



WCCN ACADEMIC RULES AND REGULATIONS

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Author	Position	Signature	Date
Dr T M Bock	Registrar Academia and Research		2024/07/12

Approved by	Position	Signature	Date
College Senate	Chairperson		13/09/2024

RECORD OF CHANGES

REVISION	TITLE OR BRIEF DESCRIPTION	ENTERED BY
2021/11/05	Percentages corrected and typos edited	Dr T M Bock
2021/12/21	Re-branding	Dr T M Bock
2022/03/02	Aligned with Ratified Assessment policy	Drs T Bock/A Truter
2024/08/07	Aligned with Admissions Policy, Invigilation Policy, Code of Conduct and Disciplinary policy and Disability Policy	Dr T M Bock

All Change requests should be submitted to the College 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.

ACADEMIC RULES AND REGULATIONS

2024

Key academic dates 2024

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THE WESTERN CAPE COLLEGE OF NURSING

The WCCN came into being in 1999 following the merger of the four colleges of nursing in the Western Cape.

The WCCN is cognisant of its place and responsibilities in the national landscape of higher education in a democratic South Africa. We acknowledge that the key challenges of the White Paper of 1997 and the National Plan for Higher Education remain relevant and critical. Therefore, in developing a strategic plan for the institution, we are guided by the following principles from the White Paper:

- We seek to address past inequalities and transform the institution to meet national needs
- We see our role in terms of the development of human potential through life-long learning
- We will develop socially responsible knowledge workers and professionals
- We will integrate our research and teaching with the needs of South Africa

As a publicly funded higher education institution, we welcome our responsibility to act for the benefit of society. Through a variety of certificates, diplomas, postgraduate diplomas, research and other educational activities, we will produce socially responsible graduates who are able to contribute proudly to the emerging needs of society and to live productive lives.

As the only public College of Nursing in a province that is rich in educational resources and therefore, we have a unique contribution to make and we must plan accordingly.

WCCN VISION STATEMENT

A premier nursing education and training institution that prepares graduates to provide person centered quality care, embrace technology and innovation and function as a member of interprofessional teams in all healthcare settings locally and globally

WCCN MISSION STATEMENT

The WCCN provides high quality education and training programmes for various categories of nurses who must meet the health needs of the Western Cape Province and South Africa, therefore community-based curricula in keeping with the policy directives of the Department of Health and WHO is presented.

The curriculum is designed advancing the profession and promote the art and science of nursing in an interprofessional collaborative culture locally and globally

The WCCN functions in a multi campus set-up encompassing the Cape Metropole, Boland Overberg district and the Southern Cape Karoo district to ensure optimal utilization and sharing of resources to enhance accessibility.

The WCCN further engages in research and outreach services, in partnership with educational institutions and community stakeholders to enhance sustainable environmental practices.

CORE VALUES: I-CARE AND COMPASSION

Integrity: Veracity, fidelity with transparency in everything we do.

Collaboration: We value intra-professional, inter-professional and community collaboration to advance learning, innovation and evidence-based practice.

Accountability: We hold ourselves responsible for behaviours, actions and results.

Respect: We are considerate of the differences of individuals and their respective contributions.

Excellence: The practice of outstanding service provision.

Compassion: A legacy of compassionate care that is expressed and lived in the WCCN Mission and Values. Students, staff and the community who experiences this care will find that it is rooted in a spirit of community that touches the hearts and souls of all those who experience or encounter us

ADDRESSES OF THE COLLEGE

STREET ADDRESSES POSTAL ADDRESSES

METRO CAMPUS

Klipfontein Road, Heideveld P O BOX 1906

Tel +27 (0) +21 684 1200 HEIDEVELD, 7763

BOLAND CAMPUS

Western Cape College of Nursing, Department of Health
P/B X3113, Rainier Street, WORCESTER, 6849

Tel +27 (0) +23 8140090/0091

SOUTHERN CAPE KAROO CAMPUS

Southern Cape Karoo Nursing Campus, 1 Herrie Street, George 6530

Tel +27 (0) +21 443 803 1708

CENTRAL ADMINISTRATION

Central Administration

De la Haye road

Bellville

Tel 021 940 4458

ENQUIRIES

wccncommunication@westerncape.gov.za

OFFICIAL ADDRESS

All official and general correspondence should be addressed to:

The Head of College

Central Administration

De la Haye road

Bellville

COUNCIL OF THE COLLEGE

Chairperson

Deputy Chairperson

Ministerial Appointees

City of Cape Town Appointee

Provincial Government Appointee

Senate Representatives

Academic Representatives)

Non-Academic Representatives

Executive Management

Students' Representative Council President of the CSRC

OFFICE BEARERS OF THE COLLEGE

Director

Chairperson of Council

Deputy Directors

HOD Student matters

HEADS OF DEPARTMENTS

Student matters

R171

R169

R174

SECTION G GENERAL RULES FOR ALL QUALIFICATIONS

The General Rules which follow are subject to:

1. the provisions of the Higher Education Act (No.101 of 1997, as amended) and all other statutory regulations relating to higher education
2. WCCN Statute (Government Gazette No 33202 of 2010).
3. amendments of and deviations from these regulations as approved by Senate and College Council
4. All relevant SANC regulations

G.1 Definition of terms

- 1.1 "academic year" means the academic year as determined by Senate and endorsed by College Council and which comprises of four terms grouped into two semesters.
- 1.2 "assessment" a structured process for gathering evidence and making judgments about an individual's performance in relation to learning outcomes, assessment criteria and qualifications.
- 1.3 "assessment results" This could be a mark or a statement of competence depending on the HOD of assessment.
- 1.4 "Continuous Assessment" An ongoing process that measures a student's achievement in a course of study on a particular level, providing information that is used to support a student's development and enable improvements to be made in the learning and teaching process.
- 1.5 "co-requisite" refers to a subject that must be taken prior, or concurrently with another subject before a credit shall be given for that latter subject.
- 1.6 "cum laude" Achievement of outstanding academic performance i.e., 75% in all course work.
- 1.7 "Course" A course is a component within a programme of study for a qualification.
- 1.8 "Deferred/Postponed assessment" An assessment which takes place at a time other than the main Assessment.
- 1.9 "Final Summative Assessment (FISA)"
 - 1.9.1 The evaluation/ assessment conducted at the end of the prescribed period of study for a course.

G.2 Admission

Subject to the provisions of the Act, College Council in consultation with the Senate will determine admission to the WCCN.

- 2.1 Every prospective student shall apply for admission to a programme offered by the WCCN on the prescribed application form. All fields of the application must be completed in detail and signed by the prospective student and his/her parent or guardian if s/he is a minor. The application form will be completed online on the WCCN applications portal.
- 2.2 Any current matriculants applying for admission as a student at WCCN for the first time shall together with his/her application form submit his/her grade 11 final results, grade 12 certificate. Candidates who completed matric shall submit their senior certificate or equivalent, (statements of results will not be accepted), if transferring from another Higher Education Institution a certificate of conduct and academic record, identity document/birth certificate with ID number and valid study permit (for international students). All documents must be certified, such certification should not be older than 6 months.
- 2.3 The closing date for applications for admission shall be 31 August of every year. No late applications are accepted.
- 2.4 The WCCN has the prerogative to extend application dates.
- 2.4 No person shall be admitted to a course unless he/she satisfies the minimum admission requirements prescribed for the programme and has:

- 2.4.1 A Matriculation Certificate, issued by the Matriculation Board (up to and including 1991) or the South African Certification Board (since 1992).
- 2.4.2 A Senior Certificate.
- 2.4.3 A Certificate which has been endorsed in accordance with the South African Certification Council Act to the effect that he or she has met the minimum requirements for admission to study at a College as per the determined minimum entry requirements per programme; as set out in the No4 Admissions Registration Policy.
- 2.4.4 Any alternative qualifications or relevant work experience (prior learning and/or experience) which is recognised in terms of the admission policy of the WCCN as laid down by College Council in consultation with Senate.
- 2.5 All candidates who comply with the minimum requirements are still subject to selection procedures.
- 2.6 Incomplete applications that constitute the following will be declined:
- Uncertified documents
 - Statement of results attached and not the Original Senior Certificate/Matric certificate
 - Applying for a programme where a person already has the qualification for
 - No application fee paid
 - Application document filled in incompletely
 - ID document not attached
 - Illegible documents uploaded.
 - Not attaching a SAQA certificate in the case of foreign qualifications or Senior Certificate
 - Not completing Matric subjects on the application document
- 2.7 The Central Administration Students department in consultation with the Academic Governance Committee has the right to admit an applicant to a particular programme.
- 2.8 Communication to students is an automated process and this authority is vested in the Central Administration Student Matters department in consultation with the academic Governance Committee.
- 2.8 No late applications are accepted.

G.3 Registration

Only registered students may use the facilities of the WCCN. No person will be registered as a student unless s/he has already been admitted as a student to a specific programme.

- 3.1 A student who registers at the WCCN for the first time must submit satisfactory proof of his/her identity as well as proof that s/he complies with the prescribed admission requirements at registration.
- 3.2 A student must register annually during the set registration periods by paying the prescribed registration fees, making the required partial payment of fees and by signing the official registration form, thereby binding him/herself to the rules of the WCCN and undertaking to pay the prescribed fees on the due date, as in the case of privately funded students. No person who is in arrears with the payment of fees due to the WCCN shall be registered as a student.
- 3.3 At registration students have to provide the WCCN with postal and residential addresses. Students have to inform the Student Administration Department of any change in such addresses without delay. Official correspondence sent to a postal address thus provided by the student will be deemed as having been received by him/her.
- 3.4 An undergraduate student is provisionally registered until s/he submits the required certified copy of National Senior Certificate, Matriculation or Senior Certificate as stipulated in 2.4 above.
- 3.5 Only registered students may attend lectures, write tests or assessments, and submit assignments in any given subject. **Deviation from this rule is subject to the conditions as stipulated in G.3.6.3.** Students

who attend classes without having officially registered will not obtain any credits for subjects passed even where a student has paid the prescribed fees.

3.6 All students registered at the WCCN must be registered with the SANC as students

3.7 Any student misrepresenting themselves such as unauthenticated documentation or withholding pending criminal cases will be subject to a Disciplinary Inquiry

G.3.4 Compliance with programme requirements

3.4.1 A student is personally responsible to ensure that s/he is registered in accordance with the rules of the qualification, curriculum and module concerned as determined in the Senate rules in respect of that qualification, curriculum, or module.

3.4.2 The WCCN Senate and Council reserves the right to cancel any erroneous registration and may revoke any qualification erroneously conferred upon a student after a full investigation and a Disciplinary Inquiry.

G.3.5 Concurrent registration

3.5.1 A student may not register concurrently for more than one programme at the WCCN.

3.5.2 A student shall not register for a programme or subject at another higher education institution without the permission of the relevant Head of College on the recommendation of the Head of Department.

G.3.6 Limitation of registration

3.6.1 All students registered at the WCCN shall be deemed to have registered for one calendar year, semester or such shorter period as College Council, in consultation with Senate, may specify.

3.6.2 A student's registration shall lapse after the presentation and assessment of the subject for which s/he was registered has been concluded.

3.6.3 A student applying for a Senate Discretionary Assessment shall remain registered pending the outcome of such an assessment.

G.3.7 Prerequisites and co-requisites

Senate, on recommendation of the relevant HOD, may determine that students shall not be admitted to a particular subject unless they have obtained credit for another specified subject or register simultaneously for another specified subject.

G.3.8 Cancellation of registration

Cancellation of registrations may be student or WCCN initiated.

A student who wishes to cancel his/her registration must submit a written notice to the relevant Head of Department via the Head of Campus on the cancellation/termination of training form and within the period determined by WCCN

The student will be deregistered with the WCCN and the SANC upon completion of the termination documents

Monies paid to the WCCN is non-refundable. A student who resigned from the course but still owes tuition fees will remain liable for the outstanding fees.

The WCCN Senate and College Council may after a disciplinary inquiry, if a student is found guilty of misrepresentation or the provision of unauthentic documentation cancel a student's registration. Through submission of the cancellation/termination of training document to the Director WCCN. Such cancellation will be communicated by the authorised Head of the Student Matters section of the WCCN.

The student will be deregistered with the WCCN and the SANC upon completion of the termination documents.

A student may appeal a WCCN-initiated cancellation of studies as per the WCCN No 27 Disciplinary code and Appeals policy.

G.3.9 Promotion criteria

Promotion of student to a next or higher level is determined by Senate on the recommendation of Department's HOD's through the office of the Registrar Academia and Research, for which purpose the HOD's must provide specific criteria. Please see the WCCN Progression rules Policy No 3.

G.3.10 International students

WCCN will only accept International students after a mandate is provided by the College Council. International students shall register at the College only if they are in possession of a valid study permit or study visa. All other registration rules apply to all international students.

G.4 Recognition, exemption and retention of credits

G.4.1 Recognition

A student may, on formal application and payment of prescribed fees to the WCCN Council, and with the approval of Senate be:

4.1.1 granted credits for any subject(s) passed at the College, but in another programme, whether complete or incomplete, with the view of study for a College programme.

4.1.2 granted credits for any subject(s) obtained at another accredited institution for the purpose of obtaining a qualification if the required outcomes are sufficiently similar to those required for the subject in question and enjoys the support of Senate and Council.

4.1.3 granted exemption from registration for a subject(s) for which the students have received credit(s) in terms of the Recognition of Prior Learning Policy of the College.

G.4.2 Credits awarded

Please refer to the WCCN No. 2 RPL Policy

In all instances the total number of credits awarded should not exceed fifty percent (50%) of the total number of courses in a programme or qualification at the WCCN.

4.2.1 Advanced standing can only be granted for 50% of any programme (Certain stipulations should be determined e.g. Institution of previous qualification and period between studies see q above). The remainder 50% has to be completed by the individual as a normal student. The RPL assessment is done before the individual is allowed to register.

4.2.2 All credits accumulated in respect of incomplete qualifications shall only be valid for a maximum period of ten (10) years.

4.2.3 Applications for recognition of credits must be submitted to the HOD during the first year of study at the WCCN. In the case where modules/subjects from another accredited institution are presented for recognition/exemption, the academic record of the student and the relevant year's syllabi (content) of the module(s) must accompany the application.

4.2.4 If a student wishes to graduate in a particular year, and has obtained credits from another institution, written application for recognition of credits, with the necessary documentation, must reach the relevant student Matter/College SANC office before 31 January of that year.

4.2.5 If a student does not submit the application for credits/recognition within the required time, as indicated in 4.2.3 and 4.2.4 above, the opportunity for recognition of credits shall lapse.

G.5 Attendance requirements

Students shall be notified of attendance requirements by academic departments in writing through the student /subject guide at the commencement of each module.

G.6 Assessment rules (Procedures and Rules for Assessment)

6.1 Assessment strategies

Assessment strategies for programmes and subjects/courses/modules need to be approved by the relevant department, programme and College. In each case there needs to be an explicit and documented rationale for the choices pertaining to the use of assessment methods (e.g., projects, written responses, oral assessments, development of Portfolios of Evidence, etc.) as well as the weightings assigned to individual assessments (where applicable).

G.6.2 Continuous Summative assessment

CA is the assessment of students' progress throughout a course of study, rather than exclusively by examination at the end of it. CA is thus an umbrella term, indicating an approach to assessment that includes both formative and summative elements. Continuous Summative Assessments (CSA) (i.e., assessment tasks, assignments, tests, written or oral examinations, etc.) counts towards students' continuous mark record.

G.6.3 Assessment information in subject guides

6.3.1 Subject Guides must be evaluated (at inception, during and after use) at the Departmental and Programme levels to ensure that WCCN assessment policy is reflected in the Guides and in the assessment practices.

6.3.2 Subject Guides must provide detailed information to students of what they can expect with regard to assessments, as well as with regard to what is expected of them.

6.3.3 Copies of subject guides, together with documentary evidence of their evaluation, should be kept for review purposes. The evidence should include evidence pertaining to WCCN assessment policy and practice.

G.6.4 Scheduling/timetabling of assessments

6.4.1 Students should be given reasonable notification of all assessments, particularly with regard to timetabling and venues.

6.4.2 The Student Matters Office, in consultation with Head of College/HODs/ assessors, must ensure that there are no timetable clashes and that students are not subjected to excessive assessment loads in given time periods.

G.6.5 Criteria for entry into Examinations

6.5.1 Theory requirements

The following entry criteria apply:

- a student must have a record of a **minimum of 80%** classroom attendance per subject per semester/per year.
- all assignments must be completed and handed in by the given due date all continuous summative assessments must be done by students

6.5.2 Work Integrated Learning (WIL) requirements:

The following entry criteria apply:

- 80% record of WIL hours attendance where applicable prior to each WIL assessment.

- all assignments must be completed and handed in by the given due date.

G.6.6 Criteria for a pass and a distinction

6.6.1 Theory

To pass, a student must achieve the following:
50% in the integrated summative assessment mark.

6.6.2 WIL and Theory of Core subjects

In all core subjects' students must pass every WIL assessment with a sub minimum of 50% and Theory component with an integrated mark of 50% to progress to the next level of study or complete the programme.

6.6.3 To obtain a distinction a student must have obtained 75% in the final integrated assessment mark

G.6.7 Borderline marks

If there are any borderline cases after calculation, then the departments could apply the following to the student's final marks at Exam Board meeting: -

- 48% condoned to 50%
- 73% to 75% if at least another 75% or more was obtained during that assessment period

This consideration will consider the academic performance of a student since his first year at the WCCN, and the possibility of extenuating circumstances which impacted on the current examination cycle (as put forward by a student). There are no blanket amendments of borderline marks and each student will be dealt with as an individual case.

G.6.8 Awarding of qualification with Cum Laude

6.8.1 All qualifications may be awarded Cum Laude if the candidate:

6.8.1.1 Passes all the courses of the qualification in the first attempt.

6.8.1.2 Obtain an average of 75% in all the courses of the qualification and an average of 75% in the final-level courses.

6.8.2 Fulltime students who had a break in their studies, for whatever reasons, should qualify for Cum Laude, if they meet the minimum requirements.

6.8.3 Students who have passed a re-assessment or supplementary assessment cannot be awarded a pass with Cum Laude. Irrespective of the marks obtained in the re-assessment or supplementary assessment, the result of the re-assessment or supplementary assessment is indicated as a "pass" or "fail".

6.8.4 Students with exemptions, recognitions and RPL (advanced standing) are eligible for Cum Laude, providing that they do not constitute more than 50% of the subjects making up the qualification. These subjects should not be used for calculation purposes.

6.8.5 Students should be registered for a minimum time permissible for a particular qualification to be eligible for Cum Laude.

G.6.9 Criteria for medals and awards

6.9.1 A Head of College's Merit List is published for every level of every programme in the Department. To be included on the Head of College's Merit List a student must have:

6.9.1.1 been registered for a full academic workload for the year, even if they have additional exemption/recognitions.

6.9.1.2 passed all courses/subjects for that semester or year.

6.9.1.3 obtained an average of at least 75% for all courses/subjects.

6.9.2 Students who meet the criteria for the Head of Colleges Merit lists for "top" student in a programme/qualification

6.9.3 The Head of College's Medal is awarded to the WCCN's "top" student in a programme/qualification

- 6.9.3.1 This student obtains the highest average mark for all courses that contribute to the programme or qualification over the minimum required number of years is recognised for the award of the Medal.
- 6.9.3.2 The student must have passed all courses at the first attempt and have completed the qualification in the minimum time permissible.
- 6.9.4 Where more than one student obtains the same average mark (or where the average mark is separated by less than one percentage point), the Head of College has the discretion to invoke other criteria in determining which of these students should be awarded the medal such as leadership qualities, contribution to society and/or student development, or any other criteria.
- 6.9.5 The Head of College's Medal is awarded at the Graduation Ceremony at which the qualification of the recipient is being conferred. The award consists of an either an engraved medal or special college badge.

G.6.10 Publication of results

- 6.10.1 Departments will publish all assessment results no later than 14 days after the assessment on the student notice boards, iLearn/Moodle on the relevant subject course page to give the students an opportunity to verify their assessment results.
- 6.10.2 Students will have five days to query assessment results.
- 6.10.3 Results must be finalised before the institutional closing date for assessment result entry. Departments must arrange their own internal deadlines within these institutional deadlines.
- 6.10.4 Any late submission of assessment results after the institutional closing date must be communicated to the Head of College who will take the matter to the Exco of Senate.
- 6.10.5 Final assessment results are published by the Exam Office, who will distribute the final lists to academic departments and Campuses. The results will be published on the WCCN website, Moodle and notice boards on the same date.

G.6.11 Disclosure of assessment marks

No one may telephonically or otherwise, divulge any final marks to candidates

G.6.12 Providing feedback to students

- 6.12.1 Academic staff should ensure that feedback on student performance in assessments is timeous.
- 6.12.2 Subject guides should make explicit what students' rights are with regard to receiving timeous feedback.
- 6.12.3 Students who have grievances in this regard should first discuss the matter with the lecturer or clinical educator concerned. If reasonable cooperation from the lecturer is not forthcoming, the student may report the matter to the immediate HOD of the relevant lecturer or clinical educator.
- 6.12.3 Review of Examination Papers see WCCN Assessment Policy sections 8 - 10

G.6.13 Provisions for disability

Please refer to the WCCN No 24 Student disability policy

- 6.13.1 Any candidate to whom the specified time for an assessment could prove to be a disadvantage owing to a temporary disability or handicap may, at least thirty (30) days prior to the commencement of the assessments, apply to the Student matters office for an extension of time to be granted.
- 6.13.2 Candidates must submit all relevant documentation pertaining to such an extension of time previously granted by another educational institution or, a specialist medical practitioner's report on the medical condition in question.

- 6.13.3 An application, if successful, may allow a candidate with a disability or handicap an extension of time of no more than ten (10) minutes per hour for each one (1) hour's duration of the assessment and/or the use, where applicable, of additional support such as specialist equipment, a scribe and so on.
- 6.13.4 A separate venue will be arranged by the Student Matters Office in liaison with the particular HOD/HOC and lecturer.
- 6.13.5 In cases where a student requires a scribe and/or special computer equipment, the HOD concerned is to arrange this special requirement.

G.6.14 Academic disputes

- 6.14.1 Should a dispute arise regarding the assessment or any academic decision, the aggrieved party or parties must first discuss the matter with the subject lecturer, if the grievance/dispute is not resolved the student may submit their concerns in writing to the Head of Department. If the matter remains unresolved the students may refer this matter to the Registrar Academia and Research. The Registrar Academia and Research in consultation with Academic Governance may then at her, or his discretion initiate such proceedings as s/he may deem necessary to resolve the dispute. A matter raised by the whole class who underwent the assessment should be communicated via the Central SRC.
- 6.14.2 A student has a right to query a mark awarded. The issue at hand may be resolved through dialogue between the student and the HOD.
- 6.14.3 Should the student be dissatisfied with a finding of the Academic Planning Committee, he/she has the right to appeal to the Senate Appeals Review Committee on the prescribed forms.
- 6.14.4 The student concerned must submit a notice of appeal in writing setting out grounds on which the appeal is based to the Head of College not later than seven days of receipt of a written decision of the Academic Planning Committee through the office of the Registrar Academia and Research.
- 6.14.5 A student who is not satisfied with the decision of the Senate Appeals review Committee may further appeal to the College Council, the highest and the last level of authority in the WCCN addressing the letter of further appeal to the College Council Chairperson through the Director of the College.

G.6.15 Examination Rules

The examination is taken as a **Primary examination** or as a **Deferred/Supplementary examination** when the Primary examination was deferred or failed.

6.15.1 Criteria for entry to Examinations

6.15.1.1 Theory requirements:

The following entry criteria apply:

- a student must have a record of a minimum of 80% classroom attendance per subject per semester/per year.
- all assignments must be completed and handed in by the given due date all continuous summative assessments must be done by students

6.15.1.2 Work Integrated Learning (WIL) requirements:

The following entry criteria apply:

- 80% record of WIL hours attendance where applicable prior to each WIL assessment.
- all assignments must be completed and handed in by the given due date.

6.15.1.3 **Penalty for non-compliance with the theory and WIL requirements:** A student will **not** gain entry to the respective theory and WIL examinations

- **Theory:** a student will only progress if all subjects are passed and all theory and WIL requirements are met as per the WCCN Progression Rules.
- **WIL:** a student will only progress if all WIL requirements are met.

6.15.1.4 It is the student's responsibility to apply to the WCCN Management if he/she wishes to cite and prove special circumstances for non-compliance with the theory or WIL requirements.

6.15.2 **1st Opportunity Examination** The 1st Opportunity to undertake an examination is the "primary" examination.

6.15.3 Deferred/Supplementary Examinations

6.15.3.1 A student who fails or defers the Primary examination could take the Supplementary or Deferred examination.

6.15.3.2 This assessment will have the same content, format and duration as the Primary assessment. 6.15.3.3 There is no provision for second opportunities in continuous summative assessments.

6.15.4 Deferred Examination/Deferred continuous assessment/Supplementary examination

6.15.4.1 The following rules for deferment of an examination shall apply to theory and practical examinations and to continuous summative assessments:

6.15.4.2 The WCCN Management may grant a deferment to a student who is unable to take an examination/continuous summative assessment and who has applied for such a deferment according to the prescribed procedure below.

6.15.4.3 A student shall apply in writing to the Head of Department for a deferment.

6.15.4.4 The Head of Department must receive the application within five (5) working days after the date of the Primary examination/continuous summative assessment. The deadline is 16:00 on the 5th day.

- In the case of **ill health**, a student shall submit an authentic medical certificate from a registered practitioner and/or verifiable supporting documents.
- In the case of **reasonable and verifiable circumstances**, a student shall submit supporting documents such as a police case number or a certificate of death of a nearby family member or in the event of religious and cultural events.
- **One** re-assessment per assessment\assignment\ project\portfolio **may be** provided at the discretion of the lecturer in consultation with the HOD based upon the following:

- The undergraduate, Advanced Diploma and Post Graduate Diploma students have obtained a mark in the subject below 48% for the summative assessments.
- Final year undergraduate students, Advanced Diploma and Post Graduate Diploma students with one outstanding subject may apply for a Senate Discretionary Assessment see section G.6.16.1 below.

6.15.4.5 If a student fails a Deferred examination in a subject, **there will not be another opportunity until a next examination cycle to take a further examination in that particular subject.** (For the only exception to this rule, see 6.16)

6.15.4.6 Students may **only repeat a component of a subject (theory or WIL) once** for the **bachelor's degree in nursing** Three (3) years will be allowed for completion of the first two (2) years of training, and three (3) years for completion of the third and fourth years of training.

For the **Diploma in Nursing** Three (3) years will be allowed for completion of the first two years of training, and two (2) years for completion of the third year of training.

For the **Higher Certificate in Nursing** Students must complete the programme in a maximum of two (2) year

G.6.16 Extra-ordinary circumstances

If a first and/or deferred **continuous summative assessment** was missed, and if approved by Senate, a further opportunity may be considered, but if granted will be taken before the next examination.

Under extra-ordinary circumstances, (if the first and/or second opportunity **examinations** were missed and if approved by Senate), a further opportunity may be considered, but if granted will be taken at the next examination cycle for that subject.

PLEASE NOTE: Students who do not follow the above procedure for application for deferment will not be allowed to take the deferred examination/deferred continuous assessment.

6.16.1 Senate Discretionary Assessment (SDA)

A Senate Discretionary Assessment may be granted by the Head of College with permission of the Senate in cases where:

A student owes no more than one subject to complete a programme, provided that the student has written the final assessment or second opportunity assessment and has obtained an overall aggregate of at least 40% for the module.

The final mark for the module shall not exceed 50%.

The SDA assessment will take place in **November\December**.

There will be no special programs for students who fail an SDA.

The SDA will have the same content, format and duration as the 1st opportunity examination and will be moderated by the appointed University for the subject concerned.

The marks for the SDA will be calculated according to the same criteria as for 1st and 2nd opportunity assessments.

All the Examination Rules are applied to SDA.

NB: There is no deferment for an SDA.

G.6.17 Late submission of assignment/projects

- The "**Due Date**" means that the student must hand in an assignment/project in the correct prescribed format on or before the date and time specified.
- An assignment handed in later than this stipulated date and time will not be marked and deemed as an assessment missed.
- This student in the event of ill health will be allowed to apply for a deferred assessment when presenting evidence such as a medical certificate, a certificate of Death of a close family member or a Police Case number.
- Failure to submit such evidence will result in a student obtaining nil for the assessment.

NB: In the event of a student not handing in an assignment, there will be no re-assessment allowed and a zero mark will be recorded.

G.6.18 Conducting oral assessment

6.18.1 An oral examination assumes the form of a face-to-face interview and/or series of questions conducted by a panel, including two (2) subject specialists in the field concerned, in the presence of the moderator, whether internal or external, with the object of assessing relevant knowledge of the candidate and/or moderating an assessment of such candidate's performance in a project, examination or thesis to determine whether the candidate may be granted a credit.

6.18.2 An oral examination may be used for the purposes of reassessment with the permission of the Registrar Academia and research in consultation with the Academic Governance panel and will be subject to the same conditions as the original assessment.

G.6.19 Special registration

A student who wishes to improve on a previously obtained continuous assessment mark without mandatory class attendance may, as a concession in exceptional circumstances and having due regard to sound educational principles be granted permission for special registration by or on behalf of the Head of College by the HOD of the department. In the event of special registration, the continuous assessment mark that the candidate previously obtained in the course will lapse on registration.

G.6.20 Student conduct during assessment

No student shall participate in an assessment without producing his/her student card or RSA ID document/card.

6.20.1 A student undertaking an assessment shall be guilty of an irregularity if:

- 6.20.1.1 he/she has in his/her possession any unauthorised written or printed document or memorandum, notes, sketch, map, diagram, any inadmissible equipment inclusive of calculators unless it is a requirement of the assessment, or article after the assessment paper has been distributed;
- 6.20.1.2 he/she helps or tries to help, or tries to obtain help from another candidate, or communicates or tries to communicate with any person other than an invigilator, when the assessment has begun;
- 6.20.1.3 he/she causes a disturbance in the assessment venue, or acts in an improper or unseemly manner and refuses after a warning has been issued by the invigilator to cease such disturbance, improper or unseemly conduct, or destroys what would have been evidence of such improper or unseemly conduct;
- 6.20.1.4 he/she leaves the assessment venue without prior permission from the invigilator.
- 6.2.11.5 a student who arrives late for an assessment will be allowed to commence with the exam if the student arrives within the first fifteen minutes of the exam. After fifteen minutes the student will not be allowed into the exam venue and will apply for a deferred assessment. See No 28 Invigilation Policy

G.6.21 A student participating in an assessment shall comply with the following:

- 6.21.1 Any appropriate instruction by the invigilator of such assessment.
- 6.21.2 All instructions printed on the assessment sheet or on the cover of the answer book for that assessment.
- 6.21.3 In any assessment a student shall refrain from dishonest conduct. Dishonest conduct shall include, inter alia plagiarism or submission of the work of a person other than the student who is being assessed please acquaint yourself with the WCCN No. 8 Plagiarism and academic Integrity Policy.
- 6.22.4 A student shall acquaint himself/herself with the relevant rules regarding assessments of the department in which he/she is registered.

G.7 Phasing out of programmes

The timelines for phasing out a programme shall be determined by Senate.

G.8 Condonation of Rule Breaches

Senate may condone a rule breach if it is satisfied that such a breach was due to an error on part of the WCCN and that the student concerned, not having contributed to the error, would suffer undue hardship should the rule be applied.

G.9 Postgraduate/Undergraduate programmes

The academic rules and regulations also apply to Postgraduate/Undergraduate programmes, except where they clearly cannot apply to postgraduate programmes or where the rules prescribed in the Guidelines for Postgraduate/Basic Diploma candidates contradict the academic rules and regulations.

GENERAL STUDENT REGULATIONS SECTION S

S1 DISCIPLINARY CODE AND PROCEDURES FOR THE WCCN

PREAMBLE

WHEREAS Western Cape College of Nursing (hereinafter referred to as WCCN) pursues excellence in education, promotes full realisation of the potential of every student and respect for the rule of law, and appreciation of diversity; AND WHEREAS appending a signature to a registration form supplied by WCCN shall constitute acceptance of the rules regulating the conduct of students of WCCN; BE IT THEREFORE NOTED that any breach by a student of these Rules and Code of Conduct or any other rules promulgated, is subject to disciplinary action.

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

S.1 Conduct in General

- 1.1 A student shall at all times and occasions where he/she represents WCCN, or can be identified as a WCCN student, whether on campus or not, abstain from all conduct (including publication) that brings discredit to the image of WCCN. A student shall at all times act in a manner in which the maintenance of order and discipline at WCCN is not impeded.
- 1.2 A student shall not maliciously, negligently or wrongfully destroy, damage, appropriate, alienate, abuse or remove property of WCCN, or a contracted supplier or provider of a service to WCCN, or a fellow-student or staff member, or a co-operative education employer. WCCN does not accept liability for any damage or loss or theft of property arising out of the activities of students. The institution will however investigate and if necessary, take the appropriate action or render advice.
- 1.3 A student shall not harass another person, or commit any act of racism, tribalism or unfair discrimination, or violation of the dignity of any employee or student, or any person, or any mental prejudice to or humiliation of such employee, student or any other person.
- 1.4 A student shall not without prior permission from an appropriate WCCN official utilize or allow an unauthorized student or non-student to utilise any WCCN property, facility, amenity or equipment.
- 1.5 No student shall make unauthorized use of any WCCN facilities, premises, property, amenity or equipment.
- 1.6 A student who commits an act of theft or damage in respect of WCCN property or property of any person or on any of WCCN's premises shall be liable, therefore. For the purposes of this rule, the possession of stolen property shall be deemed to constitute an act of theft.
- 1.7 WCCN shall not be liable for any damage or loss, including theft of property arising out of negligent activities of students, and students leaving belongings on WCCN premises during term or vacations do so at their own risk. The institution will however investigate a reported incident, conduct a disciplinary enquiry and enforce the decision.
- 1.8 A student shall not act or threaten to act in a manner that interferes with the work or study of any member of staff, including contracted staff, or any student of WCCN.
- 1.9 A student shall act in a respectful manner towards all fellow students, WCCN staff as well as staff of contracted suppliers, or providers of services to WCCN, or their employees, and towards members of the public; and in particular shall not use any language that abuses or demeans any person in terms of such person's race, gender, beliefs, abilities or sexual orientation.
- 1.10 Students shall not abuse or otherwise interfere with any member of the WCCN community in any manner which contributes to the creation of an intimidating, hostile or demeaning environment for staff or students in general and shall not use language that impairs the dignity of any person in anyway whatsoever.
- 1.11 Students shall not prohibit entry or exit from any WCCN campus, or any building or part thereof on WCCN campus, or any WCCN residence, or obstruct free movement of any member of the WCCN community on any WCCN campus.
- 1.12 Students shall not obstruct, disrupt, or interfere with the teaching, research, administrative, custodial or other functions of WCCN, and shall obey all instructions and directions given to them by any authorized member of the academic or administrative staff in the execution of his/her functions.
- 1.13 Students shall make use of waste bins for the purpose for which these have been provided, shall not leave litter in any part of the campus, including any building, residence or its grounds and gardens or vehicles. On no account shall waste bins be used for the purpose of conveying goods.

- 1.14 Students or student bodies or organizations may not affix, distribute, or display any picture, poster, pamphlet, circular letter, banner or advertisement on any notice board, or any part of WCCN premises without obtaining prior consent therefore from the relevant WCCN authority.
- 1.15 Where the identity of the person who has affixed any picture, poster, pamphlet, circular letter, banner or advertisement on any notice board, without the authority of a designated custodian of the precinct in which the notice board is, or elsewhere on campus has not been established, the chairperson of that student structure/organization issuing such a picture, poster, pamphlet, circular letter or advertisement or from which the above items originate, shall be presumed ex officio to have so affixed such picture, poster or advertisement in contravention of this rule. For the purposes of this rule a precinct is deemed to be any part of WCCN, whether building or ground, or both, as identified in the relevant map of WCCN owned or leased properties.
- 1.16 Students organizing or participating in protests or gatherings taking place on WCCN premises or under the name of WCCN shall strictly observe all instructions and requirements given by authorized officials regarding such protests and gatherings.
- 1.17 Students shall be appropriately dressed when attending classes, when visiting the administration buildings, libraries and other student activities or appearing in public.
- 1.18 Money or goods may be collected on WCCN campuses or residences controlled by WCCN only with the permission of the relevant WCCN authorities. Inter-residence raids without the permission of the relevant authorities are prohibited.
- 1.19 Any student who knowingly supplies false information to a WCCN authority, its security personnel or contracted security personnel shall be subjected to disciplinary action.
- 1.20 All forms of initiation by WCCN students are prohibited.
- 1.21 Students shall refrain from any improper, disgraceful, indecent behaviour on any premises controlled by WCCN or at any other place where that student's behaviour is or could be identified with WCCN.
- 1.22 A student shall not engage in any abusive, threatening or indecent act or attitude, or criminal conduct, towards any employee or student, or any other person either on the premises of WCCN or elsewhere.
- 1.23 No student shall forge any certificate, diploma, or academic statement of WCCN, or submit any such forged document purporting to be an authentic document to WCCN or from WCCN to any other person or company.
- 1.24 A student must report any act of violation or transgression of any of the provisions of these Student Rules and Code of Conduct committed in his/her presence or that he/she is aware of.
- 1.25 A student shall not incite or encourage fellow students or any other person or conspire with another person to violate any of the provisions of this code of conduct.
- 1.26 A student shall notify the Student Matters Office of any change in his/ her postal and/or residential address and official correspondence sent to the student at the address thus given by him/her shall be deemed to have been received by him/her.
- 1.27 If a student is expelled from WCCN as a result of transgressing the rules, or suspended in terms of section G.3.13, such student shall forfeit any claim for repayment of any monies paid by him/her, but he/she shall remain liable for all sums due by him/her for that particular academic year.
- 1.28 The WCCN reserves the right to submit the particulars of an offender and the outcome of the disciplinary hearing to other institutions such as the SANC during the period of suspension or expulsion.

S.2. Academic conduct

- 2.1 Before registration as a student, a person may attend lectures only with written permission from the HOD Student matters and consent from the Head of Department.
- 2.2 A student shall attend lectures regularly and shall carry out all assignments and projects.

- 2.3 No student shall make, distribute, reproduce, copy or make use for a purpose other than for his/her own private, personal study of any material in which copyright resides, without the permission of the author or owner thereof. Included in this definition of material in which copyright resides are teaching materials, computer software, printed materials, audio or video recordings and intellectual property.
- 2.4 No student shall plagiarize. Plagiarism is an attempt to represent another person's ideas, expressions, artefacts or work as one's own. Cutting and pasting from electronic sources into one's own document or design artefact, copying from the work of another student, overuse of sources and excessive paraphrasing are common forms of plagiarism. Plagiarism can occur when the writer is unfamiliar with in-text and end-of-text referencing conventions and can be intentional or unintentional. Students are therefore expected to familiarize themselves with referencing conventions and the No. 8 Plagiarism and Academic Integrity Policy

5.3. Conduct relating to Admissions/Registration

- 3.1 Any person applying for admission as a student at WCCN for the first time shall together with his application form submit grade 12 certificate or equivalent, grade 11 final results, if transferring from another Higher Education Institution a certificate of conduct and academic record, identity document/birth certificate with ID number and valid study permit(for international students) .
- 3.2 A person shall only be admitted to a course if he/she satisfies the minimum admission requirements prescribed for the course.
- 3.3 A student shall be enrolled when his application for admission as a student has been approved, and when he has been registered in accordance with the rules of WCCN.
- 3.4 A student shall on registration sign a declaration clause in the Registration Form undertaking to comply with the provisions of Rules and Code of Conduct, policies and procedures for the relevant academic year applicable to students.
- 3.4 Students misrepresenting themselves, not declaring disabilities which may prevent them from lifting and transferring patients, or any inability to perform nursing related activities which requires the use of all limbs or serious visual and auditory disabilities may be requested to undergo medical and work evaluation and or be referred to the SANC disability unit. to determine suitability to follow the nursing programmes.
- 3.5 The outcome of the aforementioned will determines if a student should be deregistered as a learner. The deregistration process will be followed as per section G3.8 of this document

5.4. Conduct relating to assessments, examinations and tests

- 4.1 No student shall sit for an assessment, examination or test without producing his/her student card or RSA ID document/card, upon request by an assessment, examination or test invigilator.
- 4.2 A student sitting for an examination or test shall be guilty of an irregularity if:
- 4.2.1 he/she has in his/her possession any unauthorized written or printed document or memorandum, notes, sketch, map, diagram, mobile/cellular phones, any inadmissible equipment or article after the examination paper has been distributed;
- 4.2.2 he/she helps or tries to help, or tries to obtain help from another assessment, test or examination candidate, or communicates or tries to communicate with any person other than an invigilator, after the assessment, test/examination has begun;
- 4.2.3 he/she causes a disturbance in the assessment, test/examination venue, or acts in an improper or unseemly manner and refuses after a warning has been issued by the invigilator to cease such disturbance, improper or unseemly conduct, or destroys what would have been evidence of such improper or unseemly conduct;
- 4.2.4 he/she leaves the assessment, test/examination venue without prior permission from the invigilator.
- 4.3 A student sitting for an assessment, examination or test shall comply with the following:
- 4.3.1 any appropriate instruction by the invigilator of such assessment, examination or test;

- 4.3.2 all instructions printed on the examination or test sheet or on the cover of the answer book for that assessment, examination or test;
- 4.4 In any assessment, examination or test a student shall refrain from dishonest conduct. Dishonest conduct shall include, inter alia plagiarism the WCCN Academic Integrity Policy No. 8 shall apply.
- 4.5 A student shall acquaint himself/herself with the relevant rules regarding assessments, tests and examinations of the department in which he/she is registered.
- 4.6. Have in his /her possession all the relevant stationery and equipment such as a calculator if required. Students will not be allowed to borrow stationery or use equipment belonging to fellow students.

5.5. Conduct relating to WCCN activities

- 5.1 A student shall acquaint himself/herself with the documents entitled "SCHEDULE A" and "SCHEDULE B" annexed to the Student Rules and Code of Conduct.
- 5.2 Students shall desist from organising or participating in any protest action staged on any premises of WCCN which result in disruption of academic programmes, disturbance of peace and/destruction of property.
- 5.3 A student shall, at all times, have in his/her possession a student registration card issued by WCCN in his/her name for the relevant year, and shall produce such student card upon request by an authorized member of WCCN staff or Campus Protection Services personnel or contracted security personnel. No student shall lend his/her student card to any other WCCN student or to any other person or use the student card of another student for any purpose whatsoever. The institution reserves the right to confiscate and destroy a student card that has been used for fraudulent purposes.
- 5.4 A student shall not make unauthorized use of the name or badge of WCCN.
- 5.5 A student is obliged to obey a Suspension Order made in terms of the WCCN Rules.
- 5.6 A student shall not allow a non-student to use any WCCN facility without prior written authorization by a WCCN official.

5.6. Conduct relating to Information Technology

(e-mail use, internet and intranet access)

- 6.1 All students (i.e., students registered at WCCN, and including officially authorized visiting, freelance and exchange students) acknowledge that the use of electronic resources is made available to them primarily for academic or WCCN related purposes. Private and personal use is discouraged.
- 6.2 Every user, when he or she registers as a student of WCCN, enters into a contract with WCCN and is deemed thereby to have given his/ her consent that Information Technology Department without prior warning may:
 - 6.2.1 intercept, monitor, block, delete, read and act upon any incoming or outgoing email message addressed to or originating from the user;
 - 6.2.2 intercept, monitor, read and act upon the user's internet browsing habits, including the user's history files, websites visited, files downloaded and stored by the user;
 - 6.2.3 intercept, monitor, block, delete, read and act upon any file, in whatever format, stored by a user on any computer or other electronic facility of WCCN.
- 6.3 The institution has the right to limit the size of incoming and outgoing email messages and attachments, downloads and other files and may block and delete email messages, downloads, attachments or other files that are larger than the set maximum size. It is the responsibility of users to limit the size of attachments and other files to prevent overloading of the electronic mail system resources.
- 6.4 Virus warnings or pop-ups that result from incoming email or file downloads must be reported to the IT department immediately.
- 6.5 The following actions or omissions shall constitute misconduct and WCCN may initiate an investigation and appropriate disciplinary action against students who fail or refuse to abide by these rules:

- 6.5.1 Sharing network logon usernames with or disclosing passwords to any third person(s);
- 6.5.2 Modifying an e-mail and forwarding or replying thereto, without noting the changes, i.e. deletions, removal of recipients, modification of content, etc.;
- 6.5.3 Fabricating a message or sender of a message;
- 6.5.4 Intentionally bypassing the security mechanisms of the mail system or any other secure web site or network (e.g., attempting to gain unauthorized access to user account information (hacking) or creating bogus accounts);
- 6.5.5 Modifying the internal mail transport mechanism to forge a routing path that a message takes through the internet or intranet;
- 6.5.6 Storing, downloading and propagating, viewing, printing, distributing, sending or accessing racist, sexist, politically or religiously derogatory content or material, or pornographic material as contemplated in Schedules 1, 2, 6, 7 and 11 of the Films and Publications Act 65 of 1996, as read with the Films and Publications Amendment Act, Act No. 34 of 1999; or such acts which mitigate against the spirit of genuine academic discourse;
- 6.5.7 Participating in e-mail "chain letters" or similar activities;
- 6.5.8 Downloading, receiving or installing software applications (including games or any multimedia software) not approved by the IT department;
- 6.5.9 Downloading information on to hard drives of any computer in the IT Department;
- 6.5.10 Knowingly burdening the institution's network with non-academic data (e.g., forwarding, downloading or accessing large video clips or graphics to or from a distribution list or filesharing server);
- 6.5.11 The creation, sending or forwarding of hate mail, discriminatory remarks, unsolicited mail or any other anti-social behaviours on the network for purposes of harassing or disturbing other users;
- 6.5.12 The creation, sending or forwarding or marketing information about commercial and/or non-academic issues;
- 6.5.13 Knowingly sending or forwarding messages and attachments that could be infected with malicious codes such as viruses, as well as spam (if in doubt please contact the IT department);
- 6.5.14 Using discs or USB sticks that may be infected with malicious code, without taking reasonable measures to ensure that the discs are safe to use;
- 6.5.15 Any non-academic/non-business actions that knowingly prevent other users from using email, internet or intranet access;
- 6.5.16 Any destructive and disruptive practices either via e-mail, internet or intranet;
- 6.5.17 Sending, replying to or forwarding e-mail messages or other electronic communications which hide the identity of the sender or represents the sender as someone else;
- 6.5.18 Users of the institution's electronic mail systems who obtain access to materials of other organisations may not copy, modify or forward copyrighted materials, except under the specific copyright terms and conditions;
- 6.5.19 Using information, e-mail, files, downloads or data to commit fraud or any other criminal offence(s);
- 6.5.20 Making illegal or unauthorized copies of WCCN software installation discs or other illegal software copies. Users shall respect copyright laws that protect software, and acknowledge the intellectual property rights of other computer users;
- 6.5.21 Copying, changing, reading or using files in another user's area without that user's prior permission;
- 6.5.22 Wasting or taking supplies such as paper, printer ribbon, ink or toner and diskette that are provided by the IT Department for private and personal use;
- 6.5.23 Tampering with hardware or software; and
- 6.5.24 Any actions that could reasonably be expected to cause, directly or indirectly, excessive strain on any computing facilities, or unwarranted or unsolicited interference with others.

S.7. Conduct in respect of traffic rules

- 7.1 Vehicles, motorcycles and bicycles are driven or ridden and parked on WCCN precincts at owners' risk.
- 7.2 Traffic rules with regard to vehicular traffic and parking are binding on all students.
- 7.3 Student vehicles parked in prohibited areas such as staff areas, fire lanes, zones for handicapped people, or any other areas designated as prohibited may be towed away and fines will be imposed including the cost of towing.
- 7.4 Parking and entry stickers must be collected from the Transport Department and affixed to the vehicles at all times.
- 7.5 WCCN reserves the right to search vehicles and any persons entering the premises, on the premises or exiting the premises controlled by WCCN.
- 7.6 A student who recklessly or negligently drives and causes damage to WCCN property or vehicle shall be liable for such damage or a portion thereof as will be decided by the Disciplinary Structures of WCCN. This provision also applies to vehicles hired by WCCN.
- 7.7 Students shall observe transport rules and all other "Traffic Rules" as promulgated by WCCN from time to time.

5.8. Conduct relating to student accommodation

- 8.1 All residences of WCCN are under the control of its College Council, which delegates its authority and control to the Head of College, who in turn delegates his/her authority to the Residence Managers.
- 8.2 Only students who comply with the requirements for admission to WCCN residences in terms of academic performance, distance, conduct, are registered full-time intramural, and are not employed on a full-time basis, will be admitted in WCCN residences.
- 8.3 Previous residence conduct and disciplinary record shall be considered for residence selection. Admission or re-admission may be refused on the following grounds:
 - 8.3.1 misconduct, where a student has been found guilty of contravening residence rules or any other rules and the code of conduct;
 - 8.3.2 poor academic performance;
 - 8.3.3 adjustment problems in residences;
 - 8.3.4 continued violation of residence rules;
 - 8.3.5 insubordination of residence authorities;
 - 8.3.6 malicious damage to residence property or property of other students;
 - 8.3.7 any other grounds considered valid by residence authorities.
- 8.4 Residences will be closed after breakfast on the day prior to the closing date of WCCN, and reopen on the day of the reopening, on the understanding that special arrangements may be made with the Head of Residences or nominee for late departure or early arrivals in extenuating circumstances.
- 8.5 Students writing examinations must depart no more than one day after their last examinations as per the year plan, on the understanding that special arrangements may be made with the Head of Residences for a longer stay in the residence, if possible.
- 8.6 No alterations shall be made to the buildings, equipment or furniture of the residences. In the event of destruction, damage, removal or alterations of property the said student shall compensate WCCN for the cost of making good such damages, removal or alteration.
- 8.7 No student may move or remove any item or furniture belonging to WCCN residences or any fixture from its designate location to any other location within or outside of any residence without the expressed permission of the Residence Manager or nominee.
- 8.8 A student shall not affix any pictures or posters by use of nails, tape or any other method which is likely to cause damage or mark to the property in any part of the residence including his/her room, or in that part of the residence set aside for his/her personal use.
- 8.9 Students are strictly prohibited from tampering or making any alterations to or affecting any work on the electrical installation, equipment or telephone equipment of the residences.

- 8.10 Students shall not use any electrical appliances in their rooms that have not been fitted with an appropriate Amp plug.
- 8.11 Students will collectively share the responsibility for assigned/common spaces such as TV rooms and other such areas, and may be held collectively responsible for damage, theft or loss of such shared property within their residence when individual responsibility cannot be ascertained.
- 8.12 Residents are responsible for the cleanliness of their rooms and they shall take special care with regard to the cleanliness of the bathrooms and toilets and any other communal spaces.
- 8.13 Residence Managers or nominees may carry out room inspections only in the company of security personnel and house committee member, and in prior consultation with the occupant (if such consultation would not defeat the purpose of the search) who may not unreasonably refuse. These inspections shall include valid searches, execution of arrest warrants or hot pursuit by Law Enforcement Officers. A list of items that were taken and those that were not taken must be drawn.
- 8.14 Students may not cook food in any area of the residence other than areas designated for that purpose.
- 8.15 No student shall enter a room of another student without the occupant's permission, except under delegated authority of the Residence Manager or nominee.
- 8.16 Students shall not make such noise as to disturb others in the rooms. The privilege of using a radio, music system, computer or any other musical instrument will be forfeited and the Residence Manager shall have the right to confiscate any object that is used by a student to cause excessive noise, pending the outcome of a Disciplinary Hearing.
- 8.17 A student shall not sublet any part of his/her room for any reason whatsoever. No student shall live with any person other than his/her authorized roommate in a double room.
- 8.18 No pets of any kind shall be brought into or kept in or around residences.
- 8.19 Students shall not use their rooms for commercial activities or conduct business activities of any kind whatsoever.
- 8.20 Invitations for soliciting/begging must be printed material bearing a stamp of approval from the Residence Manager who will affix it to residence notice boards.
- 8.21 A student shall not unnecessarily activate fire equipment by making false alarms or report false fires or break open emergency key holders.
- 8.22 An injury, indisposition or illness of a resident must be immediately reported to the Residence Manager who will obtain medical assistance necessary or inform Head of Residences and/parents or guardian if necessary.
- 8.23 Visitors at residences under the control of WCCN must adhere to the rules of the residences in the Residence Rule Book. Resident students shall ensure that visitors comply with these rules and house rules applicable to that particular residence. A student shall be responsible for the behaviour of all his/her visitors. No student shall permit any visitor to occupy his/her room or any other part of the residence overnight without prior permission of the Residence Manager.
- 8.24 A student who requires specialized medical treatment shall inform the Residence Manager of his/her condition before occupying the residence.
- 8.25 WCCN will ensure that for every twenty students in a residence there is at least one First Aid trained student. The institution will offer the teaching to volunteering students.
- 8.26 Gatherings, functions or parties may be held in residences only with prior permission of Residence Manager in a venue designated for such purpose as determined by the Residence Manager.
- 8.27.1 All applications for holding functions, gatherings or parties involving the consumption of alcohol held on or off campus or residence controlled by WCCN shall be in writing, submitted to the Head of Campus ten (10) days prior to the date on which it is intended to hold such event;
- 8.27.2 Where such an application involves sale of alcohol in the function or gathering, a temporary licence must be attached to the application and then written permission for holding such an event.

- 8.28 Students organizing gatherings, outings, functions or parties to be held off campus of WCCN, in the name of a student, a residence, a student structure or organization shall obtain prior written permission from the Head of Campus.
- 8.29 Students shall not organize or help to organize any gathering, function or party in any residence for the financial benefit of any individual or organization, without prior written permission of the Residence Manager.
- 8.30 No student functions will be held on WCCN premises or premises under the control of WCCN during examinations and test periods as published by the Examinations Department and Campuses from time to time.
- 8.31 The Head of Residence may summarily summon a student to leave a residence pending a disciplinary hearing if in his/her opinion such a step is reasonable and necessary in order to maintain peace and good order in a residence.
- 8.32 Resident students must not park visitors' vehicles overnight on premises under the control of WCCN without prior permission from Residence Manager.
- 8.33 No repairs may be made to vehicles or motorcycles on the residence premises without the permission of Residence Manager.
- 8.34 No visitor's vehicles shall be washed on WCCN premises.
- 8.35 Notwithstanding these rules students shall acquaint themselves with and obey the Residence Rule and House Rules in the residences in which they reside.

S.9. Special rules relating to consumption of alcohol

- 9.1 A student shall at all times refrain from drunken or disorderly behaviour that disturbs peace of other students or residents.
- 9.2 No student shall sell, serve or assist any other person to sell or serve liquor on any premises controlled by WCCN without prior written permission from the Head of College or nominee.
- 9.3 No alcoholic beverage may be brought into or consumed by any resident or any other person on the premises controlled by WCCN without prior written permission of the Head of College or nominee.

S.10. Criminal conduct

- 10.1 A student shall not commit or instigate another student or person to commit any act of sale, distribution, use or possession of any illegal drug, as defined by the Drug and Drug Trafficking Act 140/1992, on any campus or residence controlled by WCCN.
- 10.2 No student shall possess, use, supply or administer any habit-forming or potentially harmful drugs in contravention of the Abuse of Dependence Producing Substance and Rehabilitation Centres Act 1971 and Drug and Drug Trafficking Act 1992 as amended.
- 10.3 Any conduct that is regarded in law as a criminal offence will be reported to the South African Police Services, and the student who allegedly committed such offence will not only be prosecuted by the court with jurisdiction in terms of the Criminal Procedure Act 51 of 1977 as amended, but also be subject to a disciplinary action by WCCN.

S.11. Conduct relating to Libraries and Information Services

- 11.1 Students are registered automatically as library users when they register at WCCN. Student cards and staff cards serve as library ID cards. Library material will be issued only on presentation of a library ID card. Lost cards must be reported to the Main Desk as soon as is possible, and the student must obtain a temporary card for access in the Libraries.
- 11.2 Library material shall not be removed from the libraries without the proper issuing procedure being followed.
- 11.3 Users shall be held responsible for all library material issued on their names.
- 11.4 Library material shall be loaned to library users on library terms and conditions.

- 11.5 Students will be fined for overdue library material.
- 11.6 The library authority shall from time to time determine the amount of money beyond which the defaulting user will have his/her borrowing privileges suspended until such time that all library material have been returned and overdue fines paid.
- 11.7 Library users may credit money to their ID cards at WCCN cashier points identified by the libraries.
- 11.8 All users must adhere to Copyright Regulations as stipulated in the Copy Rights Act, 98/1978 unless the copyright owner's permission for the reproduction or transmission has been obtained.
- 11.9 Any user found intentionally damaging, or in possession of library material which has not been properly issued out will be suspended from utilizing all the Libraries of WCCN pending an investigation and appropriate action taken against such user.
- 11.10 Users who conduct themselves in a manner that is unbecoming in any of the libraries of WCCN will be suspended from utilizing all the libraries of WCCN pending investigation into such conduct and appropriate action taken.
- 11.11 Prohibited conduct at the Library includes but is not limited to:
 - 11.11.1 bringing refreshments into a library building or eating;
 - 11.11.2 smoking inside the library building;
 - 11.11.3 causing damage to or mutilating library material, equipment, furniture or tampering with library data or network.;
 - 11.11.4 abusive behaviour and harassment towards library staff and fellow users;
 - 11.11.5 continuously triggering library security detection system;
 - 11.11.6 ringing mobile phones;
 - 11.11.7 engaging in group discussions outside demarcated private study/reading areas.

S.12. Conduct relating to the printing, publication, distribution and display or printed material

- 12.1 No student, student structure or group of students shall publish, display or distribute any pre-recorded audio or audio-visual material, posters, paintings, murals or wall hangings or printed material on any WCCN controlled premise without prior permission from the relevant authority.
- 12.2 A student, student structure or group of students who/which submits material to any WCCN authority for consideration in respect of clause 12.1 above must ensure that the material contains no distortions, no significant omissions, untruths or inaccuracies, failing which the relevant student, group of students or student body may be subjected to a disciplinary action.
- 12.3 Press statements, publications or interviews which might intimidate or affect bodies or persons in control of WCCN, or which may reflect badly on the image of WCCN shall not be issued or granted by a student or student structure.

S.13. Conduct relating to student structures

- 13.1 Only such student structures as are recognized by the Students' Representative College Council (hereinafter called SRC) and approved by WCCN may affiliate to SRC. Outside organizations may affiliate to student structures recognized by SRC.
- 13.2 Student structures shall, when applying for recognition by SRC, submit their constitutions and fulfil other requirements, and may conduct meetings of registered students in accordance with the provisions of such constitutions. No meetings shall be held on campus without prior permission from the relevant authorities.
- 13.3 Student structures shall ensure that they deposit all funds and sponsorships into WCCN cost centres. No student structure or affiliate structure shall open its own banking account. Failure to abide by this rule will result in WCCN withdrawing allocation of funds to that structure.
- 13.4 A student or student structure shall not make unauthorised use of the name or badge of SRC or of any other recognised student structure or organisation of WCCN, nor financially mismanage,

misappropriate or misuse funds in the cost centres of SRC or any other recognised student structure or organisation of WCCN.

- 13.5 An office bearer of a recognized structure at WCCN shall comply with a reasonable request by the Head of Student Matters, or a person or persons nominated by the said Head to cease any alleged contravention of WCCN rules.
- 13.6 Office bearers of any recognized structures at WCCN shall be held liable for breach of any WCCN rule committed by members of that structure in the name of that structure, unless such office-bearers can establish that they took all reasonably practicable steps to prevent the breach of such rule(s).

S.14. Conduct relating to safety and security

- 14.1 No student shall bring onto any WCCN campus or premises controlled by WCCN any firearm or gun or mock replica, toy weapon, or fireworks except with written permission of the Head of Campus, nor any dangerous articles, explosives or fuel. The definition of dangerous articles includes, but is not limited to, knives, daggers, or switchblades and martial arts equipment.
- 14.2 Threatening other students or people with dangerous weapons or pretending that such dangerous weapons or articles would be used or pointing a firearm or anything that resembles a firearm at any person is an act of misconduct and the perpetrator shall be subjected to disciplinary action.
- 14.3 A student on WCCN controlled premises shall not connect any equipment or appliance to an electrical supply in contravention of normal safety standards.
- 14.4 A student shall not use an immersion heater, naked flame or gas lamp on any WCCN campus or WCCN controlled residence.
- 14.5 A student shall not interfere with or make unauthorized use of fire protection equipment.
- 14.6 A student shall not unnecessarily activate fire equipment by making false alarms or report false fires or break open emergency key holders.
- 14.7 Students shall report cases of contagious disease, injuries to themselves and others, health and safety hazards immediately to the Residence Manager (if the student is resident) or to the Health Clinic staff who will liaise with the Health and Safety Officer.
- 14.8 Students shall abide by all health and safety rules as published from time to time and co-operate to ensure compliance.

S15. Conduct relating to students undergoing Work integrated learning teaching/community projects

- 15.1 A student undergoing in-service teaching is subject to the code of conduct of WCCN as well as the disciplinary rules, code and procedures of that particular employer for the duration of such in-service teaching.
- 15.2 A student participating in work integrated learning or community outreach programmes and projects is subject to the instructions of the convenor as well as the WCCN Student code of conduct.
- 15.3 If students during his/her work integrated learning or community outreach programmes or community programme/project finds himself/herself being a victim of misconduct, the employer or convenor will be expected to remedy the situation in favour of the student by taking an action against the perpetrator.
- 15.4 In the event that the employer or convenor is the alleged perpetrator, the Institution may terminate the relations with that employer/convenor and withdraw such student from the programme/project and the student reserves the right to take legal action against that employer or convenor.
- 15.5 If a student conducts himself/herself in any manner deemed to be irregular by that particular employer or convenor, and/or which brings discredit on WCCN in the eyes of reasonable persons, such student shall be disciplined by WCCN in terms of its student code of conduct and disciplinary procedures.

15.6 A student must ensure that he/she is in possession of indemnity and is Hepatitis B vaccinated prior to embarking on work integrated learning, teaching or community programme/ project. Please refer to the No23 Student Indemnity Policy whereby a student is not allowed to do Work Integrated Learning without full indemnity.

S.16. Conduct in respect of WCCN Disciplinary Structures and Proceedings

- 16.1 A student attending any Disciplinary Inquiry, Disciplinary Hearing or Appeal Hearing shall observe and obey instructions of the person presiding in that tribunal concerned.
- 16.2 A student or representative at any inquiry or hearing shall not under any circumstances, interfere with or in any manner disrupt or disturb the disciplinary process.
- 16.3 A student who is accused of an alleged misconduct may conduct his/her own defence or be assisted by a fellow student or staff member of WCCN who will voluntarily represent the accused student.
- 16.4 If a student wants to be represented by a person other than a student or staff member of WCCN, he/she must submit written representations to the Head of Campus asking for permission to be represented by such person 36 (thirty six) hours prior to the hearing, and stating reasons why he/she believes that a student or staff member of WCCN will not be able to sufficiently represent him/her. The Head of Campus shall ensure that such request is tabled before the Disciplinary Committee prior to the actual hearing.
- 16.5 The Disciplinary Committee will consider the written representations and may allow representation by a person other than a student or staff member of WCCN on application of the following criteria:
- (a) Nature of charges;
 - (b) The degree of factual or legal complexity;
 - (c) Potential seriousness of the consequences of an adverse finding;
 - (d) The availability of suitably qualified legal representatives or experts among students or staff of WCCN; and
 - (e) Any other factor relevant to fairness.
- 16.6 If a student does not attend a hearing and without valid and acceptable reasons, the Disciplinary Committee may nonetheless hear the case in his/her absence, make a finding and impose an appropriate punishment.
- 16.7 A student giving evidence before any disciplinary tribunal shall be required to be truthful and honest at all times and shall not knowingly make false statements. All false statements made under oath and submitted to the disciplinary proceedings will be treated as perjury, a criminal conduct.
- 16.8 A student summoned as a witness in disciplinary proceedings will be expected to co-operate. Failure or refusal to co-operate may result in WCCN taking an action against such student.
- 16.9 All disciplinary hearings shall be held in camera. Only persons invited to a disciplinary hearing shall attend.
- 16.10 The outcome of a disciplinary hearing will be made known in writing to the student concerned, his/her HOD, his/her parents or guardian if necessary, and be uploaded on Student Disciplinary Information website.
- 16.11 The Head of Campus shall advise the disciplinary structures on any matter relating to student discipline.

S.17. Suspension Pending Disciplinary Hearing

- 17.1 The Head of College or nominee has powers to suspend from classes or from any campus or property controlled by WCCN, and/or from participation in any other activity as a student of WCCN, a student against whom investigations have been initiated pending a disciplinary hearing outcome, if he/she has reason to believe that the presence of that student on campus or residence poses a

threat to the safety of other students or employees, or property of other students or of employees or of WCCN.

17.2 Where a student is suspended in terms of clause 17.1 above, a formal charge should be preferred against him/her as soon as is reasonably possible.

18. Implementation of Decisions

18.1 The Head of Campus and HOD student matters shall keep record of decisions taken by Disciplinary Committees; communicate the decisions to relevant offices or structures; and ensure that such decisions are implemented.

18.2 A student who fails to comply with the decision of a Disciplinary Committee may be charged for contempt of the Disciplinary Committee.

SCHEDULE A

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 and learners 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.387 of 15 February 1985: 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

D1 DISCIPLINARY CODE AND PROCEDURES FOR THE COLLEGE

1. Purpose and Scope

1. The purpose of this Code and Procedures is:

1.1 to support constructive student relations in the College.

- 1.2 to promote mutual respect between students and between students and Western Cape College Academic staff and non-Academic Staff.
- 1.3 to ensure that Western Cape College Nursing and students share a common understanding of misconduct and discipline.
- 1.4 to promote acceptable conduct.
- 1.5 To provide students and Western Cape College of nursing with a quick and easy reference for the application of discipline.
- 1.6 to avert and correct unacceptable conduct; and
- 1.7 to prevent arbitrary or discriminatory actions by Western Cape College toward students.

2. PRINCIPLES

2. The following principles inform the Code and Procedure and must inform any decision to discipline a student.
 - 2.1 Discipline is a corrective measure and not a punitive one.
 - 2.2 Discipline must be applied in a prompt, fair, consistent, and progressive manner.
 - 2.3 Discipline is a management function.
 - 2.4 A disciplinary code is necessary for the efficient delivery of service and the fair treatment of public servants, and ensures that students:
 - a. has a fair hearing in a formal or informal setting.
 - b. is timeously informed of allegations of misconduct made against them.
 - c. receives written reasons for a decision taken; and
 - d. has the right to appeal against any decision.
 - 2.5 As far as possible, disciplinary procedures shall take place at the campus attended by the student and be understandable to the student.
 - 2.6 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.
 - 2.7 Disciplinary proceedings do not replace or seek to imitate court proceedings.
 - 2.8 The Code and Procedures are guidelines and may be departed from in appropriate circumstances.

3. SCOPE OF APPLICATION

3. 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,
 - 3.1 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
 - 3.2 contained in legislation or regulations.

4. CODES, RULES, AND STANDARDS

- 4.1 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.
- 4.2 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.
- 4.3 In applying Annexure A, Western Cape College of Nursing must assess the seriousness of the alleged misconduct by considering:
 - a. 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.

- b. the nature of the employee's work and responsibilities; and
- c. the circumstances in which the alleged misconduct took place.

5. PROCEDURES: DISCIPLINARY ACTIONS

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

- a. brings the misconduct to the student's attention.
- b. determines the reasons for the misconduct and give the student an opportunity to respond to the allegations.
- c. seeks to get agreement on how to remedy the conduct; and
- d. takes steps to implement the agreed course of action.

5.2 **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.

5.3 **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:

- a. The written warning may use the form of Annexure B.
- 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.
- c. The written warning must be filed in the student's personal file.
- d. 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.
- e. 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.

5.4 **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:

- a. the final written q may use the form of Annexure C.
- b. 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.
- c. The final written warning must be filed in the student's personal file.
- d. 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.
- e. 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.

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

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

6 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.

D2. DISCIPLINARY ENQUIRY

7.1 Notice of enquiry

- a. The student must be given notice at least five working days before the date of the hearing.
- b. 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.
- c. The written notice of the disciplinary meeting must use the form of Annexure D and provide.
 - I. A description of the allegations of misconduct and the main evidence on which the Western Cape College of Nursing will rely.
 - II. Details of the time, place, and venue of the hearing; and
 - III. 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.

7.2 Precautionary suspension

- a. The Western Cape College of Nursing may suspend a student or transfer the student if:
 - I. the student is alleged to have committed a serious offence; and
 - II. the Western Cape College of Nursing believes that the presence of a student at the workplace might jeopardise any investigation into the alleged misconduct or endanger the well or safety of any person or state property.
- b. A suspension of this kind is a precautionary measure that does not constitute judgement and must be on full pay.
- c. 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 chair of the hearing must then decide on any further postponement.

7.3 Conducting the disciplinary hearing.

- a. The disciplinary must be held ten working days after the notice referred to in paragraph 7.1 (a) is delivered to the student.
- b. The chair of the hearing must be at least on 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 the Department of Health with appropriate knowledge. Chairperson to be appointed by WCCN Director or delegated authority.
- c. 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.
- d. If necessary, an interpreter may attend the hearing.
- e. 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.
- f. 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.
 - g. The chair must keep a record of the notice of the disciplinary hearing and the proceedings of the meeting.
 - h. Student Matters department may provide assistance to scribe.
 - i. The chair will read the notice for the record and start the hearing.
 - j. 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.
 - k. The student will be given an opportunity to lead evidence. The representative of the Western Cape College of Nursing may question the witnesses.
 - l. The chair may ask any witness questions for clarification.
 - m. If the chair decides the student has committed misconduct, the chair must inform the student of the finding and the reasons for it.
 - n. 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.
 - o. 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.

7.4 Sanctions

- a. If the chair finds a student has committed misconduct, 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:

- I. Counselling.
- II. A written warning.
- III. a final written warning.
- IV. community service not exceeding 100 hours within the precincts of WCCN.
- V. suspension, with conditions
- VI. Defer to next academic year with conditions.
- VII. a combination of the above; or
- VIII. Exclusion from programme

- b. within the agreement of the student, the chair may only impose the sanction of suspension or deferment as an alternative to dismissal. If a student is suspended with conditions, after a year she or he may to senate without prejudice.

The Western Cape College of Nursing shall not implement the sanction during an appeal by the student.

D3. Appeal

8.1 A student may appeal a finding or sanction by completing Annexure E.

8.2 The student must, within five working days of the receiving notice of the final outcome of a hearing or other disciplinary procedure, submit the appeal for to her or his executing authority, or to her or his manager, who shall then forward it to the appeal authority.

8.3 The appeal authority, who shall consider the appeal, shall be:

- a. the executing authority of the student, who

- I. was not involved in the decision to institute the disciplinary proceeding, and
 - II. who has a higher grade than the chair of the disciplinary hearing?
- 8.5 If the person referred to in paragraph 8.3 requires a hearing, she or he shall notify the student of the date and place.
- 8.6 The appeal authority may
- a. upholds the appeal, and /or
 - b. reduces the sanction, or
 - c. confirms the outcome of the disciplinary proceeding.
- 8.7 The College shall immediately implement the decision of the appeal authority.

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

9 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.

9.1 Alleged Misconduct During Assessments/Work Integrated learning Misconduct

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

- i. 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.
- ii. 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.
- iii. request the candidate to make a written declaration after the assessment stating what transpired. Such candidate should be advised that the writtendclaration should be made freely and voluntarily and will be used in the disciplinary hearing.
- iv. if the candidate refuses to continue with the assessment, the invigilator must instruct him/her to leave the venue.
- v. after the assessment the supervisor/invigilator shall hand the candidate's original answer book and any incriminating material, as well as the answerbook issued to the student after the irregularity was discovered, written statements ofthe candidate and the invigilator to the relevant Head of Department/Head of Campus.
- vi. Follow formal process see rule 6 (Serious Misconduct)

9.2 Alleged Misconduct in General

Complete Annexure 2 the official complaint form of the WCCN

- 9.2.1 When there is an allegation of misconduct or a complaint, the matter must be reported bthe 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.

- 9.2.3 In the event that the alleged misconduct involves a resident student, the procedure in dealing with misconduct in residences must be followed.
- 9.2.3 If the matter is reported to security, the latter will in turn submit a completed a complaint's form and attach written statements (if available) to the Head of Campus within 24 hours of the matter being reported.
- 9.2.4 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;
- 9.2.5 Should the matter be resolved; the Head of Campus shall take note of the aforesaid disciplinary proceedings and enforce the outcome.
- 9.2.6 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)

9.3 Procedure in Preparation for A Disciplinary Hearing

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

9.3.2 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.

9.3.3 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.

9.3.4 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.

9.3.5 He/she may present evidence and will be cross-examined.

9.3.6 He/she may bring witnesses to corroborate his/her defence.

9.3.7 Failure to appear without an acceptable reason will result in a decision made and an appropriate punishment imposed against him/her in absentia: and.

9.3.9 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.

9.3.10 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.

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

9.4.1 The procedure of a Disciplinary Hearing shall be as follows:

- a) The Presiding officer 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.
- b) In the event the accused pleads not guilty, the presiding officer shall ask the investigating officer to lead evidence and present witnesses to substantiate the charge(s).
- c) The accused or representative cross-examines the prosecutor's witnesses, and the committee members will ask questions for clarity.
- d) The accused will then be given an opportunity to give evidence in defence; aggrieved make submissions in support of his/her defence and present witnesses.

- e) The prosecutor cross-examines the accused and his/her witnesses, and the committee members will ask questions for clarity.
- f) The committee will allow closing arguments from the prosecutor and the accused or representative.
- g) 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.
- h) 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.
- i) The Presiding officer will in consultation with the Head of Campus deliver the sanction and ~~advise~~ advise the student of his/her right to appeal.
- j) The decision of a Disciplinary Committee shall be determined by consensus.
- k) If the accused student pleads guilty the Presiding officer 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.
- l) If the student is in doubt the chairperson must enter a plea of not guilty and follow the procedure as stated above.
- m) If after hearing the accused's version of the event(s), and a plea of guilty is accepted, the Presiding Officer must then proceed to (h), (i) and (j) above.
- n) 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.

9.5 PROCEDURE IN DEALING WITH MISCONDUCT IN RESIDENCES

- 9.5.1 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.
- 9.5.2 The complainant/incident must be reported in writing to the Head of Campus
- 9.5.3 The Head of Campus will determine if the transgression must be dealt with informal or formal.
- 9.5.4 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.
- 9.5.5 If the violation involves alcohol, the alcohol or empty containers must be confiscated as proof and be kept in the office of Residence Manager 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.

9.6 DISCIPLINARY MEASURES

9.6.1 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.

- (a) issue a counselling.
- (b) issue a warning.
- (c) issue a final warning.
- (d) impose a suspended disciplinary sanction with or without conditions.
- (e) impose expulsion from WCCN.
- (f) exclude the student from any or all lectures, assessments, tests, or examinations in any or all subjects.
- (g) cancel any or all assessments, tests or examinations or other marks as well as year and semester marks.
- (h) cancel credits in any or all subjects.
- (i) declare subject invalid.
- (j) recommend to the Senate to cancel a qualification that has been formally awarded or conferred.
- (k) exclude the student from any or all classrooms, assessment rooms, test rooms or examination rooms.
- (l) exclude the student from any or all academic activities.
- (m) discharge the student from any office or capacity in which he/she was appointed or elected.
- (n) direct the student to apologize verbally or in writing to any person or body.
- (o) forfeiture of a bursary or loan.
- (p) refer the student to, Student Counselling and Development for remedial measures.
- (q) recommend deregistration and forfeiture of all examination credits earned.
- (r) take any other appropriate, educationally justifiable, disciplinary sanction.
- (s) community service not exceeding 100 hours within the precincts of WCCN.

9.7 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.

- (a) expulsion from the residences and/or from WCCN.
- (b) suspension from the residence and/or from WCCN for a specified period.
- (c) prohibition from participation in any activity of WCCN.
- (d) Pay for damage property and equipment.
- (e) community service not exceeding 100 hours within the precincts of WCCN.
- (f) forfeiture of the privilege to keep a vehicle on the premises that are under the control of WCCN.
- (g) 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.
- (h) exclusion from any non-academic activities for a specified period.
- (i) the provisions of rule a, b, c, d, j, l, m, n, o, p and q of the disciplinary sanctions of the Academic Disciplinary Committee.

(j) take any other appropriate, justifiable disciplinary sanction.

9.8 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:

- a) serious discussion with the student concerned.
- b) verbal or written reprimand or warning.
- c) refusing the student access to a residence facility for as long as the violation of rules continues.
- d) reporting the matter to the Director
- e) billing the resident/group of residents for damages suffered or loss incurred by fellow residents or WCCN.
- f) removal of appliances/instruments.
- g) 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 Residences may include one or more of the following sanctions:

- i. community service not exceeding 100 hours.
- ii. refusal of readmission to the residence.
- iii. dismissal from an office or capacity as specified.
- iv. awarding compensation for any damage to premises of WCCN or its property or the property of any person associated with WCCN.
- v. In consultation with the Head of College suspend a resident student from his/her residence pending an investigation and outcome of a disciplinary process.
- vi. take any other appropriate and justifiable disciplinary action.

9.10 GRIEVANCE PROCEDURES

OBJECTIVES AND PRINCIPLES

9.10.1 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.

9.10.2 The aim is that grievances must be dealt with and resolved at the lowest possible level of communication within a reasonable period of time.

9.10.3 The principle behind a grievance procedure is that the aggrieved student or person or body should be able to lodge the grievance without fear of victimization.

9.10.4 The responsibility lies with WCCN Management to ensure that the aggrieved party is satisfied with the manner in which the grievance is resolved.

9.10.5 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.

9.11 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:

- 9.11.1 First discuss the matter with the subject lecturer for the relevant instructional offering.
- 9.11.2 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.
- 9.11.3 Should the grievance remain unresolved, the aggrieved may submit it to the Head of College concerned with a report from the Head of Academic/Head of Department, copying the Head of Campus.
- 9.11.4 The Head of College may (if necessary) ask for assistance from the Head of Academic/Head of Campus/Head of Department in order to investigate and assist in resolving the matter.
- 9.11.5 If the aggrieved is/are still not satisfied with the resolution, he/she/they may submit the grievance to the Senate Chairperson
- 9.11.6 The Senate Chairperson will (if necessary) refer the matter to the Head of Campus for further investigation and/or resolve the grievance.
- 9.11.7 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.

9.12 STUDENT AFFAIRS RELATED GRIEVANCES

In the case of a non-academic related matter a student/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.

- 9.12.1 Should the matter remain unresolved at this level the complaint/grievance may be submitted in writing to the Head of Campus
- 9.12.2 If the grievance remains unresolved, the aggrieved may submit the grievance to the Head of College, copying the Head of Campus. In consultation with the Head of Campus(if necessary) the Head of College will try and resolve the grievance.
- 9.12.3 If still unresolved the aggrieved may embark on steps 5, 6 and 7 of the Academic Related Grievances above.
- 9.12.4 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 College (if necessary) try and resolve it.
- 9.12.5 If the grievance is not resolved to the satisfaction of the aggrieved, the latter may follow steps 5, 6 and 7 of the Academic Related Grievances above.

10 DISCIPLINARY PROCEDURES

STEP 1: COMPLAINANT

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

- a) Student should give a verbal account of the incident.
- b) Should the student want to lay a complaint, he/ she will be provided with a Complaint Form Annexure 2, which should be filled in.
- c) 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:

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

STEP 2: INVESTIGATING OFFICER

- a) Analyses the Complaint Form and searches for email address (student number/ s) of accused and witnesses on the Student Registration system.
- b) Contacts the witnesses and the accused through email, and if urgent then through cell phone or SMS system.
- c) Sets up appointments with witnesses and accused to submit statements regarding the incident.
- d) Collects documentary evidence or any other additional evidence.
- e) Compiles Case Docket and Investigation Report and submits to the Head of Campus.
- f) 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 CPS 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 disciplinary 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 chairs 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 defence or admission, with his/her witnesses corroborating his/her defence.
- 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 pro forma 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 College appoint Presiding officer.
Head of College appoint Investigating officer.
 - ii. One HOD from Student Matters/Services
 - iii. LSRC chairperson 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.

:

11. RIGHTS OF STUDENTS DURING DISCIPLINARY PROCEDURES

- You have a right to present evidence in your defence.
- 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 defence 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.

1 References

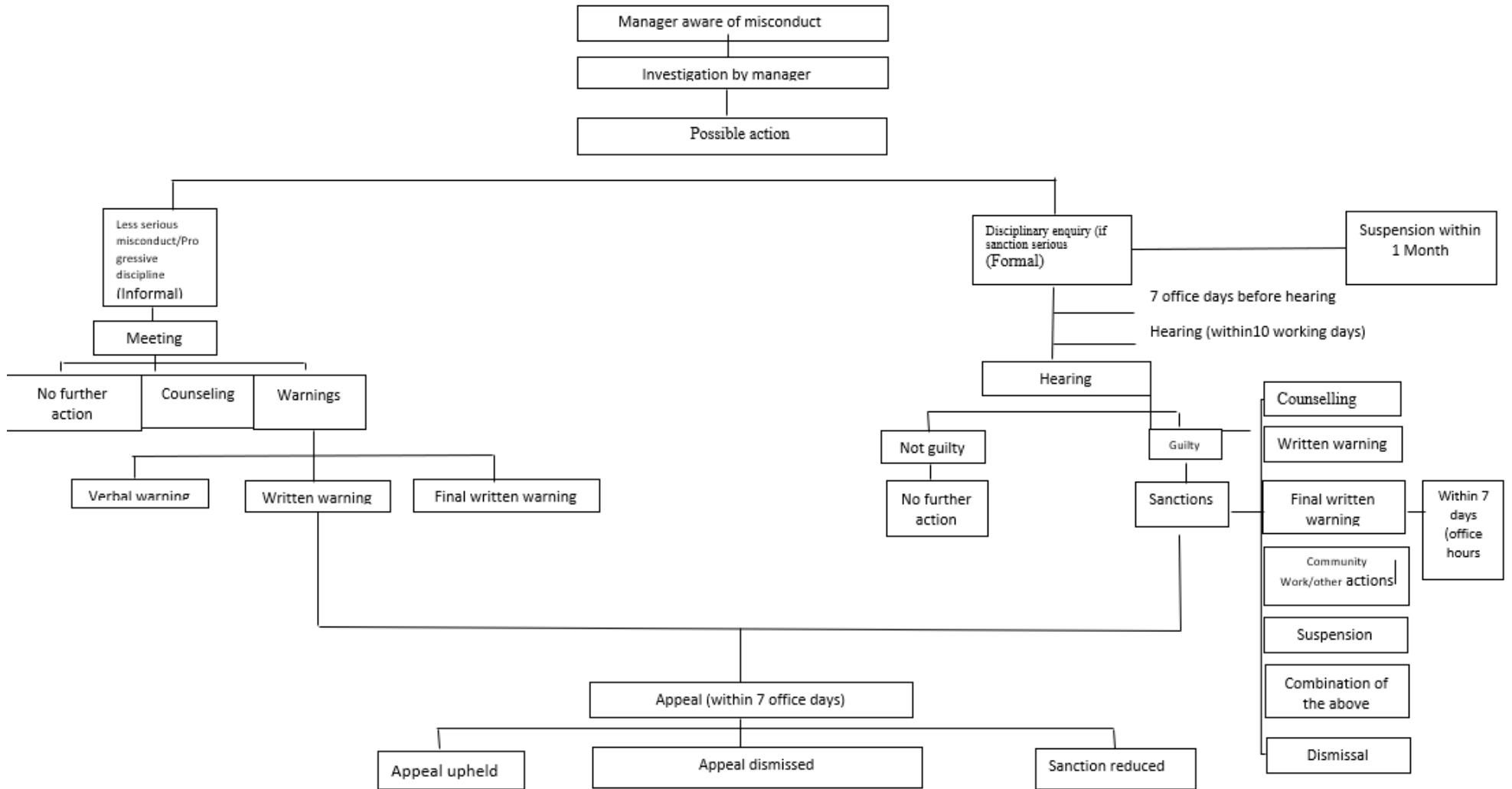
CPUT Disciplinary Code 2015

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

Need to add Departments References

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?

Suspect name and surname / details? _____

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

What happened?

(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.

Where did it occur?

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

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

DAMAGED/ STOLEN PROPERTY (FULL DESCRIPTION AND VALUE)

	VALUE STOLEN	VALUE RECOVERED	REPLACEMENT VALUE
	R	R	R
SIGNATURE:			

How do I contact your witnesses?

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:

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:

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 ST Offence	Written counselling
2 nd Offence	Written warning

3 rd Offence	Final written warning
4 th 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 st Offence	Written warning
2 nd Offence	Final written warning
3 rd 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 st Offence	Final written warning
2 nd 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 st 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
-------------------------	---

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

Updated July 2023

ANNEXURE G:

DISCIPLINARY HEARING: REPORT OF PRESIDING OFFICERS

NAME OF THE STUDENT/LEARNER: _____
STUDENT NUMBER: _____
PERSONAL 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:

Guilty		Not guilty	
---------------	--	-------------------	--

(A) SUMMARY OF FACTS PRESENTED BY INVESTING OFFICER:

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

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

(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	
-----	--	----	--

Motivation:

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

Yes		No	
-----	--	----	--

Motivation:

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	
-----	--	----	--

Motivation:

4. Is the rule applied consistently in the institution?

Yes		No	
-----	--	----	--

Motivation:

FINDING

Guilty		Not guilty	
--------	--	------------	--

(E) IF THE LEARNER/STUDENT IS FOUND GUILTY:

CHECK AND COMPLETE THE FOLLOWING ITEMS:

1. What mitigating factors were presented?

2. What aggravating factors were presented?

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

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

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

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

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

(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?

(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?

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

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

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

ADVISE STUDENT/LEARNER IN WRITING OF THE FOLLOWING:

- Sanction
- Reasons
- Right to appeal

PRESIDING OFFICER: _____

DATE: _____

Updated by L Strauss July 2023

WCCN DISCIPLINARY CODE AND PROCEDURE

LIBRARY RULES AND REGULATIONS

L1 RULES FOR BORROWING MATERIALS

1.1 Issues

1.1.1 Books can only be taken out on presentation of a valid student, staff or membership card. No books will be issued on another borrower's card.

1.1.2 Books have 3 day and 14-day lending periods. While the majority of the books can be borrowed for 14 days, books that are in high demand can only be borrowed for 3 days. The 3- day loan books may be identified by the pink date slip inside the book, and 14-day loan books by the white date slips inside. The date of return will be stamped on the date slips. It is the responsibility of the borrower to check the due dates and make sure that the books are returned on time. Borrowers will be fined for books that are returned late. The fines are generated by the computerised circulation system and it blocks further loans to the any borrower with fines on their name. Fines must, therefore, be paid immediately at the Circulation Desk.

Borrowers have the following privileges:

- Undergraduates: 6 items for 3, 7 or 14 days
- Postgraduate/Basic Diploma students: 9 items for 3, 7 or 14 days
- Staff: 12 items for 3, 7 or 30 days

1.2 Returns

Books are to be returned at the Circulation Desk. Borrowers must return books on time. Borrowers must not leave their books on the desk unattended and must make sure that the books have been cleared against their name, if not the borrower will be responsible for fines incurred.

1.3 Renewals

Borrowers may renew 14-day loan books issued to them, if someone else has not reserved the book(s). Such renewals of books issues for 14 days may be done twice only. However, 3-day loan books cannot be renewed. Books may be renewed telephonically, see contact information below.

1.4 Reservations

Borrowers can place a reservation on a book that has been issued to another borrower to make sure that they are next in line to borrow a book. These reservations can be placed on the OPAC (the computerized catalogue). When the book is returned, the staff at the Circulation Desk will e-mail the borrower, alternatively the borrower can check-in at the Circulation Desk enquiring if the book has been returned.

1.5 Requesting books from branch libraries

Borrowers may request books from other branches by completing an Inter-Branch request form at the Circulation Desk. When the book arrives the staff at the Desk will e-mail the borrower or the borrower can check in to enquire if the book has arrived.

1.6 Lost materials

If a borrower loses any Library materials, the borrower must declare the loss at the Circulation Desk. The replacement cost of the item(s) will be calculated, and the borrower must pay the replacement costs of the lost item(s). A R50 handling fee is charged. This fee is not refundable.

L2 CONDUCT IN THE LIBRARY

2.1 All users must adhere to Copyright Regulations as stipulated in the Copy Rights Act, 98/1978 unless the copyright owner's permission for the reproduction or transmission has been obtained.

2.2 Any user found intentionally damaging, or in possession of library material which has not been properly issued out will be suspended from utilizing all the Libraries of WCCN pending an investigation and appropriate action taken against such user.

2.3 Users who conduct themselves in a manner that is unbecoming in any of the libraries of WCCN will be suspended from utilizing all the libraries of WCCN pending investigation into such conduct and appropriate action taken.

2.4 Prohibited conduct at the Library includes but is not limited to:

- bringing refreshments into a library building or eating
- smoking inside the library building
- causing damage to or mutilating library material, equipment, furniture or tampering with library data or network
- abusive behaviour and harassment towards library staff and fellow users
- continuously triggering library security detection system
- ringing mobile phones
- engaging in group discussions outside demarcated private study/reading areas.



ANNEXURE 1

PROVINCIAL GOVERNMENT WESTERNCAPE SEXUAL HARASSMENT POLICY

PROVINCIAL GOVERNMENT WESTERN CAPE



SEXUAL HARASSMENT POLICY

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1. PREAMBLE

- 1.1 As a responsible and caring employer, the Provincial Government of the Western Cape (PGWC) condemns and will not tolerate any behaviour which directly and/or indirectly:
 - 1.1.1 Discriminates against any of its employees and/or the general public, and/or
 - 1.1.2 Negatively affects its work environment and/or service delivery functions.
- 1.2 The PGWC has thus developed and implemented, and will continue to review, a policy which will provide a broad framework to sensitise against sexual harassment and manage cases if and when such an unacceptable practice occurs. Further to protect the PGWC against financial claims due to unacceptable behaviour of its employees.
- 1.3 The PGWC remains committed to ensure that all future contracts between departments that constitute PGWC and service providers for the supply of goods and services adhere to the provisions of this policy.

2. POLICY STATEMENT

- 2.1 Sexual harassment in the workplace will not be permitted or condoned under any circumstances. Thus this policy establishes and implements functional systems to enable the facts to emerge immediately and appropriately so that any infringement can be dealt with, through due process, in order to uphold the rights of all involved.
- 2.2 Failure to adhere to the provisions of this policy will be seen in a very serious light.
- 2.3 Sexual harassment in the working environment is a form of unfair discrimination and is prohibited on the grounds of sex and/or gender and/or sexual orientation.

3. LEGAL MANDATE

This transversal policy draws its mandate from the following legislation:

- 3.1 Constitution of the Republic of South Africa, 1996.
- 3.2 Employment Equity Act, 1998.
- 3.3 Labour Relations Act, 1995.
- 3.4 Basic Conditions of Employment Act, 1997.
- 3.5 Public Service Act, 1994.
- 3.6 Public Service Regulations, 2001.
- 3.7 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.

- 3.8 The Code of Good Practice on the Handling of Sexual Harassment cases in the Workplace
- 3.9 Resolution 1 of 2003 as amended (Disciplinary Code and Procedure for the Public Service)
- 3.10 The Employment of Educators Act, 1998
- 3.11 The Occupational Health and Safety Act, 1993
- 3.12 Code of Conduct for Public Servants.

4. POLICY OBJECTIVES

- 4.1 The objectives of the Transversal Provincial Sexual Harassment Policy are to:
 - 4.1.1 Create an environment which upholds personal integrity and freedom, and is free from any form of sexual harassment.
 - 4.1.2 Protect the rights of all persons employed by the PGWC and/or serve as political office bearers and those who have contact with the PGWC.
 - 4.1.3 Prevent and eliminate sexual harassment in the workplace.
 - 4.1.4 Provide internal procedures for dealing with cases of sexual harassment in the workplace.
 - 4.1.5 Ensure that the PGWC, as Employer, meets its obligations in terms of the Employment Equity Act, Labour Relations Act and the Code of Good Practice, as subsection of the LRA.

5. POLICY PRINCIPLES

- 5.1 All employees and other persons who have dealings/contact with the PGWC have the right to be treated with dignity, equity, respect and humanity.
- 5.2 The PGWC strives to create and maintain an atmosphere of mutual respect among its employees and will take all reasonable steps to discourage, prevent and eliminate any form of sexual harassment.
- 5.3 Persons who have been subjected to sexual harassment in the workplace have a right to lodge a complaint and/or grievance and have their allegations dealt with seriously, speedily, sensitively and confidentially.
- 5.4 Employees who in good faith lodge a complaint of sexual harassment must be protected against victimisation, retaliation for lodging grievances and persons accused of sexual harassment must be protected from false accusations, not only the complainant.

6. POLICY PROVISIONS

- 6.1 Conduct that is perceived to constitute sexual harassment must immediately be brought to the attention of the employer.
- 6.2 In this regard the word "immediately" shall mean as soon as is reasonably possible in the circumstances and without undue delay.

- 6.3 Perpetrators of sexual harassment may be dismissed from the Public Service if:
- 6.3.1 the conduct constituting sexual harassment is of a serious nature;
 - 6.3.2 the conduct continues after warnings were given; and
 - 6.3.3 the perpetrator victimises or retaliates against an employee who in good faith lodges a complaint of sexual harassment.

7. IMPLEMENTATION

7.1 SCOPE OF APPLICATION

The provisions of this policy apply to:

- 7.1.1. All office bearers and employees of the PGWC.
- 7.1.2. All applicants for advertised positions within the PGWC.
- 7.1.3. All suppliers, service providers and contractors of the PGWC, and
- 7.1.4. All clients and other members of the public interacting with the PGWC.
- 7.1.5. Non-employees who may be victims of sexual harassment, if the alleged harassment has taken place in the PGWC workplace or by an employee during the execution of his/her official duties.
- 7.1.6. An employee, who is sexually harassed by a supplier, contractor or other member of the public interacting with the PGWC may lodge a complaint if the alleged harassment has taken place in the workplace or in the course of the employees execution of his/her official duties.

7.2 DEFINITIONS

- 7.2.1. Sexual harassment is unwelcome conduct of a sexual nature that violates the rights of a person. The unwelcome nature of sexual harassment distinguishes it from behaviour that is welcome and mutually acceptable. Such conduct may substantially interfere with an employee's work performance and may create a hostile, offensive, and intimidating environment. In determining whether conduct constitutes sexual harassment the following factors are to be taken into account:
 - 7.2.1.1 whether the harassment is on the prohibited grounds of sex and/or gender and/or sexual orientation;
 - 7.2.1.2 whether the sexual conduct was unwelcome;
 - 7.2.1.3 the nature and extent of the sexual conduct; and
 - 7.2.1.4 the impact of the sexual conduct on the complainant.
- 7.2.2. Sexual attention becomes sexual harassment if:
 - 7.2.2.1 the recipient has made it clear that the behaviour is considered offensive; and/or
 - 7.2.2.2 the perpetrator should have known that the behaviour is regarded as unacceptable, and/or
 - 7.2.2.3 the unwanted behaviour persists, although a single incident of harassment can constitute sexual harassment.

- 7.2.3 It is important to note that the complainant's perception and experience of the alleged conduct/behaviour will largely determine whether the conduct was offensive and unwelcome.

7.3 TYPES AND EXAMPLES OF SEXUAL HARASSMENT

- 7.3.1 Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, and is not limited to the examples listed within this policy.
- 7.3.2 Unwelcome sexual conduct includes behaviour that is perceived by the recipient as demeaning, compromising, threatening and/or offensive and:
- 7.3.2.1 The assessment of what is unwelcome should be informed by context including culture and language.
 - 7.3.2.2 Previous consensual participation in sexual conduct does not mean that the conduct continues to be welcome.
 - 7.3.2.3 When a complainant has difficulty indicating to the alleged perpetrator that the conduct is unwelcome, the complainant may seek the assistance and intervention of another person in order to make it clear that the conduct is unwelcome.
 - 7.3.2.4 Some forms of sexual harassment are such that the alleged perpetrator should have known that the behaviour would be unwelcome.
- 7.3.3. Unwelcome sexual conduct includes physical, verbal and non-verbal conduct. Such conduct may be direct or indirect and may include technological devices, images and weapons. A single incident of unwelcome sexual conduct can constitute sexual harassment.
- 7.3.4. Physical conduct of a sexual nature includes all unwelcome physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- 7.3.5. Verbal conduct of sexual nature includes:
- 7.3.5.1 unwelcome innuendos, suggestions and hints, sexual advances, comments with sexual undertones, sex-related jokes, insults or unwelcome graphic comments about any person and/or
 - 7.3.5.2 unwelcome and inappropriate enquiries about a person's sex life, and/or
 - 7.3.5.3 unwelcome whistling or suggestive noises directed at a person or group of persons.
- 7.3.6. Non-verbal conduct of a sexual nature includes unwelcome gestures, leering (suggestive staring), indecent exposure, the unwelcome displays of sexually explicit pictures and objects, and electronic mail, text messages (sms), letters and faxes with a sexual connotation.
- 7.3.7. "Quid pro quo" (also known as power play, sexual bribery or 'this for that') harassment occurs where a supervisor, member of management or co-employee influences or attempts to influence the process of employment, recommendation, promotion, training, discipline, dismissal, salary increment, orders or other benefit of an employee or job applicant in exchange for sexual favours.

- 7.3.8. Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to her/his sexual advances, whilst other deserving employees who do not accept any sexual advances are denied promotions, favourable merit rating or salary increases.
- 7.3.9. Creation of a hostile environment occurs where the purpose or effect of the alleged sexual harassment is to interfere with another's person's work performance.
- 7.3.10. Sexual harassment can occur in relationships of unequal power or amongst peers. It is possible for women to be harassed by men or other women and men to be harassed by women or other men.

7.4 PROCEDURES FOR HANDLING ALLEGATIONS

A procedural guide on the handling of allegations of sexual harassment is attached to this Policy as Annexure A.

8. ROLES, RESPONSIBILITIES AND DUTIES

8.1 THE PREMIER

- 8.1.1 As Executive Head of the PGWC, the Premier will appoint an appropriate official within his/her Office to coordinate and assist the designated Sexual Harassment Contact Officers (SHCOs) with the execution of their assigned roles and responsibilities. The aforesaid official will champion the PGWC's endeavours to rid the work environment of any form of harassment.
- 8.1.2 The Premier, or designated official in the Office of the Premier will schedule regular meetings with SHCOs in order to establish an overview of progress as well as to provide assistance as and when required.
- 8.1.3 The Department of the Premier will communicate this Policy to all of the employees in the PGWC, and will coordinate the training of the SHCOs as and when required.

8.2 HEADS OF DEPARTMENT (HOD'S)

- 8.2.1 While the PGWC Corporate Communications Directorate (CSC) will be responsible for the communication of this Policy to all PGWC employees, HODs must take all reasonable steps to ensure that their employees, clients, service providers and contractors interacting with their departments are informed thereof.
- 8.2.2 Each HOD must designate at least one employee as departmental Sexual Harassment Contact Officer (SHCO), ensure that the designated SHCO(s) attends relevant training interventions and has access to the necessary resources to fulfil his/her assigned functions. Employees may also volunteer to become SHCOs.
- 8.2.3 Based on historic data and trends, it is not envisaged that this responsibility would warrant the creation of any additional posts, rather it may result in additional responsibilities added to the daily tasks of a currently appointed official.
- 8.2.4 HODs must ensure that any reported incidents of sexual harassment are investigated and where warranted, actions are taken in accordance to the Disciplinary Code and Procedures.

8.3. INSTITUTIONAL HEADS, MANAGERS AND SUPERVISORS

Institutional heads, managers and supervisors are expected to familiarize themselves with this Policy and are required to:

- 8.3.1 Create and maintain an environment that will not support or tolerate any form of sexual harassment.
- 8.3.2 Exercise leadership by knowing and understanding the terms of this Policy, and by assuming responsibility for the implementation thereof.
- 8.3.3 Ensure that employees within their area of responsibility are familiar with the Policy and adhere to its provisions.
- 8.3.4 Ensure that every newly appointed employee is made aware of the contents of this Policy.
- 8.3.5 Inform staff that sexual harassment will not be tolerated in the workplace.
- 8.3.6 Ensure that their own behaviour provides a model of conduct in line with the principles of this Policy.
- 8.3.7 Attend training and educational sessions on this Policy and ensure that all persons designated by the Department to deal with sexual harassment, receive training.
- 8.3.8 On advice of the designated SHCO, take appropriate action in accordance with this Policy when instances of sexual harassment are brought to their attention.
- 8.3.9 Treat all alleged incidents as confidential and all concerned with dignity and respect.
- 8.3.10 Provide a supportive environment for the work of the designated SHCOs, including availing them with official time to fulfil their roles and responsibilities, to attend training programmes and to attend to any other activities associated with their functions.
- 8.3.11 After obtaining permission from the complainant, refer complaints to a designated SHCO, with due consideration of gender sensitive issues.
- 8.3.12 Take appropriate action on any complaints of victimisation that may follow a complaint of sexual harassment.
- 8.3.13 Where necessary, refer victim(s) of sexual harassment for counselling via Employee Assistance Programme.
- 8.3.14 When conduct in breach of this Policy is observed but no complaint is lodged, report the matter to a designated SHCO for further informal investigation and counselling.
- 8.3.15 In instances where she/he observes, or is informed of conduct that could constitute sexual harassment occurring within his/her area of responsibility, advise the person(s) involved that the behaviour could give offence and that the behaviour should cease with immediate effect.
- 8.3.16 Bring this Policy to the attention of all clients, the public, contractors, service providers, consultants, tenderers, etc.

8.4. DESIGNATED SEXUAL HARASSMENT CONTACT OFFICERS

The designated SHCOs shall:

- 8.4.1 Where required, refer victims of sexual harassment for counselling, assistance and advice through the Employee Assistance Programme.
- 8.4.2 Arrange for complainants to attend counselling and provide complainants with information about counselling services available as well as information on how to access independent counselling services.
- 8.4.3 Investigate complaints of sexual harassment and make recommendations.
- 8.4.4 Assess the risk to the complainant and others in the workplace and make recommendations to the employer as to whether precautionary suspension or transfer of the alleged harasser should be considered.
- 8.4.5 Take all reasonable steps to facilitate the conciliation and resolution of sexual harassment complaints.
- 8.4.6 Perform an educative role in the elimination of sexual harassment.
- 8.4.7 Develop and distribute relevant educative material in the workplace.
- 8.4.8 Arrange and deliver awareness-raising programmes for employees in conjunction with managers and supervisors.
- 8.4.9 Liaise with senior management to ensure that anyone engaged to provide a service for the PGWC is advised of the provisions of this Policy.
- 8.4.10 Maintain records on sexual harassment complaints in the specific institution concerned and on a quarterly basis inform the Office of the Premier, managers and supervisors of the incidence of sexual harassment occurring in their area of responsibility.
- 8.4.11 Monitor and review the implementation of this Policy.
- 8.4.12 Advise the complainant that the matter will be dealt with confidentially.
- 8.4.13 Serves in this additional responsibility until there is a need to re-assign the function.

8.5. EMPLOYEES

All employees shall:

- 8.5.1 At all times respect one another and refrain from behaviour which may be perceived as sexual harassment.
- 8.5.2 Immediately and in accordance with this policy, report acts that may constitute sexual harassment.

- 8.5.3 Provide their full support when required to assist with any enquiry regarding conduct which may constitute sexual harassment.
- 8.5.4 At all times be discreet and observe the conditions of this Policy relating to confidentiality around any investigation pertaining to an allegation of sexual harassment.
- 8.5.5 Not under any circumstances, purposefully falsely accuse any colleague, supervisor, and/or any other person, mentioned within this Policy of alleged conduct which may constitute sexual harassment.
- 8.5.6 Refrain from committing acts of sexual harassment.
- 8.5.7 Play a role in contributing towards creating and maintaining a working environment in which sexual harassment is unacceptable.

9. COMMUNICATION

- 9.1 The PGWC shall take all reasonable steps to communicate this Policy to all employees, and third parties on a regular basis and to raise awareness about the need to prevent sexual harassment.
- 9.2 The Office of the Premier, through Corporate Services Centre in the Department of the Premier shall ensure that 9.1 above occurs.
- 9.3 HODs are required to:
 - 9.3.1 communicate regularly by written and oral means, the seriousness of the issue and the existence of this Policy and its salient features to employees within their departments and to third parties interacting with their departments maintaining confidentiality in the process, and
 - 9.3.2 communicate regularly with all other managers and supervisors in their Departments concerning their responsibilities regarding the implementation of this Policy.
- 9.4 The Corporate Services Centre shall:
 - 9.4.1 Provide the Directorate: Corporate Communication with information that will enable the PGWC workforce, suppliers and clients to be informed regularly about the implementation of this Policy.
 - 9.4.2 Report annually to the Office of the Premier about the effectiveness of communication of this Policy.

10. VICTIMISATION AND/OR RETALIATION

Victimisation of- and/or retaliation against an employee, who in good faith, reports an alleged incident of sexual harassment and/or assists or participates in a proceeding, investigation or hearing relating to a

complaint of sexual harassment, shall constitute a violation of the provisions of this Policy and could lead to the institution of disciplinary proceedings.

11. GOOD FAITH / FALSE REPORT

An employee who reports alleged sexual harassment or provides information during the investigation of a complaint is presumed to have participated in the investigation in "good faith". It is a violation of this Policy for an employee or persons to knowingly make a false sexual harassment complaint or knowingly provide false information during the investigation of a complaint. Such malicious actions are subject to the provisions in the Disciplinary Code and Procedures of the Public Service/ Disciplinary Code of Educators.

12. LEGAL / DISCIPLINARY CONSEQUENCES OF SEXUAL HARASSMENT

12.1 Persons found guilty of sexual harassment may be issued with the following sanctions as contained in the Disciplinary Code and Procedure for Public Servants and that of Educators:

12.1.1 counselling;

12.1.2 Verbal warning;

12.1.3 a written warning valid for six months;

12.1.4 a final written warning valid for six months;

12.1.5 suspension without pay, for no longer than three months;

12.1.6 demotion;

12.1.7 dismissal.

12.2 If an employee is demoted, she/he may only, after a year, apply for promotion to a higher advertised post without prejudice

13 DISPUTE PROCEDURE

13.1 Public Service Personnel

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures either party may within 6 months of the dispute having arisen refer the dispute for conciliation to the Commission for Conciliation, Mediation and Arbitration or relevant Sectoral Bargaining Council in terms of the relevant dispute resolution procedures.

13.2 Educators

To be dealt with in terms of part 4 of Dispute Organisational Rights: General of the Education Labour Relations Council constitution.

14 CONFIDENTIALITY

- 14.1 Employers and employees must as far as possible ensure that complaints/grievances about sexual harassment are investigated and handled in a manner which ensures that the identities of the persons involved are kept confidential.
- 14.2 During informal disciplinary discussions, only relevant members of management as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter may be present at disciplinary hearing
- 14.3 The PGWC is required to disclose to either party or to their representative such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of this Policy.

15. NON COMPLIANCE

Non-compliance with the provisions of this Policy shall be dealt with in terms of the Disciplinary code of the Public Service; the Educator's Disciplinary Procedures and in terms of the provisions provided for in Section 12 of this Policy.

16. DATE OF IMPLEMENTATION

This Policy replaces the Sexual Harassment Policy of the PGWC as adopted by the Provincial Bargaining Council Western Cape on 01 December 1999. The revised policy was adopted on.....2011 and will be implemented with immediate effect.

ANNEXURE A

PROCEDURES FOR HANDLING ALLEGATIONS OF SEXUAL HARASSMENT

1 STAGES TO ADDRESS COMPLAINTS OF SEXUAL HARASSMENT

- (a) Employees elect either an informal or formal procedure to address the complaint.
- (b) A sexually harassed employee has a right to institute separate criminal and/or civil proceedings against the alleged perpetrator. His/her legal rights are in no way limited by this Policy.
- (c) An employee who is a victim of alleged sexual harassment by a fellow employee may lodge a complaint with his/her direct supervisor, SHCO or head of department if the alleged conduct has occurred in the workplace or in the course of the harasser's employment in which instance the disciplinary procedure, as provided for within the Policy, shall be applied.
- (d) The informal procedure is appropriate for less serious cases of sexual harassment. Serious cases of sexual harassment, for example rape, sexual assault or other criminal conduct of a sexual nature, should be dealt with in terms of the formal procedure subject to section 2.2 below. Where warranted, precautionary suspension of the alleged perpetrator should be considered to protect the complainant, witnesses and/or evidence relating to the complaint.
- (e) A non-employee who is a victim of alleged sexual harassment may lodge a complaint with the relevant SHCO or head of department if the alleged conduct has occurred in the workplace or in the course of the harasser's employment in which instance the disciplinary procedure, as provided for within the Policy, shall be applied.
- (f) An employee, who alleges that she/he has been sexually harassed by a supplier, contractor or other member of the public interacting with the PGWC, may lodge a complaint with his/her direct supervisor, SHCO or head of department if the alleged conduct has taken place in the workplace or in the course of the harasser's employment in which instance the relevant HOD will request the alleged harasser's employer to take appropriate action. Such action may include not allowing the alleged perpetrator onto PGWC's premises until such time as an investigation has been concluded and the relevant HOD and SHCO has been informed of the outcome.

2 STEPS TO FOLLOW WHEN SEXUALLY HARASSED

2.1 THE INFORMAL APPROACH

- (a) As soon as an alleged incident of sexual harassment has been verbally brought to the attention of a SHCO, the said SHCO shall inform the complainant about his/her rights and options, including the complainant's option of following an informal process to resolve the said complaint.
- (b) Should the complainant wish to resolve the complaint in an informal manner, he/she shall in writing, request the SHCO to; as soon as possible arrange a meeting with the alleged harasser.
- (c) At the meeting, at which the SHCO will be present, the complainant will be given the opportunity to explain to the alleged harasser that his/her conduct is unwelcome, that he/she feels offended and/or

that he/she is uncomfortable with it and that he/she wants the alleged harasser to refrain from the unwelcome conduct.

- (d) At the aforesaid meeting the proceedings shall be minuted by the SHCO and kept on record by the SHCO. These minutes may be used at a later stage to indicate that despite following an informal process, the unwelcome conduct persisted.
- (e) During the above discussion, it may be agreed that he designated SHCO could refer the perpetrator for counselling through the EAP, with regard to his/her unwelcome conduct.

2.2 THE FORMAL APPROACH/ PROCEDURE

The formal procedure must be implemented in any of the following instances:

- (a) Where the alleged sexual harassment is of a serious nature.
- (b) The informal procedure has already been applied without success and the harassment continues after the informal procedure had been followed.
- (c) Where the complainant has chosen to follow a formal route, and/or
- (d) Where the alleged perpetrator has elected not to participate in the informal process.

2.2.1 In order to institute the formal procedure:

- (a) The complainant (when required with the assistance of the SHCO) must, in writing, lodge a formal complaint to his/her supervisor or institutional head, and/or the SHCO. In the case where the SHCO or supervisor is the alleged perpetrator, the complaint should be lodged with a manager at least one level higher than the perpetrator who will make alternative arrangements to investigate the complaint.
- (b) In cases where the complainant is unwilling to proceed with the formal process and the SHCO is of the opinion that it is in the interest of the employer to continue with such formal disciplinary process, the SHCO shall motivate his/her observations and findings in writing to the institutional head. Such motivation shall include:
 - i) a description of the alleged sexual harassment or assault,
 - ii) the complainants reasons for his/her unwillingness to pursue the matter further or to be called as a witness, and
 - iii) compelling reasons in support of a formal procedure, including risks to other individuals.

2.2.2 Upon receipt of a formal complaint, the Supervisor or Institutional Head shall follow the Disciplinary Code and Procedures for the Public Service, if she/he is satisfied that it is in the interest of the employer to do so.

Factors which may be considered by the Institutional Head include:

- (a) Risk to other employees and/or individuals, interacting with the PGWC, and/or
- (b) The severity of the sexual harassment, and/or




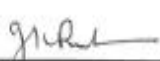
- (c) The history of the alleged perpetrator with regard to previous cases and complaints of sexual harassment.
- 2.3 Where a complainant has lodged a formal or informal complaint directly with the institutional head or a supervisor or manager, the complaint should be referred to the SHCO for further handling.
 - 2.4 The SHCO should follow up on all complainants to ensure that complainants feel supported in the workplace and that the Employer has done all that was reasonably practicable to eliminate the harassment from the workplace.
 - 2.5 The timeframe for the finalisation of the investigation shall be within three months from the date which the complaint was lodged unless exceptional circumstances dictate otherwise.
- 3. EDUCATION AND TRAINING**
- 3.1 A continuous process of education and training is necessary to ensure that employees and third parties are aware of the contents of this Policy and are able, as appropriate, translate it, implement and to prevent sexual harassment.
 - 3.2 After approval of this Policy HOD's must ensure that the responsibilities of the SHCO are assigned to competent and dedicated officials, and that the names of designated officials are provided to the Office of the Premier for purposes of coordination. The Provincial Training Institute will source/provide relevant training to SHCOs as soon as possible after they have been identified.

THIS DONE AND SIGNED AT CAPE TOWN ON THE DATE INDICATED BELOW.

ON BEHALF OF THE EMPLOYER PARTY

	NAME	SGNATURE	DATE
PGWC AS EMPLOYER	R.C. Mohamed	R.C. Mohamed	2011-05-20

ON BEHALF OF THE TRADE UNION PARTIES

TRADE UNION	NAME	SIGNATURE	DATE
DENOSA			
HOSPERSA/NUPSAW			
NAPTOSA	R. AHMED		20 MAY 2011
NEHAWU	S. Wildschut		20 May 2011
PSA	J. A. B. Kruwe		20 May 2011
SADTU	J. K. Rustin		20 May 2011