

**#FEES MUST FALL - REPORT**

- One student expelled from Nelson Mandela University

	<b><u>STUDENT</u></b>	<b><u>MISCONDUCT</u></b>	<b><u>NOTES</u></b>
05/04/17	MR N MNCAM  2 <sup>nd</sup> Year BA student  (SASCO AFFILIATED)	<p><b>CHARGE 1: MISCONDUCT: MALICIOUS DAMAGE TO PROPERTY</b></p> <p>Student respondent Mr N (Zane) Mncam (Student Number: 215131371), a registered student of the University, is charged with contravening clause 3.1.1 and 3.1.5 of the Student Disciplinary Code, in that on or about the 31<sup>st</sup> October 2016 at approximately 13:00 and on University Property, being the parking lot in front of the Main Administration Building on the NMMU North Campus it is alleged that you, together with fellow students <i>to wit</i> Messrs K Magodla (Student Number: 213521202) and SA Msomi (Student Number: 212372262), formed a common purpose and conducted yourself in an unbecoming manner by unlawfully and maliciously stoning 9(nine) privately owned vehicles in the ownership of:</p> <p>a) Ms PV Mentile-Gonzono, damage amounted to R7 072.55;</p>	<p><b><u>FINDING:</u></b></p> <p>1. Guilty 2. Guilty</p> <p>1. The Respondent is <b>EXPELLED</b> with immediate effect.</p> <p><b><u>REVIEW: 08/06/17</u></b> Following consideration, the NMMU Student Disciplinary Review Committee <b>RESOLVED</b> that:- Having applied our minds to the evidence provided and having considered the application for Review, we</p> <p>a) assessed the Respondents appeal on the integrity of the Committee's due process and we found that the due process was followed;</p>

		<p>b) Ms T Peerbhai, damage amounted to R1 992.15;</p> <p>c) Ms S Badenhorst, damage amounted to R20 641.39;</p> <p>d) Mr C van Zyl, damage amounted to R20 867.72;</p> <p>e) Ms V Bongela, damage amounted to R4900.00;</p> <p>f) Prof B Botha, damage amounted to R63 000;</p> <p>g) Dr F Goolam, damage amounted to R18 810.00;</p> <p>h) Prof A Leitch, damage amounted to R40 000.00</p> <p>i) Dr N Jooste, damage amounted to R137 000.00;</p> <p>and in so doing caused extensive damage to the said property.</p> <p><b>CHARGE 2: MISCONDUCT: INCITEMENT TO COMMIT A CRIME</b></p> <p>Student respondent Mr N (Zane) Mncam (Student Number: 215131371), a registered student of the University, is charged with contravening clause 3.1.1 and 3.1.5 of the Student Disciplinary Code, in that on or about the 31<sup>st</sup> October 2016 it is alleged that you acted in common purpose with a number of fellow students, which action was unlawful and intentional and such intention being to disturb the public peace and order by violent means or to</p>	<p>b) found adequate evidence of notification to appear before the Disciplinary Committee on the 5<sup>th</sup> April 2017;</p> <p>c) found the Witnesses' affidavits of identity to be supported;</p> <p>d) found that the Footage shown to us adequately identifies the Respondent; and</p> <p>the Review Committee therefore <b>UPHOLDS</b> the decision of the Student Disciplinary Committee held on the 5<sup>th</sup> April 2017, being that:</p> <p>1. The Respondent is <b>EXPELLED</b> with immediate effect.</p>
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		<p>infringe the rights of others and such action in effect assumed serious proportions.</p> <p>It is averred that your actions could reasonably be construed to be (a) harmful or incite harm, or (b) promote or incite violence, in that the intention is to disturb the public peace and order by violent means or to infringe the rights of others, which either in fact is or could be prejudicial to the good name of the University, the maintenance of order and discipline at the University, or the proper performance of the work of the University.</p>	
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 • Tel: + 27 (0) 41 504-3259 • Fax: + 27 (0) 41 504-2183  
[linda.kapp@nmmu.ac.za](mailto:linda.kapp@nmmu.ac.za)



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**Legal Services Department**

25 April 2017

**Legal Services Case Number** : NMMU/SNC-CN 15/03/17  
**Humewood SAPS Case No** : 607/10/2016

<b>Student Disciplinary Inquiry held on:</b>			
<b>DATE:</b>	Wednesday, 5 <sup>th</sup> April 2017	<b>TIME:</b>	08:30
<b>VENUE:</b>	Moot Court, 1 <sup>st</sup> Floor, Embizweni	<b>CAMPUS:</b>	NMMU Summerstrand South

**CENTRAL DISCIPLINARY COMMITTEE:-**

<b>CHAIRPERSON</b>	• Prof N Wood
<b>REPRESENTING THE STUDENT AFFAIRS OFFICE – APPOINTED BY THE DEAN OF STUDENTS</b>	• Mr M Ncapayi
<b>APPOINTED BY THE STUDENT REPRESENTATIVE COUNCIL (SRC)</b>	• Mr M Mzileni
<b>EXECUTIVE DEAN OF FACULTY OR HIS/HER NOMINEE</b>	• Prof S Blignaut – Faculty of Education

<b>INITIATOR</b>	• Adv D Newton
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**RESPONDENT:-**

<b>RESPONDENTS</b>	• <b>N MNCAM</b> (Student Number 215131371) <b>IN ABSENTIA</b>
<b>RECEIPT OF SUMMONS</b>	• Acknowledgement of Receipt of Summons Confirmed.
<b>UNDERSTANDING OF RIGHTS</b>	• Understanding of Rights Confirmed

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<b>CHARGE(S)</b>	<p><b>CHARGE 1: MISCONDUCT: MALICIOUS DAMAGE TO PROPERTY</b></p> <p>Student respondent Mr N (Zane) Mncam (Student Number: 215131371), a registered student of the University, is charged with contravening clause 3.1.1 and 3.1.5 of the Student Disciplinary Code, in that on or about the 31<sup>st</sup> October 2016 at approximately 13:00 and on University Property, being the parking lot in front of the Main Administration Building on the NMMU North Campus it is alleged that you, together with fellow students <i>to wit</i> Messrs K Magodla (Student Number: 213521202) and SA Msomi (Student Number: 212372262), formed a common purpose and conducted yourself in an unbecoming manner by unlawfully and maliciously stoning 9(nine) privately owned vehicles in the ownership of:</p> <ul style="list-style-type: none"><li>a) Ms PV Mentile-Gonzono, damage amounted to R7 072.55;</li><li>b) Ms T Peerbhai, damage amounted to R1 992.15;</li><li>c) Ms S Badenhorst, damage amounted to R20 641.39;</li><li>d) Mr C van Zyl, damage amounted to R20 867.72;</li><li>e) Ms V Bongela, damage amounted to R4900.00;</li><li>f) Prof B Botha, damage amounted to R63 000;</li><li>g) Dr F Goolam, damage amounted to R18 810.00;</li><li>h) Prof A Leitch, damage amounted to R40 000.00</li><li>i) Dr N Jooste, damage amounted to R137 000.00;</li></ul> <p>and in so doing caused extensive damage to the said property.</p> <p><b>CHARGE 2: MISCONDUCT: INCITEMENT TO COMMIT A CRIME</b></p> <p>Student respondent Mr N (Zane) Mncam (Student Number: 215131371), a registered student of the University, is charged with contravening clause 3.1.1 and 3.1.5 of the Student Disciplinary Code, in that on or about the 31<sup>st</sup> October 2016 it is alleged that you acted in common purpose with a number of fellow students, which action was unlawful and intentional and such intention being to disturb the public peace and order by violent means or to infringe the rights of others and such action in effect assumed serious proportions.</p> <p>It is averred that your actions could reasonably be construed to be (a) harmful or incite harm, or (b) promote or incite violence, in that the intention is to disturb the public peace and order by violent means or to infringe the rights of others, which either in fact is or could be prejudicial to the good name of the University, the maintenance of order and discipline at the University, or the proper performance of the work of the University.</p>
<b>PLEA</b>	<ul style="list-style-type: none"><li>1. Not Guilty</li><li>2. Not Guilty</li></ul>

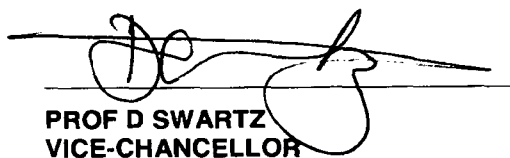
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<b>JUDGEMENT(S)</b>	1. Guilty 2. Guilty
<b>SENTENCE(S)</b>	Following consideration, the Committee <b>RESOLVED</b> that:-  1. The Respondent is <b>EXPELLED</b> with immediate effect.

  
\_\_\_\_\_  
**ADV D NEWTON**  
**DIRECTOR: LEGAL SERVICES DEPARTMENT**

  
\_\_\_\_\_  
**PROF D SWARTZ**  
**VICE-CHANCELLOR**

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N MNCAM - 215131371  
 8 June 2017

**Legal Services Case Number** : NMMU/SNC-CN 15/03/17  
**Protection Services O/B Number** : 607/10/2016

<b>STUDENT:</b>	N MNCAM	<b>STUDENT NUMBER</b>	21513171
<b>DATE:</b>	8 <sup>th</sup> June 2017	<b>TIME:</b>	09:00
<b>VENUE:</b>	Room 1203, Main Building	<b>CAMPUS:</b>	NMMU Summerstrand South

**Disciplinary Review Committee:-**

<b>REVIEW COMMITTEE MEMBERS</b>	<ul style="list-style-type: none"> <li>• Mr D Argyrakis</li> <li>• Mr R Piyose</li> </ul>
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<b>RESPONDENT</b>	<b>CHARGE</b>	<b>FINDINGS OF CENTRAL DISCIPLINARY COMMITTEE</b>
N Mncam	<p><b>CHARGE 1: MISCONDUCT: MALICIOUS DAMAGE TO PROPERTY</b></p> <p>Student respondent Mr N (Zane) Mncam (Student Number: 215131371), a registered student of the University, is charged with contravening clause 3.1.1 and 3.1.5 of the Student Disciplinary Code, in that on or about the 31<sup>st</sup> October 2016 at approximately 13:00 and on University Property, being the parking lot in front of the Main Administration Building on the NMMU North Campus it is alleged that you, together with fellow students <i>to wit</i> Messrs K Magodla (Student Number: 213521202) and SA Msomi (Student Number: 212372262), formed a common purpose and conducted yourself in an unbecoming manner by unlawfully and maliciously stoning 9(nine) privately owned vehicles in the ownership of:</p>	<p><b>Judgement:</b></p> <ol style="list-style-type: none"> <li>1. Guilty</li> <li>2. Guilty</li> </ol> <p><b>Sentence:-</b></p> <p><b>The Respondent is EXPELLED with immediate effect.</b></p>

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N MNCAM - 215131371

- a) Ms PV Mentile-Gonzono, damage amounted to R7 072.55;
- b) Ms T Peerbhai, damage amounted to R1 992.15;
- c) Ms S Badenhorst, damage amounted to R20 641.39;
- d) Mr C van Zyl, damage amounted to R20 867.72;
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- g) Dr F Goolam, damage amounted to R18 810.00;
- h) Prof A Leitch, damage amounted to R40 000.00
- i) Dr N Jooste, damage amounted to R137 000.00;

and in so doing caused extensive damage to the said property.

**CHARGE 2: MISCONDUCT: INCITEMENT TO COMMIT A CRIME**

Student respondent Mr N (Zane) Mncam (Student Number: 215131371), a registered student of the University, is charged with contravening clause 3.1.1 and 3.1.5 of the Student Disciplinary Code, in that on or about the 31<sup>st</sup> October 2016 it is alleged that you acted in common purpose with a number of fellow students, which action was unlawful and intentional and such intention being to disturb the public peace and order by violent means or to infringe the rights of others and such action in effect assumed serious proportions.

It is averred that your actions could reasonably be construed to be (a) harmful or incite harm, or (b) promote or incite violence, in that the intention is to disturb the public peace and order by violent means or to infringe the rights of others, which either in fact is or could be prejudicial to the good name of the University, the maintenance of order and discipline at the University, or the proper performance of the work of the University.





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N MNCAM - 215131371

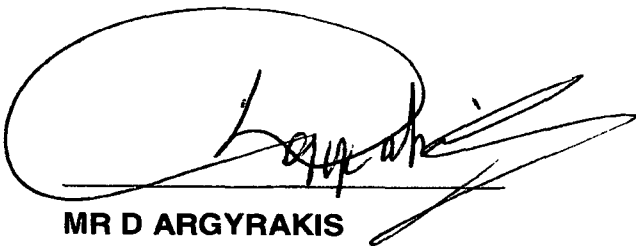
**Following consideration, the NMMU Student Disciplinary Review Committee RESOLVED that:-**

Having applied our minds to the evidence provided and having considered the application for Review, we

- a) assessed the Respondents appeal on the integrity of the Committee's due process and we found that the due process was followed;
- b) found adequate evidence of notification to appear before the Disciplinary Committee on the 5<sup>th</sup> April 2017;
- c) found the Witnesses' affidavits of identity to be supported;
- d) found that the Footage shown to us adequately identifies the Respondent; and

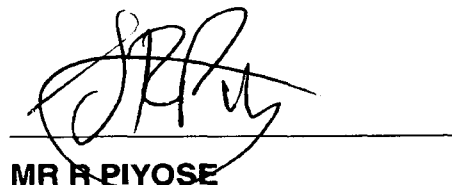
the Review Committee therefore **UPHOLDS** the decision of the Student Disciplinary Committee held on the 5<sup>th</sup> April 2017, being that:

1. The Respondent is **EXPELLED** with immediate effect.



**MR D ARGYRAKIS**

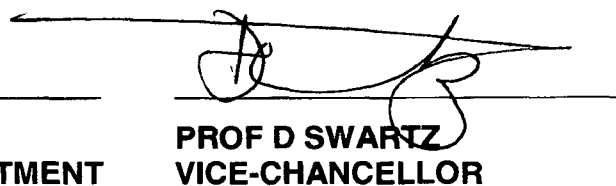
**(SIGNATURES OF THE DISCIPLINARY INQUIRY REVIEW MEMBERS)**



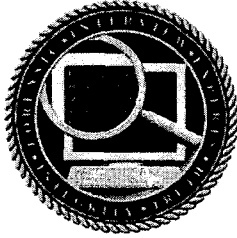
**MR R PIYOSE**



**ADV B NEWTON  
DIRECTOR: LEGAL SERVICES DEPARTMENT**



**PROF D SWARTZ  
VICE-CHANCELLOR**



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## Investigative Report

Misconduct Solutions  
All Hrs: (+2776) 1441387  
Email: [truth@misconduct.co.za](mailto:truth@misconduct.co.za)

### 18 HUMEWOOD CAS 607/10/2016 (STONING VEHICLES)

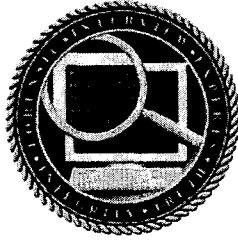
**Possible Charges:** Public Violence

**Location:** North Campus NMMU

**Period:** 31 October 2016 at about 14:10

#### 18.1 SYNOPSES

- 159. On 2016/10-31 at about 14:10 the complainant was a section leader patrolling North and South Campus at NMMU. Whilst busy patrolling he received a call from the other vehicle that the students had gathered at North Campus.
- 160. When arriving at the scene the complainant discovered the thirteen vehicles windscreens and body works were damaged – ten vehicle owners have launched complaints of MITP to their vehicle respectfully.
- 161. There is video footage that shows that Khanya Magodla picked up Sinethemba Msomi and Nkoyolo Mncam and they were responsible for throwing stones at the vehicles while the other students ran away. The damage cause is estimated +-R200 000. We together with security at NMMU try to locate suspect's addresses and will do a raiding in early hours of 1/11/2016.



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## Investigative Report

Misconduct Solutions  
All Hrs: (+2776) 1441387  
Email: [truth@misconduct.co.za](mailto:truth@misconduct.co.za)

### 18.2 SUSPECTS

*(The police identified the following suspects, and to date were unable to trace them for an arrest)*

162. Khanya Magodla, NMMU student number 213521202;
163. Sinethemba Armstrong Msomi, NMMU student number 212372262;  
and
164. NkosiyoXolo "Zane" "Nkoyolo" Mncam, NMMU student number 215131371

### 18.3 CURRENT STATUS

165. None arrested thus far, Residence of suspects visited during the night and again in the early hours without success
166. Under investigation, Statement from video operator outstanding, Docket will be discussed with SPP, Investigation completed. Docket discussed with SPP for decision, who declined to prosecute.

### 18.4 RECOMMENDATIONS

167. It is recommended that the matter should be discussed with the police with the view to possible re-open the case, complete the criminal investigation and have the suspects arrested.
168. NMMU and its security office should be able to trace the students and assist the police in effecting an arrest.

Melabako Maqude states as follows under oath

I am an adult male person, 54yrs old, ID 6204035993080 and residing at 12078 Nhoyo Street Kwazakhele, Cell: 0783604193 and employed at the NMMU as Protection Services Control Officer, tel: 041 5043356.

On Monday 31<sup>st</sup> October 2016 at around 13:30 I was in the vicinity of E block parking area, close to the Heinz Betz building where I noticed a group of students standing in the road. I could immediately recognize the one as being "Zane" who I can identify who was wearing a red EFF T-shirt and a track-suit pants. Zane is a student leader and part of the group throughout.

I monitored them due to the fact that they looked suspicious and we were looking out for any student groupings that may be part of the on-going student protest action. They split up, some went down in the direction of University way and the MTLIC building. The other went towards the traffic circle and left towards the main administration building. Throughout the day the same people were grouping and involved as can be seen by the clothes they are wearing.

I asked the CCTV operators to monitor the groups whilst I went to the main parking area. I saw some of them on the grass across the road from the administration building and saw them turn coming back past the main administration parking area. I noticed that there was a white car standing close to the corner of the parking area and its rear window was broken, I immediately realized that the group I was following could be involved and went closer.

One of the group shouted when he saw me and they started running whilst the rest were still throwing stones. They then also started running and ran away towards the Letaba / Lebombo residences where they went in and disappeared from view. Besides "Zane" I do not know any of the rest of the group of students by name, but having seen them earlier at E block can identify some by way of their clothing they were wearing from one scene to the next. I was shaken by their actions as I feared that I could also be stoned.

I know and understand the content of the above statement

I have no objections to taking the oath

I consider the oath as binding on my conscience.

5<sup>th</sup> November 2016 Melabako Maqude 2016-11-14 10:00

*[Handwritten signatures and notes]*  
1-4 tea - place  
Nwempeoc  
SAPS

HUMWOOD CAS 607/10/2016

Mzwandile Ben Nobadula state under oath in English

I am an adult male identity number 6608085031084, residing at 35 Nywekazi Street PORT ELIZABETH 6201 and I work for NMMU as Senior Controller

2

On 31 October 2016 after 14:00 in the afternoon I was called by MR George Beer over the radio reporting group of students at North Campus parking, CCTV personnel also confirmed the movement immediate I walk out of the office as I was about to move out of the main entrance.

3

I could hear the noise of stones on motor vehicles parking in front of New admin building numbers of students were plus minus (±) eight I could only identified the one student I was leading I know him as Zayne he was wearing a Red t shirt with a grey track pant. He was part of the group that was stoning the car in the parking bay.

M.B.N

4

Myself and MR Melubako Maguole we got into my bakkie we follow them they went towards Letaba hostel but we could not see them after they went to Letaba then we drove off ground



AKU.

Mzwanile Ben Nobadula state further under oath in English.

5

South and North campus on our arrival at North campus, controller Jaku was busy on the scene taking down registration numbers of the damaged vehicles. The other thing is after they finish storing the b car I saw Zayne he was tampering at the back to rear windscreen then they walk away from the scene. I couldn't remember the colour of the car and make. I don't know other student the were part of the group.

M.B.M

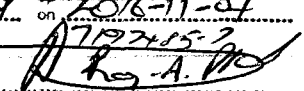

6

I know and understand the content of this statement

I have no objection taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

x 

I, <u>Mzwanile Ben Nobadula</u> , do hereby declare that the above is a true and correct statement of the facts as they occurred in my presence.	
to <u>Homewood</u>	on <u>20/6/11</u> at <u>11:21</u>
<u></u> (SIGNATURE OF DEponent)	
<u>AKHONA Vos</u> (SIGNATURE OF WITNESS)	
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS	
<u>1-4 Lee Ptee South</u> (BUSINESS ADDRESS (STREET ADDRESS))	
<u>End</u> <u></u>	

