THE UNIVERSITY OF NAMIBIA

STUDENT CODE OF CONDUCT

COUNCIL RESOLUTION: C/12/353/46
I. Preamble

Whereas the University of Namibia embraces fundamental principles to ensure a campus environment that is nurturing, orderly, safe and conducive to learning and socio-cultural and personal development;

Affirming that all Students of the University are expected to behave in an ethical, legal and moral fashion, respecting the human dignity of all members of the University and that students adhere to the civil and criminal laws of Namibia;

Recognizing that students of the University of Namibia have substantive and procedural rights to be respected and to know the circumstances and manner in which disciplinary provisions will be exercised and advising students that such provisions will be enforced.

The University of Namibia Council, empowered by section 25 of the University of Namibia Act 18 of 1992,

I. Determined to foster and protect the core missions of the University of Namibia
   Committed to foster and enforce discipline among students and promoting the scholarly, disciplined and civic development of the university’s students in a safe and secure learning environment

II. Pursuing the fulfillment of economic, social, cultural and political interest of the Students

III. Resolved to guarantee lasting respect for the laws, rules and regulations of the University and the Nation and to the enforcement of justice among students and all Campuses alike;

IV. Committed to protect all members of the University, properties, processes that support the university and its missions and for matters incidental thereto;
   Aimed at corrective not punitive measures;

Hereby establishes this Student Code of Conduct as the basic fundamental law governing the conduct of students, without discrimination or segregation subject to the laws of Namibia;

COUNCIL RESOLUTION: C/12/353/46
II. Definitions

I. In this Code, the following definitions shall apply, unless stipulated or the context indicates otherwise.

II. ‘Complainant’ means any person who has been aggrieved by the conduct of the Student

III. “Faculty Boards” means boards in charge of hearing academic misconduct cases

IV. “Quorum” means the minimum number of persons who may validly attend a meeting or Committee sanctioned by this Code or any other relevant law

V. “Residence Hall Hearing Board” means the Residence hall hearing board in charge of hearing violations of the Hostel Rules and Regulations

VI. “Respondent” means any student who has been accused of an act prohibited under this Code

VII. “Sports Board” means the Sports Board in charge of hearing sport cases

VIII. “Sports misconduct” means violations of sports rules and regulations and shall include unauthorised and misuse of University Sports facilities

IX. “Student Representative Council” means the Student representative Council of the University established in terms of section 15 of the University of Namibia Act 18 of 1992

X. “Student” means a person registered as a student at the University of Namibia whether part time or full time, including those who have finished their qualifications but have not received their qualifications or have not graduated

XI. “University Community” means any student, academic and administrative staff members of the University

XII. “University Appeals Committee” means the University Disciplinary Committee created in terms of Article 64 hereof

XIII. “University Disciplinary Committee” means the University Disciplinary Committee as established under Article 10 hereof

XIV. “University” means the University of Namibia constituted in terms of the University of Namibia Act 18 of 1992 which includes all campuses and/or colleges established hereunder.

COUNCIL RESOLUTION: C/12/353/46

III. Scope of Application
1. This code applies to the on-campus conduct of all students and registered student organizations. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

a) Academic course requirements or any credit-bearing experiences, such as study abroad or exchange program, internships, field trips, or student teaching;
b) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
c) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
d) Any activity that causes substantial destruction of property belonging to the university or members of the university community or causes serious harm to the health or safety of members of the university community; or
e) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

2. The Code governs all campuses of the university.

(a) the university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending
(b) In cases where the accused student or Complainant is not resident on or at Main Campus the University shall ensure that the accused student attends the Hearing at the place of seating of the hearing of the Committee or Board or that the Hearing Board or Committee seats at the Campus where the Student is attending classes.

3. The university may proceed with university disciplinary action under this code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student’s favor.

VI. Dress Code

Students are expected to dress appropriately. No excessive exposure of body parts will be tolerated.

COUNCIL RESOLUTION: C/12/353/46

V. Hearing Boards

1) There shall be the following Boards:
a. Faculty Boards, which shall adjudicate matters regarding academic misconduct under this Code and under specific Faculty Rules and Regulations.

b. Residence Hall Hearing Board, which shall adjudicate matters regarding violations of the Hostel Rules and Regulations.

c. Sports Board, which shall adjudicate matters regarding Sports misconduct

2) These Boards shall have the competence to, without hearing the matter; refer the matter to the University Student Disciplinary Committee which shall exercise its inherent jurisdiction and hear the case as of first instance.

3) Appeals from any of these Boards shall lie with the University Student Disciplinary Committee and Appeals from the University Student Disciplinary Committee shall lie with the University Student Appeals Committee.

4) Any misconduct which does not fall under the specific Board above, shall be heard by the University Student Disciplinary Committee as of first instance.

5) Hearing Boards may formulate their own rules of operation provided such rules do not contravene the provisions of this Code of Conduct.

VI. The Student Disciplinary Committee

1) There shall be a University Student Disciplinary Committee which shall have inherent jurisdiction over any misconduct by a University Student and in that light shall stand as the judicial panel responsible for adjudication of allegations of any misconduct or violation of this Code or any other laws, rules and regulations of the University, referred to it by the Dean of Students.

The panel of the Student Disciplinary Committee shall be constituted by the University Senior Management member, Pro Vice Chancellor, to whom the Dean of Students reports. The panel shall consists of:

I. The relevant Pro Vice Chancellor (chairperson)
II. Three Academic Staff, with at least one from the accused student’s faculty
III. One student representative, appointed by the Student Representative Council (SRC)

COUNCIL RESOLUTION: C/12/353/46

I. Dean of Students
II. One additional member from within the University, uninterested in the circumstances of the case, appointed by the Dean of Students considering their expertise and experience in Student disciplinary matters

2) A student whose conduct is under scrutiny may insist that no student be included in the Committee, in which case the Dean of Students shall appoint an additional member of Staff after consultation with the University Corporate Legal Adviser

i. The student who objects to the inclusion of any member of the Committee shall make known any objections, in writing, to the Prosecutor not more than three days after the accused student is informed of the composition of the Committee

ii. Where the student objects to any individual of the member serving on the Committee it shall be for the Convener of the Committee to determine whether the objection should be upheld

iii. If the objection is to the Convener of the Committee that objection to the Convener shall be determined by the most senior member of the Committee to whom the objection is laid

VII. Rights of Students

1) In any disciplinary hearing the University shall respect the rights in Chapter 3 of the Namibian Constitution to the extent that they are relevant and applicable to the hearing. In addition and in particular, in the administration of disciplinary measures:

i. The accused student shall be accorded procedural fairness in accordance with the procedures set in this Code.

ii. In such situations, whether formal or informal, the fundamental principles of due process shall be recognized and followed.

iii. Any accused student shall have the right to information in the hands of the prosecutor for the purpose of the hearing and, shall be entitled to disclosure of same and shall be afforded adequate time for the preparation and presentation of their defence, before the commencement of and during the trial, the accused student shall be entitled to be defended by only UNAM senior law students of his/her choice.

VIII. Prohibited Conduct

1) "prohibited conduct" or "unlawful behavior" would include behavior prohibited by a academic / administrative staff member provided that such prohibition is lawful and reasonable in the circumstances and provided that such prohibition bears a rational connection with the mission statement of the University

COUNCIL RESOLUTION: C/12/353/46
2) It must be emphasized that this provision shall not be used to punish classroom dissent.

   i. The lawful expression of a disagreement with an academic staff member is not in itself disruptive and punishable misconduct or behavior.

   ii. A student who believes that he/she has been treated in an arbitrary manner in this regard should contact his/her Faculty Dean or the Dean of Students

3) Prohibited Misconduct shall include, but not limited to, the violation of specific Faculty Rules and Regulations.

4) Recognizing the legal difficulty in tabulating all conduct which may be apprehensible under this Code, students who engage or deemed to have engaged, or attempted to engage, in the following conduct on University premises, or at University sponsored activities, or at activities involving University recognized organizations may be subject to disciplinary action.

5) For the purposes of this section, “attempt” shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct.

IX. Academic Misconduct

Any activity that tends to compromise the academic integrity of the university, or subvert the educational process. Examples of academic misconduct include, but are not limited to:

   i. Violation of course rules as contained in the course syllabus or other information provided to the student; violation of program regulations as established by faculty management committees and made available to students;

   ii. Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;

   iii. Knowingly providing or using assistance in the laboratory, on field work, in scholarship or on a course assignment;

   iv. Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another’s work or ideas as one’s own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person’s work, and/or the inappropriate unacknowledged use of another person’s ideas;

COUNCIL RESOLUTION: C/12/353/46
v. Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement;

vi. Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignments;

vii. Serving as, or enlisting the assistance of a substitute for a student in the taking of examinations;

viii. Alteration of grades or marks by the student in an effort to change the earned grade or credit;

   i. Alteration of academically-related university qualification forms or records, or unauthorized use of those qualifications, forms or records; and

   ii. Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system.

6) Any Faculty Board shall have the Jurisdiction to hear cases of violations of academic misconduct and shall without hearing the matter have the competence to refer the matter to the University Student Disciplinary Committee which shall exercise its inherent jurisdiction, hear the case as of first instance.

X. Disorderly or Riotous Actions

7) Participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property. Proscribed behavior in the context of a riot includes but is not limited to:

   a. Striking and or demonstrating illegally
   b. Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
   c. Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and
   d. Failing to comply with a directive to disperse by university officials, Security officers or emergency personnel; and
   e. Intimidating, impeding, hindering or obstructing a university official, Security official or emergency personnel in the performance of their duties.

Council Resolution: C/12/353/46
8) This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.

XI. Sexual Misconduct

9) Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, or under coercive circumstances including but not limited to, is strictly prohibited:
   a. non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object, by any person upon any person without consent or under coercive circumstances
   b. non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object, by any person upon any person without consent or under coercive circumstances
   c. use, demand and / or bating of sexual favors for personal gratification or academic benefits
   d. sexual exploitation, defined as taking non-consensual, unjust or abusive sexual advantage of another
   e. sexual harassment, as defined in applicable University Policy
   f. indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner, in public or in private premises, when the accused may be readily observed
   g. any relationship between a lecturer and a student that interferes with and compromises the quality of the required professional academic and supervisory lecturer – student relationship

10) For the purposes of this rule, “consent” shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity.

11) An individual cannot consent who is, but not limited to:
   a. substantially impaired by any drug or intoxicant; or
   b. has been purposely compelled by force, threat of force, or deception; or
   c. is unaware that the act is being committed; or
   d. whose ability to consent or resist is obviously impaired because of a mental or physical condition; or
   e. who is coerced by supervisory or disciplinary authority

COUNCIL RESOLUTION: C/12/353/46
XII. Health or safety misconduct

12) Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, whether intentionally or as a result of recklessness or gross negligence

13) Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action

XIII. Misuse and Abuse of Computational Facilities

14) University computer systems, software, network, information technology, and related technologies shall be used in line with the objectives of the University. All students using computing facilities must make themselves aware of, and comply with campus computer use rules and regulations. Unacceptable use includes but is not limited to:

a. Use of computing facilities and resources in violation of copyright laws
b. Unauthorized entry into a file for any purpose
c. Unauthorized transfer of a file
d. Unauthorized copying or distribution of copyrighted computer software or other digital content
e. Use, or attempted use, of another person’s identification and/or password
f. Tampering with the communications of others
g. Use of computing facilities to send obscene, abusive, harassing or threatening messages
h. Use of computing facilities to interfere with the work of another student, faculty member, University official, or any other member of the University community
i. Using personal web pages hosted on University computer network not primarily focused on the mission of the University
j. Unauthorized use of computing facilities and network for personal financial or other commercial gain
k. Attempt to damage or to degrade the performance of University computers and networks

XIV. Destruction of Property

15) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.
XV. Dangerous Weapons or Devices
16) Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms, ammunition, or fireworks unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law, is strictly prohibited.

XVI. Dishonest Conduct
17) Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university documents by actions such as forgery, alteration, or improper transfer; submission to a university official of information known by the submitter to be false.

XVII. Theft and/or unauthorized use of property
18) Theft, or the unauthorized use or possession of university property or services, or the property of others.

XVIII. Failure to comply with university or civil authority
19) Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

XIX. Drugs
20) Possession, use, storage and selling of dependency habit forming drugs of any kind is illegal and unlawful therefore strictly prohibited from all UNAM premises, hostels included. Students found to be in possession of, selling or using drugs will be expelled from the hostel and / or University.

XX. Alcohol
21) The selling, consumption, storage of alcohol beverages or drugs in UNAM premises including hostels by any student or anybody, acting on a student(s) behalf or his/her own behalf, is strictly prohibited

XXI. Unauthorized Presence
22) Unauthorized entrance to or presence in or on university premises

COUNCIL RESOLUTION: C/12/353/46

XXII. Disorderly or Disruptive Conduct
23) Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community
XXIII. Hazing/Bullying

24) Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

XXIV. Abuse of Process and Contempt

25) Abuse of any university judicial or disciplinary process, including but not limited to:

   a. Failure to obey the summons or directives of a disciplinary committee/body or university official;
   b. Falsification, distortion, or misrepresentation of information before a disciplinary Committee or body;
   c. Disruption or interference with the orderly conduct of a judicial proceeding;
   d. Institution of a judicial proceeding knowingly without cause;
   e. Discouraging an individual’s proper participation in, or use of, a university judicial system;
   f. Influencing the impartiality of a member of a judicial body prior to, and/or during the course of a judicial proceeding;
   g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding;
   h. Failure to comply with one or more sanctions imposed under the code of student conduct; and
   i. Influencing another person to commit an abuse of a university judicial system.

XXV. Miscellaneous offences

26) Violation of university rules; Violation of other published university regulations, policies, or rules; or violations of federal, state, or local law. These university regulations, policies, or rules include, but are not limited to,

COUNCIL RESOLUTION: C/12/353/46
a. those which prohibit the misuse of computing resources,
b. sexual harassment,
c. rules for student groups or organizations, and
d. residence hall rules and regulations

27) Recording of Images without Knowledge Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person’s prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to,

a. Taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms.
b. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

XXVI. Complaints and Preliminary Review

28) Any individual may report a student suspected of violating this Code to the Office of the Dean of Students.

a. individuals who are not members of the University community may not serve as the complainant in any proceedings conducted under this Code unless the misconduct is connected to an off-campus conduct of students and registered student organizations in direct connection with the stipulations of Article 2 above
b. If the individual initiating the complaint is a member of the University community, including members of the University Security Services, he or she will normally be expected to serve as the complainant and to present relevant evidence in Disciplinary Hearings that may result from his/her complaint.
c. The complainant may request the assistance of the office of the Dean of Students in the lodgment of Complaints

29) In all disciplinary matters, except in cases of suspension there shall be a Preliminary Review of information and evidence that may result in a charge(s) being brought against the accused student. The purpose of this Review shall be to determine if there is sufficient evidence to proceed with a Hearing. It shall be the responsibility of the Student Disciplinary Committee Chairperson to advise the respondent that:

a. he or she has the right to remain silent throughout any proceedings conducted under this Code and no adverse inferences shall be made out of the silence
b. matters discussed during the Preliminary Review become part of the case record and may be presented during any Hearing or Disciplinary Conference
c. The Chairperson shall make one of the following determinations:

COUNCIL RESOLUTION: C/12/353/46
1. dismissal of the complaint
2. order the investigation officer to conduct further investigations and defer disciplinary proceedings to a specified date within a reasonable period of time in the circumstances of the case but not longer than the period in which a hearing should be finalised under this code or the SRC Constitution
3. proceed on the merits of the matter

30) Should the investigations take longer than ninety days after the Chairperson ordered the investigation officer to finalise same the pending charges against the accused student may be withdrawn at the discretion of the Chairperson

   a. A decision by the Committee that the charges are sustained must be based upon a preponderance of the evidence at the hearing.
   b. A preponderance of the evidence is that which is sufficient to convince the Committee that it is more probable than not that the student’s alleged misconduct occurred.

31) Disciplinary matters may be disposed of without the initiation of any formal hearing process if the individual conducting the Preliminary Review determines that:

   a. there is not adequate cause or evidence to proceed with a formal Hearing
   b. if the respondent acknowledges engaging in conduct prohibited by the Code,
   c. if the respondent elects not to contest the charge(s) or withdraws from the matter
   d. if the respondent and complainant agree to settle the matter out of the Hearing provided that the agreement does not prejudice the vested rights of interested parties in the same matter
   e. If the respondent acknowledges engaging in prohibited conduct or elects not to contest the charges, Chairperson may assign any of the sanctions specified in Article 57 below.

XXVII. The Hearing Procedures and Guiding Principles

32) Upon the Chairperson ruling that the case should proceed to a hearing on the merits the Prosecutor shall initiate the proceedings against the accused Students.

33) The prosecutor shall notify the accused student about the date of the hearing and such notice shall be given to the student at least five school days in advance of the hearing, and shall be accorded the rights stipulated in Article 12 prior to and during the hearing.

COUNCIL RESOLUTION: C/12/353/46
34) The Committee shall conduct a fair and impartial hearing and any hearing may not proceed without the accused student unless it is clear from the circumstances that the student is deliberately absconding with the intention to delay frustrate or render the hearing difficult or impossible.

   a. The Committee shall scrutinize the facts in the circumstances in such a situation and use its discretion whether to try the student in his/her absence or not.
   b. Both the student and the Complainant shall have the opportunity to be heard
   c. Both the student and the charging party shall have the opportunity to question opposing witnesses
   d. Disciplinary action for Members of the SRC Shall be Completed within 30 days after the first day the Committee hears the matter
   e. Upon completion of a Student Disciplinary hearing, a standard formal letter outlining the outcome of the hearing, signed by all panel members, goes out to the concerned student

35) The Dean of Students may subpoena witnesses upon the request of either party or on his/her own motion.

   a. University employees are also bound by this provision and shall comply with subpoenas issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.
   b. Any party may bring an advisor to the Hearing, provided that in order to be permitted to do so, the party must notify the Chairperson, in writing, of the name of the advisor or attorney at least 48 hours prior to the hearing.

36) English shall be the medium of communication in any disciplinary hearing.

   a. The Chairperson may, in her/his discretion, permit participation by an interpreter or other assistant if, because of a language barrier, or impediment, or disability, or other special circumstance, such participation would improve the quality of the hearing or enhance the realization of any of the involved parties.
   b. The Chairperson may revoke his/her permission of the participation by assist or interpreter at any time if, in his/her judgment, it is not improving the quality of the hearing or is not enhancing the realization of any of the involved parties.
   c. The party who needs an interpreter must notify the Dean of Students and the Chairperson, in writing, of the request for an interpreter or assistant at least 48 hours prior to the hearing. The Dean of Students shall assist the party so requesting in finding a competent and able interpreter

**Council Resolution: C/12/353/46**
37) Hearings will be closed to the public, except that, in the discretion of the Chairperson, an open hearing may be held if requested by the accused student.
   a. In the case of related students, if any student in the group desires a closed hearing, the hearing shall be closed
   b. The Chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.
   c. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the Chairperson may be excluded from the proceedings

38) Hearings will normally be recorded. However, this code does not require that hearings be recorded, and the failure to record all or part of a hearing, or the technical inadequacy or loss of any recording made, does not invalidate the hearing or the procedure.
   a. Whether or not a recording is made, the decision must include a summary of the testimony, and shall be sufficiently detailed to permit rational judgment at any warranted review or potential appeal
   b. The Chairperson may per motu or upon request by the accused student or the complainant exclude witnesses other than the complainant and the accused student from the hearing during the testimony of other witnesses.

39) Formal rules of evidence shall not apply in disciplinary proceedings conducted pursuant to this code.
   a. The Chairperson shall admit all matters into evidence which reasonable persons would accept as having persuasive value in the conduct of their affairs.
   b. Unduly repetitious or irrelevant evidence may be excluded
   c. Affidavits shall not be admitted into evidence unless signed by the affiant and notarized, and shall not be admitted in any case unless the Chairperson finds that there is good cause to accept an affidavit instead of actual testimony

40) The Committee may be advised by a representative of the Office of the Dean of Students, except that if the Office of the Dean of Students shall have acted in the case as proponent of any party, then the Committee shall be advised by independent, outside counsel

41) At the completion of the presentation of all the facts on the charge(s), the Committee shall adjourn and retire to closed deliberations.

COUNCIL RESOLUTION: C/12/353/46
a. Such Committee deliberations shall not be recorded or transcribed.
b. Each respondent shall be regarded as not personally responsible unless the Committee determines the contrary based on the facts adduced at the Hearing.
c. The decision shall be by majority vote.
d. Each Committee member shall vote and may not abstain. If the Dean of Students was part of the panel he/she shall not be considered a voting member of the Committee and shall not be present in the hearing room during the Committee’s deliberations regarding the finding.
e. After deliberations of the matter, the Committee shall make a well reasoned and written ruling on the matter. The Committee Chairperson shall write the ruling and rationale of the decision or assign one senior member of the Committee to do so. If there is any member who does not concur they may write a separate dissenting decision outlining their line of reasoning.
f. The majority decision or ruling shall stand as a judgment of the Committee and shall prescribe any sanction allowable under this Code or any applicable laws of Namibia.

42) Any office which is responsible for executing the decision or recommendation of the Committee shall notify the convicted student of its intention to execute or give force to the decision or recommendation.

a. This notice shall include a brief explanation of the rationale for his or her decision.
b. In cases of Expulsion which can only be done by the Vice Chancellor, the Vice Chancellor, in implementing the decision of the Committee, shall take cognizance of the rationality of the decision of the Committee and write

c. Under no circumstances shall the office responsible for executing the decision be permitted to change the sanction prescribed by the Committee.

43) In cases where a recommendation is made to expel a student from the University, the Vice Chancellor may, where he/she deems fit, refer the decision to the Appeals Committee before implementing such a decision.

a. The Appeals Committee upon receipt of the referral may confirm the sanction or

b. If it is of the opinion that the sanction is grossly disproportionate to the offense it may change it and prescribe a lesser competent sanction.

XXVIII. Sanctions

44) Sanctions for violations of disciplinary regulations consist of:

COUNCIL RESOLUTION: C/12/353/46
a. **Warning**  
   i. Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.  
   ii. The Chairperson of the Student Disciplinary Committee shall be competent to warn the accused student without the involvement of other outside offices.  
   iii. Notice of this action may appear on the student’s academic transcript for up to one year.

b. **Restitution**  
   i. Repayment to the University or to an affected party for damages resulting from a violation of this Code.

c. **Disciplinary Probation**  
   i. The Chairperson of the Student Disciplinary Committee may recommend to the Dean of Students that a student be put on Disciplinary probation.  
   ii. A student who is placed on disciplinary probation may continue to participate in student activities but shall be ineligible to represent the university in any official function or leadership position, including but not limited to: university athletics, student leadership position, cheerleader, standing committee chairperson, university senator, officer of a student government association, or an elected office in any registered student organization.  
   iii. After at least one semester free of behavioral violations, the student may petition the senior student affairs officer for the campus, or designee, for the restriction on participation to be removed as a condition of the probation.

d. **Suspension**  
   i. The Chairperson of the Student Disciplinary Committee may recommend to the Vice Chancellor that a student be suspended from the University  
   ii. Suspension is of two types, Semester and/or conditional.  
   iii. A Semester suspension shall be for a stipulated period of time after which the student may return to the University community at the commencement of a regular period of study for which he or she is eligible.

**COUNCIL RESOLUTION: C/12/353/46**
iv. A conditional separation shall condition re-entry of the student into the University community upon fulfillment of specified requirements. The suspension shall continue until the Dean of Students determines that the conditions have been satisfied.

v. Notice of the suspension shall appear on the student’s academic transcript for the term of the suspension and may appear on the student’s academic transcript for up to five years from the time the notice was given.

e. **Expulsion**

i. The Chairperson of the Student Disciplinary Committee may recommend to the Vice Chancellor that a student be expelled from the University. Expulsion shall constitute permanent termination of student status, and exclusion from University premises, privileges and activities.

ii. This action shall be permanently recorded on the student’s academic transcript.

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**XXIX. Other Sanctions**

45) Other sanctions may be imposed instead of, or in addition to, those specified in sections (a) through (e) of this part. For example specific Committee or Boards may exercise discretion into impose the sanction to subject students to:

a. Removal from University housing for disciplinary violations.

b. Restrictions upon or denials of University parking privileges for violations involving the use of registration of motor vehicles on campus and the loss of privileges for access to University computers or networks.

c. To attend a specified University class or workshop at his or her own expense.

d. For violations of academic integrity, appropriate academic penalties may also be applied.

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**XXX. Appellate Process**

46) Appeals from the following shall lie with the Student Disciplinary Committee, in which case the Student Disciplinary Committee shall sit as a Committee of second instance on the matter.

a. Appeals from Residence hall hearings

b. Appeals from Faculty Boards hearings

c. Appeals from the Sports Board

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**Council Resolution: C/12/353/46**
47) All appeals from the Student University Disciplinary Committee shall lie with the University Student Appeals Committee

XXXI. Right to Appeal

48) A student found to have been prosecuted or sanctioned by a Board or Committee has the right to appeal the original decision of the Committee or Board.
   a. An appeal of a decision must be submitted in writing and postmarked or hand delivered to the Chairperson of the Student Disciplinary Committee and the Office of the Dean of Students, within ten (10) working calendar days after the date on which written notice of the implementation of the decision is sent to the student.
   b. The decision of the appeal Committee is final and binding

XXXII. Grounds for Appeal

49) An appeal may be based only upon one or more of the following grounds:
   a. Procedural error;
   b. Misapplication or misinterpretation of the rule alleged to have been violated;
   c. Findings of facts not supported by a preponderance of evidence;
   d. Discovery of substantial new facts that were unavailable at the time of the hearing; and
   e. That the disciplinary sanction imposed is grossly disproportionate to the violation committed

XXXIII. Appeal Proceedings

50) In any appeal, to any Committee, the original decision by a Committee shall not take effect or be enforced until the appeal is finalized.
   a. For the purposes of this Article the term “Committee” shall mean:
      i. the University Student Disciplinary Committee in cases of appeal from the Residence hall hearings, Faculty Boards hearings, or Sports Board, or
      ii. The University Student Appeals Committee in cases of appeals from the University Student Disciplinary Committee.

COUNCIL RESOLUTION: C/12/353/46
University Student Appeals Committee shall consist of

a. One members of the Senate
b. One member of the Faculty of Law
c. One member of the Campus Management
d. One Student who is the Chairperson of, or a member of the Legal Standing Committee in the Student Parliament
e. An additional member from within or outside the University, uninterested in the circumstances of the case, appointed by the Dean of Students considering their expertise and experience in Student disciplinary matters

The quorum of the Student Appeals Committee shall be three people. These three people shall choose a Chairperson from among themselves

The appeal Committee (whether the University Student Disciplinary Committee or University Student Appeals Committee, depending on where the appeal is coming from), shall dismiss the appeal if the appeal is not based upon one or more of the grounds of appeal set forth in Article 62 above

The Committee may decide the appeal based upon a review of the record only.

The appeal Committee may request additional written information or an oral presentation from any relevant person(s) and then decide the appeal based upon the enhanced record.

XXXIV. Possible dispositions by the Student Appeal Officer

The appeal officer may, after a consideration of the of the record;

a. uphold the original sanction,
b. dismiss the original sanction, or
c. impose a lesser sanction.
d. Remand the case to the original hearing body or refer the case to a new hearing officer or panel to be reheard.

If possible, a newly constituted hearing Committee or board should be different from the one that originally decided the case.

If a case is reheard by a newly constituted hearing Committee or board, the sanction imposed can be greater than that imposed at the original hearing.

COUNCIL RESOLUTION: C/12/353/46

21
The Student Appeals Committee shall finalise the appeal hearing within thirty working days of the filing of the appeal by the respondent, this period may only be extended by the relevant Pro Vice Chancellor in writing and communicated to the accused student and all parties involved in the case.

After making a decision the Student Appeals Committee shall send the notice of its decision to the accused student within ten working days of the finalisation of the appeal hearing.

a. A copy shall be sent to the Vice Chancellor and Dean of Students and the board or Committee which heard the matter in the first instance.

b. In cases where a respondent is found to have violated the Academic misconduct, the Academic staff(s) of the affected course(s) will also be notified.

Within ten working days of the decision of the Appeals Committee, the respondent may petition the Vice Chancellor of the University, in writing, to review the finding and/or sanction. The decision to review or not to review shall be solely within the discretion of the Vice Chancellor.

XXXV. Minor Deviations from Procedure

Any accused student to whom all rights have clearly and fully been explained, together with the hearing officer may agree before the hearing on the merits to minor deviations from procedure.

a. Such agreed deviations should be put on record in writing and shall not be subject to appeal.

b. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be unreasonably harmful to the accused student.

XXXVI. Student Groups and Organizations

Any Student groups and organizations whether registered or not, may be charged with violations of this Code

a. A student group or organization and its officers may be held collectively and individually responsible when violations of this Code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group or organization’s leaders or officers.

Council Resolution: C/12/353/46
b. The officers or leaders or any identifiable spokesman for a student group or organization may be directed by the Dean of Students or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Dean of Student’s order shall be considered a violation of this Code, both by the officers, leaders or spokesmen for the group or organization and by the group or organization itself.

65) Sanctions for group or organization misconduct may include revocation or denial of registration or recognition, as well as other appropriate sanctions for individuals under this Code.

XXXVII. Inherent Authority

66) The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community, including the right, in cases of a perceived threat of danger, to act to bar students from the campus without prior notice.

XXXVIII. Periodic Review

67) A periodic review shall be conducted to determine the effectiveness of Code of Conduct and campus response mechanisms and the coordination among Campus Administrative Offices in cases of student misconduct.

COUNCIL RESOLUTION: C/12/353/46