

DISCIPLINARY COMMITTEE REGULATIONS

Pursuant to paragraph 3 of Statute XXXI of the University of Hong Kong Ordinance:

1. (a) In the event of a complaint or complaints from any officer, member, employee or student of the University being received by the Registrar against a student on one or more of the grounds specified in paragraph 2(1) of Statute XXXI he shall forthwith inform the Vice-Chancellor as to the nature thereof and the Vice-Chancellor shall in his absolute discretion decide whether or not a charge is to be brought against the student before the Disciplinary Committee (hereafter called 'the Committee'). Where the matter of a complaint received by the Registrar has occurred more than one month prior to the time of such receipt, the Vice-Chancellor shall have an absolute discretion to refer the question to the Committee who may decide whether or not the complaint shall be brought before them pursuant to the proviso to Statute XXXI-2(3).
 - (b) If the Vice-Chancellor decides that it is an appropriate cause for a charge to be so brought the Registrar shall, if he so wishes, appoint a deputy to act as committee secretary in accordance with the provisions of paragraph 7(2) of Statute XXX. The committee secretary shall serve:
 - (i) A notice of appointment to the Committee on the three members of the Senate panel and on the two members of the student panel who are highest in order of precedence on their respective panels. If
 - (1) within three days of service of this notice the committee secretary has not received from the member so appointed a formal acceptance of appointment in writing, or
 - (2) the committee secretary subsequently receives from any duly appointed member a notice of withdrawal of acceptance,then the committee secretary shall cancel the appointment of that member and the committee secretary shall serve notices of appointment on the remaining members of the panels, in order of their precedence until the composition of the Committee is complete.
Provided that the committee secretary shall not be obliged to serve a notice of appointment on any person who to the committee secretary's knowledge is not available to serve on the Committee.
 - (ii) A notice of complaint on the student which shall be in writing, dated and signed by the committee secretary, and shall state details of the complaint or complaints and the time and place at which the student is required to appear before the Committee on a date not less than fourteen days after the date of the notice.
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2. Service of a notice of complaint may be effected in any of the following ways:
 - (a) by delivering it to the student personally;
 - (b) by sending it by registered post addressed to the student at his last known or usual place of abode.
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3. If a student so served fails to appear at the hearing of the Committee and it shall appear that the notice was sent to him by the method stated in sub-paragraph (b) of paragraph 2 hereof the notice shall be deemed not to have been effectively served unless it is proved to the satisfaction of the Committee that the notice actually came to the notice of the student. For this purpose a receipt, a letter or other communication purporting to be written by the student or by some other person on his behalf in such terms as would reasonably justify the inference that the notice came to the notice of the student shall be admissible as evidence of that fact.
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4. Every notice served upon a student as aforesaid shall be accompanied by copies of Statute XXX, Statute XXXI, these regulations and the regulations of the Council for the hearing of appeals from the Disciplinary Committee and by a written notice containing the following information
 - (a) that at the hearing before the Committee a student may call any witness or witnesses to give evidence on his behalf and may adduce such documentary or other evidence on his behalf as he may wish;

- (b) that if he wishes to call any witness or witnesses or to adduce any documentary evidence he shall first deliver to the committee secretary in writing not less than forty-eight hours before the time appointed for the hearing a list of the names and addresses of such witness or witnesses and true copies of any documents which he may intend to adduce in evidence;
 - (c) that at the hearing the student may be represented or accompanied by a person including a legal practitioner who shall be entitled to plead on behalf of the student and to examine, cross-examine, and re-examine witnesses;
 - (d) that he should approach the Dean of Student Affairs for advice as to the procedure to be followed and action to be taken in connection with the hearing.
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5. If any student served with a notice as aforesaid shall without reasonable excuse fail to appear before the Committee at the time and place appointed for the hearing, then provided that the Committee shall be satisfied that the notice to appear shall have been effectively served as provided in paragraph 3 hereof, the Committee shall be entitled to hear and investigate the complaint against the student and, if the offence complained of shall have been proved to its satisfaction, to impose upon the student in his absence any of the penalties specified in paragraph 4 of Statute XXXI.

6. At any stage in the proceedings it shall be competent for the student to admit the complaint or any of them. If before the hearing any student served with a notice of complaint wishes to admit the complaint or any of the complaints appearing thereon he shall do so by letter addressed to the Registrar to reach the Registrar at any time before the hearing. In such case the student shall be required to appear before the Committee at the hearing and the Committee shall satisfy itself that the facts admitted amount to an offence under paragraph 2 of Statute XXXI.

7. Any student served with a notice of complaint may challenge the jurisdiction of the Committee; provided that if he intends to do so on or before the date fixed for the hearing of the complaint he shall give notice to the Committee of such challenge by letter, stating the grounds on which the challenge is made, addressed to the committee secretary to reach the committee secretary not less than three clear days before the hearing. The Committee shall determine the challenge.

8. At every hearing of the Committee at which a complaint is to be heard against the student the case against the student shall be presented by a person appointed for the purpose by the Registrar. Such University representative may call a witness or witnesses and adduce documentary or other evidence in support of the case. A list of the names and addresses of the witness or witnesses and true copies of any documents which he may intend to adduce in evidence shall be delivered to the student at least three clear days prior to the hearing.

9. At the hearing of every complaint by the Committee the case against the student shall be first presented, followed by the student's defence. Both parties shall have the right to examine, cross-examine, and re-examine witnesses. In addition both parties shall have the right to make a final address to the Committee provided that the University representative's final address shall always precede that of the student or the student's representative.

10. (a) If the complaint is admitted or is proved to the satisfaction of the Committee, then before any penalty is imposed the student or his representative shall be heard in mitigation and the Committee may call for and consider any University records of the student's academic progress and domestic circumstances and shall receive information from the Registrar as to any grant, bursary or scholarship awarded by the University of which the student is in receipt; provided that any such additional records and information considered by the Committee shall be made known to the student or his representative who shall have an opportunity to comment upon them before they are taken into account. The Committee shall also receive from the committee secretary a summary list of previous cases in which a finding of guilt was made, showing for each case the year and brief particulars of the offence; the curriculum and year of study of the student concerned; and the penalty imposed.

- (b) In determining the penalty to be imposed the Committee may take into account any record of any previous misconduct by the student which has been adjudicated upon by the Committee.
 - (c) Before imposing a penalty of suspension, the Committee shall take into account information (to be provided by the Registrar) as to how different periods of suspension would affect the student's progress towards the completion of his curriculum.
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- 11. (a) If the Committee decides that a charge has not been proved to its satisfaction the Committee may make to the Vice-Chancellor any report which it thinks appropriate as to the motives of the complainant.
 - (b) If the Committee decides that a charge has not been proved to its satisfaction or if it sustains a challenge to the jurisdiction of the Committee it may make to the Council any recommendation which it thinks appropriate as to the payment of any reasonable costs which it is established to the satisfaction of the Committee have been incurred by the student in defending the case against him.
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12. The Committee shall have power to waive any breach of any of the aforesaid procedural regulations and may in its discretion extend any time limit imposed hereunder and adjourn or postpone or reconvene and continue a hearing or terminate the same and call a new hearing on cause shown or otherwise.

13. The committee secretary shall take or cause to be taken a full Minute, so far as circumstances permit, of all proceedings before the Committee, including at any hearing:
- (a) the names of the complainant, the University representative, and of the defendant student and his representative, and of the witnesses;
 - (b) the evidence or written depositions of the witnesses;
 - (c) the advice given by the legal adviser on any matter of a legal or quasi-legal nature; and
 - (d) the decisions of the Committee and the nature of any penalty imposed by it.