

# City University of Hong Kong

## Code of Student Conduct and Disciplinary Procedure ("the Code")

(The definitions of a number of terms are set out in Appendix A)

### 1. Purpose / Scope

- 1.1 The purpose of this Code is to set out the University's expectations of all Students (as defined in Appendix A) with regard to their personal conduct, behaviour and etiquette, and to provide a procedure/process to handle all allegations of Misconduct (as defined in Clause 4 below) against a Student that is not expressly governed by any specific or separate Rules & Regulation.
- 1.2 This Code applies to any activity undertaken by a Student, whether on or off University premises, where that activity has or may have harmed either staff or Students of the University, or may have damaged the University's reputation or good standing.
- 1.3 It is however not possible or feasible to specify and cover every circumstance and situation in this Code. If a circumstance or situation arises which is not expressly covered in this Code, all Students must apply the principles of this Code and not act in conflict with this Code.
- 1.4 The University expects all Students to behave and conduct themselves in a way that does not hinder or damage its operation and/or reputation. It is recognised that the majority of Students behave in a responsible manner. Occasionally however, a small minority of Students may behave in ways that may cause harm or disrepute to the University, its staff, other Students or the public. In such cases, the University has a responsibility to take appropriate action to protect other members of the University community, and its reputation.
- 1.5 Acts of academic dishonesty, i.e. those which gain for a Student an unfair advantage in any University assessment, are dealt with separately under the Rules on Academic Honesty. A case concerning sexual harassment in which the respondent is a Student of the University will be dealt with in accordance with the University's Sexual Harassment Policy and Procedures (including but not limited to the time limit specified under the Sexual Harassment Policy and Procedures) and the case may, after investigation, be referred under the Sexual Harassment Policy and Procedures for investigation and/or disciplinary action under the Code.
- 1.6 The timescales below set out the time limits for raising an allegation:
  - 1.6.1 subject to Clauses 1.6.4 and 1.6.5, in the case of an allegation being made by a current Student, the allegation must be made within a reasonable time of the incident giving rise to the allegation and, in any event, no later than three months after the incident;

- 1.6.2 subject to Clauses 1.6.4 and 1.6.5, in the case of an allegation being made by a previously enrolled Student, the incident giving rise to such allegation must have occurred while that Student was enrolled and the allegation must be made no later than three months after the incident;
- 1.6.3 subject to Clauses 1.6.4 and 1.6.5, any allegation made three months after the incident giving rise to the allegation will not be entertained;
- 1.6.4 for a case of sexual harassment being handled under the University's Sexual Harassment Policy and Procedures in which the respondent is a Student of the University, the time limit in Clause 1.6.1 to 1.6.3 does not apply, and for the avoidance of doubt, the Chair of the Student Discipline Committee ("SDC"), SDC, Student Discipline Panel ("SDP") or Student Discipline Appeals Panel ("SDAP"), as the case may be, shall have jurisdiction to deal with such a case notwithstanding the expiry of the time limit in Clause 1.6.1 to 1.6.3 provided that the sexual harassment case is being referred under the University's Sexual Harassment Policy and Procedures for investigation and/or disciplinary action under the Code;
- 1.6.5 for a case of alleged Misconduct:
  - (i) which has been investigated by a law enforcement agency, statutory or professional body and for which the findings and/or decision of such law enforcement agency, statutory or professional body is available; or
  - (ii) where a judgment or decision of a tribunal or a court on the alleged Misconduct is available

the time limit in Clause 1.6.1 to 1.6.3 does not apply, and for the avoidance of doubt, the Chair of the SDC, SDC, SDP or SDAP (as the case may be) shall have jurisdiction to deal with such a case notwithstanding the expiry of the time limit in Clause 1.6.1 to 1.6.3.
- 1.7 Whilst each party referred to in these procedures is expected to take all reasonable steps to comply with the time limits specified in this document, a failure on the part of the relevant authorities of the University to comply with one or more time limits (unless a material and culpable failure) will not in itself amount to the procedures being void or voidable.

## **2. Obligations / Expectations**

- 2.1 All Students have an obligation to inform themselves of the Rules & Regulations affecting them. For the avoidance of doubt, this Code forms part of the Rules & Regulations which each Student has, by accepting a place to study at the University and signing/making the Declaration upon Enrolment on admission to the University, undertaken to fully observe.
- 2.2 The overarching obligation of all Students is to act in the best interests of the University community at all times.

- 2.3 All Students are expected to:
- 2.3.1 act and conduct themselves honestly and in accordance with the overreaching obligation set out above and all the Rules & Regulations;
  - 2.3.2 act in accordance and comply with the law;
  - 2.3.3 act with regard to the health and safety of others;
  - 2.3.4 act with regard to the University's good reputation and to ensure that their actions or inactions as a Student do not harm, or bring into disrepute, the University's reputation, good standing, brand and corporate image;
  - 2.3.5 respect the dignity and rights of others, including but not limited to privacy/personal data rights, irrespective of their background, ethnic origin or race and national origin, sex and gender identity, sexual orientation, abilities and disabilities, age, religion and family status;
  - 2.3.6 comply with the terms and conditions of use of all university facilities whenever distributing, placing or causing to be placed any postings or publications;
  - 2.3.7 not behave in any way which impairs the reasonable freedom of other persons to pursue their studies, work or research or to participate in the life of the University;
  - 2.3.8 not engage or otherwise participate, whether alone or acting in concert with others, in any form of Misconduct.
- 2.4 If a Student breaches any terms or provisions of this Code, the University may take disciplinary action in accordance with the procedure set out herein, which may include provisions for immediate Suspension or restriction of a Student from the University in urgent circumstances.

### **3. Authority / Responsibilities**

- 3.1 The authority to take action under this Code is derived from and consistent with the University's Ordinance. The President has overall responsibility for maintaining Student discipline. The Academic Policy Committee has delegated to the Chair of the Student Discipline Committee ("SDC") the responsibility for providing advice on the interpretation of the disciplinary procedure and for reporting to the Academic Policy Committee on its operation. The Deans of Colleges and Schools, the Dean of Students, heads or nominees of academic departments and academic support units (including, but not limited to, Director of Student Residence Office, Director of Student Development Services, the Librarian, Director of Computing Services Centre, Director of Finance, Director of Campus Development Office, Director of Facilities Management Office and Residence Masters of halls of residence) have been given particular responsibilities under this Code, and are referred to hereafter collectively as "authorised officers" and individually as "authorised officer". In addition all staff have a responsibility to assist with the effective operation of this Code.

- 3.2 All correspondence and notifications to a Student will be sent to the Student by email, to the Student's University allocated email account. If the Student is no longer enrolled, it will be sent by registered mail to the Student's last known mailing address or private email address.
- 3.3 Nothing in this Code precludes the University from instituting civil or criminal proceedings against a Student in respect of Misconduct.
- 3.4 Definitions of respective terms adopted/addressed in this Code could be found in Appendix A.

#### **4. Misconduct**

- 4.1 For the purpose of this Code, the following acts, behaviours and/or conduct are considered and are deemed to constitute improper/inappropriate behaviour amounting to Misconduct:
  - 4.1.1 obstruction or disruption of any academic activity or of the management, administration or operation of the University;
  - 4.1.2 theft or any other criminal offence committed on the University premises, misappropriation of University funds or assets, misuse or falsification of any records or data or documents belonging to or in the possession of the University, its staff, Students or visitors;
  - 4.1.3 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 University premises or its occupants;
  - 4.1.4 damage to, defacement or wrongful treatment of, the property of the University, its staff, Students or visitors;
  - 4.1.5 assault (including sexual assault);
  - 4.1.6 sexual, racial or other harassment, or behaviour which causes fear or distress to others; threatening, abusive, disorderly or unreasonable behaviour;
  - 4.1.7 failure to comply with any ruling made as a result of disciplinary proceedings;
  - 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 victimisation (including any unfair treatment, retaliation or punishment) of a person;
  - 4.1.10 failure to respect or honour any decisions, findings, recommendations and/or reports made under any applicable Rules & Regulations including this Code;
  - 4.1.11 breach of any Rules & Regulations including the regulations for the use of the library and computing facilities, whether in the University or accessed through the University and the regulations under the CityU

Campus Display Policy, Student Complaints Procedure, the regulations for Student residences, hall rules, and regulations about common facilities and services in halls of residence;

- 4.1.12 breach or contravention of any applicable laws including those governing and/or regulating the use, storage and security of personal data under the Personal Data (Privacy) Ordinance, Cap. 486 of the laws of Hong Kong SAR (“the Privacy Ordinance”);
  - 4.1.13 failure to act and conduct themselves in accordance with any one or more of the obligations/expectations set out in Clause 2 above;
  - 4.1.14 any act which the President or any of the authorised officers listed in Clause 3.1 above has reason to believe is a breach of good discipline of the University;
  - 4.1.15 for the avoidance of doubt, any students:
    - (a) who aid, abet, counsel or procure the contravention by another person of; or
    - (b) who conspire or attempt to commit a breach ofany terms or provisions of this Code shall be considered as a violation of such terms or provisions of this Code to the same extent;
  - 4.1.16 provision of false information to the University during investigation;
  - 4.1.17 unauthorised use, alteration, adaptation, distortion, mutilation, or other derogatory treatment of University’s brand and corporate image (including but not limited to the University’s song<sup>1</sup>, trade marks<sup>2</sup> and any other elements of the University’s brand and corporate identity) which harms the University’s reputation or good standing, or brings the University, the Court, the Council, and/or member(s) of the University into disrepute, or is otherwise prejudicial or adversely affects the honour or reputation of the University, the Court, the Council and/or member(s) of the University.
- 4.2 Serious case of any of the above Misconduct may be regarded as major Misconduct to be dealt with in line with Clauses 7 and 8 below.

## **5. Procedure – all cases**

- 5.1 Alleged Misconduct should be reported, in the first instance to the relevant authorised officer, as defined in Clause 3.1 above. The Chair of the SDC will adjudicate on who should take up the case where there is grey area.
- 5.2 Upon receipt of any reported allegation of Misconduct, the authorised officer will first decide whether it is a minor or major case. He/she may seek the advice of the Chair of the SDC in making this judgment. Repeated instances of minor offences will be considered as a major offence. Minor cases will be handled and dealt with by the authorised officer. Major cases will be referred to the Chair of the SDC for consideration whether an SDP will be formed to handle and deal with the case.

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<sup>1</sup> <https://www.cityu.edu.hk/web/logo-name-policy>

<sup>2</sup> <https://www.cityu.edu.hk/cpro/cityu-brand/corporate-identity-approval>

- 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.
- 5.4 The standard of proof used by the authorised officer or the SDP or the SDAP (as the case may be) in determining Misconduct should be based on the balance of probabilities and be commensurate with the gravity of the breach of standards of behaviour.
- 5.5 In order to prevent duplication of investigation resources and to avoid a complainant having to give evidence to two different University committees on the same matter, the Chair of the SDC, SDC, SDP or SDAP (as the case may be) shall be entitled to and have the discretion to accept all or part of the findings (including but not limited to findings of facts) and/or recommendations of another committee of the University investigating a complaint.

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

- 6.1 The authorised officer will notify the Student, in writing, of the detail of the allegation of Misconduct, within 15 working days of receipt of the allegation by the authorised officer, inviting him/her to admit or deny the allegation and make representation and present evidence in either case within a specified period. The authorised 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 authorised 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 Clause 8 below; or
  - 6.1.3 that the matter is so serious as to warrant consideration by an SDP.
- 6.2 The Student will be informed, in writing, of the outcome of the authorised officer's Investigation and any penalties imposed<sup>3</sup>, and of the right to appeal the decision, within 30 working days of receipt of the allegation, save and except that the authorised officer's decision as to Clause 6.1.3 above (if applicable) shall be final.
- 6.3 The authorised officer will record on the Student Discipline System the substantiated allegation and the outcome of the Investigation, and any penalties imposed. Identifiable personal data in the respective case record and associated documents will be erased in an annual exercise after the student concerned leaves the University<sup>4</sup>.

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<sup>3</sup> When a complaint of sexual harassment is found to be substantiated under the "Sexual Harassment Policy and Procedures" and the alleged harasser is referred to disciplinary action under the Code, and if the complainant is a victim of wrongdoing committed by the alleged harasser, both the alleged harasser and the victim-complainant who has a legitimate and direct personal interest in receiving information relating to the disciplinary process in question should be informed of the outcome of a complaint, the disciplinary action and the penalties imposed against the alleged harasser, if any.

<sup>4</sup> Guidelines governing the retention, transfer and erasure of student discipline records are set out in the Code of Practice on Personal Data (Privacy) Issues.

## **7. Cases of Major Misconduct**

- 7.1 The Secretary of the SDP will notify the Student, in writing, of the allegation of Misconduct, within 15 working days of receipt of the allegation submitted by the authorised officer, inviting him/her to admit or deny the allegation, and giving notice of the date of the meeting before an SDP 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 University who is not involved in the case, to any meeting of an SDP (provided that at least 3 working days' advance written notice is given to the Secretary of the SDP of the name of such accompanying staff or Student member and the SDP's written approval is obtained).
- 7.2 If the Student does not respond to the notification under Clause 7.1 above, the SDP may nevertheless proceed to consider the matter, make a decision on the matter and impose appropriate penalties.
- 7.3 An SDP meeting will be convened to consider any case of major Misconduct within 30 working days of receipt of the allegation submitted by an authorised officer. The SDP 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 Clause 8 below; or
  - 7.3.3 that the Student is guilty of a minor Misconduct and impose one or more penalties, as defined in Clause 8 below.
- 7.4 The Student will be informed, in writing, of the decision of the SDP<sup>5</sup>, and of the right to appeal the decision, within 10 working days of the conclusion of the SDP's meeting.
- 7.5 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 University community. Reasonable efforts 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.
- 7.6 Where the alleged Misconduct involves a violation of the criminal law, the University 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 SDC. All cases of Students being convicted of criminal offences will be referred to the Chair of the

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<sup>5</sup> When a complaint of sexual harassment is found to be substantiated under the "Sexual Harassment Policy and Procedures" and the alleged harasser is referred to disciplinary action under the Code, and if the complainant is a victim of wrongdoing committed by the alleged harasser, both the alleged harasser and the victim-complainant who has a legitimate and direct personal interest in receiving information relating to the disciplinary process in question should be informed of the outcome of a complaint, the disciplinary action and the penalties imposed against the alleged harasser, if any.

SDC who will convene an SDP to consider if internal disciplinary action is warranted.

- 7.7 The terms of reference and constitution of the SDC and the SDP are in Appendix B and Appendix C respectively.
- 7.8 The Secretary of the SDC will record on the Student Discipline System the allegation, the outcome of the Investigation, and any penalties imposed. Identifiable personal data in the respective case record and associated documents will be erased in an annual exercise 7 years after the student concerned leaves the University<sup>6</sup>.

## **8. Penalties**

- 8.1 An authorised officer may impose one or more of the following penalties:
- 8.1.1 an oral reprimand;
  - 8.1.2 a written reprimand that includes 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 University 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 University, or of members of the University community;
  - 8.1.6 the requirement that the Student perform supervised community service not exceeding 30 hours, as stipulated by the University;
  - 8.1.7 the requirement that the Student make any other written submission(s) as an authorised officer may deem appropriate.
- 8.2 The SDP may impose one or more of the penalties listed in Clause 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 Dean's List, or to represent the University in any external activity, for a specified period of time;
  - 8.2.2 exclusion from use of University amenities/facilities for any specified period of time;
  - 8.2.3 suspension from the University for a specified period of time;
  - 8.2.4 expulsion from the University, which may or may not include specification of a period within which a Student may not be readmitted as a student of the University;

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<sup>6</sup> Guidelines governing the retention, transfer and erasure of student discipline records are set out in the Code of Practice on Personal Data (Privacy) Issues.



- 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 SDP may deem appropriate.

## **9. Appeals**

- 9.1 Students who wish to appeal against decisions either of authorised officers, or of the SDP, must do so in writing to the Chair of the SDC within 10 working days of the date they are informed of the decision pursuant to Clause 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 authorised officer or the SDP; or
  - 9.1.3 that the penalty imposed was unreasonable or excessive in light of new evidence not presented to the authorised officer or the SDP, the findings of fact, or the circumstances of the Student.
- 9.2 The Chair of the SDC will consider the matter, and will decide either:
  - 9.2.1 that none of the grounds for appeal under Clause 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 Clause 9.1 above and a SDAP will be convened to hear the appeal.
- 9.3 The decision of the Chair of the SDC made under Clause 9.2 above is final.
- 9.4 Where a SDAP is convened, it will meet to consider the case within 30 working days from receipt of the appeal. The Student is entitled to attend the SDAP meeting, and will be given at least 5 working days' advance notice of the date of the meeting. The Student may be accompanied by a staff or student member of the University who is not involved in the case, to any meeting of a SDAP (provided that at least 3 working days' advance written notice is given to the Secretary of the SDAP of the name of such accompanying staff or Student member and the SDAP's written approval is obtained).
- 9.5 The SDAP 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 may be endorsed, varied or overturned; or
  - 9.5.3 that the appeal is upheld, and that penalties imposed under the original decision may be endorsed, varied or that greater or lesser penalties may be imposed.

- 9.6 The Student will be informed in writing of the SDAP's decision<sup>7</sup> within 10 working days of the conclusion of the meeting of the SDAP.
- 9.7 The decision of the SDAP on the appeal is final.
- 9.8 The terms of reference and constitution of the SDAP is in Appendix D.

## **10. Reporting**

- 10.1 Any decision which impacts upon a Student's enrolment status will be communicated immediately to the Academic Regulations and Records Office/Chow Yei Ching School of Graduate Studies for updating as appropriate.
- 10.2 The Secretary of the SDC will co-ordinate an annual report to the Academic Policy Committee on the operation of the SDP and the SDAP.
- 10.3 Record of minor and major misconduct cases will be kept by the SDC for future management reference and will be erased after the specified period<sup>8</sup>.

## **11. Privacy / Confidentiality**

- 11.1 All parties involved in a Complaint and/or an Investigation are required to act in accordance to the privacy/confidentiality measures listed in Appendix E.
- 11.2 Any violation of privacy and/or confidentiality set out in this Code and/or any contravention of the relevant data protection principles (DPPs) by a Student will be treated very seriously and subject those involved in such violation to disciplinary actions being taken against them under this Code.

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<sup>7</sup> If the complainant of sexual harassment is a victim of wrongdoing committed by the alleged harasser, both the alleged harasser and the victim-complainant who has a legitimate and direct personal interest in receiving information relating to the disciplinary process in question should be informed of the decision on appeal, the disciplinary action and the penalties imposed against the alleged harasser, if any.

<sup>8</sup> Guidelines governing the retention, transfer and erasure of student discipline records are set out in the Code of Practice on Personal Data (Privacy) Issues.

**Definitions of Respective Terms Adopted/Addressed in the Code**

1. “CityU” or “University” means the “City University of Hong Kong”.
2. “Complaint” means any allegation, report, complaint, or accusation of Misconduct made or directed against a Student.
3. “Investigation” means an investigation of the Complaint.
4. “Misconduct” has the meaning ascribed to such word in Clause 4.
5. “President” means the President of the CityU.
6. “Rules & Regulations” mean the rules, regulations, policies, etc. of the University as may be amended from time to time.
7. “Student\*” means an undergraduate (including Associate Degree), taught postgraduate, research postgraduate, or professional doctorate student of the University, and includes previously enrolled Students.
8. “Suspension” means the suspension of academic activities of a Student.
9. “Working days” mean Mondays to Fridays, and do not include Saturdays, Sundays, public holidays or a day throughout or for part of which Typhoon Signal No. 8 or above is hoisted or Black Rainstorm Warning Signal is issued by the Hong Kong Observatory.

\* Students of the School of Continuing and Professional Education are not covered by this Code.

## **Student Discipline Committee (“SDC”)**

The SDC is appointed by the Academic Policy Committee. The SDC will meet normally once per year but the Chair of SDC shall have the discretion to dispense with the holding of a meeting when there is no major issue within the terms of reference of the SDC. Without limiting the power and/or discretion of the Chair to dispense with the holding of an SDC meeting, the SDC, with the permission of its Chair, may transact its business by the circulation of papers.

### Terms of Reference

1. To advise the Academic Policy Committee on policy matters involving Student discipline.
2. To determine and periodically update the Code.
3. To review the terms of reference and constitution of the SDP and the SDAP.
4. To receive reports from the SDP and the SDAP on cases considered by those panels, and any issues of principle arising from them.
5. To report on its business annually to the Academic Policy Committee.

### Constitution

- Chair - Vice-President (Student Affairs)
- Members
  - One faculty member from each College/School, nominated by the Dean
  - Four members appointed by and from the Senate
  - Five members appointed by the Chair
  - Associate Dean of School of Graduate Studies
  - Director of Academic Regulations and Records Office
  - Director of Student Development Services
  - Two undergraduate student representatives appointed by the Chair of SDC from the pool nominated annually by each of the Colleges and Schools
  - One postgraduate student representative appointed by the Chair of SDC from the pool nominated annually by each of the Colleges and Schools
- Secretary - Administrative staff appointed by the Chair of SDC

The term of office of the nominated and appointed members shall be two years with a staggered arrangement. The term of office of student members shall be one year.

## **Student Discipline Panel (“SDP”)**

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

### Terms of Reference

1. To consider allegations of major Misconduct under the Code, and to determine, on the basis of evidence provided, whether or not allegations are substantiated.
2. To consider allegations referred to it under Clause 6.1.3 of the Code and to determine, on the basis of evidence provided, whether or not allegations are substantiated.
3. To impose penalties on Students as appropriate, and in accordance with the procedures of the Code, in cases where an allegation of Misconduct under the Code is found to have been substantiated.
4. To identify any wider issues arising from cases considered.
5. To report to the SDC on all cases considered and any issues of principle arising from them.

### Constitution

Chair	Nominated by the Chair of the SDC from amongst the staff members of the SDC
Members	Three members nominated by the Chair of the SDC from amongst the staff members of the SDC  Two student representatives* appointed by the Chair of the SDP from the pool nominated annually by each of the Colleges and Schools. For cases involving undergraduate students, two undergraduate students will be appointed. For cases involving postgraduate students, two postgraduate students will be appointed
Secretary	Administrative staff appointed by the Chair of SDC

\* The panel hearing will continue when there is at least one student representative attending the meeting.

## **Student Discipline Appeals Panel (“SDAP”)**

The SDAP is convened as necessary to hear Student discipline appeal cases, in accordance with the Code. The staff member of the SDAP is nominated by the Chair of the SDC from the members of that Committee. The Chair has the authority exceptionally to co-opt any staff member to membership of a SDAP. No individual who has any previous connection with any case to be heard may be a member of the SDAP.

### Terms of Reference

1. To consider appeals against decisions of authorised officers or the SDP, as directed by the Chair of the SDC.
2. On the basis of the evidence presented, to determine whether or not grounds for appeal are substantiated.
3. To determine either to dismiss or uphold an appeal, and to endorse or revise decisions made by authorised officers or the SDP.
4. To identify any wider issues arising from the cases considered.
5. To report to the SDC on all cases considered and issues of principle arising from them.

### Constitution

Chair	Vice-President (Student Affairs) or nominee
Members	One staff member from amongst the staff members of the SDC  One student representative appointed by the Chair of the SDAP from the pool nominated annually by each of the Colleges and Schools. For cases involving undergraduate students, one undergraduate student will be appointed. For cases involving postgraduate students, one postgraduate student will be appointed
Secretary	Administrative staff appointed by the Chair of SDC

**Privacy/Confidentiality Measures Adopted in the Code**

1. All parties involved in a Complaint and/or an Investigation are required to maintain confidentiality. Other than in the following specified circumstances, any and all Complaints and any and all written records, correspondence, data, information, reports, findings or recommendations that may be made in furtherance of and/or generated by a Complaint and/or an Investigation (including email correspondence between a Student and the University and/or any of its Committees and/or Panels and/or the President made during the process of the Complaint and/or Investigation) (hereinafter collectively referred to as “the Documents/Records”) shall be and remain at all times confidential (including even after the conclusion/resolution of the Complaint/Investigation) and shall not be disclosed to any third party not involved in the resolution process of the Complaint under this Code<sup>9</sup>.
2. Again, other than in the following specified circumstances, anything said or discussed at any interview(s) and/or meeting(s) conducted as a result of a Complaint and/or an Investigation (“the Discussions”) shall also be and remain at all times confidential (including even after the conclusion/resolution of a Complaint/Investigation) and shall not be disclosed to any third party not involved in the resolution process of the Complaint under this Code.
3. The specified circumstances referred to in paragraphs 1 and 2 above are confined to the following: -
  - 3.1 the making/filing of any reports or Complaints to a regulatory body or the police;
  - 3.2 any private discussions that the Complainant and/or the Respondent may have with his/her respective immediate family member(s);
  - 3.3 where disclosure to third parties are required under legal proceedings or other action which requires disclosure to be made by way of a subpoena or similar court order.
4. Furthermore, Student(s) who invoke or take part in this Code is/are expected to respect and honour the system, procedures and regulations set out herein, including the appeal process and the decision of the Chair of the SDC or the SDP or the SDAP (as the case may be) being final, and shall not resort to other illegal or improper means to voice/express their/his/her dissatisfaction with the outcome of a Complaint or Investigation, including but not limited to the publishing or posting of any of the Discussions and/or the Documents/Records and/or any matters arising therefrom in the CityU campus.

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<sup>9</sup> When a complaint of sexual harassment is found to be substantiated under the “Sexual Harassment Policy and Procedures” and the alleged harasser is referred to disciplinary action under the Code, and if the complainant is a victim of wrongdoing committed by the alleged harasser, both the alleged harasser and the victim-complainant who has a legitimate and direct personal interest in receiving information relating to the disciplinary process in question should be informed of the outcome of a complaint, the disciplinary action and the penalties imposed against the alleged harasser, if any.

5. It is recognised that Complaints made and/or Investigations conducted under this Code necessarily involves or concerns an individual where some or all of the Documents/Records will contain personal particulars or personal data of the subject under Complaint or Investigation. In such cases, it is expected that all persons involved in the Investigation and the resolution process of the Complaint, including the Complainant and the Respondent, who are ‘data users’ within the meaning of the Privacy Ordinance, will respect the personal and privacy rights of others and will adhere to and fully respect the relevant data protection principles (“DPPs”) set out under the Privacy Ordinance as regards collection, use, storage and security of personal data including (a) that personal data shall not be collected unless the data are collected for a lawful purpose directly related to a function or activity of the data user, (b) that personal data shall not be used for any purpose other than the purpose for which the data were to be used at the time of collection, and (c) that all practicable steps should be taken to ensure that personal data held by a data user are protected against unauthorised or accidental access (for further details, please refer to the Privacy Ordinance and the Schedules thereto).