

UNIVERSITY OF THE
FREE STATE
UNIVERSITEIT VAN DIE
VRYSTAAT
YUNIVESITHI YA
FREISTATA



Code of Conduct

for the

INSTITUTIONAL & CAMPUS

STUDENT REPRESENTATIVE COUNCIL(S), STUDENT PARLIAMENT(S)

and

CAMPUS STUDENT COUNCIL(S)

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1. PREAMBLE

We, as members of the Institutional Student Representative Council (ISRC) of the University of the Free State (UFS), and our related substructures, hereby acknowledge our commitment to building an institution that upholds the principles of equity and equality as envisioned in Section 9 of the Constitution of the Republic of South Africa. We also acknowledge our commitment to maintaining a democratic institution founded on the principles entrenched in the Bill of Rights of the Constitution of South Africa. We further affirm the principles, values and provisions of the Higher Education Act 101 of 1997 as amended, the Statute of the UFS, and the ISRC Constitution as approved by the University Council on 15 June 2018.

Moreover, as an elected Student Representative Council within the UFS, we recognise the degree of responsibility and accountability granted and expected of us in the execution of our duties. We are committed to conducting our duties effectively. Accordingly, we shall uphold the interests of the UFS student body with humility, integrity and excellence. This we shall do while striving to maintain high standards of academic excellence.

Consequently, we aim to function in a student community environment driven by ethical leadership pursuant to the principle of accountability and Section 4 of the University of the Free State Institutional Student Representative Council Constitution Adopted by UFS Council on 15 June 2018. We commit to these principles and deem it necessary to be guided by a Code of Conduct that governs all members of the ISRC of the UFS and all members of substructures.

It is our commitment to these ideals that makes it necessary to establish this Code of Conduct, to mark necessary boundaries, by providing for:

- (i) *Criteria that define behaviour and conduct that constitute a contravention of this Code of Conduct, that give rise to misconduct;*
- (ii) *A disciplinary process and procedure to be followed in instances where misconduct occurs;*
- (iii) *Applicable sanctions in cases of misconduct or a breach of the Code of Conduct; and*
- (iv) *Appeal and review procedures applicable after the said disciplinary process and procedure has been applied.*

2. DEFINITIONS

“Act”	The Higher Education Act 101 of 1997 as amended;
“Appeals Committee”	A Standing Committee of the Institution Student Representative Council responsible for appeals, as established in terms of Annexure A of the Institutional Student Representative Council Constitution;
“Application of Code of Conduct”	All the provisions of this Code of Conduct applies to all Members of the UFS ISRC and members of its substructures;
“Association”	Any Student Life Association registered with the CSRC on the Campus on which the Association finds expression, and meeting CSRC requirements for recognition as an Association and affiliation with the ISRC;
“Bloemfontein Campus”	The University of the Free State Campus in Nelson Mandela Drive Bloemfontein;
“Code”	The Institutional Student Representative Council and its substructures’ Code of Conduct [This Document];
“Commencement”	This Code of Conduct comes into effect and its immediately upon its adoption;
“Committee”	Committees of the ISRC, which may be permanent, temporary or ad hoc in nature, with a fixed mandate or delegation, capable of determining their own functioning within their mandate and constituted to assist the ISRC to facilitate or expedite its own activities, which shall include the Standing Committees;
“Communication”	All verbal and written communication applicable to the Institutional Student Representative Council and its Substructures in relation to this Code of Conduct;
“CSRC”	The Campus Student Representative Council which is a Substructure of the ISRC at the respective Campuses of the

University of the Free State, deriving its functioning and powers from its Institutional Constitution;

“CSRC Disciplinary Committee”	A Standing Committee of the ISRC responsible for exercising disciplinary powers over its Members, Student Associations, Substructures as established in terms of Annexure A of its Institutional Constitution;
“Days”	Days are defined as Academic days as provided for by the University of the Free State, this includes Monday-Friday and excludes Saturdays and Sundays, University holidays, public holidays and examination periods;
“Evidence”	Every type of proof presented to the Disciplinary Committee, aimed at ascertaining the truthfulness of facts presented;
“Disciplinary Committee”	The Committee responsible for the regulation and execution of this Code of Conduct as described in section 7 of this document;
“Governance Structure”	A Student Governance Structure for the University, established by the ISRC in terms of the ISRC Constitution approved by sufficient consensus of the ISRC and providing for objectives, composition, powers and functions of the Governance Structure;
“Institutional Rules”	All rules made by the University of the Free State as contemplated in section 32 of the Higher Education Act 101 of 1997, including regulations and policy documents of the University;
“Interpretation”	Any disputes pertaining to the content of this Code of Conduct shall be referred to the CSRC Disciplinary Committee in collaboration with the UFS Student Discipline and Mediation Unit for Interpretation;
“ISRC”	The Institutional Student Representative Council established in terms of section 35 of the Higher Education Act 101 of 1997

as amended and section 33 of the institutional statute of the University;

“ISP”

Institutional Student Parliament which is an institutional advisory body to the ISRC, which is a student Governance Structure constituted and elected in accordance with the constitution of the ISRC Institutional Statute of the University of the Free State;

“Jurisdiction”

The disciplinary jurisdiction of the CSRC Disciplinary Committee shall apply to any case of alleged misconduct concerning Members of the ISRC and its substructures which occurred on UFS premises or off-campus in public or at private property;

“Organisations”

Any Student Governance Structure registered with the CSRC of the Campus on which the Organisation finds expression, meeting CSRC requirements for recognition as an Organisation and affiliation with the ISRC;

“QwaQwa Campus”

The University of the Free State Campus in Kestell Road, Phuthaditjhaba;

“Residence”

A Residence providing accommodation for students and recognized by the University as an official Student Residence;

“Residence Committee”

A Substructure of the CSRC that is democratically elected by each Residence;

“South Campus”

The University of the Free State Campus in Church Street Bloemfontein;

“Standing Committees”

The Committees established as contemplated in Annexure A of the ISRC Constitution;

“Statute”

The Institutional Statute of the University of the Free State in accordance with section 32 of the Act;

“Student”	Any person who is registered for a formal qualification at the University of the Free State for the current academic year;
“Student Body”	The collection of registered students at the respective(and all) Campuses of the University of the Free State;
“Student Councils”	Student Leadership structures that shall be entitled annually to nominate, in accordance with their Constitutions or by agreement of their respective constituents, their respective Chairpersons as the candidates to represent the relevant Student Council as incumbent CSRC Members for the Ex Officio Portfolios for the next CRSC Term;
“Sub-structures”	All organised student associations, organisation committees, movements, and councils
“Term of Office”	The term of approximately 1 (ONE) year from the date of commencement of duties. A time period between two consecutive Student Governance Elections

3. PURPOSE

The purpose of this Code of Conduct is to regulate the conduct and misconduct of any member of the ISRC and members of its substructures. This document provides a code of ethics to govern the conduct of members of the ISRC and all members of its substructures during their term of office. Members of the UFS ISRC and all members of its substructures must conduct themselves in an appropriate manner that directly embodies the decorum of their respective leadership positions within the UFS. This Code shall be read and applied in accordance with the UFS Institutional Rules. The CSRC Disciplinary Committee will function in conjunction with the UFS Student Discipline and Mediation Unit.

4. FOUNDING PRINCIPLES

The founding principles of the ISRC and its substructures rest on the ethos of the Higher Education Act 101 of 1997, the UFS Institutional Statute as well as the Constitution of the Republic of South Africa. The following founding principles apply to this Code of Conduct as stated in the ISRC Constitution:

- 4.1 Student-Driven Leadership;
- 4.2 Student-Centred Leadership;
- 4.3 Academic Excellence;
- 4.4 Non-Racialism and Non-Sexism;
- 4.5 Democracy;
- 4.6 Ubuntu;
- 4.7 Equity and Equality;
- 4.8 Cooperative Governance;
- 4.9 Accountability and Transparency; and
- 4.10 Integrity.

As per the ISRC Constitution, all student governance structures will uphold these founding principles and will cooperate with the ISRC in this regard. These founding provisions are directly applicable to this Code of Conduct.

5. CONDUCT

The ISRC and its substructures must uphold and act in accordance with the UFS ISRC Constitution and ensure that:

- 5.1 Their members perform their duties in accordance with the principles and values enshrined in the ISRC Constitution;
- 5.2 Their members attend all required meetings during their term of office; and
- 5.3 No member neglects their duties and responsibilities as assigned and contained within the ISRC Constitution.

6. MISCONDUCT

Misconduct occurs when any member of the ISRC and its substructures contravenes any provision of this Code of Conduct in one or more of the following ways:

- 6.1 Where a member brings the name/brand or functions of the ISRC and its substructures into disrepute as a result of his/her actions, whether on or off campus;
- 6.2 Where a member incites violence or any form of disruption within the campus for his/her own interest which is not aligned with the principles governing the ISRC and its substructures;

- 6.3 Where a member engages in any nefarious activities within the UFS structures and is non-compliant with UFS procurement protocols or any other system in place;
- 6.4 Where a member engages in damaging activities that result in false information being spread regarding the ISRC and its substructures;
- 6.5 Where a member uses the name of the ISRC for personal gain in any interaction or transaction that is neither for the benefit of the ISRC and its substructures nor the student community of the UFS;
- 6.6 Where a member uses hateful speech/language against the ISRC and its substructures or against UFS staff members;
- 6.7 Where a member harasses other members of the ISRC and its substructures, or students and staff;
- 6.8 Where a member contravenes the confidentiality clause of the ISRC and its substructures and divulges information that was communicated as confidential;
- 6.9 The forgery, misrepresentation, falsification, alteration or misuse of documents;
- 6.10 Where a member abuses or is involved in excessive consumption of illegal substances;
- 6.11 Where a member abuses alcohol either on the UFS premises or in the execution of his/her duties;
- 6.12 Where a member assists or incites another student to act in a manner that contravenes the provisions of the Code of Conduct and is against the Constitution of the ISRC and its substructures;
- 6.13 Where a member engages in non-consensual physical or verbal sexual conduct against another that has the effect of creating a hostile environment within the student community;
- 6.14 Dress codes that don't adhere to certain guidelines, e.g. formal, casual, etc. Members are to wear their blazers to official meetings and no sleepwear can be worn at the office (refer to UFS Code of Conduct for Dress Code); and
- 6.15 The violation of national, provincial or municipal laws, including University policies.

Conduct violating University community standards that is not specifically mentioned above may still be subject to disciplinary action.

7. DISCIPLINARY PROCESS AND PROCEDURE

7.1 The Disciplinary Committee of the ISRC includes:

- 1) The Vice-President (Chairperson);
- 2) The CSRC member for Policy and Transformation;
- 3) The CSRC member for the Universal Access and Advocacy Council;
- 4) The CSRC member for the Associations Student Council; and
- 5) The CSRC member for the Academic Student Council.

7.2 The Appeals Committee includes:

- 1) The Dean: Student Affairs (Chairperson);
- 2) The President;
- 3) The Vice-President;
- 4) The Secretary; and
- 5) The IRSC member for Policy and Transformation.

7.3 Duties of the Disciplinary Committee:

- 1) During the first Disciplinary Committee meeting, the committee's secretary will be appointed.
- 2) The Committee will be directed by the Chairperson, whose responsibility it is to exercise control over the proceedings, in accordance with the Code, ensuring administrative support of the process.
- 3) The secretary will be the official custodian of records. He or she will:
 - a. record the minutes of all meetings; and
 - b. maintain files on all proceedings, complaints, meetings and hearings.
- 4) It is the duty of any member of the Committee to recuse himself or herself if there exists a reasonable ground of personal bias which leads to the inability to render a fair and objective decision based solely upon the facts, information and arguments presented during the hearing, based on the member's familiarity with people, facts or the situation arising from outside the hearing.
- 5) If a Committee member is disqualified due to bias, the remaining members will determine whether to fill the position by the appointment of an interim member, or to proceed with fewer members. The Committee should consist of no fewer than three qualified members.

- 6) The SRC may, by a two-thirds majority vote, remove any member serving on the Committee who is unable or unfit to discharge the duties assigned to him or her.

7.4 Term of office

The Disciplinary Committee's term of office runs concurrently with the ISRC term of office.

8. COMPLAINTS PROCEDURE

8.1 Standing

Any person or group has the right to file a complaint against any member of the ISRC or any member of its substructures for a violation of this Code.

8.2 Process

A complaint shall be prepared in writing and submitted to the Chairperson of the Disciplinary Committee. The complaint must clearly set out the following:

- 1) The complainant's name and student number (where applicable);
- 2) The nature of the violation as set out in the Code (misconduct section);
- 3) The name of the student(s) against whom the complaint is brought forward, and any other parties involved;
- 4) The place of the alleged offence;
- 5) The time and date of the alleged incident; and
- 6) If applicable, any relevant evidence affirming the alleged incident leading to or resulting in a violation of this Code.

8.3 Rights of Complainant(s)

The complainant shall have the right to:

- 1) A fair hearing and representation;
- 2) Request that the case be treated confidentially;
- 3) Request that a member of the panel recuse himself or herself; and
- 4) Request that the panel be language-sensitive (and not use offensive language).

9. RIGHT TO APPEAL

The complainant or any individual found guilty in a disciplinary proceeding has the right to appeal to the Appeals Committee against the conviction or sentence within seven days.

10. SANCTIONS

Sanctions are imposed only when the charged student is found responsible for one or more violations of the Code. Potential sanctions that may be imposed for violations of the Code include:

10.1 Formal warning: A written notice to the charged student indicating that they have been accused of violating the Code and notifying them that three (3) consecutive misconduct episodes may be cause for further disciplinary action.

10.2 Probation:

- 1) Disciplinary probation means that the charged student has been found responsible for violating the Code and, for a specified period of time, is not in good disciplinary standing with his/her peers.
- 2) Probation may impact the charged student's eligibility to perform duties or participate in activities.
- 3) The Committee must impose certain probationary conditions that are designed to help the charged student understand why the behaviour was inappropriate and encourage future compliance with the Code. The conditions should correspond to the severity and nature of the violation and to clarify the impact of that behaviour on the members of the University community. Such conditions may include community service work or other uncompensated labour, educational classes, counselling, or other sanctions that may be seen as appropriate to the circumstances of a given matter.
- 4) The probation is lifted when the charged student has fulfilled the probationary conditions set by the Committee.
- 5) During the period of probation, any misconduct will result in further disciplinary action.

10.4 Suspended sanction:

- 1) Suspended sanction occurs when the charged student has been found responsible for violating the Code but the primary sanction is held in abeyance for a specified period of time.
- 2) During this period, subsequent violations of the Code will terminate the suspension and result in the imposition of the sanction that is held in abeyance. That sanction will automatically be imposed by the Committee.
- 3) In the absence of any such violation, the original sanction will be deemed complete at the end of the suspension period.

10.5 Suspension:

- 1) Temporary suspension from duties and privileges as a member of the SRC and substructures for a specified period.
- 2) The suspension may either be definite, for a specific period of time, or indefinite, until certain conditions are met by the charged student.

11. PROPORTIONALITY

The sanction imposed should be proportional to the nature of the misconduct, and, in determining the appropriate sanction, consideration must be given to:

- 1) The nature, severity and circumstances of the violation;
- 2) The charged student's acceptance of responsibility;
- 3) Conduct history of the charged student, including previous instances of misconduct or similar conduct;
- 4) The impact of a sanction on the charged student; and
- 5) Any other factors deemed relevant by the Committee.

The Disciplinary Committee reserves the right to create other reasonable sanctions or to combine sanctions as it deems appropriate.

12. ANNEXURE A: SCHEDULE OF MISCONDUCT

The severity of misconduct will determine where it is placed in the schedule of misconducts. Misconducts will be classified under three schedules, namely:

1. **Schedule One:** These are misconducts that are light in their nature and can be resolved using the Conflict Resolution Guideline of the affected student organisation and/association which on occasion may also be brought to the CSRC Disciplinary Committee.
2. **Schedule Two:** These are misconducts whose severity is medium in nature, and that need to be dealt with through the ISRC Constitutions and the provisions of this Code of Conduct.
3. **Schedule Three:** These misconducts are of a *more severe* nature may be in contravention of the *UFS Students' General Rules*. These misconducts must be dealt with through the Directorate of Student Discipline and Mediation Unit (DSDM).

Schedule One		
Possible Misconduct	Recommended Sanction	Person(s)/Body Responsible for Sanctioning
Misrepresenting the ISRC, ISP, CSRC, SP, an association or organisation, or missing official meetings without just cause.	Warning letter (first, second, final), expulsion from the ISRC, ISP, CSRC, SP, association or organisation by the relevant structure.	Organisation/Association concerned.
Continued misrepresentation of the ISRC, ISP, CSRC, SP, an association or organisation, or missing official meetings without just cause.	Suspension by the Student Governance Office from participating in organised Student Life and/or Governance (3/6/12 months).	Division of Student Affairs (DSA).
Schedule Two		
Possible Misconduct	Sanction	Person(s)/Body Responsible for Sanctioning
Returning a car late, abuse of alcohol, misuse of University property or services, abuse of University vehicle/s or vehicle/s hired by the University.	Suspension by the Student Governance Office from participating in organised Student Life and/or Governance (6/12/24 months); and/or a sanction to be determined by the Directorate of Student Discipline and Mediation (DSDM).	Division of Student Affairs (DSA).

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Schedule Three		
Possible Misconduct	Sanction	Person(s)/Body Responsible for Sanctioning
Contravening one or more of the student general and/or faculty rules.	To be determined by the Directorate of Student Discipline and Mediation (DSDM).	Directorate of Student Discipline and Mediation (DSDM).

Policy Record:

Document name	Code of Conduct for the Institutional and Campus Student Representative(s), Student Parliament(s) and Campus Student Council(s)
Document number	
Coordinating UMC member	Mr Pura Mgolombane
Contact person	Mr Pura Mgolombane
Status	Dean: Student Affairs
Approved by	University Management Meeting
Date finally approved	
Date last amended	
Date for next review	
Person responsible for review	Mr Pura Mgolombane
Monitoring by	Prof Puleng LenkaBula
Related documents	
Effective date	

REFERENCES

LEGISLATION, POLICIES AND FRAMEWORKS FOR THE UFS CODE OF CONDUCT FOR THE INSTITUTIONAL AND CAMPUS STUDENT REPRESENTATIVE COUNCIL(S), STUDENT PARLIAMENT AND CAMPUS STUDENT COUNCILS
The Constitution of the Republic of South Africa, Bill of Rights (https://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng-02.pdf)
UFS Institutional Statutes 2018 (https://www.ufs.ac.za/docs/default-source/all-documents/ufs-amended-institutional-statute_published-in-the-gazette-on-26-january-2018.pdf?sfvrsn=7a08a521_0)
Strategic Plan of the University of the Free State (UFS) for 2018-2022 (https://www.ufs.ac.za/docs/default-source/all-documents/2018-2022-ufs-strategic-plan.pdf?sfvrsn=fde3a621_0)
UFS Integrated Transformation Plan (ITP) (https://www.ufs.ac.za/docs/default-source/all-documents/the-ufs-integrated-transformation-plan7b62e2e65b146fc79f4fff0600aa9400.pdf?sfvrsn=d7768d21_0)
Stellenbosch University SRC Stellenbosch Universiteit SR Code of Conduct (https://www.sun.ac.za/english/management/src/Documents/Archive/SRC%202012_2013%20Code%20of%20Conduct.pdf)
University of Cape Town SRC Constitution Schedule Code of Conduct (http://webcms.uct.ac.za/sites/default/files/image_tool/images/137/SRC%20Standing%20Rule%20-%20Schedule%20B%20-%20Code%20of%20Conduct.pdf)
Anti-Discrimination, Promotion of Equality, and Social Justice Policy and Procedures (https://www.ufs.ac.za/docs/default-source/all-documents/ufs-anti-discrimination-policy_council-approved.pdf?sfvrsn=f33dbe21_0)

Schedule of Consultation:**Code of Conduct for the Institutional and Campus Student Representative Council(s), Student Parliament(s) and Campus Student Councils.**

Document	Date	Action of Consultation/Approval
	01 - 31/03/2020	Draft documents referred to student body for comments.
	14 - 21/04/2020	Draft documents referred to internal organised key stakeholders/divisions/departments for input.
	07/05/2020	Draft documents referred to the ISRC, ISP and Campus Student Parliament Secretariat for discussions, input and comments.
	04/08/2020	Table the policies to Student Services Committee (SSC) for discussion, input and recommendations for approval.
	30/09/2020	Table the policy to Rectorate for discussion, input and recommendations for approval.
	12/10/2020	Table the policy to UMC for discussion, input and recommendations for approval.
	27/10/2020	Table the policy to Senate for discussion, input and recommendations for approval
	27/11/2020	Table the policy to Council for Approval.