

# **REGULATION GOVERNING STUDENT CONDUCT**

## **Part 1 – PRELIMINARY**

### **P2. Short Title**

This regulation may be cited as the Student Conduct Regulation.

### **P3. Definitions**

In this regulation except where the context otherwise requires:

(a)“competent authority” includes the Vice-Chancellor & President, Deputy Vice- Chancellors, Heads of Academic Units, University Librarian, Directors, Group Managers, Managers, and Discipline/Programme Coordinators, and shall include all bodies, committees, and similar institutions of the University that have express or implied authority with respect to the occupancy, use or employment of University property or facilities.

(b)“Head of a campus or centre” means the individual appointed to oversee the particular campus or centre.

(c)“misconduct” means any conduct which is or tends to be subversive of discipline or which tends to bring discredit on the University or its students and includes the breach of any Statute, Ordinance or Regulation of the University.

(d)“student” means an individual enrolled with the University and includes a student under suspension.

(e)“University” means the University of the South Pacific.

(f)“University premises” means a campus or centre or any other property, building or facility that is owned, operated, occupied, controlled, rented or hired by the University.

(g)“weapon” means any object or article:

(i) having the purpose of causing death or injury to a person;

(ii) made or adapted for use to cause death or injury to a person; or

(iii) used or threatened to be used by a person to cause death or injury to another.

## **Part 2 – GENERAL CONDUCT**

C1. Students shall conduct themselves in a manner which is supportive of the common good and general well-being of the University and its community.

C2. Students shall show respect for the cultural, religious and linguistic diversity of members of the University.

C3. Students shall show respect for the gender, disability and sexual orientation of individual members of the University.

C4. Students shall maintain and observe the reasonable peace and quiet of a campus or centre of the University.

C5. Students while on a campus or centre of the University shall have in their possession at all times a valid student ID card and shall produce the same to an employee of the University on demand.

C6. (1) Subject to sub-regulation (2), no student shall:

(a) bring, possess or consume alcoholic beverages on a campus or centre of the University;

(b) be in the company of another person or persons (other than a member of the USP staff) whom he/she knows or suspects is bringing, or is in immediate possession of, or is consuming alcoholic beverages on a campus or centre of the University;

(c) consume alcoholic beverages in the vicinity of the Laucala campus, specifically Drew Street, Muanikau Street and the ocean areas surrounding the upper, lower and Statham areas of the Laucala campus;

(d) consume alcoholic beverages in the vicinity of any other campus or centre of the University designated as a dry zone by the Head of a campus or centre. This prohibition does not extend to staff quarters.

(2) Students may:

(a) on Laucala campus purchase and consume alcoholic beverages at the Community Recreation Centre during licensed opening hours;

(b) on any other campus or centre purchase and consume alcoholic beverages at such time and place as may be authorised by the Head of the campus or centre;

(c) consume alcoholic beverages at any student-organised function that has been duly authorised to sell or serve alcoholic beverages.

C7. No student shall on University premises use, possess, or distribute drugs or other substances prohibited by the laws of the land.

C8. No student shall on University premises use or have in their possession any firearm or other weapon.

C9. No student shall on University premises damage, misuse or interfere with property belonging to another.

C10. No student shall tamper with or misuse safety or emergency equipment located on University premises.

C11. No student shall behave in a manner which tends to impede or disrupt the orderly conduct of normal activity on University premises.

C12. No student shall threaten, abuse, injure or attempt to injure any member of the University community or any visitor to the University.

C13. No student shall:

(a) provide false or misleading information to any University employee;

- (b)forge, alter or misuse any document of the University or document originating with,or originated by, the University;
- (c)misuse any fund of the University or USPSA.

C14. Students shall cooperate with University employees in carrying out their duties for the common good of the University.

C15. Students shall comply with rules relating to such areas as the library, computer labs, laboratories, swimming pool, fitness centre, other sporting and recreational facilities/activities,field trips, and overseas trips as organised by the competent authority.

C16. Students shall on University premises observe conventional practices and/or policies relating to such matters as:

- (a)occupational health and safety;
- (b)trespass;
- (c)the privacy of individuals and families resident on campus.

C17. (1) The following prohibitions apply on University campuses and centres:

- (a)no littering;
- (b)no spitting (including betel nut);
- (c)no urinating in a public place;
- (d)no pasting notices other than on the designated notice boards;
- (e)no smoking except for in staff living quarters;
- (f)no parking other than designated areas
- (g)no speeding (25 km speed limit).

(2)A fine may be levied by a competent authority for breach of this regulation C17

### **Part 3 – HALLS OF RESIDENCE**

The regulations in this Part 3 concern the University's Halls of Residence.

Residence in the Halls is a privileged status which entails specific rights and obligations on the resident. The rights include accommodation suitable for study and rest. The obligations include the reasonable care of the premises and property or equipment in the Halls, behaviour which is consonant with an atmosphere of study and peace, and respect for the rights of other residents.

Residential status may be withdrawn at any time for reasonable cause.

#### **R1. Definitions**

In this Part 3 unless the context otherwise requires;

“Manager” means the individual appointed from time to time to manage the Halls of Residence of a campus or centre.

“non-resident” means any individual who is not a resident.

“resident” means a student who is, at the relevant time, a resident of any of the University’s Halls of Residence.

## **R2. Rules Concerning Presence within a Hall Prohibitions**

Rule 1: No male person over the age of 10 years may enter any part of a Women’s Hall and its immediate surrounds other than a designated common room.

Hours governing a designated common room are detailed in the rules below.

### **Visitation rights of residents**

Rule 2: Male residents may enter a Men’s Hall for the purpose of visiting a resident of the particular Hall.

Rule 3: Male residents may enter the designated common room of a Women’s Hall for the purpose of visiting a resident of the particular Hall between the hours of 8:00am and 11:00pm

Rule 4: Female residents may enter a Women’s Hall for the purpose of visiting a resident of the particular Hall.

Rule 5: Female residents may enter a Men’s Hall for the purpose of visiting a resident of the particular Hall between the hours of 8:00am and 11:00pm

Rule 6: A non-resident may enter a Men’s Hall between the hours of 8:00am and 11:00pm if invited and accompanied by a resident of the particular Hall.

Rule 7: A non-resident female may enter a Women’s Hall between the hours of 8:00am and 11:00pm if invited and accompanied by a resident of the particular Hall.

Rule 8: A non-resident male may enter the designated common room of a Women’s Hall between the hours of 8:00am and 11:00pm if invited and accompanied by a resident of the particular Hall.

### **Special permission**

Rule 9: The Manager or delegate may in any particular instance vary or waive the time restriction in Rules 6 and 7 above.

## **R3. Facilities Accompanying Halls**

Common rooms and other facilities in the vicinity of a Hall and reserved for the use of residents may not be utilised by non-residents other than at the invitation and in the company of a resident.

## **R4. Restriction on Cooking**

Cooking is prohibited in the Halls except in the following areas:

- (a) married students’ quarters;

(b)a designated area.

Students are also to comply with a Hall's cooking policies concerning equipment, food storage, cleanliness, cooking hours, and other matters, as advised from time to time.

#### **R5. Cleanliness and Maintenance of Property**

Residents shall maintain cleanliness in their rooms and maintain University property in good order.

#### **R6. Damage to be Reported**

Residents shall report any damage to Hall premises and/or property to the relevant authority.

#### **R7. Notification of Absence**

A resident intending to be absent overnight or longer from their Hall shall inform Halls of Residence staff of their intended absence.

#### **R8. No Kava or Pets**

The following prohibitions apply in the Halls:

- (a) No consumption of kava;
- (b) No pets (animals and birds).

#### **R9. Peace and Privacy**

No student shall cause a nuisance or interfere with the reasonable peace, comfort or privacy of any occupier of premises in the Halls.

#### **R10. Ban on Noise**

- (a) No student shall disturb the peace and quiet, in, or in the vicinity of, a Hall between the hours of 12:00 midnight and 8:00am
- (b) No student shall create unreasonable noise, in, or in the vicinity of, a Hall between the hours of 8:00am and 12:00 midnight.
- (c) During the period commencing with Study Week and concluding with the end of the Examination Period, no student shall disturb at any time the peace and quiet, in, or in the vicinity of, a Hall.

#### **R11. Powers of the Competent Authority**

The competent authority shall have the following powers in supervising student welfare and behaviour in the Halls:

- (a) to inspect or authorise another to inspect any room or area of a Hall or other quarters utilised for student accommodation or recreation;
- (b) to require payment of the cost of replacing or repairing property which has been damaged, destroyed

or removed;

(c) to investigate or authorise another to investigate whether any person is guilty of a breach of the Student Conduct Regulation in any fashion concerning the Halls;

(d) if satisfied that a person has breached a regulation,

(i) to reprimand or impose a regulatory fine;

(ii) to require a resident to move to another room of the Hall, or to another Hall;

(iii) to restrict a person from visiting the residential area, or a Hall, or a room of a Hall;

(iv) to recommend that a student's privilege of residence be suspended for any period and on terms considered appropriate by the Student Discipline Committee and/or on advice of the Manager;

(v) to file a complaint of misconduct with the Student Discipline Committee.

#### **Part 4 – STUDENTS' ASSOCIATION**

The regulations in this Part 4 apply to USPSA and all of its Branches, Branch Affiliates and its Affiliated Clubs and Societies.

All students and student bodies must observe University policy on student demonstrations as established from time to time by the University Council. The current policy is outlined in the minute below (from the eighth meeting of the University Council held on 5 and 6 October, 1976):

The University Council

“CONSIDERED that the repercussions of undisciplined and undignified student demonstrations ... not only brought the image of the University into disrepute, but offended a most important aspect of the Pacific tradition of hospitality, that of courtesy to visitors;

“RECOGNISED the right of students to protest against issues of concern to them, at the same time noting the implications which the form of such protest may have for the institution as a whole and for the wider University; and

“AGREED that where protests were to take place on the Campus the form of such protests should be first of all discussed with the Provost and in consultation with the Vice-Chancellor & President and an ad hoc committee of the Council comprising both student representatives and two lay members of the Council.”

#### **S1. Prohibition**

No Branch Affiliate, Club or Society may in any fashion purport to be an institution of the University or to function within the University until it has applied to the Branch Association of the relevant campus for affiliation and has had such affiliation granted.

#### **S2. Procedure Governing Affiliation Application**

(a) An application for affiliation shall be made to the Branch Association of the relevant campus.

(b)The Branch Association shall without undue delay decide upon an application.

(c)Written notice of the Branch Association's decision shall be provided to the applicant(s) within three days of the decision.

(d)In the event the application is dismissed written reasons shall be provided with the notice of decision.

(f)An applicant's refused affiliation may appeal the decision of the Branch Association to USPSA Federal Council.

(g)An appeal shall be in writing and be lodged with the Secretary General within 14 days of receipt of the notice of decision.

(h)The Secretary General shall list the appeal as an agenda item at the next meeting of USPSA Federal Council.

### **S3. Power of USPSA to Discipline**

USPSA may discipline a Branch Association, a Branch Affiliate or affiliated Society or Club or any individual student member(s) thereof for breach of:

(a)any law, regulation or rule of USPSA;

(b)any relevant law, regulation or rule of a Branch Association, Branch Affiliate or affiliated Society or Club;

(c)any valid order or direction of USPSA or a Branch Association, Branch Affiliate or affiliated Society or Club.

### **S4. Disciplinary Action Reported to Student Discipline Committee**

Any exercise of USPSA power to discipline shall be reported to the Permanent Chair of the Student Discipline Committee on the relevant Campus.

### **S5. Appeals**

Students disciplined by USPSA may appeal to the Student Discipline Committee. An appeal shall be in writing and be lodged with the Secretary of the Student Discipline Committee within fourteen days of USPSA's decision.

An appeal shall not stay the decision under appeal: provided however that USPSA or the Permanent Chair of the Student Discipline Committee may on application stay the decision.

### **S6. Associations Punishable**

A Branch Association, a Branch Affiliate or affiliated Society or Club may be subject to punishment or sanction

## **Part 5 – DISCIPLINARY PROCEDURES**

### **D1. Definitions**

In this Part 6, unless the context otherwise requires;

“Committee” means the Discipline Committee established hereunder; “meeting” includes a hearing conducted by the Committee.

“Permanent Chair” means the individual nominated by the Vice-Chancellor & President to head the Committee.

“Secretary” means the individual appointed by the Vice-Chancellor & President as secretary to the Committee.

### **D2. Discipline Committee**

(1) There shall be Discipline Committees of the Senate for Alafua, Emalus and Laucala Campus.

(2) The Committee shall consist of the following members

(a) the Vice-Chancellor & President or nominee on the Alafua, Emalus and Laucala Campuses, who shall be the Permanent Chair of the Committee;

(b) three members selected from a panel approved by the Senate and submitted to the Vice-Chancellor & President. The panel for a Committee shall contain no less than six names;

(c) two executive members of the Branch Association;

(d) a member of USPSA Federal Council nominated by the Council.

(3) Three members of the Committee shall form a quorum at a meeting of the Committee. Meetings shall be chaired by the Permanent Chair. In the absence of the Permanent Chair the Committee shall elect a chair from among its members.

A decision of the majority of members present at a meeting shall be the decision of the Committee. In the event of an equality of votes, the Chair shall have the casting vote.

(4) Persons appointed to a panel of the Committee shall attend at least two meetings in a year, failing which their membership will lapse, to be reported in writing by the Chair of the Committee to Senate.

### **D3. Convening a Meeting**

The Permanent Chair of the Committee shall at his/her own discretion, or on the direction of the Senate, or upon the written request of two members of the Committee, or upon request of the Vice-Chancellor & President or delegate on Alafua, Emalus and Laucala Campuses convene or cause to be convened a hearing of the Committee.

### **D4. Powers of the Discipline Committee**

(1) The Committee shall have full power to hear complaints of misconduct of a student:

(a) within the precincts of the respective Campus or any University premises;



(b) at any ceremony, meeting or event wherever held, conducted under the auspices of the University Council, the Senate, the Students' Association, or any of the University Clubs and Societies; and

(c) in any case where the Senate or the Committee considers that the interests of the University or of students are affected.

(2) The Senate may require the Committee to report to the Senate on any matter affecting the discipline of students of the University, including the making of any relevant Ordinance by the Council or the making of any Regulation by the Senate or any other body or persons.

(3) On receipt of a complaint of misconduct against any student and pending the hearing of such complaint by the Committee, the Permanent Chair may:

(a) order the immediate suspension of the student from any programme or course of study, or from the use of any University facilities, materials or services; and

(b) authorise the immediate exclusion of the student from any campus or premises under the control of the University, or any part thereof.

This power shall be exercised having regard to the best interests of the University.

Where any such suspension or exclusion is imposed during or immediately prior to an examination period of a semester, the Committee shall begin its hearing of the complaint no later than one week from the date of such suspension or exclusion.

Any exercise of this power of immediate suspension or exclusion shall be notified in writing by the Permanent Chair to the student and to the Vice-Chancellor & President forthwith.

#### **D5. Disciplinary Powers of the Vice-Chancellor & President**

The Vice-Chancellor & President shall, subject to these regulations, exercise a general control over the discipline of students of the University.

#### **D6. Complaints against Students**

(1) A complaint of misconduct against a student shall be made in writing addressed to the Secretary.

(2) The Permanent Chair and Secretary shall screen all complaints received and may:

(a) list a complaint for hearing;

(b) require that there be further investigation or fuller particulars of a complaint before listing it for hearing; or

(c) decline to list a complaint for hearing on the grounds that it lacks sufficient gravity for hearing by the Committee.

(3) Where a complaint concerns misconduct in the nature of a serious criminal offence the Committee may in its discretion postpone hearing of the complaint while the matter is before State authorities.

(4)The Secretary shall take reasonable steps to inform a student of a complaint laid against him or her and of the time and place fixed for the meeting of the Committee to hear the complaint, allowing the student a reasonable period of time to prepare his or her defence.

(5)A copy of any written statement concerning a complaint made available to members of the Committee shall be provided upon request to a student in advance of the hearing of the complaint.

#### **D7. Procedures of the Discipline Committee**

A complaint of misconduct against a student shall be heard by the Committee in accordance with the following procedures.

(1)A student may:

- (a)submit a written statement to the Committee prior to a hearing;
- (b)elect to appear or not to appear before the Committee;
- (c)have a member of the University community represent him or her before the Committee.

The Committee may hear a complaint in the absence of a student provided there has been due compliance with regulation D6(4).

(2)At the commencement of a hearing the complaint/s of misconduct shall be read and the student asked:

- (a)whether he or she understands the complaint; and
- (b)whether he or she admits or denies the complaint.

(3)A student who contests a complaint shall:

- (a)be informed of the evidence presented in support of the complaint;
- (b)be invited to provide an explanation;
- (c)be permitted to present evidence; and
- (d)be permitted to cross examine any party providing evidence in support of the complaint.

(4)The Committee may where necessary adjourn a hearing to a later date.

At the completion of a hearing the Committee shall forthwith reach a decision on the matter heard and any penalty to be imposed.

Where a student is found guilty of misconduct the Secretary shall provide the student with written confirmation of the decision of the Committee and any penalty imposed. A copy of regulation D9 concerning appeals shall accompany the written confirmation of decision.

#### **D8. Disciplinary Powers of the Committee**

(1)The Committee shall have the power to:

- (a) dismiss a complaint;
- (b) remit a complaint to a competent authority or USPSA for determination; or
- (c) find a complaint or parts of a complaint proven and the student guilty of misconduct.

(2) Where the Committee finds a student guilty of misconduct it may, depending on the circumstances of the case and any other information available to it:

- (a) take no further action;
- (b) require a private, public or traditional apology and/or reconciliation;
- (c) issue a reprimand or a severe reprimand;
- (d) impose a monetary fine;
- (e) impose a period of community service to be supervised by someone nominated by the Student Discipline Committee;
- (f) order payment of costs of replacement or repair to property lost, damaged or destroyed as a consequence of the misconduct;
- (g) require the student to report to a specified place on the Campus at a specified time or times;
- (h) withdraw the privilege of residence in the Halls of Residence for such period as it sees fit;
- (i) suspend the student, for such period as it sees fit, from any programme or programmes of study or classes or any examinations, or impose conditions on his or her attendance at any such programmes or classes or examinations;
- (j) exclude the student, for such period as it sees fit, from the University precincts or from any place of study, residence or recreation therein, or impose conditions on his or her attendance at any such place of study, residence or recreation; or
- (k) expel the student from the University for any period and on terms considered necessary by the Committee.

Before imposing any penalty, the Committee may consult the Head of Academic Unit in which the student is enrolled or other persons whom the Committee considers could provide useful information. In imposing penalties, the Committee shall take cognizance of Part Seven of these Regulations.

(3) Where the Committee imposes a financial penalty under Regulation D8(2)(d), it may, if it sees fit, provide for a reduction in the amount of the penalty subject to the student's satisfying such other conditions as the Committee may specify.

(4) Payment in full of any fine or monetary penalty imposed on any student under these regulations shall be made within fourteen days of the imposition of the fine unless the Vice-Chancellor & President or delegate authorises a deferment or payment by instalments, in which case payment shall be made as so authorised. Students who fail to pay in full any fine or other monetary penalty within the prescribed period may be excluded from the University or not be permitted to sit for end-of-semester examinations and/or have results withheld, until the payment is made in full.

(5) All decisions of the Committee finding a student guilty of misconduct shall be reported to the Senate.

### **D9. Appeals**

(1) There shall be a Discipline Appeals Committee.

(2) The Discipline Appeals Committee shall consist of the following members:

- (a) the Vice-Chancellor & President or his/her nominee; and
- (b) two members of the Discipline Committee, one of whom shall be a representative of USPSA.

No person who sat on the Committee hearing the matter under appeal shall sit on the Discipline Appeals Committee.

(3) A student found guilty of misconduct may appeal the decision of the Committee and/or penalty imposed to the Discipline Appeals Committee.

An appeal against a finding of misconduct shall be limited to the following grounds:

- (a) that the finding of facts of the Committee are on the evidence heard implausible;
- (b) that the Committee erred in its application of the relevant regulation(s);
- (c) that there was a significant procedural error.

An appeal shall specify the appellant's ground of appeal and provide particulars.

An appeal as to penalty shall state in what respect the penalty is excessive or otherwise inappropriate.

(4) An appeal shall be in writing, addressed to the Secretary and be lodged with the Secretary within 14 days of the Committee's decision.

Filing an appeal shall not operate to suspend the enforcement of the decision of the Committee unless the Permanent Chair or Vice-Chancellor & President or Delegate so directs.

An appeal should normally be heard within one month of the filing of the appeal.

(5) On the hearing of an appeal the student may elect to appear in person and may be represented by a member

of the University community.

An appeal shall not be by way of rehearing. No further evidence shall be admitted save in exceptional circumstances.

In the absence of a complete documentary record of the Discipline Committee hearing (including a transcript of all evidence heard or notes thereof) a member of the Discipline Committee may testify as to the evidence heard and documents sighted by the Committee and the Committee's finding of facts.

(6) The Discipline Appeals Committee may

- (a) dismiss an appeal;
- (b) allow an appeal in whole or in part;
- (c) allow an appeal and remit the matter to the Discipline Committee for rehearing;
- (d) vary any penalty imposed.

(7) A decision of the Discipline Appeals Committee shall be final, and shall be reported to the Senate and the Council as soon as practicable.

#### **D10. Summary Adjudication of Complaints**

(1) Notwithstanding anything to the contrary in these regulations, a student may elect to have any

complaint of misconduct dealt with summarily by the Permanent Chair who may exercise all powers of the Committee. The Permanent Chair may in his/her discretion decline to proceed summarily and refer the matter for hearing by the Committee.

(2) A decision on a summary hearing may be appealed in the usual fashion to the Discipline Appeals Committee.

#### **Part 6 – OFFENCES AND PENALTIES**

All penalties referred to below are guidelines only, and may be varied by the Student Discipline Committee depending on the circumstances of specific cases before it. Mindful of these guidelines, the Committee may rule separately on any misconduct not specifically referred to in these regulations; and should refer students for appropriate counselling where it feels this is relevant.

Penalties for Academic Misconduct are outlined in the USP Handbook & Calendar.

Although the guidelines provide for exclusion from studies especially for a third offence against a particular regulation, the Committee may also impose this penalty on a student who has appeared before it on three or more occasions for breaches of different regulations.

Monetary penalties are given in Fiji dollars. Appropriate and rounded conversions should be made by Student Discipline Committees in countries other than Fiji.