

REGULATIONS GOVERNING DISCIPLINE OF STUDENTS

1. Rules and Regulations

- 1.1 The following rules and regulations are applicable to students of undergraduate and postgraduate programmes offered by the University.
- 1.2 The University may from time to time make new rules and regulations or make amendments to existing rules and regulations. The Registrar will promulgate new rules and regulations and amendments to them by notices. Updated regulations should be regarded as the final authority.
- 1.3 Exemptions from the regulations, which may be made in exceptional cases or under special circumstances, are subject to approval by the Senate.

2. Disciplinary Action

- 2.1 When a matter deemed a potential contravention is brought to the attention of a member of the university community (faculty, staff or students), that member may report the matter to the Head of the Department or Unit concerned, or to the Director of Student Services. In cases of violation of hostel rules, the first line of reporting will be to the relevant warden. Except in cases involving a violation of the laws of Hong Kong (when it must be reported), it shall be at the discretion of the Department or Unit Head to whom the item was reported, in consultation with the Director of Student Services, as to whether the matter will be referred to the Student Disciplinary Committee. In the event the Head of Department/Unit (including wardens) feels the matter does not warrant referral to the Student Disciplinary Committee, it is at the discretion of the Head whether to impose penalties as stipulated in Regulation 2.8 below.
- 2.2 When the Student Disciplinary Committee receives written notification of a matter from a Head (as per Regulation 2.1), the Committee will decide whether the case should be pursued. If the Committee decides to further investigate the matter, it will follow the basic principles and procedures set out below. If the Committee decides not to investigate the case further, the matter will be dropped.
- 2.3 The Student Disciplinary Committee may, as a result of its inquiry or investigation, take disciplinary action against a student who violates any rules or regulations of the University or commits any misconduct, including, but not restricted to:
 - (a) collusion, falsification of data, and plagiarism in written assignments;
 - (b) dishonesty in connection with test(s) or examination(s), or violation of any rules or regulations governing the conduct of examinations;
 - (c) falsification or misuse of University document(s) or record(s);
 - (d) wilful misrepresentation(s) or false statement(s) made in any application or document(s) submitted to the University or to other organisation(s) via the University;
 - (e) a statement, oral or written, that attacks a person's reputation without justification;

- (f) the unlawful use of force on another person; or an attempt to inflict bodily injury upon another person by using unlawful force;
- (g) failure to comply with any regulations or orders by authorised person(s) or bodies prohibiting any conduct which disrupts teaching, study, research or administration of the University;
- (h) damage to or defacement of any property of the University;
- (i) fraud, theft, or misuse of University funds or property of any kind;
- (j) any conduct which is detrimental to the reputation and well-being of the University;
- (k) an offence for which the student was convicted by a court of law in Hong Kong or outside of Hong Kong and the student poses a threat to the safety or health of the University community.

2.4 Disciplinary action taken by the Student Disciplinary Committee may take the form of any of the following penalties in accordance with the nature and seriousness of the offence:

- (a) a reprimand;
- (b) a written or verbal apology by the student;
- (c) suspension from part or all of the rights and privileges and/or the use of part or all of the facilities of the University for a specified period of time;
- (d) compensation for any damage to property or premises caused in the University;
- (e) a demerit. A total of three demerits may result in the termination of studies at the University;
- (f) a fine (not exceeding one thousand Hong Kong dollars);
- (g) University service;
- (h) suspension from the University for a specified period of time; or
- (i) termination of studies at the University.

2.5 Penalties (f) to (i) may be imposed only with the approval of the Senate. In case of penalty (i), the Student Disciplinary Committee shall make recommendation on whether the student concerned can be re-admitted to the same or another programme of the University.

2.6 A student, on being informed of a decision to take disciplinary action against him/her, may within seven days appeal to the President, setting out the reasons in writing. The President, at his/her discretion, may refer the case to the Student Disciplinary Appeals Committee. The decision of the Student Disciplinary Appeals Committee will be final.

2.7 Penalties imposed on a student may be entered into the transcript of his/her academic records.

- 2.8 A minor penalty, i.e. a reprimand, an apology or suspension from part or all of the rights and privileges and/or the use of part or all of the facilities of the University for a period of not more than a week, may be imposed by the Head of the Department/Unit (including wardens) concerned after consultation with the Director of Student Services or his/her representative, or *vice versa*.

3. Procedures

3.1 *Student Disciplinary Committee*

- (a) All proceedings in the Student Disciplinary Committee will take place in closed sessions.
- (b) The hearing of proceedings in the Student Disciplinary Committee shall be conducted in an informal manner. The rules of procedure and evidence of a court of law shall not apply to proceedings in the Student Disciplinary Committee which may receive any evidence which it considers relevant.
- (c) In the course of its investigation, the Student Disciplinary Committee may call any witness and require the production of any document, record or other thing, which is relevant in any proceedings.
- (d) The Student Disciplinary Committee shall inquire into any matter which it may consider relevant to the hearing, whether or not it has been raised by any person concerned in the proceedings.
- (e) If the student concerned is called to testify, he/she may invite a fellow student or staff member to accompany him/her. However, as the Student Disciplinary Committee is not a court of law and its proceedings are not formal, legal proceedings, there is no right to be accompanied by a lawyer.
- (f) When voting takes place, all decisions of the Student Disciplinary Committee will be by a simple majority vote.

3.2 *Student Disciplinary Appeals Committee*

- (a) The student concerned shall set out the reasons for the appeal in writing.
- (b) All proceedings in the Student Disciplinary Appeals Committee will take place in closed sessions.
- (c) The Student Disciplinary Appeals Committee is not a court of law and therefore the student concerned has no right to be represented by a lawyer.
- (d) In considering the appeal, the Student Disciplinary Appeals Committee may re-hear the case, call any witness and require the production of any document, record or other thing, which is relevant to the determination of the appeal. If the student concerned is called to testify, he/she may invite a fellow student or staff member to accompany him/her.
- (e) The Student Disciplinary Appeals Committee may determine the appeal on the basis of documentation submitted by the Student Disciplinary Committee.

- (f) The decision of the Student Disciplinary Appeals Committee shall be final.

Terms of Reference

Upon the student's request, and with the President's consent, to review any decision(s) on disciplinary action to be taken against a student, as stipulated by the Student Disciplinary Committee.

The review may include one or both of the following:

- (a) Review of procedures used by the Student Disciplinary Committee, and/or
- (b) Review of the merits of the case and the decision of the Student Disciplinary Committee.

Membership*

Chairman : Vice-President

Members : One representative from among Chair Professors, who is not already a member of the Student Disciplinary Committee, appointed by the Chairman

One member of the Senate from each of the BA (Hons) [including Chinese Language Education and Assessment Centre (CLEAC) and English Language Education and Assessment Centre (ELEAC)], BBA (Hons) and BSocSc (Hons) Programmes; only one of whom will be selected by the Chairman to serve on any case, the case coming from a Programme of which he/she is not a member. The representative cannot already be a member on the Student Disciplinary Committee.

Secretary : Director of Administration

Observer : One student observer nominated by the Students' Union by name, not by position.

[Note: The Regulations are applicable to undergraduate and postgraduate students of the University. The Community College at Lingnan University has a separate set of regulations governing discipline of its students.]

* If any member has played a significant role in earlier stages of the case under consideration, that member will be excused from the Student Disciplinary Appeals Committee and will not participate in the Committee's action on that particular case.

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