

THE CHINESE UNIVERSITY OF HONG KONG, SHENZHEN  
Provisional Academic Board

**Procedures for Handling Student Disciplinary Cases**

**Preamble**

1. The Chinese University of Hong Kong, Shenzhen [hereinafter referred to as the University or CUHK(SZ)] is committed to the provision of all-rounded education of the highest standard to its students, with the ultimate aim of nurturing whole-person development for all students during their studies at the University. Apart from the provision of a full range of student support services, the University has also adopted a set of procedures for handling student disciplinary cases, as part of the process of helping and educating students who may have violated any rules/regulations of the University or who may have committed any misconduct, so as to make them realize and correct any mistakes.
2. For this purpose, the Committee on Student Discipline (hereinafter referred to as the Committee) was established by the Provisional Academic Board at the 1<sup>st</sup> Meeting held on 12 August 2014. The Committee is vested with full authority, which includes, *inter alia*, the power to conduct investigations, for handling all matters pertaining to the discipline of all full time, part-time, associate, undergraduate or postgraduate students of the University in accordance with the relevant University Regulations which stipulate that:
  - (I) *A student who violates any rule or regulation and/or commits any misconduct, including but not limited to the following:*
    - (a) *defamation of or assault on or battery against the person of any member of CUHK(SZ) and/or The Chinese University of Hong Kong (hereinafter referred to as CUHK);*
    - (b) *willful damage to or defacement of any property of CUHK(SZ) and/or CUHK;*
    - (c) *theft, fraudulent use, misapplication of the funds or property of any kind of CUHK(SZ) or of CUHK;*
    - (d) *academic dishonesty;*
    - (e) *an offence in connection with tests or examinations or violation of any of the regulations governing conduct at tests or examinations as approved by the Academic Board or CUHK Senate from time to time;*
    - (f) *falsification or serious misuse of documents or records of CUHK(SZ) and/or CUHK;*
    - (g) *refusal to comply with any regulations or orders by authorized persons and bodies prohibiting any conduct which disrupts teaching, study, research, administration or normal activities of CUHK(SZ) and/or CUHK;*
    - (h) *any conduct which is detrimental to the reputation and well-being of CUHK(SZ) or CUHK;*
    - (i) *an offence of an immoral, scandalous or disgraceful nature of which the student has been convicted in any court of law; or*
    - (j) *misrepresentations or false statements made in any application or document submitted to CUHK(SZ) or CUHK;*

*shall be disciplined by the Committee on Student Discipline, or other disciplinary committees as appropriate, including School Board and College Assembly of Fellows, as shall be vested with authority in handling matters pertaining to the discipline of students, in accordance with the nature and gravity of the offence.*

*(II) Disciplinary action may result in a penalty in any one or more of the following forms:*

- (a) reprimand issued by the disciplinary body concerned;*
- (b) suspension from part or all of the rights, privileges and/or the use of part or all of the facilities of CUHK(SZ) for a specified period of time;*
- (c) demerit(s), of which a total of three may result in termination of studies at CUHK(SZ);*
- (d) lowering the degree classification by one level upon graduation, where applicable;*
- (e) suspension from CUHK(SZ) for a specified period of time;*
- (f) termination of studies at CUHK(SZ);*
- (g) any other form as the Committee on Student Discipline, School Board, College Assembly of Fellows, or other disciplinary committees (as the case may be) may deem fit.*

*Penalty (e) or (f) may be imposed only with the approval of the Committee on Student Discipline or a sub-committee with authority delegated by the Academic Board. Any penalty imposed as a result of disciplinary action may be entered into the transcript of the student's academic record.*

## **General Principles**

### **Applicability**

3. The Procedures for Handling Student Disciplinary Cases are applicable to all students of the University, including full-time, part-time, associate, undergraduate and postgraduate students.
4. The Procedures are administrative guidelines approved by the Committee and may be amended or supplemented by the Committee from time to time.

### **Confidentiality**

5. Information on all student disciplinary cases, including the identity of students involved, under the Procedures shall be kept strictly confidential.

## **Stages of the Disciplinary Procedures**

6. A student disciplinary case is normally handled by a disciplinary committee concerned other than the Committee on Student Discipline, depending on the nature and gravity of the case. The Committee mainly handles cases of an exceptional/very serious nature, as well as appeals to/reviews of decisions/recommendations made by other disciplinary committees. There are two

stages in the University's procedures for handling student disciplinary cases:

- Stage 1: Handling of cases by disciplinary committees in the first instance
- Stage 2: Handling of appeals to decisions/recommendations and reviews of recommendations by the Committee or the Academic Board

These stages are set out in detail below, and a summary of the Procedures is shown in the flowchart in [Attachment 1](#).

### **Stage 1: Handling of cases by disciplinary committees in the first instance**

7. Under the current Procedures, depending on the nature and gravity, cases will be handled by different disciplinary committees of the University as appropriate, which are formed under the Graduate School, Colleges, Schools or other course offering units. The following is the guiding principle:

#### **Postgraduate students**

- Disciplinary cases that involve misconduct of a non-academic nature shall be handled by the Graduate School Disciplinary Committee, except for cases of misconduct that are associated with the academic pursuit of students and bring unfair advantage in specific courses taken by the students, which shall be handled by the disciplinary committees formed under the Schools of which the course offering units belong.
- Other disciplinary cases of an academic nature shall be handled by the disciplinary committees formed under the Schools while the Graduate School Office shall provide the administrative support relating to student records/status checking/updating to the disciplinary committees.

#### **Undergraduate students**

- Disciplinary cases that involve misconduct of a non-academic nature shall be handled by the disciplinary committees formed under the College concerned, except for cases of misconduct that are associated with the academic pursuit of students and bring unfair advantage in specific courses taken by the students, which shall be handled by the disciplinary committees formed under the Schools or course offering units concerned.
  - Other disciplinary cases of an academic nature shall be handled by the disciplinary committee formed under the School or course offering unit concerned.
8. When the disciplinary case involves more than one student and if these students belong to different Schools/Colleges or involve both undergraduate and graduate students, or when the case is deemed very serious in nature, it shall be handled by the Committee on Student Discipline directly, by means of a Panel of Judges formed under the Committee.
  9. Each student concerned shall be clearly informed of the offence for which s/he is being charged. The disciplinary committee that handles a case in the first instance shall also explain to the student

concerned the procedures of handling the case and the rights of the student.

10. Each student concerned shall be reminded of his/her rights to meet with the Panel of Judges/disciplinary committee concerned before a decision on the case is taken. If the student concerned so requests, s/he shall inform the Secretary of the Panel of Judges/disciplinary committee as early as possible, preferably at the outset, and the Secretary will make arrangements for him/her to attend a meeting of the Panel of Judges/disciplinary committee. At the meeting, members of the Panel of Judges/disciplinary committee will interview the student concerned who in turn can provide any additional information regarding the case. The student concerned shall also be allowed to attend the meeting of the Panel of Judges/disciplinary committee with an accompanying person. The identity of the accompanying person shall be limited to: University staff member, fellow University student, parent, sibling, spouse or registered guardian. The student concerned, and any accompanying person, will then be asked to leave before the Panel of Judges/disciplinary committee starts its deliberation on the case. The student concerned may also suggest to the Panel of Judges/disciplinary committee concerned to seek information from other persons who may have relevant first-hand knowledge of the facts of the case.
11. Depending on the nature of the case, especially for cases that require investigation, the Panel of Judges/disciplinary committee concerned may decide to invite the student concerned and/or any other student and/or staff to attend its meeting(s) and provide additional information relevant to the case to facilitate the investigation process. Under such circumstances, the student concerned and/or any other student and/or staff shall take all reasonable steps to attend the meeting(s) so arranged, and the student concerned is also entitled to be accompanied by a person as stipulated in paragraph 10 above.
12. After deliberation, the Panel of Judges/disciplinary committee shall make a decisions/recommendation in accordance with the relevant University regulations (paragraph 2(II)). Since the recommendations of suspension and termination of study may only be imposed with the approval of the Committee on Student Discipline, these recommendations will have to be reviewed by a Panel of Judges formed under the Committee.
13. The Panel of Judges/disciplinary committee shall reach its decision/recommendation by majority vote. When the number of votes from members of the Panel of Judges/disciplinary committee present is equally divided in the meeting(s) between two opposing positions, the convener of the meeting shall adopt the decision which is more in favour of the student/s concerned.
14. After a decision/recommendation is made, the Panel of Judges/disciplinary committee shall notify the student concerned of the decision and the disciplinary actions (if any) taken/recommended against him/her, even if the case has to be reviewed by the Committee in accordance with the University regulations set forth in paragraph 2(II), except for cases of academic dishonesty in which a penalty lower than those specified in the penalty guidelines stated in the *Procedures for Handling Cases of Academic Dishonesty* is recommended. In the case where the Panel of Judges/disciplinary committee comes up with a decision that is substantially different from the initial findings of the school/college to which the student concerned belongs, the Panel of

Judges/disciplinary committee shall convey its decision to the school/college first before the student concerned is formally notified of the decision.

15. Upon the notification of the decision/recommendation by the Panel of Judges/disciplinary committee, the student concerned may lodge an appeal, against the decision/recommendation made by the Panel of Judges/disciplinary committee, to the Committee through the Panel of Judges/disciplinary committee that deals with the case in the first instance within seven working days of receiving the notification. Late appeal shall not be considered.
16. If no appeal is lodged by the student concerned within seven working days of receiving the notification, the case is closed and any disciplinary action shall be implemented forthwith. A brief report on the case (by means of Form A), irrespective of whether the student concerned is found guilty or not, shall be issued by the Panel of Judges/disciplinary committee concerned to the Committee for record and to other relevant disciplinary committees for information.

**Stage 2: Handling of appeals against decision/recommendations and reviews of recommendations by the Committee**

17. Upon receipt of an appeal lodged by a student regarding the decision/recommendation made by a Panel of Judges/disciplinary committee that has handled the case in the first instance, the Panel of Judges/disciplinary committee concerned shall submit the letter of appeal together with all materials of the case, including the detailed meeting record of the Panel of Judges/disciplinary committee and any other additional information available, to the Committee.
18. The appeal shall be handled by an Appeal Panel formed by the Committee, in accordance with the guidelines set out in this document.
19. The Appeal Panel shall take the following procedural steps to decide on the admissibility of the appeal:
  - a) The Secretary of the Appeal Panel shall arrange to have the admissibility of the appeal considered by the Appeal Panel through a postal vote, enclosing the letter of appeal and other materials submitted by the Panel of Judges/disciplinary committee that handled the disciplinary case in the first instance, including the record of meeting, normally within three working days after receipt of an appeal in writing, or as soon as possible thereafter.
  - b)
    - i) If a simple majority of the votes returned can be secured for acceptance, the appeal is admitted to be heard.
    - ii) If a simple majority cannot be secured, the Chair of the Appeal Panel will decide on the admissibility of the appeal after consulting the results of the votes and comments (if any) from members.
20. If the appeal is not admitted to be heard, the Appeal Panel shall inform the appellant, and the case

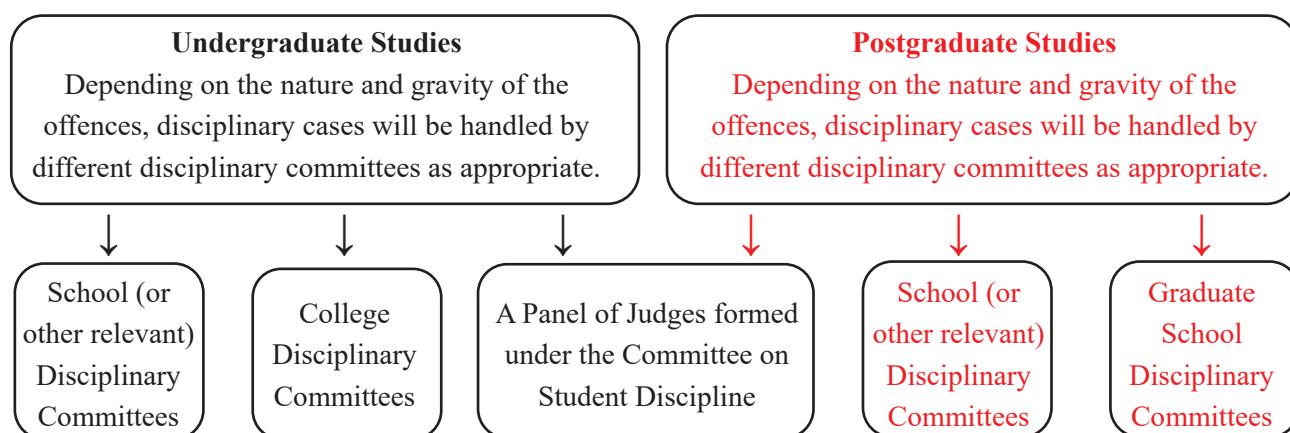
will be closed.

21. Decisions on cases of appeals made by an Appeal Panel shall be final. There shall be no further appeal.
22. For cases of academic dishonesty, if the Panel of Judges/disciplinary committee recommends a penalty lower than those specified in the *Procedures for Handling Cases of Academic Dishonesty*, the recommendation, together with full justifications, shall be reviewed by the Committee.
23. The Committee shall take the following procedural steps to decide on the giving of a lower penalty:
  - a) The Secretary of the Committee shall arrange to have the admissibility of the giving of a lower penalty considered by the Committee through a postal vote, enclosing the justifications for lower penalty and other materials submitted by the Panel of Judges/disciplinary committee that handled the disciplinary case in the first instance, including the record of meeting, normally within three working days after receipt of a recommendation for giving a lower penalty in writing, or as soon as possible thereafter.
  - b)
    - i) If a simple majority of the votes returned can be secured for acceptance, the lower penalty can be given.
    - ii) If a simple majority cannot be secured, the Chairman of the Committee will decide on the giving of a lower penalty after consulting the results of the votes and comments (if any) from members.
24. The Committee shall inform the Panel of Judges/disciplinary committee if a lower penalty can be given. If the recommendation is not approved, the University penalty guidelines shall be followed.
25. The Committee may also exercise its power, through a Panel of Judges, to review the recommendations made by other disciplinary committees (i.e. recommendations of suspension and termination of study) in accordance with the University regulations set forth in paragraph 2(II) and detailed in paragraph 12.
26. Decision on case of appeal made by an Appeal Panel shall be final. There shall be no further appeal.
27. Details about the formation and conduct of meetings of a Panel of Judges/an Appeal Panel, and the composition of the Committee, are in Attachment 2 to 4.

September 2021

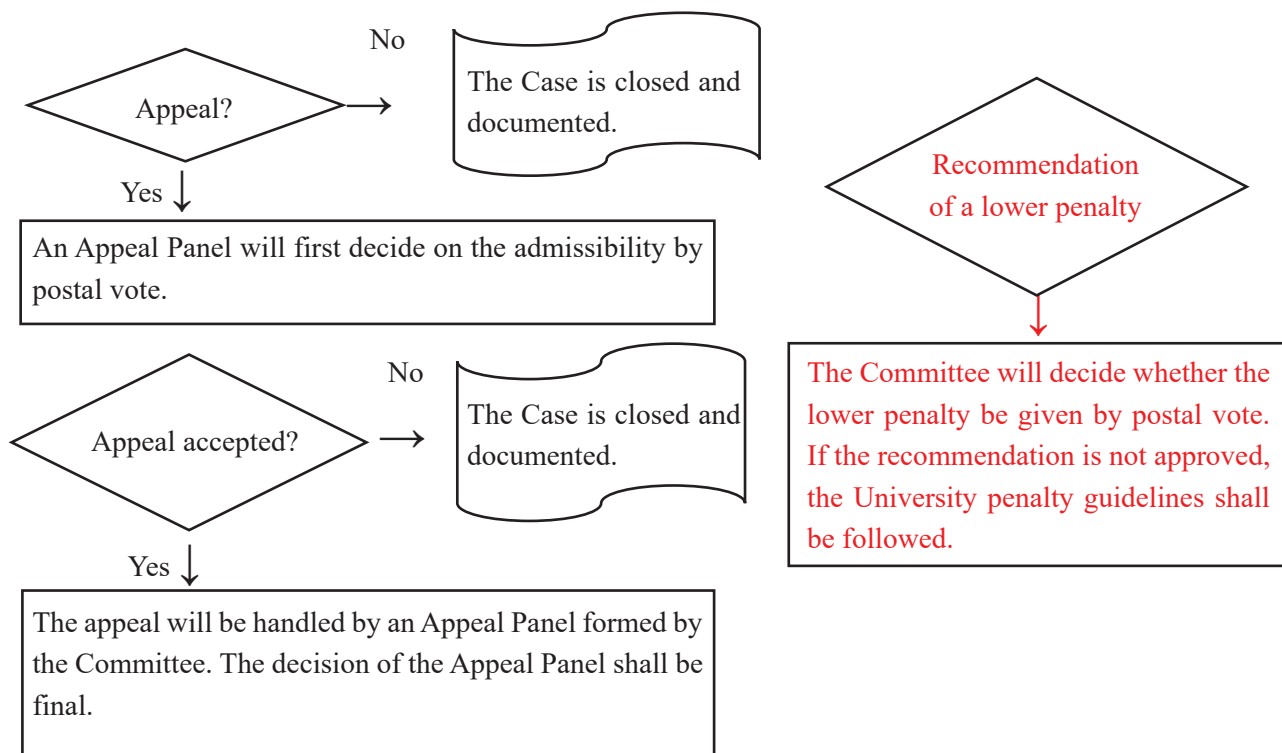
**Procedures for Handling Student Disciplinary Cases**

**Stage 1: Disciplinary committees handle cases in the first instance**



Upon the notification of the decision by the Panel of Judges/disciplinary committee that handles the case in the first instance, the student concerned is allowed to lodge an appeal, within seven working days of receiving the notification, with the Committee.

**Stage 2: Appeal to/reviews of decision/recommendations by the Committee on Student Discipline**



Notes:

1. As far as these procedures for handling student disciplinary cases are concerned, there shall be no further appeals beyond the final decision of the Committee.
2. The flow chart is only a summarized description of the procedures. Please refer to the full text of the procedures for details.

## **Committee on Student Discipline**

### **Composition of the Committee**

- (a) Chairman appointed by Vice-President (Academic)
- (b) Associate Vice-President (Student Affairs)
- (c) A teaching staff from each College appointed by its Assembly of Fellows
- (d) A teaching staff from each School appointed by the School Board
- (e) A teaching staff appointed by Provisional Board of Graduate Studies
- (f) Director of Office of Student Affairs
- (g) Director of Registry Services

The secretary of the Committee is appointed by the Director of Registry Services in consultation with the Chairman of the Committee.



## **Committee on Student Discipline**

### **Formation of a Panel of Judges/an Appeal Panel**

#### **Formation of a Panel of Judges/an Appeal Panel**

1. A Panel of Judges formed under the Committee is composed of four members, who are selected from members of the Committee in accordance with the following guidelines adopted for compiling duty rosters for the various categories:

- a) *one from Category (c) Members of the Committee; wherever possible, members from the College(s) to which the student(s) (suspect/defendant or appellant/applicant for review, as the case may be) (hereinafter referred to as "student concerned") belong(s) shall not be included.*

The roster shall be compiled initially by the order of Colleges in alphabetical sequence i.e. Diligentia, Harmonia, Muse, and Shaw, and after each member has served on a Panel of Judges, his/her name is rotated to the bottom of the roster. If all Colleges are involved in a certain case, the College affiliation of students shall be ignored. The member at the top of the duty roster shall sit on the Panel.

- b) *one from Category (d) or (e) Members of the Committee; wherever possible, members from the School(s) to which the student(s) concerned belong shall not be included, and for cases involving postgraduate students, the member from the Provisional Board of Graduate Studies shall not be included.*

The roster shall be compiled initially by the order of Schools in alphabetical sequence i.e. Data Science, Humanities and Social Science, Life and Health Sciences, Management and Economics, Medicine, Music, and Science and Engineering, and after each member has served on a Panel of Judges, his/her name is rotated to the bottom of the roster. If all Schools are involved in a case, the School affiliation of students shall be ignored. The member at the top of the duty roster shall sit on the Panel.

- c) *any Two Other Members of the Committee, wherever possible, members from the College(s) and School(s) to which the student(s) concerned belong(s) shall not be included, and for cases involving postgraduate students, the member from the Provisional Board of Graduate Studies shall not be included.*

The roster shall be compiled initially by alphabetical order of members of the Committee, and after each member has served on a Panel of Judges, his/her name is rotated to the bottom of the roster. The member at the top of the duty roster shall sit on the Panel.

2. An Appeal Panel is composed of four members selected from members of the Committee in accordance with guidelines a) to c), and one student representative nominated by the Office of Student Affairs and approved by the Chairman of the Committee. If the disciplinary case was

handled by a Panel of Judges formed under the Committee on Student Discipline, members who have served in the Panel of Judges in the first instance shall not be included.

3. The name of a member not having served a Panel of Judges/an Appeal Panel shall stay at the top of the duty roster.
4. A member is allowed to request exemption from serving on a particular Panel for reason of personal interest or conflict, subject to the consent of the Chairman of the Committee. S/he shall inform the Secretary of the Committee immediately. If the request is approved by the Chairman of the Committee, the member shall be replaced by the next member on the relevant duty roster, but having been excused, the member shall stay at the top of the duty roster.
5. Before the first meeting of the Panel of Judges/an Appeal Panel is convened, if it happens that a member will be on leave, or due to other official business will not be available to attend the meeting as scheduled, the member shall be replaced by the next member on the relevant duty roster if time allows, but having been excused, the member shall stay at the top of the duty roster.
6. After a Panel of Judges/an Appeal Panel is formed, the Secretary of the Committee shall in writing notify each student concerned of the names of members on the Panel, also informing each student concerned that if s/he wishes to raise objection to any member, s/he shall do so in writing, giving reasons therefor, within three working days after receipt of the notification, for consideration by the Chairman of the Committee. The authority for ruling on such objections shall be vested in the Chairman of the Committee, and such ruling shall be final.
  7. a) If no objection to the membership of the Panel is received by the day as stipulated in paragraph 6 above, the Panel shall proceed with its work.
  - b) If any objection to the membership of the Panel is received before the day stipulated in paragraph 6 above, and the Chairman of the Committee does not give consent to the objection, the Panel shall proceed with its work.
  - c) If objection to the membership of the Panel is received before the day stipulated in paragraph 6 above, and the Chairman of the Committee gives his/her consent, member(s) of the Panel against whom an objection is raised shall be replaced by the next member(s) on the relevant duty roster. The new Panel shall then proceed with its work. No further objections to the panel membership will be considered.

**Committee on Student Discipline**

**Conduct of Meeting of a Panel of Judges/an Appeal Panel**

1. The Secretary of the Committee or his/her representative shall serve as Secretary for a Panel of Judges/an Appeal Panel. A meeting shall be arranged normally no later than two weeks after a case is received or after an appeal is admitted.
2. The Secretary of a Panel of Judges/an Appeal Panel shall arrange for a meeting of the Panel of Judges/Appeal Panel in the following manner:
  - a) Relevant case materials shall be forwarded to members of the Panel of Judges/Appeal Panel including, where available, information on previous similar cases for reference of the Panel of Judges/Committee.
  - b) Each student concerned shall be reminded of his/her right to meet with the Panel of Judges/Appeal Panel before a decision on the case is taken. If the student concerned so requests, s/he shall inform the Secretary of the Panel of Judges/Appeal Panel as early as possible, preferably at the outset, and the Secretary shall make arrangements for him/her to meet with the Panel of Judges/Appeal Panel normally during its first meeting. At the meeting, members of the Panel of Judges/Appeal Panel shall interview the student concerned who in turn can provide any additional information regarding the case. The student concerned shall also be allowed to attend the meeting of the Panel of Judges/Appeal Panel with an accompanying person. The identity of the accompanying person shall be limited to: University staff member, fellow University student, parent, sibling, spouse or registered guardian. The student concerned, and any accompanying person, shall then be asked to leave before the Panel of Judges/Appeal Panel starts its deliberation on the case. The student concerned may also suggest to the Panel of Judges/Appeal Panel to seek information from other persons who may have relevant first-hand knowledge of the facts of the case.
  - c) Depending on the nature of the case, especially for cases that require investigation, the Panel of Judges/Appeal Panel may decide to invite the student concerned and/or any other student and/or staff to attend its meetings and provide additional information relevant to the case to facilitate the investigation process. Under such circumstances, the student concerned and/or any other student and/or staff shall take all reasonable steps to attend the meeting(s) so arranged, and the student concerned is also entitled to be accompanied by a person as stipulated in paragraph 2(b) above.
3.
  - a) The quorum at any meeting of a Panel of Judges is 3.
  - b) The quorum at any meeting of an Appeal Panel is 4.
4. In the case of a Panel of Judges/an Appeal Panel, at the first meeting in handling a case/an appeal, a convener, who shall lead the discussion during the meeting, shall be elected from among members

of the Panel of Judges/Appeal Panel.

5. The Panel of Judges/Appeal Panel shall then proceed with its enquiry, investigation and deliberations as it sees fit. It is expected that views of the disciplinary committee/Panel of Judges that handled the case in the first instance shall be made available to the Appeal Panel for reference. Further meetings and/or interviews may be conducted as necessary.
6. The Panel of Judges/Appeal Panel shall reach its decision and recommendation by majority vote. When the number of votes from members of the Panel of Judges/Appeal Panel present is equally divided in the meeting(s) between two opposing positions, the meeting shall adopt the decision which is more in favour of the student/s concerned.
7. After a decision on the case is taken:
  - a) The Secretary of the Panel of Judges/Appeal Panel shall submit to the convener a record of the meeting(s) normally within four working days after the decision is taken and then circulate the record to other members, or as soon as possible thereafter. The record shall include a summary report on the facts of the case as found during the meeting, and where applicable, the interview of student(s) concerned, the discussions, the penalties and reasons given thereof.
  - b) Suggestions for amendments received from member(s) shall be circulated to all other members.
  - c) If no amendment is received within three working days after the date of issue of the record or the last amendment thereof by the Secretary, each student concerned shall be notified in writing of the rulings and disciplinary action taken against him/her.
8. Since the ruling of a Panel of Judges/an Appeal Panel in cases of appeal or review is final, the case is closed and any disciplinary action shall be implemented forthwith. A brief report on the case shall then be issued by the Panel of Judges/Appeal Panel for record and to other disciplinary committees for information.