

HARARE INSTITUTE OF TECHNOLOGY

THE RULES OF STUDENT CONDUCT AND DISCIPLINE ORDINANCE: ORDINANCE 15 (2019)

In terms of Section 31 (2) and 31 (3)(o) of the Harare Institute of Technology Act (Chapter 25:26 of 2005), the Institute Board of the Harare Institute of Technology with the approval of the Minister of Higher and Tertiary Education, Science and Technology Development, hereby makes the following Ordinance: -

1. This Ordinance may be cited as The Rules of Student Conduct and Discipline Ordinance: Ordinance 15 (2019).
2. The Student Disciplinary Committee (SDC) hereby delegates to the officials referred to in the Rules of Student Conduct and Discipline the power of investigating and exercising disciplinary authority in respect of misconduct by any student to the extent and in the manner as set out in this Ordinance.
3. The SDC may –
 - 3.1 Order a student to pay to the Institute the amount of any financial loss caused to the Institute by such a student.
 - 3.2 subject to confirmation by the Vice Chancellor impose any penalty on a student, which in circumstances of a particular case it deems appropriate.

RULES OF STUDENT CONDUCT AND DISCIPLINE

1. INTERPRETATION

The Institute Officers charged with the administration of these Rules shall at all times seek to implement the latter in the spirit of the Act and shall in particular have regard to the following principles:

- 1.1. The Institute is a Society in which standard of communal life must be established and maintained for the benefit of both present and future members of the Institute.
- 1.2. A high level of personal integrity and a developed sense of responsibility towards others are as important to the Institute as outstanding scholastic achievement.
- 1.3. A proper concern for the reputation of the Institute and what it ought to stand for makes it incumbent upon its members to live decent and ordered lives.
- 1.4. Individual or collective action by members of the Institute, which constitutes a breach of these Rules, may require to be punished notwithstanding that the motive or goal of such action was a commendable one in the belief of such members.

2. UNDERTAKING AT REGISTRATION

When registering as a member of the Institute a student shall be given a copy of these Rules and shall sign a statement in which he/she acknowledges that he/she has been furnished with the Rules, and he/she undertakes to conduct himself/herself, while a student of the Institute, in accordance therewith and with any amendments duly made thereto.

3. STUDENT CONDUCT

- 3.1 No student of the Institute shall –
 - 3.1.1 Use the Institute premises contrary to Institute Regulations, Residence, and Faculty or Departmental rules or do any act reasonably likely to cause such misuse;
 - 3.1.2 Damage or deface any property of the Institute or do any act reasonably likely to cause damage or defacement thereto;
 - 3.1.3 Disrupt teaching, study, research or administrative work, or prevent any member of the Institute or its staff from carrying out his study or work, or do any act reasonably likely to cause such disruption or prevention;
 - 3.1.4 Engage in any conduct whether on or off the campus which is or is reasonably likely to be harmful to the interests of the Institute, members of the Institute staff or students.
- 3.2 The following would be regarded by the Institute as instances of breaches of the rule contained in 3.1 (above) –
 - 3.2.1 Displaying violence by word or act towards any member of the Institute whether academic or administrative staff or student, or a guest of the Institute or any visitor to the Institute or in any way intimidating or obstructing the free movement of such member, guest or visitor;
 - 3.2.2 Disrupting or seeking to disrupt any proper function of the Institute whether it be an official function, Institute Board meeting, Senate meeting, Faculty or Committee meeting, lecture, teaching session, the function of any Institute community/society or day to day administrative activity,
 - 3.2.3 Seeking to prevent a speaker invited by any section of the Institute Community from lawfully expressing his views.
- 3.3. Students are informed that: -
 - 3.3.1 If a group of students forms a common intention to commit certain acts and to assist each other in their commission, and in due course, a breach of these Rules is committed by one or some members of the group, then each member of the group may be held to have committed that breach of the rules, who foresaw that the breach would occur, or who must, in the view of the SDC, have foreseen that it would occur.

A member of such a group can avoid this happening to him/her by taking clear and unequivocal steps, before such a breach is committed, to show that he/she disassociates himself/herself from the acts of the group with whom he/she has so far been associating.

- 3.3.2 Where a number of students have committed a breach of these Rules and only one or more of these students can be identified, the Institute will not hesitate to take disciplinary action against those students who can be identified and against whom there is sufficient evidence to warrant investigation;
 - 3.3.3 Where a student commits an act which is both an offence according to the laws of the country and one which after investigation appears to be a breach of the disciplinary rules of the Institute, the Institute may punish such a student notwithstanding that he/she is prosecuted and/or punished by the courts of the country.
- 3.4 A student shall obey any rules made from time to time by the Vice Chancellor and further obey all instructions given by the Vice Chancellor, the Proctors, and all those persons whom the Vice Chancellor has charged to assist him in the maintenance of discipline, and in this regard: -
- 3.4.1 Any Pro-Vice Chancellor, Dean, Deputy Dean, Chairman of Department, Librarian, Deputy Librarian, or member of the senior administrative staff may order any member of a gathering of students which is committing, or whose activities are likely to lead to a breach of Rule 3 (above), to disperse, and may further order any such member to furnish his/her Institute identity card full name or to accompany the member of staff to the Vice Chancellor or a Proctor for an interview, or give both such orders. For the purposes of this section, Senior Administrative staff shall include the Registrar, Deputy Registrar, and any Director of the Institute and Wardens of Halls of Residence.
 - 3.4.2 If a student misbehaves in a lecture or teaching session or interferes with the conduct of a lecture or teaching session, the member of staff conducting such lecture or teaching session may order the student to leave or to cease such interference.
- 3.5 To be eligible to serve in the Students Representative Council, a registered student must fulfil the following;
- 3.5.1 Must be in at least the second academic year in the particular School/Department.
 - 3.5.2 Should have passed the previous academic year and enrolled for all the modules required for his/her qualification at the particular stage.
 - 3.5.3 The elected representative who becomes a repeater and or takes fewer modules/courses than normal shall give up office within the first thirty days of the start of the next semester The vacant post shall be filled as if there was a resignation

- 3.6 Failing to comply with any order given as above shall constitute a serious offence.

4. THE POWERS OF INSTITUTE PROCTORS

The Vice Chancellor shall from time to time appoint as many Proctors as he deems necessary from among the academic staff who are not Wardens or members of the SDC or Disciplinary Panel. One Proctor shall be known as the Senior Proctor with the responsibility for organising and supervising the work of the other Proctors. A second Proctor shall have legal expertise and known as the Legal Proctor with a particular responsibility for the presentation of cases before the SDC and giving general legal advice to the SDC and the Institute when so requested.

- 4.1 A Proctor shall be charged with ensuring the proper observance of these Rules by students on or off the Institute site and to this end shall, in addition to his power under Rule 3.4, have the following powers:
- 4.1.1 to receive and investigate reports of student misconduct;
 - 4.1.2 to summon any student to appear before him/her either to answer questions in regard to any matter under investigation by him/her;
 - 4.1.3 to proceed in the absence of a student who in the opinion of the Proctor has been duly summoned but has failed to appear;
 - 4.1.4 to recommend to the Registrar that a student be summoned to appear before the SDC to answer a charge of complaint against him/her or to answer questions in regard to any matter under investigation by the SDC or Proctors.
 - 4.1.5 to reprimand a student;
 - 4.1.6 to impose a fine on student not exceeding 30% of the annual tuition;
 - 4.1.7 to order a student to pay to the Institute the amount of any financial loss caused to the Institute by such student; and
 - 4.1.8 to withdraw any existing student privileges other than residence for a period not exceeding one semester.
- 4.2 When a report of alleged misconduct by a resident of a Hall of Residence is made to a Proctor, such Proctor shall communicate such a report to the Warden of the Hall of Residence concerned before taking action against the resident.

5 POWERS OF WARDENS

- 5.1 A Warden of a Hall of Residence shall have the power to investigate any breach of these Rules by a student of his Hall of Residence committed within any Hall of Residence and to make any of the following orders in respect of such student adjudged by him to have committed a breach of these rules:

- 5.1.1 reprimand a student.
 - 5.1.2 withdraw an existing resident student privilege.
 - 5.1.3 impose a fine not exceeding 30% of the annual tuition.
 - 5.1.4 order a student to pay to the Institute the amount of any financial loss caused to the Institute. Such an order may be made on the student/s that caused the loss or where identity cannot be established, on members of the residence in which the loss was sustained.
 - 5.1.5 suspend a student from his Hall of Residence.
 - 5.1.6 to expel a student from his Hall of Residence for a period not exceeding **two** semesters.
- 5.2 Where a Warden wishes to impose penalties 5.1.5 or 5.1.6 above, he/she shall first furnish the Senior Proctor with a full report concerning the alleged offence and the proposed penalty. On receipt of this report the Senior Proctor may, either: -
- 5.2.1 confirm the proposed penalty and order of the Warden and in the event of variation, order the Warden to execute such varied order; or
 - 5.2.2 institute a further investigation of the matters before making such order at the conclusion as he/she deems fit; or
 - 5.2.3 recommend to the Registrar that an SDC be convened to further investigate the case.
- 5.3 A Warden of a Hall of Residence and the Warden of Non-Resident Students shall have the power to report any matter of student conduct to the Proctors or through the Registrar to the SDC.
- 5.4 Where a Warden has imposed any of the penalties set out in Section 5.1.1 to 5.1.4 above on a student, s/he shall submit a report to the Senior Proctor, Registrar and Dean of Students.

6. RULES FOR INSTITUTE'S HALLS OF RESIDENCE

6.1 General

A resident shall obey all rules made and instructions given by the Warden, Deputy and Sub-Wardens of the residence and shall refrain from the conduct which:

- 6.1.1 may bring discredit upon his/her Hall of Residence; or
- 6.1.2 is prejudicial to the welfare of other residents of the Hall.

6.2 Powers of Hall Committee Members

Members of Hall Committees shall have the power to investigate and if necessary reprimand residents for any infringement of the rules contained in this section, and report such investigation or reprimand to the Warden.

6.3 Damage of Hall Property

A resident shall be liable to compensate the Institute in full for any damage caused by him/her to Institute property. Damage caused to a study-bedroom shall be presumed to have been caused by the resident to whom such a room has been allocated unless proven otherwise.

6.4 Fire

A resident having knowledge of the outbreak of fire in or adjacent to, Hall premises shall as soon as possible:

- 6.4.1 inform the Warden, Deputy or Sub-Warden;
- 6.4.2 summon the Municipal Fire Brigade;
- 6.4.3 inform the Director of Works and Estates/Dean of Students.

6.4 Vacation Campus Residence

6.5.1 A resident may not occupy a study-bedroom during Institute vacations save with the prior written authority of the Director, Accommodation and Catering Services on the recommendation of the Dean of the appropriate School and the Warden. Applications for vacation residence must be submitted through the prescribed channels and on the prescribed form.

6.5.2 A resident granted leave to reside in Hall during vacation who no longer wishes to avail himself of this privilege shall furnish the Director, Accommodation and Catering Services with at least three days written notice of such fact. Omission to do so will render such resident liable to monetary penalty equivalent to the same period.

6.6 Exeats

A resident may not absent himself/herself from Hall overnight, save on Saturday nights without previously informing and obtaining the permission of the Warden. To be absent from Hall for two or more consecutive nights, he/she requires the permission of the Dean of his/her Faculty in addition to that of the Warden. A resident of a Hall may be required to be in Hall every night by such time as may be laid down in Hall Regulations unless the Warden or a Sub-Warden to return to Hall at a later hour has granted prior permission.

6.7 Visitors

6.7.1 Resident students' guests (including non resident students) may visit them in their rooms from 1000 to 2230.

6.7.2 Male visitors may be allowed in rooms in female halls and female visitors may be allowed in rooms in male halls between the following hours:

Monday to Friday	1200 to 2230
Saturday	1200 to midnight
Sunday	1030 to 2230

- 6.7.3 Outside the prescribed visiting hours, all parts of the Halls except the Common Rooms and entrance foyers are out of bounds to members of the opposite sex.
- 6.7.4 Special arrangements may be made by application to the Warden of the Hall concerned.
- 6.7.5 These provisions apply to all students – undergraduate and postgraduate.
- 6.7.6 No visitor or non-resident student may make unauthorised use of accommodation or dining facilities in halls of Residence. Students introducing visitors or non-residence students to the Hall may be held responsible by the Warden for the conduct of such visitors, and non-residence students making unauthorised use of the Hall facilities shall be guilty of misconduct.

6.8 Withdrawal from Residence

If a student should leave the Institute or withdraw from Residence before the end of the session for which he/she has been admitted, fees already paid by him/her are not returnable and the balance of all fees for that session not yet paid shall become immediately payable, except that of a student who gives proper notice before the end of a semester that he/she wishes to vacate Residence for the remainder of the session may be refunded the balance of Residence fees in respect of the remaining whole terms of the session.

6.9 Loss of Valuables

A resident shall report as soon as possible to the Warden, Deputy or Sub-Warden the loss of any article from Hall premises in circumstances raising a suspicion of theft.

6.10 Relationship of Residents and Staff

A resident shall not require any member of staff of the Institute and in particular, a member of staff Accommodation and Catering Services Department staff to perform a service outside the scope of his normal employment duties.

6.11 Illness

A resident who is confined to bed shall so far as he/she is able, ensure that his/her illness is reported to the Institute Student Health Service.

7. RULES FOR THE USE OF VEHICLES

- 7.1 A student wishing to keep or use a motor vehicle including a motorcycle, motor scooter or motorised bicycle within the boundaries of the Institute site shall, prior to such use, notify the Registrar in writing on the form prescribed.
- 7.2 Save with prior written permission of the Registrar, a student shall not, within Institute grounds:
 - 7.2.1 park a vehicle in a parking place marked “for staff and visitors only;

- 7.2.2 park a vehicle in any place at which parking by any persons has been prohibited;
 - 7.2.3 bring a vehicle within any Institute building;
 - 7.2.4 ride or drive a vehicle on any part other than roads, tracks or parking places;
 - 7.2.5 leave a vehicle in an unusable condition for a period longer than is reasonably required to effect necessary repairs.
- 7.3 Whenever a vehicle registered within the Institute is driven, ridden or parked in contravention of the rules set out in Section 7.2 it shall be presumed that it was so driven, ridden or parked by the persons in whose name the vehicle has been registered with the Institute unless proven otherwise.

7.4 Penalties

- 7.4.1 The Wardens, Proctors and such other persons so authorised by the Vice Chancellor shall have the power to investigate breaches of the Rules contained in this section and to impose the following penalties:

For a first offence: a fine not exceeding 20% of the annual tuition.

For a second offence: a fine of not exceeding 30% of the annual tuition.

- 7.4.2. In the case of a third or subsequent offence, the name of the offender, with particulars of his previous offences under this section, shall be reported to the Senior Proctor, who shall exercise appropriate authority in terms of Rule 4.

8. RULES OF PROCEDURE IN DISCIPLINARY PROCEEDINGS BEFORE THE SDC.

- 8.1 The Chairman of the SDC shall regulate proceedings in a manner as simple and informal as possible, which is, notwithstanding, best fitted to do substantial justice and at all times in accordance with the principles of natural justice. More particularly a student charged with breach of the Rules of Student Conduct and Discipline shall at any investigation thereof before the SDC and with no derogation of his/her rights in terms of Section 27 of the Act: -
- 8.1.1 be furnished with a full and fair opportunity to meet such allegations if he so desires;
 - 8.1.2 be permitted to present any relevant facts or call any witnesses capable of giving testimony relevant to the investigation;
 - 8.1.3 be permitted to put questions to witnesses save those that are irrelevant, frivolous or vexatious;
 - 8.1.4 be permitted to be present at all times save when the SDC is deliberating upon its decision of the matter; and

- 8.1.5 be advised as fully and clearly as possible of the SDC's decision or recommendation and of its reasons for arriving at that decision or recommendation.
- 8.2 The Proctors and Wardens shall conduct any proceedings before them in accordance with Rule 8.1 **only**.
- 8.3 In the event of the Legal Proctor conducting an investigation before the SDC, it shall further be his/her duty: -
- 8.3.1 to elicit all evidence brought to his/her attention which is relevant to the investigation and admissible, whether favourable to or prejudicial to the student whose conduct is the subject thereof;
- 8.3.2 if so required by the SDC, to advise as to the issues which they have to decide and as to any point of law or procedure so as to ensure that the conduct of the investigation is consistent with the principles of natural justice;
- 8.3.3 to be absent at all times from the deliberations of the SDC upon its final judgements.
- 8.4 A notice to a student summoning him/her to appear before the SDC for investigation of an alleged breach of these Rules of Student Conduct and Discipline shall be contained in a letter addressed to him/her and advising him/her of: -
- 8.4.1 the place at which he/she is to attend;
- 8.4.2 the date and time at which he/she is to attend; provided that such date shall be not less than 5 days after the date upon which such notice is received;
- 8.4.3 the rule which he/she is alleged to have contravened and full particulars of his/her alleged contravention;
- 8.4.4 his/her right to make any relevant statements he/she wishes to the Committee;
- 8.4.5 his/her right to call witnesses to attend and give any relevant testimony on his/her behalf before the Committee;
- 8.4.6 his/her right to be accompanied and represented before the SDC by a legal practitioner; and
- 8.4.7 the right to furnish to the Proctors in advance of the investigation any information which he/she deems relevant to the investigation and which he/she wishes to have given due consideration.
- 8.5 A member of the SDC who has acquired, other than in the course of his Institute life, knowledge of evidence in an investigation of misconduct to be held before the SDC, shall not participate in such an investigation.

- 8.6 The SDC shall only find a student to have committed a breach of the Rules of Student Conduct and Discipline when it is satisfied beyond reasonable doubt that the student has committed such breach.
- 8.7 In the event of the SDC finding a student to have committed a breach of the Rules, either on the student's own admission or at the conclusion of an investigation, it shall, before determining the punishment it should impose on the terms of its recommendation to the Vice Chancellor, permit such a student a full opportunity to make a statement or produce evidence which he/she wishes to be taken into consideration in mitigation of his/her punishment.
- 8.8 The Chairman of the SDC shall keep full notes of any proceedings before it but these need not be a verbatim record.
- 8.9 As soon as possible after the conclusion of a SDC hearing, the Chairman shall convey a full report to the Vice Chancellor for consideration in terms of the Act.
- 8.10 The Registrar shall inform the student involved of the final decision by the SDC as endorsed or varied by the Vice Chancellor.

9.0 SEXUAL HARASSMENT DEFINITION

9.1 Introduction

This section (Article 9) addresses issues pertaining to sexual harassment only. The areas of timeframe, confidentiality, informality and gravity of the case are recognized. At all stages natural justice principles are observed for all parties.

9.2 Sexual Harassment Definition

Sexual Harassment means intimidation, bullying or coercion of asexual nature, or unwelcome or inappropriate promise of rewards in exchange for sexual favours; unwelcome sexual advances or verbal or physical conduct of a sexual nature which has the purpose or effect of unreasonably interfering with the individual's work or academic performance, undermine job security or creating an intimidating, hostile, abusive or offensive working or learning environment.

9.3 Sexual Harassment Procedures; Informal Approach

9.3.1 When a Student of the Institute feels that he/she is being or has been sexually harassed, such a student ('the Complainant') is encouraged, but not obliged, prior to adopting the formal procedure outlined below, to advise the alleged offender that such behaviour is unwelcome, must be stopped or must not occur again. Any persistence is interpreted as sexual harassment. This approach may also be made by a representative of the complainant on his or her behalf.

9.3.2 The following guidelines shall apply:

9.3.2.1 The complainant and/or his/her representative (if any) may discuss the matter informally with the Senior Proctor or any of the Proctors or any officer of the Institute:

- 9.3.2.2 The Complainant, his/her representative (if any) and/or any of the officers mentioned above (9.3.2.1.) with whom the matter is discussed may at this stage attempt in turn to resolve the matter by discussing it informally with the alleged offender; Before doing so, the Officer shall seek the advice of the Vice Chancellor through the Senior Proctor's Office;
- 9.3.2.3 The Officer shall without undue delay, where possible not later than 7 working days advise the Complainant and/or his/her representative (if any) of the outcome of the informal discussion with the alleged offender.

9.4 **Sexual Harassment Procedures; Formal Approach**

- 9.4.1 If the Complainant is dissatisfied with the result of the informal approach, or the sexual harassment does not cease, or it has not been possible to approach the alleged offender without the formal grievance procedure set out in this paragraph (9.4) being invoked, then, the complainant and/or his/her representative shall take up the matter further in writing with the Student Disciplinary Committee.
- 9.4.2 The Formal approach shall adopt the following guidelines:
 - 9.4.2.1 At this stage, the Student Disciplinary Committee shall be responsible for notifying the alleged offender that the matter is being taken further (considered as a misconduct) and may result in disciplinary action and that the alleged offender has the right to seek representation.
 - 9.4.2.2 The Student Disciplinary Committee, as soon as possible, say 7 working days from receiving a relevant request, cause separate investigatory meetings and determine if there is need for a hearing.
 - 9.4.2.3 The Student Disciplinary Committee shall without undue delay, where possible 7 working days from receiving determination in 9.3.2.3 above, cause sitting of the Student Disciplinary Committee or advise the Complainant and the alleged offender and/or their representatives (if any) in writing of the outcome of the investigations and, in particular, but without limitation, of any action to be taken by or against the alleged offender for the purposes of the protection of the Complainant. In the event that the Complainant or the alleged offender is aggrieved with the outcome of the investigation and/or the action to be taken, he/she shall have a right of appeal.

9.5 **Contacting the Police**

- 9.5.1 No aspect of the Sexual Harassment Procedures shall operate so as to prejudice or prevent the rights of the Complainant at any time to contact the police in order to obtain protection for himself or herself should the Complainant consider that to be appropriate or necessary.
- 9.5.2 No other action shall operate so as to prejudice or prevent the rights of the Complainant at any time to approach Institute structures in order to obtain protection for himself or herself should the Complainant consider that to be appropriate or necessary.

9.6 **Confidentiality**

9.6.1 It shall be a fundamental aspect of the Sexual Harassment Procedures that, wherever possible, the utmost confidentiality, in respect of both the Complainant and the alleged offender, is maintained throughout any investigations and/or proceedings brought under the Sexual Harassment Procedures. Accordingly, file references and other correspondence regarding sexual harassment will be kept to a necessary minimum and, except where ordered by a court of competent jurisdiction or generally under law, no disclosure of such investigations and/or proceedings including their recommendations and results, shall be made to any third party (that is, any party not directly concerned with or affected by the investigations and /or proceedings in question).

9.7 **Discretion and Review**

9.7.1 The Sexual Harassment Committee shall consist of The Dean of Students (Chair), Senior Assistant Registrar Human Resources, Coordinator Campus Life and Student Development, Nursing Sister, Senior Chaplain and four Student Representative Council members with equal sex representation.

9.7.2 Any matter or incident or incidents which relates to sexual harassment but is not expressly covered in this document shall be referred to the Sexual Harassment committee. The Sexual Harassment Committee shall act promptly by implementing such procedures and penalties as it, in its discretion, considers reasonable for the resolution of such matter or incident.

9.8 **The Sexual Harassment Review**

9.8.1 The Sexual Harassment Policy and Procedures will be subject to ongoing review by the Sexual Harassment Committee. The Sexual Harassment committee shall make recommendations as appropriate from time to time to Student Affairs Committee, which shall, if necessary, bring the matter to attention of The Institute Board for the purpose of implementation of the relevant recommendations.

9.9 **Penalties**

9.9.1 All Sexual Harassment cases shall be reported to The Senior Proctor's office, who shall without exception report all cases to the Vice Chancellor.

9.9.2 The Senior Proctor in consultation with other Proctors shall decide on the gravity of the case and decide on the course of action.

9.9.3 The Senior Proctor after consultation with other Proctors, shall have the power of *the option* to sanction a first offender a fine not exceeding 30% and not below 10% of annual tuition fees on cases considered minor.

9.9.4 In the case of a second and subsequent offence; the student shall appear before SDC as outlined in items of rule 8 except that the case will be heard within a timeframe of two weeks.

9.9.5 Where there is allegation of rape or and sexual assault the Institute shall invite the Police to investigate while the University processes will deal with the case simultaneously.

9.9.6 All Sexual Harassment cases shall be withdrawn through the SDC route.