

# **The Hong Kong Polytechnic University**

## **College of Professional and Continuing Education**

### **Regulations on Student Discipline**

1. The College of Professional and Continuing Education (CPCE) may take disciplinary action against a student (including graduand who has satisfied all the academic requirements for the award but has not been officially conferred the award) who violates any policy, rule or regulation of CPCE and/or The Hong Kong Polytechnic University (PolyU) and/or commits any misconduct such as:
  - (a) (i) assault on or battery against, or (ii) making a verbal or written statement, without justification, that undermines the reputation of any student or staff member of CPCE and/or PolyU;
  - (b) wilful damage to or defacement of any property of CPCE and/or PolyU;
  - (c) theft, fraud, misapplication of funds or property of any kind of CPCE and/or PolyU or any other stakeholders having working relationship with CPCE and/or PolyU;
  - (d) plagiarism in written assignments or cheating in tests or examinations or an offence in connection with examinations or violation of any of the rules and regulations governing the conduct of examinations;
  - (e) falsification or misuse of CPCE and/or PolyU documents or records;
  - (f) obstruction or disruption of the teaching, study, research or administration of CPCE and/or PolyU
  - (g) any conduct which is detrimental to the reputation and well-being of the CPCE and/or PolyU;
  - (h) an offence of an immoral, scandalous or disgraceful nature of which the student has been convicted in any court of law; or
  - (i) misrepresentations or false statements made in any application or document submitted to CPCE and/or PolyU.
2. A student (including graduand) who provides assistance to or actively encourages (i) another student to contravene any rule or regulation of CPCE and/or PolyU, or (ii) another person to obstruct or disrupt the teaching, study, research or administration of CPCE and/or PolyU, shall constitute misconduct and the student shall be guilty of like offence or contravention even though he does not personally commit the alleged contravention or offence.
3. CPCE requires that complaints against a student be reported in writing to the Student Discipline Committee, which shall investigate and make findings upon them. However, in the case of sexual harassment, an oral complaint may also be accepted. In such case, the complaint should be recorded with a transcription copy of it to be signed by the complainant for authentication of the complaint in the presence of a witness. Complaints of sexual harassment should be submitted as soon as practicable but no later than 12 months from the date of the incident.

4. The Student Discipline Committee may order to impose upon any student (including graduand) found guilty of an offence, any of the following penalties which may be entered into the transcript of the student's academic record:
- (a) reprimand;
  - (b) community services and/or improvement programme;
  - (c) making good, in whole or in part, any damage or loss to the property of CPCE and/or PolyU, or of members of CPCE and/or PolyU community;
  - (d) suspension from part or all of the rights, privileges and/or the use of part or all of the facilities of CPCE and/or PolyU for a specified period of time;
  - (e) disqualification of results;
  - (f) lowering the award classification by one level upon graduation;
  - (g) suspension of studies for a specified period of time;
  - (h) deferment of graduation or withholding the issuance of award parchment (for graduand);
  - (i) termination of studies; and
  - (j) any other penalties as considered appropriate.

Penalty (g), (h) or (i) may be imposed only with the approval of Dean(PCE) or his/ her designate.

5. Students who are found guilty of the alleged offences (academic or non-academic) will normally be put on "disciplinary probation". The status of "disciplinary probation" will be shown on the students' records and documents such as assessment result notification, transcript of studies and testimonial during the probation period. This status will be removed upon their leaving ~~the Hong Kong Community College (HKCC)/ the School of Professional Education and Executive Development (SPEED)~~ CPCE. The disciplinary probation will normally be one year unless otherwise decided by the Student Discipline Committee.
6. Students who have been put on "disciplinary probation" will be deprived of certain privileges. They shall not receive honour from PolyU, CPCE and its educational units (i.e. HKCC and SPEED) or engage in activities such as eligibility for scholarships/ awards/ prizes, candidatures of being selected as outstanding students/ Student Ambassadors and taking up or continuing to hold leadership roles within PolyU, CPCE and its Units. They may also be given lower priority in Student Hostel residency, funding and subsidies for student projects, courses/ activities, overseas academic exchange, internship jobs, mentorship programmes and/ or overseas Work-Integrated Education (WIE), etc.
7. Procedures of Student Discipline Committee

#### 7.1 Preamble

- 7.1.1 The Student Discipline Committee ("SDC") is a committee of Dean(PCE) with the delegated authority to adjudicate and make decisions on behalf of

Dean(PCE) on cases concerning the conduct and discipline of students. These Procedures of the SDC (“**Procedures**”) are applicable to all students of HKCC/ SPEED.

- 7.1.2 The SDC provides guidelines to Academic Divisions and other units of CPCE to handle student disciplinary cases of specific nature. Other cases shall be referred to the SDC. Anonymous complaints normally will not be considered. The Chairman of the ~~Ethics Committee~~ **Ethics, Diversity and Inclusion Committee** may determine whether an anonymous allegation concerning sexual harassment warrants action on an exceptional basis taking into account the substance of the information provided in the complaint.
- 7.1.3 All information collected or received by the SDC, as well as the information presented and discussed in the course of the deliberations of the matter, shall be kept in strict confidence and shall not be disclosed to any third party not involved in the process. All parties involved in the case must comply with the Personal Data (Privacy) Ordinance. The confidentiality and statutory compliance obligations shall continue after the closure of the matter.
- 7.1.4 The standard of proof in determining whether a misconduct complaint is proved should be based on balance of probabilities.
- 7.1.5 The Chairman of SDC (“Chairman”) and members of the SDC shall have no conflict of interest in relation to the cases to be adjudicated.
- 7.1.6 The SDC is not a court of law and hearings of SDC proceedings will be conducted in an informal manner. The strict rules of procedure and evidence of a court of law shall not apply to proceedings in the SDC. The SDC may receive any material which the SDC considers relevant and attach such weight to that material as the SDC considers appropriate.

## 7.2 Commencement of Proceedings

- 7.2.1 Upon receipt of a complaint, the Chairman shall consider whether there is prima facie evidence and whether the case is to be heard before SDC. If the Chairman decides that the case is not to be adjudicated by SDC and/ or there is no prima facie case of misconduct, the Chairman shall return the case to the Academic Division to handle or dismiss the case and inform the Academic Division concerned accordingly.
- 7.2.2 In the event the Chairman considers that there is a prima facie case of misconduct, the SDC will issue a Notice of Commencement of Disciplinary Proceedings (the “**Notice of Commencement**”) to the student concerned informing the student that the SDC Chairman has decided to commence

disciplinary proceedings regarding his/ her alleged misconduct, and setting out the rules and regulations that the student might have violated. The Notice of Commencement will invite the student to submit a written representation in response. The student shall be allowed not less than seven days to submit the written representation.

- 7.2.3 The Chairman shall consider the nature and seriousness of the alleged misconduct, the available evidence, the written representation (if any) of the student(s) referred to above and other relevant factors, and determine whether there is sufficient evidence to commence disciplinary proceedings against the student(s) concerned and the mode of adjudication (namely, by taking Chairman's Action, to adjudicate the case by circulation, or to adjudicate the case by meeting). If the Chairman considers that there is insufficient evidence to commence disciplinary proceedings, the Chairman shall dismiss the complaint and the SDC shall inform the student accordingly.
- 7.2.4 For the purpose of these Procedures, Chairman's Action refers to the action or decision of the Chairman of the SDC to deal with matters where the Chairman certifies in writing that, in his/ her opinion, either:
- (a) the alleged misconduct is not serious and the case is not complicated and does not require consideration at a meeting of or by circulation amongst the SDC members; or
  - (b) the case is urgent, and cannot wait until the earliest possible meeting of the SDC or until circulation amongst the SDC members.

The penalty imposed by Chairman's Action shall not include (i) suspension of studies, (ii) deferment of graduation, (iii) withholding the issuance of award parchment, or (iv) termination of studies.

### 7.3 Adjudication by Chairman's Action

- 7.3.1 After considering the nature and seriousness of the alleged misconduct, the available evidence, the written representation (if any) of the student(s) and other relevant factors, if the Chairman is satisfied that the conditions for Chairman's Action referred to above are established, the Chairman will take Chairman's Action to adjudicate the case and decide on the penalty.

### 7.4 Adjudication by Circulation

- 7.4.1 In relation to a case to be adjudicated by circulation, the Secretary to SDC ("Secretary") shall circulate particulars of the complaint, the relevant evidence received or gathered by the SDC, the rules and regulations that the student(s) might have violated and the written representation (if any) of

the student to the SDC members for their consideration. The SDC members shall be allowed, whenever practicable, not less than five days to respond.

- 7.4.2 If the views of the SDC members on the case are not unanimous, the Chairman of the SDC may make a decision based on the views of the majority, conduct another round of adjudication by circulation, or adjudicate the case by meeting.

## 7.5 Adjudication by Meeting

- 7.5.1 In relation to a case to be adjudicated by meeting, the Secretary shall send a Notice of Meeting to the members of the SDC. Particulars of the complaint, the relevant evidence received or gathered by the SDC, the rules and regulations that the student(s) might have violated and the written representation (if any) of the student will also be provided to the SDC members before the meeting.
- 7.5.2 The Secretary shall issue a notice to the student informing the student that the Chairman has decided to convene a meeting on his/her alleged misconduct, the rules and regulations that the student(s) might have violated and the time and place at which the student is required to appear before the Committee. The notice shall be issued to the student not less than seven days before the scheduled date of meeting. The student is allowed to ask a CPCE staff member or student to accompany him/ her when attending the meetings of the SDC. The person accompanying the student will be an observer at the meeting of the SDC and will not take part in the discussion. In the case of sexual harassment, in respect of the allegation may invite an accompanying person to attend the meeting, who may or may not be a CPCE staff member or student. These accompanying persons may answer questions on their behalf, or otherwise give them support. However, in any event, all parties being interviewed by the Committee will neither be legally represented at the meeting nor be assisted by someone who is a practising lawyer.
- 7.5.3 The SDC will meet each party involved in the case separately.
- 7.5.4 The quorum for an SDC meeting shall be half of its members. SDC members may participate in the meeting in person or by, or through the use of, any means of communication allowing all participants to simultaneously hear each other, such as teleconference or videoconference. Anyone participating in a meeting by such means shall be deemed present in person at such meeting.
- 7.5.5 A decision is normally made by the SDC at the meeting. If the Chairman considers appropriate, the decision can be made by circulation after the meeting.

7.5.6 If the views of the SDC members are not unanimous, the Chairman of the SDC may decide to make a decision based on the views of the majority. The Chairman may conduct further deliberations among the SDC members and take another round of voting. If the votes of the SDC members are tied, the Chairman has a casting vote.

## 7.6 General

7.6.1 Service of a document on the student shall be affected by:

- (a) delivering it to the student personally and deemed to be received upon actual delivery; or
- (b) sending email to the student's email account allocated by CPCE and deemed to be received on the day following the dispatch of the email; or
- (c) sending by ordinary and registered post to the student at his/her correspondence address provided to CPCE and deemed to be received on the 7<sup>th</sup> day after postage or following confirmation of delivery by the post office (whichever is earlier); or
- (d) in the event that the student is (to the actual knowledge of PolyU, CPCE and/or its units) arrested, detained or imprisoned by a law enforcement authority at the relevant time, sending by registered post to the said law enforcement authority and the document shall be deemed to be received by the student two days following confirmation of delivery to the lawful authority by the post office, or in accordance with (b) or (c) above.

7.6.2 Complaints against more than one student may be heard together or consecutively by the same SDC panel. In all circumstances, each student will receive separately addressed notifications from the SDC throughout the proceedings.

7.6.3 In the event of a change in the SDC membership arising out of replacement of office holder (e.g. end of term of office of a member), the Chairman shall, subject to approval of Dean(PCE) or his/ her delegate, have the discretion to allow the outgoing SDC member to remain on the SDC for the purposes of the case(s) which is/ are not yet concluded until its/ their conclusion.

7.6.4 While each party should take all reasonable measures to comply with the time limit set out in these Procedures, a failure on the part of the SDC or CPCE to comply with any such time limit (for example, accidental non-delivery or late delivery of a document, unavailability of a witness or SDC member causing delay in the proceedings under these Procedures or adverse weather conditions such as typhoon or rainstorm warnings) will not in itself make the proceedings under these Procedures void or voidable.

7.6.5 CPCE reserves the right to take disciplinary action against any complainant or a witness (whether a student or staff member of CPCE) who is found to have (a) deliberately made a false complaint, (b) made a malicious allegation, or (c) knowingly provided false or misleading information or withheld material information, to the SDC or CPCE and/or PolyU.

7.6.6 In the event the subject matter of a complaint is reported to or being investigated under another set of proceedings of CPCE and/or PolyU, a law enforcement agency or regulatory body, or is being adjudicated by a court or tribunal (collectively, the “Other Proceedings”), the Chairman shall have the discretion to:

- (a) withhold commencing the proceedings under these Procedures or, in the event the proceedings under these Procedures have been commenced, to suspend the proceedings; or
- (b) discontinue the proceedings under these Procedures

provided that in relation to (a), the Chairman may under appropriate circumstances commence or resume the proceedings under these Procedures and to accept or rely on all or part of the findings or outcome of the Other Proceedings.

7.6.7 If a student disagrees with a decision made or penalty(ies) imposed by the Academic Division or non-academic unit as described in item 7.1.2, the student may appeal in writing to SDC within seven working days from the date of receiving the decision letter. The student should give a complete account of the grounds for the appeal in the letter and provide any supporting evidence. A student’s disagreement with the decision is not in itself an adequate ground for an appeal. The Chairman of SDC shall determine whether there are valid reasons for reconsidering the decision or penalty(ies) imposed by the Academic Division or non-academic unit.

7.6.8 The decision of SDC is final except that if the penalty is an order of suspension of studies, deferment of graduation, withholding the issuance of award parchment or termination of studies, the endorsement of Dean(PCE) or his/ her delegate is required.

7.6.9 The student will be informed in writing of the decision of the SDC.