Programme: Participation in an approved rehabilitation or treatment programme at the expense of the student and in the framework as determined by The IIE.
  - e) Restitution: Restitution for damage caused at The IIE campus or to the personal property of any member of The IIE.
  - f) Written warning (*Annexure AA: Record of Verbal or Written Warning Form*).

#### **Assessment related penalties**

- g) Withholding the student's assessment results for a specified period or until a specified outcome has been demonstrated.
- h) The requirement to rewrite and resubmit an assignment or non-invigilated assessment or other assessment component, or to write and submit another assignment or assessment in its place.<sup>21</sup>
- i) Failure in an assessment component of a module, or a reduced mark for that component.

<sup>20</sup> Such as cleaning up a campus where damage was done, or vandalism took place or providing after-hours support in the Information Centre when the learning of other students has been disrupted or a set number of hours of community service,

<sup>21</sup> Senate Round Robin: 2024/08/07

- j) Failure of a module.

**Penalties relating to serious misconduct**

- k) **Exclusion from a course**
- l) **Final written warning** (*Annexure AA: Record of Verbal or Written Warning*

Form)

- m) **Suspension** of all or some of the student's rights and privileges, including exclusion from classes, access to facilities and/or examinations, or other forms of assessment; attendance at graduation or other events for a specified period.
- n) **Suspension** of the student's enrolment for one or two semesters from the campus concerned or from all campuses of The IIE, with or without the option to complete the current semester before the suspension is affected.
- o) **Expulsion** from The IIE.

- (6) Assessment-related penalties: The penalties indicated in g), h), i) and j) above shall only be applied for misconduct involving dishonesty in assessment. In determining what penalty to impose in such cases, officers shall consider any guidelines approved by Senate or penalties already imposed because of action under other policies.<sup>22</sup>
- (7) Penalties relating to serious misconduct: The penalties indicated in k), l), m) and o) above shall only be applied for serious misconduct.<sup>23</sup> These penalties shall impact the issuing of the conduct certificate of the student as they may point to unsatisfactory conduct on the part of the student during the course of their study at The IIE. Any student with one or more of these penalties shall have to apply or request for their conduct certificate from the institution.

### 7.3 Further Requirements in Relation to All Penalties

- (1) Any penalty imposed under this Policy may be suspended by the person or body imposing it:
  - a) until the time for appealing against it has expired; or
  - b) for a longer period or indefinitely. Any such suspension may be subject to such terms and conditions (including undertakings by the student) as the person or body granting it deems fit.
- (2) Subject to the rights of appeal provided for in this Policy, any decision under this Policy that a student has been found guilty of misconduct and any imposition of a penalty on a student is final and conclusive.

<sup>22</sup> 22 Senate Round Robin: 2024/08/07

<sup>23</sup> S61: 2022/11/03 Item 8.2.5

- (3) A student expelled from The IIE's campus shall not be re-enrolled on any campus of The IIE.
- (4) In case of misconduct resulting in any of the penalties provided for in 7.2 (5)*k*, *l*, *m*, and *o*, and where the student concerned is a bursary holder, the provider of the bursary and any other appropriate parent(s)/guardian(s)/fee-payer(s) will be advised accordingly. The conditions associated with verbal warning, written warning and final written warning will be stipulated alongside those penalties.
- (5) Warnings have different impacts:
  - a) Normally, a verbal warning will remain in force for a stipulated period not exceeding six months. If there is further misconduct of a similar nature before the warning has lapsed, it will be taken into consideration when penalising the repeated misconduct.
  - b) A written warning is considered more serious and will remain in effect for a stipulated period not exceeding 12 months. If there is further misconduct of any nature, this will be considered when determining further penalties.
  - c) Misconduct following a final written warning may result if guilt is proven, in penalties imposed for serious misconduct.

## 8 DISCIPLINARY PROCEDURE

### 8.1 Receipt of a Complaint

- (1) Whenever misconduct is alleged, or if any person has reason to believe that misconduct in terms of this Code is being or has been committed, a complaint must be logged on IIE Assist and the relevant staff member will assign the query to the relevant Campus Head or Disciplinary Officer.

### 8.2 Designation of Investigating Officer

- (1) After receiving the complaint, the Campus Head or Disciplinary Officer must initiate the investigation of the matter by selecting an Investigating Officer (IO) who may be the relevant Disciplinary Officer.
- (2) In designating an Investigating Officer (**see Annexure B: Designation of Investigating Officer**), due regard to the capacity, ability and experience of the person is critical as the Investigating Officer is often also the Prosecutor and should be equipped to investigate and then lead the case if the matter goes to hearing.
- (3) In certain circumstances, especially where the Campus Head/Disciplinary Officer

determines that technical or specialised expertise is required or in cases relating to allegations of cheating, an external Investigator may be appointed to provide support to the IO or the DO<sup>24</sup> (**see Annexure C: Designation of External Investigating Officer**).

### 8.3 Evaluation

- (1) On receipt of the Complaint and designation of the Investigating Officer, the Investigating Officer is required to conduct a very limited evaluation in a period of no more than one working day, which should be limited in scope to only ascertaining whether there is sufficient evidence to:
  - a) Recommend to the Disciplinary Officer that the matter not be pursued as there is insufficient evidence in the complaint to suggest that the matter could result in a disciplinary enquiry. In this case, the Complainant should be informed in writing and referred to the complaints procedure.
  - b) Consult with the Complainant about attempting the complaints resolution process first.
  - c) Proceed to a formal investigation.
  - d) Proceed to a formal disciplinary investigation and recommend suspension (if applicable) (see also **section 8.5 Suspension** below).
- (2) If the conclusion is in terms of section 8.3(1)(c) or section 8.3 (1) (d), a disciplinary investigation follows.
- (3) If the conclusion is in terms of section 8.3. (1) (b), and if the Complainant objects to the matter being referred to the complaints procedure or does not accept that the matter will not be pursued, a disciplinary investigation will follow only if the case also amounts to misconduct or relates to the violation of the rules.

**NB: After the Evaluation the Investigating Officer to complete (Annexure D: Conclusion of Evaluation: Recommendation of Investigating Officer) and the Campus Head/Disciplinary Officer to issue (Annexure E: Notice to Complainant on Outcome of Evaluation) and (Annexure F: Notice to Respondent on Outcome of Evaluation) and in case of suspension (if applicable) also complete (Annexure G: Notice of Suspension). If proceeding with a formal investigation student should be informed of the right to representation and be informed of Annexure H: Representation during Disciplinary Process, which must be provided if the student requires it. Annexure I is completed In case of a request for legal representation, advise the student that legal representation is not permitted under the IIE 015 Disciplinary Process/Procedure.**

## 8.4 Disciplinary Investigation

- (1) Any investigation under this Code shall be in accordance with the principles of natural justice and will not be bound by the rules of evidence required for court proceedings. Decisions are made on the facts presented, which led to a rational inference of reasonable suspicion/comfort that an alleged act did, or did not, occur.
- (2) The principles of natural justice as they apply to the investigation include the right to:
  - a) a fair hearing;
  - b) the opportunity to present a case; and
  - c) a decision by an unbiased person.
- (3) All parties involved in an investigation shall be treated with respect, dignity, and impartiality.
- (4) Any investigation under this Code shall have due regard for confidentiality and privacy, subject to legal requirements for disclosure and the need for a full investigation.
- (5) The procedures for conducting the investigation are detailed in the Student Conduct, and Discipline Procedure (PDIE015) and are to be shared with both the Respondent and the Complainant.
- (6) If the Investigating Officer decides to proceed with a formal investigation after the evaluation, they must serve the Respondent and the Complainant with a notice to that effect within two working days of the allegation having been made (**Annexures J Notice of Disciplinary Investigation – Respondent**) and (**Annexure K - Notice of Disciplinary Investigation – Complainant**).
- (7) The Respondent and the Complainant must be made aware of their rights, namely:
  - a) The right to attend or participate in/not attend or not participate in an information-gathering where the allegations will be examined by the Investigating Officer.
  - b) The right to submit or not submit a written statement and or supporting information in support/defence of the case.
  - c) The right to submit or not submit a witness list or witness statements and to determine whether these witnesses can be contacted prior to a formal charge being laid, if any.
  - d) The right to be assisted by a fellow student or staff member/lecturer during the information-gathering meeting, in interactions with the Investigating Officer and in engagement with witnesses (representative).
  - e) The right, if the student registered in the distance mode of delivery, to have the process conducted on a campus against which they are registered for examination purposes or remotely using appropriate technology or at the offices of the Academic Centre of Excellence (ACE).

f) The right to appropriate levels of confidentiality.

**Note:** Regardless of the choices made in section 8.4 (7) (a), (b), (c) (d) and (e) above, the investigation will proceed as normal.

(8) The investigation shall include and is limited to:

- a) A review of relevant documentation or other physical evidence such as a voice or video record, if any.
- b) Separate discussions with the students and the initiator of the allegation, for which the Complainant and the Respondent need to be given 72 hours' notice, but which must, in any case, happen no later than five working days after notice of the investigation has been given to the Respondent.
- c) Creation and maintenance of a complete file of all evidence.

(9) In any discussion about the matter:

- a) The Investigating Officer may ask questions of clarity from the Complainant or Respondent.
- b) The Investigating Officer may speak to witnesses identified by the Respondent or Complainant at this point, recognising that both the Respondent and Complainant can add additional witnesses if the matter proceeds to a hearing if they wish.

(10) Upon conclusion of the investigation, the Investigating Officer shall refer the file of evidence to the Campus Head with a recommendation (**Annexure L: Conclusion of Investigation: Recommendation of Investigation Officer**), based on the balance of probabilities, that the event as described by the Complainant did occur as described, that:

- a) the matter is not pursued because of **insufficient grounds for proceeding** against the Respondent; in which case the Disciplinary Officer will inform the person(s) having raised the allegation (Complainant) accordingly (**Annexure M: Conclusion of Investigation: Withdrawal Based on Insufficient Grounds for Proceeding Against the Student<sup>10</sup> - Recommendation A**). The case can only be re-opened if additional corroborating evidence is produced by this person within 48 hours of the decision being communicated to the Complainant by the Campus Head or Disciplinary Officer; or
- b) a (minor) penalty (e.g., apology, written apology, verbal or written warning, etc.) be imposed subject to the Respondent accepting this penalty without a verdict of guilty being filed against the person, failing which the matter would proceed to a disciplinary hearing (**Annexure N: Conclusion of Investigation: Recommendation of Investigating Officer – Recommendation B**).

- c) a penalty be imposed as the **student admitting guilt** during or upon conclusion of the investigation and the student waiving, in writing, their right to a formal disciplinary hearing (**Annexure O: Admission of Guilt and Waiver of Hearing by Respondent**) AND (**Annexure P: Notice of Penalty- Student Admitted Guilt During Investigation Phase and Waived Right to Hearing – Recommendation C**).
- d) the **student be formally charged with misconduct** as; on the balance of probabilities that the conduct did occur and was of sufficiently a serious nature that if the Respondent is found guilty a penalty of suspension or expulsion may follow (**Annexure Q: Notice to Respondent on Outcome of Disciplinary Investigation (Recommendation D)** and then the following (or together with the following):

**(See section 9.2 Notice of Disciplinary Hearing).**

- i. **Annexure S: Notice of Disciplinary Hearing – Respondent.**
- ii. **Annexure T: Notice to Attend a Disciplinary Hearing – Complainant.**
- iii. **Annexure U: Notice to attend a Disciplinary Hearing (Witness)**
- iv. **Annexure V: Notice to Attend a Disciplinary Hearing – Disciplinary Committee.**
- v. **Annexure W: Notice to Attend a Disciplinary Hearing – Interpreter.**
- e) the **student be suspended and formally charged with misconduct** as on a balance of probabilities the conduct did occur and warrants suspension under the Policy and such conduct was of a serious nature that if the Respondent is found guilty a severe penalty including suspension and expulsion may be imposed (**Annexure G: Notice of Suspension**) and **Annexure R: Notice to Respondent on Outcome of Disciplinary Investigation – Recommendation E** and then the following (or together with the following):

**(See 9.2 Notice of Disciplinary Hearing).**

- i. **Annexure S: Notice of Disciplinary Hearing – Respondent.**
- ii. **Annexure T: Notice to Attend a Disciplinary Hearing – Complainant.**
- iii. **Annexure U: Notice to attend a Disciplinary Hearing (Witness)**
- iv. **Annexure V: Notice to Attend a Disciplinary Hearing – Disciplinary Committee.**
- v. **Annexure W: Notice to Attend a Disciplinary Hearing – Interpreter.**

(11) Should an investigation reveal apparent or suspected criminal conduct, The IIE or the Complainant may report the matter to the SAPS but will, in any case, proceed as per one of the above options. The Complainant will be consulted before any such report is made and a report may not be made if the Complainant does not wish it to be made, if it was an alleged crime of a personal nature that the Complainant does not want to

report.

- (12) The Complainant and the Respondent may have a representative who may be a staff member/lecturer, or student of The IIE. The student allocates rights and responsibilities to the representative and will inform the Investigating Officer accordingly (**Annexure H: Representation During Disciplinary Process**).
- (13) It should be noted that if the matter goes to a hearing, only one person may pose questions on each side. The Prosecutor, who may be the Investigating Officer, who may be the Disciplinary Officer, is the person who asks questions on behalf of the Complainant. The Respondent (or in the case of a hearing – the Respondent) or their representative asks questions on behalf of the Respondent or the Accus Respondent ed. To avoid the risk of intimidation occurring from multiple people asking questions, it should be reiterated that questions are asked as follows only:
  - a) during an investigation by the Investigating Officer;
  - b) during a hearing by the Prosecutor, and the Respondent or their representative but not both.

## 8.5 Suspension (if applicable)

- (1) Depending on the grounds for suspension, the Respondent may be suspended immediately following a complaint having been lodged or after the Evaluation stage of the disciplinary process or any stage thereafter (e.g., disciplinary investigation or disciplinary hearing) if it is necessary with due regard to grounds for suspension in this Policy.<sup>24</sup>
- (2) Upon the **Evaluation stage**, which includes a **preliminary review of the allegations** and **supporting evidence** from the Complainant and following **at least an initial interview with the Complainant**, the Investigating Officer may recommend to the Campus Head/Disciplinary Officer that the student be suspended from a campus of The IIE and/or participation in any activities of The IIE.
- (3) The grounds for suspension include, but are not limited to, that the alleged misconduct poses a threat of:
  - a) disruption of activities on the campus of The IIE;
  - b) injury to a person;
  - c) damage to property;
  - d) interference with witnesses or the Complainant, any student or staff member/lecturer, or other official of The IIE;
  - e) theft of property of The IIE or any other person on The IIE's campuses; or
  - f) to the safety of the campus environment and/or potential to reduce or undermine confidence in the learning environment or The IIE and/or bringing The IIE into

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<sup>24</sup> S61: 2022/11/03 Item 8.2.5

disrepute.<sup>25</sup>

- (4) The Campus Head/Disciplinary Officer may then suspend the student from access to any campus of The IIE campus or activity, with or without the<sup>26</sup> right to complete and submit assessments, contact lecturers, or access a campus under supervision to do so. The student concerned should be served a notice to that effect (**Annexure G: Notice of Suspension**) within one working day of the campus having received the complaint, clearly indicating the rights of the student and the process to be followed.
- (5) The responsibility to interview the Complainant may be dispensed with and the student summarily suspended if injury or threat of injury or danger to the well-being of the Complainant is immediately imminent or has already happened and does not appear initially to be in dispute.
- (6) As suspension is a significant inconvenience and risk to the reputation and dignity of the Respondent, the Investigating Officer only has five working days from the initiation of suspension to conduct the initial investigation and make a recommendation to the Campus Head in terms of **section 8.4: Disciplinary Investigation**.

## 9 DISCIPLINARY HEARING

### 9.1 Disciplinary Committee

- (1) The Disciplinary Officer shall constitute for every site of delivery and for students registered in the distance mode who are not registered at a campus for examination purposes a Disciplinary Committee comprising the following members:
  - a) The Disciplinary Officer or their nominee as chair.
  - b) Two staff members (full-time/part-time) per Faculty.
  - c) Two students selected by the Chairperson from the Student Representation Committee (SRC)/equivalent committee or the Academic Forum. Students do not necessarily have to be selected from the same campus where the alleged offence occurred.
  - d) Prosecutor.
  - e) Scribe
- (2) One or another person can be substituted for a formally nominated person (due to unavailability, a conflict of interest, or faculty-specific matters). Once a process has started, this can only be done in consultation with the Brand Managing Director.
- (3) At least two of the Committee members, including the Chair, should have attended training from the Office of the Registrar on the Policy or have presided at or participated in at least two previous hearings.

<sup>25</sup>S61:2022/11/03 Item 8.2.5

<sup>26</sup> <sup>27</sup> S61: 2022/11/03 Item 8.2.5

- (4) All members of the Disciplinary Committee need to have been selected for the capacity, ability, and experience to participate in such processes and for their demonstrated capacity to act with objectivity, sensitivity, and respect.
- (5) If any of the five members are not present at a hearing, the hearing is adjourned until another member is identified and added. Decisions of the Disciplinary Committee shall be taken by majority vote.

## 9.2 Notice of Disciplinary Hearing

- (1) The Disciplinary Officer shall, within two working days of having received a recommendation to that effect from the Investigating Officer, serve the student a notice of the hearing in such a way that he/she is certain that the student understands the notice. A notice of a hearing shall be in the form of **Annexure S: (Notice of Disciplinary Hearing - Respondent)**.
- (2) The date for the hearing shall be as soon as is reasonably possible after the notice, but shall not be longer than 10 working days after the notice is served.
- (3) The Respondent must be informed of their rights, and both the Respondent and the Complainant should be informed of their responsibilities to conduct themselves honestly throughout the process.
- (4) The Complainant (**Annexure T: Notice to Attend a Disciplinary Hearing – Complainant**), Disciplinary Committee members (**Annexure U: Notice to Attend a Disciplinary Hearing – Witness**) (**Annexure V: Notice to Attend a Disciplinary Hearing – Disciplinary Committee**) and Interpreter (if requested by the student) **Annexure W** shall also be served with a copy of the notice of the disciplinary hearing.
- (5) In the case of students registered in the distance mode, the notice needs to include the mode of technology that will be used for the hearing, and this mode must be one that is generally available or accessible and may be a telephonic or video conference. A student may not use unreliable technology as a reason for non-participation or partial participation in a hearing.

## 9.3 Proceedings

- (1) Proceedings will continue as set out below and the Chairperson of the Disciplinary Committee will record essential details in the Disciplinary Case Book (**Annexure X: Disciplinary Hearing Case Book**). In addition, the Scribe shall record the proceedings using an electronic device and will take detailed minutes of the meeting.
- (2) The Respondent, Complainant, their representatives, Interpreter, Investigating Officer, Prosecutor, and all witnesses to be called are to be present at the start of the

hearing.

- (3) The Chairperson opens the hearing, introduces everyone present, explains their roles, advises that it is a disciplinary hearing, that the proceedings will be recorded and confirms with the Respondent /Complainant and Interpreter(s) that due process has been followed leading to the disciplinary hearing.
- (4) The Chairperson explains the disciplinary proceeding process and reminds the Respondent of their rights during the process.
- (5)
- (6) The witness(es) is/are then required to leave the room or disconnect from the technological means being used and will wait to be called in a venue that is sufficiently separate from the room in which the hearing is being held, to ensure that the privacy of the proceedings is maintained. Witnesses may not discuss the matter while the hearing is in progress.
- (7) In the case of a technologically facilitated hearing, the witnesses will be required to confirm that they are not present with each other or the Respondent or the complainant during this waiting period. Action will be taken against anyone found to be dishonest in this regard.
- (8) For face-to-face hearings, the witnesses for the Respondent and the Complainant should ideally wait in different rooms and, in any case, should be supervised by the Disciplinary Officer or someone delegated by that person to ensure appropriate conduct prevails.
- (9) The Chairperson puts the charge(s) to the student who can plead.
- (10) If the student pleads guilty, the Chairperson gives both parties an opportunity to present mitigating and aggravating factors, after which the disciplinary committee will deliberate an appropriate penalty that will be imposed by the Chairperson.
- (11) If the student pleads not guilty, the Prosecutor (who may be the Complainant or the Investigating Officer) proceeds with presenting evidence supporting the charges through cross-examining the Complainant and/or any of their witnesses and/or submitting into evidence any written statements.
- (12) The Respondent student is allowed to cross-question the Complainant and their witness(es) as each is presented.
- (13) If the Respondent disputes the content of a written statement, it is held over until the Campus Disciplinary Officer can contact the author and request them to present themselves for cross-examination. If the author is unavailable or unwilling, the written statement must be disregarded.

- (14) The Prosecutor may then re-examine any witness.
- (15) The Chairperson may, at any stage during this process, ask questions for clarity purposes. Any committee member who requires clarification will submit their question to the Chairperson, who may, at their sole discretion, ask the question or disregard it.
- (16) The student or their representative is then allowed to present their argument and evidence and to call any witness in this regard.
- (17) The student and their witness(es) in turn, may be cross-questioned by the Complainant.
- (18) The student or their representative may re-examine any witness.
- (19) The Chairperson may, at any stage during this process, ask questions for clarity purposes.
- (20) Witnesses who are finished giving evidence should not return to the same room as those who have not yet given evidence but should remain on-site or available telephonically until it is clear they are no longer required and will not be recalled.
- (21) Witnesses may not discuss the matter while the hearing is in progress - even if they have given evidence - as they may still be recalled.
- (22) Upon closure of leading evidence, the student and the Complainant are allowed to summarise their cases. They must then leave the venue in the case of a physical hearing or disconnect from the technology for the Committee to deliberate on the verdict.
- (23) The student and Complainant should wait in a venue sufficiently separate from the room in which the hearing is being held so as not to undermine the confidentiality of the proceedings.
- (24) Once the committee has reached a verdict, the parties will be requested to return to the venue for the verdict to be delivered or will be reconnected to the designated technology.
- (25) The Committee will not be obliged to reach a verdict immediately upon closure of the respective parties' cases and may adjourn the hearing to a date and time no longer than 48 hours after the hearing or the morning of the next working day if the hearing is held before a weekend or holiday.
- (26) In the case of a verdict of not guilty being delivered, the case is closed, and the charges dismissed.

- (27) In the case of a verdict of guilty, both parties are again permitted to state mitigating or aggravating factors should they so wish. Both parties can call character witnesses in support of mitigating or aggravating factors but may not introduce new information.
- (28) Thereafter, they must again leave the venue or disconnect for the Committee to deliberate on an appropriate penalty, now taking the mitigating and aggravating factors into consideration.
- (29) Decisions are taken by majority vote in case of consensus not being reached.

As soon as a decision on a penalty is reached, both parties will be requested to return to the venue or to reconnect to hear the penalty. The Chairperson will inform the student (Respondent) that they will also receive a written outcome (**Annexure Y: Notice of Outcome of Disciplinary Hearing – Case dismissed**) of the disciplinary hearing, with reasons for the verdict reached, within two working days, or if the case dismissed complete (**Annexure Z: Notice of Outcome of Disciplinary Hearing (Penalty) – Respondent**).

- (30) Further, the Chairperson will inform the Respondent of their right to appeal.
- (31) Should the Respondent fail to cooperate at any time during the hearing, the Chairperson shall indicate to the student that their conduct may be considered as an aggravating factor when a penalty is imposed. The Chairperson, in collaboration with the Disciplinary Committee, shall decide on the best possible action should a student fail to cooperate during the disciplinary hearing. This may include rescheduling the hearing or continuing the hearing in the absence of the Respondent and/or adding charges to the list to be considered.
- (32) Should technology fail at any stage in this process, the Disciplinary Officer decides how many times to try and reconnect the call before postponing the hearing. A hearing cannot be postponed more than once due to technological faults.
- (33) The Respondent student has the right to request that the technology be tested 24 hours before a hearing, but is, in any case, responsible for ensuring that their technology is robust enough for the hearing to proceed.

## 9.4 Administrative Matters

- (1) A copy of the recording of proceedings shall be made available to the student (Respondent) if requested.
- (2) A copy of the recording of proceedings shall be made available to the student (Complainant) if requested.
- (3) A copy of the outcome of the disciplinary process/hearing (verdict and penalty) will be placed in the student's (Respondent) file, given to the student, and copied to the

parent(s)/guardian(s)/account-payer.

- (4) The Disciplinary Officer shall keep a record (**Annexure X: Disciplinary Hearing Case Book**) of all students' disciplinary hearings, duly signed as being an accurate record by the Chairperson.

## 10 APPEALS

### 10.1 Disciplinary Appeals Committee

- (1) The Disciplinary Appeals Committee is composed of the following members:
  - a) The Group Legal Manager of The IIE (Chair)/the Company Secretary (Chair) or any Group Legal Advisor (Chair).
  - b) The Registrar/Deputy Registrar/Registrar's delegate from the Office of the Registrar.
  - c) A student representative – the Office of the Registrar will approach any campus for a student representative from its Student Representation Committee (SRC)/equivalent committee, or the Academic Forum who is in at least their second year of study. The student may be selected from any IIE campus - not necessarily from the same campus at which the alleged offence occurred – with a view to ensuring that the student representative has no personal conflict of interest in terms of the case, i.e., the Respondent and the Student Representative should not have a personal relationship. If the committee is sitting during a period in which the student forum or liaison body representatives are not available, a student in their third year of registration may be substituted.
- (2) The Disciplinary Committee can only hear an appeal if all three members are present, and decisions are taken by majority vote if consensus cannot be reached.

### 10.2 Proceedings

- (1) Any appeal on grounds of procedural error or new evidence, the merits of the case, or the penalty must be lodged with the Campus Head within five working days of the Appellant having received the written outcome of the disciplinary hearing in terms of section 9.4 (3) of this Code. Reasons for appeal are normally associated with one or more of the following:
  - a) The **penalty** imposed on the Respondent, having regard to the evidence available, was **too severe**.
  - b) The **penalty** imposed on the Respondent, based on the **evidence available, was insubstantial or insufficient** in the opinion of the Complainant.
  - c) There is **new evidence** to be considered.
  - d) There was a **misapplication of procedures** resulting in some disadvantage to the student or staff member/lecturer (Respondent) (procedural unfairness or

irregularity).

- (2) The Notice of Disciplinary Appeal (**Annexure BB: Notice of Disciplinary Appeal**) shall clearly state the grounds for appeal.
- (3) The Campus Head shall immediately dispatch the notice of appeal and the record of proceedings to the Office of the Registrar, via the relevant system.
- (4) The Campus Head, in receipt of a Notice of Disciplinary Appeal from or by the student, may provide a written response to the arguments made in the appeal documentation (**Annexure CC: Campus Representations to Disciplinary Appeals Committee**). If the Campus Head has not been given access to the appeal documentation by the student, they must be provided with the documentation by the secretary of the DAC, who must also inform the campus of the date of a DAC hearing. The written response must come to the DAC no later than 24 hours before the scheduled meeting.
- (5) Once received, the Secretary of the DAC shall include the written response from the Campus Head with the documents prepared for the DAC seating.
- (6) The Office of the Registrar shall cause the Appeals Committee to meet within five working days of receipt of the documents concerned (**Annexure DD: Notice of Disciplinary Appeals Meeting**). This timeline may be extended in the event of any member of the Appeals Committee being unavailable.
- (7) The Appeals Committee shall consider the documents and reach a decision to:
  - a) uphold the verdict and penalty; or
  - b) uphold the verdict and change the penalty; or
  - c) uphold the appeal and set aside the verdict and penalty; or
  - d) have the case, or part thereof, reheard.
- (8) The Registrar/Deputy Registrar/Registrar's delegate from the Office of the Registrar shall use the Disciplinary Appeals Case Book (**Annexure EE: Disciplinary Appeals Case Book**) to record the proceedings of the Disciplinary Appeals Committee meeting and shall convey the decision (**Annexure FF: Findings of the Disciplinary Appeals Committee**) to the Chairperson of the Disciplinary Appeals Committee who will review and sign the decision as an accurate representation of the proceedings. The Office of the Registrar shall then convey the decision to the Appellant and to the Campus Head within two working days of the Appeals Committee having reached a decision. Where necessary, the Campus Head may convey the decision of the DAC to the Appellant.<sup>27</sup>
- (9) A copy of all appeals and consequent decisions of the Appeals Committee shall be

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<sup>27</sup> S69: 2025-08-28 Item 10.2.4

filed in the Office of the Registrar and on the Student Information Management System (SIMS).<sup>28</sup>

## 11 Annexures

All annexures, process flows, and templates are detailed in the Procedure Document for this Policy (PDIIE015). The procedure document is for internal use.

## 12 Protocols

All protocols are detailed in the Procedure Document for this Policy (PDIIE015).

**Protocol A** Computer Venue Protocol

**Protocol B** Information Centre Protocol

**Protocol C** Uniform and Professional Conduct Protocol for the Bachelor of Business Administration in Hospitality Management Students

**Protocol D** The IIE Code of Ethics for Teaching Experience

**Protocol E** Fair Usage Protocol

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<sup>28</sup> S69: 2025-08-28 Item 10.2.4