

**FOR1502**

May/June 2018

**Investigation of Selected Crimes and Transgressions**

Duration 2 Hours

100 Marks

**EXAMINERS**

FIRST

MS RP HLUNGWANE

SECOND

MR SJ BIERMAN

EXTERNAL

MR SG MOKUBELA

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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 consist of 5 pages.**

**Answer all the questions.**

**Question 1**

List 10 forms of misconduct that are considered "very serious misconduct"

[10]

**Question 2**

Define the following forms of crime/ and provide an example of each

2 1 common assault (2)

2 2 perjury (2)

2 3 racism (2)

2 4 nepotism (2)

2 5 absenteeism (2)

[10]

**Question 3**

Mr Rudzani Mafa is the human resources manager at ABC International. He reports the insubordination of Ms Cynthia Kruger to her office manager. Because of this, Ms Kruger is reprimanded by her office manager. The morning after the reprimand, she walks into Mr Mafa's office and says "Hire a security guard for your kids and wife."

With reference to the scenario above, what offence, has Ms Kruger committed? Provide reasons for your answer

[5]

**Question 4**

Ms Elna Ridge is the receptionist at Universal Book Store. She is an unmarried woman who lives alone with two cats and her ageing dog. On Tuesday, 9 May 2018, she reports to the risk manager that Mr Augustine has made a racist remark about her by referring to her as that "Indian lady in reception". You are tasked to investigate this incident.

**Question 4 1**

Did Mr Augustine commit a disciplinary transgression? Provide reasons for your answer and explain which transgression (if any) has been committed (3)

**Question 4 2**

Describe the steps you would take to investigate this incident. Substantiate your discussion (10)  
(13)

**Question 5**

Indicate whether the following statements are True or False

- 5 1 It is considered theft if I take something that has been thrown in the dustbin outside the office building (1)
- 5 2 Disciplinary action is never instituted against an employee for poor work performance (1)
- 5 3 Malicious damage to property is considered a less serious crime than other common law crimes (1)
- 5 4 It is racist to call a transgender female a lesbian (1)
- 5 5 Misconduct in itself is not an offence in terms of the labour law (1)
- 5 6 In civil matters, the standard of proof is much higher than in criminal cases (1)
- 5 7 The burden of proof refers to the side that must prove a case to succeed (1)
- 5 8 It is acceptable to lie under oath if it helps to convict a rapist (1)

5 9 The reason why a company undertakes disciplinary action against an employee has to do with substantive fairness.

5 10 The burden of proof refers to the side that must prove a case/claim in order to succeed  
(1)  
[10]

#### Question 6

Discuss the elements of malicious damage to property [9]

#### Question 7

Briefly discuss misuse of company property [7]

#### Question 8

Mr Bill Venter, the site manager at V & A Construction, testifies under oath at a criminal trial that he was in his office at the time of an alleged assault and that he saw through the window how Mr Jakes Tshabalala beat Mr Alfred Ndou to the ground Ms Martha Bam, however, later testifies that Mr Venter was in her office at the rear of the site and could not have seen the assault

With reference to the scenario above, what offence, has Mr Venter committed? Provide reasons for your answer [5]

#### Question 9

Mr Petrus Mahugu is the manager of DCE Records On Tuesday, 10 June 2018, he asks his office clerk, Ms Miyelani Mathobo, to work late Once they are alone in the office, he drapes his arm around her shoulders and begins to unbutton his shirt He whispers in her ear that he can make life easy for her if she plays along and treats him like a king Miyelani gets such a big fright that she runs out of the office She reports the matter to the human resource division the next day You are tasked to investigate the incident

With reference to the scenario above, answer the following questions

Question 9 1

Explain what transgression/offence (if any) has been committed by Mr Mahugu. Provide reasons for your answer (3)

Question 9 2

You are tasked to *investigate this incident*. Once you have completed your investigation, write a report that covers the elements, numbered 9 2 1 to 9 2 9, below. Ensure that you provide answers to the 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 person being investigated     | (2)  |
| 9 2 4 | Background of investigation              | (5)  |
| 9 2 5 | Demarcation of investigation             | (2)  |
| 9 2 6 | Investigation process                    | (5)  |
| 9 2 7 | Findings                                 | (5)  |
| 9 2 8 | Conclusion                               | (3)  |
| 9 2 9 | Appendixes                               | (3)  |
|       |  | [31] |

TOTAL

100 Marks