

Regulations for Student Conduct

Student Conduct

1. The University expects good conduct from its students. When problems occur, informal resolution is always preferred and students are encouraged to engage with all relevant persons in an attempt to resolve issues informally. These Regulations should only be used when informal resolution has not been possible, or has not been successful.
2. Allegations of sexual harassment against the person of any member of the University will be considered under the *University Policy on Sexual Harassment*¹.
3. The University may take disciplinary action under the *Regulations for Student Conduct* against students who are found, either individually or as part of a group of students, to have committed misconduct including, but not limited to:
 - (i) Discrimination, defamation, bullying (including cyber bullying) or personal verbal attack against a member of the University;
 - (ii) Physical assault against the person of any member of the University or public while on University premises;
 - (iii) Theft, fraud and/or misapplication or misuse of the funds or property (including computer systems and their contents, and IT accounts) of the University or its members;
 - (iv) Wilful damage to or defacement of the property of the University or of a member of the University;
 - (v) Falsification or misuse of University documents or records, including breaches of the privacy of members of the University;
 - (vi) Submission of fraudulent documents (including fraudulent medical certificates) and/or information;
 - (vii) Failure to accept the instructions of authorised persons or bodies responsible for ensuring good conduct, safety or security on campus;
 - (viii) Breaches of “Hall Rules”² that a Residence Master considers warrant disciplinary investigation under these Regulations;
 - (ix) Allegations referred by Heads of Department/Division or Deans/DIPO where an allegation of student academic misconduct also includes student misconduct, e.g. the forgery of documents, or the theft or destruction of another student’s work.

Reporting of Cases of Student Misconduct

4. In applying the following Regulations, the Dean of Students, the Provost and the President, as Investigating Officers, may nominate delegates to review cases and meet students on their behalf. However, decisions (for example to dismiss an allegation, to impose sanctions, to refer cases to the Senate Student Disciplinary Committee, or to uphold or reject an appeal) are the responsibility of Investigating Officers and not their delegates and shall be determined by Investigating Officers, after considering reports and recommendations from their delegates where applicable.
5. Members of the University Community who consider that a student or group of students has or may have committed misconduct as defined in Regulation 3 above should submit a *Report on Student Misconduct* to the Dean of Students, including any supporting materials. Where an allegation relates to potential breaches of both the *Regulations for Student Conduct* and the *Regulations for Student Academic Integrity*, the Dean of Students shall decide under which Regulations the case initially should be reviewed.
6. Anonymous allegations normally shall not be considered.
7. Allegations that are considered to be frivolous, vexatious or malicious, or found to be based on false or inaccurate information, shall be dismissed and the person making such an allegation may be subject to disciplinary action.

Review by Dean of Students

8. Where an allegation of student misconduct is of a nature that, potentially, could lead to the endangerment of a member of the University, the Provost, after consultation with the Dean of Students, may require a

¹ <http://gdc.ust.hk/>

² <http://shrl.ust.hk/eng/detail.php?catid=2&sid=13&tid=32>

student to suspend his/her studies temporarily and/or temporarily deny the student access to University facilities and resources, including access to specified buildings or to the campus, until the completion of these procedures.

9. The Dean of Students, in reviewing *Reports on Student Misconduct*, will consult as appropriate.
10. Students will be informed of misconduct allegations made against them and asked to meet the Dean of Students, to respond to an allegation of student misconduct and present any relevant evidence. If a student refuses, or is unable, to attend the meeting, the Dean of Students shall review the allegation based on the written evidence.
11. Where the Dean of Students is satisfied that a student has committed misconduct, either individually or as part of a group of students, the Dean of Students may either (a) refer the case to the Senate Student Disciplinary Committee (Senate SDC) for action under Regulation 21 below where (i) the Dean considers the sanctions available below are insufficient with respect to the nature of the misconduct and/or (ii) a student has a proven case of student misconduct or academic misconduct on their record; or (b) impose one or more of the following sanctions, the details of which shall be confirmed in writing:
 - (i) A verbal reprimand, of which no record shall be kept;
 - (ii) A written reprimand, to be held on the student's record until graduation or for another specified period of time;
 - (iii) University community service;
 - (iv) A requirement that the student makes good any loss or damage to property, including monetary restitution of any actual financial loss to the concerned party;
 - (v) Withdrawal or suspension of academic or other University benefits, rights or privileges, except the withdrawal or suspension of the right to continue with the student's academic studies;
 - (vi) A requirement that the student attends a specified training/awareness course related to the misconduct.
12. Where a student is considered to have committed misconduct and a sanction imposed, the Dean of Students shall forward the *Report on Student Misconduct* to the Academic Registrar, with a copy of any written reprimand, for retention. Unless otherwise instructed, misconduct Reports and written reprimands shall be discarded when the student graduates.
13. Where the Dean of Students refers a case to the Senate SDC under Regulation 11 above, the Dean's *Report on Student Misconduct* will include details of the investigation process and the reasons why the Dean considers that the sanctions available in Regulation 11 to be insufficient. The student will be informed that the case has been referred to the Senate SDC for review and decision.

Student Appeals to the Provost

14. Students will be informed of their right to appeal decisions of the Dean of Students, with such decisions remaining effective pending the outcome of any appeal.
15. A student who denies a charge of misconduct and/or who believes that a sanction imposed by the Dean of Students was inappropriate may appeal the decision to the Provost. The appeal must be made, in writing, within fourteen calendar days of the date of the written communication informing the student of the Dean of Students' decision, stating the grounds for the appeal. Normally, appeals shall be considered only on the basis of procedural irregularity and/or new evidence. The Provost will accept any evidence or documentation not previously submitted in support of an appeal **only** if good reason is provided for not submitting the evidence/documentation to the Dean of Students at the initial review of the allegation.
16. The *Report on Student Misconduct* and the student's written appeal will be reviewed by the Provost. The student will be asked to attend a meeting with the Provost, to explain the grounds for the appeal and to present any relevant evidence. Students attending such a meeting may be accompanied by a family member or a member of the University community, who shall act only in a supportive role and shall not participate in the formal proceedings. If a student refuses, or is unable, to attend the meeting, the Provost will review the appeal based on the written evidence.
17. Where the Provost determines the charge of misconduct to be not proven on the basis of procedural irregularity and/or new evidence, the case shall be dismissed.
18. Where the Provost concludes that the appeal has merit, the Provost may impose a lesser sanction from

those available to the Dean of Students in Regulation 11 above, as deemed appropriate.

19. Where the appeal is not upheld, the Provost shall confirm the sanction(s) imposed by the Dean of Students and has the discretion, additionally, to impose one or more of the other sanctions available to the Dean of Students in Regulation 11 above.
20. The decision of the Provost on student appeals under Regulations 15-19 above shall be final. The outcome of the appeal process will be recorded on the *Report on Student Misconduct* and sent to the Academic Registrar for retention until the student has graduated.

Referral of Cases to the Senate Student Disciplinary Committee

21. Where a *Report on Student Misconduct* has been referred to the Senate Student Disciplinary Committee (Senate SDC) in accordance with Regulation 11 above, the Senate SDC shall review the case and ask the student to attend a meeting of the Committee. Students attending Senate SDC meetings may be accompanied by a family member or a member of the University community, who shall act only in a supportive role and shall not participate in the formal proceedings. If a student refuses, or is unable, to attend the meeting, the Committee shall review the allegation based on the written evidence. A written report of the review process will be made and sent to the Academic Registrar, together with the *Report on Student Misconduct*, for retention until the student has graduated.
22. The Senate Student Disciplinary Committee may impose any of the sanctions available to the Dean of Students in Regulation 11 above and/or one or more of the following sanctions, the details of which shall be confirmed in writing:
 - (i) Withdrawal or suspension of academic or other University benefits, rights or privileges, including the withdrawal or suspension of the right to continue with the student's academic studies;
 - (ii) Discontinuation of studies and suspension from the University for a set period, with re-admission being subject to satisfactory fulfilment of conditions where specified;
 - (iii) Termination of studies;
 - (iv) Any other sanction(s) deemed appropriate by the Senate Student Disciplinary Committee.
23. A sanction of termination of studies shall result in automatic de-registration as a student. The Senate Student Disciplinary Committee also may recommend that termination of studies should result in deprivation of the conferment of a degree or other academic award of the University for which the student may be qualified, subject to the resolutions of both the Council and the Senate.

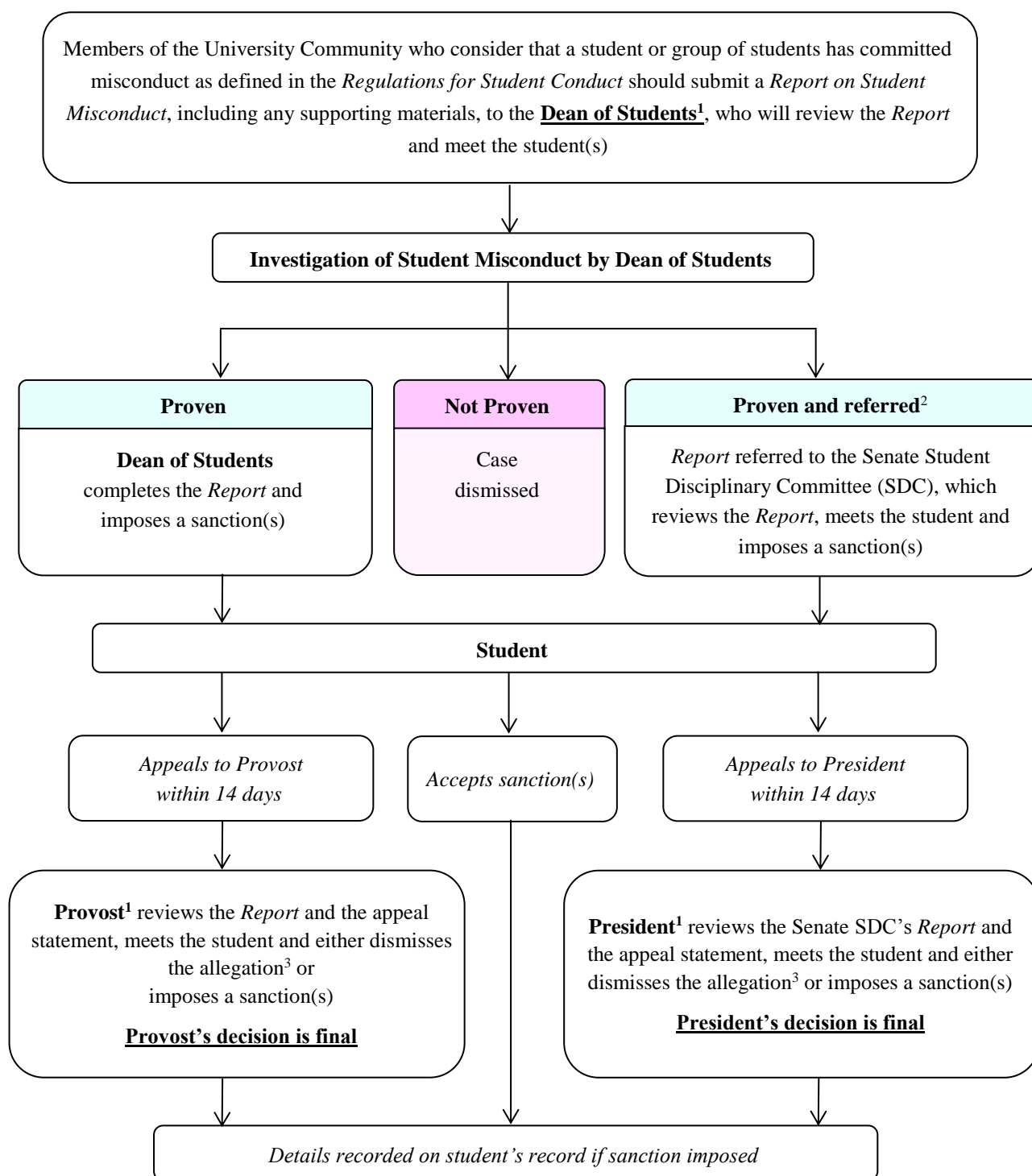
Student Appeals to the President

24. Students will be informed of their right to appeal decisions of the Senate Student Disciplinary Committee, with such decisions remaining effective pending the outcome of any appeal.
25. A student may appeal against a decision of the Senate Student Disciplinary Committee to the President. The appeal must be made, in writing, within fourteen calendar days of the date of the written communication informing the student of the Senate SDC's decision, stating the grounds for the appeal. Normally, appeals shall be considered only on the basis of procedural irregularity and/or new evidence. The President will accept any evidence or documentation not previously submitted in support of an appeal **only** if good reason is provided for not submitting the evidence/documentation to the Senate Student Disciplinary Committee at the initial review of the allegation.
26. The Report of the Senate Student Disciplinary Committee and the student's written appeal will be reviewed by the President. The student will be asked to attend a meeting with the President to explain the grounds for the appeal and to present any relevant evidence. Students attending appeal meetings may be accompanied by a member of their family or a member of the University community, who shall act only in a supportive role and shall not participate in the formal proceedings. If a student refuses, or is unable, to attend the meeting, the President shall review the appeal based on the written evidence.
27. Where the President determines the charge of misconduct to be not proven on the basis of procedural irregularity and/or new evidence, the case shall be dismissed.
28. Where the President concludes that the appeal has merit, the President may impose a lesser sanction from those available to the Senate Student Disciplinary Committee in Regulation 22 above.

29. Where the appeal is not upheld, the President shall confirm the sanction(s) imposed by the Senate Student Disciplinary Committee and has the discretion, additionally, to impose one or more of the other sanctions available to the Senate SDC in Regulation 22 above.
30. The decision of the President on student appeals under Regulations 25-29 above shall be final. The outcome of the appeal process will be recorded and sent to the Academic Registrar with the Report of the Senate Student Disciplinary Committee, for retention until the student has graduated.

Approved by the Senate on 19 February 2019

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Notes

1. While Investigating Officers may nominate delegates to review cases on their behalf, decisions are the responsibility of Investigating Officers and not delegates.
2. Where the Dean of Students considers the sanctions available are insufficient with respect to the nature of the misconduct or where a student has a proven case of student misconduct or academic misconduct on their record.
3. On the basis of procedural irregularity and/or new evidence.