Chapter 4.4 Policy and Guidelines for Handling Student Disciplinary Matters

1. Policy

1.1 Students are required to observe the General Code of Student Conduct and to behave responsibly and with propriety. The University may take disciplinary action, including expulsion from the University as the maximum penalty, against a student (including a student who has satisfied all the academic requirements for graduation but has not been officially conferred the award) who commits an offence for which he/she has been convicted in any court of law, violates any policy, rule or regulation of the University and / or commits any misconduct, including but not limited to the following:

(i) committing an offence in connection with all forms of academic dishonesty in tests, assignments and examinations or violation of any of the regulations governing conduct in examinations;

(ii) falsification or serious misuse of the University's documents and records;

(iii) false pretences, misrepresentation, fraud or impersonation of others, within or without the University, in connection with academic attainments or financial awards, or otherwise in connection with the University;

(iv) use of forged or falsified documents / statement submitted to the University;

(v) refusal or failure to comply with any regulations or orders by authorized persons and bodies prohibiting any conduct:

(a) which is disrupting teaching, study, research or the administration of the University;

(b) which is obstructing any officer or employee of the University in the performance of his duties;

(vi) defamation of, assault on or battery against the person of any member of the University;

(vii) willful damage to or defacement of any property of the University, or any member of the University;

(viii) theft, fraud, misapplication of University funds or property of any kind; or

(ix) personal action which is or may be detrimental to the reputation, dignity, interest or welfare of the University including those calling into serious question the student's suitability for relevant profession.

2. Guidelines for Handling Student Disciplinary Matters

2.1 This set of Policy and Guidelines for Handling Student Disciplinary Matters is implemented in parallel with the Procedures for Issuance of a Warning (available on the Registry's website for staff reference). The latter are applicable to cases involving relatively minor misconduct or improper behaviour whereas these guidelines are specifically for handling misconduct or offences of a more serious nature within the jurisdiction of the Student Disciplinary Committee (SDC).

2.2 Guidelines for handling minor misconduct or improper behaviour in halls are covered in the Terms and Conditions of Student Accommodation. According to the established practice, the Dean of Students may refer serious cases to the SDC.

2.3 **Report and Investigation of Case**

2.3.1 The Head of the academic department concerned (HoD)/ Director or his/her delegate of the course offering unit (or the Programme Leader (PL)/ Programme Coordinator (PC) if a relevant Department cannot be identified for the incident) / Warden/ Senior Student Affairs Officer (SSAO)/ Field Experience Coordinator (FEC)/ Assistant Librarian shall handle reported student disciplinary cases by investigating facts.

2.3.2 If the case warrants a formal investigation, HoD/ Director or his/her delegate of the course offering unit / PL/ PC/ Warden/ SSAO/ Director of School Partnership and Field Experience (Dir(SPFE))/ Assistant Librarian should form an investigation panel comprising at least three but not more than five members (normally including the HoD/ Director or his/her delegate of the course offering unit/ PL/ PC/ Warden/ SSAO/ Dir(SPFE)/ Assistant Librarian, relevant teaching staff and a student representative) to investigate the matter. The investigation report should be sent to the relevant Associate Dean of Faculty or Graduate School/ Associate (Co-)Director(s) of Academy/ Dean of Students/ Librarian.

2.3.3 The Associate Dean of Faculty or Graduate School/ Associate (Co-)Director(s) of Academy/ Dean of Students/ Librarian should refer cases to the SDC if he/she finds that there is a prima facie case for doing so. If the Associate Dean/ Associate (Co-)Director(s)/ Dean of Students/ Librarian decides that the case does not warrant referral to the SDC, he/she should inform the parties involved of his/her decision.

2.3.4 For student misconduct case that involves multiple units or with complicated scenarios, multiple units, rather than a single unit, may be involved in handling and referring the relevant case to the SDC in accordance with the guidelines under paragraph 2.3.

3. Guidelines for Handling Student Professional Suitability Matters

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3.1 Identification of Suspected Cases of Professional Unsuitability

3.1.1 EdUHK programmes which lead to professional qualifications require students to demonstrate appropriate behaviours which indicate that they are suitable to join a particular profession, such as teaching profession. Identification of students with problems relies on staff members who have direct contact with students or receive feedback from our partners (e.g. during Immersion or Field Experience). It may involve teaching staff in taught courses, Field Experience Supervisors and FECs, coordinators for overseas immersion/academic exchange, staff of Student Affairs Office or hall management teams. If a staff member has reasonable grounds to believe that a student cannot meet the requirements specified in the General Code of Student Conduct, it is his/her responsibility to report the case. He/ She should report the case to the HoD/ Director or his/her delegate of the course offering unit/ PL/ PC/ Warden/ SSAO/ Assistant Librarian, as appropriate. HoDs/ Director or his/her delegate of the course offering unit and FECs are responsible for ensuring that staff members are aware of their responsibilities to identify and report problem cases.

3.2 Investigation on Suspected Cases

3.2.1 HoD/ Director or his/her delegate of the course offering unit/ PL/ PC/ Warden/ SSAO/ FEC/ Assistant Librarian shall follow up on reported

student professional suitability cases by investigating facts, reporting findings and recommending appropriate actions to the relevant Associate Dean of Faculty or Graduate School/ Associate (Co-)Director(s) of Academy/ Dean of Students/ Librarian, with a copy to the Dir(SPFE) (if applicable to Field Experience).

3.2.2 If the case warrants a formal investigation (case conference, if applicable to Field Experience), the HoD/ Director or his/her delegate of the course offering unit/ PL/ PC/ Warden/ SSAO/ Dir(SPFE)/ Assistant Librarian should form an investigation panel comprising at least three but not more than five members (normally including the HoD/ Director or his/her delegate of the course offering unit/ PL/ PC/ Warden/ SSAO, relevant teaching staff and a student representative) to investigate the matter. The investigation report should be sent to the relevant Associate Dean/ Associate (Co-)Director(s)/ Dean of Students/ Librarian.

3.3 **Referral of suspected cases to the Student Disciplinary Committee**

3.3.1 The relevant Associate Dean of Faculty or Graduate School/ Associate (Co-)Director(s) of Academy/ Dean of Students/ Librarian should refer the case to the SDC if he/she finds that there is a prima facie case for doing so, and should inform the parties involved of the decision.

4. Hearing and Decision for Action/Penalty on Disciplinary Cases

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4.1 The SDC shall inform the student of the charge laid against her/him and that the case will be referred to the Committee. The SDC shall arrange for a hearing for cases if the Chairperson of SDC concurs that there is a prima facie case.

4.2 The SDC should provide an opportunity for the student to make either verbal or written representation or both before a decision is made regarding penalty/action. Normally, no legal representation is permitted at the hearing as the procedure is an internal matter of the University. The student may invite a support person who is either a staff or student member of the University to the hearing.

4.3 Decisions as to appropriate penalty/action should make reference to any

precedents, findings of the case and any relevant extenuating circumstances.

5. Disciplinary Powers to be exercised including :

5.1 a reprimand letter;

5.2 fine (maximum HK$5,000);

5.3 University service order or community service for a specified period;

5.4 withdrawal and/or suspension of any academic or other University privileges, benefits, rights or facilities, including the right of student hostel accommodation, the right to follow courses of instruction, field experience and/or examination for a specific period or the right to graduate;

5.5 expulsion from the University and where applicable to require such students to make good any damage to property or premises caused by him/her;

5.6 postponement of any degree, diploma, certificate or other academic distinction to be conferred;

5.7 recommendation to the Academic Board on the revocation of any degree, diploma, certificate or other academic distinction conferred;

5.8 any other sanctions as deemed appropriate by the Committee for the offence.

6. Post-Decision Follow-up Action

6.1 The Chairperson of the SDC shall issue the decision letter to the student with copies to the relevant parties. The letter should inform the student of his/her right to appeal to the Students' Appeal Committee within 14 working days of the announcement of the decision.

6.2 The relevant Associate Dean of Faculty or Graduate School/ Associate (Co-)Director(s) of Academy/ PL/ PC/ Dir(SPFE), Warden, Registrar, Dean of

Students and Librarian upon receiving a copy of the decision made on the case, should take appropriate follow-up action.