Tutorial letter 101/3/2017

Professional Ethics
LJU4802

Semesters 1 & 2

Department of Jurisprudence

IMPORTANT INFORMATION:
This tutorial letter contains important information about your module, the assignments and the examination paper for this module.
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1 INTRODUCTION

Dear Student

Welcome to the module Professional Ethics (LJU4802), presented by the Department of Jurisprudence. We are pleased to welcome you to this module and hope that you will find it both interesting and rewarding. We will do our best to make your study of this module successful. You will be well on your way to success if you start studying early in the semester and resolve to do the assignments properly.

This tutorial letter contains important information about this module. We urge you to read it carefully and to keep it at hand when working through the study material, preparing the assignments, preparing for the examination and addressing questions to your lecturers.

In this tutorial letter, you will also find the assignments for both semesters and instructions on the preparation and submission of the assignments.

We have further included certain general and administrative information about this module. Please study this section of the tutorial letter carefully.

Right from the start we would like to point out that you must read all the tutorial letters you receive during the semester immediately and carefully since they always contain important information.

The Department of Dispatch should supply you with the following study material for this module:

- A Study Guide
- Tutorial Letters 101 and 301
- Additional tutorial letters

IMPORTANT: This is Tutorial Letter 101 which you should have received upon registration. Please read this Tutorial Letter as soon as possible and before you start working on this module.

Note: Some of this tutorial matter may not be available when you register. Tutorial matter that is not available when you register will be posted to you as soon as possible, but is also available on myUnisa.

Tutorial Letter 101: This tutorial letter contains important information about administrative arrangements as well as the assignments for this module. We urge you to read it carefully and to keep it at hand when working through the study material, completing the assignments, preparing for the examination and addressing questions to your lecturers.

Tutorial Letter 301: Please read Tutorial Letter 301 in combination with Tutorial Letter 101 as it provides you with important general information on studying at UNISA and, specifically, within the College of Law.

Additional tutorial letters that you may expect later in the semester will, for example, include feedback on the assignments. We would like to point out that you must read all the tutorial letters you receive during the semester immediately and carefully, as they
always contain important and, sometimes, urgent information. Also take note that the tutorial letters you receive form part of your study material and should be taken into account when you prepare for the examination.

myUnisa and the internet: Remember that myUnisa provides you with additional opportunities to take part in activities and discussions of relevance to this module and gives you easy access to assignments and your results. However, you must be registered on myUnisa to be able to submit assignments, gain access to the library functions and various learning resources, download study material, “chat” online to fellow students and the lecturers about your studies and the challenges you encounter, and participate in online discussion forums.

2 PURPOSE OF AND OUTCOMES FOR THE MODULE

2.1 Purpose
While it is accepted that future lawyers should have adequate levels of expertise and skill, the importance of professional ethics is also increasingly being recognized by the legal profession. This module is therefore aimed at inculcating and developing the moral character of future lawyers. When you have completed this module, we hope that you will be properly equipped with the foundational competence necessary for ethical decision-making in all matters relating to the practice of law. Hopefully you will also aspire towards a high set of ethical values which will make you count among the exceptional members of the legal profession.

2.2 Outcomes
After successful completion of the module you will be able to:

► Understand the nature of moral discourse
► Define the term legal ethics
► Explain how a profession differs from an ordinary job
► Explain the “fit and proper person” test
► Evaluate ethical codes
► Explain the current crisis in the legal profession
► Discuss five different philosophical approaches to legal ethics

3 LECTURER(S) AND CONTACT DETAILS

3.1 Lecturers
The lecturers responsible for this module are Dr Freddy Mnyongani and Prof Magda Slabbert.

All written enquiries about the contents of this module, in other words enquiries that are not of a purely administrative nature, should be directed to:

The Module Leader (LJU4802)
Department of Jurisprudence
PO Box 392
UNISA
0003
All telephonic or email enquiries that are NOT of a purely administrative nature but are about the contents of this module should be directed to the Department of Jurisprudence:

Dr Freddy Mnyongani  (012) 433-9436
E mail: mnyonfd@unisa.ac.za
International: +27 12 433-9436

Prof Magda Slabbert  (012) 433-9497
E mail: slbbm@unisa.ac.za
International: + 27 12 433-9497

Fax: +27 12 340 0326
International: +27 12 340 0326

Please have your study material at hand when you contact us about the content of the module. Feel welcome to visit us to discuss any queries or problems. However, please make an appointment. Our offices are in Brooklyn House, Floor 2, Veale Street, Brooklyn, Pretoria.

Dr F D Mnyongani Office 02-015 Brooklyn
Prof M Slabbert Office 02-038 Brooklyn

3.2 Department of Jurisprudence

The Head of this Department is:
Mrs A P Molusi
Office 02-021, Brooklyn
Email: molusap@unisa.ac.za

3.3 University

PLEASE NOTE: Dr Mnyongani and Prof Slabbert CANNOT assist you with general administrative matters, including those pertaining to registration, submission of assignments, examination dates/venues or examination results. Such matters should be addressed to the relevant administrative department. Please see the brochure My Studies @ Unisa in this regard.

PLEASE ALSO NOTE: Letters to lecturers may not be enclosed with or inserted into assignments.

4 MODULE-RELATED RESOURCES

4.1 Prescribed books

There is no prescribed textbook for LJU4802. This means that you do not have to buy any additional books for LJU4802. You need only study your Study Guide, the prescribed reading material referred to in your Study Guide and the tutorial letters.

Please take note that your Study Guide could possibly contain the previous module code, namely LJU413J, but the contents of the Study Guide has remained the same.
4.2 **Recommended books**

There are no recommended books for this module.

4.3 **Electronic Reserves (e-Reserves)**

All the recommended books/articles/court cases for this module are on the e-reserves.

4.4 **Library services and resources information**

- For brief information go to: [http://www.unisa.ac.za/contents/studies/docs/myStudies-at-Unisa2017-brochure.pdf](http://www.unisa.ac.za/contents/studies/docs/myStudies-at-Unisa2017-brochure.pdf)
- For more detailed information, go to the Unisa website: [http://www.unisa.ac.za/](http://www.unisa.ac.za/), click on Library
- For research support and services of Personal Librarians, go to: [http://www.unisa.ac.za/Default.asp?Cmd=ViewContent&ContentID=7102](http://www.unisa.ac.za/Default.asp?Cmd=ViewContent&ContentID=7102) The Library has compiled numerous library guides:
  - Find recommended reading in the print collection and e-reserves: [http://libguides.unisa.ac.za/request/undergrad](http://libguides.unisa.ac.za/request/undergrad)
  - Request material – [http://libguides.unisa.ac.za/request/request](http://libguides.unisa.ac.za/request/request)
  - Postgraduate information services – [http://libguides.unisa.ac.za/request/postgrad](http://libguides.unisa.ac.za/request/postgrad)
  - Finding, obtaining and using library resources and tools to assist doing research [http://libguides.unisa.ac.za/Research Skills](http://libguides.unisa.ac.za/Research Skills)
  - How to contact the Library/find us on social media/frequently asked questions – [http://libguides.unisa.ac.za/ask](http://libguides.unisa.ac.za/ask)

5 **STUDENT SUPPORT SERVICES FOR THE MODULE**

Important information appears in your *My Studies @ Unisa* brochure. For information on the various student support systems and services available at Unisa (eg student counseling, tutorial classes, language support), please consult the publication *My Studies @ Unisa*.

**Contact with fellow students**

**Study groups**

It is advisable to form study groups and to have contact with fellow students. The addresses of students in your area may be obtained from the following department:

Department of Undergraduate Student Affairs
P O Box 392
UNISA
0003

**myUnisa**

As indicated, myUnisa is a very useful resource. If you have access to a computer that is linked to the Internet, you can quickly access resources and information at the University. The myUnisa learning management system is Unisa’s online campus that will help you to communicate with your lecturers, with other students and with the administrative departments of Unisa – all through the computer and the Internet. All you have to do is to
register on myUnisa – please note that your lecturers cannot assist you with this process. Please consult the My Studies @ Unisa brochure in this regard.

To access these functions, go to the main Unisa website, http://www.unisa.ac.za, and then click on the “Login to myUnisa” link. This should take you to the myUnisa website. You can also go there directly by typing in http://my.unisa.ac.za.

You are seriously encouraged to use the myUnisa website as it is an additional (and faster) method by means of which your lecturers can communicate with you. The lecturers for this module are very active on the LJU4802 myUnisa page. Extremely important information related to the module is communicated here and you are reminded that announcements on myUnisa and e-mails to students’ official @mylife.unisa e-mail addresses is the university’s PRIMARY MODE OF COMMUNICATION with students. Some of the functions that should be of use to you for this module include:

• **The discussion forums:** In this module the main purpose of the forums is to address students’ content specific enquiries. This means that the lecturers run virtual discussions and use these to explain complex sections of the work to students. Students are encouraged to post questions on the work and these are then answered and discussed online. This forum may also be used to contact your fellow students and even to form virtual study groups. You are encouraged to use the discussion forum allocated to LJU4802 for this purpose. All the students registered for a particular semester will be able to participate in and view the discussions.

• **FAQ’s (frequently asked questions):** Here your lecturers post frequently asked questions and answers relevant to this module. It is advisable to go through these questions before contacting your lecturers!

• **Announcements:** From time to time your lecturers will make important announcements regarding new developments or administrative arrangements. We urge you to keep up to date with any announcements by regularly accessing this forum.

**Students with special needs**

Disabled students are invited to contact the lecturers to organize alternative assessments for assignments or the examination. This will however only be granted in special circumstances and when specifically requested by the student.

Please also see the following websites in this regard: Library (www.unisa.ac.za/library/)
The Advocacy and Resource Centre for Students with Disabilities (http://www.unisa.ac.za/Default.asp?Cmd=ViewContent&ContentID=16599)

**6 MODULE-SPECIFIC STUDY PLAN**

For information and suggestions regarding general time management and planning skills, please consult the publication My Studies @ Unisa.

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

There are no practicals for this module.
8 ASSESSMENT

8.1 Assessment plan

How the assessment system works: Only students who submit the first assignment before or on the date of submission will be admitted to the examination.

Both Assignments 01 and 02 will be taken into account for your year mark. Your year mark constitutes 20% of your final mark. You need to obtain at least 40% in the examination before your year mark will be taken into account.

How will this work in practice?

- Your YEAR MARK counts 20% (Assignment 01 counts 10% and Assignment 02 counts 10%) of your final mark.
- Your EXAMINATION MARK counts 80% of your final mark.
- Your FINAL MARK for the module will thus be calculated as follows: 20% (year mark) + 80% (examination mark) = 100% (final mark).

8.2 General assignment numbers

You have to submit two assignments for this module, Assignment 01 and Assignment 02. Keep in mind that if you are registered for the first semester (January to June) you must do the first semester’s assignments, and if you are registered for the second semester (July to December) you must do the second semester’s assignments. If you do the wrong assignments they will not be marked.

8.2.1 Unique assignment numbers

In addition to the general assignment number, each assignment has a unique number. These unique numbers appear on the assignments below. Please ensure that this unique number is clearly indicated on the assignments that you submit to the University.

8.2.2 Due dates for assignments

Please note that NO ASSIGNMENTS WILL BE ACCEPTED after the relevant due date. Also, please note that your lecturers cannot grant any extension for the late submission of assignments. Please stick to the due dates. This means that you should take into account the submission dates for Assignments 01 and 02 when planning your study schedule. It also means that you must plan ahead.

The closing dates for the submission of Assignments 01 and 02 are:

- First semester
  Assignment 01: 04 April 2017 (unique number: 820324)
  Assignment 02: 25 April 2017 (unique number: 816620)

- Second semester
  Assignment 01: 29 August 2017 (unique number: 697733)
  Assignment 02: 03 October 2017 (unique number: 635550)
8.3 Submission of assignments

Assignments may not be submitted by fax or e-mail.

You may submit written assignments and assignments completed on mark-reading sheets either by post or Mobile MCQ submission or electronically via myUnisa. Note that assignments may not be submitted by fax or e-mail.

For detailed information on assignments, please refer to the My Studies @ Unisa brochure which you received with your study package.

Assignments should be addressed to:

The Registrar
PO Box 392
UNISA
0003

To submit an assignment via myUnisa:

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

8.4 Assignments

8.4.1 General information

Assignments are regarded as part of the learning material for this module. When you do your assignments, study the Guide, discuss the work with fellow students or tutors, participate in the discussion forum on myUnisa or do research, you are actively engaged in learning.

Assignment 01 is a written assignment. Commentary on this assignment will be sent to all students and will be posted on myUnisa. Please note that in this assignment, you will also be evaluated on your writing skills (see par 8.4.3 below).

Assignment 02 is a multiple-choice assignment. You will receive the correct answers to this assignment automatically. However, a detailed commentary on Assignment 02 will be sent to all students in a tutorial letter and will be posted on myUnisa.

As soon as you have received the commentaries, please check your answers. Doing the assignments and carefully studying the commentaries on them constitute an important part of your learning and should help you to be better prepared for the examination.
8.4.2 Assessment of assignments

Although students may work together when preparing assignments, each student must write and submit his or her own individual assignment. In other words, you must submit your own ideas in your own words. It is unacceptable for students to submit identical assignments on the basis that they worked together. That is copying (a form of plagiarism) and none of these assignments will be marked. Furthermore, you may be penalised or subjected to disciplinary proceedings by the University. Please see Addendum A of this Tutorial letter for an explanation of exactly what constitutes plagiarism.

PLEASE NOTE THAT IF YOU SUBMIT A WRITTEN ASSIGNMENT WITHOUT COMPLETING AND INCLUDING THE ACADEMIC HONESTY DECLARATION (AS CONTAINED AFTER EACH ASSIGNMENT QUESTION) YOU WILL BE PENALISED. THERE IS NO NEED TO ATTACH THE ACADEMIC HONESTY DECLARATION TO MCQ ASSIGNMENTS.

Please note that in addition to your knowledge of the content of the module you will also be assessed on your writing and language skills. We have incorporated this aspect into Assignment 01. It is therefore important that you pay attention to formulation (sentence construction) and language (spelling, grammar, punctuation) when completing the assignment. Also note that cell phone language is not acceptable.

8.4.3 First semester assignments

ASSIGNMENT 01 – FIRST SEMESTER
CLOSING DATE: 04 APRIL 2017
UNIQUE NUMBER: 820324

Read the case of Ketsekele v Road Accident Fund (32492/12) [2015] ZAGPPHC 308; 2015 (4) SA 178 (GP) (8 May 2015) and address the following:

1. Give a brief summary of the facts of the case. (10)
2. Comment on the (un)ethical behaviour of the legal professionals (attorneys and advocates) of both the plaintiff and the defendant. (10)
3. In your view, was there a need to request medical reports in this case? (4)
4. Give an explanation of why you think the judge ordered that a copy of the judgement be sent to the Law Society and Bar Council amongst others. (3)
5. Use headings and paragraphs in your long answers. Please note that three (3) points will be awarded for the overall presentation of your assignment.

Total: 30 marks
This is a multiple-choice assignment. It must be completed on a mark-reading sheet and you must remember to fill in your student number as well as the unique number on the mark-reading sheet.

You must submit assignments completed on mark-reading sheets by post. Alternatively you may submit your answers electronically via myUnisa. Note that assignments may not be submitted by fax or e-mail. To ensure that the University receives your assignment (on time), you are encouraged to hand it in via myUnisa.

**QUESTION 1**

Consider the following two statements pertaining to the nature of moral discourse:

(a) The study of ethics is an unreflective exercise that culminates in a concrete set of rules that are based on statements of fact.
(b) Factual statements express the attitudes and judgments of people.

Which one of the following options is **correct**?

(1) (a) and (b) are correct.
(2) (a) and (b) are incorrect.
(3) (a) is correct, (b) is incorrect.
(4) (a) is incorrect, (b) is correct.

**QUESTION 2**

Consider the following two statements pertaining to ethics:

(a) Ethical principles function separately from particular real life circumstances.
(b) Concealing the truth could possibly lead to an ethical outcome.

Which one of the following options is **correct**?

(1) (a) and (b) are correct.
(2) (a) and (b) are incorrect.
(3) (a) is correct, (b) is incorrect.
(4) (a) is incorrect, (b) is correct.

**QUESTION 3**

In his article “Conscience against the law: Mahatma Gandhi, Nelson Mandela and Bram Fischer as practising lawyers during the struggle” 2001 *Codicillus* 20-35, Wessel le Roux argues that:
(1) Nelson Mandela’s unwavering commitment to positive law led him to revolt against the unjust apartheid laws of South Africa.
(2) Mahatma Gandhi was a skilled lawyer who often turned to litigation to secure the best possible outcome for his oppressed clients.
(3) Bram Fischer used his legal knowledge and skills as a weapon of political resistance against the apartheid regime.
(4) Nelson Mandela, Mahatma Gandhi and Bram Fischer saw their duty as lawyers to, above all, serve the law of the country.

**QUESTION 4**

Consider the following two statements pertaining to the case *Incorporated Law Society, Transvaal v Mandela* 1954 (3) SA 102 (T), in which the court examined the principles for the removal of a legal practitioner from the roll:

(a) Deliberate disobedience of the law disqualifies a person from practising law.
(b) Criminal actions are not necessarily disgraceful or dishonourable.

Which one of the following options reflect the decision of the court?

(1) (a) and (b) are correct.
(2) (a) and (b) are incorrect.
(3) (a) is correct and (b) is incorrect.
(4) (a) is incorrect and (b) is correct.

**QUESTION 5**

Consider the following statement pertaining to a positivistic approach to law and legal ethics and indicate whether it is true or false:

A lawyer with a formalistic and positivistic approach to law will tend to understand his or her ethical responsibility as a lawyer to involve much more, or even something completely different, to strict compliance with rules.

(1) True.
(2) False.

**QUESTION 6**

Consider the following statements pertaining to the Kantian categorical imperative:

(a) According to the categorical imperative, a lawyer should always abide by a set of professional rules out of prudence.
(b) The categorical imperative is irreconcilable with a formalist approach to legal ethics.

Which one of the following options is correct?

(1) (a) and (b) are correct.
(2) (a) and (b) are incorrect.
(3) (a) is correct and (b) is incorrect.
(4) (a) is incorrect and (b) is correct.
QUESTION 7

Which one of the philosophical approaches to ethics below can best be associated with the following statement?

“It is very important that we focus on the embedded structures of power in the law that make men’s characteristics and masculinity the norm from which ‘difference’ is constructed.”

(1) Utilitarianism  
(2) Rule governed ethics  
(3) Virtue ethics  
(4) Feminist ethics

QUESTION 8

Which one of the philosophical approaches to ethics below can best be associated with the following statement?

“Moral experience—the actual possession and exercise of good character—is necessary truly to understand moral principles and to apply them.”

(1) Utilitarianism  
(2) Rule governed ethics  
(3) Virtue ethics  
(4) Feminist ethics

QUESTION 9

Which one of the following options characterise postmodern ethics?

(1) The search for a single universal ethical code that is applicable to everyone.  
(2) Celebration of the uniqueness and particularity of every person.  
(3) An appeal to universality and uncertainty.  
(4) A rejection of otherness and difference and strive for sameness.

QUESTION 10

Which one of the following statements pertaining to the case S v Mamabolo 2001 (3) SA 409 (CC) reflects the finding of the court?

(1) Criticizing a judicial order is a form of contempt of court.  
(2) Judges are publicly accountable.  
(3) Freedom of expression is not applicable to court proceedings.  
(4) Freedom of expression cannot be limited.
ASSIGNMENT 01

1. Read the following two cases and then answer the questions.

_Lushaba v MEC for Health, Gauteng_ (17077/2012) [2014] ZAGPJHC 407 (16 October 2014)
_L v MEC for Health, Gauteng_ (17077/2012) [2014] ZAGPJHC 337 (26 November 2014)

Having been subjected to the indifference of medical practitioners, Ms Lushaba’s attempt to approach the courts for a remedy was also met with arrogant indifference of the legal team representing the MEC for Health, Gauteng. The conduct of two of the members of the MEC’s legal team, namely the state attorney and the senior legal administrative officer at the Department of Health, provide some ethical reflection.

1.1 Indicate everything the state attorney did wrong in this case. (12)
1.2 Explain what the senior state legal advisor did wrong. (2)
1.3 Explain a cost order _de bonis propriis_. (5)
1.4 Discuss the core values in the make-up of a “good” lawyer and indicate what the state attorney in the first case (16 October 2014) should have done. (10)

Please use sub-headings. You will get 1 (one) mark for your lay-out and the neatness of your assignment.

Total: 30 marks

ASSIGNMENT 02

This is a multiple-choice assignment. It must be completed on a mark-reading sheet and you must remember to fill in your student number as well as the unique number on the mark-reading sheet.

You must submit assignments completed on mark-reading sheets by post. Alternatively you may submit your answers electronically via myUnisa. Note that assignments may not be submitted by fax or e-mail. To ensure that the University receives your assignment (on time), you are encouraged to hand it in via myUnisa.
QUESTION 1

The determination of whether a candidate is “fit and proper” to practice law involves consideration of a number of factors from different institutions. Which of the following has a final say on whether a candidate is fit and proper?

(1) The legislature as an institution responsible for law making  
(2) The Law Society of the given Province as the custodian of rules  
(3) The court which has an inherent common law power to regulate the profession  
(4) Legal practitioners entrusted with the training of the applicant

QUESTION 2

The duty to confidentiality does not apply to:

(1) Communication where a client admits to having committed a crime  
(2) Communication where a client intends to commit a crime  
(3) Communication made with a view to litigation  
(4) Communication made by a client seeking legal advice

QUESTION 3

Who of the following lawyers wrote a letter stating: “I can no longer serve justice the way I have attempted to do in the past thirty years. I can only do it the way I have now chosen”.

(1) Nelson Mandela.  
(2) Bram Fischer.  
(3) Mahatma Gandhi.  
(4) Dikgang Moseneke.

QUESTION 4

“It is better to kill one person in order to save nineteen others, than to have all twenty people killed”. Which ethical theory below will agree with this statement?

(1) Utilitarian theory of ethics  
(2) Rule governed theory of ethics  
(3) Virtue ethics  
(4) Feminist ethics

QUESTION 5

In his article “The Path of the Law” 1997 Harvard Law Review 991, Oliver Wendell Holmes argues that if you want to know what the law is:

(1) Consult a lawyer.  
(2) Visit the court of law.  
(3) Look at it as a bad man.  
(4) Study law at a university.
QUESTION 6

Bram Fischer was post-humously reinstated on the roll of advocates in the following case:

(1) Society of Advocates of SA (Witwatersrand Division) v Fischer 1966 (1) SA 133 (T).
(2) Rice v Society of Advocates of SA (Witwatersrand Division) 2004 (5) SA 537 (WLD).
(3) Rosemann v General Council of the Bar of South Africa 2004 (1) SA 568 (SCA).

QUESTION 7

“Intolerance may come in many forms. At its most spectacular and destructive it involves the use of power to crush beliefs and practices considered alien and threatening. At its more benign it may operate through a set of rigid mainstream norms which do not permit the possibility of alternative conduct”.

The above statement was made by:

(1) Sachs J in Prince v President, Cape Law Society 2002 (2) SA 794 (CC)
(2) Hefer J in Prince v President, Cape Law Society 2000 (3) SA 845 (SCA)
(3) Ngcobo J in Prince v President, Cape Law Society 2002 (2) SA 794 (CC)
(4) Mthiyane AJA in Prince v President, Cape Law Society 2000 (3) SA 845 (SCA)

QUESTION 8

The duty to obey the law does not apply in all cases under all circumstances. There are grounds under which legal practitioners may embark on acts of civil disobedience. Such grounds may include, but are not limited to:

(a) When the laws are immoral
(b) When positive law is unjust, and not worthy of respect
(c) When the laws are contrary to one’s religious beliefs
(d) When utility so dictates

Which of the statements above is correct?

(1) (a) and (d)
(2) (b) and (c)
(3) (c) and (d)
(4) All of the above
QUESTION 9

A culturally diverse society such as that which obtains in South Africa, requires an ethical theory that acknowledges diversity and celebrates differences. Such an approach can be found in:

(1)  Feminist ethics
(2)  Virtue ethics
(3)  Postmodern ethics
(4)  Rule-governed ethics

QUESTION 10

When considering whether or not to strike Mandela off the roll, the court in the Mandela case followed:

(1)  The character test and struck Mandela off the roll
(2)  The character test and did not strike Mandela off the roll
(3)  The duty to obey the law test and struck Mandela off the roll
(4)  The duty to obey the law test and did not strike Mandela off the roll

9 OTHER ASSESSMENT METHODS

There are no other assessment methods for this module.

10 EXAMINATION

10.1 Examination period

This module is offered in a semester period of fifteen weeks. This means that if you are registered for the first semester, you will write the examination in May/June 2017 and the supplementary examination will be written in October/November 2017. If you are registered for the second semester you will write the examination in October/November 2017 and the supplementary examination will be written in May/June 2018.

After registration and before the examination, the Examination Section will provide you with general information on the examination, including information on examination venues, dates and times. If you do not receive this information, please contact the Department of Examinations a few weeks before the examination commences. Alternatively, you should be able to access this information online on myUnisa. Please note that your lecturers cannot assist you with this information.
10.2 The examination paper

VERY IMPORTANT: It is your responsibility to check that your examination paper contains all the pages. If your examination paper is not complete and/or contains blank pages, you must report it to the examination invigilator and request a new exam paper before you commence answering the questions. No concessions will be made for students who answer an incomplete paper.

- The Study Guide and tutorial letters must be studied in their entirety. This means that all the study material will be covered in the examination and nothing should be left out when you prepare for the examination.
- It is not sufficient to study only the previous examination papers (available on myUnisa), the activities in the Study Guide and the assignments.

You will write a two-hour examination paper that counts 100 marks.

At this stage you still have sufficient time to prepare yourselves well for the examination. You must study the study guide carefully and keep in mind that the assignments and comments on the assignments form part of the study material that must be studied for the examination. You will find similar questions (and perhaps even identical questions!) in the examination paper. Those of you who have done the activities and the self-evaluation questions in the study guide will also benefit greatly.

General guidelines for answering examination questions

In this section we further briefly discuss some important general guidelines that you should bear in mind in a written examination. Effective communication is essential for any lawyer. Often students do not pay attention to their communication skills and focus only on the content of the courses they study. Such students may fail the module, even if they have mastered the content. The reason for this is that a marker cannot evaluate knowledge that is not effectively transmitted. In effect this means the following:

- Give clear answers to the questions.
- Do not write long sentences that are confusing and have no point.
- Make sure that your use of language is of such a nature that the marker will be able to evaluate your knowledge. Remember that marks may be deducted for poor writing skills.
- Use full sentences. Remember, a sentence usually has a subject, an object and a verb. You will be penalised if you use cell phone language.
- Poor spelling may cause a marker to misunderstand what you have written.
- Write as neatly as possible. Although markers always do their best to decipher untidy handwriting, in some cases the handwriting is illegible and a student may lose marks even if he or she knows the content of the work.
10.3 Previous examination papers

Previous examination papers are available to students on MyUnisa. Please note that memoranda are NOT provided.

11 UNISA POLICY ON PLAGIARISM

The College of Law is committed to the Unisa ideal of research that is based on integrity, quality and rigour. All work must meet the ideal of academic integrity. Academic integrity can be defined as the meaningful and concerted effort to ensure honesty, trust, fairness, respect and responsibility in research. All research at CLAW, whether a first-year assignment or a doctoral thesis, should be guided by this ideal.

The opposite of academic integrity is academic dishonesty. In line with Unisa’s policies, the following activities are forms of academic dishonesty:

- **Copying/cut-and-paste/patch-writing:** This type of dishonesty involves just copying someone else's work either word-for-word or changing it slightly without indicating that it is copied by, for example, putting it in inverted commas or brackets.
- **Absence of references:** This involves using someone else's ideas, thoughts, insights or data without acknowledging that they are not your own.
- **Cheating/falsifying information:** This is the manufacturing of data which does not exist or leaving out contradictory evidence, also sometimes called cherry-picking.
- **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.
- **Too many quotes:** This form of dishonesty is one where more than 15% of the work consists of quotes.
- **Incorrect referencing:** Incorrect referencing shows a lack of rigour and of disciplinary expertise.
- **Helping someone cheat:** This might range from the innocuous (allowing someone to copy from you) to the more severe (providing someone with the means to cheat). It is the reason why students are not allowed to hand in the same assignment, even if they worked in a group.

**PLEASE NOTE:** If your work contains any of these forms of academic dishonesty or any other kind of dishonesty not included here, you will be awarded a mark of 0 (zero) and disciplinary action may be taken against you. In addition all assignments, portfolios, dissertations and theses must include a signed copy of the statement attached to this tutorial letter.
12 FREQUENTLY ASKED QUESTIONS

The *My Studies @ Unisa* brochure contains an A-Z guide of the most relevant general study information. Please consult this brochure before contacting the University or your lecturers.

13 CONCLUSION

We trust that you will enjoy this module. Please remember that you are welcome to contact us should you have any questions relating to the content of this module. We wish you success with your studies.

Kind regards

DR FD MNYONGANI
PROF M SLABBERT
ACADEMIC HONESTY DECLARATION

DECLARATION

1. I understand what academic dishonesty entails and am aware of Unisa’s policies in this regard.

2. I declare that this assignment is my own, original work. Where I have used someone else’s work I have indicated this by using the prescribed style of referencing. Every contribution to, and quotation in, this assignment from the work or works of other people has been referenced according to this style.

3. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.

4. I did not make use of another student’s work and submitted it as my own.

NAME: ………………………………………………………………………………………………………

SIGNATURE: ………………………………………………………………………………………………

STUDENT NUMBER: ………………………………………………………………………………………

DATE: ………………………………………………………………………………………………………