

REPUBLIC OF RWANDA



**HIGHER EDUCATION COUNCIL
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**STUDENT REGULATIONS AND DISCIPLINARY PROCEDURES
IN HIGHER EDUCATION**

Revised April, 2007

**STUDENT REGULATIONS
AND DISCIPLINARY PROCEDURES
PURPOSE AND SCOPE**

1. These regulations and procedures apply to all students of public-sector higher education institution in Rwanda. (Staff behaviour and discipline is covered in the *Staff Regulations and Disciplinary Procedures*.) Cheating and plagiarism, and failure to attend teaching sessions and examinations, are covered in the *General Academic Regulations*. These Regulations cover other forms of unacceptable behaviour.
2. Higher education institutions have a duty of care with regard to their students and staff, and a satisfactory standard of behaviour is required from both students and staff (a) in order for the institution to function and (b) that students can freely follow their courses of study. Institutions have a positive role to play in encouraging all students to perform responsibly and effectively in their studies and helping to solve problems that are hindering them from doing so.
3. It is, therefore, anticipated that in all except criminal matters every effort will be made by staff to resolve matters informally through day-to-day counselling and advice before the formal procedure is invoked. Should the required improvement not be forthcoming or if the perceived disciplinary problem is sufficiently serious, the formal procedure should be adopted.
4. The purpose of the procedure is to provide guidelines and a structure to ensure that disciplinary matters are dealt with promptly, fairly, consistently and in a transparent and accountable manner. The emphasis should be on the identification and correction of problems rather than on punishment.

ALLEGATIONS OF CRIMINAL MISCONDUCT

5. Where any member of staff receives an allegation of criminal misconduct against a student, he or she shall record the allegation (but without undertaking any further investigation or attempting to test the evidence). If the nature of the allegation suggests danger to any student or member of staff the matter shall be reported immediately to the police. If this does not appear to be the case, the staff member to whom the allegation is reported shall immediately consult the Rector, or in his or her absence one of the Vice Rectors, or in their absence another member of senior staff.
6. Unless there is, quite clearly and beyond dispute, no basis to the allegation, the senior member to whom the allegation is reported shall immediately consult the Rector or one of the Vice Rectors if they can be contacted, and then report the matter to the police.
7. If the police decide to proceed with the case, staff and students shall cooperate fully with them. No further internal investigation of the alleged offence shall take place until the police have completed their investigations.
8. If the police do not detain the alleged offender, and it seems to him or her that staff or students could be in danger, the Rector or the most senior member of staff present shall

exclude the alleged offender from the campus. This action must be confirmed by the Rector or Vice Rector Academic within 24 hours, and a notice of suspension issued.

9. If the police decide not to proceed with the allegation, or when their investigation is complete, the Rector and Vice Rectors shall confer to decide whether to proceed with internal disciplinary procedures.
10. A student convicted of and imprisoned for a serious criminal offence may be permanently excluded from the campus by the Rector without further investigation or disciplinary procedure.
11. In other cases where a student is convicted of an offence, guilt of the offence may be taken as proven but the disciplinary procedures shall be used to determine the penalty to be applied by the institution. If the police decide not to proceed with the case, this does not preclude the institution from proceeding with the disciplinary procedures.

INTERNAL DISCIPLINARY PROCEDURES – GENERAL PRINCIPLES

12. No disciplinary action will be taken against a student until the case has been fully investigated.
13. In reaching a disciplinary decision, note should be taken of the evidence for the alleged misconduct, its gravity and the disciplinary record of the student.
14. All allegations of misconduct shall be reported in the first instance to the Vice Rector Academic or the Registrar. It shall be his or her duty to decide, in consultation with the Dean of the Faculty responsible for the student's course of studies, whether the case initially presented is sufficient to call for further investigation and/or the use of disciplinary procedures.
15. Except for gross misconduct, no student will be permanently excluded from the campus for a first breach of these regulations.
16. A student will have the right of appeal against any formal disciplinary action.
17. A student will at all stages have the right to be accompanied by a friend not acting in a professional capacity, and the Students' Union shall have the right to send a representative to any disciplinary hearing.

STAGES OF DISCIPLINARY PROCEDURE FOR LESS SERIOUS OFFENCES

18. 'Less serious offences', in these regulations, is defined as misconduct which inconveniences, offends or harms staff or other students or puts them at risk, or causes damage to the institution's property, but does not make it difficult or impossible for the institution to trust the offender or staff or students to work with him or her. For the purposes of this disciplinary procedure the term includes, but is not restricted to, cases of:
 - Smoking in designated non-smoking areas;
 - Unsatisfactory behaviour towards staff or in class;
 - Use of mobile telephones in lecturers or other teaching sessions, in the Library or during examinations;

Breach of safety regulations;
Misuse of institutional facilities;
Discriminatory behaviour on the grounds of sex, marital status, disability, race, ethnic origin, nationality, age, religious or political beliefs or socio-economic background;
Contravention of the institution's rules and/or regulations;
Wilful refusal to carry out a reasonable request or instruction.

19. *Stage 1* - If the level of alleged misconduct is such that the Vice Rector Academic and Registrar decide, on a preliminary view, that a formal oral warning may be appropriate, they will inform the student and they will convene a hearing. The hearing will involve the student (and his/her representative, if any), the Vice Rector Academic, the Registrar and the Dean of the Faculty responsible for the student's course of study, or his/her representative. At the end of the hearing, and if the student admits the offence, the Vice Rector, Registrar and Dean will decide whether to issue a formal oral warning. If a formal oral warning is delivered, this fact shall be recorded. If the student denies the offence, and the balance of the evidence and argument presented to the Vice Rector Registrar and Dean is judged by them to support the allegation, then the institution shall proceed to Stage 2 of these proceedings.
20. *Stage 2* - if the level of alleged misconduct is such that a formal written warning is judged appropriate or the student has failed to heed an initial oral warning, a formal hearing will be held involving the same personnel as for Stage I. If the student concurs in a finding of misconduct and has no previous disciplinary record, then a formal written warning shall be issued stating clearly the nature of the offence and what the student is required to do or refrain from doing. If there is a record of misconduct and/or the student does not concur in the judgment, the Vice Rector, Registrar and Dean shall determine whether to issue a written warning or proceed to Stage 3.
21. Students have a right of appeal following any disciplinary action. (See Paragraph 16.)
22. *Stage 3* - If a student has failed to heed a formal written warning, the Vice Rector Academic will then convene a Stage 3 hearing involving the same personnel as for the preceding level. On the basis of this hearing they shall decide whether it is appropriate to issue another written warning or a final written warning
23. The Rector will hear any appeal against a final written warning.
24. The outcome of any level of disciplinary hearing shall be notified to the student orally and in writing within three days of the date of the hearing. The notification shall include details of the complaint, a clear specification of the improvement required, the timescale within which improvement must be achieved and consequences of failure to improve or repetition of the offence.
25. A record will remain on the student's personal file for a year after a formal oral warning and for two years after a written warning. The student will be informed when the record is expunged and may apply to have it expunged on the appropriate date.

DISCIPLINARY PROCEDURES FOR GROSS MISCONDUCT

26. 'Gross misconduct' is defined in these Regulations as misconduct serious enough to make any further working relationship with staff and or other students very difficult, if not impossible.' Gross misconduct' includes, but is not limited to, cases of:
- theft;
 - fraud, including deliberate falsification of records;
 - fighting;
 - assault on another person (including sexual assault);
 - bullying and harassment of a student or a member of staff (including sexual harassment);
 - harassment on the grounds of sex, marital status, disability, , race, ethnic origin, nationality, age, religious or political beliefs or socio-economic background;
 - deliberate damage to the institution's property;
 - incapability on campus through alcohol or being under the influence of illegal drugs;
 - negligence which causes or risks unacceptable loss, damage or injury;
 - continued refusal to carry out a reasonable request or instruction;
 - wilful and/or confirmed breach of safety rules;
 - disregard of or failure to comply with the provisions of a final written warning for repeated less serious misconduct.
27. Where a student is accused of gross misconduct, as defined in Paragraph 26, the Vice Rector Academic (or, in his/her absence, the Registrar or the Dean of the Faculty responsible for the student's course of studies) may, following consultation with the legal advisor, exclude the student from campus, pending a hearing to consider the appropriate action to be taken. The hearing will be convened as soon as possible thereafter and in all cases within fourteen days. This hearing will involve the same personnel as a Stage I hearing plus the Director of Quality or a full professor from outside the student's Faculty..
28. Any student excluded under 27 above shall be entitled to receive written notification of the suspension from the Vice Rector Academic within three calendar days (excluding weekends and Public Holidays), setting out the grounds on which the decision to suspend has been taken. Exclusion would normally take place only when investigation is inhibited or there is a risk to students or staff.
29. The procedures for a hearing for gross misconduct shall be the same as those for Stage 3 hearings (above), but including also the Director of Quality or a full professor from outside the student's Faculty. If the student is found guilty of gross misconduct, then more serious forms of disciplinary action may be taken. These further actions are:
- a) Exclusion from campus for a fixed period of up to three years (following failure to comply with a final written warning);
 - b) Permanent exclusion from campus
 - d) In exceptional mitigating circumstances, a final written warning (following gross misconduct).
- The hearing shall also determine whether or not to allow the student to be awarded any academic qualification he or she may have earned so far in his or her course of studies.

RIGHT OF APPEAL

30. All students have a right of appeal following any disciplinary action. Only one appeal is allowed against the outcome of any one stage of disciplinary action. Notice of intention to appeal shall be submitted in writing to the Vice Rector Academic within seven calendar days of the receipt of written confirmation of disciplinary action.
31. An appeal hearing will be held at a time mutually agreed, but not later than twenty-one calendar days following the notification of appeal. The appeal will be held in accordance with the Format for Disciplinary Hearings, detailed in an Appendix to these Regulations, and shall be conducted by the Vice Rector Academic, the Registrar and a Dean from a Faculty not responsible for the student's course of studies.
32. Appeals against final formal written warnings or exclusion from campus shall be heard by the Rector. In the case of an appeal against a decision to exclude the student from campus, the exclusion shall not take effect until the appeal has been determined.
33. Any student who has been excluded from campus for four weeks or more without a formal hearing may appeal in writing to the Rector against the exclusion, who shall determine the appeal as soon as practicable. A suspension against which an appeal is made shall continue to operate pending the determination of the appeal.

APPENDIX:

The following format outlines the sequence of events, which should be followed once a decision has been taken that disciplinary action is necessary.

a) Once the decision has been taken to initiate the disciplinary procedure, the student concerned should be informed in writing of:

- i) The nature of the complaint and the fact that the hearing is to be a disciplinary one;
- ii) The place, date and time of the hearing;
- iii) Their right to be accompanied by a representative.

This should be at least seven calendar days before the date of the hearing in order to allow the student to prepare their case.

b) A thorough investigation should be made to determine all the relevant facts. It is important that this takes place as soon as possible following the alleged misconduct. Copies of any statements taken from staff or students, which will be used at the hearing, should be given to the student at least three calendar days before the hearing.

c) Once all parties have been assembled for the hearing, the procedure to be followed should be:

- i) Those present should be introduced to the student and an explanation given for their attendance;
- ii) The precise nature of the alleged misconduct by the student should be stated;
- iii) The case against the student should be outlined by the presentation of evidence that has been collected;
- iv) The student should be allowed to present his/her case, which may involve the use of evidence and/or the calling of witnesses;

d) If at any time evidence is brought forward which needs further investigation, the hearing should be adjourned and a time and date agreed for it to be reconvened;

e) A period for general discussion should be allowed, during which both sides can ask questions and provide explanations of points which have been raised;

f) If it becomes apparent that there is no firm basis for the allegation of misconduct, or the student has provided an adequate explanation, then the proceedings should be stopped;

- g) The main points concerning the alleged misconduct and the evidence provided by both sides should be summarised to ensure that nothing has been overlooked by either side;

- h) Before reaching a decision, in all but the simplest cases, the hearing should be adjourned to allow for a period of consideration of all the points raised, the past record of the student, any extenuating circumstances and any actions previously taken in similar cases;

- i) When a decision has been reached, the hearing should be reconvened. The student should be informed of the disciplinary action to be taken, if any. If disciplinary action is to be taken, the student should be informed of the appeal procedure and how it operates. In the case of warnings, details of expected improvement, time span of warning and the consequences of a failure to improve should also be stated.

- j) When any disciplinary action is taken, written details confirming the actions taken, details of the appeal procedure, expected improvements, time span of warning and consequences of failure to improve, should be delivered either by hand to the student or by registered post to his/her home address.

- k) For all forms of disciplinary action it is important that a record is made for future reference if necessary.

- l) It is the responsibility of the Dean of the Faculty responsible for the student's course of studies to ensure that staff monitor the student's progress and behaviour, following disciplinary action, to ensure that expected improvements are achieved.