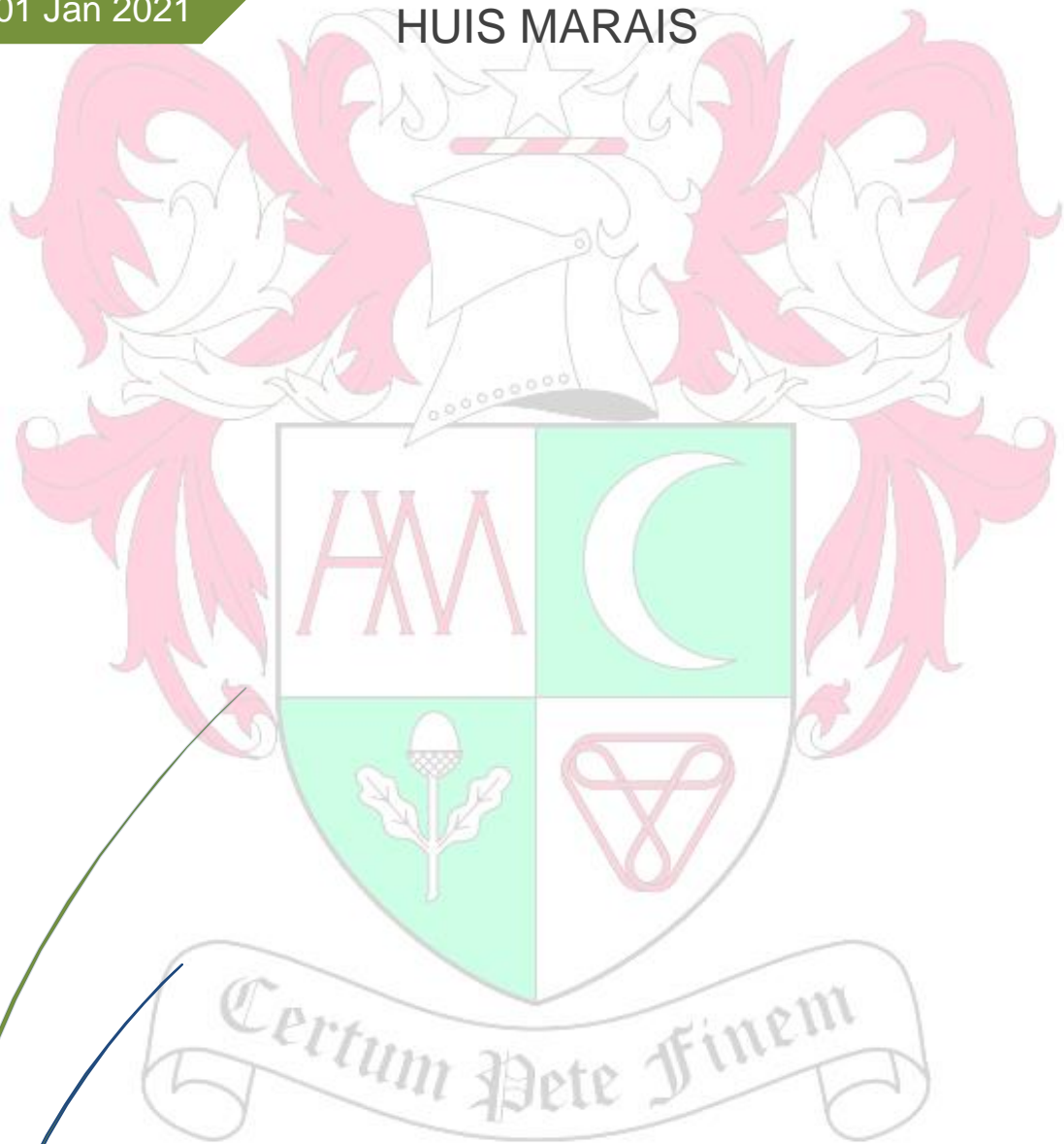


# CODE OF CONDUCT

01 Jan 2021

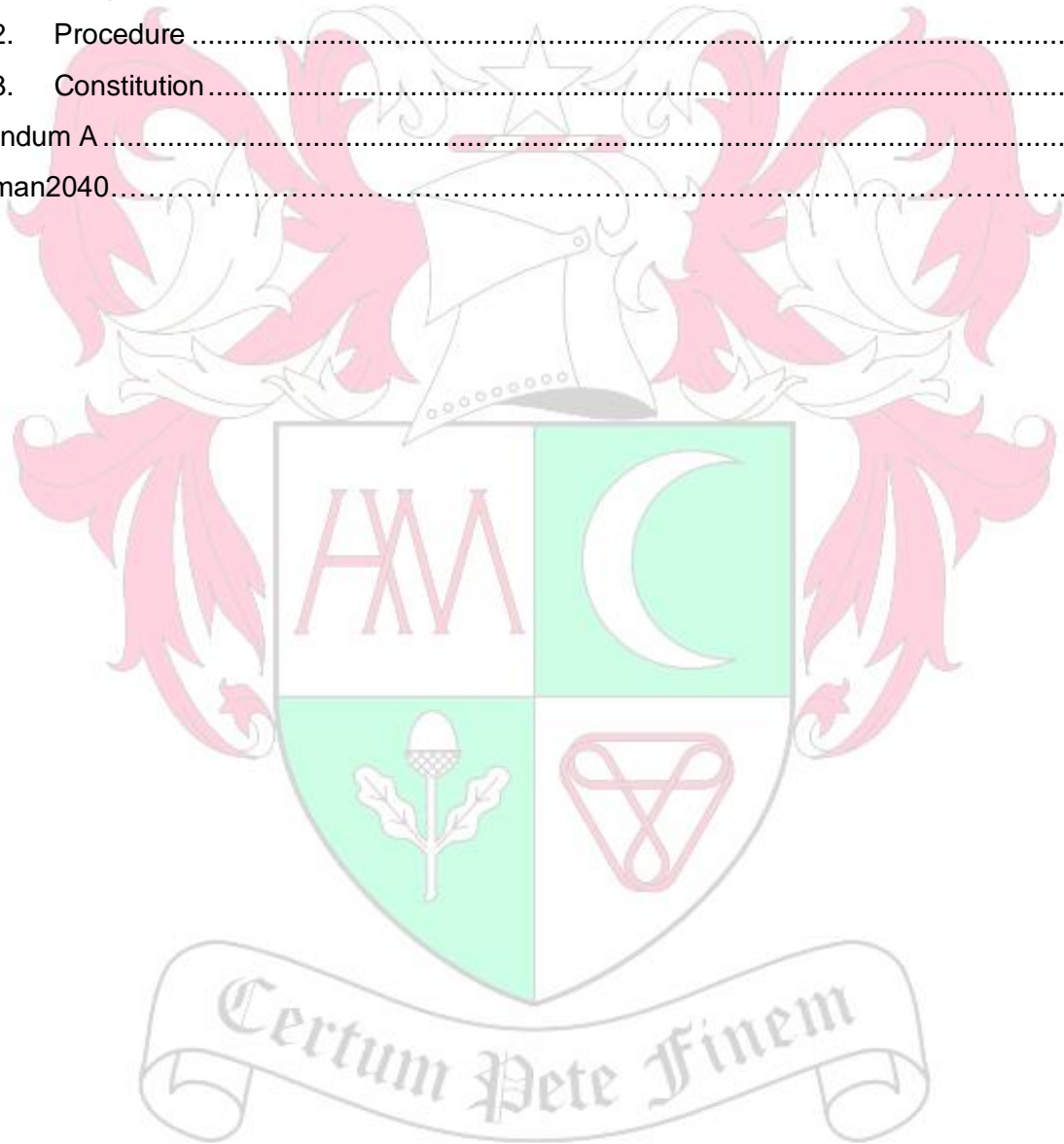
HUIS MARAIS



HC 2020/2021

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# General Notice

This version has been amended by the HC of 2020/2021

This document must be read in conjunction with the South African Constitution of 1996 and the Stellenbosch University Disciplinary Code of 2016.

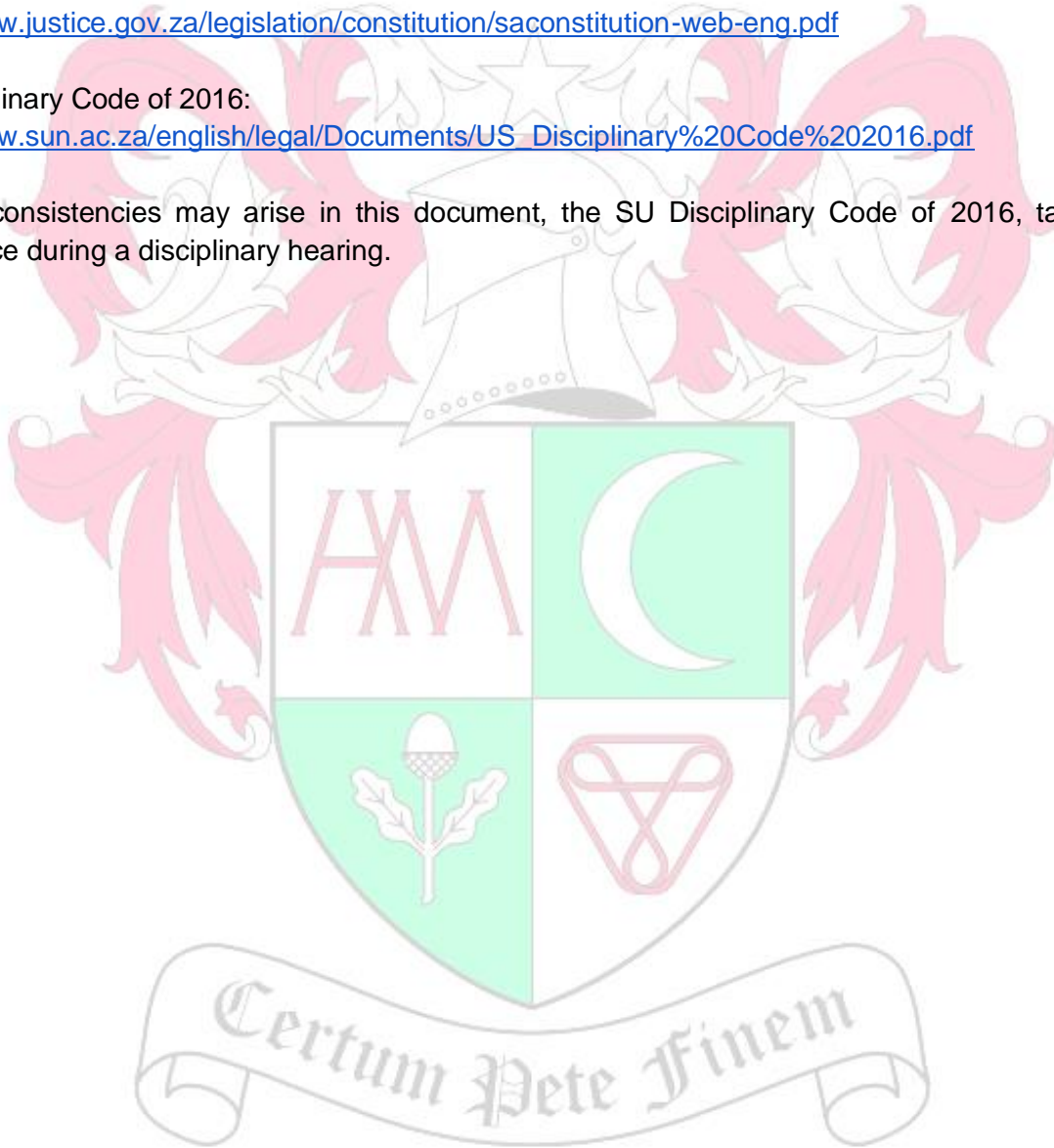
South African Constitution of 1996:

<https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf>

SU Disciplinary Code of 2016:

[https://www.sun.ac.za/english/legal/Documents/US\\_Disciplinary%20Code%202016.pdf](https://www.sun.ac.za/english/legal/Documents/US_Disciplinary%20Code%202016.pdf)

Where inconsistencies may arise in this document, the SU Disciplinary Code of 2016, takes precedence during a disciplinary hearing.



# Code of Conduct of House Marais and its Residents

1. Huis Marais can only function and provide a transformative student experience in an environment based on mutual respect, discipline and civilized behavior. Therefore, healthy values and the maintenance thereof, are essential when the Residence wants to achieve its goals. The same high standards that we pursue in our academic, cultural and sporting activities also applies to the behavior of the residents of Huis Marais.

We undertake to always conduct ourselves respectfully towards the residents and staff of the residence and the University. We commit ourselves to the agreement reached and to hold each other accountable to the code of conduct for the duration at Stellenbosch University.

## **2. Purpose of this disciplinary code**

- 2.1 The purpose of this disciplinary code is to provide a framework for good decision-making within which the University exercises discipline over students. In this way, it aims to foster and to maintain a healthy and functional environment which supports the University's values.
- 2.2 For that purpose, this disciplinary code provides clear rules for acceptable Student conduct and sets out disciplinary measures and procedures which ensure that disciplinary action by the University is taken efficiently and in a manner that is reasonable, lawful and procedurally fair.
- 2.3 The disciplinary code recognizes that the restoration and healing of the University Community as a whole and the relationships amongst individual members are at the heart of its purpose. Therefore, sanctions imposed in terms of this code will take cognizance of the efforts made to restore relationships and will, in addition to the established aims of punishment and deterrence, serve to rehabilitate and educate offenders and where persons found guilty of misconduct and where appropriate, sanctions will contribute to the restoration and healing of the University Community as a whole, the relationships amongst its Student Communities and individual members of the Student Community

3. We endorse the following Core Values that underpins transformation and progress:

- Family
- Respect
- Responsibility
- Individuality
- Participation
- Excellence
- Equity
- Accountability
- Compassion

We therefore rely on the Resident Head and the Leadership Structures in the residence to assist us in establishing and expanding these values in every Huis Marais Resident.

We expect House Marais residents to always act in accordance with these values we pursue, and we will not hesitate to act when these values are violated.





## **PART ONE: Guidelines on Establishing Offences**

The following misconduct is unacceptable to any resident of House Marais during his stay in the residence or when a resident in his private capacity brings the residence's name into disrepute. The misconduct is divided into three categories:

### 1. Category 1 - Less serious offenses

- a) Disobedience (including disregarding instruction from HK/Prim and Res Head)
- b) Disorder / Disruption of Normal Residence Activities
- c) Disturbance of peace (including excessive noise during morning rituals and rest time)
- d) Vulgar language when addressing the Residence leadership and/or service staff
- e) First offence of recorded reckless behaviour under the influence of alcohol and/or narcotics.

Sanction / punishment: Refer to Prim who will record offense and give written warning to offender.

### 2. Category 2 - Serious offenses

- a) Smoking in rooms
- b) False/ Invalid Accusations
- c) Fireworks, firecrackers shooting or possession thereof
- d) Disrespect towards residents, Staff of Residence/ University
- e) Repeated vulgar language towards residents, Staff of Residence / University
- f) Physical damage to Residence and/or student's property
- g) Physical fighting with fellow residents and/or service staff
- h) Second offence of reckless behaviour under the influence of alcohol and/or narcotics
- i) Repeated Category 1 offenses (x2)

Sanction / punishment: Refer to Prim who will use his own discretion and consult the University's Guidelines on Disciplinary action, to decide whether the Disciplinary Committee will be necessary. If not, person will receive Final Warning immediately.

### 3. Category 3 - Very serious offenses

- a) Physical and Verbal Assault, Sexual Harassment, Rape (up to grievous bodily harm)<sup>1</sup>
- b) Racism; racist remarks towards fellow residents or staff of residence.
- c) Theft (residence and students' property)
- d) Deliberate property damage and vandalism of the Residence
- e) Possession and/or consumption of drugs and substance abuse<sup>2</sup>
- f) Continuous reckless behaviour. under the influence of alcohol and/or narcotics
- g) Repeated CAT 2 (Serious offense) (x2) or CAT 1 less serious offenses (x3)
- h) Gross violation of a fellow student's human right

Sanction / punishment: The prim will handle the case with the resident head. The disciplinary committee will meet urgently and decide on the severity of the offense and then follow the correct procedures to serve the sentence. These procedures are listed under Section 2, Part Three of this document.

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<sup>1</sup> Grievous Bodily Harm (GBH) refers to malicious intent of bodily harm

<sup>2</sup> Includes alcohol and dagga (Ref, addendum A)

## **PART TWO: Disciplinary Procedure**

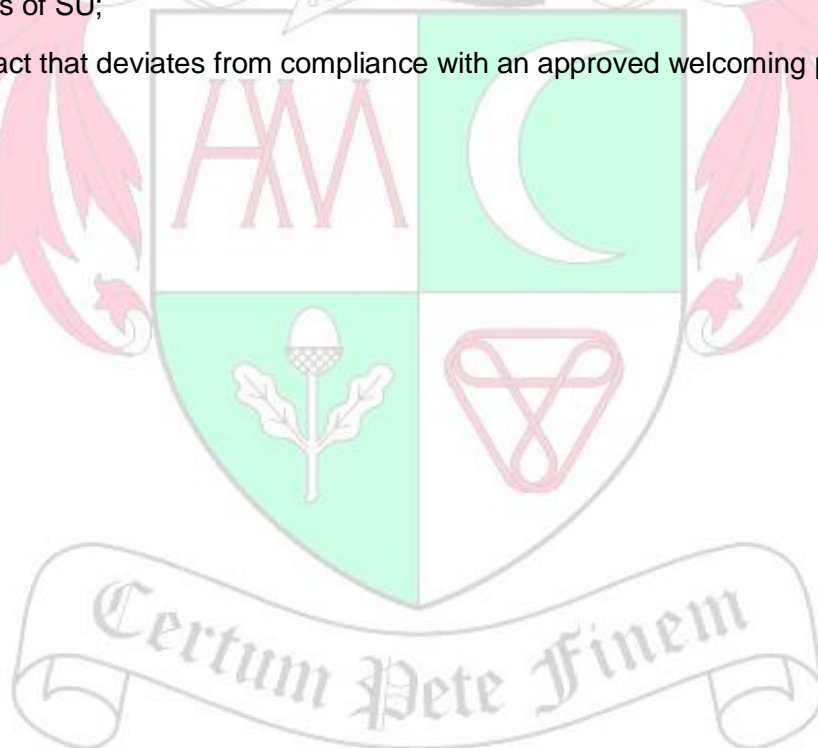
These provisions should be read in conjunction with section 20 and section 32 of the Student Disciplinary Code which deals with house disciplinary matters and accommodation disciplinary matters. If this chapter conflicts with the student disciplinary code of SU (the code), the code will be given preference.

### **House Disciplinary Committee**

The House's Disciplinary Committee serves as a disciplinary body for the Residence and is responsible for ensuring that the Residence complies with the relevant residential rules as prescribed by SU, the rules as determined by the Residence and as set out in the Constitution of House Marais.

The House's Disciplinary Committee may:

- i. Only take action against residents of House Marais;
- ii. Investigate only complaints that fall within their jurisdiction.
- iii. Investigate any complaints with the exception of:
  - An act related to the violation of or failure to comply with the prohibition on initiation practices of SU;
  - An act that deviates from compliance with an approved welcoming program.



## **PART THREE: DISCIPLINARY COMMITTEE**

### 1. Competence

#### **Article:**

- 1.1 The Disciplinary Committee is empowered to refer any matter referred to it, investigate it and make a finding.
- 1.2 The Disciplinary Committee is competent to hear appeals against fines imposed by the House Committee.
- 1.3 The Disciplinary Committee is the highest authority regarding the interpretation of the Constitution, Legal Elements and other house rules.

#### **The Disciplinary Committee's power to discipline includes:**

1. A recommendation to the University that:
  - a) the person must be expelled from the House immediately, or
  - b) the person is refused readmission to the House for the following year;
2. The imposition of fines up to the maximum amount as laid down by the University authorities.
3. The issuance of an order for payment of damages;
4. The suspension of certain privileges of the person concerned as a member of the household;
5. Giving a written warning;
6. The imposition of an appropriately suspended sentence;
7. The imposition of another appropriate sentence.



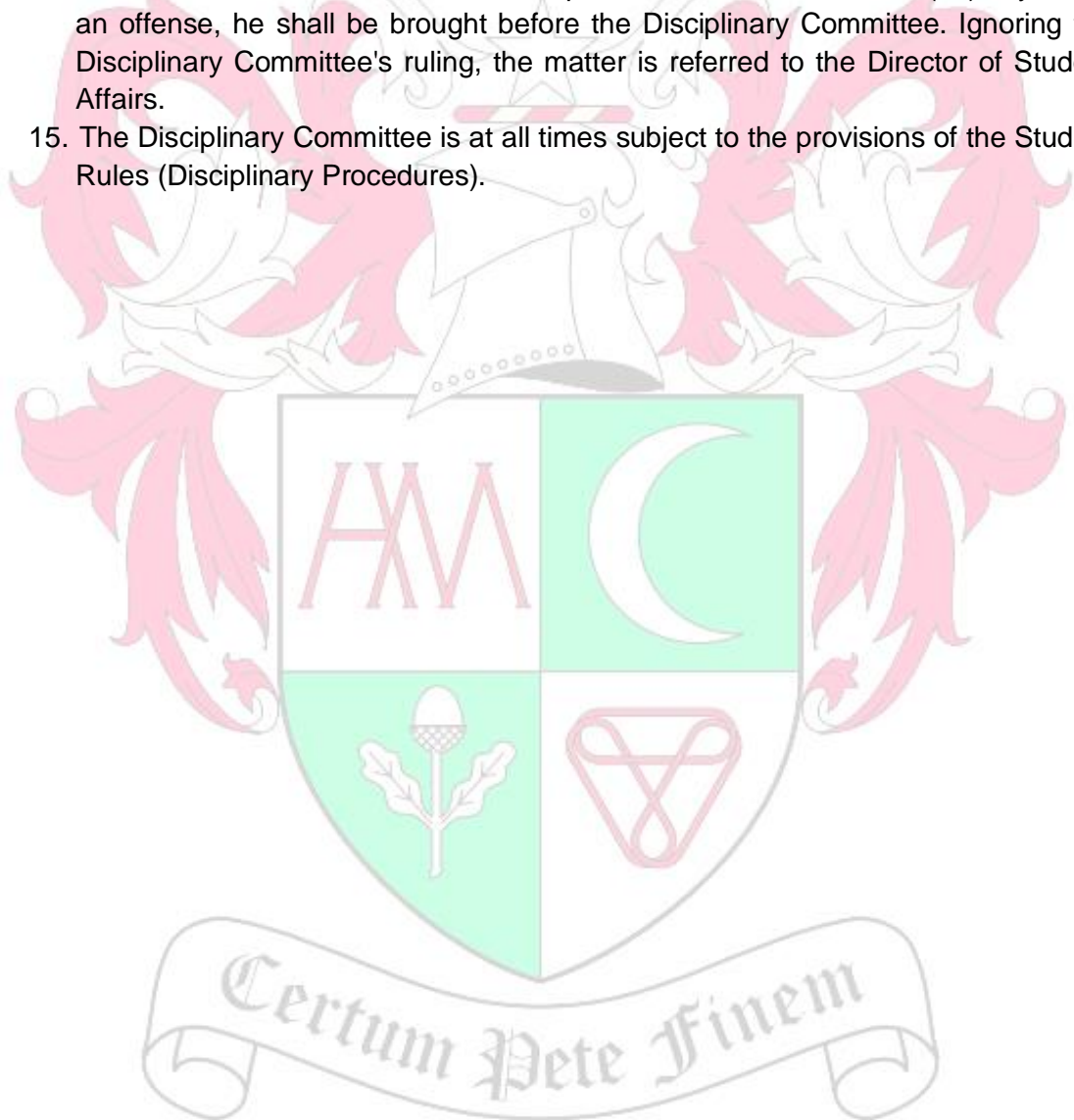


## 2. Procedure

Article:

1. The Disciplinary Committee meets *in camera* and decides by a majority vote.
2. In disciplinary cases, the Chairperson of the Disciplinary Committee must notify an accused household member in writing of the nature and grounds of an indictment against him. The Accused is summoned to appear before the Disciplinary Committee after at least forty-eight (48) hours after the above notice.
3. The calling of witnesses by the complainant (s):
  - a) The complainant (s) must bring sufficient evidence, whether oral, written and / or real evidence, to prove his charge on a balance of probabilities.
  - b) An accused is innocent until proven guilty. The onus is on the complainant (s) to prove otherwise.
  - c) The accused may call any evidence he considers relevant to substantiate his case.
4. The nature of evidence:
  - a) Evidence should preferably be given *viva voce* (orally). In certain cases, evidence may be presented through an affidavit.
  - b) An affidavit may be accepted as evidence in the following cases:  
If a house member, whether witness or accused, for a valid reason is unable to attend the proceedings, If a witness wishes to remain anonymous.
5. The filing and handling of an affidavit:
  - a) An affidavit must be given by the witness in the presence of the Chairperson, assisted by an elected member of the Disciplinary Committee, and signed by all parties.
  - b) The contents of the affidavit must be read by the Chairman to the other committee members for the first time at the Disciplinary Case itself, and at no other time.
6. The complainant (s), as well as the accused, are entitled to be represented in their case by a law student, who is a voting member of the House and has already successfully completed his first academic year. The member of the household is not entitled to any other legal aid.
7. If the Disciplinary Committee, after hearing both parties' cases, decides that the accused has committed an offense on a balance of probabilities, the Disciplinary Committee may take action against the accused.
8. Decisions must be documented in order to promote legal certainty and serve as a guideline for further disciplinary cases.
9.
  - a) The decision and motivation for it must be given immediately orally and within twenty- four (24) hours in writing to the appellant or accused.
  - b) All convictions and sentences must go to the Principal for review within seven (7) days and will have no validity until ratified with the Signature of the Principal.
  - c) The housemate who has been convicted must be notified in writing of the outcome of the review.
10. When an appeal is heard against a fine imposed by the Prim or Vice-Prim, the above member is replaced for that matter by an alternative House Committee member, who is unanimously appointed by the members of the Disciplinary Committee.

11. Upon conviction by the Disciplinary Committee, the person convicted has been free to appeal to the Central Disciplinary Committee of the University.
12. The maximum fine that can be imposed by a House Committee member is determined annually by the University authorities.
13. Applications for appeal against fines must be submitted to the Prim in writing at least seven (7) days before the last date of payment of the fine, stating reasons. This application must be discussed at the next House Committee meeting. If an application is not granted, an appeal may be lodged with the Disciplinary Committee. The decision of the Disciplinary Committee is final.
14. If a member of the household has not paid the fine within fourteen (14) days after an offense, he shall be brought before the Disciplinary Committee. Ignoring the Disciplinary Committee's ruling, the matter is referred to the Director of Student Affairs.
15. The Disciplinary Committee is at all times subject to the provisions of the Student Rules (Disciplinary Procedures).



### 3. Constitution

Article:

1. The Disciplinary Committee consists of:
  - a) Resident-Head (no voting rights)<sup>3</sup>
  - b) Prim (chairman)
  - c) Vice-Prims
  - d) Secretary (no voting rights)<sup>4</sup>
  - e) House Committee Member<sup>5</sup>
  - f) Three additional House members<sup>6</sup>

These members are elected in a general election after the appointment of the new House Committee. These members are elected as set out in the constitution of HM

2. The term of the Disciplinary Committee extends from their election until the new committee is elected, provided that the newly elected Prim and Deputy Prim take their predecessors' seats after the House Committee election.
3. Should a vacancy arise on the Disciplinary Committee; such vacancy will be filled in the prescribed manner.
- 4(a) If the Prim and / or Vice-Prim are not available for a meeting of the Disciplinary Committee, the House Committee shall, for the purposes of that meeting, appoint a replacement from the House Committee. If the Prim is not available, the Vice-Prim will act as chairman.
  - (b) If one (1) or two (2) of the additional members are not available for a session for valid reasons, the remaining member (s) will, for the purposes of that session, (a) substitute (s) from the appoint members of the voting House members (who are not House Committee members).
  - (c) At least one (1) of the elected additional members must be present.
5. The Chairperson will in all cases act as convener of the Disciplinary Committee.
6. If any member of the Disciplinary Committee is facing a charge before the Disciplinary Committee, the Disciplinary Committee will, for the purposes of the session, appoint a replacement for the member from the voting members. If it is the Prim or Sub-Prim, the procedure as outlined in Article "" should be followed.

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<sup>3</sup> unless votes are equal then this vote is the Final vote

<sup>4</sup> Only observes and monitors the hearing

<sup>5</sup> Safety HK or neutral HK

<sup>6</sup> (that does not form part of the HC complement).



# Addendum A

Dear Residence Heads and Prims

We have been receiving queries following the 'dagga' judgment handed down by Judge Davis in the Western Cape High Court in April.

The relevant provisions of the Disciplinary Code for Students of Stellenbosch University (which came into effect on 1 January 2017), read as follows:

## 14. The consumption of alcoholic and illegal substances

14.1 No Student may bring any alcoholic or illegal substance onto any part of Campus without permission to do so.

14.2 No Student may sell or purchase any alcoholic or illegal substance on any part of Campus, whether possession thereof is legally permitted or not, nor facilitate or arrange for such a sale by another person, without permission to do so.

In addition, such permitted sale and purchase of intoxicating liquor or narcotic substance must comply with all requirements imposed by the laws of South Africa.

14.3 No Student may be in possession of an alcoholic or illegal substance on any part of Campus, where such possession is contrary to the laws of South Africa.

I attach a copy of the Code for ease of reference.

Cannabis is listed under Schedule 7 of the Medicines Control Council: Schedules. Section 22 A (9) (a) (i) of the Medicines Act prohibits the acquisition, use, possession, manufacture or supply of cannabis. Subsection (10) provides an overriding prohibition on the sale or administration of cannabis other than for medicinal business.

In other words, the purchase, sale, use, possession and growing of cannabis remains illegal, in addition to the specific rules of the University prohibiting the use of cannabis. **Consequently, the University cannot grant permission for the use of cannabis on its premises.**

The University is aware of the recent judgment of the Western Cape High Court, and a number of other pending legal challenges to the classification and criminalisation of cannabis, in addition to the legislative initiatives to amend certain provisions of the Drugs and Drug Trafficking Act 140 of 1992 (the Drugs Act) and the Medicines and Related Substances Control Act 101 of 1965 (the Medicines Act).

The University will continue to monitor these developments and review its policies accordingly.



# HUISMAN 2040

## **Background**

The motto of Huis Marais is: CERTUM PETE FINEM- Strive towards a definitive goal.

Our eyes are set on the kind of Huisman that would thrive and make a positive contribution in the world of 2040. We must ask ourselves how we would like a Huisman of 2040 to look like and what it is that we need to be in 2021 and what it is that we contribute in 2021 to make sure that this goal is reached.

The Huisman for the Future is value driven, open minded, respectful towards all and can adapt to a changing world.

Therefore, as a resident of Huis Marais in 2021 and a student of Stellenbosch University I agree to the code of conduct and by signing below I pledge to uphold that:

I will live and practice the values of Huis Marais –

- Family
- Respect
- Responsibility
- Individuality
- Participation

And the University of Stellenbosch –

- Excellence
- Compassion
- Accountability
- Respect
- Equity

I agree to conduct myself in the following way:

- I will encourage and promote an ethos of mutual respect between staff and residents of the Residence and University regarding their respective needs, duties, and responsibilities.
- I accept the values and rules of the House and condemn any behavior outside of these boundaries.
- I accept that if I do not hold to the agreement or Rules of the house punishment will be served.
- I will be inclusive, and always keep the minority groups in mind in everything that I do.
- I will be open minded and never discriminate against people that do not have the same gender, sex, sexual orientation, culture, spirituality, or ethnic background as me.
- I will be mindful and always be considerate in all situations.

- I will be a role model, someone to whom a first year or any person on Stellenbosch can look up to.
- I will respect the privacy of other students.
- I will report any irregular deeds by fellow students.
- I will behave in such a manner that the university residence is experienced as a home away from home where an atmosphere conducive to academic learning is maintained.
- I will not look down upon other fellow residents who are younger than me or newcomers.
- I will not put the institution into dispute.
- I will promote a positive culture of learning and critical thinking in the residence
- I hold myself responsible for creating a common ground of enriching culture and a social environment in which diversity is respected and celebrated.
- I will not abuse anyone in any way including verbally.

I hereby accept the above points and can be held responsible for any deviation of the set out points.

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Huis Marais Resident

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Prim / Residence Head

