

**UOW College Hong Kong (“The College”)**  
**Code of Student Conduct and Disciplinary Procedure**

**Code of Student Conduct**

**1 Purpose**

11 The College expects all students to conduct themselves in a way that does not hinder or damage its operation or reputation. It is recognized that the majority of students behave in a responsible manner. Occasionally however, a small minority of students behave in ways that cause harm to the College, its staff, other students or the public. In these cases, the College has a responsibility to take action to protect other members of the College community, and its reputation.

12 Students are expected to:

- 1.2.1 act in accordance with all the College regulations;
- 1.2.2 act in accordance with the law;
- 1.2.3 respect the dignity and rights of others, irrespective of their background;
- 1.2.4 respect the property of others and properly use and the College facilities;
- 1.2.5 act with regard to the health and safety of others;
- 1.2.6 act with regard to the College’s good reputation.

**2 Scope**

21 This Code of Student Conduct and Disciplinary Procedure applies to any activity undertaken by a student of the College, whether on or off or College premises, where that activity may have harmed either staff or students of the College, or may have damaged the College’s reputation.

22 Acts of academic dishonesty, i.e. those which gain for a student an unfair advantage in any College assessment, are dealt with separately under the Rules on Academic Honesty.

### **3 Authority**

3.1 The President has overall responsibility for maintaining student discipline. The Academic Board has delegated to the Chair of the Student Discipline Committee the responsibility for providing advice on the interpretation of the disciplinary procedure and for reporting to the Academic Board on its operation. The Vice Presidents, Deans/Associate Deans of Faculties, the Director of Student Services, and the heads of academic support units have been given particular responsibilities under this procedure, and are referred to hereafter collectively as “authorized officers” and individually as “authorized officer”. In addition all staff have a responsibility to assist with the effective operation of this procedure.

### **4 Definitions**

4.1 The following behaviours are considered to constitute misconduct:

- 4.1.1 obstruction or disruption of any academic activity or of the management, administration or operation of the College;
- 4.1.2 theft or any other criminal offence committed on the College premises, misappropriation of the College’s funds or assets, misuse or falsification of any records or documents belonging to or in the possession of the College, its staff, students or visitors;
- 4.1.3 damage to, defacement or wrongful treatment of, the property of the College, its staff, students or visitors or any deliberate, reckless, negligent or careless act which causes, or is likely to cause, loss, damage or injury, or puts others at risk or which threatens the safety of the College premises or its occupants;
- 4.1.4 assault (including sexual assault);
- 4.1.5 sexual, racial or other harassment, or behaviour which causes fear or distress to others; threatening, abusive, disorderly or unreasonable behaviour;
- 4.1.6 failure to comply with any ruling made as a result of disciplinary proceedings;
- 4.1.7 breach of the regulations for the use of the library and

computing facilities, whether in the College or accessed through the College;

- 4.1.8 failure to behave in accordance with the provisions of any professional code of conduct or equivalent which may be applicable to the students concerned, e.g. during internships or other work-based learning activity;
- 4.1.9 any act which the President or any of the authorized officers listed in paragraph 3.1 above has reason to believe is a breach of good discipline of the College.

## **Student Disciplinary Procedure**

### **5 Procedure - all cases**

- 5.1 Alleged misconduct should be reported, in the first instance to the relevant authorized officer, as defined in paragraph 3.1 above. The officer will determine whether the alleged breach is minor or major. Minor cases will be dealt with by the authorized officer concerned and major cases will be reported to the Secretary of the Student Discipline Committee for consideration by a Student Discipline Panel.
- 5.2 Upon receipt of any reported allegation of misconduct, an authorized officer will first decide whether it is a minor or major case. He/she may seek the advice of the Chair of the Student Discipline Committee in making this judgment. Repeated instances of minor offences will be considered as a major offence. Minor cases will be handled by the authorized officer. Major cases will be referred for consideration by a Student Discipline Panel.
- 5.3 In all cases, students accused of misconduct must be informed of the details of the allegations against them, and given an opportunity to defend themselves. They may present written or oral evidence, and may call witnesses to give evidence on their behalf.

### **6 Cases of Minor Misconduct**

- 6.1 The authorized officer will notify the student, in writing, of the detail of the allegation of misconduct, within fourteen calendar days of receipt of the allegation by the authorized officer, inviting him/her to admit or deny the allegation and make representation and present evidence in either case within a specified period. The authorized officer will

conduct an investigation, in the course of which he/she may interview and/or seek written statements from witnesses and/or the student. Upon conclusion of the investigation, the authorized officer may decide either:

6.1.1 to dismiss the allegation as unsubstantiated; or

6.1.2 that the student is guilty of a minor misconduct and impose one or more penalties, as defined in Section 8 below; or

6.1.3 that the matter is so serious as to warrant consideration by a Student Discipline Panel.

62 The student will be informed, in writing, of the outcome of the authorized officer's investigation and any penalties imposed, and of the right to appeal the decision, within thirty calendar days of receipt of the allegation.

63 The authorized officer will inform the Secretary of the Student Discipline Committee of the allegation and the outcome of the investigation, and any penalties imposed.

## **7 Cases of Major Misconduct**

71 The Secretary of the Student Discipline Committee will notify the student, in writing, of the allegation of misconduct, within fourteen calendar days of receipt of the allegation by the authorized officer, inviting him/her to admit or deny the allegation, and giving notice of the date of the meeting before a Student Discipline Panel at which the matter will be considered. Students are entitled to make representations and call witnesses in their defence, and/or to be accompanied by a staff or student member of the College who is not involved in the case, to any meeting of a Student Discipline Panel.

72 If the student does not respond to the notification under 7.1 above, the Student Discipline Panel may nevertheless proceed to consider the matter, make a decision on the matter and impose appropriate penalties.

73 A Student Discipline Panel meeting will be convened to consider any case of major misconduct within thirty calendar days of receipt of the allegation by an authorized officer. Students wishing to call witnesses or to bring a companion must notify the Secretary of their intent to do so and must provide the name and status of such witnesses or companion at least three calendar days in advance of the meeting. The Panel will consider other written and oral evidence and representations

as it deems appropriate, and may decide:

- 7.3.1 to dismiss the allegation as unsubstantiated; or
  - 7.3.2 that the student is guilty of a major misconduct and impose one or more penalties, as defined in Section 8 below; or
  - 7.3.3 that the student is guilty of a minor misconduct and impose one or more penalties, as defined in Section 8 below.
- 74 The student will be informed, in writing, of the decision of the Student Discipline Panel's investigation, and of the right to appeal the decision, within seven calendar days of the conclusion of the Panel's meeting.
  - 75 The President may, at any time, temporarily suspend a student pending investigation of a major offence, should this be considered to be in the interests of the safety of other members of the College community. Reasonable effort will be made to allow the student to continue with his/her studies. Temporarily suspended students will be informed in writing of the nature of the suspension.
  - 76 Where the alleged misconduct involves a violation of the criminal law, the College may report the case to the appropriate law enforcement authority. Internal disciplinary procedure may or may not be conducted concurrently with any external investigation, at the discretion of the Chair of the Student Discipline Committee. All cases of students being convicted of criminal offences will be referred to the Chair of the Student Discipline Committee who shall consider if internal disciplinary action is warranted.
  - 77 The terms of reference and constitution of the Student Discipline Committee and the Student Discipline Panel are in Appendix 1 and Appendix 2 respectively.

## **8 Penalties**

- 8.1 An authorized officer may impose one or more of the following penalties:

- 8.1.1 an oral reprimand, which will not be recorded on the student's file;
  - 8.1.2 a written reprimand, which will be held on the student's record for a specified period up to a maximum of one year or until the student is no longer enrolled at the College, whichever is sooner. The reprimand will include a warning that any repetition of the offence is likely to lead to a more severe penalty;
  - 8.1.3 the requirement that the student make a formal written or verbal apology to any injured party;
  - 8.1.4 exclusion from use of the College amenities/facilities for a period not exceeding 1 semester;
  - 8.1.5 the requirement that the student make good, in whole or in part, any damage or loss to the property of the College, or of members of the College community;
  - 8.1.6 the requirement that the student perform supervised community service not exceeding thirty hours, as stipulated by the College.
- 8.2 The Student Discipline Panel may impose one or more of the penalties listed in 8.1 above and the following:
- 8.2.1 withholding the student's eligibility for receipt of a scholarship, prize or financial award; or for inclusion on the President's List, or to represent the College in any external activity, for a specified period of time;
  - 8.2.2 exclusion from use of the College amenities/facilities for a specified period of time in excess of eight weeks;
  - 8.2.3 suspension of studies for a specified period of time;
  - 8.2.4 expulsion from the College, which may include specification of a period within which a student may not be readmitted as a student of the College;
  - 8.2.5 the withdrawal of an award already made. This penalty would be applied only in cases of serious professional misconduct which calls

into question the acceptability of the student retaining the award;

8.2.6 any other penalties as the Panel may deem appropriate.

## 9 Appeals

91 Students who wish to appeal against decisions either of authorized officers, or of the Student Discipline Panel, must do so in writing to the Chair of the Student Discipline Committee via Secretary to the Student Discipline Committee within fourteen calendar days of the date they are informed of the decision pursuant to 6.2 or 7.4 above as the case may be. The grounds for appeal must be:

9.1.1 that there is new evidence that could not have been made available earlier, through no fault of the student; or

9.1.2 that there was a procedural irregularity in the conduct of the original investigation by the authorized officer or the Student Discipline Panel; or

9.1.3 that the penalty imposed was unreasonable or excessive in light of new evidence not presented to the authorized officer or the Student Discipline Panel, the findings of fact, or the circumstances of the student.

92 The Chair of the Student Discipline Committee will consider the matter, and will decide either:

9.2.1 that none of the grounds for appeal under 9.1 above is present, and therefore that the appeal will be dismissed and the original decision will stand; or

9.2.2 that there appears to be grounds for appeal under 9.1 above and a Student Discipline Appeals Panel will be convened to hear the appeal.

93 The decision of the Chair of the Student Discipline Committee made under 9.2.1 above is final.

94 Where a Student Discipline Appeals Panel is convened, it will meet to consider the case within thirty calendar days from receipt of the appeal. The student is entitled to attend the Appeals Panel meeting, and will be given at least five calendar days' advance

notice of the date of the meeting. The student may be accompanied by a staff or student member of the College who is not involved in the case, and must inform the Secretary of the Appeals Panel of the companion's name and status at least three calendar days before the meeting.

95 The Appeals Panel will not reconsider the original case, but will confine its deliberations to a consideration of the appeal. It will decide either:

9.5.1 that grounds for appeal are not substantiated, and that therefore the appeal is dismissed and the original decision will stand; or

9.5.2 that the appeal is upheld, and that the original decision is either endorsed or overturned; or

9.5.3 that the appeal is upheld, and that penalties imposed under the original decision are either endorsed, or that greater or lesser penalties may be imposed.

96 The student will be informed in writing of the Appeals Panel's decision within seven calendar days of the conclusion of the meeting of the Appeals Panel.

97 The decision of the Student Discipline Appeals Panel on the appeal is final.

98 The terms of reference and constitution of the Student Discipline Appeals Panel is in Appendix 3.

## **10 Reporting**

101 Any decision which impacts upon a student's enrolment status will be communicated immediately to the College Office for updating as appropriate.

102 The Vice President (Academic) will co-ordinate an annual report to the Academic Board on the operation of the Student Discipline Panel, and the Student Discipline Appeals Panel.

*(June 2020)*

## **The Student Discipline Committee**

The Student Discipline Committee is appointed by the Academic Board. The Committee will meet at least once per year.

### **1. Terms of Reference**

- 1.1 To advise the Academic Board on policy matters in relation to student discipline.
- 1.2 To determine and keep under review the Code of Student Conduct and Disciplinary Procedure.
- 1.3 To keep under review the terms of reference and constitution of the Student Discipline Panel and the Student Discipline Appeals Panel.
- 1.4 To receive reports from the Student Discipline Panel and the Student Discipline Appeals Panel on cases considered by those panels, and any issues of principle arising from them.
- 1.5 To report on its business annually to the Academic Board.

### **2. Constitution**

Chair	Vice President (Academic)
Members	(a) One academic staff from each Faculty, nominated by the Dean/ Associate Dean of Faculty
	(b) Director of Student Services
	(c) Two students appointed by the Academic Board
Secretary	Administrative staff member appointed by the Chair

Notes: (i) The term of office of category (a) members is two years.  
(ii) The term of office of student members is one year.

## **The Student Discipline Panel**

The Student Discipline Panel is convened as necessary to hear student discipline cases, in accordance with the Code of Student Conduct and Disciplinary Procedure. The Chair and staff members of each panel are nominated by the Chair of the Student Discipline Committee from the members of that Committee. The Chair has the authority exceptionally to co-opt any staff member to membership of a Student Discipline Panel. No individual who has any previous connection with any case to be heard may be a member of the Panel.

### **1. Terms of Reference**

- 11 To consider allegations of major misconduct under the Code of Student Conduct, and to determine, on the basis of evidence provided, whether or not allegations are substantiated.
- 12 To consider allegations referred to it under paragraph 6.1.3 of the Code of Student Conduct and Disciplinary Procedure, and to determine, on the basis of evidence provided, whether or not allegations are substantiated.
- 13 To impose penalties on students as appropriate, and in accordance with the Disciplinary Procedure, in cases where an allegation of misconduct under the Code of Student Conduct is found to have been substantiated.
- 14 To identify any wider issues arising from cases considered.
- 15 To report at least annually to the Student Discipline Committee on all cases considered and any issues of principle arising from them.

### **2. Constitution**

Chair                      Nominated by the Chair of the Student Discipline Committee from amongst the staff members of the Student Discipline Committee

Members                Two members nominated by the Chair of the

Student Discipline Committee from amongst the staff members of the Student Discipline Committee

Two student representatives. One representative will be student member of the Student Discipline Committee and the other one will be appointed by the Chair.

Secretary    The Secretary of the Student Discipline Committee

## **The Student Discipline Appeals Panel**

The Student Discipline Appeals Panel is convened as necessary to hear the Student Discipline Appeals cases, in accordance with the Code of Student Conduct and Disciplinary Procedure. The staff member in each panel is nominated by the Chair of the Student Discipline Committee from the members of that Committee. The Chair has the authority exceptionally to co-opt any staff member to membership of a Student Discipline Appeals Panel. No individual who has any previous connection with any case to be heard may be a member of the Panel.

### **1. Terms of Reference**

- 1.1 To consider appeals against decisions of authorized officers or the Student Discipline Panel, as directed by the Chair of the Student Discipline Committee.
- 1.2 On the basis of the evidence presented, to determine whether or not grounds for appeal are substantiated.
- 1.3 To determine either to dismiss or uphold an appeal, and to endorse or revise decisions made by authorized officers or the Student Discipline Panel.
- 1.4 To identify any wider issues arising from the cases considered.
- 1.5 To report at least annually to the Student Discipline Committee on all cases considered and issues of principle arising from them.

### **2. Constitution**

Chair	Vice President (Academic)
Members	One staff member from amongst the staff members of the Student Discipline Committee  One student representative appointed by Chair
Secretary	The Secretary of the Student Discipline Committee