

CHAPTER 4

CODE OF DISCIPLINE

4.1 Preamble

- (i) All registered students in the University are bound, as long as they remain in attendance, by the University Statutes, Rules and Regulations in force for the time being in so far as they concern students.
- (ii) The Regulations are published in the “General Information to Students” Handbook and copies are available for consultation at the Admissions and Student Records Office, the University Library, the Faculties/ Centres and in the Students’ Union Office.
- (iii) This code regulates disciplinary action arising out of breaches of the University’s General Regulations for students and the Regulations for the conduct of University Examinations and are made under Section 21 (c) of the University of Mauritius Act, 1971.

4.2 Disciplinary Powers

4.2.1 The Senate

By the provisions of Statutes 20(r), the Senate may “take such disciplinary action it thinks fit against any student who in the opinion of Senate or anybody or person authorised to act on its behalf in this respect, has contravened the Regulations or acted in a manner prejudicial to the furtherance of the objects of the University as laid down in the Act or to the maintenance of its efficiency or well-being as an academic community”. The powers which the Senate may exercise include the power to fine, to exclude from the University, to suspend from membership of the University and to expel permanently from membership of the University.

The Senate has under the provisions of the Statutes delegated to the Vice-Chancellor (or, in her/his absence, a Pro-Vice-Chancellor) the power to act in any situation which in her/his judgement constitutes an emergency and warrants immediate action. The Vice-Chancellor is empowered to suspend a student from membership of the University pending the determination of disciplinary proceedings by the Senate Discipline Committee which would be convened as soon as possible following such a suspension to consider the case according to this code.

4.2.2 The Vice-Chancellor

The Vice-Chancellor has disciplinary powers under Statute 6 (4) (c) which states:

“pending consideration by the Council or the Senate to suspend, on what s/he deems to be good cause, any member of the staff of the University or any student under such terms and until such time as s/he may determine”.

In the absence of the Vice-Chancellor, these powers may be exercised by a Pro-Vice-Chancellor.

4.2.3 Discipline Committees and Appeals Committee

The Senate has established two Discipline Committees to hear and determine cases arising out of alleged breaches of the University’s General Regulations for students and the Regulations for the conduct of University examinations.

There are, thus, one Discipline Committee for ‘Examination Irregularities & Plagiarism’ which is guided by Sections 5.11 (*Examination Regulations*) and 8.4 (*Plagiarism and Fabrication or Falsification of Result(s)/Document(s)*) and another Discipline Committee for ‘Conduct of Students and University Discipline’ which is guided by Section 2.5 (*General Regulations – Conduct of Students and University Discipline*)

The Senate has also established an Appeals Committee to hear and determine appeals against decisions of Senate following the recommendation of the Discipline Committees.

No member of one of the Committees is eligible during her/his period of office for membership of the other.

4.2.3.1 Membership of the Discipline Committee (Five Members)

- One Chairperson (should be a Professor)
 - A permanent Chairperson shall be appointed for a period of two years. A Senior Academic Staff shall be appointed to chair the Discipline Committee. He/She should be a Professor with relevant experience in administration.
- Two academic staff of UoM as follows:
 - One senior academic staff who is a Professor and will be alternate Chairperson.
 - One senior academic staff from any Faculty (not necessarily a Professor)
- Two Students' Representatives
 - Two student representatives shall be appointed by Senate on the recommendation of the Students' Union. The students may both be registered in the same Faculty of the UoM or may be from different Faculties.

The Chairperson, the two academic staff and at least one Students' Representative should be present at the Discipline Committee to constitute a quorum.

The above five members shall be appointed by Senate for a period of two years.

In case any member of the Discipline Committee declares interest with respect to a case, he/she shall not sit on the Discipline Committee. In this respect, three alternate members (at least one to be a Professor) shall be appointed by Senate for a period of two years to replace any one member or more of the Discipline Committee, whenever there is a conflict of interest. Three senior academic staff (at least one to be a Professor) from different Faculties shall be appointed by Senate for a period of two years and in order of priority as alternate members.

The Discipline reserves the right to co-opt experts in the field of law or psychology, etc. depending on the need and complexity of cases; the latter will act as advisers only, and will not take part in the deliberations and recommendations of the Committee.

Members in Attendance

- (i) The Assistant Registrar, Examinations Office shall represent the Registrar as Chief Examinations Officer on the Discipline Committee and shall advise the Committee with respect to Examination Regulations.
- (ii) An independent Secretary shall be appointed by Senate for a determined period; he/she shall issue all correspondence with respect to convening a meeting and to sign same as "Secretary of Discipline Committee" and not as "Registrar's Representative".

4.2.3.2 Proceedings of the Discipline Committee (Examination & Plagiarism)

- (iii) The Committee shall consider cases referred to it by a Dean of Faculty/ Centre Director (or representative) or by the Chief Librarian (or representative) or by the Registrar in the case of examination irregularities.
- (iv) The Secretary of the Discipline Committee on receipt of a complaint shall convene a meeting of the Committee.
- (v) The Secretary shall send to the student required to appear before the Committee a written summons setting out the alleged offence complained of. This summons shall be delivered at the address specified in his/her registration form to the student through her/his Faculty/ Centre office at least five working days (Saturdays, Sundays & Public Holidays excepted) before the meeting of the Committee. Provided the student has been properly summoned, if s/he fails to attend the hearing, the Committee may proceed in her/his absence.
- (vi) The student against whom the complaint is made may bring to the Committee a person to represent him/her and shall inform the Secretary of her/his intention to do so at least three working days (Saturdays, Sundays & Public Holidays excepted) before the date appointed for the meeting.
- (vii) When the Committee meets to consider the case it may have before it statements in writing from:
 - a. the complainant;
 - b. the student against whom the complaint is made;
 - c. any witness the complainant or the student wishes to present.

These statements shall be submitted to the Secretary of the Committee not less than three working days (Saturdays, Sundays & Public Holidays excepted) before the date appointed for the meeting.

- (viii) The Committee may require the complainant, the student against whom the complaint is made and the witnesses for both parties to give evidence before it. The Committee may also require the presentation of such further evidence as it deems appropriate. Either party may request an adjournment of not more than seven days. The Committee shall allow such cross-examination by either the complainant or the student against whom the complaint is made as it deems relevant.
- (ix) The Discipline Committee shall make its own assessment of the gravity of the offence and shall recommend to Senate, for approval, one penalty or more from the approved list of penalties, to be applied in case the student is found guilty.

The Registrar shall inform the student in writing of Senate's decision.

Structuring of Proceedings/Hearings of the Discipline Committee

- (x) The Chairperson of the Committee may convene a pre-hearing meeting well in advance of a hearing to discuss certain cases and decide on the need to have a legal adviser or any other adviser (e.g. a psychologist) to assist the Committee during the scheduled hearing.
- (xi) In case there has not been a pre-hearing meeting, members of the Committee shall discuss the case briefly and shall decide on the possible questions which may be asked, in accordance with the specificity of the case, prior to the hearing.
- (xii) For students who have pleaded guilty in the Student's Report and who do not attend the meeting, their case shall be considered in *absentia*; the Discipline Committee shall assess the

gravity of the offence and recommend one or more penalties to be given to the student based on written reports from the Student/ Invigilator(s)/Examiner(s)/Supervisor(s)/Assessor(s) only. The Committee, however, reserves the right to convene any witness as it deems appropriate.

- (xiii) For students who do not plead guilty in the Student's Report and who attend the meeting, the following procedure shall apply:
- (a) As soon as the student is called inside the Committee Room, the Secretary shall read the charge to the student;
 - (b) Each student shall be given sufficient time to present his/her case by the Chairperson;
 - (c) Questions shall be asked by members of the Committee based on the written reports from the Student/Invigilator(s)/Examiner(s)/Supervisor(s)/Assessor(s) and as per statements made at (xiii) (b) above.
 - (d) Witnesses shall then be called to depone; they shall normally be Invigilator(s)/Supervisor(s)/Assessor(s)/Administrative Assistants or any other Student/Officer as determined by the Discipline Committee.

The student shall withdraw whilst witnesses depone; thereafter, both the student and the witnesses shall be given the opportunity to comment on the statements made by each party, for final clarifications. The student and witnesses will leave the Committee Room and members shall deliberate and the case summarised.

If the need arises, the Meeting may be adjourned to seek expert advice (legal or psychological) or consolidate its statements from other witnesses.

- (e) Decisions will be taken by a consensus of agreement or where, in the opinion of the Chairperson, a vote needs to be taken, shall be determined by the majority of members present and voting on the matter; in the case of equality of votes, the Chairperson shall have the power to exercise a casting vote.
- (f) Based on the reports, statements, evidences provided and the transcript of the student, the Committee to decide on the penalty(ies) to be imposed, from the approved list of penalties for breach of Examination Regulations and Plagiarism and Fabrication or Falsification of Result(s)/Document(s).
- (g) The Secretary shall prepare the report to be submitted to Senate; same to be circulated to all members of the Committee; consolidated views/suggestions of members to be incorporated in the Report prior to submission of same by Chairperson of Discipline Committee to Senate; the Report is to be submitted to the Chairman of Senate within fifteen days as from the conclusion of the Discipline Committee Proceedings.

Exceptionally, the Chairman of Senate may grant an extension beyond the deadline of fifteen days for the submission of the Report at the request of the Discipline Committee, provided valid reasons are given.

Cases For Partner and Affiliated Institutions

- (xiv) Each Partner Institution shall set up its own Discipline Committee as well, in line with existing procedures/regulations in place at the Uom.
- (xv) One academic staff member of the UoM Discipline Committee (and one alternate member) to be nominated by Senate and the Registrar's Representative will be co-opted on Discipline Committees of Partner and Affiliated Institutions to ensure adherence to Quality Assurance procedures.
- (xvi) For those Partner Institutions who wish to have their cases of Breach of Regulations considered by the UoM Discipline Committee, a fee of Rs 5000/- per case/student would be applicable.

Appeal on a Decision of Senate on Disciplinary Matters

- (xvi) A student aggrieved by a decision of the Senate following the recommendation of the Discipline Committee may appeal as of right to the Appeals Committee. Notice of appeals shall be lodged with the Senate through the Secretary (i.e. the Registrar) within fourteen (14) calendar days of the Registrar's serving notice of the decision against which the student is appealing.
- (xvii) In the case of breach of examination regulations, the notice of appeal shall be accompanied by the receipt of payment of the prevailing Appeal Fee, to be effected at the Finance Section.
- (xviii) The Secretary of the Appeals Committee, on receipt of an application of appeal, shall then convene a meeting of the Committee.

The Secretary of the Appeals Committee shall be the Registrar or her/his representative.

The decision of Senate shall be final. In case the Senate decides in favour of the appellant, the whole amount of the prevailing appeal fee shall be refunded to him/her.

4.2.3.3 Appeals Committee

Membership of the Appeals Committee (Five Members)

A Pro-Vice-Chancellor - Chairperson (to be nominated by the Vice-Chancellor).
Three Senate members not being students appointed by Senate.
The Students' Representative on Senate.

The membership of the Committee is valid for two years as from the date of appointment.

If the Pro-Vice-Chancellor has acted for the Vice-Chancellor in accordance with paragraph 4.2.1 above, s/he shall not sit on the Appeals Committee if it is convened to hear an appeal arising from her/his action but the Senate shall appoint another person to be Chairperson of the Appeals Committee for the case in question.

Proceedings of the Appeals Committee

- (i) The appellant may bring to the Committee a person to represent her/him and shall inform the Secretary of her/his intention to do so at least twenty-four hours before the date appointed for the meeting.
- (ii) When the Committee meets to consider the appeal, it shall have before it all documents which were before the Discipline Committee at the original hearing. It shall also have the power to hear any witness(es) who gave evidence at the original hearing. It may also require the

presentation of such further evidence as it deems appropriate. The Committee shall then proceed by way of a rehearing. It shall allow such cross-examination by either party as it deems relevant.

- (iii) The Committee may set aside or confirm the findings of the Discipline Committee or substitute such other recommendation or penalty as it considers appropriate, and submit same to Senate for approval, provided that no recommendation or penalty requires or implies a concession or exemption under the regulations governing the award of degrees.
- (iv) The Registrar shall inform the appellant in writing of Senate's decision which shall not then be subject of further discussion or appeal.

4.2.3.4 *Payment of Fines*

- (i) A fine recommended by the Discipline Committee and approved by the University must be paid to the Budget Director by the date prescribed by the Committee for the payment of same.
- (ii) If a student fails to pay the relevant fine by the appropriate date, the matter will be referred to Senate which may take action as it deems fit.