

Henley Business School Limited (Incorporated in the United Kingdom)

STUDENT CODE OF CONDUCT

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*unless otherwise indicated, this policy will still apply beyond the review date

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Introduction

Henley Business School Africa is committed to conducting a fair process when considering issues of misconduct.

The School further reserves the right to investigate allegations of misconduct brought to the attention of the School after a student has graduated. Any investigation in which academic misconduct has been proven could result in the degree already awarded being withdrawn or the classification being reduced.

1. Purpose

The purpose of this policy is to help guide students on what conduct is not acceptable at Henley Business School Africa. The policy aims to further explain the process that will be followed should any student contravene the rules and code of conduct of the School.

2. Scope

The rules in this Student Code of Conduct (“**Code**”) apply to every student and delegate regardless of whether the alleged conduct in question has taken place on or off campus. Where the alleged conduct has taken place off campus, there must be a link between the conduct in question and the School and/or it must be reasonably likely to bring the School into disrepute.

3. Policy statement

Henley Business School Africa is committed to fair, equal and non-discriminatory treatment for all. Appropriate levels of confidentiality will be maintained throughout the disciplinary process. Students involved in this process will also be required to maintain confidentiality. The School endeavours to investigate allegations timeously.

4. Rules of Student Conduct

Contravening the School’s rules of student conduct (“**Student Rules**”), shall be deemed a disciplinary offence and subject to the School’s internal disciplinary procedure, as set out herein. The below Student Rules serve as guideline only and not an exhaustive list. Any wilful action or omission by a student, which adversely affects the School and/or any staff member and/or any fellow student, shall be deemed a breach of these Student Rules and as such, a disciplinary offence.

4.1 Academic Conduct

- 4.1.1 A student must refrain from dishonest conduct in any examination, test or in respect of completion and/or submission of any other form of academic assessment. Dishonest conduct includes but is not limited to plagiarism.
- 4.1.2 A student may not aid or attempt to aid another student or obtain or attempt to obtain aid from another student, during an examination or any other form of individual academic assessment.
- 4.1.3 A student may not engage in conduct which interferes with or is likely to interfere with teaching, studying, research, lectures, meetings, or other events at the School.
- 4.1.4 A student may not engage in conduct that obstructs or interferes with the duties of an officer and/or staff member of the School, or the academic activities of fellow students.

4.2 Criminal Conduct

- 4.2.1 A student may not commit any criminal offence, in terms of the common law or legislation of South Africa, which is prejudicial to the School and/or its staff members and/or its students and/or any other person attending the School’s campus. Any such criminal offence shall be deemed an

offence in terms of these Student Rules and subject to disciplinary action under this Code.

- 4.2.2 In circumstances where there is suspicion on the part of the School that a student has committed a criminal offence which is prejudicial to the School and/or its staff members and/or its students, the School reserves that right to lay a charge at the South African Police Service, after the disciplinary procedure as contemplated in this Code has been exhausted.
- 4.2.3 Criminal offences may include (but are not limited to): assault, murder, abduction, rape, arson, theft, fraud, robbery, *crimen iniuria*, intimidation, an offence under the Drug and Drug Trafficking Act 140 of 1992 (as amended) and an offence under the Liquor Act 59 of 2003 (as amended).

4.3 Harassment-related Conduct

- 4.3.1 A student may not commit an act of harassment (including sexual harassment and gender-based violence) against a staff member and/or fellow student and/or any other person attending the School's premises.
- 4.3.2 Harassment is described in the School's Harassment Policy, the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (as amended) ("**PEPUDA**") and the Protection from Harassment Act 17 of 2011 (as amended) ("**PHA**").
- 4.3.3 Prohibited acts of harassment may include (but are not limited to):
 - 4.3.3.1 Uttering, distributing, displaying, showing, or projecting disparaging, discriminating, and derogatory material based on a person's race, cultural identity, gender or sexual orientation.
 - 4.3.3.2 Online harassment, which is committed, assisted or aggravated in part or fully by the use of information and communications technology such as mobile phones, smart phones, the Internet, social media platforms or email.
 - 4.3.3.3 Sexual attention, advances or proposals, or other behaviour, whether explicit or implicit, including suggestions, messages, advances, attention or proposals of a sexual nature.
 - 4.3.3.4 Any other breach of the Harassment Policy and/or the PEPUDA and/or the PHA.

4.4 General Conduct

- 4.4.1 A student may not use abusive or threatening language.
- 4.4.2 A student may not bring a firearm to or discharge a firearm in any part of the School.
- 4.4.3 A student may not behave in a violent or disorderly manner either towards the School's staff members and/or fellow students.
- 4.4.4 A student may not damage, deface, or attempt to damage or deface, any property of the School or any property whatsoever within the precincts of the School, including emergency equipment (emergency assistance buttons, fire extinguishers, cameras and telephones, etc.)
- 4.4.5 A student may not interfere with the governance and proper administration of the School.
- 4.4.6 A student may not engage in conduct likely to bring the School, or any part of it, into contempt or disrepute.
- 4.4.7 A student may not deliberately or negatively respond untruthfully to any relevant and lawful question put to him/her in the course of a disciplinary hearing, or by a prosecutor during an investigation into an alleged disciplinary offence.
- 4.4.8 A student may not hinder or obstruct disciplinary proceedings or fail to obey an instruction given by the person chairing or conducting the proceedings.
- 4.4.9 A student may not fail to attend a disciplinary hearing, without valid reason. During a hearing, a student must remain in attendance until excused. If a student fails to attend a disciplinary hearing and the person chairing/conducting the proceedings is satisfied that adequate notice had been given and that all reasonable attempts to contact the student have been made, then the disciplinary hearing shall proceed in his/her absence.
- 4.4.10 A student may not conspire with, aid or abet, anybody in committing a transgression of these Student Rules.

5. Disciplinary Authorities

5.1 The Dean and Director

The Dean and Director is the Chief Disciplinary Authority of the School and has the following powers:

- a) S/he may, after following due process, expel a student from the school and/or from a programme of study. In the case of an MBA student or a student who is enrolled in any other University of Reading (UoR) programme, the Dean and Director shall recommend to the relevant UoR disciplinary body to expel the student.
- b) S/he may take interim action against any student as s/he in his/her discretion may consider desirable in the case of any apparent disciplinary offence by the student. In exercising this power, the Dean and Director may suspend the student concerned from attendance at classes and/or from participation in any other activities of the School pending a final decision in the matter. In suspending the student, the Dean and Director or his/her designate shall allow the student to make an oral representation against suspension.
- c) The case of any student who has been found guilty by a civil or a criminal court may be referred by the Dean and Director, at his/her discretion, to the Disciplinary Committee to decide whether the student shall be allowed to continue with his/her studies at the School. The Dean and Director will normally exercise this discretion only when it appears that the continuation of the student with his/her studies will be detrimental to the School community.
- d) S/he may delegate all or any of his/her powers in connection with the student discipline to the Academic and Governance Director, or any other person.
- e) S/he shall appoint a Prosecutor and a Disciplinary Committee in any disciplinary case.
- f) S/he may withhold assessment results of any student, in respect of whom an investigation by a Prosecutor is pending, until any proceedings resulting from the investigation have been completed or withdrawn.
- g) S/he has the power to exercise clemency.

5.2 The Academic and Governance Director

The Academic and Governance Director has the powers to:

- a) Decide that in his/her opinion
 - i. No case of breach of discipline has been established; or
 - ii. A breach of discipline has been established.
- b) Where the academic director is of the opinion that a minor breach of discipline has been established, s/he may impose any of the penalties listed below, or alternatively invoke a formal disciplinary procedure to be followed.
 - i. Require a student or students to make good, in whole or in part as s/he shall determine, any damage(s) done by the student or students to any property belonging to the School or any other person.
 - ii. Reprimand a student.
 - iii. Impose such other reasonable penalties as s/he may deem fit, provided that these do not include suspension or expulsion from the School or a programme of study.

5.3 The Disciplinary Committee

The Disciplinary Committee shall have the power to:

- a) Recommend to the Dean and Director to expel a student from the School or from a programme of study.
- b) Recommend to the Academic Board for any degree, diploma, certificate or other award already conferred on a student to be withdrawn.
- c) Suspend a student from the School for such a period as it may deem fit.
- d) Deem a student to have failed a programme, or a course/module, or other element of a

- programme or course/module as it may think fit.
- e) Reduce the mark obtained by a student in a course/module or other assessment.
- f) Remove any right which a student might normally have to be re-assessed in an examination or any other form of assessment.
- g) Require that further academic work be undertaken.
- h) Impose a penalty not otherwise specified, provided that the penalty relates to the student's programme of study.

5.4 The Academic Board

The Academic Board shall have the power to:

- a) Withhold, in its absolute discretion, a degree or diploma or certificate or any other award from a student whose conduct it shall consider to merit such action.
- b) In pursuance of this power, the academic board may withhold an award from a student against whom a disciplinary charge has been brought but not yet determined, or from any student whose appeal against a sanction is pending, until the charge or appeal is settled, whereupon the academic board shall take a final decision.
- c) In the case of a student who does not settle, by the due date, any debt to the school which s/he may have outstanding, the academic board may in its absolute discretion withhold any assessment result or degree or diploma or certificate, or may impose a combination of these penalties.

6. **Disciplinary procedure**

6.1 Before the Hearing

- a) A complaint or report of a transgression must be lodged with the relevant official or body in order to trigger a hearing.
- b) The Dean and Director shall appoint:
 - i. A "Prosecutor" to investigate and assess any possible contraventions of the Student Code of Conduct;
 - ii. A Disciplinary Committee to hear each case.
- c) Notice shall be served to the accused person, either in person or by email, typically seven days before the hearing, setting out the following:
 - i. The offence allegedly committed;
 - ii. The person against whom the offence was committed, and any other relevant details of the offence;
 - iii. Date, time and place of the hearing.
- d) The accused shall be informed of his/her right to be accompanied by a staff member or a fellow student to act as a 'friend' during the hearing. No legal representation shall be allowed.

6.2 During the Hearing

- a) The person conducting the hearing (Disciplinary Committee Chair) must read out the charges to the accused student.
- b) The accused student will be required to plead. He/she may:
 - i. Deny the charges (plead 'not guilty')
 - ii. Admit the charges (plead 'guilty')
 - iii. Admit to a lesser offence.
- c) Where the accused pleads guilty, the Disciplinary Committee Chair shall question the student to ensure that the student's admission of the charge (guilty plea) is a genuine and complete admission.
- d) The accused may alternatively hand in a written plea statement in lieu of the questioning mentioned above.

- e) If the Disciplinary Committee is satisfied that the student's answer to the charge is a genuine and complete admission of the charge (a guilty plea) with no defence, the student may be found guilty of the charge without any evidence being heard.
- f) Where a student pleads not guilty, the Disciplinary Committee may question the student to ascertain which of the allegations in the charges are in dispute.
- g) Where a student pleads not guilty, the Disciplinary Committee shall request the Prosecutor to lead evidence in support of the charge.
- h) The Prosecutor may submit documents, witness statements, photographs and/or details of electronic evidence in support of the charge.
- i) Witnesses appearing before a Disciplinary Committee will be required to confirm that the evidence they are about to give is truthful.
- j) Each witness will be examined, cross-examined, or re-examined (as the case may be) by only one person at a time – though not necessarily the same person for different witnesses.
- k) An accused student shall have the right to remain silent or to give evidence on affirmation, provided that s/he is not compelled in either way.
- l) An accused student will have the right to call witnesses. Should the accused elect to give evidence, his/her evidence must be heard before that of his/her witnesses.
- m) Any documents, witness statements, photographs and/or details of any electronic evidence which the accused intends to use at the hearing must be submitted to the Disciplinary Committee prior to the hearing or during the hearing.
- n) The Disciplinary Committee may question any witness, including the accused student, at any time while they are giving evidence.
- o) The Disciplinary Committee may call any witness not already called, or recall any witness who has already given evidence, if s/he believes that the evidence or further evidence of that witness would be essential.
- p) After all evidence has been presented, the Prosecutor and the accused student shall have the right to give a closing argument regarding guilt or innocence of the accused. This argument may be delivered orally or in writing, or both.
- q) After the conclusion of the arguments, the Disciplinary Committee shall give a judgement, with reasons for the verdict, as to whether or not the accused is guilty of the charge/s or any alternative charge/s.
- r) Where a student is found guilty of a disciplinary offence, both the Prosecutor and the accused may lead evidence in aggravation or mitigation of sanction, including what they would like the sanction to be.
- s) Where a student has been sanctioned in terms of this Code, the sanction shall come into effect immediately regardless of whether the student intends to take the matter on appeal, unless the Dean and Director, on written application by the student, decides that there is good cause to suspend the implementation of the sanction pending the outcome of an appeal. The written application by the student shall set out fully all relevant facts and submissions that he or she wishes the Dean and Director to consider in arriving at a decision in this regard.
- t) The above is not applicable to cases where the sanction is to expel or withdraw a certificate, diploma, degree or academic award.
- u) If a student who has been directed to appear before a Disciplinary Committee fails to appear at the place, date, and time specified in the notice, or fails to remain in attendance during the hearing, the Disciplinary Committee Chair shall make all reasonable attempts to locate the student. If the Disciplinary Committee Chair is satisfied that all reasonable attempts have been made to contact the accused the hearing shall proceed in his/her absence.
- v) If, during the course of a hearing, it comes to the knowledge of the Disciplinary Committee that a student appearing at such hearing may have committed any disciplinary offence/s other than, or in addition to, those with which s/he has been charged, the Disciplinary

Committee may charge the student concerned with such supplementary disciplinary offence/s which may run concurrent to the disciplinary in progress.

- w) If a student appearing at a hearing conducts him/herself in a manner which makes the continuance of the proceedings in his/her presence impossible or impracticable, the Disciplinary Committee Chair may, after warning the student of the consequences of such conduct, direct that s/he be removed. On such occasions, the proceedings will continue in his/her absence.
- x) Within three days of the imposition of a sanction by the Disciplinary Committee, the Disciplinary Committee Chair shall record the charge/s, plea/s, aggravating and mitigating circumstances (if any), the verdict, the sanction imposed and the reasons for the imposition of the sanction, and forward such record to the Dean and Director, the Prosecutor/s and the convicted student. This document shall constitute the record of the proceedings.

6.3 After the hearing

- a) The Prosecutor or a student who has been found guilty of a disciplinary offence shall have the right of appeal against either the judgement or the sanction imposed, or both, provided s/he gives notice of the intention to appeal in writing to the Dean and Director not more than seven days after being notified of the sanction(s). The appeal should be directed to the Dean and Director through the officeofthedean@henleysa.ac.za mailbox.
- b) Admissible grounds for review shall be one or more of the following:
 - i. There has been a procedural error; or
 - ii. New and relevant evidence is available that was not known at the time; or
 - iii. The Disciplinary Committee acted unreasonably, or the impact of the sanction imposed was unreasonably disproportionate.
- c) Such an appeal shall be considered by the Disciplinary Appeals Committee of the Academic Board in such a manner as it shall deem fit, which shall have the power to quash the decision or to confirm it or to vary it, or to substitute another decision for it or, where a decision is upheld, to confirm, set aside, vary or substitute any penalty that has been imposed.
- d) Due regard shall be paid to confidentiality by all parties in relation to the proceedings of any Disciplinary hearing.
- e) A student who appeals against the decision of the Disciplinary Committee shall not be discriminated against for making the appeal either at the time of the hearing of the appeal or thereafter.

7. Associated documents

Terms and Conditions of Registration

Short Learning Programmes Terms and Conditions of Registration

Programme Handbooks

Assessment Policy

Harassment Policy

8. Policy life cycle

This policy should be reviewed every four years or where required during the intervening period.