

FOR1502

October/November 2017

INVESTIGATION OF SELECTED CRIMES AND TRANSGRESSIONS

Duration 2 Hours

100 Marks

EXAMINERS

FIRST

SECOND

MS RP HLUNGWANE

DR BC BENSON

Closed book examination

This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue.

INSTRUCTIONS:

This examination paper consists of Four (4) pages.

Answer all the questions.

[TURN OVER]

QUESTION 1

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

QUESTION 2

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

QUESTION 3

Indicate whether the following statements are True or False

- 3 1 Disciplinary action is never instituted against an employee for poor work performance (1)
- 3 2 Misconduct in itself is not an offence in terms of the labour law (1)
- 3 3 In civil matters, the standard of proof is much higher than in criminal cases (1)
- 3 4 The burden of proof refers to the side that must prove for a case to succeed (1)
- 3 5 Absenteeism is closely associated with poor timekeeping (1)
- 3 6 Nepotism is the unfair display of favouritism by leadership (1)
- 3 7 Malicious damage to property is considered a less serious crime than other common law crimes (1)
- 3 8 One of the motives for malicious damage to property is vandalism (1)
- 3 9 It is racist to call a transgender female a lesbian (1)
- 3 10 It is acceptable to lie under oath if it helps to convict a rapist (1)
- [10]

QUESTION 4

In your own words, define the following concepts

[TURN OVER]

4 1	Racism	(4)
4 2	Common assault	(6)
4 3	Theft	(5)
4 4	Nepotism	(3)
4 5	Malicious damage to property	(2)
		[20]

QUESTION 5

Ms Vashnee Govender is the receptionist at Universal Book store. She is an unmarried woman who lives alone with two cats and her ageing dog. On Tuesday 5 October 2017, she reports to the risk manager that Mr Rabie made a racist remark towards her by referring to her as that "Indian lady in reception". You are tasked to investigate this incident.

Based on the scenario, answer the following questions.

Question 5.1

Has Mr Rabie committed a disciplinary transgression? Give reasons for your answer by explaining which transgression (if any) has been committed. **[3]**

Question 5.2

Describe the steps you would take to investigate this incident. Substantiate your discussion. **[10]**

QUESTION 6

You are the in-house forensic investigator for an international company that exports fresh produce to Europe. The position of Manager Supply Chain Management is advertised in the local newspapers. The advertisement indicates that the person must be in possession of, among other things, an MBA with at least five years' experience at middle management level. After the shortlisted candidates were interviewed, Ms Melody Fraser is appointed. She has one year's experience as a junior manager and has a degree in social work. One of the other shortlisted candidates is Mr Marcel Khumalo who holds an MBA and has 10 years' experience at middle management level. It is known to everyone that Ms Fraser is the daughter of the company CEO, Mr Regie Crewe. The human resources manager is not satisfied with the appointment and you are tasked to investigate this incident.

Based on the scenario, answer the following questions.

[TURN OVER]

Question 6.1

Explain what transgression (if any) has possibly been committed by the appointment of Ms Melody Fraser. Motivate your answer **[3]**

Question 6.2

Describe the steps you would take to investigate this incident. Motivate your answer **[10]**

QUESTION 7

Briefly explain what the misuse of company property entails and explain why such conduct is not considered appropriate behaviour **[7]**

QUESTION 8

When investigating damage to property, it is wise to try to determine the motive for the damage. Name and briefly discuss the possible motives for malicious damage to property **[12]**

QUESTION 9

Discuss defeating or obstructing the course of justice. Provide practical examples in your discussion **[7]**

[TOTAL: 100]