

Nnamdi Azikiwe University, Awka



STUDENTS DISCIPLINARY REGULATIONS

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1. Introduction:

The Nnamdi Azikiwe University is a community of scholars and students dedicated to research, academic excellence, the pursuit and cultivation of knowledge, in all fields of learning and human endeavour. In support of this mission, any student conduct, on or off campus, that threatens or violates this commitment may become a matter for action within the University's system of student discipline.

The University believes that students must take responsibility for their own conduct; and that students must also of necessity be guided as to the acceptable conduct expected of them as students. Under certain circumstances, students must also take responsibility for the conduct of a group, or individual members of the group of which they are part. The group may be informal, such as a study group, or formal, such as a student organization.

The goal of the student disciplinary system is to ensure a fair and orderly proceeding on questions of student misconduct. A disciplinary proceeding enjoys neither the advantages nor the limitations inherent in an adversarial proceeding of a court of law. This Students' Disciplinary Regulation indicates the kinds of behaviour which are not acceptable, and the action which may be taken as a result by the University. The Regulation is separate from any procedure used to deal with issues of academic attendance and progress in the University.

✓ 2. Content:

This Regulation covers the disciplinary breaches, sanctions, disciplinary committee(s), investigation process, contesting the sanctions (appeal), and the application of the sanctions for

- (iv) Apology: The student may be asked to make an oral or written apology to the complainant and in a manner or place to be specified.
- (v) An order of community service to the university community. This may include but not limited to cleaning, clearing, cutting grass, etc.
- (vi) Entering of a 'Good Behaviour agreement.
- (vii) Restitution Order: When there is a damage or loss of university property, or property belonging to any person, a student may be ordered to pay for the item in question, or for the cost of repairing the item, or a specified outright fine.

For Misconducts under Group B

- (viii) Suspension, which will include the exemption of a student from entering/ utilizing the university's facilities, or benefiting from the school's academic or administrative bodies/structures for a stated period of time. Suspended students are not eligible for any benefits, entitlements, grants, or scholarships during their suspension period. They are not entitled to stay on campus, either.
- (ix) Upon an application to the Vice Chancellor for recall from suspension, entering an undertaking of good behaviour;
- (x) Fines, in relation to the nature of misconduct, and not more than N50, 000.00.
- (xi) Restitution Order: When there is a damage or loss of university property, or property belonging to any person, a student may be ordered to pay for the item in question for the cost of repairing the item, or a specified outright fine.

For Misconducts under Group C

- xii) Expulsion: This action demands that a student be permanently and physically removed from the university premises, and entirely exempt from all privileges of being a student of the University on the authority of the Vice Chancellor.

- (2) Where the allegation of misconduct is not established, the case shall be dismissed.

6. Examination Misconduct and Disciplinary Measures

For any type of examination misconduct that requires a disciplinary measure to be taken, the respective Faculty Examination misconduct Committees shall handle it.

7. Sanctions for Disciplinary Breaches Not Mentioned Above

Any disciplinary breach that has not been mentioned here will be punished in parallel with the closest breach mentioned above in terms of the feature and influence of the committed action.

In the same manner, the students have to obey the rules of various units in the university, such as the library, laboratories, and the hostel. Violating specific rules and regulations that are not mentioned here but announced by the related units through the university administration will require measures to be taken.

8. Repetition of Disciplinary Breach

If a student violates the same/similar rule more than once during his/her period of study, he/she will be punished with a sanction that is one degree heavier.

9. Authority to Discipline Students

Section 19 of the NAU Act prescribes that:

- (1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary power conferred on him by statute or regulations, direct-
 - (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the University, or make use of such facilities of the University, as may be so specified; or

- (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
- (c) that the student be rusticated for such period as may be specified in the direction; or
- (d) that the student be expelled from the University.

10. Delegation of Power to Discipline:

The Vice-Chancellor may delegate his powers under this section to a disciplinary committee appointed by him, or any other body or person.

11. The Students Disciplinary Committee:

The students Disciplinary Committee as constituted by the Vice Chancellor shall have the following powers:

- (i) To receive references on student misconduct from the Vice Chancellor;
- (ii) To hear and determine any complaints of misconduct against any student, in accordance with this regulation;
- (iii) Call witnesses and consult other authorities in the determination of any matter before it;
- (iv) Mete out any of the sanctions stipulated in this Regulation;
- (v) may punish a student in respect of misconduct covered by this Regulation even if that misconduct has already been the subject of criminal prosecution and penalty;

12. Precedence of the SDC:

Any action taken under this Regulation automatically supersedes any disciplinary action being taken under other rules or regulations of other units of the university.

13. Procedure for handling complaints of misconduct:

A complaint of misconduct laid against a student will normally be submitted to the Vice Chancellor. The Vice Chancellor may rule that the complaint should not be the subject of further action under the Disciplinary Procedure. The Vice Chancellor shall decide whether the complaint is a matter for him to deal with or for

referral to the Disciplinary Committee.

14. Procedure for a meeting of the Disciplinary Committee:

- (i) Upon receipt of complaint of misconduct against a student, the secretary of the committee shall write formally to the student against whom the complaint is made, through the HOD, to inform him that the matter is before the Disciplinary Committee
- (ii) The student will be supplied with details of the alleged misconduct, specifying what particulars it is alleged constitute a breach of the disciplinary regulations.
- (iii) Any documentation submitted by the Student in response to the notification of the alleged offence will be made available to the members of the Disciplinary Committee.
- (iv) The Committee shall fix a time and place for the meeting and shall inform in writing, and giving not less than seven days notice of a meeting of the Committee, to the members of the Committee, the Student, and any relevant persons necessary for the determination of the complaint.
- (v) The Student receiving such a written notice shall attend at the time and place appointed for the hearing for the purpose of answering the complaint and, if he/she fails to attend, the Committee may proceed with the hearing, and determine the complaint and deal with the matter in her/his absence.
- (vi) Students and staff involved as witnesses in a hearing of the Disciplinary Committee will be expected to make a formal written statement if so requested by the Committee. Failure to provide relevant information or to assist any officer in ascertaining whether a disciplinary offence has been committed may itself constitute a disciplinary offence.
- (vii) Staff and student witnesses from the university will be expected to attend a meeting of the Disciplinary Committee when required, unless the reasons for non-attendance are accepted by the Chairperson. While it is recognised that witnesses external to the university

- cannot be compelled to attend a Disciplinary Committee meeting to give evidence, every effort will be made to obtain either the attendance of or written statements from such persons where they are material witnesses.
- (viii) The quorum for a meeting of the Disciplinary Committee shall be half the number of members, including the chair; except where the number cannot be equally divided into half, then the number of half, less by one.
- (ix) At the opening of a hearing by the Committee, the Chair shall state the complaint and the general nature of the evidence which supports it. The Chair shall then ask the Student whether he/she admits the matter complained of. If he/she admits it, the committee can proceed to determine the case. If the Student does not admit the matter complained of, the committee may call witnesses for the purpose of establishing the complaint or otherwise.
- (x) At the conclusion of the hearing the Committee shall determine the matter before it. The Committee may either dismiss the complaint on the ground that no disciplinary offence has been made out or may find on the evidence that a disciplinary offence has been committed. If the Disciplinary Committee so finds that a disciplinary offence has been committed, it shall have the power to impose one or more of the penalties in this Regulation.
- (xi) The Disciplinary Committee shall not find that a complaint against a student is established unless a majority of the members present and voting so hold. If there shall be an equality of votes, the matter shall be decided in favour of the Student. If the Disciplinary Committee shall find the complaint to be substantiated, the penalty to be imposed shall be determined by a majority vote. If there shall be an equality of votes, the Chair shall have a casting vote.
- (xii) The decision of the Committee shall normally be communicated to the Vice Chancellor for his approval, and the Vice Chancellor shall direct that the student be communicated, as expeditiously as possible and in any case not less than two weeks after the date of the hearing.

15. Appeals:

- (i) Where a direction or penalty is given under this Regulation in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Vice Chancellor; and where such an appeal is brought, the Vice Chancellor shall, after causing such inquiry to be made in the matter as the Vice Chancellor considers just, either confirm or set aside the direction or modify it in such manner as the Vice Chancellor thinks fit.
- (ii) The fact that an appeal from a direction/penalty is brought in pursuance of subsection (i) of this section shall not affect the operation of the direction while the appeal is pending.
- (iii) All appeals under this section must be brought within three months of the direction of the Committee/ Vice Chancellor.

15. Grounds of Appeal:

A student upon whom the SDC has given a direction or imposed a penalty for misconduct under the Disciplinary Regulation may appeal against that decision only on one or more of the following grounds:

- (i) The SDC's action was ultra vires because the misconduct for which the penalty was imposed was outside the scope of the Disciplinary Regulation;
- (ii) New evidence has become available which was not available at the time when the Committee considered the case;
- (iii) The penalty imposed was excessive;
- (iv) The penalty was not one prescribed in the Disciplinary Procedure.

16. Justice and fairness

In the proceedings of the committee/trial, the rules of the Nigerian Evidence Law and Procedure need not apply but all hearings shall be conducted in accordance with the principles of justice and fairness.

17. Standard of proof

Those determining issues under these Regulations should be satisfied on reasonable grounds on the evidence before them. Proof does not have to be 'beyond reasonable doubt'.

18. Important Points While Choosing a Sanction

While working on the decision, the disciplinary committee will take the following into consideration:

1. The weight / degree of the action in question as an intensifying or lessening factor.
2. The intention of the student.
3. Whether he/she has breached the disciplinary code before.
4. His/her behaviour, attitude, and actions.
5. Whether he/she has been remorseful.
6. If the disciplinary rule(s) has been breached together with a person/people from outside the university within the campus area, an upper degree disciplinary measure is taken.
7. If the misconduct has been committed by a group of students and the group members could not have been identified one by one, the group will receive a punishment as a whole.

20. Commencement:

This regulation shall take effect on the day of its acceptance by the appropriate authority.