

## CHAPTER 5

### CODE OF DISCIPLINE

#### 5.1 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 University Statutes and Regulations are available on the website of the University (<http://www.uom.ac.mu>).
- (ii) 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.

#### 5.2 DISCIPLINARY POWERS

##### 5.2.1 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 his/her absence, a Pro-Vice-Chancellor) the power to act in any situation which in his/her 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.

##### 5.2.2 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).

### 5.2.3 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.

- (i) Discipline Committee (Examination & Plagiarism) which is guided by:
  - Section 6.11 (Examination Irregularities); and
  - Section 7.5 (Procedures for Handling Plagiarism and Fabrication or Falsification of Result(s)/ Document(s)).
- (ii) Discipline Committee (Conduct of Students & University Discipline) which is guided by:
  - Section 3.8 (Conduct of Students & 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 his/her period of office for membership of the other.

## 5.3 DISCIPLINE COMMITTEE (EXAMINATION & PLAGIARISM)

### 5.3.1 Membership

The Discipline Committee (Examination & Plagiarism) will comprise five members as detailed below:

One Chairperson	A permanent Chairperson shall be appointed for a period of two years. S/he should be a Professor with relevant experience in administration.
Two (2) academic staff of UoM	One senior academic staff who is a Professor and will be the alternate Chairperson. One senior academic staff from any Faculty/ Centre (not necessarily a Professor).
Two (2) Students' Representatives	Two students' representatives shall be appointed by Senate on the recommendation of the Students' Union. The students may both be registered in the same Faculty/ Centre of the UoM or may be from different Faculties/ Centre.
Two (2) Alternate Students' Representatives	The alternate students' representatives will replace the students' representatives in case the latter will be absent or if they have declared interest.

The Chairperson, the two academic staff and at least one Students' Representative should be present at the Discipline Committee to constitute a quorum.

In case any staff member of the Discipline Committee declares interest with respect to a case, s/he 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/ Centre shall be appointed by Senate for a period of two years and in order of priority as alternate members.

The membership of the Committee is valid for two (2) years as from the date of appointment by Senate except for the students' representatives whose membership may change on the recommendation of the Students' Union and which have to be approved by Senate.

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; s/he shall issue all correspondence with respect to convening a meeting and to sign same as "Secretary of Discipline Committee".

#### **5.3.2 Proceedings of the Discipline Committee (Examination & Plagiarism)**

- (i) The Committee shall consider cases referred to it by a Dean of Faculty/ Centre Director or by the Registrar in the case of examination irregularities and plagiarism.
- (ii) The Secretary of the Discipline Committee on receipt of a complaint shall convene a meeting of the Committee.
- (iii) 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 his/her Faculty/ Centre Office at least five working days (excluding 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 his/her absence.
- (iv) The student against whom the complaint is made has to fill in the Student's Report Form (Examination Irregularity/ Plagiarism) available at the Faculty/ Centre Registry. A copy is also found at the end of this chapter. The filled form should reach the Secretary of the Discipline Committee not less than three (3) working days (excluding Saturdays, Sundays & Public Holidays) before the date the hearing of the Discipline Committee is scheduled.
- (v) 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 his/her intention to do so at least three working days (excluding Saturdays, Sundays & Public Holidays) before the date appointed for the meeting.

(vi) 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 (excluding Saturdays, Sundays & Public Holidays) before the date appointed for the meeting.

- (vii) The student against whom the complaint is made has the right to give evidence except if s/he elects not to do so. The complainant should give evidence in support of the complaint and can be cross-examined by the student and/or his/her representative. The Committee may also require the witnesses for both parties to give evidence before it and the presentation of such further evidence as it deems appropriate.
- (viii) Either party may request an adjournment of not more than seven days.
- (ix) 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.
- (xi) The Registrar shall inform the student in writing of Senate's decision.

#### **5.3.2.1 Structuring of Proceedings/ Hearings of the Discipline Committee (Examination & Plagiarism)**

- (i) 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.
- (ii) 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.
- (iii) For students who have pleaded guilty in the Student's Report Form (Examination Irregularity/ Plagiarism) and who have chosen not to appear before the Discipline Committee, 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.
- (iv) For students who have pleaded guilty in the Student's Report Form (Examination Irregularity/ Plagiarism) and who have chosen to appear before the Discipline Committee, the Secretary shall inform the students about his/her

rights namely that s/he has the right to present any explanation in relation to the penalty/penalties which may be imposed upon him/her and his/her explanation in mitigation should be heard and recorded before any decision is taken.

- (v) For students who do not plead guilty in the Student's Report Form 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 (v) (b) above.
  - (d) Witnesses shall then be called to depone; they shall normally be Invigilator(s)/ Examiner(s)/ Supervisor(s)/ Assessor(s)/ Administrative Officers or any other Student/ Officer as determined by the Discipline Committee.
  - (e) If the need arises, the Meeting may be adjourned to seek expert advice (legal or psychological) or consolidate the statements from other witnesses.
  - (f) 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.
  - (g) Based on the reports, statements, evidences provided and the transcript of the student, the Committee will decide on the penalty(ies) to be imposed, from the approved list of penalties for breach of Examination Regulations and Plagiarism as indicated in Section 5.3.3.
  - (h) The Secretary shall prepare the report to be submitted to Senate; same will be circulated to all members of the Committee; consolidated views/ suggestions, if applicable, of members will 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 Chairperson of Senate within fifteen days as from the conclusion of the Discipline Committee Proceedings.
  - (i) Exceptionally, the Chairperson 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.

### **5.3.3 Penalties Imposed in case of Breach of Examination Regulations & Plagiarism**

- (i) The Discipline Committee (Examination & Plagiarism) shall make its own assessment of the gravity of the offence and will accordingly recommend **one penalty or more from the following list of penalties**, for Senate's approval.

When determining the penalty to be imposed, account shall be taken of the consequences which the penalty will have for the academic progress of the student concerned.

- (ii) Any student found guilty of Breach of Examination Regulations & Plagiarism will be given a **formal reprimand and warning about future behaviour**. In addition, penalties from the list as at (ii) (A) and (iii) (B) will be imposed.

(iii) **List of Penalties**

(A)	<p>The following will be applicable:</p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> offence: a fine of Rs 5,000/- and/or suspension from the University as provided under paragraph 5.3.3 [(iii) (B) (v)] of the Regulations;</li> <li>• 2<sup>nd</sup> offence: a fine of Rs 10,000/- and/or suspension from the University as provided under paragraph 5.3.3 [(iii) (B) (v)] of the Regulations;</li> <li>• 3<sup>rd</sup> offence: <u>either</u> suspension from the University <u>or</u> expulsion from the University as provided under paragraphs 5.3.3 [(iii) (B) (v)] and 5.3.3 [(iii) (B) (vi)] of the Regulations.</li> </ul>
(B)	<p>(i) Board of Examiners be requested to reduce the marks awarded for the module in which breach occurred by an amount to be determined by it.</p> <p>(ii) Passmark to be awarded for the module in which breach occurred.</p> <p>(iii) Award mark of ‘zero’ for module in which breach occurred and retake (<i>or resit, where this is allowed in the Programme</i>) of module. Pass mark to be awarded if student passes the retake or resit module.</p> <p>(iv) Award mark of ‘zero’ for module in which breach occurred and retake (<i>or resit, where this is allowed in the Programme</i>) of module. Pass mark to be awarded if student passes the retake or resit module; and</p> <ul style="list-style-type: none"> <li>• Pass mark to be also awarded for all passed modules registered for the examination session where breach occurred;</li> <li>• Pass mark to be also awarded for passed retake module(s) (as and when next offered) arising from failed/ incomplete module(s) (<i>for which Grade N has/have been assigned</i>) which were examinable in the examination session where the breach occurred.</li> </ul> <p>If CPA &lt; 40 by applying above whereby student has to repeat the year, then student will be awarded pass mark in the module in which breach occurred in the academic year when s/he is repeating the year if s/he passes the module and take all other modules afresh.</p> <p>(v) Suspension from the University for a fixed period, up to a maximum of twelve months. A student who is so suspended will not be allowed to re-register for the Programme of Study on which s/he is registered and will be denied access to the UoM Student email and to the Student On-line Module Registration System; in addition, s/he will be prohibited from participating in any University activities during the suspension period.</p> <p>(vi) 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 any Programme of Study until after a period of two years upon termination of registration.</p>

- (iv) Any student found guilty of a breach of examination regulations or plagiarism for a particular Programme shall **not** be eligible for any prize or medal or scholarship, **throughout his/her stay** at UoM as a registered student for that Programme.
- (v) In addition to the above penalties, for all in-service or commissioned Programmes run by the University or any Partner/ Affiliated Institution, information on any student found guilty of a breach of examination regulations or plagiarism, will be communicated to the relevant sponsoring department/ institution/ organisation.

**Note:**

**Students will not be re-admitted to the University following a suspension if the fine (if applicable) is not paid.**

**5.4 DISCIPLINE COMMITTEE (CONDUCT OF STUDENTS & UNIVERSITY DISCIPLINE)**

**5.4.1 Membership**

Two (2) Professors/ Associate Professors	From two (2) different Faculties/ Centre (to be appointed by Senate). One to be appointed as Chairperson.
Three (3) members not being students	Appointed by the Vice-Chancellor (to include academics from legal, psychology and human resource management backgrounds, where appropriate)
Two (2) Students' Representatives	Appointed by Senate on the recommendation of the Students' Union

The Secretary of the Discipline Committee shall be the Registrar or his/her representative.

Four (4) persons shall constitute a quorum.

The membership of the Committee is valid for two (2) years as from the date of appointment except for the Students' Union representatives whose membership may change on the recommendation of the Students' Union and which have to be approved by Senate.

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.

**5.4.2 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 Registrar or by the Chief Librarian (or representative) in the case of Breach of Regulations for the Conduct of Students & University Discipline.

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

- (ii) Only those cases which cannot be dealt with at Faculty/ Centre Level should be referred to the Discipline Committee.
- (iii) The Secretary of the Discipline Committee, 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 his/her Faculty/ Centre Registry at least five (5) working days (excluding 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 his/her absence.
- (v) The student against whom the complaint is made has to fill in the Student's Report Form (Conduct of Students & University Discipline) available at the Faculty/ Centre Registry. A copy is also found at the end of this chapter. The filled form should reach the Secretary of the Discipline Committee not less than three (3) working days (excluding Saturdays, Sundays & Public Holidays) before the date the hearing of the Discipline Committee is scheduled.
- (vi) 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.
- (vii) 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.
- (viii) The student against whom the complaint is made may bring to the Committee a witness/ person to represent him/her and shall inform the Secretary of his/her intention to do so at least (3) working days (excluding Saturdays, Sundays and Public Holidays) before the date appointed for the meeting.
- (ix) 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 (excluding Saturdays, Sundays and Public Holidays) before the date appointed for the meeting.

- (x) The student against whom the complaint is made has the right to give evidence except if s/he elects not to do so. The complainant should give evidence in support of the complaint and can be cross-examined by the student or his/her representative. The Committee may also require the witnesses for both parties to give evidence before it and 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.

- (xi) 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.
- (xii) The Registrar shall inform the student in writing of Senate's decision.

#### **5.4.2.1 Structuring of Proceedings/ Hearings of the Discipline Committee (Conduct of Students & University Discipline)**

- (i) In case there has not been a pre-hearing meeting, members of the Committee will discuss the case briefly and 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 (Conduct of Students & University Discipline) 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 have pleaded guilty in the Student's Report Form (Conduct of Students & University Discipline) and who have chosen to appear before the Discipline Committee, the Secretary shall inform the students about his/her rights namely that s/he has the right to present any explanation in relation to the penalty/penalties which may be imposed upon him/her and his/her explanation in mitigation should be heard and recorded before any decision is taken.
- (iv) 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 (iv) (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.

- (e) 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.
- (f) If the need arises, the Meeting may be adjourned to seek expert advice or consolidate the statements from other witnesses.
- (g) 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.
- (h) Based on the reports, statements, and 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 5.4.3**.
- (i) The Secretary will prepare the Report to be submitted to Senate and same will be circulated to all members of the Committee. Consolidated views/ suggestions, if applicable, 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.
- (j) 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.

#### **5.4.3 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) To pay a fine;
  - (c) 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 during the suspension period;
  - (d) 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;

- (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/ Affiliated Institution, 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.
  - (b) Any student found guilty of a Breach of Regulations for the Conduct of Students & University Discipline when s/he is enrolled in a particular Programme shall not be eligible for any Prize or Medal or Scholarship during his/her registration as a student of that Programme.
- (iii) 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.

## 5.5 CASES FOR PARTNER AND AFFILIATED INSTITUTIONS

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

All cases emanating from Partner/ Affiliating Institutions should be prepared by the respective Director/ Principal.

The UoM authorities will charge an administrative fee of Rs 20,000/- per case per student for each case of alleged breach of University Regulations.

## 5.6 APPEAL

### 5.6.1 Appeals Committee

The Appeals Committee is an independent body, which is empowered to take a final decision on the appeal lodged by the student. It comprises five members as given hereunder:

Chairperson	A senior academic staff (at least at Associate Professor Level and preferably a former Dean), not being a registered student of University of Mauritius (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 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 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 may change on the recommendation of the Students' Union and which has to be approved by Senate.

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).

### **5.6.2 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(s), may appeal as of right to the Appeals Committee, by stating as clearly and concisely as possible his/her grounds of appeal, whether on merits or sentence or both.
- (ii) Students who have pleaded guilty either in the Student's Report Form or before the Discipline Committee may appeal against the penalty/ penalties imposed upon them in case they consider same to be excessive, by stating as clearly and concisely as possible his/her grounds of appeal, on sentence.
- (iii) Students who have pleaded not guilty, but who have been found to be guilty by the Senate may appeal to the Appeals Committee both against the decision of the Senate in relation to the merits of the case and against the penalty/ penalties imposed upon them, if they consider same to be excessive, by stating as clearly and concisely as possible his/her grounds of appeal, whether on merits and/or sentence or both.
- (iv) Any appeal of a student who has pleaded not guilty to the charge(s), against the decision of the Senate which has found him/her guilty, whether against the merits of the decision of the Senate and/or the penalty/ penalties imposed upon him/her, will as of right suspend the decision of the Senate, this pending the decision of the Appeals Committee.
- (v) Any appeal of a student who has pleaded guilty to the charge(s) against the penalty/ penalties imposed upon him/her by the Senate, will as of right suspend the penalty imposed by the Senate, this pending the decision of the Appeals Committee.

### **5.6.3 Mechanism for Appeal**

- (i) Senate approves the sanctions to be given to the Student who has breached the regulations upon the recommendation of the Discipline Committee.
- (ii) The Registrar informs the student of:
  - (a) the sanction(s) as approved by Senate; and

- (b) his/her right to appeal within fourteen (14) calendar days.
- (iii) Notice of appeals shall be lodged with the Senate through the Secretary to Senate within fourteen (14) calendar days of the Registrar's serving notice of the decision against which the student is appealing. Any Appeal received will as of right suspend the decision of Senate pending the decision of the Appeals Committee.
- (iv) In the case of Breach of Examination Regulations & Plagiarism or Conduct of Students & University Discipline, the notice of appeal shall be accompanied by the receipt of payment of the prevailing Appeal Fee, to be effected at the Finance Section.
- (v) The Secretary to Senate, on receipt of an application of appeal, shall send a copy of the Student's appeal to the Registrar, Faculty/ Centre concerned and the Secretary to the Appeals Committee for necessary actions at their levels.
- (vi) The Secretary to the Appeals Committee, on receipt of the copy of the Appeal, shall convene a meeting of the Committee.
- (vii) The Appeals Committee should reach a decision within normally one (1) month of receipt of the appeal.
- (viii) The decision of the Appeals Committee, will be sent back to Senate to take cognizance of same and proper actions taken to inform the student of the outcome of the appeal proceedings before the Appeals Committee.
- (ix) In case the decision of the Appeals Committee is in favour of the appellant, the whole amount of the prevailing appeal fee shall be refunded to him/her.
- (x) The Secretary to the Appeals Committee shall inform the Student, in writing of the decision of the Appeals Committee, following consideration by Senate.
- (xi) A flowchart pertaining to the mechanism for appeal is depicted.

#### **5.6.4 Proceedings of the Appeals Committee**

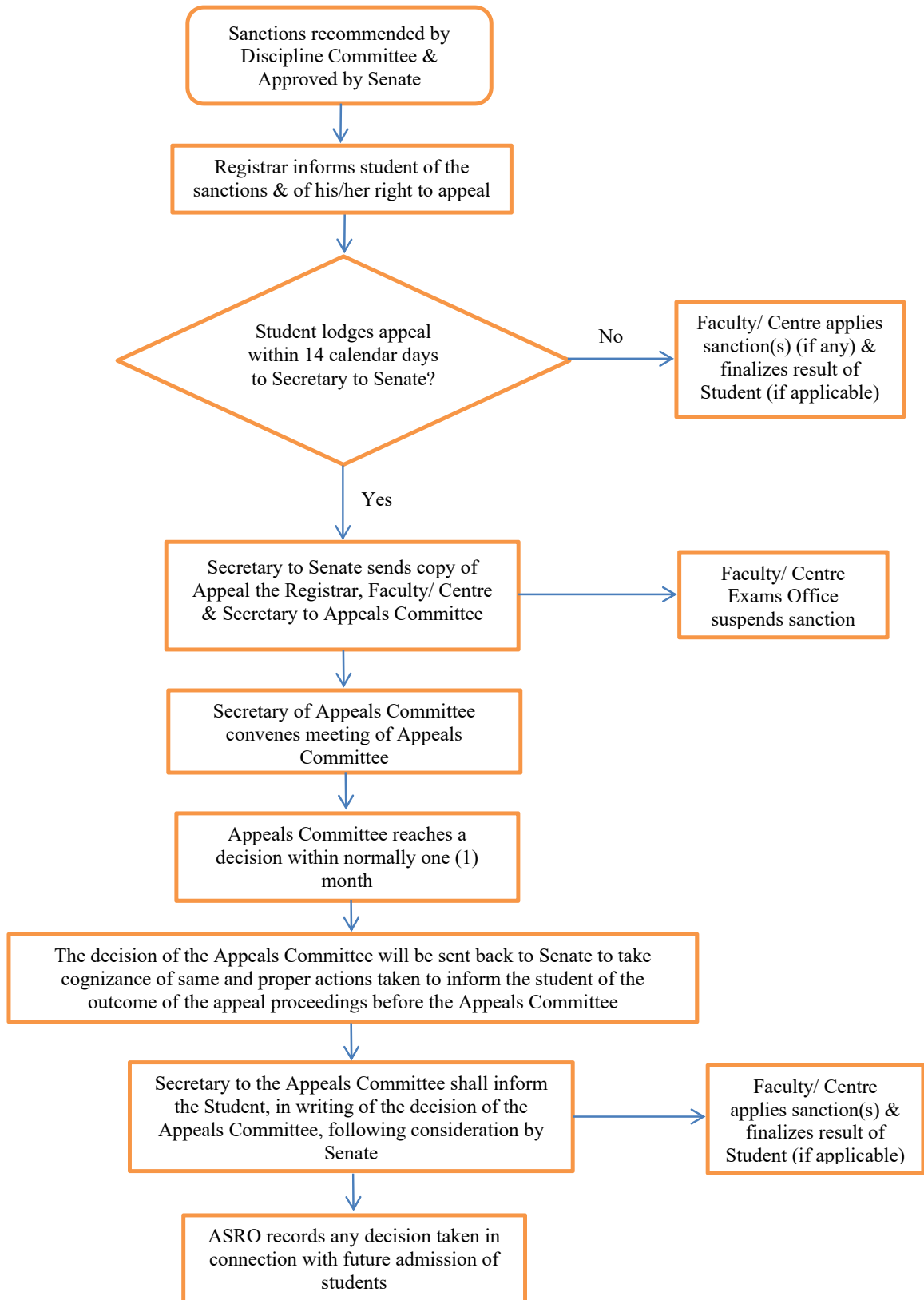
- (i) The appellant may bring to the Committee a person to represent him/her and shall inform the Secretary of his/her intention to do so at least twenty-four hours before the date appointed for the meeting.
- (ii) When the Committee meets to consider the appeal, it shall have before it all documents 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.
- (iii) The Appeals Committee may:
  - (a) set aside purely and simply the decision of the Senate; or
  - (b) confirm the findings and penalty/ penalties imposed by the Senate; or

- (c) vary the decision of the Senate by substituting such other recommendation or penalty/ penalties as it considers appropriate, provided that no recommendation or penalty/ penalties requires or implies a concession or exemption under the regulations governing the award of degrees or other qualifications.
- (iv) The Secretary of the Appeals Committee shall inform the appellant in writing of the decision of the Appeals Committee which shall not then be subject of further discussion or appeal.

#### **5.7 PAYMENT OF FINES**

- (i) A fine recommended by the Discipline Committee(s) 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 any action as it deems fit.

## FLOWCHART PERTAINING TO THE MECHANISM FOR APPEAL





# 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 FORM**

**PART A**

Full Name of Student: ..... ID No. of Student: .....

Address: ..... Contact No.: .....

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

**PART B**

**Choose as Appropriate**

**OPTION 1**

I plead guilty to the charge(s) (e.g. 1, 2 etc.)..... levelled against me as per letter dated ..... and I choose (*Please tick as appropriate*):

To appear before the Discipline Committee (Examination & Plagiarism) scheduled on a specified date and time that will be duly communicated to me, to offer mitigating explanations in relation to the penalty/penalties that may be imposed upon me. I understand that I will only be able to offer my mitigating explanations in relation to the penalty/penalties which may be imposed and that the merits of the case will not be discussed during the Discipline Committee;

Not to appear before the Discipline Committee (Examination & Plagiarism)

I understand that I may be accompanied by a legal advisor of my choice, either a barrister or an attorney duly entitled to practice in Mauritius.

I understand that for either option, I have the right to appeal to the Appeals Committee against only the penalty/penalties imposed upon me by the Senate should I consider same to be excessive.

**OPTION 2**

I plead not guilty to the charge(s) (e.g. 1, 2 etc.)..... levelled against me as per letter dated ..... and will appear before the Discipline Committee scheduled on a specified date and time that will be duly communicated to me.

I understand that I may be accompanied by a legal advisor of my choice, either a barrister or an attorney duly entitled to practice in Mauritius.

In case I feel aggrieved by the decision of the Senate, following the recommendation of the Discipline Committee, I understand that I have the right to appeal to the Appeals Committee on the findings of the Discipline Committee and/or the penalty/penalties imposed by the Senate.



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:.....

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**PART C**

**Please give a brief statement of your version of the facts, or any other clarifications you may wish to bring to the attention of the Committee. Students who have more than one charge levelled against them may wish to provide a brief statement/ clarification for each of the charges (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(s) to substantiate the above)*

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**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 Study: ..... Year/ Level of Study:.....

#### **PART B**

#### Choose as Appropriate

##### OPTION 1

I plead guilty to the charge(s) (e.g. 1, 2 etc.)..... levelled against me as per letter dated ..... and I choose (*Please tick as appropriate*):

- To appear before the Discipline Committee (Conduct of Students & University Discipline) scheduled on a specified date and time that will be duly communicated to me, to offer mitigating explanations in relation to the penalty/penalties that may be imposed upon me. I understand that I will only be able to offer my mitigating explanations in relation to the penalty/penalties which may be imposed and that the merits of the case will not be discussed during the Discipline Committee (Conduct of Students & University Discipline);
- Not to appear before the Discipline Committee (Conduct of Students & University Discipline)

I understand that I may be accompanied by a legal advisor of my choice, either a barrister or an attorney duly entitled to practice in Mauritius.

I understand that for either option, I have the right to appeal to the Appeals Committee against only the penalty/penalties imposed upon me by the Senate should I consider same to be excessive.

##### OPTION 2

I plead not guilty to the charge(s) (e.g. 1, 2 etc.)..... levelled against me as per letter dated ..... and will appear before the Discipline Committee (Conduct of Students & University Discipline) scheduled on a specified date and time that will be duly communicated to me.

I understand that I may be accompanied by a legal advisor of my choice, either a barrister or an attorney duly entitled to practice in Mauritius.

In case I feel aggrieved by the decision of the Senate, following the recommendation of the Discipline Committee, I understand that I have the right to appeal to the Appeals Committee on the findings of the Discipline Committee and/or the penalty/penalties imposed by the Senate.

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:.....

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**PART C**

**Please give a brief statement of your version of the facts, or any other clarifications you may wish to bring to the attention of the Committee. Students who have more than one charge levelled against them may wish to provide a brief statement/ clarification for each of the charges (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)*

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**PART E**

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

Signature of Student: .....

Date: .....