

CHAPTER 4

CODE OF DISCIPLINE

4.1 Preamble

- (i) All registered students at 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

Subject to the Act and the Statutes 24(o), the Senate may “take such disciplinary action as it thinks fit against any student who in the opinion of the Senate or of 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 Act and 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:

“Suspend, on what he deems to be good cause, any member of the staff of the University, or any student, until consideration by the next Council or Senate”.

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

4.2.3 Discipline and Appeals Committees

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 (Examination & Plagiarism) which is guided by Sections 5.11 (Examination Irregularities) and 8.4 [Procedures for Handling 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 DISCIPLINE COMMITTEE (EXAMINATION & PLAGIARISM)

4.2.3.1.1 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 Committee 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”.

4.2.3.1.2 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 (except for Saturdays, Sundays & Public Holidays)** 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 (except for Saturdays, Sundays & Public Holidays)** 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 (except for Saturdays, Sundays & Public Holidays)** 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.

4.2.3.1.3 Structuring of Proceedings/Hearings of the Discipline Committee (Examination & Plagiarism)

- (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 Form (Examination/Plagiarism)** 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 Officers 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.

4.2.3.1.4 Cases for Partner and Affiliated Institutions

- (xiv) The Discipline Committees of the University of Mauritius would henceforth consider both types of breaches (*Examination Regulations and Conduct of Students & University Discipline*) for Partner and Affiliated Institutions.
- (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. Staff members of Partner and Affiliated Institutions will also be co-opted on the Committee as and when required.
- (xvi) The UoM authorities will charge a fee of Rs 20,000/- per case per student for each case of alleged breach of University Regulations which will now have to be processed at the University of Mauritius.

4.2.3.2 DISCIPLINE COMMITTEE (CONDUCT OF STUDENTS & UNIVERSITY DISCIPLINE)

4.2.3.2.1 Membership of Discipline Committee (Conduct of Students & University Discipline)

- (i) (a) Two (2) Professors/Associate Professors from two (2) different Faculties (to be appointed by Senate).
- (b) Three (3) members not being students appointed by the Vice-Chancellor (to include academics from legal, psychology and human resource management backgrounds, where appropriate).

- (c) Two (2) Students' Representatives appointed by Senate on the recommendation of the Students' Union.
- (d) The Secretary of the Discipline Committee shall be the Registrar or her/his representative.

(ii) Appointment

The membership of the Committee is valid for two (2) years as from the date of appointment.

(iii) Quorum

Four (4) persons shall constitute a quorum.

When a complaint has been lodged with the Discipline Committee against a student, the complainant shall not sit as a member of the Discipline Committee during the hearing of the case.

4.2.3.2.2 *Proceedings of the Discipline Committee (Conduct of Students & University Discipline)*

- (i) 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 Breach of Regulations for the Conduct of Students & University Discipline.

All cases emanating from Faculties/Centres should be prepared by the respective Dean of Faculty/Director of Centre/Director of Partner Institution.

- (ii) Only those cases which **cannot** be dealt with at Faculty/Centre/Partner Institution Level should be referred to the Discipline Committee (*Conduct of Students and University Discipline*).
- (iii) The Secretary of the Discipline Committee (Conduct of Students and University Discipline) on receipt of a complaint shall convene a meeting of the Committee and the matter should be cleared by the Committee within 3 months upon receipt of the complaint.
- (iv) 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 Registry at least five (5) working days (Saturdays, Sundays and 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.
- (v) The Committee may postpone the hearing of the case at the request of the student for genuine reasons but should not postpone it for more than two (2) occasions at the request of the student.
- (vi) The Committee may decide to fix the case for hearing peremptorily if it finds evidence of malingering and may thus proceed in the absence of the student.

- (vii) The student against whom the complaint is made may bring to the Committee a witness/a person to represent him/her and shall inform the Secretary of her/his intention to do so at least (3) working days (except for Saturdays, Sundays and Public Holidays) before the date appointed for the meeting.
- (viii) 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 (3) working days (except for Saturdays, Sundays and Public Holidays) before the date appointed for the meeting (A working day excludes Saturday, Sunday and Public Holidays).

- (ix) 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 (7) 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.

- (x) 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.

A student may appeal against a Senate decision on disciplinary matters. (*To refer to Section 4.2.3.3 on Appeal*).

A student may plead guilty if s/he has been alleged to breach the regulations for the Conduct of Students & University Discipline. S/he need not attend the Discipline Committee on the date mentioned if s/he pleads guilty on the '**Student's Report Form (Conduct of Students)**'. The Student's Report Form available at the Faculty/Centre Registry should reach the Secretary of the Discipline Committee not less than three (3) days before the date the hearing of the Discipline Committee is scheduled.

4.2.3.2.3 Structuring of Proceedings/Hearings of the Discipline Committee

- (i) In case there has not been a pre-hearing meeting, members of the Committee to discuss the case briefly and to decide on the possible questions which may be asked, in accordance with the specificity of the case, prior to the hearing.
- (ii) For students who have pleaded guilty through the Student's Report Form and do not attend the meeting, their case will be considered in *absentia*; the Discipline Committee will 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/Complainant/Witness that the complainant or the student has presented. The Committee, however, reserves the right to convene any witness as it deems appropriate.

- (iii) For students who do not plead guilty through the Student's Report Form and attend the meeting, the following guidelines will be followed:
 - (a) As soon as the student is called inside the Committee Room, the Secretary will read the charge to the student.
 - (b) The student will be given sufficient time by the Chairperson to present his/her case.
 - (c) Questions shall be asked by members of the Committee based on the written reports from the Student/Complainant/Witness that the complainant or the student has presented and as per statements made at (iii) (b) above.
 - (d) Witnesses shall be then called to depone.

The Student will remain in the Committee Room but will not intervene whilst witnesses depone. Thereafter, both the student and the witnesses will 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 will deliberate and the case summarised.

An exception will arise to the above procedure **in case of alleged violence on the part of the student** in that the student shall withdraw from the Committee Room whilst witnesses depone.

If the need arises, the Meeting may be adjourned to seek expert advice or consolidate its statements for 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, the Committee will decide on the penalty (ies) to be imposed, from the approved list of penalties for Breach of Regulations for the Conduct of Students & University Discipline at **Section 4.2.3.2.5**.
- (g) The Secretary will prepare the Report to be submitted to Senate and same to be circulated to all members of the Committee. Consolidated views/suggestions of members will be incorporated in the Report prior to submission of same by the Chairperson of the Discipline Committee to Senate. The Report is to be submitted to the Chairperson of Senate within fifteen (15) days of the Discipline Committee Meeting.

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.

4.2.3.2.4 Cases for Partner and Affiliated Institutions

The Discipline Committees of the University of Mauritius would henceforth consider both types of breaches (Examination Regulations and Conduct of Students & University Discipline) for Partner and Affiliated Institutions.

The UoM authorities will charge a fee of Rs 20,000/- per case per student for each case of alleged breach of University Regulations which will now have to be processed at the University of Mauritius.

4.2.3.2.5 Penalties Imposed in case of Breach of Regulations for the Conduct of Students & University Discipline

- (i) In case of a Breach of Regulations for the Conduct of Students & University Discipline, 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 as from the following approved list of penalties or any other additional penalties, to be applied in case the student is found guilty:
 - (a) A reprimand and warning about future behaviour;
 - (b) Suspension from the University for a fixed period, up to a maximum of twelve (12) months. A student who is so suspended will be prohibited from entering University premises and from participating in any University activities;
 - (c) Expulsion from the University, which means that the student's registration, will be terminated and s/he shall lose all rights and privileges of studentship. The student shall not be admitted on the same programme until after a period of two (2) years upon termination of registration;
 - (d) In case of a Breach of Regulations for the Conduct of Students & University Discipline which also encompasses a criminal offence, the matter shall be promptly referred to the Police. The Police enquiry shall be a separate procedure of its own and shall not preclude the University's proceedings from being carried through.
 - (e) Any other additional recommendation(s) which it deems appropriate.
- (ii) In addition to the above penalties:
 - (a) For all in-service or commissioned programmes run by the University or any Partner Institutions, information on any student found guilty of a Breach of Regulations for the Conduct of Students & University Discipline will be communicated to the relevant sponsoring department/institution/organisation.
- (iii) Any student found guilty of a Breach of Regulations for the Conduct of Students & University Discipline shall not be eligible for any Prize or Medal or Scholarship.

4.2.3.3 APPEAL

4.2.3.3.1 *Appeal on a Decision of Senate on Disciplinary Matters*

- (i) 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, except in cases where:
- A student has pleaded guilty in the Student's Report Form.
 - A student has pleaded guilty **at** the Discipline Committee.

Notice of appeals shall be lodged with the Senate through the Secretary within fourteen (14) calendar days of the Registrar's serving notice of the decision against which the student is appealing.

- (ii) In the case of breach of examination regulations or general regulations, the notice of appeal shall be accompanied by the receipt of payment of an Appeal Fee of Rs 3,500, to be effected at the Finance Section.
- (iii) 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 an Administrative Manager/Officer from the Office of the Vice-Chancellor/Pro-Vice-Chancellor (Academia) and shall be appointed for a period of two years. S/he shall not be the Secretary of Senate or any of the two Discipline Committees.

The recommendations of the Appeals Committee shall be submitted to Senate.

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.

4.2.3.3.2 *Appeals Committee*

(i) Membership of the Appeals Committee (Five Members)

- A senior academic staff (at least at Associate Professor Level and preferably a former Dean), **not being a registered student of University of Mauritius** - Chairperson (to be nominated by the Vice-Chancellor).
- Three (3) University staff members not being registered students of the University appointed by Senate.
- A student representative nominated by Students' Union.

The quorum for the Committee shall be three (3).

The membership of the Committee is valid for two (2) years as from the date of appointment except for the Students' Union representative whose membership should be reviewed every academic year.

No member of the Appeals Committee should be a Senate member or a member of either Discipline Committee (Examination & Plagiarism) or Discipline Committee (Conduct of Students & University Discipline).

The Secretary of the Appeals Committee, on receipt of a case of a student appealing against a decision of Senate on Disciplinary Matters, shall convene a meeting of the Committee.

The matter should be cleared by the Committee within three (3) months of receipt of the appeal.

(ii) Proceedings of the Appeals Committee

- a) 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.
- b) 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.
- c) 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.
- d) 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 Finance Director by the date prescribed by the Committee.
- (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.



UNIVERSITY OF MAURITIUS

To: Secretary
Discipline Committee

Breach of Examination Regulations (Examination Irregularity/Plagiarism and Fabrication or Falsification of Result(s)/Document(s))

STUDENT'S REPORT

PART A

Full Name of Student:ID No. of Student:

Address: Contact No.:

Programme of Studies: Year/Level of Study:

PART B

Choose ONE of the following two options

OPTION 1

I plead guilty to the charge levelled against me as per letter dated and will not appear before the Discipline Committee scheduled on at

I accept all penalties to be imposed by the University and understand that I have no right to appeal.

OPTION 2

I do not plead guilty to the charge levelled against me as per letter dated and will appear before the Discipline Committee scheduled on at

Please specify if you shall be accompanied at the Discipline Committee.

Yes No

If YES, please give the name of the person accompanying you and state in which capacity.

Name:

Capacity: [Lawyer/witness or other (*please specify*)]

Signature of Student: Date:.....

PART C

Please give a brief statement of your version of the facts.

(You may attach a separate letter to this Form)

Signature of Student:

Date:

PART D

Please indicate any extenuating circumstance(s) which you wish to bring to the attention of the University (*e.g.problem(s) of medical, family (death of parent), financial, academic nature or other special circumstances*).

(Please attach all documentary evidence to substantiate the above)

PART E

I certify that all information given in this Form is true and correct.

Signature of Student:

Date:



UNIVERSITY OF MAURITIUS

To: Registrar

Breach of Regulations for the Conduct of Students & University Discipline

STUDENT'S REPORT FORM

PART A

Name of Student: ID No. of Student:

Address: Contact No.:

Programme of Studies: Year/Level of Study:.....

PART B

Choose ONE of the following two options

OPTION 1

I plead guilty to the charge levelled against me as per letter dated and will not appear before the Discipline Committee (Conduct of Students & University Discipline) scheduled on at

I accept all penalties to be imposed by the University and understand that I have no right to appeal.

OPTION 2

I do not plead guilty to the charge levelled against me as per letter dated and will appear before the Discipline Committee (Conduct of Students & University Discipline) scheduled on at

Please specify if you shall be accompanied at the Discipline Committee (Conduct of Students & University Discipline).

Yes No

If YES, please give name of person accompanying you and state in which capacity.

Name:

Capacity: [Lawyer/witness or other (please specify)]

Signature of Student:

Date:.....

PART C

Please give a brief statement of your version of the facts.

(You may attach a separate letter to this Form)

Signature of Student:

Date:

PART D

Please indicate any extenuating circumstance(s) which you wish to bring to the attention of the University (*e.g.problem(s) of medical, family (death of parent), financial, academic nature or other special circumstances*).

(Please attach all documentary evidence to substantiate the above)

PART E

I certify that all information given in this Form is true and correct.

Signature of Student:

Date: