

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 1st Meeting held on 12 August 2014. The Committee is vested with full authority, which includes, *inter alia*, the power to conduct investigations, and to handle all matters pertaining to the discipline of all undergraduate and 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) *plagiarism in written assignments or cheating in tests or examinations;*
 - (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 the 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 the CUHK(SZ) or CUHK;*

shall be disciplined by the Academic Board, or other disciplinary committees as appropriate, including School Board, 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) *suspension from CUHK(SZ) for a specified period of time;*
- (e) *termination of studies at CUHK(SZ);*
- (f) *any other form as the Academic Board, School Board, or other disciplinary committees (as the case may be) may deem fit.*

Penalty (d) or (e) may be imposed only with the approval of the Academic Board or a subcommittee 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 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 under the Procedures, including the identity of students involved, 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 against/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 against decisions/ recommendations, and reviews of recommendations by the Committee

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

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

Colleges, Schools or other course offering units. The following is the guiding principle:

- Disciplinary cases that involve misconduct of a non-academic nature shall be handled by the disciplinary committees formed under the College concerned or, before Colleges are established, by the Committee directly, by means of a Panel of Judges formed under the Committee.
 - 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 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 shall 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 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 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 Academic Board, such 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 in the meeting(s) the number of votes from members of the Panel of Judges/ disciplinary

committee present is equally divided between two opposing positions, 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). 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/ department/ college to which the student concerned belongs, the Panel of Judges/ disciplinary committee shall convey its decision to the school/ department/ 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. The appeal shall be addressed to the Committee through the 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, irrespective of whether the student concerned is found guilty or not, shall be issued by the 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 Committee shall take the following procedural steps to decide on the admissibility of the appeal:
 - a) The Secretary of the Committee shall arrange to have the admissibility of the appeal considered by the Committee through a postal vote, enclosing the letter of appeal and 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 the 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 Chairman of the Committee will decide on the admissibility after consulting the results of the votes and comments (if any) from members.
19. If the appeal is not admitted to be heard, the Committee shall inform the appellant, and the case will

be closed.

20. If the appeal is admitted to be heard, and the disciplinary case was handled in the first instance by a disciplinary committee other than the Committee, the appeal shall be handled by a Panel of Judges formed under the Committee.
21. If the appeal is admitted to be heard, and the disciplinary case was handled by a Panel of Judges formed under the Committee, the appeal shall be handled by the Committee in full session.
22. 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.
23. Decisions on cases of appeals and reviews made by the Committee, either in full session or by means of a Panel of Judges in circumstances stated in paragraphs 19 to 22 above, shall be final. There shall be no further appeal.
24. Details about the formation and conduct of meetings of a panel of Judges formed under the Committee, and the composition of the Committee, are at Attachments 2 to 4.

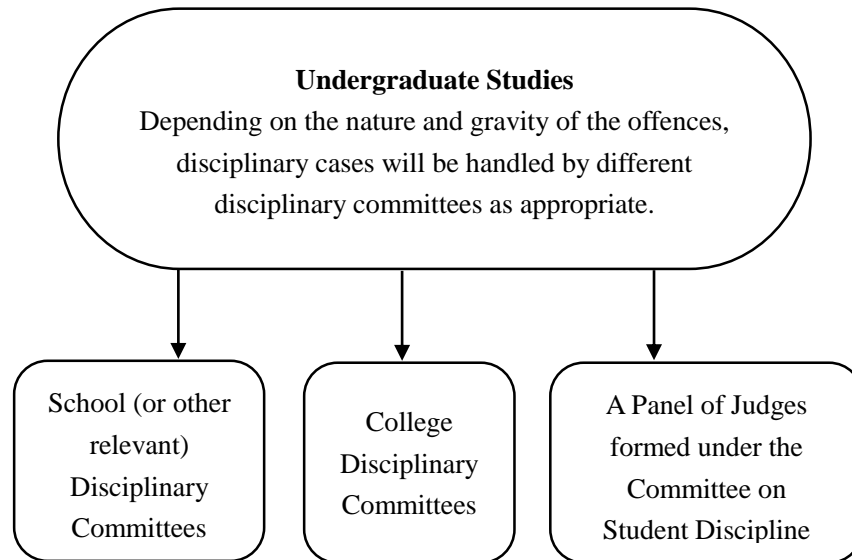
April 2015

Procedures for Handling Student Disciplinary Cases

Stage 1:

Disciplinary committees

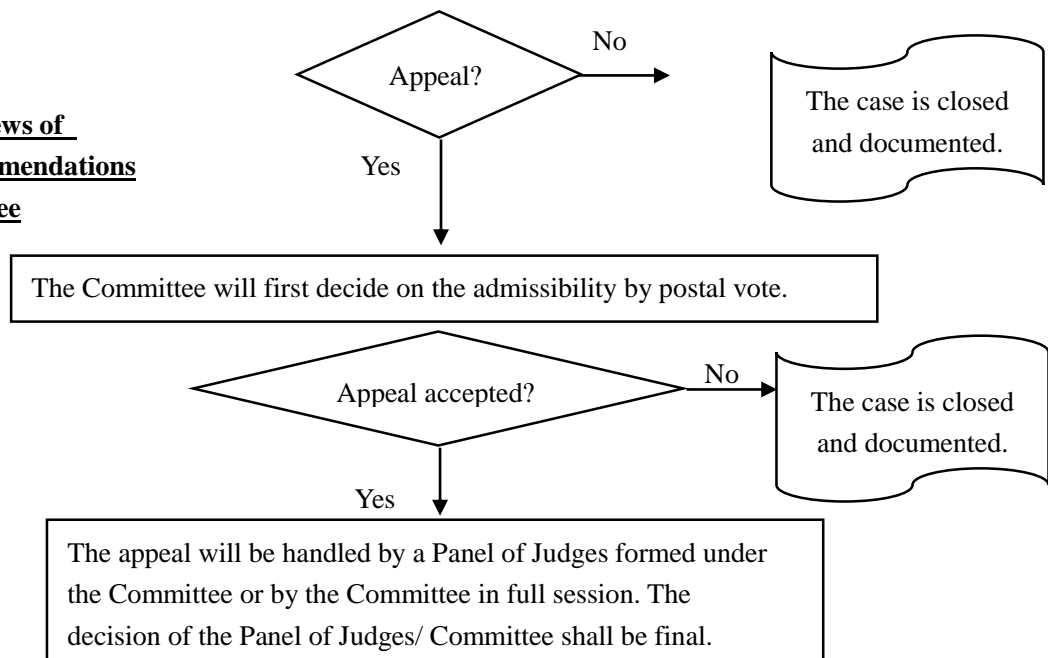
handle cases in the first instance



Upon the notification of the decision by the 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:

Appeals to/reviews of decisions/recommendations by the Committee



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 Procedures for details.

Committee on Student Discipline

Formation of a Panel of Judges under the Committee

1. A Panel of Judges formed under the Committee is composed of four members, who are selected from members of the Committee; wherever possible, members from the School(s) and College(s) to which the student(s) (suspect/ defendant or appellant/ applicant for review, as the case may be) belong(s) shall not be included.
2. 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 another member.
3. Before the first meeting of the Panel of Judges 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 another member if time allows.
4. After a Panel of Judges 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, within three working days after receipt of the notification, giving reasons thereof 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.
5.
 - a) If no objection to the membership of the Panel is received by the day as stipulated in paragraph 4 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 4 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 4 above, and the Chairman of the Committee gives his/her consent, the member(s) of the Panel against whom an objection is raised shall be replaced by another/other member(s). The new Panel shall then proceed with its work. No further objections to the panel membership will be considered.
6. If the disciplinary cases are to be handled by the Committee in full session, the student(s) concerned shall not be given the right to raise objection to any member.

Committee on Student Discipline

Conduct of Meeting of a Panel of Judges/the Committee

1. The Secretary of the Committee or his/her representative shall serve as Secretary for a Panel of Judges. 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 the Panel of Judges/Committee shall arrange for a meeting of the Panel of Judges/Committee in the following manner:
 - a) Relevant case materials shall be forwarded to members of the Panel of Judges/ Committee including, where available, information on previous cases of a similar nature for reference by the Panel of Judges/Committee.
 - b) Each student concerned shall be reminded of his/her right to meet with the Panel of Judges/ Committee 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/ Committee as early as possible, preferably at the outset, and the Secretary shall make arrangements for him/her to meet with the Panel of Judges/ Committee, normally during its first meeting. At the meeting, members of the Panel of Judges/ Committee 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/ 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, shall then be asked to leave before the Panel of Judges/Committee starts its deliberation on the case. The student concerned may also suggest to the Panel of Judges/ Committee 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/ Committee 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 the Committee sitting as an appeal committee is two-thirds of all its members other than the four members who have sat on the Panel of Judges that dealt with the case in the first instance.

4. In the case of a Panel of Judges, at the first meeting in handling an appeal, a convener shall be elected from among members of the Panel of Judges, to lead the discussion during the meeting. The Chairman of the Committee shall normally be the convener when the Committee is sitting as an appeal committee, except when the Chairman has sat on the Panel of Judges that dealt with the case in the first instance, in which case another member shall be elected to take his/her place.
5. The Panel of Judges/ Committee shall then proceed with its enquiry, investigation and deliberations as it sees fit. It is expected that views of the disciplinary committee that handled the case in the first instance shall be made available to the Panel of Judges for reference. For cases where the Committee sits as an appeal committee, members of the Panel of Judges that dealt with the case in the first instance shall become observers of the meeting. They may provide further explanations on the processes of their investigation and the reasons for their decisions, but shall not participate in the voting on the final decision of the appeal case. Further meetings and/or interviews may be conducted as necessary.
6. The Panel of Judges/ Committee shall reach its decision and recommendation by majority vote. When the number of votes from members of the Panel of Judges/ Committee 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/Committee 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/ Committee 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/ Committee for record and to other disciplinary committees for information.

Committee on Student Discipline

Membership

Chairman

Professor Tom Luo Vice-President (Academic)

Members

Dr. Yu Xiaoming, Peter	Acting Director of Student Affairs Office
Professor Cai Xiaoqiang	Associate Vice-President (Education and CUHK Affairs), Shaw College
Professor Wang Lidi	Associate Dean (Education), School of Humanities and Social Science, Muse College
Professor Zhao Junhua	Assistant Dean (Education), School of Science and Engineering, Muse College
Dr. Lawrence Khoo	Assistant Dean, School of Management and Economics
Dr. Gong Wengao	Senior Lecturer, English Coordinator, Diligentia College
Professor Hark Sui Kong	Professor, School of Science and Engineering, Diligentia College
Professor Tong Shilu	Associate Professor, School of Management and Economics, Shaw College
Professor Chan Sin-wai	Professor, School of Humanities and Social Science, member of the Provisional Board of Graduate Studies, Shaw College
Ms. Fang Qianying	Deputy Director of Registry Services

Secretary

Ms. Shu Rao Supervisor, VPO (Academic)

Terms of Reference

1. With full authority delegated from the (Provisional) Academic Board, to handle all matters pertaining to the discipline of undergraduate and postgraduate students including appeals;
2. The main committee will deal with policy issues and appeal cases, while a Panel of Judges will be formed under the main committee for each disciplinary case to conduct investigation and hearings and to decide on the penalties as deemed appropriate. Cases referred by the Schools, Colleges and other Centres/Offices will also be handled by the Panels of Judges.

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