



<b>POLICY NUMBER</b>	IIE021	
<b>POLICY NAME</b>	Safety Policy	
<b>POLICY VERSION</b>	07	
<b>LEGEND</b>	1. The Safe Campus Policy replaced the Alcohol and Additive Substances Policy which was revoked in 2010 2. The IIE 021 Safe Learning Policy v5 merged with the Student Code of Conduct, Dispute, Grievance and Disciplinary Policy v12 in Nov 2021 and the combined policy was renamed the Safety, Student Conduct and Discipline Policy 3. Separated from Safety, Student Conduct and Discipline Policy and renamed Safety Policy	
<b>POLICY APPROVAL</b>	<b>Date of Approval</b>	<b>Date of Implementation</b>
	28 March 2006	March 2006
<b>DATES AMENDED</b>	18 November 2010(w) <sup>1</sup> 30 November 2016 <sup>2</sup> 18 May 2017(w) <sup>3</sup> 01 December 2018 <sup>4</sup> 18 April 2024 (11 September 2024) <sup>5</sup> 04 December 2025 <sup>6</sup>	January 2011 January 2017 January 2018 January 2019 January 2025
<b>DATE OF NEXT REVIEW</b>	2029	
<b>RELATED POLICIES</b>	IIE001: Quality Assurance and Enhancement Policy IIE015: Student Code of Conduct, Dispute, Grievance and Disciplinary Policy IIE026: Student Support and Professional Development Policy IIE029: Distance Education Policy IIE030: The IIE Internationalisation Policy IIE031: Governance Policy IIE032: Personal Information, Intellectual Property and Cyber Security Policy IIE033: Policy on the Integration of Artificial Intelligence (AI) in Teaching and Learning	

<sup>1</sup> S25: 2010-11-18 Item 9.1 Alcohol and Addictive Substances Policy was revoked and replaced with the Safe Campus Policy (whole policy review)

<sup>2</sup> Policy was edited, renumbered and Glossary and Roles added.

<sup>3</sup> S44: 2017-05-18 Item 7.2.4 – whole policy review

<sup>4</sup> Amendments based on changes to IIE015 Policy at S49: 2018-10-29 Item 7.2.8

<sup>5</sup> S65- 2024-04-18 Item 8.2.5 whole policy review as part of IIE 015 Policy: S66:2024-09-11 Item 8.3.2 IIE 021 reinstated and named Safety Policy.

<sup>6</sup> Post S70: 2025-12-04 Editorial changes and alignment with new Tertiary Academic Management Model (TOAM)

	<b>Practices</b>
<b>POLICY ANNEXURES</b>	<b>See PDIIE021: Safety Guidelines Procedures, Protocols and Annexures</b>
<b>RELATED PROCEDURES</b>	<b>PDIIE015: Student Conduct and Discipline Procedure</b>

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## GLOSSARY AND ROLES

<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 (MD)</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 or the Accused.
<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>Constitution</b>	Constitution of the Republic of South Africa, 1996
<b>Cyber Crime</b>	Criminal offences under the Cyber Crimes Act <sup>7</sup> relating to malicious/harmful communications and crimes committed through computers, networks, smartphones, etc., which include but are not limited to ransomware, hacking, identity theft, phishing scams, cyberbullying, theft of incorporeal property and common law crimes conducted through the internet or other computer or software-based means e.g., cyber fraud, cyber forgery and uttering, cyber extortion. <sup>8</sup>
<b>Data</b>	Means electronic representations of information in any form. <sup>9</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>10</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 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.

<sup>7</sup> Cyber Crimes Act 19 of 2020

<sup>8</sup> S61: 2022/11/03 Item 8.2.5

<sup>9</sup> S61: 2022/11/03 Item 8.2.5

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

<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>Gender-Based Violence (GBV)</b>	GBV is a product of a system of unequal power relations; it is both reproduced and in turn reproduces in society. Its historical origins and forms can be meaningfully understood in the context of patriarchy, dominance and unequal power relations embedded in different economic, political, cultural and social structures of any given society. Violence is a means to reproduce and reinforce these unequal social relations. GBV manifests itself in different ways. It has physical, sexual, emotional and psychological, as well as economic dimensions. These forms may vary across different societies and at different historical points <sup>11</sup> .
<b>IIE Assist</b>	IIE Platform for all students' queries and complaints across Tertiary. Logged on brands' public-facing websites and managed via a Case Management System.
<b>Independent Contractor</b>	A person performing contracted duties on or for the campus concerned, but not employed by The Independent Institute of Education.
<b>Illegal substances or drugs</b>	Use, possession, and/or dealing of drugs in contravention of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992).
<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>Learning experience</b>	The totality of the physical, virtual, and social experience of a student associated with The IIE and not restricted to teaching and learning and assessment.
<b>Lecturer</b>	The person responsible for the facilitation of student learning and the marking of student work.
<b>Legal substances</b>	Refer to legal items in the form of drugs acquired or bought upon prescription or over the counter, in a lawful manner, for medical purposes. Illegal use, abuse or possession of legal substances other than the legal reason intended by their

<sup>11</sup> Department of Higher Education and Training (DHET): Policy framework to Address Gender-Based Violence in the Post-School Education and Training System (2020) <https://www.dhet.gov.za/Social%20Inclusion/DHET%20GBV%20Policy%20Framework%2030July2020.pdf> [Accessed 15 November 2022].

	manufacturers shall be a violation of this Policy.
<b>Minor</b>	Means a person under the age of 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>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>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>Respondent</b>	Person or group against whom a complaint is laid or an allegation is made (until a formal decision is taken to charge a student with misconduct, this is the term to be used).
<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>Smoke-free zones</b>	Public places or spaces within The IIE and campuses of The IIE in which smoking is prohibited and that are not demarcated as smoking areas.
<b>SORMAA</b>	Criminal Law (Sexual Offences and Related Matters) <sup>12</sup> Amendment Act 32 of 2007 <sup>13</sup>
<b>South African Police Services (SAPS)</b>	The policing service of South Africa

<sup>12</sup> S61: 2022/11/03 Item 8.2.5<sup>13</sup> S61: 2022/11/03 Item 8.2.5

<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 the 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 Wellness Manager, (SWM/)</b>	Person charged with student wellness on a Campus.
<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</b>	Safety Policy (IIE021).
<b>Tobacco products/vaping liquids or salts</b>	Means a product containing tobacco or any type of vaping liquids or salts that is intended for human consumption, and includes but is not limited to, any device, pipe, water pipe ( <i>also known as hubbly bubbly, hub, hookah, narghile, shisha, goza</i> ) papers, tubes, filters, portion pouches or similar objects manufactured for the consumption of tobacco/vaping liquid or salts.
<b>Weapon</b>	Any object that is used intentionally and unlawfully to inflict harm or damage.
<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.

# 1 INTRODUCTION

## 1.1 The 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 and staff and others who engage with The IIE. This includes compliance with all policies, procedures, rules and regulations of The IIE in general and as may be specified from time to time.
- (2) A safe campus and/or learning environment (including online/virtual environment) is one in which students are able to pursue their learning experiences without any fear of a threat to their safety, health and well-being as well as being assured of the quality and integrity of the teaching and learning environment, the preservation of assets of The IIE and the safety of individuals at all times.
- (3) 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 students' 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) that is divisive, destructive or undermines the rights and freedoms of others. Extremism and radicalisation are explicitly prohibited.
- e) Prohibition of extremism and radicalisation.
- f) Respect for the right to freedom of religion, belief and opinion and advocating for academic freedom and the freedom of expression to promote these in a respectful, diverse, and inclusive manner.
- g) Promotion of Respect, Diversity, and Inclusion (RDI) as core values and taking positive steps to support these principles.
- h) The safety, health and well-being of students and campus staff and lecturers;
- i) The quality and integrity of teaching and learning and ethical research.
- j) The creation of a respectful, diverse, and inclusive culture; and
- k) The preservation of assets of The IIE and those of others on the premises.

(4) Any conduct that undermines the safety and wellbeing 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. Management can include the utilisation of the Student Conduct and Disciplinary Policy (IIE 015) as needed. The IIE will co-operate with others in society charged with the maintenance of the above, including but not limited to, the South African Police Services (SAPS).

(5) This Policy provides guidance for the management of some of the key threats to safety, including, but not limited to substances, weapons and violence.

(6) 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;
- f) Representing The IIE;
- g) Engaging with others associated with The IIE; and/or
- h) Under conditions in which they can be associated with The IIE.

(7) 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 SAFE LEARNING ENVIRONMENT

### 3.1 Keeping the Learning Environment Safe

- (1) The IIE will discharge its co-responsibility for a safe environment through prevention and support strategies as well as interventions, including criminal and disciplinary processes, if appropriate.

### 3.2 Prevention

- (1) It is the responsibility of the campus management to ensure that there are both awareness activities and information available (in the form of online information, displays and posters) to advise students and those interacting with them of the risks and signs of potentially harmful behaviour including drug and alcohol abuse, violence, discrimination and exclusion, mental health concerns, radicalisation, and public health awareness.
- (2) It is the responsibility of campus management, making use of community-based organisations for resources, to ensure that staff and lecturers are provided with training and/or information that enables them to recognise possible signs of drug and alcohol use/abuse.<sup>14</sup>
- (3) It is the responsibility of the management to ensure that lecturers, students, and staff are informed of their rights to freedom of expression, belief and association and their right to resist the efforts of others to limit these freedoms when they are being carried out in accordance with legislation. This includes the right to be on a campus free of radicalising activities.
- (4) The requirements and intention of this Policy must be explained to staff, lecturers, and students.
- (5) The Campus Head or their delegate may remove any person from the campus or an online environment if they consider it necessary for the safeguarding of the premises or well-being of the campus, its environments, and its people.

### 3.3 Support for Substance Abuse and Addiction

- (1) An appropriately designed student support programme is considered the most effective means to address behaviour and performance problems resulting from drug abuse. Professional support is covered by the Student Wellness/Relations Manager (SWM) or relevant person on a campus in terms of the Student Support and Professional Development Policy (IIE026). Additional support and advice can be obtained from an appropriate secular organisation.

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<sup>14</sup> See PDIIIE021: Safety Guidelines Procedures, Protocols, Guidelines and Annexures for signs and symptoms of possible substance abuse.

(2) Proven participation in a support or treatment programme will be permitted as an argument in mitigation of a sanction in student disciplinary cases but cannot be used as a reason not to pursue said action.

### 3.4 Prohibited Behaviour – Zero Tolerance<sup>15</sup>

- (1) Possession, use, or distribution of illegal drugs or inappropriate possession, and unauthorised, unlawful or irregular use of alcohol or other substances is a violation of this Policy that, depending on the context, will attract disciplinary action, including reporting and submitting confiscated illegal items to the South African Police Services (SAPS), particularly in the case of sale and/or distribution.
- (2) The Campus Head and/or Brand Managing Director (MD) may approve exceptions to the general prohibition on the possession, consumption, or transportation of alcohol and other legal substances on The IIE campuses of their Brand.
- (3) Alcohol may only be purchased on campus or at an event on or off campus and used only to the extent allowed by the Campus Head or Managing Director.
- (4) A student may not be in possession of, or consume alcohol within the precincts of The IIE campus, except with the written permission of the Campus Head or MD or at an event off or on campus in which the Campus Head or MD has given permission for the alcohol to be sold or served to the students.
- (5) The Campus Head and/or the MD has the prerogative to withdraw or impose limitations on the exceptions made to the use of alcohol on campus or at an event on or off campus as s/he or they may deem necessary for the maintenance of a safe learning and teaching environment.
- (6) The Campus Head shall, in a prescribed format, notify the Registrar of the exceptions made within the campus on the use of alcohol on campus or at an event on or off campus. The Campus Head shall also inform the Registrar in writing when the exceptions made are withdrawn or amended or updated.
- (7) To coerce, intimidate or otherwise seek to manipulate a person or people to adopt a course of extreme action or hold an extreme belief is not permitted, nor to intentionally violate any rule of the Institution.
- (8) To possess, use or threaten to use a weapon or another item as a weapon is a violation of this Policy and will attract either criminal or disciplinary action or both.

### 3.5 Duty to Report

- (1) Any person who has a reasonable suspicion that any activity has or will take place that will undermine the safety of the learning environment is required to report such

<sup>15</sup> Senate Round Robin: 2024/08/07: whole section reviewed to provide clarity on the use and possession of alcohol on campus or events on or off campus.

suspicion to the Campus Head or another senior member of staff. This includes but is not limited to the presence of any dangerous object or illegal substance or intoxicated person.

- (2) The Campus Head or senior member of staff or any person to whom the report was made, is required to investigate and to act positively to keep the learning environment safe.
- (3) A report may also be anonymously made to The IIE Ethics Hotline at [ethicshotline@iie.ac.za](mailto:ethicshotline@iie.ac.za) or +27 11 676 8000.

## 4 GENERAL CONSIDERATIONS

### 4.1 Radicalisation and Extremism

- (1) In an unequal society such as South Africa, with its history of legislated discrimination, a transformation agenda is a necessary one to achieve equity and dignity.
- (2) As such, there is concern that those policies that seek to limit extremism or radicalism could be abused to limit demands for necessary and legitimate social change.
- (3) The IIE is guided by its values of respect, diversity and inclusion and prohibits only that conduct and expression that seeks to reduce these on a campus and that advocates action that would be harmful, hurtful and violent.
- (4) While these terms are often used to identify the risks for political, religious and social positions associated with terrorism or other forms of violent action, they are used also to refer to any belief system that undermines the dignity of any member of the community.

### 4.2 Gender-Based Violence (GBV)

- (1) The IIE does not tolerate Gender-Based Violence.
- (2) Any student's act to perpetuate GBV on or off campus is inconsistent with The IIE's values of Respect, Accountability, and Integrity and thus may amount to misconduct in breach of this Policy. Such a GBV act can amount to a criminal offence as well.
- (3) Any student experiencing GBV may:
  - a) speak to the Student Wellness Manager, or
  - b) follow the formal complaints procedure provided for in the IIE015 Policy, or
  - c) report on the abuse, including on an anonymous basis, to the Ethics Hotline.
- (4) Allegations of GBV-related misconduct are dealt with under the discipline procedure in terms of this Policy and, depending on the severity, may result in suspension and/or expulsion.

(5) Reports will:

- a) Be managed by a person skilled in doing so.
- b) Be managed in a way that is complainant-centred.
- c) Kept confidential unless there is an emergency with a serious risk to the health, life, physical injury, or mental well-being of the student or another person.

(6) Safety audits will be conducted to determine those parts of the campus where students may feel unsafe and to ensure that safety and security gaps are addressed. Students play a pivotal role in identifying and are encouraged to report these gaps to the campus management.

(7) Students are encouraged to immediately, or as soon as possible, report to the SAPS any crime perpetrated against them, including Assault, Assault with intent to cause Grievous Bodily Harm (Assault GBH), and GBV crimes and the institution will provide them with any necessary support.

(8) Any crime, particularly criminal offences associated with violence such as assault, assault with intent to cause Grievous Bodily Harm (Assault GBH), attempted murder, murder, etc., and GBV-related sexual offences in the Criminal Law (Sexual Offences and Related Matters Amendment Act (Act No. 32 of 2007) (SORMAA), committed or allegedly committed by the student of The IIE, may bring The IIE into disrepute including by reducing confidence in the safety of the learning environment meaning that internal disciplinary processes in relation thereto may take place concurrently with the external criminal investigation conducted by the SAPS under the criminal justice system.<sup>16</sup>

### 4.3 Gatherings, Demonstrations and Protests

(1) The holding of any demonstration or gathering must comply with the law and this Policy.

(2) For the protection of students, staff and property and other people on campus, any student or any person participating in a demonstration or gathering, may not:

- a) Bar entrance to any building or premises of the campus of The IIE;
- b) Use a full-face mask or any other item in an attempt to disguise their full facial features and prevent their identification.
- c) Compel or attempt to compel other students or any person to attend or join or participate in the gathering or demonstration or any other activity.
- d) Disrupt students or any person not participating in the demonstration from continuing with their study, including accessing amenities of the campus, lectures, examinations, tests, etc.
- e) Damage the property of the campus of The IIE or any students.

(3) For the protection of students, staff, property and other people on campus during a

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

public protest, civil unrest, strike action, and so on, The IIE shall take the necessary steps to guard against damage to life and property including assigning security personnel and closure of the campus of The IIE affected by the breakout in protest or violence in and around the campus.

## 4.4 Prohibition of Illegal Substances and Items

- (1) Illegal substances and items may not be on the campus at any stage for any reason.
- (2) Illegal or dangerous possession or use of illegal substances or harmful may result in criminal or disciplinary action being taken.
- (3) Any form of exchange such as possession, selling, donating, swapping, supplying, and trading, or any attempt to market such activities or induce others to use any illegal or banned substance, will automatically result in The IIE pursuing criminal and disciplinary charges against such a person(s).
- (4) Any illegal or unauthorised trade in a legal substance is prohibited on any of The IIE campuses.
- (5) Being under the influence of an illegal or prohibited substance is a violation of this Policy.
- (6) The use of an illegal or legal intoxicating substance prior to accessing a campus or learning environment is prohibited.
- (7) Carrying of prescription medication not sold on the "open market" needs to be accompanied by a prescription when within The IIE precinct.

## 4.5 Weapons and Dangerous Objects

- (1) Dangerous objects refer to:
  - a) Any explosive material or device.
  - b) Any firearm or gas weapon.
  - c) Any article or object that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious.
- (2) All campuses of The IIE are dangerous object-free zones. Thus, no one is allowed to carry or store a dangerous object on the premises of a campus of The IIE. No one is permitted to threaten to use any item or object as a weapon.
- (3) The IIE has a zero-tolerance approach to conduct on the part of any person (whether directly associated with the campus or not) that seeks to disrupt teaching and learning or safety on a campus in any manner.
- (4) The IIE will not hesitate to invoke the provisions of public safety and criminal legislation

and the support of the SAPS and/or private security to manage the presence or suspected presence of any weapon or item being used or threatened to be used as a weapon and/or any other conduct designed to disrupt teaching and learning.

- (5) A student may be subjected to disciplinary proceedings if a dangerous object is found in their possession or property. Any disciplinary proceedings in respect of the student will be conducted in terms of the IIE 015 Policy.

## 4.6 Intimidatory Conduct, Violent Behaviour and Illegal Acts<sup>17</sup>

- (1) Engaging in any form of intimidatory and/or violent behaviour, violence or disturbance impacting negatively on any of the activities of a campus or virtual learning experience is prohibited and subject to disciplinary processes outlined in the 015 Policy.
- (2) Commission of or attempt to commit a crime in circumstances where this Policy finds application, on or off campus and/or in a physical or virtual space, as determined under section 2(8) of this Policy shall be handled under the IIE 015 Policy. Crime includes any common law crime (e.g., theft, assault, fraud, etc), statutory criminal offence including sexual offences under SORMAA (e.g., rape, compelled rape, sexual assault, etc.) and cybercrimes (cyber fraud, cyber forgery, malicious communication, etc).
- (3) In addition to a disciplinary process against the student:
  - a) criminal offences, including cybercrimes, or attempts thereof against The IIE may be reported for criminal investigation by the SAPS and processing under the criminal justice system.
  - b) The IIE shall, where practicable, assist any student or other persons, e.g., parent or sponsor (complainant), with necessary information or evidence in its possession or disclosures permitted or required in law to prosecute any crime committed by a student in situations described under section 2(8) of this Policy.
- (4) Students need to take care when using or gaining access to any of the computers of The IIE that they do so in a lawful manner using their own passwords and not use the internet to perpetuate any cyber fraud, cyber forgery or uttering, cyber extortion or theft of incorporeal property (e.g., unlawful and intentional extracting information from a computer). Unlawful access, interception of information or the use of The IIE's software and hardware unlawfully is a violation of the Cyber Crimes Act and is prohibited under this Policy.
- (5) Furthermore, students need to take care that:
  - a) Any disclosure of a data message of an intimate image (e.g., nude photos, display of private parts of another person or exposure of breast of a female or transgender person) amounts to harmful communication and is prohibited in law and is a violation of this Policy.
  - b) Data message that incites violence or damage to property, or which threatens

<sup>17</sup> S61: 2022/11/03 Item 8.2.5

any person with violence or damage to property is prohibited by law and a violation of this Policy.

- (6) Any 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 is in violation of law and as far as this Policy finds application in terms of section 2(8) such violation shall be punishable under the IIE 015 Policy.

## **5 LIMITATIONS RELATING TO THE USE OF LEGAL SUBSTANCES**

### **5.1 General Principles**

- (1) To maintain a safe learning environment and safe learning experience, The IIE reserves the right to control the use of some legal substances, items, and actions in its learning environments (physical and virtual).
- (2) Any legal substance, item or action used in a manner to undermine safety, respect, diversity, and inclusion on the campus is prohibited.
- (3) Any legal substance, item or action used in an illegal manner is prohibited and The IIE will involve law enforcement if such is brought to its attention.
- (4) Some legal substances (such as alcohol or prescription medication) can be habit-forming and harmful and there are often rules, laws and conditions under which they can be used. Over and above legal restrictions on legal substances and items The IIE policies determine when the use or possession of a substance or item is not permitted or constrained on any premise of The Independent Institute of Education.
- (5) Being under the detrimental influence of a legal substance on IIE campuses is prohibited.
- (6) In line with the Student Support and Professional Development Policy (IIE026):
  - (a) The IIE will promote conduct that enables the creation of independent, responsible living and will actively manage conduct that undermines this.
  - (b) Recognising that some addictive substances are legal, such as alcohol and tobacco products/vaping liquids or salts, the management of the environment and conduct will include attention to the appropriate, lawful, and responsible use of legal addictive substances.
- (7) The link between substance abuse and other social concerns such as violence and sexually transmitted infections, is also recognised through the role that these substances play in changing the way that people behave.

- (8) The IIE, therefore, has a co-responsibility for ensuring environments that are free of such influences, as far as possible and responsible use of legal substances.
- (9) Legal substances (alcohol and tobacco products/vaping liquids or salts) may only be used on the campuses in line with legal restrictions (such as smoking control legislation, and public health restrictions or the limits imposed on the proper use of prescription medication).
- (10) Alcohol and tobacco products/vaping liquids or salts on the campus may only be used by persons 18 years old or older.
- (11) Alcohol and tobacco products/vaping liquids or salt products may not be sold or supplied to minors on any campus of The IIE.
- (12) Alcohol abuse, including binge drinking, intoxication on the campuses or at events, and driving while under the influence, is not tolerated and is a violation of the IIE 015 Policy.
- (13) Some habit-forming substances that are not specifically referenced in legislation but are not for sale on the open market for the use intended are not permitted on any of The IIE campuses.

## 5.2 Alcohol

- (1) At no time, on campus, or at an event on or off campus, may alcohol be served beyond the scope and provisions of an appropriately obtained licence for that purpose. It is the responsibility of the Campus Head or delegated senior member of staff to verify that an appropriate liquor license is in place.
- (2) Students using alcohol within campus facilities are subject to this Policy, IIE 015 Policy and other relevant laws, including provincial and national liquor legislation.
- (3) No event may be organised in such a way that the use of alcohol is the primary focus of the event, and no event can be dependent for its success on the serving of alcohol.
- (4) Non-alcohol-based alternatives must be available at all events. Choosing not to drink alcohol is to be promoted as being socially acceptable as choosing to drink alcohol and any conduct that suggests otherwise will not be condoned.
- (5) Alcohol may not be sold, supplied, or served to anyone under the age of 18 years, on campus or at any event on or off campus. It is a violation of this Policy and the IIE 015 Policy for any person to purchase liquor for or on behalf of a person who is under the age of 18 years or to serve alcohol to a person under the age of eighteen (18) years.
- (6) Given the age profile of students, their identity documents must either be checked before entry or at the point of service. Acceptable identification for legal age verification consists of a valid passport, valid driver's licence, or identity document (ID). No person unable to prove their age may be served or sold alcohol on campus or at a campus

event. It is a violation of this Policy for a person under the age of 18 years to present false evidence of their age to be admitted into an event on the campus in which liquor is served.

- (7) Students are expected to make informed decisions and to act responsibly regarding the use of alcoholic beverages and therefore excessive drinking or drunkenness (intoxication) is not condoned, and intoxication will not be regarded as an excuse for misconduct or infringing upon the rights of others. In fact, intoxication will be regarded as an aggravating factor in any student disciplinary process.
- (8) Alcohol may not be sold to a person already showing signs of being intoxicated, including physical violence, swearing and disorderliness.
- (9) If a student is under-age and has a programme requirement that involves alcohol - i.e., hotel students are required to complete a beverage module that includes wine/whisky-tasting – written parental consent is required for them to take part in the module — and an alternative means of completing course requirements is to be available where such consent is withheld for religious or other reasons.
- (10) Alcohol may be given as a prize or gift to students in any event; competition, promotion, raffle, etc., hosted by Brands. A non-alcoholic option or equivalent must be available at all times to students who would prefer it.<sup>18</sup>
- (11) Sales and consumption should be confined to a specific area in which liquor is sold within a campus (e.g., a canteen or restaurant or another appropriate place or space). The noise level from the area in which alcohol is consumed may not be of such a level as to cause disturbance to areas immediately surrounding the campus.

### **5.3 Tobacco Products/Vaping Liquids or Salts and Related Substances**

- (1) In compliance with legislation, cigarettes (available in canteen facilities) may not be sold to individuals under the age of 18 years and public places will remain smoke-free zones with specific areas dedicated to smoking and demarcated as such.
- (2) In the interests of the well-being of the campus population the use of e-cigarettes, “hubbies” and other means of “smoking” are controlled in the same manner and may not be undertaken except in demarcated areas and again only when in full compliance with policy and legal restrictions and provisions. E-cigarettes/Vape are thus not allowed in classes and may not be used outside of the demarcated smoking areas.
- (3) Substitution of the intended permitted substance with a controlled or prohibited substance or addition of a controlled or prohibited substance when using any of the above products will result in disciplinary action being taken against the offending person.

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<sup>18</sup> S61-2022-11-03 Item 8.2.5

- (4) The IIE reserves the right to check any tobacco products/vaping liquids or salts at any time to ensure compliance with the requirements of the law and the Policy.
- (5) Any individual found in contravention of this IIE Policy and South African regulations regarding smoking shall be disciplined accordingly.

## 6 ARRESTS

### 6.1 Arrests or Allegations of Criminal Offences Particularly those Associated with Violence

- (1) The IIE will not hinder the work of the SAPS but will require warrants of arrest to be provided before allowing the SAPS to engage with students or staff on our campuses.
- (2) Where a student has been arrested or charged for a crime of a nature that would result in a threat to the well-being of others on the campus or in the environment, or that threatens the safety and integrity of the learning environment in general<sup>19</sup> or bring into disrepute or prejudicial to The IIE<sup>20</sup> or if such arrests relate to the sale and distribution of illegal substances, such a student will be suspended in terms of the IIE 015 Policy while an investigation is conducted.
- (3) If an accusation is made but no charge or arrest has followed the Campus Head and relevant Disciplinary Officer (DO) may suspend, at their discretion following a reasonable assessment of risk, the person concerned for a maximum of a week to investigate such allegation.
- (4) Where any student is found to have made a malicious or unfounded allegation against another student or staff member or any other person within the campus that student who made the allegation may in turn, be subject to disciplinary action for creating a hostile learning environment.

## 7 SEARCHES AND SEIZURES<sup>21</sup>

### 7.1 Fair and Reasonable Grounds

- (1) Searches and seizures are recognised as valid methods of ensuring the safety of the campus and may be carried out from time to time to create an environment hostile to the use and abuse of anything that may undermine the safety of the campus.
- (2) Random search and seizure and drug testing could be viewed as an invasion of privacy that may infringe personal and constitutional rights of students if not conducted in

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

<sup>20</sup> S61: 2022/11/03 Item 8.2.5

<sup>21</sup> There are no regulations in terms of the Higher Education Act, 1997 dealing with search and seizure in private higher education institutions. The IIE has relied on the principles in the South African Schools Act, 1996 and adapted these as far as practicable to suit its own needs as a private higher education institution to deal with search and seizure in its campuses.

accordance with the law.

- (3) The following rights in the Bill of Rights are relevant to random search and seizure and drug testing at the campuses:
  - a) Human dignity (section 10);
  - b) Freedom and security of the person (section 12); and
  - c) Privacy (section 14).
- (4) The Constitution recognises that fundamental rights and freedoms are not absolute and thus may be limited in specific circumstances. Their boundaries are set by the rights of others and the public interest or needs of society. Thus, searches or seizures are permitted if they respect the dignity of the people concerned.
- (5) The Campus Head or their delegate may, at random and without a warrant, search any person on the campus premises if they have reasonable suspicion that such a person has a dangerous object or illegal substance or other prohibited substance in their possession, seize any dangerous object or illegal substance and report the matter to the SAPS where necessary.
- (6) The following are fair and reasonable grounds for conducting a search:
  - a) Whistle-blowers informing the staff about the presence of illegal drugs or dangerous objects on campus.
  - b) Scent of illegal substances such as cannabis/marijuana or other substances on the premises.
  - c) Reports from parents/guardians.
  - d) Traces of drugs on the premises.
  - e) Threats of the use of dangerous objects against persons on an IIE campus.
  - f) Injury because of the use of such objects.
  - g) Any other reasonable indication.
- (7) Campuses should display warning signs informing people entering the premises that they may be subject to a search or removal from the premises if found with a dangerous weapon or in possession of a controlled substance. However, the non-display of warning signs shall not constitute a sufficient reason to be relied upon for refusing to be searched where fair and reasonable grounds for the search have been established or upon entry or exit from a campus or event or activity as per the above. Access may be denied to any person refusing such a search on entry. The support of the SAPS may be sought for any refusal to submit to a fair search process.

## 7.2 Decision to Act

- (1) Before acting upon fair and reasonable information, the Campus Head should require that the person providing the information make a statement in writing and sign it. In the absence of this, the Campus Head must personally document details of the person who raised the suspicion and what they have observed or found to support the suspicion.

- (2) The identity of the person raising the suspicion is kept confidential to the management team of the campus.
- (3) The Campus Head may take other steps as they consider necessary for the safeguarding of the premises of the campus, as well as the protection of the people therein.
- (4) Anonymous tip-offs will not normally be responded to by a search process unless the suspicion can be easily verified through observation or another source willing to document such suspicion and sign it.

### 7.3 Use of Authorised Agencies

- (1) The IIE, through campus management, and authorised in each instance by the authorised member of the National Office concerned, reserves the right to arrange for members of an authorised substance abuse prevention or control agency such as the SAPS, to conduct searches, including the use of sniffer dogs, on its campuses.
- (2) This means that permission from the Registrar is required to carry out such a search.
- (3) In case of a search by an external agency or vendor, other than SAPS, care should be taken that the procedures and guidelines outlined in the procedure document are observed by the external agency, and in case of any deviation, or if the procedure is not followed, varied or modified, the vendor's process for conducting the search and seizure should be communicated by the agency prior of authorisation for the search to be conducted.

### 7.4 Campus Searches by Campus Personnel

- (1) Only in instances where imminent harm or risk is suspected and a delay may result in further risk (such as the use of substances to undermine the ability of other people to make informed choices in relation to their safety, such as in the use of "date rape"<sup>22</sup> type drugs or where an incident of violence is likely to occur or escalate) or where there is a reasonable chance that delay may result in the inability to identify the user or person in possession, can a search be carried out by campus management itself and then it should never be carried out by one person only and the search should be recorded wherever possible with due regard to the right to human dignity and privacy of the person(s) being searched.
- (2) Where any person or a staff member suspects that a student is in possession of a prohibited item, including a weapon, they must report the matter to the Campus Head. The Campus Head or a designated person may undertake a search, provided that:

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<sup>22</sup> Substances used to lower the inhibitions and capacity to resist with the intention of committing sexual assault.

- a) It has been concluded by the Campus Head in consultation with at least one more senior person that there is no time under the circumstances to ask for an authorised agency to carry out the search;
- b) The best interest of all students involved or affected is considered, particularly in terms of their health and safety;
- c) Reasonable evidence of illegal activity has been received;
- d) The search is carried out in a private area, like the Campus Head's office, where no other students are present, except that the person being searched may request the presence of one other student who is 18 years old or older;
- e) The student is told what the suspicion is and given an opportunity to provide the substance or item without a search;
- f) The search is carried out by a person of the same gender as the student in the presence of an adult witness of the same gender as the student;
- g) The search must not be extended to any body cavity, and the student's private parts may not be touched;
- h) The object found in the student's possession is photographed, wherever possible;
- i) The person conducting the search does so in terms of Procedures and Guidelines for Search and Seizure provided for in PDIIIE015: Student Conduct and Discipline Procedure.

(3) The result of the search must be recorded in writing, containing the signatures of the persons involved. The photographs of the substance or weapon, if available, should also be added to this writing and submitted as an annexure. The Campus Head then proceeds either in terms of this Policy or IIE 015 Policy or the Student Support and Professional Development Policy (IIE026) and/ or calls for the intervention of the SAPS, if necessary.

(4) Any dangerous object or illegal drug that has been seized must be:

- a) Clearly and correctly labelled with full particulars, including:
  - i. The name of the student in whose possession it was found;
  - ii. The time and date of the search and seizure;
  - iii. An incident reference number;
  - iv. The name of the person who searched the student;
  - v. The name of the witness; and
  - vi. Any other details that may be necessary to identify the item and incident.
- b) Recorded in an official record which should be submitted to the office of the Registrar.
- c) Handed over to the SAPS immediately.

## 7.5 Tests/Screening

(1) If a student is reasonably suspected of drug abuse, a urine or other non-invasive test may be carried out under the following circumstances:

- a) The test is conducted by a person of the same gender.
- b) It is done in a private area and not in view of another student.
- c) One witness of the same gender as the student is present but not in view of the student.
- d) The sample is clearly and correctly labelled with full particulars.
- e) An authorised device is used.
- f) In terms of this Policy, an authorised device refers to the devices determined under *Devices to be Used for Drug Testing and the Procedure to be Followed*, 2008<sup>23</sup> as follows:
  - i. Drug Detective Wipe Detection System For Surfaces
  - ii. One Step Home Cocaine Test Strip
  - iii. Multi-Drug Test
  - iv. QuickTox Drug Screen DipCard Test
  - v. MoniTect Drug Screen Casette Test
  - vi. ToxCup Drug Screen Cup Test
  - vii. Multi Panel Drug Testing Device
  - viii. Smart Check Drug Screen Test
  - ix. Drug Smart Cup
  - x. Avitar Oral Screen 4 or DrugoMeter

## 7.6 Post-Testing or Searching

- (1) The Campus Head or their delegate must:
  - a) Within one day, inform the parent/guardian that a test, or search and seizure, was done in respect of their child/ward if the student concerned is a minor; and
  - b) Inform the student and their parent/guardian of the result of the test immediately after it becomes available.
  - c) The IIE requires the Campus Head or their delegate to also inform the student of further action to be taken including possible disciplinary action.
- (2) The identity of the student and results of the search and seizure and the drug test must be treated with the utmost confidentiality, and only the student and their parent/guardian may be informed of the outcome.
- (3) A student found in possession of an illegal drug or dangerous object, or whose sample tested positive for an illegal drug, may face disciplinary action, and criminal charges may be instituted by the campus against such a student.
- (4) Should remaining drug-free be a condition for a student (who has already violated this Policy to stay on campus), further testing on campus can be used to monitor the compliance of the student concerned only with that student's consent. If the student does not consent, the onus can be placed on the student to provide a test result from

<sup>23</sup> Devices to be Used for Drug Testing and the Procedure to be Followed

an authorised source confirming that they are not using the substance.

- (5) It is important that sanctions are clear in terms of this onus and the consequences of the student failing to demonstrate that they are no longer using the substance.
- (6) A full and detailed report needs to be provided to the national management and the office of the Registrar on any search or test whether negative or positive and a full report needs to be retained on the student record of any student on whom a prohibited item is found or who tests positive.