



聖若瑟大學
UNIVERSITY OF
SAINT JOSEPH

STUDENT CONDUCT COMMITTEE

TERMS OF REFERENCE AND PROCEDURES

1. INTRODUCTION

- 1.1. Appropriate student conduct is essential in all aspects of a university's work. The Student Conduct Committee of USJ handles student-related non-academic matters (distinct from academic integrity matters handled by the Academic Integrity Committee).
- 1.2. The Student Conduct Committee handles relevant matters of student conduct. These include, but are not limited to: (a) promoting positive student conduct across the University; (b) taking a proactive role in preventing breaches of student conduct; and (c) allegations of breaches of appropriate conduct by students.
- 1.3. Abbreviations used here are: 'Faculty' = Faculty/School/Institute.
- 1.4. An important principle in promoting positive student conduct and in handling any breaches of student conduct is one of subsidiarity: where the matter is of a sufficiently minor nature (either in the promotion or breach of student conduct) to be handled at the Faculty level, i.e. not to warrant being brought to the Student Conduct Committee for consideration and adjudication, as decided by the Dean of the Faculty¹ (who may consult the members of the Faculty, relevant and suitable parties in the University and/or Chair of the Student Conduct Committee about this), then this should be handled at the Faculty level. If there is any doubt or uncertainty about this, or if the breach of student conduct requires any formal warning or other formal penalty, then the Dean is required to consult the Chair of the Student Conduct Committee. If a breach of student conduct is discovered in any other University unit outside the Faculty, then this must be reported directly to the Dean of the Faculty or the Chair of the Student Conduct Committee.

2. THE STUDENT CONDUCT COMMITTEE

- 2.1 The Student Conduct Committee is a committee of the University.

3. THE TERMS OF REFERENCE OF THE COMMITTEE

- 3.1 To promote positive student conduct across the University and to take a proactive role in promoting positive student conduct and preventing breaches of student conduct.
- 3.2 To review, hear, consider, adjudicate and report allegations and issues of students' breaches of regulations and integrity in matters of student conduct on campus including, but not restricted to: defaming, threatening or any behaviour that is detrimental to the reputation or interests of the University; defaming, threatening or assaulting any staff or student of the

¹ 'Faculty' is used here as a shorthand for Faculty/School/Institute.



University; wilfully damaging the property of the University or other public property; cheating or stealing property in the form of monetary value or belongings from the University or other people, or offering or accepting bribes; falsifying, distorting, or misusing documents, academic results or records of the University; failing to observe any regulation or order of the University which disrupts the teaching, learning, scientific research or other administrative and residential activities of the University; organizing group activities that may cause disturbance to discipline within the campus, without prior approval from the University; any other activities that may be detrimental to the reputation or the interests of the University; committing an offence as judged by administrative organizations or by a court to be aberrant behaviour; producing intentional misrepresentation or false statements in any application or document submitted to the University; disturbing the normal work of academic and administrative staff of the University; storing dangerous goods or possessing contraband goods within the campus; committing any misbehaviour similar to the above.

3.3 As USJ shares its campus with the Catholic secondary school Colégio São José, i.e. operates in the presence of minors on campus, students of USJ are expected to be mindful of the example that they set to those school students and to the need for safeguarding with regard to minors and vulnerable adults.

3.4 To hear and adjudicate cases which are brought to that Committee, and to report the outcomes of hearings to the student and relevant parties of the University (as defined in the procedures and mechanisms for the Student Conduct Committee);

4. THE MEMBERSHIP OF THE COMMITTEE

4.1 The Student Conduct Committee is a permanent committee activated on an ad hoc basis. It comprises:

- (a) The Chair, who is appointed by the Rector or his/her nominee, and who is normally at Associate Professorial level or above;
- (b) Up to three academic members, each from different Faculties, who is at the Assistant Professor level or above, who is appointed by the relevant Dean or his/her nominee from each Faculty, each of whom must have a minimum of 2 years' university experience in this or another university;
- (c) The Head of the Student and Alumni Affairs Office;
- (d) A Secretary who is appointed by the Chair.

4.2 The Chair may co-opt one or more relevant USJ staff to be present whose presence is deemed by the Chair to be important for any specific hearing.

4.3 Members of the Committee must attend the meetings in person and may not assign or entrust others to attend the meeting in their place.

4.4 The Chair may co-opt one or more relevant USJ staff to be present whose presence is deemed by the Chair to be important for any specific hearing.



5. OPERATIONS OF THE COMMITTEE

- 5.1 The quorum for the Committee is two thirds of the voting Committee members, rounded down to the nearest whole number.
- 5.2 The Committee convenes when the occasion arises, and in accordance with the procedures set out separately.
- 5.3 All members of the Committee, save for the Secretary, shall have voting rights. Co-opted members do not have voting rights.
- 5.4 Voting operates on a simple majority in a quorate meeting. In the case of an even split of voting, the Chair has the casting vote.
- 5.5 Minutes of the meeting are kept and are available to the members of the Executive Council. Given the sensitive nature of the proceedings of the Committee, the contents of the meeting are normally considered confidential, with permission for release of information and minutes to be decided by the Chair, who may request the decision of the Rector in matters of release of information.
- 5.6 The Committee must keep a record of:
 - (a) all hearings, findings and decisions of misconduct referred to the Committee;
 - (b) all penalties imposed in respect of such hearings, findings and decisions.
- 5.7 At the discretion of the Chair of the Student Conduct Committee, the record may constitute part of the University member's record for a fixed or indefinite period of time, and must form part of the file which must be made available to persons within or outside the University if, in the opinion of the Chair, they have a legitimate need to know, including, but not limited to: (a) the police, in response to a written request where they are investigating this or a related matter; (b) a court order or subpoena in response to a written request; (c) to a Faculty or another institute of higher education if, in the opinion of the Chair it has/they have a legitimate need to know and in response to a written request. A record must be kept of all external parties to whom the part or all of the record of the disciplinary file has been shown. Records are confidential and subject to the clearance indicated in the provisions for data protection in the University. If the record is part of the University member's record for an indefinite period of time, then it must be reviewed a minimum of once a year.
- 5.8 The Chair should pass the full set of documentation upon completion of each case to the Rector's Office for record purpose.



6. PROCEDURES FOR THE COMMITTEE

- 6.1 The Committee operates within the Regulations of the University, e.g. for rules and Regulations, ethical behaviour and the penalties for breaches of Regulations. The Student Conduct Committee enacts the requirements for alleged and actual breaches of these regulations as they relate to academic matters.
- 6.2 An allegation that a student has engaged in conduct rendering them subject to action by the Student Conduct Committee may be made by:
- (a) another student; or
 - (b) a member of the academic, administrative or general staff of the University; or
 - (c) any other person.
- 6.3 Any allegation of misconduct, violation of Regulations, Rules, or a breach of a Code of Conduct must be made in writing to one of the following: (a) the Dean of the Faculty in which the student is registered or, where the person making the allegation is the Dean, the Chair of the Student Conduct Committee will perform the functions of the Dean; (b) the Office for Student and Alumni Affairs; allegations made in respect of (a) – (b) are all passed to the Office for Student Affairs and Alumni.
- 6.4 The allegation to be considered by the Student Conduct Committee comes from the Academic Affairs Office, which prepares and assembles all the relevant documentation and evidence for the Student Conduct Committee. The Committee then convenes its initial meeting to hear and review the allegations and evidence.

7. THE INITIAL MEETING OF THE COMMITTEE

- 7.1 The Student Conduct Committee convenes to hear allegations of breaches of student conduct, with evidence provided by the Office for Student and Alumni Affairs.
- 7.2 If the allegations are deemed by the Chair of the Committee to be vexatious, not well-founded, untenable (e.g. for lack of evidence) or are not upheld, i.e. rejected, then the case is dismissed and this is minuted. In these circumstances if the student has not been informed that the allegation has been made, then he/she will normally not be informed that the allegation has been heard, as, up to that point, the student will be unaware that the allegation has been made, and this avoids creating unnecessary anxiety for him/her. If the student is already aware that the allegation has been made, then the student will be informed in writing of the allegation to be considered at the following meeting.
- 7.3 If the allegations are deemed by the Chair of the Committee to be not vexatious, well-founded and not untenable, and are upheld, then the student is informed in writing of the hearing of the Student Conduct Committee, within 14 days of the notice of the meeting.
- 7.4 The letter to the student reports: (a) the allegation; (b) the regulation which has allegedly been breached; (c) the opportunity for the student to provide in writing an explanation or submission of evidence in response to the allegation(s); (g) the time and date of the hearing (where possible, or an indication that a date will be fixed for this); (d) the rights of the



student at the hearing, including but not limited to, the student providing written evidence in response to the allegation(s), the student's right to be accompanied by one support person of his/her choice and to call witnesses. A minimum of 24 hours' notice must be given by the student to the Chair, of any support person or witness who will be in attendance or called respectively. The support person must not be a person who was involved in, associated with, or alleged to have been involved in or associated with, the misconduct which is included in the allegation, or a qualified legal practitioner, unless permitted by the Chair. The support person accompanying the student in a hearing has no right to be heard at the hearing, except by permission of the Chair, and may be excluded by the Chair if he or she disrupts or unreasonably impairs the conduct of the hearing.

- 7.5 Penalties imposed by the Committee are in accordance with the Regulations of the University and the laws of Macau.
- 7.6 If no written explanation or submission of evidence or request for a hearing is received from the student, the Chair may proceed to deal with the allegation normally within 14 days of the issuing of the letter to the student, including the conduct of a hearing, in the absence of the student.
- 7.7 The student and the Chair may agree in writing at any time to extend the time limits or to reschedule the date, time and place for a hearing.
- 7.8 If a student does not attend the hearing, the Chair or his/her delegate may allow the allegation to be heard by the Student Conduct Committee on the same date/time of the scheduled meeting, in the student's absence.
- 7.9 Where the Chair deals with an allegation, he/she may:
- (a) dismiss the allegation and impose no penalty; or
 - (b) uphold the allegation, but impose no penalty; or
 - (c) uphold the allegation, and impose one or more penalties;
 - (d) adjourn the hearing and reconvene within ten working days, in order to allow further time to investigate and acquire information in relation to the allegation(s).

8. PRINCIPLES FOR PROCEDURES FOR STUDENT APPEALS

- 8.1 Students have an automatic right of appeal a judgement and decision by the Student Conduct Committee.
- 8.2 The appeals procedure is designed to ensure transparency and fairness. The several possible stages of an appeal are designed to ensure that different parties hear an appeal, where necessary.



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9. DECISIONS ON PENALTIES FOR BREACHES OF STUDENT CONDUCT AVAILABLE TO THE STUDENT CONDUCT COMMITTEE

9.1 Within the Regulations of the University and the laws of Macau, with reference to penalties for breaches of academic Regulations, the Student Conduct Committee has the power to:

- (a) Issue a written warning;
- (b) Issue a 'severe written warning';
- (c) Require 'under observation in the University';
- (d) Require a student 'to suspend study';
- (e) Require a student 'to withdraw from study';
- (f) Expel a student from the University.

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Approval date: 13 December 2018

Operational commencement date: 13 December 2018

Version number: Student Conduct Committee – Terms of Reference and Procedures 001