

# **Tutorial Letter 101/3/2019**

**Investigation of Selected Crimes and  
Transgressions**

**FOR1502**

**Semesters 1 and 2**

**Department of Police Practice**

This tutorial letter contains important information  
about your module.

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Dear Student

## 1 INTRODUCTION

Welcome to the Department of Police Practice. I hope you will find this module, FOR1502, interesting and beneficial and that the knowledge you acquire will be useful in your daily work.

The extensive nature of investigation activities in South Africa makes tertiary studies essential for efficiency and professionalism in the field of forensic and criminal investigation. Please note that, throughout this course, you are required to supplement your theoretical studies with practical observations and your own research. I will do my best to support you in your studies.

You will be well on your way to success if you start to study early in the semester. It is important to start early with the assignments and to submit them in good time. This tutorial letter contains important information about this module; read it carefully and keep it at hand while working through the study material, doing the assignments and preparing for the examination. You should also have this tutorial letter with you when you contact your lecturer about the study material. The assignments that you must complete for this module are included in this tutorial letter, along with instructions on how to prepare for the assignments and submit them. I have also included information about the prescribed study material and how to obtain it. Please study this information carefully and make sure that you receive all your study material.

Because this is a blended module, you need to use myUnisa to access the **Discussion Forums** tool in order to do the self-reflective activities for this course. You need to visit the website on myUnisa for FOR1502 frequently. The website for your module is FOR1502-19-S1. The S1 indicates that you are registered for semester one. A website for the second semester will be created during the course of the year.

Furthermore, BLENDED module means that everything you have received in hardcopy (tutorial letter, study guide, etc) is also available online. Go to the website: <https://my.unisa.ac.za> and login with your student number and password. You will see [Module site FOR1502-19-S1] in the row of modules in the orange blocks across the top of the webpage. Remember to also check in the **More** tab if you cannot find it in the orange blocks. Click on the module you want to open.

All study material for this module will be available on myUnisa. It is therefore quite important that you register on myUnisa and access the module site on a regular basis. You must be registered on myUnisa to be able to submit your assignments; gain access to various learning resources; "chat" with your lecturer and fellow students about your studies and the challenges that you might encounter; and participate in online discussion forums. Please consult the *Study @ Unisa* brochure for more information on the activation of your myLife e-mail address and to obtain access to the myUnisa module site.

Tutorial Letter 101 contains important information about the scheme of work, resources and assignments for this module. As a registered Unisa student, you have access to the myUnisa electronic portal/module site. From this site, you can access various online resources to assist

you in your studies. You will find the assignments for the semester as well as instructions on the preparation and submission of the assignments in Tutorial Letter 101.

I have also included general and administrative information about this module. Please study this section of the tutorial letter carefully. Right from the start, I would like to point out that you must read all the tutorial letters you receive immediately and carefully, since they always contain important information. You are welcome to contact me regarding any subject-related information or guidance.

I wish you all the best for your studies. Remember, with hard work, perseverance and dedication anything is possible.

Kind regards

Rirhandzu Hlungwane

Lecturer: FOR1502

## **2 PURPOSE AND OUTCOMES**

### **2.1 Purpose**

The purpose of this module is to gain a general understanding of the investigation of selected crimes and transgressions, namely intimidation; perjury; absenteeism; misuse of company property; sexual harassment; nepotism and racism in the ambit of the South African criminal justice system; common law, statutory law and company policies. This module focuses on practical investigative work and not on the forensic laboratory scientist.

### **2.2 Outcomes**

On completion of this module you should be able to

- demonstrate an understanding of the different types of crimes/incidents that may occur in the public or private environment
- analyse the different terms, principles and concepts that are used during the forensic investigation of selected crimes and transgressions in the public and private environment
- demonstrate an understanding of the importance of managing a case or incident file during the investigation of a selected crime or transgression in a public or private environment

### 3 LECTURER AND CONTACT DETAILS

#### 3.1 Lecturer

I am Ms Rirhandzu Hlungwane from the Department of Police Practice at the University of South Africa (Unisa), and I am your lecturer for this module. Should you have any academic or specific inquiries about the module, you are welcome to contact me. If you would like to see me in person, you are welcome to do so by prior appointment on weekdays in room G056 on the ground floor of Brooklyn House, which is at 337 Veale Street, Brooklyn, Pretoria. Alternatively, you may phone me on +27 (0)12 433 9416 or send me an e-mail at [hlungrp@unisa.ac.za](mailto:hlungrp@unisa.ac.za).

#### 3.2 Department

Department of Police Practice

Brooklyn Campus

Veale Street, Brooklyn, Pretoria

Telephone: 012 433 9410

#### 3.3 University

If you need to contact the university about matters not related to the content of this module, please consult the publication *Study @ Unisa* which you received with your study material. This publication contains information on how to contact the university (whom to contact, important telephone and fax numbers, addresses and details of the times during which the relevant facilities are open).

Please make a clear distinction between registration/administrative matters and those matters that are relevant to the content of this module. You should phone your lecturer only regarding the subject matter or content of the study material.

Physical address of the University:	Postal address:
University of South Africa (Unisa)	University of South Africa (Unisa)
Preller Street	PO Box 392
Muckleneuk	Unisa
Pretoria	0003
City of Tshwane	

All other matters must be directed to:

E-mail: [study-info@unisa.ac.za](mailto:study-info@unisa.ac.za)

SMS: 32695 (Students in South Africa)

Online address: <http://my.unisa.ac.za>

**NB: Always have your student number and the nature of your enquiry at hand contacting the University.**

## **4 RESOURCES**

### **4.1 Prescribed books**

There are **no prescribed textbooks** for the module **FOR1502: Investigation of Selected Crimes and Transgressions**. This means you do not need to buy any additional books. You need to study only your **study guide and tutorial letters**.

### **4.2 Recommended books**

There are no recommended books for the module, **FOR1502: Investigation of Selected Crimes and Transgressions**. You must make use of your study guide and tutorial letters.

### **4.3 Electronic reserves (e-reserves)**

There are no e-reserves for this module. I have posted all additional reading under **Additional Resources**.

### **4.4 Library services and resources information**

The Unisa Library offers a range of information services and resources:

- for detailed Library information go to <http://www.unisa.ac.za/sites/corporate/default/Library>
- for research support and services (eg, personal librarians and literature search services) go to <http://www.unisa.ac.za/sites/corporate/default/Library/Library-services/Research-support>

The Library has created numerous Library guides:

<http://libguides.unisa.ac.za>

Recommended guides:

- Request and download recommended material:  
<http://libguides.unisa.ac.za/request/request>
- Postgraduate information services:  
<http://libguides.unisa.ac.za/request/postgrad>
- Finding and using library resources and tools:  
[http://libguides.unisa.ac.za/Research\\_skills](http://libguides.unisa.ac.za/Research_skills)
- Frequently asked questions about the Library:  
<http://libguides.unisa.ac.za/ask>
- Services to students living with disabilities:  
<http://libguides.unisa.ac.za/disability>

## 5 STUDENT SUPPORT SERVICES

The *Study @ Unisa* brochure is available on myUnisa: [www.unisa.ac.za/brochures/studies](http://www.unisa.ac.za/brochures/studies)

This brochure has all the tips and information you need to succeed at distance learning.

It is a good idea to form study groups and have contact with your fellow students. Make use of the **Student café** (on the myUnisa site) to introduce yourself and initiate study groups in the area where you live or work.

The myUnisa learner management system is Unisa's new virtual campus that helps students to communicate with their lecturers, other students and Unisa's administrative departments – all through the internet. To go to the myUnisa website, start at the main Unisa site, <http://www.unisa.ac.za>, and then click on the orange myUnisa button on the right-hand side of the screen. This should take you to the myUnisa site. Or you can also go there directly by typing in <http://my.unisa.ac.za>. Please consult the *Study @ Unisa* brochure, which you received with your study material, for more information on myUnisa.

## 6 STUDY PLAN

Use the *Study @ Unisa* brochure for general time management and planning skills. The following information serves merely as a guideline:

Please note: It is of the utmost importance that you take ownership of your studies. As lifelong learners, our personal circumstances differ in many respects. These, among others, may include our working hours (office hours or shifts), family responsibilities (children and chores at home) and numerous other professional and social commitments.

Remember: "Failing to plan is planning to fail."

Therefore, the manner in which you, as a student, manage your time is crucial. You will have to devise a strategy to allocate sufficient time to your studies. You will also have to consider all the other factors (as mentioned above) that require your attention. The key is to strive towards a healthy balance between these factors and your commitment to your studies. Always remember that everything that is worthwhile involves a cost.

The cost of success in your studies is discipline, perseverance and hard work. Remember that you are more than welcome to contact your lecturer for any advice or guidance on suggestions for time management and planning. Here is a simple suggestion for planning a schedule for your studies:

Weekly plan: time allocated for studies

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
04:30 - 06:00	04:30 - 06:00	Rest	04:30 - 06:00	Rest	07:00 - 10:00	Rest
20:00 - 21:00	Gym	20:00 - 21:00	Family time	Social time	13:00 - 15:00	Family time

You will have to record important dates such as due dates for assignments and the date on which you will be writing your examination. Make sure you start your preparation well in advance, and always remember that life can be very unpredictable. You never know when an unexpected work or family commitment will demand more of your time and energy. If you are in the fortunate position of being afforded annual study leave by your employer, arrange for this in good time and inform your employer of your study goals. Always remember that learning is a journey and not a destination.

Part of your journey is managing your time in such a manner that you are able to submit assignments of a high standard – and being able to complete the examination paper knowing that you were well prepared.

## **7 PRACTICAL WORK AND WORK-INTEGRATED LEARNING**

There are no practicals for this module.

## **8 ASSESSMENT**

### **8.1 Assessment plan**

There are two compulsory assignments for this module; you are expected to do both. Both assignments are **compulsory** and you have to submit them for assessment by the **due dates**.

<b>NO EXTENSION WILL BE GRANTED — LATE ASSIGNMENTS WILL BE RETURNED UNASSESSED.</b>
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If you do not submit both assignments, you will not gain examination admission and you will have to re-register for this module. Both the **compulsory assignments** contribute towards your semester mark.

This tutorial letter contains **TWO assignments** for each semester (**FIRST SEMESTER** and **SECOND SEMESTER**), which must be submitted to the university to be assessed.

These assignments consist of the following:

- Assignment 01/2019: a written assignment that **must be submitted** to the university on/before the stipulated due date to be assessed. Assignment 01 counts 30 marks.
- Assignment 02/2019: a written assignment that **must be submitted** to the university on/before the stipulated due date to be assessed. Assignment 02 counts 100 marks.

You have to complete **BOTH** the assignments for “Investigation of Selected Crimes and Transgressions I (FOR1502)” and **submit them by the correct due dates** in order to gain admission to the final examination. Please note that if you submit the assignment cover only, it will not be accepted as an assignment. Your assignment marks will be used to calculate your final semester mark for the module and will form an important part of your examination mark. Therefore, your marks for the assignments form a vital part of your final mark for the module. Please use the envelope provided to send in your assignments OR submit your assignments online. Due to the problems being experienced with the postal system, I urge you to submit your assignment online.

**You should note the following:**

- **First-semester students** must submit their assignments clearly marked "**First semester**".
- **Second-semester students** must submit their assignments clearly marked "**Second semester**".

Students may submit their assignments either by post or electronically via myUnisa. Assignments may **not** be submitted by fax or e-mail. For detailed information and requirements as far as assignments are concerned, please consult *Study @ Unisa*. Please also ensure that you keep a copy of each assignment you submit. It is preferable that all your assignments are done on a computer and printed for submission (post) or submitted online. Please remember when you **submit the original assignment** to keep a copy for your own record.

Post your assignments to:

Assignment section

PO Box 392

Unisa

0003

To submit an assignment **via myUnisa**, do the following:

- Go to myUnisa.
- Log in with your student number and password.
- Select the module.
- Click on **Assignments**, on the menu on the left-hand side.
- Click on the assignment number you want to submit.
- Follow the instructions on the screen.

## 8.2 Assignment numbers

### 8.2.1 General assignment numbers

Assignments are numbered consecutively per module, starting from 01. This means that for the first semester you will submit two assignments numbered "Assignment 01" and "Assignment 02". Similarly, if you are registered for the second semester, you will submit two assignments numbered "Assignment 01" and "Assignment 02". It is very important that you indicate for which semester you are registered and take note of the unique numbers that are applicable.

### 8.2.2 Unique assignment numbers

**Assignments unique number first semester:**

ASSIGNMENT	UNIQUE NUMBER
01	843023
02	828402

**Assignments unique number second semester:**

ASSIGNMENT	UNIQUE NUMBER
01	796015
02	737198

## 8.3 Assignment due dates

**Assignments for first semester:**

ASSIGNMENT	DUE DATE	MARKS
01	15 March 2019	30
02	05 April 2019	100

**Assignments for second semester:**

ASSIGNMENT	DUE DATE	MARKS
01	8 August 2019	30
02	13 September 2019	100

## 8.4 Submission of assignments

### PLEASE NOTE:

Your assignments should be written in English. Through your use of this language, you will show the lecturer what you know (knowledge), what you can do (skills) and how you would approach a forensic investigation (attitude). It is, therefore, important that you write in a clear and understandable manner. Please try to submit all your assignments online following the instructions above. If this is absolutely impossible, then you may post your assignment as indicated above. Remember that the due date is the date that your assignment must reach Unisa's regional office.

### Guidelines on completing Assignment 01

Assignment 01 is compulsory. If you do not submit this assignment, your registration will be cancelled automatically. No late assignments will be accepted. The information that follows is extremely important. It provides instructions on how to complete and submit the assignment, and deals with the content and purpose of the assignment. **Please read this information carefully before you start with your assignment.**

### Assignment 01:

Assignment 01 counts for 30 marks. It is a typed assignment consisting of questions that require short to medium answers. These questions will cover all study units in the module and you will, therefore, have to read through your entire study guide. There will also be questions which relate to the contents of this tutorial letter. Students often do not study their tutorial letters. Therefore, questions related to the tutorial letter will be included in Assignment 01. Please compile a cover page for Assignment 01, which comprises the following information:

- Student name and number
- Name and code of subject/module
- Assignment number, unique number, semester number and year

### Guidelines on completing Assignment 02

Assignment 02 must also be submitted in typed format. The marks allocated to questions range between 3 and 10. The assignment counts for 100 marks. The marks that you obtain for Assignment 02 will form part of your semester mark and will count towards your final mark on condition that you obtain a subminimum of 40% in the examination. Please compile a cover page for Assignment 02 which should comprise the following information:

- Student name and number
- Name and code of subject/module
- Assignment number, semester number and year

## Mark allocation

The marks allocated to each activity in an assignment will give you an indication of how much detail you have to include in your answer. If an activity counts for a lot of marks, more information is required to obtain those marks. An activity that counts for 10 marks cannot be answered satisfactorily in half a page. Similarly, an activity worth 5 marks does not justify a three-page answer.

## The paragraph-type activity

These activities count for 3 to 10 marks. The purpose of this type of activity is to teach you to provide answers that are concise, yet complete. These activities require you to obtain essential information and then compare and logically integrate it into the various sections of the work.

Take note:

- The activity determines the **structure** of your answer.
- Follow the **exact** instructions of the activity. Avoid introductory remarks, generalisations or digressions – this is not an essay.
- Write the answer in your **own words**. (In other words, formulate the information you have obtained from different sources in your own words.)
- The answer must be concise.
- Avoid using the telegram style; use well-formulated and **complete sentences**.
- **Do not use headings** in a paragraph. A paragraph is a unit. Statements and supporting arguments must follow one another logically.
- You may include **quotations** in this type of answer. Provide **in-text references** and a detailed **list of references** at the end of the assignment.

## Standard of work required

You are expected to submit work of a high standard. It is totally unacceptable to merely reproduce sections of the learning material that you consider to be relevant. Give specific answers that are as comprehensive as possible. Elaborate on the subject by drawing on relevant material from your learning guide and practical research. Avoid simply rewriting a paragraph as a complete answer. Lecturers frequently emphasise originality. Originality does not mean that you have to think up brilliant new ideas and present them in a novel way. Studying involves consulting your study material and reference works. Nevertheless, you can show originality by the way in which you approach and integrate this information. This includes the following:

- **Plan** your answer independently – that is, you should not be bound by the way in which the material is organised in the sources you consulted.
- **Use** your own words and do not be bound by the way in which the information is formulated in the sources.
- **Combine/Integrate** material from different sources logically.
- **Present** a coherent and cohesive discussion.

It is not easy to organise and present information from other sources in an original way. In order to do this, the following is required:

- study a topic thoroughly beforehand in order to fully understand it
- do independent planning before answering the question
- do a critical and independent evaluation or assessment of information, conclusions or implications:
  - always give reasoned criticism, even if your criticism is not based on scientific sources
  - use your own examples if necessary

Your facts have to be presented **logically** and should be **relevant** to the question. Your ultimate task is to show the marker that you have **insight** in the situation presented by the question; that you understand the problems involved; and that you know and can logically explain the action to be taken or the procedure to be followed to deal with the matter in a satisfactory manner.

Pay special attention to your sentence construction when answering the questions. Some students write vague sentences and we simply do not know what they mean.

We also take the following into consideration when assessing your assignments:

- the format of your answer
- your language usage
- the presentation of your assignment
- your insight into the learning material
- additional practical examples from your working environment
- external sources consulted in addition to your learning material
- the accuracy of the reference technique

**Practical examples** are important in determining whether you **understand** the tutorial matter and can **apply your knowledge**. If you cannot provide an example, you can give reasons why a method or instruction is the way it is. You may also, if you wish to, enclose examples of completed forms. However, no original forms may be used, only copies. Keep in mind that a general discussion with no reference to the facts given in the question will earn you very few marks.

## Plagiarism and academic dishonesty

**Please note:** Although students may work together when preparing assignments, each student must write and submit his or her own individual assignment. In other words, each student must submit his or her own work. It is unacceptable for students to submit identical assignments on the basis that they have worked together; that would amount to plagiarism and such assignments will not be assessed. Furthermore, these students may be penalised or subjected to the university's disciplinary proceedings.

**Plagiarism is the act of taking the words, ideas and thoughts of others and passing them off as your own. It is a form of theft that involves a number of dishonest academic activities.** If you copy your assignment answers verbatim (word for word) from the learning guide or another source, you will be awarded 0%. The Disciplinary Code for Students (2004) is given to all students when they register. Kindly read the university's Policy on Copyright Infringement and Plagiarism.

**Academic dishonesty** can take many forms, but the following are some of the most common:

- Copying, cutting and pasting, or patch writing: This type of dishonesty involves copying someone else's work, either word for word or changing it slightly, without putting it in inverted commas or indenting it in the prescribed manner. This is the form of dishonesty that is the easiest to detect since plagiarism software will pick it up.
- Absence of references: This is a very common type of dishonesty and involves using someone else's ideas, thoughts, insights or data without acknowledging that they are not your own. In essence, this is just a more refined version of the copying referred to above, since the wording is changed, but the content is the same.
- Cheating/falsifying information: This can take the form of manufacturing data which does not exist or keeping silent about contradictory evidence. It is also called "cherry picking", which refers to representing only the data or opinions that support your point of view.
- Padding: This refers to the practice of referring to sources that were not consulted, but which makes the footnotes and/or bibliography seem more impressive. It is a practice that amounts to academic laziness in that a person consults only secondary sources, but uses the primary sources referred to in such works. A reference to a source "as cited by X" is not acceptable.
- Too many quotes: This form of dishonesty occurs when more than 15% of the work consists of quotes. It is indicative of someone who has not mastered the subject at hand and, therefore, cannot represent ideas in his or her own words. Such a practice is compounded by too great a reliance on a single author or a limited number of authors.
- Incorrect referencing: As stated above, incorrect referencing shows a lack of rigour and disciplinary expertise. Correct referencing is a requirement of academic integrity and should not be taken lightly. Make use of the reference style guidelines for the School of Criminal Justice.

**PLAGIARISM AND ACADEMIC DISHONESTY, AS DISCUSSED ABOVE, WILL RESULT IN A ZERO MARK AND DISCIPLINARY ACTIONS BEING INSTITUTED.**

## Feedback on assessed assignments

The feedback on the compulsory assignments **will be sent to all students who are registered for this module**. After the due date of your last assignment, you will receive a tutorial letter containing suggested solutions to the questions, and feedback on how your assignments have been answered. As soon as you have received the comments, please check your answers. The assignments and the comments on these assignments constitute an important part of your study material for the examination. Please note that the number of ticks (✓) is not necessarily an indication of the marks awarded for an answer.

However, if the marks appear to have been added up incorrectly, you may return the assignment to the lecturer concerned, together with your comments, for the marks to be adjusted. Please compare your assessed assignments with the suggested solutions in the tutorial letter. Should you be dissatisfied with the way in which your assignment was assessed, you may resubmit it to the responsible lecturer, together with your comments. This needs to be done **within 14 days** of the assignment being returned to you. Your comments should include a detailed explanation of why you disagree with the marker.

It sometimes happens that students submit the incorrect assignment online. These are returned to the student and an e-mail message is sent to the myLife e-mail account. If you do not monitor your account, you may miss the message that your assignment has been returned unmarked. It may then be too late to resubmit the assignment and you may end up failing the module. Monitor your myLife e-mail account daily for messages.

## 8.5 The assignments

### FIRST SEMESTER COMPULSORY ASSIGNMENTS

ASSIGNMENT 01 (1st SEMESTER)

DUE DATE: 15 MARCH 2019

TOTAL: 30 MARKS

The first set of questions is based on the content of this tutorial letter, as well as unit 0 of the study guide for FOR1502. Please answer the following questions as comprehensively as possible.

#### Question 1

Name at least two of the recommended books listed for this module.

[1]

#### Question 2

What is the name of the department that offers this module?

[1]

### Question 3

Who is the lecturer for this module and what is this his or her contact details?

[3]

This concludes the assessment of the tutorial letter and unit 0. The following questions deal with the content of all the units contained in sections 1 and 2. Please read each question carefully and make sure you know what is being asked before you answer.

### Question 4

Give a brief overview of the origin of the word “nepotism” and provide a definition in your own words. [5]

### Question 5

Discuss the elements of malicious damage to property. [5]

### Question 6

Indicate whether the following statements are True or False.

- 6.1 Disciplinary action is never instituted against an employee for poor work performance. (1)
- 6.2 Misconduct in itself is not an offence in terms of labour legislation (1)
- 6.3 In civil matters the standard of proof is much higher than in criminal cases. (1)
- 6.4 The burden of proof refers to the side that must prove a case in order to succeed. (1)
- 6.5 Absenteeism is closely associated with poor timekeeping. (1)
- 6.6 Nepotism is the unfair display of favouritism by leadership. (1)
- 6.7 Malicious damage to property is considered a less serious crime than other common law crimes. (1)
- 6.8 One of the motives for malicious damage to property is vandalism. (1)



- 6.9 It is racist to call a transgender female a lesbian. (1)
- 6.10 It is acceptable to lie under oath if it helps to convict a rapist. (1)
- 6.11 It is your responsibility as the investigating officer to institute disciplinary proceedings against an offending employee. (1)
- 6.12 Within a corporate environment, it is not necessary to have a workplace policy that deals with matters of discipline. (1)
- 6.13 It is considered theft if I take something that has been thrown in the dustbin outside the office building. (1)
- 6.14 When you undertake an investigation for a company as a private investigator, it is not necessary to obtain anything in writing. (1)
- 6.15 The reason why a company undertakes disciplinary action against an employee has to do with substantive fairness. (1)
- [15]
- TOTAL:** **[30]**

**ASSIGNMENT 02 (1st SEMESTER)**

**DUE DATE: 05 APRIL 2019**

**TOTAL: 100 MARKS**

**Question 1.**

Define the following concepts:

- 1.1. perjury (2)
- 1.2. nepotism (2)
- 1.3. intimidation (2)
- 1.4. sexual harassment (2)
- [8]

**Question 2**

Differentiate between standard of proof and burden of proof. [10]

**Question 3**

List three (3) forms of tribunals. [3]

**Question 4**

4.1. Name the persons who should be present during disciplinary proceedings. (6)

4.2. List what usually happens at a hearing. (9)

[15]

**Question 5**

Discuss the elements of malicious damage to property. [10]

**Question 6**

Briefly discuss misuse of company property. [10]

**Question 7**

You are the in-house forensic investigator for ABC International, a company that imports machinery into South Africa from Zimbabwe. John Alfred works as one of the drivers. He is a loyal employee and has been with the company for 10 years. His duties entail the collection and delivery of shipments that have arrived on consignment from Zimbabwe. John does not report for work for the entire week of 4 to 8 March, 2018. On the 11<sup>th</sup> of March, he reports for work and offers no excuse for his absence. You are tasked by the risk manager, Klaus Mentoor, to investigate this incident.

7.1. Has John committed a disciplinary transgression? Give reasons for your answer by explaining which transgression (if any) has been committed. (3)

7.2. Describe what steps you would take to investigate this incident. Substantiate your discussion. (10)

[13]

**Question 8**

Mr Richard Lekoko is the Human Resources Manager at ABC International. He reported the insubordination of Miss Sharon Peters to her office manager. As a result, Miss Peters was reprimanded by her office manager. The morning after the reprimand she walked into Mr Richard Lekoko's office and slapped him through the face. Miss Gina Bray and Mr Ivan Lebo witnessed the incident.

Based on scenario above, answer the following questions:

- 8.1. Explain what transgression/offence (if any) has been committed. Give reasons for your answer. (3)
- 8.2. You are tasked to investigate this incident. Once you have completed your investigation, write a report that covers the elements numbered 8.2.1 to 8.2.9. Make sure that you answer questions for each of these elements.
- 8.2.1 Name and designation of the investigator (2)
- 8.2.2 Allegation being investigated (1)
- 8.2.3 Details of person being investigated (2)
- 8.2.4 Background of investigation (5)
- From whom did the mandate to investigate this incident come?
  - What gave rise to this situation?
  - What actions (if any) have already been taken?
  - Provide brief information on the person who is being investigated (eg, employment history/disciplinary record).
  - Has this person been suspended or redeployed? Give reasons for any actions taken.
- 8.2.5 Demarcation of investigation (2)
- What allegations are being investigated?
  - Under which policy is this investigation being conducted?
  - What policies (if any) have been transgressed?
- 8.2.6 Investigation process (5)
- Explain the progress that has been made with the investigation.
  - Give a brief overview of the investigative methods used (CCTV footage/interviews) and the purpose of these methods.
  - Provide a timeline of the investigation with an explanation for delays.
  - Provide a brief explanation of the people who have been interviewed and the reasons why they have been interviewed.

8.2.7 Findings (5)

- Provide a summary of the findings in relation to 8.2.6.

8.2.8 Conclusion (3)

- Provide a concise conclusion in relation to the findings reported in 8.2.7.

8.2.9 Appendixes (3)

- Provide a chronological list of evidence gathered under 8.2.6.

[31]

**TOTAL:** [100]

<b>ASSIGNMENT 01 (2nd SEMESTER)</b>	<b>DUE DATE: 8 AUGUST 2019</b>
<b>TOTAL: 30 MARKS</b>	

The first set of questions is based on the content of this tutorial letter as well as unit 0 of the study guide for FOR1502. Please answer the following questions as comprehensively as possible.

**Question 1**

Who is the lecturer for this module and what is his or her contact details?

[3]

**Question 2**

Name the two activities can you access on the myUnisa discussion forums for this module.

[2]

**Question 3**

What is the date and the unique number of Assignments 01 and 02 for this semester?

[2]

This concludes the assessment of the tutorial letter and unit 0. The following questions deal with the content of all the units contained in sections 1 and 2. Please read each question carefully and make sure you know what is being asked before you answer.

**Question 4**

For which type of employment directions will the content of FOR1502 be most helpful?

[3]

**Question 5**

Match the word or phrase in column A with the phrase or statement in column B by writing the answer down as indicated below: [20]

EXAMPLE			
	COLUMN A		COLUMN B
<b>A</b>	The person who you want to arrest for a crime is called the	<b>1</b>	Victim
<b>C</b>	The person who was attacked is called the	<b>2</b>	Suspect
<b>ANSWER: A – 3      B – 1</b>			
	COLUMN A		COLUMN B
<b>A</b>	The principle of legality is derived from the Latin phrase	<b>1</b>	Code of Good Practice Dismissals
<b>B</b>	Offences in terms of the Second-Hand Goods Act	<b>2</b>	Prior to the institution of disciplinary proceedings
<b>C</b>	Schedule 8 of the Labour Relations Act	<b>3</b>	Considered a serious disciplinary matter
<b>D</b>	Malicious damage to property	<b>4</b>	<i>Poor performance</i>
<b>E</b>	Employee consistently fails to attain the standard of work set by the employer	<b>5</b>	<i>nullum crimen sine lege</i>
<b>F</b>	To hear the other person's side	<b>6</b>	Offences related to theft
<b>G</b>	Determine the nature of the misconduct and the seriousness	<b>7</b>	Related to theft
<b>H</b>	<i>aberatio ictus</i>	<b>8</b>	<i>audi alteram partem</i>
<b>I</b>	Misuse of company property	<b>9</b>	Regarded as one of the most disloyal acts
<b>J</b>	To steal from your employer	<b>10</b>	Going astray of the blow
<b>K</b>	Standard of proof in a criminal court	<b>11</b>	These trials can be instituted when misconduct is so serious that such a trial is warranted
<b>L</b>	Disciplinary transgressions	<b>12</b>	When the fair process is followed during an investigation and disciplinary process against an employee
<b>N</b>	False statement under oath in court	<b>13</b>	This type of conduct has to do with poor timekeeping
<b>O</b>	<i>Audi alteram partem</i> rule	<b>14</b>	Racism
<b>P</b>	Absenteeism	<b>15</b>	This is a transgression of company policy / rules
<b>Q</b>	Slap your boss through the face	<b>16</b>	Intimidation
<b>R</b>	Departmental trial	<b>17</b>	Common assault
<b>S</b>	Force a colleague to take part in a strike	<b>18</b>	Beyond reasonable doubt
<b>T</b>	Believe that one race is better than another	<b>19</b>	Perjury
<b>U</b>	Procedural fairness	<b>20</b>	This means that you must first hear the story of the other party

**TOTAL:****[30]**

**Question 1.**

Define the following concepts:

- 1.1. Absenteeism (2)
  - 1.2. Racism (2)
  - 1.3. Common assault (2)
  - 1.4. Theft (2)
  - 1.5. Malicious damage to property (2)
- [10]

**Question 2**

Differentiate between procedural fairness and substantive fairness. [10]

**Question 3**

List three (3) forms of tribunals. [3]

**Question 4**

Describe the meaning of the phrase “standard of proof” in your own words and explain what the “standard of proof” is for a disciplinary hearing, a civil trial and a criminal trial. [8]

**Question 5**

Discuss the elements of malicious damage to property. [10]

**Question 6**

List what usually happens at a hearing. [9]

**Question 7**

Explain the difference between disciplinary misconduct and a criminal offence. Give an example of each. [10]

**Question 8**

List the examples of expressions that may amount to racism. [10]

**Question 9**

Mr Aubrey Leshole is the manager of DCE Records. On Tuesday, 10 June, he asked his office clerk, Ms Mpho Sibiya, to work late. Once they were alone, he put his arms around her shoulders and then unbuttoned his shirt. He whispered in her ear that he could make life easy for her if she played along and treated him like a king. Mpho got such a fright that she ran out of the office. She reported the matter to the Forensic Division the following day. You are tasked to investigate the incident.

Based on scenario above, answer the following questions:

- 9.1. Explain what transgression/offence (if any) has been committed. Give reasons for your answer. (3)
- 9.2. Once you have completed your investigation, write a report that covers the elements numbered 9.2.1 to 9.2.9. Make sure that you answer questions for each of these elements.
- 9.2.1 Name and designation of the investigator (2)
- 9.2.2 Allegation being investigated (1)
- 9.2.3 Details of the person being investigated (2)
- 9.2.4 Background of investigation (5)
- From whom did the mandate to investigate this incident come?
  - What gave rise to this situation?
  - What actions (if any) have already been taken?
  - Provide brief information on the person who is being investigated (eg, employment history/disciplinary record).
  - Has this person been suspended or redeployed? Give reasons for any actions taken.
- 9.2.5 Demarcation of investigation (2)
- What allegations are being investigated?
  - Under which policy is this investigation being conducted?
  - What policies (if any) have been transgressed?

9.2.6 Investigation process (5)

- Explain the progress that has been made with the investigation.
- Give a brief overview of the investigative methods used (CCTV footage/interviews) and the purpose of these methods.
- Provide a timeline of the investigation with an explanation for delays.
- Provide a brief explanation of the people who have been interviewed and the reasons why they have been interviewed.

9.2.7 Findings (4)

- Provide a summary of the findings in relation to 9.2.6.

9.2.8 Conclusion (3)

- Provide a concise conclusion in relation to the findings reported in 9.2.7.

9.2.9 Appendixes (3)

- Provide a chronological list of evidence gathered under 11.2.6.

[30]

**TOTAL:** [100]

## 8.7 Other assessment methods

For general information and requirements as far as assignments are concerned, see the *Study @ Unisa* brochure. You need to submit **BOTH** assignments in order to gain admission to the examination.

## 8.8 The examination

**First semester:** If you are registered for the first semester, this means that you will write the examination in May/June 2019. Supplementary examinations will be written in October/November 2019.

**Second semester:** If you are registered for the second semester, this means that you will write the examination in October/November 2019. Supplementary examinations will be written in May/June 2020.

During the course of the semester, the examination section will provide you with information on the examination in general, examination venues, examination dates and examination times – this information is also available on myUnisa.



## Examination paper

You will write **one two-hour paper**. The paper counts **100 marks**. **The questions in the examination paper are compiled from the following sources:**

- study guide: Selected Crimes and Transgressions I (FOR1502)
- Tutorial Letter FOR1502/101/3/2019
- feedback in tutorial letters

### **PLEASE NOTE**

- No examination results will be given to students over the telephone.
- You need to submit **BOTH** assignments in order to gain admission to the examination.
- Remember, you have to obtain a subminimum of **40%** in the **examination** before your semester mark (made up of your assignment marks) is taken into account.
- If you have acceptable reasons for failure to write the examination and you can provide written proof of your circumstances, you will be able to apply for permission to write the examination later.

**The following reasons are considered acceptable:**

- illness/an accident, substantiated by an acceptable medical certificate
- compassionate reasons – this relates to death/illness/an accident involving an **immediate** family member, and must also be substantiated by acceptable documentation

**Previous examination papers are available to students on myUnisa.** To help you with your preparation for the examination, work through these exam papers. In addition, I will give guidelines on the material you have to study for examination purposes.

## **9 FREQUENTLY ASKED QUESTIONS**

The **FAQs** tool on the myUnisa module site provides questions and answers relating to general Unisa matters as well as module-related information. The **FAQs** option also contains information on Tutorial Letter 101/3/2019. In addition to this, the *Study @ Unisa* brochure contains an A-Z guide of the most relevant study information. Please consult this guide.

## **10 SOURCES CONSULTED**

None

## **11 IN CLOSING**

You have embarked on an exciting journey, but it will require of you to work hard. Hard work always pays off in the long term. Do not hesitate to contact me for assistance with your studies.

Kind regards

Ms Rirhandzu Hlungwane,

Primary Lecturer: Selected Crimes and Transgressions 1

Brooklyn House, room G 030

337 Veale Street, Brooklyn

Pretoria

Tel: 012 433 9416

E-mail: hlungrp@unisa.ac.za

## **12 ADDENDUM**

None