

Senate Committee on Student Discipline

Procedures for Handling Student Disciplinary Cases

Preamble

1. The Chinese University of Hong Kong 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 Senate Committee on Student Discipline (hereinafter referred to as the Senate Committee) was established by the University Senate at the 1st Meeting (1992-93) held on 28 October 1992. The Senate 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 the University;*
- (b) willful damage to or defacement of any property of the University;*
- (c) theft, fraudulent use, misapplication of University funds or property of any kind;*
- (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 Senate from time to time;*
- (f) falsification or serious misuse of University documents or records;*
- (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 University;*
- (h) any conduct which is detrimental to the reputation and well-being of the University;*
- (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 University;*

shall be disciplined by the Senate Committee on Student Discipline, or other disciplinary committees as appropriate, including Board of Faculty 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 the University for a specified period of time;*
- (c) *demerit(s), of which a total of three may result in termination of studies at the University;*
- (d) *lowering the degree classification by one level upon graduation, where applicable;*
- (e) *suspension from the University for a specified period of time;*
- (f) *termination of studies at the University;*
- (g) *any other form as the Senate Committee on Student Discipline, Board of Faculty, 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 Senate Committee on Student Discipline, with authority delegated by the Senate. 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, except for MBChB students, where applicable, whose disciplinary cases shall be handled by the Fitness To Practice (FTP) Committee formed under the Faculty of Medicine depending on the nature and gravity of the cases.
4. The Procedures are administrative guidelines approved by the Senate Committee and may be amended or supplemented by the Senate 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.

Standard of proof

6. In the course of considering cases, the standard of proof in determining whether a case is established should be based on balance of probabilities i.e., disputed facts are compared to determine which set of facts are more likely to have occurred. A fact is proved to be true on the balance of probabilities if its existence is more likely than not.

Stages of the Disciplinary Procedures

7. A student disciplinary case is normally handled by a disciplinary committee concerned other than the Senate Committee on Student Discipline, depending on the nature and gravity of the case. The Senate 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 Senate Committee

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

8. 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 and Faculties or other course offering units¹. 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 Faculties of which the course offering units belong.
- Other disciplinary cases of an academic nature shall be handled by the disciplinary committees formed under the Faculties 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 Faculties or course offering units concerned.
 - Other disciplinary cases of an academic nature shall be handled by the disciplinary committee formed under the Faculty or course offering unit concerned.
 - For cases involving MBChB students, irrespective of the nature, the relevant disciplinary committee shall notify the Senate Committee and alert the Faculty of Medicine as soon as possible upon scheduling the cases. In the case that the complaint/expression of concern is filed directly with the Faculty of Medicine/FTP Committee, and if the nature of the case falls under the purview of the University's disciplinary committees, the Faculty of Medicine/FTP Committee shall upon receipt of the case also notify the Senate Committee and alert the College or other units concerned of such case as soon as possible. The *Guidelines for Referral of Disciplinary Cases that involve Students enrolled in the MBChB Programme* are in Attachment 2.
9. When the disciplinary case involves more than one student and if these students belong to different Faculties/Colleges or involve both undergraduate and postgraduate students, or when the case is deemed very serious in nature, it shall be handled by the Senate Committee directly, by means of a Panel of Judges, composed of members and panelists, formed under the Senate Committee. The composition of the Senate Committee, the composition and formation, and conduct of meetings of a Panel of Judges formed under the Senate Committee are in Attachments 3 to 5.
10. 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.
11. 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 and the Panel of

¹ Other course offering units include the Office of University General Education and Office of Academic Links.

Judges/disciplinary committee will deliberate 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.

12. 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 11 above. Where applicable, the student concerned shall make use of the opportunity to seek clarifications on any unclear issues or plead for a lower penalty from the Panel of Judges/disciplinary committee concerned, irrespective of whether s/he will attend the meeting(s).
13. 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 Senate, these recommendations will have to be reviewed by a Panel of Judges formed under the Senate Committee.
14. 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.
15. 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 Senate 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 when the Panel of Judges/disciplinary committee comes up with a decision that is substantially different from the initial findings of the faculty/ department/college to which the student concerned belongs, the Panel of Judges/disciplinary committee shall convey its decision to the faculty/department/college first before the student concerned is formally notified of the decision.
16. 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, in writing, to the Senate Committee through the disciplinary committee that deals with the case in the first instance within seven working days of receiving the notification.
17. To lodge an appeal, the student concerned shall state clearly the grounds of the appeal, including but not limiting to the provision of new evidence or information that has not been made available for consideration by the Panel of Judges/disciplinary committee, and the reasons for not making the evidence or information available earlier. However, pleading for a lower penalty is not considered as acceptable ground. Late appeal shall not be considered.
18. 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 disciplinary committee concerned to the Senate Committee for record and to other relevant disciplinary committees for information.

Stage 2: Handling of appeals to decisions/recommendations and reviews of recommendations by the Senate Committee

19. 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 Senate Committee.
20. 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 Senate Committee.
21. The Senate Committee shall take the following procedural steps to decide on the admissibility of the appeal/giving of a lower penalty:
 - a) The Chairperson of the Senate Committee shall review the grounds of the appeals and has the authority to dismiss any appeals without acceptable grounds, or if s/he has handled the case in the first instance, to delegate such power to a member who has not handled the case in the first instance and not from the same Faculty/College to which the student belongs.
 - b) If an appeal has not been dismissed by the Chairperson of the Senate Committee, the Secretary of the Senate Committee shall arrange to have the admissibility of the appeal/the giving of a lower penalty considered by the Senate Committee through a postal vote, enclosing the letter of appeal/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 the decision of the Chairperson/ the appeal in writing/a recommendation for giving a lower penalty and other supplementary information, or as soon as possible thereafter.
 - c) The Chairperson of the Senate Committee shall abstain from voting as s/he has the authority to rule on the admissibility as provided in e) ii).
 - d) To avoid conflict of interest, members of the Senate Committee shall abstain from voting on cases that they have handled in the first instance.
 - e)
 - i) If a simple majority of the votes returned can be secured for acceptance, the appeal is admitted to be heard/the lower penalty can be given.
 - ii) If a simple majority cannot be secured, the Chairperson of the Senate Committee will decide on the admissibility of the appeal/giving of a lower penalty after consulting the results of the votes and comments (if any) from members.
22. If the appeal is not admitted to be heard, the Senate Committee shall inform the appellant, and the case is closed and any disciplinary action shall be implemented forthwith.
23. If the appeal is admitted to be heard, and the disciplinary case was handled by a disciplinary committee other than the Senate Committee in the first instance, the appeal shall be handled by a Panel of Judges formed under the Senate Committee.
24. If the appeal is admitted to be heard, and the disciplinary case was handled by a Panel of Judges formed under the Senate Committee, the appeal shall be handled by the Senate Committee in full session.
25. The Senate 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.

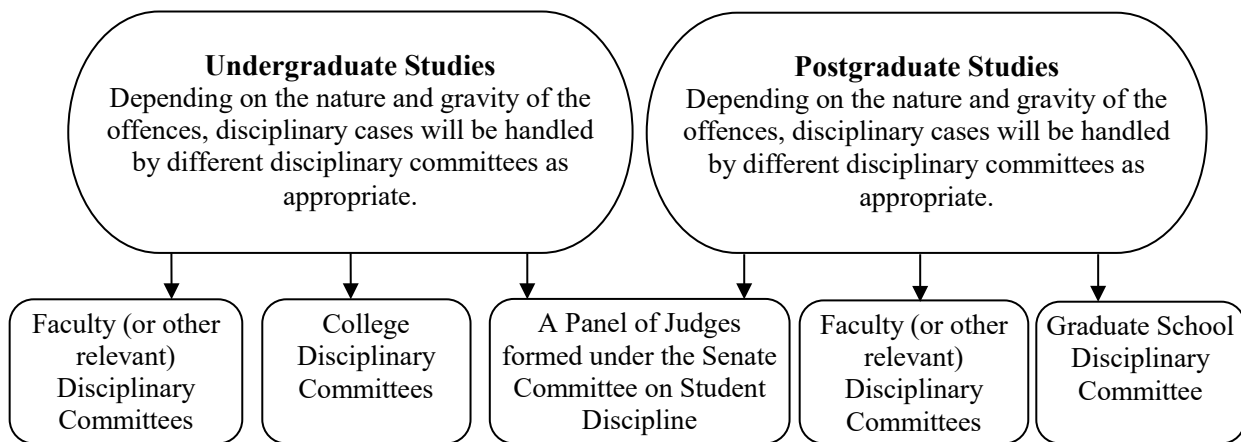
26. The Senate Committee may also exercise its power, through a Panel of Judges, to review the recommendations made by other disciplinary committees (i.e. recommendations of suspension and termination of study) in accordance with the University regulations set forth in paragraph 2(II) and detailed in paragraph 12.
27. Decisions on cases of appeals and reviews made by the Senate Committee, either in full session or by means of a Panel of Judges in circumstances stated in paragraphs 22 to 26 above, shall be final. There shall be no further appeal.
28. The University's Retention Policy should be observed in retaining student disciplinary records. Details of the retention period of different records are in Attachment 6.

Monitoring and Control

29. To uphold fairness and to ensure that cases are handled in a consistent manner by the disciplinary committees, all disciplinary committees are advised to devise a set of procedural guidelines with reference to that of the Senate Committee, which should be made available to students. The guidelines should, *inter alia*, stipulate clearly the rights of the students including the rights to meet with the disciplinary committees, and the rights to attend such meetings with an accompanying person. (Please refer to paragraph 11 for the identity of the accompanying person.)
30. Student disciplinary cases should be handled in a timely manner, in particular for academic dishonesty cases when penalties are accumulative. As a general principle, disciplinary committees are advised to complete the handling of a case within three months from the date of occurrence, except for cases undergoing police investigation/legal proceedings which should be handled after the investigation result/court judgment is known.
31. To strengthen the ties between the Senate Committee and disciplinary committees, all disciplinary committees may be required to complete reports on a regular basis for stock-taking the number of cases that have been/being handled. Where necessary, the Senate Committee may consolidate the reports from respective disciplinary committees for submission to the University Management and other relevant parties as appropriate.
32. For educational purposes, disciplinary committees can consider making announcements in appropriate circumstances to their students on the number and nature of cases handled and, where appropriate, the penalties imposed, without disclosing the identifying information of the students concerned.

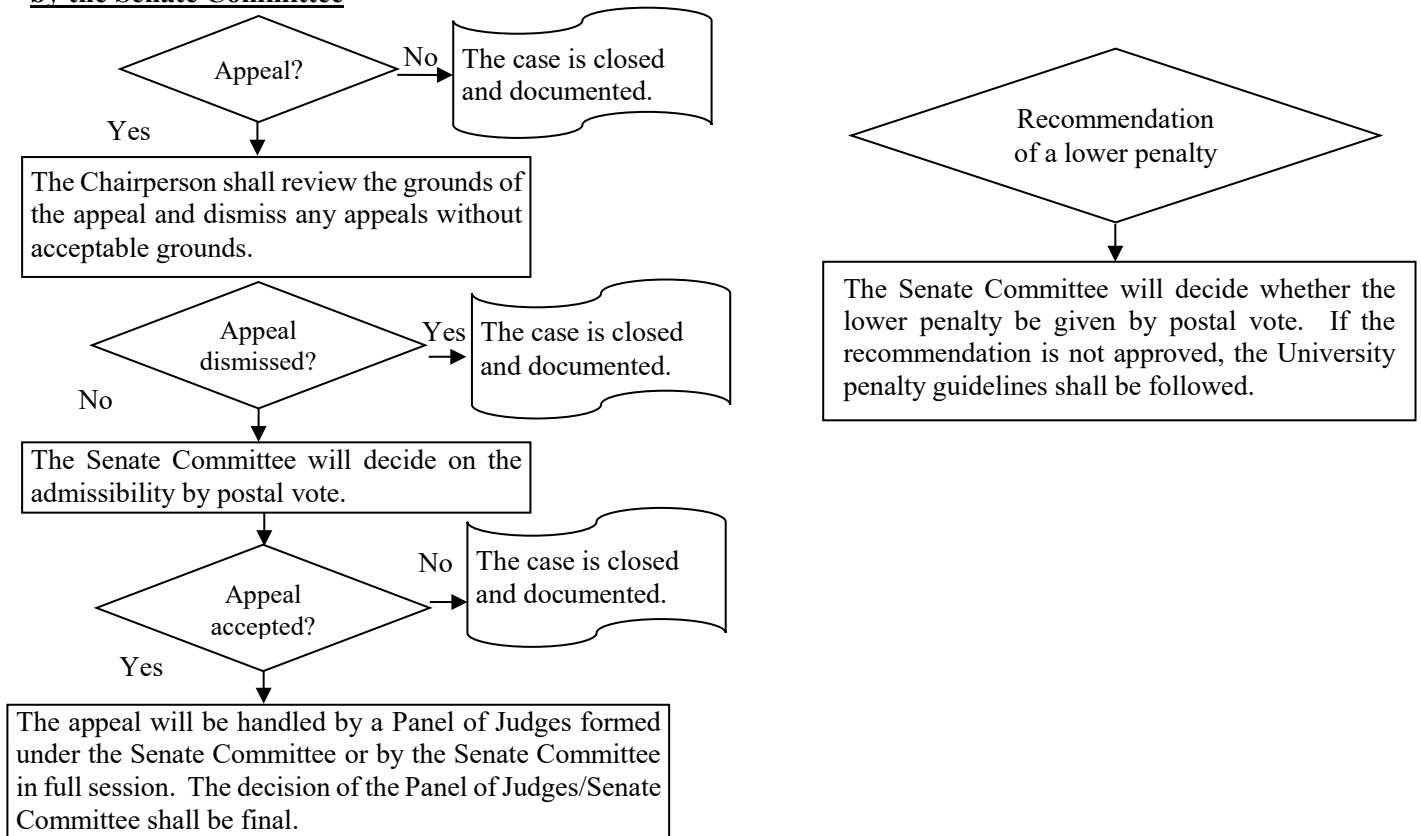
Procedures for Handling Student Disciplinary Cases

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 in writing, within seven working days of receiving the notification, to the Senate Committee through the disciplinary committee. The student concerned shall state clearly the grounds of the appeal.

Stage 2: Appeals to/reviews of decisions/recommendations by the Senate Committee¹



Notes:

- Any disciplinary actions, including zero mark for the components or the courses concerned, should only be implemented when the final decisions on the appeals or recommendations are known.
- As far as these procedures for handling student disciplinary cases are concerned, there shall be no further appeals beyond the final decision of the Senate Committee.
- The flow chart is only a summarized description of the procedures. Please refer to the full text of the procedures for details.

**Guidelines for Referral of Disciplinary Cases that involve
Students enrolled in the MBChB Programme**

*(These guidelines should be read in conjunction with the Guidelines for Fitness To Practice Committee
approved by the Senate)*

The Fitness To Practice (FTP) Committee of the Faculty of Medicine was established in March 2012 as approved by the Senate at its Third Meeting (2011-12). The primary purpose of the FTP Committee is protection of the public and dealing with students enrolled in the MBChB Programme who may pose a threat, for whatever reason, to the public. In this role, it is answerable to the University and to the Medical Council of Hong Kong. The Senate has also approved a list of most frequent areas of concern relating to MBChB students' fitness to practice that are to be handled by the FTP Committee (Appendix 1). This paper sets forth the implementation procedures for the reciprocal notification mechanism and referral of such disciplinary cases between the Colleges, other units concerned and the Faculty of Medicine/FTP Committee, as proposed by the Ad hoc Task Force on Fitness To Practice, which was established by the Senate Committee on Student Discipline (SCSD) and comprised representatives from Colleges, Faculty of Medicine and the SCSD.

Guidelines

1. Upon scheduling any disciplinary cases, either involving solely MBChB student(s) or both MBChB and non-MBChB students, the Colleges or other units concerned shall notify the SCSD and alert the Faculty of Medicine of such cases as soon as possible, irrespective of the nature of the offence i.e. either academic or non-academic offence. However, no personal data of those non-MBChB student(s) who are involved in such disciplinary cases shall be disclosed to the Faculty of Medicine. In the case that the complaint/expression of concern is filed directly with the Faculty of Medicine/FTP Committee, and if the nature of the case falls under the purview of the University's disciplinary committee, the Faculty of Medicine/FTP Committee shall upon receipt of the case also notify the SCSD and alert the College or other units concerned of such case as soon as possible.
2. The Colleges or other units concerned shall also inform the MBChB student(s) concerned of such notification.
3. The Colleges or other units concerned and the FTP Committee of the Faculty of Medicine shall then follow-up on such cases in parallel and independently. The Colleges or other units concerned shall initiate a formal disciplinary procedure to handle the cases in accordance with the University's guidelines and procedures, and to decide on the penalties to be imposed by the University. The FTP Committee may also initiate its established procedures at the same time to assess if the students are fit to practice medicine according to the procedures governing the FTP Committee, as it sees fit and by making reference to the list of most frequent areas of concern in Appendix 1.
4. If a decision is made by the Colleges or other units concerned regarding a case, they shall report their decisions to the SCSD (by means of Form A), and copy it to the Faculty of Medicine for the reference of the FTP Committee; if the recommendation of the Colleges or other units concerned involves suspension or termination of study, or if the Colleges or the units concerned decide to refer the case to the SCSD for handling under exceptional circumstances, the SCSD shall inform the Faculty of Medicine of the final decisions of such cases.
5. The case is closed if the students do not lodge any appeals. Otherwise, the University's procedures for handling appeals shall be followed.
6. Although the FTP Committee will only focus on the assessment of MBChB students' fitness to practice and will not come up with any penalty recommendation to be imposed by the University, the Dean of the Faculty of Medicine can exercise discretion, under delegated authority of the Senate, to provisionally suspend the clinical duties or studies of any MBChB students to facilitate the investigation of the FTP Committee. The Faculty of Medicine shall also notify the SCSD and Colleges or other units concerned if such cases of suspension of studies arise.
7. A flow chart that illustrates the referral of disciplinary cases involving MBChB students is in Appendix 2.

Most frequent areas of concern relating to students' fitness to practice that are to be handled by the Fitness To Practice Committee

1 Criminal Conviction or Caution

- 1.1 Child pornography
- 1.2 Theft
- 1.3 Financial Fraud
- 1.4 Possession of illegal substances
- 1.5 Child abuse or any other kind of abuse
- 1.6 Physical violence

2 Drug or alcohol misuse

- 2.1 Drunk driving
- 2.2 Alcohol consumption that affects clinical work or the work environment
- 2.3 Dealing, possessing or illegal misuse of drugs even if there are no legal proceedings

3 Aggressive, violent or threatening behaviour

- 3.1 Assault
- 3.2 Physical violence
- 3.3 Bullying
- 3.4 Abuse (such as sexual abuse, abuse of patients, peers)

4 Academic dishonesty

- 4.1 Plagiarism
- 4.2 Cheating in examinations, logbooks or portfolios

5 Dishonesty or fraud, including dishonesty outside the professional role

- 5.1 Falsifying research
- 5.2 Financial fraud
- 5.3 Fraudulent CVs or other documents
- 5.4 Misrepresentation of qualifications
- 5.5 Forging a supervisor's name on assessments

6 Unprofessional behavior

- 6.1 Sexual, racial or other forms of harassment
- 6.2 Unlawful discrimination

Referral of Disciplinary Cases that Involve MBChB Students

Colleges or other units concerned schedule a disciplinary case, or Faculty of Medicine/FTP Committee receives complaint/expression of concern that involves MBChB student(s).



Colleges or other units concerned complete the notification form to notify the SCSD and alert the Faculty of Medicine of such cases, and vice versa if the complaint/expression of concern is filed directly with the Faculty of Medicine/FTP Committee. The MBChB student(s) concerned should be informed of such notification.



Colleges or other units concerned to initiate a formal disciplinary procedure to handle the case.



The FTP Committee to initiate to handle the case as it sees fit, in accordance with the Guidelines for FTP Committee, to assess if the MBChB student(s) are fit to practice Medicine.



- (i) After a decision is made, Colleges or other units concerned to report their decisions to the SCSD (by means of Form A), and copy it to all relevant parties, including the Faculty of Medicine for the reference of the FTP Committee.*
- (ii) If the case is reviewed by or referred to SCSD for handling, SCSD to inform the Faculty of Medicine.*



The case is closed if the student(s) do not lodge any appeals. Otherwise, the University's procedures for handling appeals shall be followed.

Notification of Disciplinary Cases that involve MBChB Students

To : Secretary of the Senate Committee on Student Discipline

c.c. *Secretary of the Fitness To Practice Committee, Faculty of Medicine/
*Secretary of Disciplinary Committee of the College which the MBChB student belongs to

Please read Notes carefully before completing this form.
(Please use separate sheets if there are more than one student)

A. Particulars of the MBChB Student

Name (in English) : _____ (in Chinese) : _____ Sex: _____
Student I.D. Number : _____ College : _____
Year of Attendance : _____

B. Particulars of the non-MBChB Student¹ (Please fill in this part if the case involves a non-MBChB student)

Name (in English) : _____ (in Chinese) : _____ Sex: _____
Student I.D. Number : _____ College (if any) : _____
Full-time/Part-time* Undergraduate/Postgraduate* Department/Programme: _____
Year of Attendance : _____ Faculty: _____

**Please delete as appropriate.*

C. Offence (Please use separate sheets/attach any relevant papers/reports if necessary)

Form completed by: _____ (Name) College/Faculty: _____

Signature: _____ Contact number: _____

Date: _____

Notes:

1. If a disciplinary case involves both MBChB and non-MBChB students, please **do not** disclose the personal data of the non-MBChB students. As such, part B of the form and any relevant papers/reports that contain personal data of the non-MBChB students should be omitted in the copy for the Faculty of Medicine/College which the MBChB student belongs to.
2. The MBChB student(s) concerned should be informed of this notification.

Senate Committee on Student Discipline

Composition of the Senate Committee

- (a) Chairperson appointed by Vice-Chancellor/President
- (b) A teaching staff from each College appointed by its Assembly of Fellows
- (c) A teaching staff from each Faculty appointed by the Faculty Board
- (d) A teaching staff appointed by the Graduate Council
- (e) University Dean of Students
- (f) Registrar
- (g) President of the Chinese University Students Union
- (h) Elected student members of the Senate
- (i) A student representative, who normally attends Senate meetings as an observer, from each of Morningside College, S.H. Ho College, C.W. Chu College, Wu Yee Sun College and Lee Woo Sing College

The Secretary of the Committee is appointed by the Registrar in consultation with the Chairperson of the Committee.

Senate Committee on Student Discipline

Composition and Formation of a Panel of Judges under the Senate Committee

1. All members of the Senate Committee shall serve on a Panel of Judges.
2. To ease the burden of members and facilitate the timely conduct of Panel of Judges meetings, Colleges, Faculties and the Graduate Council are invited to nominate a pool of panelists, who are not members of the Senate Committee, to serve on the Panel of Judges formed under the Senate Committee to handle student disciplinary cases. In general, the terms of office of the nominated panelists shall be two years.
3. A Panel of Judges formed under the Senate Committee is composed of five members, including at least three members of the Senate Committee, in accordance with the following guidelines adopted for compiling duty rosters for the various categories:

- a) *one from Category (b) or (d) Members of the Senate Committee or the nominated panelists from the same category; wherever possible, members/panelists 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, and for cases involving postgraduate students, the member/panelist from the Graduate Council shall not be included.*

The roster shall be compiled initially by the order of Colleges in alphabetical sequence i.e. C.W. Chu, Chung Chi, S.H. Ho, Lee Woo Sing, Morningside, New Asia, Shaw, United and Wu Yee Sun, and after each member/panelist 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/panelist at the top of the duty roster shall sit on the Panel.

- b) *one from Category (c) Members of the Senate Committee or the nominated panelists from the same category; wherever possible, members/panelists from the Faculty(ies) to which the student(s) concerned belong shall not be included.*

The roster shall be compiled initially by the order of Faculties in alphabetical sequence i.e. Arts, Business Administration, Education, Engineering, Law, Medicine, Science and Social Science, and after each member/panelist has served on a Panel of Judges, his/her name is rotated to the bottom of the roster. If all Faculties are involved in a case, the Faculty affiliation of students shall be ignored. The member/panelist at the top of the duty roster shall sit on the Panel.

- c) *one from Category (g), (h) or (i) Members of the Senate Committee, wherever possible, members from the College(s) and Faculty(ies) to which the student(s) concerned belong(s) shall not be included.*

The roster shall be compiled initially by the order of Faculties/Colleges/Students Union in alphabetical sequence i.e. Arts, Business Administration, Education, Engineering, Law, Medicine, Science, Social Science, C.W. Chu, Chung Chi, S.H. Ho, Lee Woo Sing, Morningside, New Asia, Shaw, United, Wu Yee Sun and Students Union, 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.

- d) *any Two Other Member(s) of the Senate Committee or panelist(s), wherever possible, member(s)/panelist(s) from the College(s) and Faculty(ies) to which the student(s) concerned belong(s) shall not be included, and for cases involving postgraduate students, the member/panelist from the Graduate Council shall not be included.*

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

4. The name of a member/panelist not having served a Panel shall stay at the top of the duty roster.
5. A member/panelist is allowed to request exemption from serving on a particular Panel for reason of personal interest or conflict, subject to the consent of the Chairperson of the Senate Committee. S/he shall inform the Secretary of the Senate Committee immediately. If the request is approved by the Chairperson of the Senate Committee, the member/panelist shall be replaced by the next member/panelist on the relevant duty roster, but having been excused, the member/panelist shall stay at the top of the duty roster.
6. Before the first meeting of the Panel of Judges is convened, if it happens that a member/panelist will be on leave, or due to other official business will not be available to attend the meeting as scheduled, the member/panelist shall be replaced by the next member/panelist on the relevant duty roster if time allows, but having been excused, the member/panelist shall stay at the top of the duty roster.
7. After a Panel of Judges is formed, the Secretary of the Senate 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 Chairperson of the Senate Committee. The authority for ruling on such objections shall be vested in the Chairperson of the Senate Committee, and such ruling shall be final.
8.
 - a) If no objection to the membership of the Panel is received by the day as stipulated in paragraph 7 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 7 above, and the Chairperson of the Senate 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 7 above, and the Chairperson of the Senate Committee gives his/her consent, member(s) of the Panel against whom an objection is raised shall be replaced by the next member(s)/panelist(s) on the relevant duty roster. The new Panel shall then proceed with its work.
9. If the disciplinary cases are to be handled by the Senate Committee in full session, the student(s) concerned shall not be given the right to raise objection to any member.

Senate Committee on Student Discipline

Conduct of Meeting of a Panel of Judges/the Senate Committee

1. The Secretary of the Senate Committee or his/her representative shall serve as Secretary for a Panel of Judges. A meeting shall be arranged normally no later than three weeks after a case is received or after the admissibility of an appeal.
2. The Secretary of the Panel of Judges/Senate Committee shall arrange for a meeting of the Panel of Judges/Senate Committee in the following manner:
 - a) Relevant case materials shall be forwarded to members of the Panel of Judges/Senate Committee including, where available, information on previous similar cases for reference of the Panel of Judges/Senate Committee.
 - b) Each student concerned shall be reminded of his/her right to meet with the Panel of Judges/Senate 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/Senate 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/Senate Committee normally during its first meeting. At the meeting, members of the Panel of Judges/Senate 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/Senate 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 and the Panel of Judges/Senate Committee shall deliberate on the case. The student concerned may also suggest to the Panel of Judges/Senate 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/Senate 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 4.
 - b) The quorum at any meeting of the Senate Committee sitting as an appeal committee is two-thirds of all its members other than the five 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, who shall lead the discussion during the meeting, shall be elected from among members of the Panel of Judges. The Chairperson of the Senate Committee shall normally be the convener when the Senate Committee is sitting as an appeal committee, except when the Chairperson has sat on the Panel of Judges that dealt with the case in the first instance, then other members shall be elected to take his place.
5. The Panel of Judges/Senate 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 Senate 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 supplement with 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/Senate Committee shall reach its decision and recommendation by majority vote. When the number of votes from members of the Panel of Judges/ Senate 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.
7. After a decision on the case is taken:
 - a) The Secretary of the Panel of Judges/Senate 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/Senate 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/Senate Committee for record and to other disciplinary committees for information.

THE CHINESE UNIVERSITY OF HONG KONG

An extract of the paper on “Retention of Disciplinary Records of Students”*

Disciplinary records of students are now kept for different periods by various offices concerned at the University. The retention policy for disciplinary records of students has been reviewed by the Personal Data Controlling Committee of the University to ensure that all University disciplinary records are maintained in accordance with the requirements of the Personal Data (Privacy) Ordinance. Making reference to the practice adopted by some local and overseas universities and having considered the legal advice obtained, the recommendations of **7-year retention for records of student disciplinary cases**, and the retention periods for the following records have been approved by the University for immediate implementation:

- (i) Remarks on transcripts
Retained permanently, except for removable demerits, which should be retained until completion of studies at the University or until removal date of the demerits, whichever is earlier.
- (ii) Disciplinary records^[1]
Retained for 7 years, or until graduation/ termination/ withdrawal of the student, whichever is later; except for postgraduate students approved for concurrent registration for two CUHK programmes which should be retained for 7 years, or until graduation/ termination/ withdrawal of the students from all postgraduate studies at the University, whichever is later.
- (iii) Student records^[2]
Retained permanently.

With the implementation of the above policy, all disciplinary committees are required to keep a separate summary on all cases and the decisions made without mentioning of any personal data of students. Such summary record should be kept permanently for reference of the disciplinary committee(s) concerned in decision making.

The above policy will be made available to students during the student registration process of the University.

It is important that the principle of keeping only necessary data/ information for no longer than necessary should always be complied with. All disciplinary committees will therefore be reminded to regularly review their records and destroy those unnecessary ones properly.

* [Extracted from the paper noted by the Senate Committee on Student Discipline via Circular No. 4 (2018-19) dated 19 February 2019.]

^[1] Disciplinary records include all original documents, Record of Disciplinary Actions Taken Against Students (Form A and Form B), agenda and minutes of investigation panels, and related case files and correspondences.

^[2] Form A and Form B are to be kept permanently as part of student records for the transcript remarks by the Registration and Examinations Section. In the case of postgraduate students, Form A and Form B, letters issued by the relevant disciplinary committee and student’s acknowledgement of the committee’s resolution are to be kept permanently as part of student records for the transcript remarks by the Graduate School Office.

Record of Disciplinary Actions Taken Against Students

To : Secretary of the Senate

A. Particulars of Student

Name (in English) : _____ (in Chinese) : _____ Sex: _____
 Student I.D. Number : _____ College (if any) : _____
 Full-time/ Part-time* Undergraduate/Postgraduate* Department/Programme: _____
 Year of Attendance : _____ Faculty: _____

B. Offence (Please use separate sheets/attach any relevant papers/reports if necessary)

C. Disciplinary Action (Please give details of penalties and reasons thereof)

Item(s) _____ of the penalties mentioned above will be pending for review before graduation, and the penalties will/will not* be recorded on transcript before the case is reviewed.

Counselling service recommended: Yes/No* To be provided by: _____

Recommending unit : _____

Officer's signature : _____ Name : _____

* Please delete as appropriate Date : _____

D. Resolution of Senate Committee on Student Discipline (if applicable)

- c.c. () Secretary, College Assembly of Fellows of _____
 () Secretary, Board of Faculty of _____
 () Secretary, Graduate Council
 () Head, Registration and Examinations Section
- } Please see **Note** below and check the brackets as appropriate

Note: For cases of undergraduate students, a copy of this form should be sent to the Registration and Examinations Section, the Faculty and College to which the undergraduate student belongs. For cases of postgraduate students, a copy of this form should be sent to the Graduate School Office and the Faculty to which the postgraduate student belongs.

THE CHINESE UNIVERSITY OF HONG KONG

Form B

Confidential

Review of Disciplinary Actions Taken Against Students

To : Secretary of the Senate

A. **Particulars of Student**

Name (in English) : _____ (in Chinese) : _____ Sex: _____

Student I.D. Number : _____ College (if any) : _____

Full-time/Part-time* Undergraduate/Postgraduate* Department/Programme: _____

Year of Attendance : _____ Faculty: _____

* Please delete as appropriate

B. **Offence & Disciplinary Action**

(Please extract details of the offence(s) and disciplinary action(s) taken from Form A, and it is not necessary to attach a copy of the original Form A.)

[Empty box for Offence & Disciplinary Action details]

C. **Review**

[Empty box for Review details]

Reviewing unit : _____

Officer's signature : _____ Name : _____

Date : _____

- c.c. () Secretary, College Assembly of Fellows of _____
 - () Secretary, Board of Faculty of _____
 - () Secretary, Graduate Council
 - () Head, Registration and Examinations Section
- } Please see **Note** below and check the brackets as appropriate

Note: For cases of undergraduate students, a copy of this form should be sent to the Registration and Examinations Section, the Faculty and College to which the undergraduate student belongs. For cases of postgraduate students, a copy of this form should be sent to the Graduate School Office and the Faculty to which the postgraduate student belongs.