

The Chinese University of Hong Kong

CW Chu College Assembly of Fellows

PROCEDURES FOR HANDLING BREACHES OF THE HONOUR CODE AND STUDENT DISCIPLINE

(Approved by Assembly of Fellows at its 47th meeting at 15 October 2021)

Part A: Preamble

Scope

This document sets out the institutional structure and procedures for dealing with breaches by students of C. W. Chu College of (i) the Honour Code, and (ii) student discipline.

Except in relation to appeals made under the C. W. Chu College Student Hostel Regulations, this document does not deal with conduct that constitutes a breach of hostel regulations, unless such conduct is simultaneously a breach of the Honour Code and/or student discipline. A breach of the Honour Code/or student discipline may be dealt with under this document notwithstanding that the conduct in issue is simultaneously a breach of the C. W. Chu College Student Hostel Regulations.

Neither does this document deal with appeals to the Senate Committee on Student Discipline, the scope of and procedures for which are set out in documents issued by the Senate Committee on Student Discipline itself.

Task Force on New Colleges

On 20th April 2006, the University Task Force on New Colleges published its *Final Report of the On-site Review of College Education in Six Selected Universities and Colleges in the U.S. and U.K.* This report contains the following passage:

10. The following recommendations do not require the approval of the Council. They are for the consideration by the planning committees of the new colleges and the relevant committees of the University. ...

d) Student Participation

i) *College Committees*

Students are an integral part of a college and their participation in college committees on academic affairs and student life should be welcome. Student activities should be organized mainly through student initiatives.

ii) *Honour Code*

It is desirable for the new colleges, in conjunction with their students, to adopt an honour code, i.e. a set of guidelines/regulations governing college life that define what constitutes honourable behaviour within a

college. The honour code should be created and administered by students, not imposed by the colleges.

Honour Code

At its first meeting on 29th April 2011, the Assembly of Fellows of the College 'agreed that an Honour Code for students be developed'.¹ At the same meeting, the Assembly of Fellows established a Student Discipline Committee.²

At its third meeting on 16th September 2011, the Assembly of Fellows adopted the following Honour Code, in the form of a pledge, for students of the College:³

As a student member of the CW Chu community, I pledge on my honour to comport myself with honesty, integrity and courtesy in my academic and personal life. I understand that failure to observe these standards violates the Honour Code and undermines the community of trust and respect, of which we are all stewards.

The same meeting decided that: (a) students are to indicate their acceptance of this Pledge/Code upon admission, (b) the Pledge/Code would be read aloud at an appropriate ceremony, and a College representative would make a suitable statement that students would be treated as adults, (c) the Pledge/Code be erected at a prominent place on the college premises, and (d) a Chinese translation of the Pledge/Code be drafted.

The Chinese translation of the Honour Code, which will be presented to the Assembly of Fellows for endorsement at its 6th meeting on 13 April 2012, is as follows:

「作為敬文書院學生，我謹承諾在學習和日常生活中均秉持正心誠意、剛直不阿、謙恭有禮之原則。我明白違反誠信誓章將破壞書院全人之間的信任及尊重。」

The Honour Code was adopted in order to enhance the opportunities for students of the College to develop skills and habits of individual responsibility in the context of community life. By shifting the primary focus of student conduct from issues of discipline to matters of honour, the College recognises that its students are young adults. By accepting the Honour Code, students of the College recognise that they are members of a life-long community of scholars who strive, in a spirit of mutual support and concern, to improve themselves and to assist each other in striving for the highest standards of honourable conduct.

The Honour Code was adopted by the Assembly of Fellows in order that it be in place upon the arrival of the first cohort of students in September 2012. However, a mechanism exists whereby the students may, in co-operation with the Assembly of Fellows, initiate changes to the Honour Code and procedures for its

¹ Minutes, point 16(b).

² *ibid*, point 9.

³ Minutes, point 15.

administration. This approach balances considerations of student autonomy in managing the Honour Code with the requirements of due diligence by the AoF in delegating some of its disciplinary responsibilities to the students themselves through the Student Honour Code Committee.

Part B: Definitions

1. For the purposes of these procedures, the following definitions apply unless a contrary intention appears:

- (i) 'Affiliate' means a person, other than a Fellow, who is affiliated to the College;
- (ii) 'AoF' means the Assembly of Fellows of the College;
- (iii) 'breach of the Honour Code' means a violation, by a student of the College, of the Honour Code (a breach of the Honour Code may include, without being restricted to, conduct which simultaneously constitutes a breach of student discipline or of rules regulating accommodation provided to students by the University or by any college or organisational unit of the University);
- (iv) 'breach of student discipline' means a violation, by a student of the College, of any rule or regulation of the University and/or the commission of any misconduct by such a student, including but not limited to the following: (a) defamation of or assault on or battery against the person of any member of the University; (b) willful damage to or defacement of any property of the University; (c) theft, fraudulent use, misapplication of University funds or property of any kind; (d) plagiarism in written assignments or cheating in tests or examinations; (e) an offence in connection with tests or examinations or violation of any of the regulations of the Senate governing conduct at tests or examinations as approved by the Senate from time to time; (f) falsification or serious misuse of University documents or records; (g) refusal to comply with any regulations or orders by authorized persons and bodies prohibiting any conduct which disrupts teaching, study, research, administration or normal activities of the University; (h) any conduct which is detrimental to the reputation and well-being of the University; (i) an offence of an immoral, scandalous or disgraceful nature of which the student has been convicted in any court of law; or (j) misrepresentations or false statements made in any application or document submitted to the University;
- (v) 'College' means C. W. Chu College;
- (vi) 'Complainant' means the author of a complaint;
- (vii) 'Complaint' means a complaint made under section 6 (in the case of a breach of the Honour Code) or section 20 (in the case of a breach of student discipline);
- (viii) 'Fellow' means a Fellow of the College;
- (ix) 'Honour Code' means the Honour Code adopted by the AoF at its third meeting on 16th September 2011, as amended or replaced from time to time by the AoF;
- (x) 'Master' means the Master of the College;
- (xi) 'Respondent' means a person against whom a complaint has been made;
- (xii) 'SCSD' means the Senate Committee on Student Discipline;

- (xiii) 'SDC' means the Student Discipline Committee established by the AoF at its first meeting on 29th April 2011⁴ and as constituted by the AoF from time to time;
- (xiv) 'Senate' means the Senate of the University.
- (xv) 'SHCC' means the Student Honour Code Committee established by the AoF simultaneously with the adoption of these procedures;
- (xvi) 'University' means The Chinese University of Hong Kong.

Part C: Student Honour Code Committee

Establishment

- 2.** There is hereby established, by the AoF, a Student Honour Code Committee.

Functions

- 3.** The functions of the SHCC are to:
- (i) consider and determine complaints of breaches of the Honour Code in accordance with these procedures, and;
 - (ii) review the Honour Code and the mechanisms for its implementation for the purpose of making recommendations to the College in accordance with these procedures.

Composition

- 4.** (a) The SHCC shall consist of 5 members elected annually and for a term of office of one academic year by and from among the student members of the College.
- (b) Unless the AoF decides otherwise, elections to the SHCC shall be held in Week 10 of Term 2 each year.
- (c) The elections referred to in paragraph (b) shall be conducted in accordance with rules to be adopted by the AoF.
- (d) The terms of office for all members elected shall commence on the first day of the academic year following their election.
- (e) One member of the SHCC shall be elected by all members of the SHCC to serve as Chairman and who shall have observer status at meetings of the AoF, subject to such conditions as the AoF shall decide from time to time.
- (f) No person who holds office as a member of the Executive Committee of the Students' Union of the University or the Executive Committee of the Students' Union of the College may simultaneously be a member of the SHCC.
- (g) No person who will not have attained the age of eighteen years by the beginning of the term of office referred to in paragraph (a) shall be eligible for election to the SHCC.

⁴ Minutes, point 9. The SDC's powers derive in part from delegation by the SCSD.

- (h) In the event of a vacancy caused by resignation from the SHCC, departure from the College, the operation of paragraph (f), or any other reason, the remaining members of the SHCC shall elect a replacement to serve out the remainder of the term of office of the former member.

Decision making

- 5. (a) All decisions of the SHCC shall be made by a majority of its members attending a meeting convened by the Chairman, with the Chairman holding an additional casting vote in the event of a tie.
- (b) Where the author of a complaint under section 6 is a member of the SHCC, he/she shall not cast a vote in determining the complaint under paragraph 9(b).
- (c) Where the respondent to a communication under section 6 is a member of the SHCC, he/she shall not:
 - (i) attend any meeting of the SHCC at which the complaint is being considered;
 - (ii) cast a vote in determining the complaint under paragraph 9(b), or;
 - (iii) receive any papers from the SHCC on the case except in his/her capacity as the respondent.
- (d) A meeting of the SHCC shall be quorate when more than half of its members (not counting any member who is precluded from attending under paragraph (c)) are in attendance.

Part D: Breaches of the Honour Code

Complaints

- 6. (a) Any person may make a complaint in writing, addressed to the Chairman of the SHCC, asserting a breach or a possible breach of the Honour Code.
- (b) The complaint shall identify the respondent and provide particulars of the asserted breach or possible breach.
- 7. (a) Where the Chairman of the SHCC believes that there may have been a breach of the Honour Code but no complaint has been received, he/she may appoint any person or persons to investigate the matter.
- (b) Where any person appointed under paragraph (a) concludes that there is sufficient evidence to justify a complaint of a breach of the Honour Code, he/she shall make a complaint to the Chairman of the SHCC under section 6.

Determinations

- 8. Upon receiving a complaint under section 6, the Chairman of the SHCC shall convene a meeting of the SHCC to consider and determine the matter.

9. (a) At the meeting convened pursuant to section 8, the SHCC shall consider the complaint.
- (b) Subject to section 11, the SHCC may either:
- (i) uphold the complaint (in whole or in part), and;
 - (ii) dismiss the complaint (to the extent that it is not upheld), or;
 - (iii) adjourn the meeting for the complaint to be considered and determined, in accordance with this paragraph, at a later date.
- (c) The Chairman of the SHCC may invite any Fellow or Affiliate, for the purpose of providing advice to the SHCC, to attend a meeting convened under section 8.
- (d) Members of the SHCC, and any person invited to attend a meeting under paragraph (c), shall observe confidentiality in connection with all matters dealt with at a meeting convened under section 8.
- (e) The SHCC shall inform the complainant and the respondent of any determinations made under paragraph (b).
10. Before it upholds a complaint (in whole or in part) pursuant to sub-paragraph 9(b)(i), the SHCC shall disclose the complaint and any other material it proposes to take into account to the respondent and provide him/her with an opportunity to reply in person to the SHCC.

11. (a) Where a complaint under section 6 asserts conduct constituting:
- (i) a breach of University or College rules on plagiarism in written assignments or cheating in tests or examinations or an offence in connection with examinations or violation of any of the regulations of the Senate governing conduct at examinations, or
 - (ii) a breach of student discipline of a very serious nature,

the SHCC shall not determine the matter but shall refer it immediately to the Chairman of the SDC.

- (b) Where a complaint under section 6 asserts conduct constituting a breach of University rules or policies on sexual harassment, the SHCC shall not determine the matter but the Chairman of the SHCC shall advise the complainant to refer the matter to the University bodies responsible for administering the University rules and policies on sexual harassment.
- (c) Where there is reasonable doubt as to whether a complaint falls within the scope of paragraph (a) or paragraph (b), the Chairman of the SHCC shall seek the opinion of the Chairman of the SDC whose decision shall be final.

Sanctions

12. (a) Where the SHCC upholds a complaint (in whole or in part) pursuant to sub-paragraph 9(b)(i), it may issue a written reprimand to the respondent in the name of the SHCC.

- (b) In deciding whether to issue a reprimand under paragraph (a), the SHCC shall take into account any apologies or reparations made or pledged by the respondent as evidence of his/her contrition and resolve to live up to the Honour Code.
- (c) Where the SHCC decides to issue a reprimand under paragraph (a), the original thereof shall be provided to the respondent and a copy shall be provided to the complainant.
- (d) Where the SHCC decides to issue a reprimand under paragraph (a), it shall also decide in each case whether:
 - (i) a copy of the reprimand shall be posted for viewing for a period of not more than two weeks on a notice board within the premises of the College, and,
 - (ii) whether any such posted copy of the reprimand shall identify the respondent or any other person.
- (e) Where a reference to the SDC is made under section 13 or section 15, the decision of the SHCC to which the reference relates shall be suspended until the SDC makes a determination of the reference under sub-paragraph 17(b)(i) or sub-paragraph 17(b)(ii).
- (f) Where the SHCC:
 - (i) upholds a complaint pursuant to sub-paragraph 9(b)(i), or
 - (ii) dismisses a complaint (to the extent that it is not upheld) pursuant to sub-paragraph 9(b)(ii), or
 - (iii) makes a decision as to sanctions under this section, or
 - (iv) makes a reference and recommendation pursuant to section 13,

the complainant and the respondent shall both be advised accordingly.

- 13.** Where the SHCC makes a decision pursuant to paragraph 9(b)(i) but considers that the sanctions available under section 12 are inadequate to the gravity of the case, it may refer the matter in writing to the Chairman of the SDC for further or alternative determination by the SDC and shall inform both the complainant and respondent accordingly.

The Master

- 14.** (a) The Chairman of the SHCC shall, within seven days of the SHCC making any determination under sub-paragraph 9(b)(i) or sub-paragraph 9(b)(ii), make a full report of the matter to the Master.
- (b) Where the SHCC has failed to make any determination of a complaint under section 6 within four weeks of it being made, the Chairman of the SHCC shall immediately make a full report of the matter to the Master.
- (c) Where the Master so requests, a report under paragraph (a) or paragraph (b) shall be in writing.

- 15.** Where the Master is of the view that a decision made under paragraph 9(b) or paragraph 12(a) or paragraph 12(d) is manifestly unjustified, he/she may refer the matter in writing to the Chairman of the SDC for further or alternative determination by the SDC and shall inform both the complainant and respondent accordingly.

The Respondent

- 16.(a)** Where the respondent is of the view that a decision made under subparagraph 9(b)(i), paragraph 12(a) or paragraph 12(d) is unjustified, he/she may within seven days of receiving notification of the decision, refer the matter in writing to the Chairman of the SDC for further or alternative determination by the SDC.

- (b) Upon receiving a reference under paragraph (a), the Chairman of the SDC shall inform the complainant accordingly.

The SDC

- 17. (a)** Where the SDC considers a reference under section 13, section 15, or section 16, it is not bound by any factual findings or determinations which may have been made by the SHCC and shall comply with the SCSD's *Procedures for Handling Student Disciplinary Cases* as revised from time to time.

- (b) Upon considering a reference pursuant to paragraph (a), the SDC may:

- (i) uphold the complaint (in whole or in part), and;
- (ii) dismiss the complaint (to the extent that it is not upheld), or;
- (iii) adjourn the meeting for the complaint to be considered and determined, in accordance with this paragraph, at a later date.

- 18.(a)** Where the SDC upholds a complaint (in whole or in part) pursuant to subparagraph 17(b)(i), it may:

- (i) affirm or set aside any sanction imposed by the SHCC pursuant to section 12, and/or;
- (ii) reprimand the respondent in the name of the AoF, and/or;
- (iii) suspend the respondent from part or all of the rights, privileges and/or the use of part or all of the facilities of the College for a specified period of time, and/or;
- (iv) suspend for a specified period of time or terminate the respondent's right of residence in accommodation provided by the College.

For the removal of doubt, no exercise of power under this paragraph has the effect of terminating the respondent's membership of the College.

- (b) For the purposes of assisting the SDC to discharge its functions under paragraph (a), the Chairman of the SDC may invite any person, including the Dean of Students of the College, to attend a meeting of the SDC.

19. Where the SDC:

- (i) upholds a complaint pursuant to sub-paragraph 17(b)(i), or
- (ii) dismisses a complaint (to the extent that it is not upheld) pursuant to sub-paragraph 17(b)(ii), or
- (iii) affirms, sets aside, or imposes a sanction pursuant to paragraph 18(a),

the complainant and the respondent shall both be advised in writing accordingly.

Part E: Breaches of Student Discipline

Complaints

20.(a) Any person may make a complaint in writing, addressed to the Chairman of the SDC, asserting a breach or a possible breach of student discipline.

(b) The complaint shall identify the respondent and provide particulars of the asserted breach or possible breach.

21. (a) Where the Chairman of the SDC believes that there may have been a breach of student discipline but no complaint has been received, he/she may appoint any person or persons to investigate the matter.

(b) Where any person appointed under paragraph (a) concludes that there is sufficient evidence to justify a complaint of a breach of student discipline, he/she shall make a complaint to the Chairman of the SDC under section 20.

22. Subject to section 23, where a complaint under section 20 asserts conduct which in the opinion of the Chairman of the SDC reasonably appears to constitute a breach of the Honour Code, it shall be referred to the Chairman of the SHCC to be dealt with as if it were a complaint under section 6.

23. Where the complaint under section 20 asserts conduct which, in the opinion of the Chairman of the SDC, reasonably appears to constitute:

- (i) a breach of University or College rules on plagiarism in written assignments or cheating in tests or examinations or an offence in connection with examinations or violation of any of the regulations of the Senate governing conduct at examinations, or
- (ii) a breach of University rules or policies on sexual harassment, or
- (iii) a breach of student discipline of a very serious nature or,
- (iv) a breach of student discipline by students belonging to different colleges or by both undergraduate and graduate students,

it shall not be referred to the SHCC under section 22, but shall be dealt with in accordance with section 24.

- 24.(a)** Subject to paragraph (b), upon receiving a complaint covered by paragraph 23(i), the Chairman of the SDC shall place it before the SDC in order to consider and determine the matter.
- (b) Where a complaint referred to in paragraph (a) concerns academic work which is part of a course offered by a faculty, department, college, unit or affiliated entity of the University other than the College, the Chairman of the SDC shall refer the complaint to the appropriate disciplinary body of that faculty, department, college, unit or affiliate and the SDC shall exercise no jurisdiction over the matter.
- (c) Upon receiving a complaint covered by paragraph 23(ii), the Chairman of the SDC shall advise the complainant to refer the matter to the University bodies responsible for administering the University rules and policies on sexual harassment.
- (d) Upon receiving a complaint covered by paragraph 23(iii) or paragraph 23(iv), the Chairman of the SDC shall refer the matter the SCSD.

Determinations

25. Upon receiving a complaint covered by paragraph 24(a), the Chairman of the SDC shall convene a meeting of the SDC to consider and determine the matter.

25A. A meeting convened under section 25 shall observe the following procedures:

- (i) The respondent shall be reminded of his/her rights to meet with the SDC or a panel constituted under section 29A before a decision on the case is taken. If the respondent so requests, s/he shall inform the Secretary of the SDC as early as possible, preferably at the outset and the Secretary will make arrangements for him/her to attend a meeting of the SDC or panel. At the meeting, members of the SDC or panel will interview the student concerned who in turn can provide any additional information regarding the case. The student concerned shall also be allowed to attend the meeting of the SDC or panel with an accompanying person. The identity of the accompanying person shall be limited to: a staff member of the University, a student of the University, or a parent, sibling, spouse or registered guardian of the respondent. The respondent, and any accompanying person, will then be asked to leave and the SDC or panel will deliberate on the case. The respondent may also suggest to the SDC or panel that it seek information from other persons who may have relevant first-hand knowledge of the facts of the case.
- (ii) Depending on the nature of the case, especially cases that require investigation, the SDC or a panel constituted under section 29A may decide to invite the respondent and/or any other student of the University and/or staff member of the University to attend its meeting(s) and provide additional information relevant to the case to facilitate the investigation process. Under such circumstances, the respondent, student of the University and staff member of the University shall take all reasonable steps to attend the meeting(s) so arranged, and the respondent is also entitled to be accompanied by a person as stipulated in paragraph (i). Where applicable, the respondent may seek clarifications on any unclear issues or plead for a lower penalty

from the SDC or panel, irrespective of whether the respondent will attend the meeting(s).

26. (a) Where the SDC considers a complaint under section 25, it shall have regard to such evidence or materials as it deems relevant.

(b) Upon considering a complaint pursuant to paragraph (a), the SDC may:

- (i) uphold the complaint (in whole or in part), and;
- (ii) dismiss the complaint (to the extent that it is not upheld), or;
- (iii) adjourn the meeting for the complaint to be considered and determined, in accordance with this paragraph, at a later date.

Sanctions

27. (a) Where the SDC upholds a complaint (in whole or in part) pursuant to sub-paragraph 26(b)(i), it may:

- (i) reprimand the respondent in the name of the AoF, and/or;
- (ii) suspend the respondent from part or all of the rights, privileges and/or the use of part or all of the facilities of the College for a specified period of time, and/or;
- (iii) suspend for a specified period of time or terminate the respondent's right of residence in accommodation provided by the College, and/or;
- (iv) impose a penalty authorised by section 6 ('CUHK disciplinary procedures and guidelines') of the SCSD's *Honesty in Academic Work: A Guide for Students and Teachers*, as revised from time to time.

For the removal of doubt, no exercise of power under this paragraph has the effect of terminating the respondent's membership of the College.

(b) For the purposes of assisting the SDC to discharge its functions under paragraph (a), the Chairman of the SDC may invite any person, including the Dean of Students of the College, to attend a meeting of the SDC.

28. Where the SDC upholds a complaint (in whole or in part) pursuant to sub-paragraph 17(b)(i) or sub-paragraph 26(b)(i), the SDC may, in addition to or instead of any measures taken pursuant to paragraph 18(a) or paragraph 27(a), refer the matter to the SCSD with a recommendation that it:

- (i) reprimand the respondent in the name of the Senate, and/or;
- (ii) suspend the respondent from part or all of the rights, privileges and/or the use of part or all of the facilities of the University for a specified period of time, and/or;
- (iii) terminate or suspend the respondent's studies at the University, and/or;

- (iv) impose such other penalty or penalties as may be delegated by the Senate to the SCSD.

29. Where the SDC:

- (i) upholds a complaint pursuant to sub-paragraph 26(b)(i), or
- (ii) dismisses a complaint (to the extent that it is not upheld) pursuant to sub-paragraph 26(b)(ii), or
- (iii) imposes a sanction pursuant to paragraph 27(a), or
- (iv) makes a reference and recommendation pursuant to section 28,

the complainant and the respondent shall both be advised in writing accordingly.

29A. The functions and powers of the SDC under this Part may be exercised by a Panel consisting on at least three Fellows or Affiliates appointed from time to time by the Chairman of the SDC.

Part F: Assembly of Fellows

30. The SDC shall report to the AoF on the content and results of all:

- (i) references made under section 13, section 15, and section 16, and
- (ii) complaints made under section 20.

31. Upon receiving a report pursuant to section 30 which discloses that the SDC made a decision under paragraph 18(a), paragraph 27(a)(i), paragraph 27(a)(ii), or paragraph 27(a)(iii), the AoF shall either:

- (i) affirm the decision, or
- (ii) uphold the complaint (in whole or in part) but substitute for the decision a different decision which the SDC is empowered to make under paragraph 18(a), paragraph 27(a)(i), paragraph 27(a)(ii), or paragraph 27(a)(iii) as the case may be, or
- (iii) dismiss the complaint in its entirety and decide to impose no sanction.

For the removal of doubt, a decision made by the SDC under paragraph 18(a) or paragraph 27(a) is fully effective unless it is the subject of a decision made under paragraph 31(ii) or paragraph 31(iii).

Part G: Review of Honour Code

32. (a) The SHCC shall meet at least once annually to consider recommending changes to the Honour Code and to these procedures.

- (b) Where the SHCC makes any recommendations pursuant to paragraph (a), they shall be provided to the Chairman of the SDC who shall place them before the SDC for review.
- (c) After the SDC has conducted a review pursuant to paragraph (b), the Chairman of the SDC shall place the results of the review and the recommendations to which they relate before the AoF for consideration and decision.

Part H: Appeals from Warden under Student Hostel Regulations

- 33.** Where a student makes an appeal to the SDC in accordance with Regulations 5.5.1-4 of the College Student Hostel Regulations, it shall be determined by the SDC in accordance with Regulations 5.4.5-9 of those Regulations. The Warden shall furnish the SDC with such information as it requests in order to assist in the determination of the appeal.