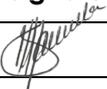




**Western Cape College of Nursing (WCCN)  
Disciplinary Policy.**

<b>Doc. Number</b>	2018/01/27
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<b>Author</b>	<b>Position</b>	<b>Signature</b>	<b>Date</b>
Policy development taskteam			

<b>Approved by</b>	<b>Position</b>	<b>Signature</b>	<b>Date</b>
Senate - Chairperson	Director		07.12.2023

**RECORD OF CHANGES**

<b>REVISION</b>	<b>TITLE OR BRIEF DESCRIPTION</b>	<b>ENTERED BY</b>
2021/11/04	Academic and non-academic procedures clarified	Dr T M Bock
2023/08/15	Re-branding	Dr TM
2023/08/15	Revision of policy	Dr TM
2023/12/04	Revised based on inputs from Council Disciplinary Committee	Ms Strauss and Dr Magerman

**All Change requests should be submitted to the Western Cape College of Nursing Senate**

**PREAMBLE**

This policy is to be applied from adoption hereof. This policy is by no means to be retrospectively applied and will only deal with the exam cycle immediately prior to ratification of this policy.

## **1. SCOPE**

This policy applies to all students registered at the Western Cape College of Nursing.

## **2. GUIDING PRINCIPLES**

The policy aims to ensure that the process for alleged disciplinary misconduct is credible, transparent, universally applicable, and fair.

## **3. RELEVANT POLICIES AND LEGISLATION**

### **3.1 Relevant Acts and Regulations**

- Nursing Act, No. 33 of 2005 as amended R.767 of 1 October 2014: Rules setting out the acts or omissions in respect of which the Council may take disciplinary steps.
- Labour Relations Act (LRA), No 66 of 1995
- CHE (HEQC) (2013) The higher education qualifications sub-framework
- CHE (HEQC) Criteria for programme accreditation 2004
- South African Qualifications Authority

### **3.2 Relevant Institutional Policies**

- Vision & Mission
- Council and Senate Governance policy
- Work Integrated learning Policy
- WCCN Residential Rules (Accommodation)
- Student academic Rules and regulations
- Assessment Policy and Procedure and rules for assessment
- Student Academic Support
- WCCN student Impairment Policy
- Department of Health Uniform & Identification device Policy
- Department of Health Placement Policy
- Department of Health Code of Conduct
- National Department of Health Patients Right Charter
- Western Cape Department of Health Mission, Vision & Values
- Nursing Education and Training advisory Committee

## **4. DISCIPLINARY CODE AND PROCEDURES FOR THE WESTERN CAPE COLLEGE OF NURSING**

### **4.1 Purpose and Scope**

The purpose of this Code and Procedures is:

- to support constructive student relations in the Western Cape College of Nursing;
- to promote mutual respect between students and Western Cape College of Nursing Academic staff and non-Academic Staff;

- to ensure that the Western Cape College of Nursing and students share a common understanding of misconduct and discipline;
- to promote acceptable conduct;
- to provide students and Western Cape College of Nursing with a quick and easy reference for the application of discipline;
- to avert and correct unacceptable conduct; and
- to prevent arbitrary or discriminatory actions by Western Cape College of Nursing toward students

## 4.2 PRINCIPLES

The following principles inform the Code and Procedure and must inform any decision to discipline a student.

- Discipline is a corrective measure and not a punitive one.
- Discipline must be applied in a prompt, fair, consistent, and progressive manner.
- Discipline is a management function.
- A disciplinary code is necessary for the efficient delivery of service and the fair treatment of public servants, and ensures that students:
  - has a fair hearing in a formal or informal setting;
  - is timeously informed of allegations of misconduct made against them;
  - receives written reasons for a decision taken; and
  - has the right to appeal against any decision
- As far as possible, disciplinary procedures shall take place at the campus attended by the student and be understandable to the student.
- If a student commits misconduct that is also a criminal offence, the criminal procedure and the disciplinary procedure will continue as separate and different proceedings.
- Disciplinary proceedings do not replace or seek to imitate court proceedings.
- The Code and Procedures are guidelines and may be departed from in appropriate circumstances.

## 5. SCOPE OF APPLICATION

This Code and Procedure applies to all students and employees appointed by Council. It does not, however, apply to employees covered by a disciplinary code and procedure:

- concluded in a sectoral council and approved by the PSCBC (Public Service Coordinating Bargaining Council) to ensure uniformity of procedures across the public service or contained in legislation or regulations.

## 6. CODES, RULES, AND STANDARDS

6.1 The Code of Good Practice contained in Schedule 8 of the Labour Relations Act, 1995, insofar as it relates to discipline, constitutes part of the Code and Procedure.

6.2 Student conduct that may warrant a disciplinary action is listed in Annexure A. This list is not exhaustive.

Western Cape College of Nursing may discipline a student in respect of other conduct, if the student knew, or ought to have known, that the conduct constituted grounds for disciplinary action.

6.3 In applying Annexure, A, Western Cape College of Nursing must assess the seriousness of the alleged misconduct by considering:

6.3.1 the actual or potential impact of the alleged misconduct on the work of the public service, the student's component and colleagues, and the public;

6.3.2 the nature of the employee's work and responsibilities; and

6.3.3 the circumstances in which the alleged misconduct took place.

## **7. PROCEDURES: DISCIPLINARY ACTIONS**

### **7.1 Corrective counselling.**

In cases where the seriousness of the misconduct warrants counselling, the Western Cape College of Nursing must:

- bring the misconduct to the student's attention;
- determine the reasons for the misconduct and give the student an opportunity to respond to the allegations
- seek to get agreement on how to remedy the conduct; and
- take steps to implement the agreed course of action.

### **7.2 Verbal warnings.**

In cases where the seriousness of the misconduct warrants a written warning, the Western Cape College of Nursing may give the student a verbal warning. The Western Cape College of Nursing must inform the student that further misconduct may result in more serious disciplinary action and record the warning.

### **7.3 Written warnings.**

In cases where the seriousness of the misconduct warrants a written warning, the Western Cape College of Nursing may give the student a written warning. The following provisions apply to the written warnings:

- The written warning may use the form of Annexure B.
- The Western Cape College of Nursing must give a copy of the written warning to the student, who must sign receipt of it.
- If the student refuses to sign receipt, the Western Cape College of Nursing must hand the warning to the student in the presence of a witness, and sign confirmation that the written warning was conveyed to the student.
- The written warning must be filed in the student's personal file.
- A written warning remains valid for six months. At the expiry of the six months, the written warning must be removed from the student's personal file and destroyed.
- If during the six-month period, the student is subject to disciplinary action, the written warning may be taken into account in deciding an appropriate sanction.

#### **7.4 Final written warning.**

In cases where the seriousness of the misconduct warrants a final warning, the Western Cape College of Nursing may give the student a final written warning. The following provisions apply to final written warnings:

- the final written warning may use the form of Annexure C.
- The Western Cape College of Nursing must give a copy of the final written warning to the student, who must sign receipt of it.
- If the student refuses to sign receipt, the Western Cape College of Nursing must hand the warning to the student in the presence of a witness, and sign in confirmation that the final written warning was conveyed to the student.
- The final written warning must be filed in the student's personal file.
- A final written warning remains valid for six months. At the expiry of the six months, the final written warning must be removed from the student's personal file and destroyed.
- If during the six-month period, the student is subject to disciplinary action, the final written warning may be taken into account in deciding an appropriate sanction.

7.5 For less serious forms of misconduct, no formal enquiry shall be held.

7.6 For the purpose of determining appropriate disciplinary actions, valid warnings for similar offences by the student shall be taken into account.

### **8. SERIOUS MISCONDUCT**

If the alleged misconduct justifies a more serious form of disciplinary action than provided in paragraph 5, the Western Cape College of Nursing may initiate a disciplinary enquiry. The Western Cape College of Nursing must appoint a representative, who as far as possible should be the manager for the student, to initiate the enquiry.

### **9. DISCIPLINARY ENQUIRY**

#### **9.1 Notice of enquiry**

9.1.1 The student must be given notice at least five working days before the date of the hearing.

9.1.2 The student must sign receipt of the notice. If the student refuses to sign receipt of the notice, it must be given to the student in the presence of a witness who shall sign in confirmation that the notice was conveyed to the student.

9.1.3 The written notice of the disciplinary meeting must use the form of Annexure D, and provide;

- A description of the allegations of misconduct and the main evidence on which the Western Cape College of Nursing will rely;
- Details of the time, place, and venue of the hearing; and
- Information on the rights of the student to representation by a fellow student or a recognized trade union, and to bring witnesses to the hearing.

## 9.2 **Precautionary suspension**

- 9.2.1 The Western Cape College of Nursing may suspend a student or transfer the student if:
- the student is alleged to have committed a serious offence; and
  - the Western Cape College of Nursing believes that the presence of a student at the workplace might jeopardize any investigation into the alleged misconduct or endanger the wellbeing or safety of any person or property of state.
- 9.2.2 A suspension of this kind is a precautionary measure that does not constitute judgement and must be on full pay.
- 9.2.3 If a student is suspended or transferred as a precautionary measure, the Western Cape College of Nursing must hold a disciplinary hearing within a month. The Presiding Officer of the hearing must then decide on any further postponement.

## 9.3 **Conducting the disciplinary hearing**

- 9.3.1 The disciplinary must be held ten (10) working days after the notice referred to in paragraph 9.1.1(a) is delivered to the student.
- 9.3.2 The Chair of the hearing must be at least on salary level 10 and a level higher than the investigating officer. The Chair must be employed by the Western Cape College of Nursing or other person employed by Department of Health and Wellness with appropriate knowledge. The Chairperson to be appointed by WCCN Director or delegated authority.
- 9.3.3 If the student wishes, she, or he may be represented in the hearing by a fellow student or a representative of a recognized Student representative body/trade union.
- 9.3.4 If necessary, an interpreter may attend the hearing.
- 9.3.5 In a disciplinary hearing, neither the Western Cape College of Nursing nor the student may be represented by a legal practitioner, unless the student is a legal practitioner. For the purposes of this agreement, a legal practitioner is defined as a person who is admitted to practice as an advocate or an attorney in South Africa.
- 9.3.6 If a student fails to attend the hearing and the Chair concludes that the student did not have a valid reason, the hearing may continue in the student's absence.
- 9.3.7 The Chair must keep a record of the notice of the disciplinary hearing and the proceedings of the meeting.
- 9.3.8 Student Matters department may provide assistance to scribe
- 9.3.9 The Chair will read the notice for the record and start the hearing.
- 9.3.10 The representative of the Western Cape College of Nursing /or official employed by the department of Health and Wellness will lead the evidence on the conduct giving rise to the hearing. The student or student's representative may question any witness introduced by the representative of the Western Cape College of Nursing.
- 9.3.11 The student will be given an opportunity to lead evidence. The representative of the Western Cape College of Nursing may question the witnesses.

- 9.3.12 The Chair may ask any witness questions for clarification.
- 9.3.13 If the Chair decides the student has committed misconduct, the Chair must inform the student of the finding and the reasons for it.
- 9.3.14 Before deciding on a sanction, the Chair must give the student an opportunity to present relevant circumstances in mitigation. The representative of the Western Cape College of Nursing may also present aggravating circumstances.
- 9.3.15 The Chair must communicate the final outcome of the hearing to the student within five working days after the conclusion of the disciplinary enquiry, and the outcome must be recorded on the student's personal file.

#### 9.4 Sanctions

- 9.4.1 If the Chair finds that a student has committed any misconduct/offense, the Chair must pronounce a sanction, depending on the nature of the case and the seriousness of the misconduct, the student's previous record and any mitigating or aggravating circumstances. Sanctions consist of:
- 1) Counselling;
  - 2) A written warning;
  - 3) A final written warning;
  - 4) Community service not exceeding 100 hours within the precincts of WCCN;
  - 5) Suspension, with conditions
  - 6) Defer to next academic year with conditions
  - 7) A combination of the above; or
  - 8) Exclusion from programme
- 9.4.2 The Chair may only impose the sanction of suspension or deferment as an alternative to dismissal.
- 9.4.3 If a student is suspended with conditions, after a year he/she may write to Senate or council requesting readmission depending on the nature of the transgression without prejudice.
- 9.4.4 The Western Cape College of Nursing shall not implement the sanction during an appeal by the student.

#### 10. Appeal

- 10.1 A student may appeal a finding or sanction by completing Annexure E.
- 10.2 The student must, within (5) five working days of receiving notice of the final outcome of a hearing or other disciplinary procedure, submit the appeal for her or his executing authority, or to her or his manager, who shall then forward it to the appeal authority.
- 10.3 The appeal authority, who shall consider the appeal, shall be:
- 10.3.1 **The executing authority of the student, who:**
- was not involved in the decision to institute the disciplinary proceeding, and

- who has a higher grade than the Chair of the disciplinary hearing?

10.4 If the person referred to in paragraph 10.3 requires a hearing, she or he shall notify the student of the date and place.

10.5 The appeal authority may

- uphold the appeal, and /or
- reduce the sanction, or
- confirm the outcome of the disciplinary proceeding.

10.6 The Western Cape College of Nursing shall immediately implement the decision of the appeals authority.

Note: the student retains the right to appeal the outcome of appeals authority to Western Cape College of Nursing Council or utilize a dispute-settlement mechanism provided under the Labour Relations Act.

## **11. DISCIPLINARY PROCEDURES**

Any alleged misconduct/complaint must be reported to the Head of Campus (HOC)/manager. An investigation will be conducted by the HOD/Lecturer/Non-Academic official and the plan of action will be determined.

### **11.1 Alleged Misconduct/Offence During Assessments/Work Integrated learning Misconduct**

When convinced that a candidate has committed an irregularity, an examination or test the invigilator/supervisor shall:

- 11.1.1 confiscate the candidate's answer book or assessment material and all incriminating documents and equipment, and shall enter the time and his/her own signature on the answer book;
- 11.1.2 issue the candidate with a new answer book or assessment material written on the outside "new assessment material/ answer book issued to....." and enter the time and signature of the assessment supervisor/invigilator.
- 11.1.3 request the candidate to make a written declaration after the assessment stating what transpired. Such candidate should be advised that the written declaration should be made freely and voluntarily and will be used in the disciplinary hearing;
- 11.1.4 if the candidate refuses to continue with the assessment, the invigilator must instruct him/her to leave the venue.
- 11.1.5 after the assessment the supervisor/invigilator shall hand the candidate's original answer book and any incriminating material, as well as the answer book issued to the student after the irregularity was discovered, written statements of the candidate and the invigilator to the relevant Head of Department/Head of Campus;
- 11.1.6 Follow formal process see rule 6 (Serious Misconduct)

## 11.2 **Alleged Misconduct in General**

Complete Annexure 2 the official complaint form of the WCCN

- 11.2.1 When there is an allegation of misconduct or a complaint, the matter must be reported to Head of Campus if the complainant or accused resides in one of the WCCN controlled residences, or Security and the Head of Campus if he/she is not a resident;
- 11.2.2 In the event that the alleged misconduct involves a resident student, the procedure in dealing with misconduct in residences must be followed;
- 11.2.3 If the matter is reported to security, the latter will in turn submit a completed complaint's form and attach written statements (if available) to the Head of Campus within 24 hours of the matter being reported;
- 11.2.4 The Head of Campus will within seven (7) days of the alleged misconduct reported to the office by either security or the complainant, or such time as is reasonable under the circumstances, with the assistance of an Investigating Officer investigate the allegation, interview the complainant, defendant/suspect as well as witnesses, collect further written statements (if necessary) and conduct a disciplinary inquiry involving all parties concerned in the alleged misconduct in an attempt to resolve the matter;
- 11.2.5 Should the matter be resolved; the Head of Campus shall take note of the aforesaid disciplinary proceedings and enforce the outcome.
- 11.2.6 If there is serious transgression of student rules and code of conduct, work integrated rules or residential rules the matter will be dealt with in line with rule 6 (Serious Misconduct)

## 11.3 **Procedure in Preparation for A Disciplinary Hearing**

Director's office appoints in writing the presiding and investigating officer.

- 11.3.1 The investigating officer prepare the charged sheet with the following information:  
The date, time and venue of the disciplinary hearing, substantiated charges preferred against the accused and written statements from complainant and witnesses;
- 11.3.2 The accused must attend the hearing in person, may be represented by SRC/ another student or staff member of WCCN in terms of rule 16.3 of Student Rules and Code of Conduct. If the student would like to employ the services of a person other than a student or staff member of WCCN, he/she must comply with rule 16.4 which refers to representation by a person other than a student or staff member of WCCN. The Disciplinary Committee will on application or rule 16.5 consider the representation and make a ruling;
- 11.3.3 The accused must inform the investigating officer before the date of the hearing if he/she would like an interpreter to assist him/her during the proceedings;
- 11.3.4 He/she may present evidence, and will be cross-examined;
- 11.3.5 He/she may bring witnesses to corroborate his/her defense;
- 11.3.6 Failure to appear without an acceptable reason will result in a decision made and an appropriate punishment imposed against him/her in absentia; and;

- 11.3.7 The accused shall be served with the notice to appear and charges from the investigating officer or delegated authority. Student to acknowledge receipt of charged sheet by signing it with a date. Witness to sign with student.
- 11.3.8 If the accused refuses to acknowledge receipt of a notice of disciplinary hearing, confirmation in writing by the person who served the notice, that the notice was duly served, will be *prima facie* proof that the accused received such notice.

#### 11.4 PROCEEDINGS OF FORMAL DISCIPLINARY HEARINGS (ACADEMIC /WIL RELATED MATTERS)

The procedure of a Disciplinary Hearing shall be as follows:

- 11.4.1 The Chair shall introduce the committee members and read out the notification of the charge(s) to the accused; his/her rights and ask the accused to plead.
- 11.4.2 In the event the accused pleads not guilty, the Chair shall ask the investigating officer to lead evidence and present witnesses to substantiate the charge(s).
- 11.4.3 The accused or representative cross-examines the prosecutor's witnesses, and the committee members will ask questions for clarity.
- 11.4.4 The accused will then be given an opportunity to give evidence in defense; aggrieved make submissions in support of his/her defense and present witnesses.
- 11.4.5 The prosecutor cross-examines the accused and his/her witnesses, and the committee members will ask questions for clarity.
- 11.4.6 The committee will allow closing arguments from the prosecutor and the accused or representative.
- 11.4.7 The committee will in the absence of the accused, his/her representative and investigating officer, deliberate on the facts and evidence led, and give a finding of guilty or not guilty to the accused. The finding will be arrived at on a balance of probabilities
- 11.4.8 If the accused is found not guilty the case is dismissed. If guilty the committee will allow the guilty student to state his/her case in mitigation and the prosecutor in aggravation respectively.
- 11.4.9 The Chair will in consultation with the Head of Campus deliver the sanction and advise the student of his/her right to appeal.
- 11.4.10 The decision of a Disciplinary Committee shall be determined by consensus.
- 11.4.11 If the accused student pleads guilty the Chair must ascertain whether the plea of guilty is tendered freely and voluntarily and ask the accused to present his/her version of the case in his own words.
- 11.4.12 If the student is in doubt the Chair must enter a plea of not guilty and follow the procedure as stated above.
- 11.4.13 If after hearing the accused's version of the event(s), and a plea of guilty is accepted, the Chair must then proceed to (h), (i) and (j) above.
- 11.4.14 The Head of Campus shall ensure that the outcome of the Disciplinary Hearing is given to the student in writing as soon as is reasonably possible to allow the student an opportunity to appeal if he/she so wishes.

## **11.5 PROCEDURE IN DEALING WITH MISCONDUCT IN RESIDENCES**

- 11.5.1 The maintenance of residence rules and good order in the residences is primarily the responsibility of the Head of Campus with the assistance of the House Committee and residence manager at each residence where applicable.
- 11.5.2 The complaint/incident must be reported in writing to the Head of Campus
- 11.5.3 The Head of Campus will determine if the transgression must be dealt with informal or formal
- 11.5.4 Where the transgression is of such a serious nature that it is in the interest of the residence and WCCN for a charge of misconduct, a formal disciplinary process and procedure must be followed. See rule 6, formal disciplinary Hearing
- 11.5.5 If the violation involves alcohol, the alcohol or empty containers must be confiscated as proof and be kept in the office of Head of Campus pending the investigation and outcome of a disciplinary inquiry. After the inquiry if the matter has been resolved the alcohol must be thrown into the drain and the owner may observe the process.

## **12. DISCIPLINARY MEASURES**

### **12.1 ACADEMIC DISCIPLINARY COMMITTEE**

The Academic Disciplinary Committee may impose one or more of the following disciplinary sanctions: See Annexure 4 for the list of transgressions and sanctions.

- 1) issue a counselling;
- 2) issue a warning;
- 3) issue a final warning
- 4) impose a suspended disciplinary sanction with or without conditions;
- 5) impose expulsion from WCCN;
- 6) exclude the student from any or all lectures, assessments, tests or examinations in any or all subjects;
- 7) cancel any or all assessments, tests or examinations or other marks as well as year and semester marks;
- 8) cancel credits in any or all subjects;
- 9) declare subject invalid;
- 10) recommend to the Senate to cancel a qualification that has been formally awarded or conferred;
- 11) exclude the student from any or all classrooms, assessment rooms, test rooms or examination rooms;
- 12) exclude the student from any or all academic activities;
- 13) discharge the student from any office or capacity in which he/she was appointed or elected.
- 14) direct the student to apologize verbally or in writing to any person or body;
- 15) forfeiture of a bursary or loan;
- 16) refer the student to; Student Counselling and Development for remedial measures;
- 17) recommend de-registration and forfeiture of all examination credits earned;
- 18) take any other appropriate, educationally justifiable, disciplinary sanction.
- 19) community service not exceeding 100 hours within the precincts of WCCN;

## 12.2 DISCIPLINARY COMMITTEE (RESIDENCES)

The Disciplinary Committee may impose one or more of the following sanctions: See Annexure 4 for the list of transgressions and sanctions.

- 1) expulsion from the residences and/or from WCCN;
- 2) suspension from the residence and/or from WCCN for a specified period;
- 3) prohibition from participation in any activity of WCCN;
- 4) Pay for damage property and equipment
- 5) community service not exceeding 100 hours within the precincts of WCCN;
- 6) forfeiture of the privilege to keep a vehicle on the premises of WCCN;
- 7) ordering the student to pay an amount that will make good any loss or damage suffered or costs incurred by WCCN, any other student or any other person or organization on account of the misconduct;
- 8) exclusion from any non-academic activities for a specified period;
- 9) the provisions of rule 1,2,3,4,10,12,13,14,15,16 and 17 of the disciplinary sanctions of the Academic Disciplinary Committee.
- 10) take any other appropriate, justifiable disciplinary sanction.

## 12.3 RESIDENCE DISCIPLINARY MEASURES

In trying to resolve the matter or terminate the violation of rules the residence committee or Residence Manager/Head of Campus may take one or more of the following actions:

- 1) serious discussion with the student concerned;
- 2) verbal or written reprimand or warning;
- 3) refusing the student access to a residence facility for as long as the violation of rules continues;
- 4) reporting the matter to the Director
- 5) billing the resident/group of residents for damages suffered or loss incurred by fellow residents of WCCN;
- 6) removal of appliances/instruments;
- 7) suspension from specific residence activities or an office or capacity for a specific period;

In addition to the actions available for the Residence Manager, the Head of Campus may include one or more of the following sanctions:

- a) community service not exceeding 100 hours;
- b) refusal of readmission to the residence;
- c) dismissal from an office or capacity as specified;
- d) awarding compensation for any damage to premises of WCCN or its property or the property of any person associated with WCCN
- e) In consultation with the Head of Western Cape College of Nursing suspend a resident student from his/her residence pending an investigation and outcome of a disciplinary process;
- f) take any other appropriate and justifiable disciplinary action

## 12.4 **GRIEVANCE PROCEDURES**

### **OBJECTIVES AND PRINCIPLES**

- 12.4.1 The purpose of this grievance procedure is to ensure that complaints from students of WCCN or any other person or body against the authorities of WCCN are resolved speedily and as close to the source as possible, and to establish effective upward communication channels
- 12.4.2 The aim is that grievances must be dealt with and resolved within a reasonable period of time.
- 12.4.3 The principle behind a grievance procedure is that the aggrieved student or person should be able to lodge the grievance without fear of victimization.
- 12.4.4 The responsibility lies with WCCN Management to ensure that the aggrieved party is satisfied with the manner in which the grievance is resolved.
- 12.4.5 The aggrieved person or body who has a grievance or complaint against the authorities of WCCN may lodge the grievance in the procedures set out herein below.

## 12.5 **ACADEMIC RELATED GRIEVANCES**

A student or group of students who are not happy about a matter related to academic activities should embark on the following steps:

- 12.5.1 First discuss the matter with the subject lecturer for the relevant instructional offering;
- 12.5.2 If the student/students are not satisfied with the manner in which the subject lecturer resolved the matter or the matter is not resolved, the student/students may submit a grievance in writing to the relevant Head of Department;
- 12.5.3 Should the grievance remain unresolved, the aggrieved may submit it to the Head of Western Cape College of Nursing concerned with a report from the Registrar Academia/Head of Department, copying the Head of Campus;
- 12.5.4 The Head of Western Cape College of Nursing may (if necessary) ask for assistance from the Registrar Academia/Head of Campus/Head of Department in order to investigate and assist in resolving the matter;
- 12.5.5 If the aggrieved is/are still not satisfied with the resolution, he/she/they may submit the grievance to the Senate Chairperson
- 12.5.6 The Senate Chairperson will (if necessary) refer the matter to the Head of Campus for further investigation and/or resolve the grievance;
- 12.5.7 If the grievance is still not resolved to the satisfaction of the aggrieved, the aggrieved may further appeal to Council through the Directors office, and the Council is the highest level of authority whose decision is final.

## 12.6 **STUDENT AFFAIRS RELATED GRIEVANCES**

In the case of a non-academic related matter a student in a WCCN residence who have a complaint may embark on the following steps:

First discuss the matter with Residence Manager concerned who will try and resolve it;

- 12.6.1 Should the matter remain unresolved at this level the complaint/grievance may be submitted in writing to the Head of Campus
- 12.6.2 If the grievance remains unresolved, the aggrieved may submit the grievance to the Head of Western Cape College of Nursing, copying the Head of Campus. In consultation with the Head of Campus (if necessary) the Head of Western Cape College of Nursing will try and resolve the grievance;
- 12.6.3 If still unresolved the aggrieved may embark on steps 5, 6 and 7 of the Academic Related Grievances above.
- 12.6.4 In the case of a non-resident student or any other person or body the complaint will be reported to the Head of Campus which may in consultation with the Head of Western Cape College of Nursing (if necessary) try and resolve it;
- 12.6.5 If the grievance is not resolved to the satisfaction of the aggrieved, the latter may follow the steps 5, 6 and 7 of the Academic Related Grievances above.

### **13. DISCIPLINARY PROCEDURES**

#### **STEP 1: COMPLAINANT**

When the matter is reported the following procedures should be followed: If reported to Security:

- 1) Student should give a verbal account of the incident.
- 2) Should the student want to lay a complaint, he/ she will be provided with a Complaint Form Annexure 2, which should be filled in.
- 3) The Security Official will now enter the incident into OB book.

**NB: The Investigating Officer ("IO") collects the Complaint Form from Security and hands it over to the Head of Campus to be recorded in the Incident Record Book.**

If the matter is reported to the Head of Campus:

- 1) Student should give verbal account of the incident.
- 2) Should the student want to lay a complaint, he/she will be provided with a Complaint Form, which should be filled in.
- 3) All Complaint Forms will be handed to the Head of Campus, who will enter the incident into the Incident Record Book.
- 4) The Head of Campus will forward the Compliant Form to the Investigating Officer.

#### **STEP 2: INVESTIGATING OFFICER**

- 1) Analyses the Complaint Form and searches for email address (student number/ s) proof the accused and witnesses on the Student Registration system;
- 2) Contacts the witnesses and the accused through email, and if urgent then through cellphone or SMS system;
- 3) Sets up appointments with witnesses and accused to submit statements regarding the incident.

- 4) Collects documentary evidence or any other additional evidence
- 5) Compiles Case Docket and Investigation Report and submits to the Head of Campus.
- 6) Informs accused to come to Head of Campus to respond to the complaint (accused may write the response);

### **STEP 3: INQUIRY PROCESS:**

This is a process provided for by Student Rules and Code of Conduct Rules 2.2.4 and 2.2.5

#### **Rule 3.2.4:**

The Head of Campus will within seven (7) days of the alleged misconduct reported to the office by either Security or the complainant, or such time as is reasonable under the circumstances, with the assistance of Investigating Officers investigate the allegation, interview the complainant, defendant/ suspect as well as witnesses, collect further written statements (if necessary) and conduct a disciplinary inquiry involving all parties concerned in the alleged misconduct in an attempt to resolve the matter;

#### **Rule 3.2.5:**

Should the matter be resolved, the Head of Campus shall take note of the aforesaid proceedings and enforce the outcome.

#### **ASSISTANT TO THE HEAD OF CAMPUS**

- a) Completes the Inquiry Form and attaches it to the Case Docket;
- b) Sets up an Inquiry
- c) Informs the complainant, witnesses and accused of the convenient date and time for the Inquiry through email, and if urgent, through cell phone or SMS system.

#### **HEAD OF CAMPUS**

- a) The Head of Campus Presiding Officers the process:
  - asks the complainant to state his/her complaint in the presence of the accused;
  - after listening to the complainant - ask the witnesses to give their testimony;
  - accused responds in defense or admission, with his/her witnesses corroborating his/her defense;
- b) if there are facts in dispute the Head of Campus will:
  - note those disputes
  - resolve the matter and make a ruling as to disciplinary measure or
  - proceed to 3.2.6 where formal charges will be drafted (see charge sheet)

#### **Rule 3.2.6:**

If there is serious transgression of Student Rules and Code of Conduct, or the matter cannot be resolved by the Head of Campus, and in the Head of Campus/ Proctor's opinion a case can be made out, or the student refuses to participate in the inquiry, refuses to accept, or appeals against the inquiry outcome, Head of

Campus shall formulate charge(s) as disclosed by the evidence, and convene a Student Affairs Disciplinary Hearing in which she/ he shall act as proforma prosecutor.

c) Records the decision in the INQUIRY FORM

**A resolution to an incident reported does not always result in a disciplinary hearing. At times, the parties resolve the matter with the Head of Campus acting as a mediator.**

### **FORMULATING OF CHARGES**

Reference is herein made to Student Rules and Code of Conduct to ascertain which of the Rule(s) the student allegedly contravened.

### **STEP 4: SETTING UP A DISCIPLINARY HEARING**

a) The Head of Campus Assistant sets up a Disciplinary Hearing;

b) In terms of Schedule A, paragraph 1.3 of the Student Rules and Code of Conduct, the Student Affairs Disciplinary Committee consists of:

- I. Head of Western Cape College of Nursing appoint Presiding officer  
Head of Western Cape College of Nursing appoint Investigating officer
- II. One HOD from Student Matters/Services
- III. LSRC Presiding Officer or nominee
- IV. Head of Campus (ex-officio)

c) The Charge Sheet, together with the relevant documentation is served on the student by the investigating officer.

**NB: It is essential to remember that four members in all disciplinary committees form a quorum.**

### **STEP 5: DURING THE PROCEEDINGS**

a) Proceedings are held in terms of Rule 2.4 Schedule A of Code of Conduct;

b) Investigating officer tables written representation (if any) from the accused or any points in limine (A motion in **limine** is a motion that is tabled by one of the parties at the very beginning of the legal procedures and seeks to pull the rug out from under the feet of the other party as defined by Duhaime.org.) (2018). for the Disciplinary Committee to consider before the proceedings commence;

c) The proceedings are recorded and the Assistant to the investigating officer provided by student Matters of Campus admin;

d) Steps to follow in the Hearing are distributed to the Disciplinary Committee;

e) Outcome of the Disciplinary Hearing is conveyed in writing by the Presiding officer Assistant to the Head of Campus and the student is advised to collect it from the Head of Campus.

f) See Annexure 4 for the list of transgression.

#### **14. RIGHTS OF STUDENTS DURING DISCIPLINARY PROCEDURES**

- You have a right to present evidence in your defense.
- You have a right to be represented by any student or staff member of WCCN. However, if you want to be represented by a person other than a student or staff member of WCCN, you will, in terms of Rule 16.4 of the Student Rules and Code of Conduct, submit written representations no later than 36 hours (thirty-six hours) prior to the hearing, to the Head of Campus/Investigating officer as to why you should be allowed representation by a person other than those persons designated in Rule 16.3.
- You have a right to call witnesses to your defense in which case you have to arrange for their presence at the hearing and also inform the Head of Campus of the names of such witnesses prior to the Disciplinary Hearing.
- You are further advised to read procedures in preparation for a Disciplinary Hearing in the Student Rules and Code of Conduct, Rule 2.4 in Schedule A, before the Disciplinary Hearing to apprise yourself with the proceedings.
- You have a right to an Interpreter; however, you must inform the Head of Campus at least 48 hours prior to the hearing, so that an interpreter can be arranged for you.

## **References**

CPUT Disciplinary Code 2015

Legal Online Dictionary. n.d. [www.duhaime.org/LegalDictionary/I/InLimine.aspx](http://www.duhaime.org/LegalDictionary/I/InLimine.aspx) [Accessed online 17 January 2018]

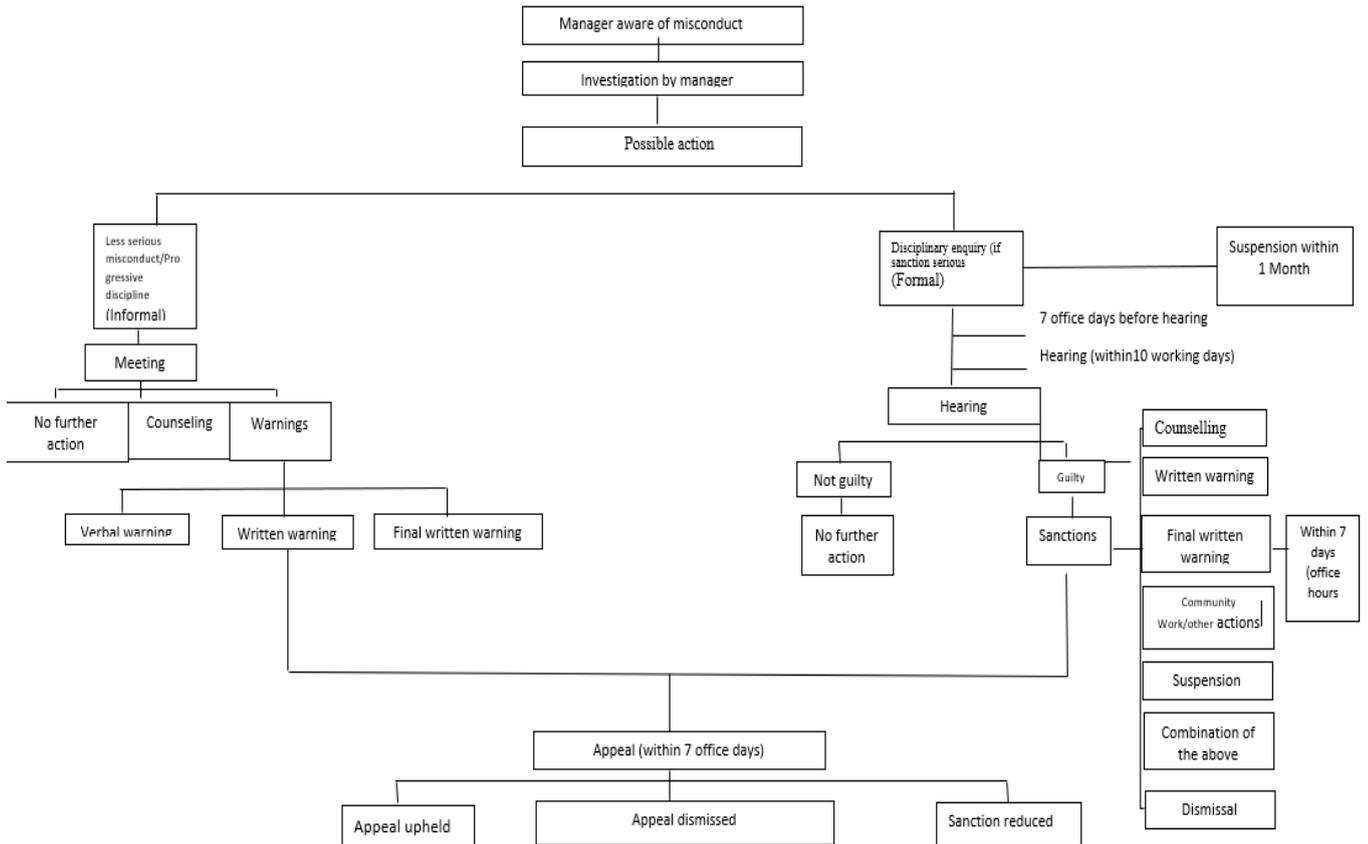
Western Cape Government-Health Disciplinary Code and Procedure (2005)



## ANNEXURE A: Disciplinary code and procedure flow chart

### WESTERNSCAPE COLLEGE OF NURSING

#### DISCIPLINARY CODE AND PROCEDURE FLOWCHART





**ANNEXURE B:**

**COMPLAINT FORM**

To: Head of Campus

Date of complaint: \_\_\_/\_\_\_/2023

**Complainant?** \_\_\_\_\_

**Complainant details?**

Residence: \_\_\_\_\_

Contact number: \_\_\_\_\_

Student or Staff no: \_\_\_\_\_

Email address: \_\_\_\_\_

Race: \_\_\_\_\_ Gender: \_\_\_\_\_

**Department:** \_\_\_\_\_

**Course Registered for:** \_\_\_\_\_

**Did you report your complaint at CPS or SAPS?** YES/ NO

**If yes:**

OB no: \_\_\_/\_\_\_/\_\_\_ or Case number: \_\_\_/\_\_\_

**Name of person reported to:** \_\_\_\_\_

**What is your complaint?**

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**Suspect name and surname / details?** \_\_\_\_\_

**Why/What proof do you have? (For example- he/ she was seen by....)**

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**What happened?**

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(if this space is not sufficient for your complaint please write on a separate page and attach it to this form)

**When did this occur? (Date & Time)** \_\_\_\_\_

**What relationship exists between you and the suspect? (E.G.: friend, classmate, room mate, just a fellow student, lecturer, staff, service provider.**

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Where did it occur?

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**Why did it happen? (What reason could this person/s have to commit this offence? E.g.: disagreement, jealousy, greed, etc.)**

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**Who saw this happen? (Witnesses names & contact details)**

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**DAMAGED/ STOLEN PROPERTY (FULL DESCRIPTION AND VALUE)**

	<b>VALUE STOLEN</b>	<b>VALUE RECOVERED</b>	<b>REPLACEMENT VALUE</b>
	<b>R</b>	<b>R</b>	<b>R</b>
<b>SIGNATURE:</b>			

How do I contact your witnesses?

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Signed:.....

Date: .....



**ANNEXURE C:**

**RECORD OF COUNSELLING INTERVIEW**

DATE: \_\_\_\_\_  
NAME OF STUDENT: \_\_\_\_\_  
STUDENT NUMBER: \_\_\_\_\_  
CAMPUS: \_\_\_\_\_

This is a record of a counselling interview which was held with you, in terms of the Code of Conduct/Examination Rules/Work Integrated Learning Policy/Residential Rules. Should you engage in further misconduct, this record of counselling interview may be taken into account in determining a more serious sanction.

The record of counselling interview will be placed on your student file and will remain valid for a period of six (6) months from the date of the counselling interview. After six (6) months the record of counselling interview will be removed from your student file and be destroyed.

The nature of the misconduct is:

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SIGNATURE OF STUDENT: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE OF LECTURER/HEAD OF DEPARTMENT/HEAD OF CAMPUS: \_\_\_\_\_

DATE: \_\_\_\_\_



**ANNEXURE D:**

**WRITTEN WARNING**

DATE: \_\_\_\_\_  
NAME OF STUDENT: \_\_\_\_\_  
STUDENT NUMBER: \_\_\_\_\_  
CAMPUS: \_\_\_\_\_

This is a written warning in terms of the Code of Conduct/Examination Rules/Work Integrated Learning Policy/Residential Rules. Should you engage in further transgressions it could lead to a formal misconduct proceedings being against you.

The written warning will be placed on your student file and will remain valid for a period of six (6) months from the date of the final written warning. After six (6) months the written warning will be removed from your student file and be destroyed.

If you object to the warning, you may direct an appeal to the Senate Chairperson within five (5) working days.

The nature of the misconduct is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF STUDENT: \_\_\_\_\_  
DATE: \_\_\_\_\_

SIGNATURE OF LECTURER/HEAD OF DEPARTMENT/  
HEAD OF CAMPUS: \_\_\_\_\_  
DATE: \_\_\_\_\_



**ANNEXURE E:**

**FINAL WRITTEN WARNING**

DATE: \_\_\_\_\_  
NAME OF STUDENT: \_\_\_\_\_  
STUDENT NUMBER: \_\_\_\_\_  
CAMPUS: \_\_\_\_\_

This is a final written warning in terms of the Code of Conduct/Examination Rules/Work Integrated Learning Policy/Residential Rules. Should you engage in further transgressions it could lead to a formal misconduct proceedings being against you.

The final written warning will be placed on your student file and will remain valid for a period of six (6) months from the date of the final written warning. After six (6) months the final written warning will be removed from your student file and be destroyed.

If you object to the warning, you may direct an appeal to the Senate Chairperson within five (5) working days.

The nature of the misconduct is:

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SIGNATURE OF STUDENT: \_\_\_\_\_  
DATE: \_\_\_\_\_

SIGNATURE OF LECTURER/HEAD OF DEPARTMENT/  
HEAD OF CAMPUS: \_\_\_\_\_  
DATE: \_\_\_\_\_



## **ANNEXURE F:**

### **SCHEDULE of TRANSGRESSION**

#### **1) ABSENCE**

- Absence without prior arrangement/ informing relevant department will not be tolerated, (Inform Registered Nurse before 08:00 on day shift and before 10:00 for night shift) Absence due to ill health must be supported by proof e.g., Sick certificate.

#### **2) PUNCTUALITY**

- All students start work at time prescribed by clinical placement area.
- Lunch & tea breaks will be taken as scheduled per department of placement.
- Unauthorized breaks and extended tea or lunch breaks without permission is not allowed.

#### **3) SLEEPING ON DUTY**

- It is forbidden to sleep on duty.

#### **4) OFFENSIVE AND UNRULY BEHAVIOUR**

- Nobody may use offensive language or written abuse against another person or group of persons.
- Rebelliousness: nobody may be rude towards supervisors by humiliating him or her or using abusive words. (supervisor-i.e., lecturers, mentors, professional nurse in clinical areas)
- No pranking, fooling, clowning, or hoaxing may take place at work.
- Fighting is not allowed.
- No inflammatory behaviour, including being, or inciting others to be insurgent or rebellious will be tolerated.

#### **5) TRANSGRESSION INVOLVING USE OF ALCOHOL OR DRUGS**

- Nobody may be under the influence or be in possession of alcohol or drugs when on duty/ attending classes.
- Nobody may take alcohol or drugs while on duty.

#### **6) LOSS, DAMAGE OR MISUSE OF THE ORGANIZATION'S PROPERTY**

- Deliberate loss, damage or misuse of the organization's property is not allowed.

#### **7) THE USE OF ELECTRONIC DEVICES DURING FORMAL CLINICAL PLACEMENT**

- No use of cell phones
- No use of any other electronic devices (mp3, mp4, Hi Pod`s)
- Excess to Computers is limited to Patient administration/care.
- Taking of photos and videos are prohibit in clinical placement area.

## **CLASSIFICATION OF OFFENCES**

### **MINOR OFFENCES**

- Arriving late at work.
- Reporting late after a lunch or tea break.
- Unjustified absence from the workstation
- Loafing, wasting time or deliberately working slowly.

- Non-compliance with dress-code
- Use of electronic devices in clinical placement area (Excluding medical Equipment and calculators)

#### **SERIOUS OFFENCES**

- Absenteeism
- Leaving the organization's premises without permission
- Smoking in non-smoking areas
- Sleeping on duty
- Attempting to bring or causing the name of WCCN to be brought into disrepute.

#### **VERY SERIOUS OFFENCES**

- Being under the influence of alcohol or drugs on the organization's premises (i.e., College or Health services)
- Deliberately ignoring a manager or supervisor's reasonable instruction about operational requirements in the clinical placement area
- Refusing to carry out legitimate instruction.
- Any actions that can be define as a form of discrimination.
- Forging any legal document. (Class register, time sheets, daily rosters, and patient records)
- Verbal abuse (Colleagues/ Patient/ Other)
- Action with the intent to harm the patient.

#### **TRANSGRESSION THAT MAY JUSTIFY DISMISSAL OR SUSPENSION FOR A FIRST OFFENCE**

- Dishonesty in examinations.
- Fraud of signatures on time sheets / attendance register.
- Theft.
- Violation of safety or security regulations.
- Fighting on clinical placement areas (Colleagues/ Patient/ Other)
- Assault on clinical placement areas. (Colleagues/ Patient/ Other)
- Incitement
- Intimidation
- Carrying firearms and any other dangerous weapons in the clinical areas.
- Deliberately damaging clinical area property
- Being in possession of alcohol or drugs on clinical areas.

Unauthorized or negligent use of College equipment, whether this leads to damage of equipment.

- Criminal conduct
- Academic conduct
- Conduct relating to assessment, examination, and test.
- Endangering the safety of Colleagues/ Patient/ Other

## DEALING WITH OFFENCES/TRANSGRESSIONS

### MINOR OFFENCES

1 <sup>st</sup> Offence	Written counselling
2 <sup>nd</sup> Offence	Written warning
3 <sup>rd</sup> Offence	Final written warning
4 <sup>th</sup> Offence	Disciplinary action: hold a hearing, and if all the facts point to guilt (the student has already received three warnings for the same or a similar offence), then dismissal.

### SERIOUS OFFENCES

1 <sup>st</sup> Offence	Written warning
2 <sup>nd</sup> Offence	Final written warning
3 <sup>rd</sup> Offence	Disciplinary action: hold a hearing, and if all the facts point to guilt (the student has already received three warnings for the same or a similar offence), then extend and or terminate Training. Report to SANC

In the case of 18.2/18.1 learners (Study by Assignment) the outcome of disciplinary interventions/reports must be sent to employer.

### VERY SERIOUS OFFENCE

1 <sup>st</sup> Offence	Final written warning
2 <sup>nd</sup> Offence	WCCN holds a hearing, and if all the facts point to guilt, extend and or Terminate training. Report to SANC

In the case of 18.2/18.1 learners (Study by Assignment) the outcome of disciplinary interventions/reports must be sent to employer.

### EXTEND & OR TERMINATE TRAINING

1 <sup>st</sup> Offence	WCCN holds a hearing, and if after consideration of all relevant facts the student is found guilty, extend training and or terminate training. Report to SANC
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In the case of 18.2/18.1 learners (Study by Assignment) the outcome of disciplinary interventions/reports must be sent to employer.



**ANNEXURE G:**

**DISCIPLINARY HEARING: REPORT OF PRESIDING OFFICERS**

NAME OF THE STUDENT/LEARNER: \_\_\_\_\_

STUDENT NUMBER: \_\_\_\_\_

PERSAL NUMBER (If applicable): \_\_\_\_\_

NAME OF THE REPRESENTATIVE: \_\_\_\_\_

NAME OF THE INVESTIGATING OFFICER: \_\_\_\_\_

NAME OF THE PRESIDING OFFICER: \_\_\_\_\_

DATE OF THE HEARING: \_\_\_\_\_

**CONTROL LIST**

1. Welcome members and explain purpose.	
2. Introduce members.	
3. Assess the need for a translator.	
4. Establish if prescribed notice was given.	
5. Confirm rights of Student/Learner.	
6. Read charge.	
7. Assess understanding and confirm awareness of severity.	
8. Ask for a plea.	
9. Explain procedure that will be followed.	
10. Hand over to members.	

**PLEA:**

<b>Guilty</b>		<b>Not guilty</b>	
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**(A) SUMMARY OF FACTS PRESENTED BY INVESTING OFFICER:**

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**(B) SUMMARY OF THE FACTS PRESENTED BY STUDENT/LEARNER OR HIS/HER REPRESENTATIVE:**

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**(C) SUMMARY OF THE FACTS AND EVALUATION BY THE PRESIDING OFFICER:**

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**(D) BEFORE A DECISION IS MADE WHETHER THE STUDENT/LEARNER IS GUILTY, THE FOLLOWING MUST BE CHECKED:**

1. Did the witness prove with balance of probability that the rule was transgressed?

Yes		No	
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Motivation:

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2. Is the rule that was broken reasonable and valid?

Yes		No	
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Motivation:

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3. Was the Student/learner aware of the rule or is it reasonable to assume that he/she would be aware of it?

Yes		No	
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Motivation:

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4. Is the rule applied consistently in the institution?

Yes		No	
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Motivation:

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**FINDING**

Guilty		Not guilty	
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**(E) IF THE LEARNER/STUDENT IS FOUND GUILTY:**

**CHECK AND COMPLETE THE FOLLOWING ITEMS:**

**1. What mitigating factors were presented?**

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**2. What aggravating factors were presented?**

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**3. What disciplinary/training record does the Training Provider have?**

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**4. What is used by the Training Provider in similar cases of misconduct?**

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**5. Is it possible to correct the conduct of the student/learner?**

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**6. What is the possible impact on other students/learners, the institution, and the public?**

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**7. What were the mitigating factors presented by the investigating officer and the student/learner/representative?**

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**(NOTE: e.g., personal situation / clear disciplinary record / good training record / possibility of correcting unacceptable behaviour, etc.)**

**8. What aggravating factors were presented by the investigating officer?**

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**(NOTE: e.g., personal situation / clear disciplinary record / seriousness of offence / possibility of correcting unacceptable behaviour, etc.)**

**(F) WHAT SANCTION IS SUGGESTED BY THE INVESTIGATING OFFICER?**

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**(G) WHAT ACTION IS SUGGESTED BY THE STUDENT/LEARNER/PRESENTATIVE?**

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**(H) WHAT IS USED BY THE INSTITUTION (TRAINING PROVIDER) IN SIMILAR CASES OF MISCONDUCT?**

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**(I) WHAT IS THE APPLICABLE SANCTION THAT SHOULD BE APPLIED AND THE REASONS FOR THIS?**

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**ADVISE STUDENT/LEARNER IN WRITING OF THE FOLLOWING:**

- Sanction
- Reasons
- Right to appeal

**PRESIDING OFFICER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_