

POLICY ON STUDENT CONDUCT AND DISCIPLINE

applicable to all cohorts

DEFINITIONS

- 1) **The University** or **XJTLU** is Xi'an Jiaotong-Liverpool University;
- 2) **CAA** is the Centre for Academic Affairs;
- 3) **CSA** is the Centre for Student Affairs;
- 4) The **PRC** is the People's Republic of China;
- 5) **University accommodation** is accommodation owned by the University or accommodation provided under the terms of any agreement between the University and an accommodation provider;
- 6) **Including** means 'including but not limited to'. This means that examples provided do not constitute a complete list.

INTRODUCTION

- 7) The purpose of the *Policy on Student Conduct and Discipline* is to set out the standards of conduct and behaviour expected for our students to maintain and protect an environment which encourages learning and which is in keeping with the values of an international University.
- 8) This Policy sets out the authority of Xi'an Jiaotong-Liverpool University to take action to uphold standards of student conduct.
- 9) The Policy also sets out the rights of students who find themselves subject to disciplinary procedures and sets out the roles and responsibilities of those involved in administering this Policy and its related Procedures.
- 10) On registration, students agree to comply with all relevant University policies and procedures and the expected standards of behaviour. This Policy should be read together with:
 - a) Policy on Student Conduct and Discipline – Procedures
 - b) Policy on Student Conduct and Discipline – Guidelines
 - c) Student Charter;
 - d) Regulations on Student Administration of Xi'an Jiaotong-Liverpool University
 - e) International Student Visa Policy
 - f) Student Complaints Procedures
 - g) Regulations for the Conduct of Examinations,
 - h) Academic Integrity Policy;
 - i) Library and Museum Regulations, including:
 - i Copyright and Fair Use;

- j) Policy on the Control of Infectious Diseases
- k) Regulations on Dormitory Management
- l) Terms of Reference:
 - i Board of Discipline, Non-Academic Misconduct;
 - ii Board of Discipline, Academic Misconduct;
 - iii Board of Appeal, Non-Academic Misconduct;
 - iv Board of Appeal, Academic Misconduct.

KEY PRINCIPLES IN DEALING WITH STUDENT CONDUCT AND DISCIPLINE

- 11) The key principles underpinning this Policy are based on principles of natural justice which are that:
 - a) The University will act fairly and reasonably in all circumstances;
 - b) The University will follow its procedures in all circumstances;
 - c) Decisions which determine the guilt or otherwise of a student (or students) will be taken on the balance of probabilities and the weight of evidence;
 - d) Any penalty or punishment imposed as an outcome of a disciplinary procedure will be proportionate to the offence and may include, where appropriate, restorative penalties (including compensation and/or apology);
- 12) The University has a duty to inform the relevant authorities, such as the police, if it considers that a student is engaged in illegal activity. The University is legally obliged to assist the police in any criminal investigation involving any of its registered or enrolled students. Where a police investigation is instigated, the University will not instigate any student disciplinary proceedings until the outcome of the police investigation is known.
 - a) However, where the University considers there may be undesirable consequences for a student to remain on University premises or in University accommodation during the period of any official investigation, the student may be required to remain away from campus for a period normally not exceeding 90 calendar days.
 - b) The decision to require a student's absence under these circumstances is the responsibility of a member of the University's Senior Management Team and must be reported immediately to the Registry.
 - c) Where a student is absent under these circumstances, electronic submission of coursework will be permitted and reasonable adjustments will be made to permit the student to sit any examinations that fall within this period.
- 13) In the case of visiting or exchange students, the University has a duty to inform the home institution of any breach of this policy.

AUTHORITY FOR DISCIPLINARY ACTION

- 14) Academic Board will regulate and superintend the conduct and discipline of students and exercises this authority by delegation to the persons and bodies identified in this Policy. Any changes to this Policy and its Procedures shall be approved by Academic Board.
- 15) Authority for taking action for serious misconduct under the terms of this Policy is exercised by Academic Board through:
 - a) The Boards of Discipline;
 - b) The Boards of Appeal.
- 16) Authority to take action for misconduct which is deemed to be relatively minor is exercised by Academic Board under powers of summary jurisdiction, delegated to the authority of the Director of CAA (academic misconduct) or the Deputy Director of CSA (non-academic misconduct).
- 17) It is the responsibility of all staff and students to discourage any misconduct by students on University premises, in the online classroom, during field classes, placements or any other relevant off-site location. Any such conduct encountered by staff and students should be reported to the Director of CAA (academic misconduct) or the Deputy Director of CSA (non-academic misconduct) who will designate an Investigating Officer. The Investigating Officer will normally be a senior member of Professional Services staff from either the CAA or CSA, depending on the nature of the case.

SCOPE OF THE POLICY

- 18) All students enrolled or registered on a programme of study or research on any University premises are subject to the provisions of this Policy including but not restricted to:
 - a) Students who have arrived on campus to start their programme of study but who have not yet completed the formal registration processes;
 - b) Students who have completed their programme of study and who have become graduands of either XJTLU and/or the University of Liverpool. No student with any outstanding disciplinary matter against them shall be permitted to graduate from either the University of Liverpool or XJTLU, including those students who have registered an intention to appeal against a disciplinary action taken against them;
 - c) Students who are studying on the XJTLU campus as part of an exchange programme, as part of a short course programme, or as visiting students, ;
 - d) University of Liverpool students who are studying on the XJTLU campus as part of the 'Year In China', Study Abroad or any other programme;
 - e) Students who spend time off campus as part of their degree programme such as on placement, field classes or undertaking research.
- 19) Students articulating to the University of Liverpool as part of the 2+2 programme will be subject to policies in place at the University of Liverpool.
- 20) Disciplinary arrangements for those students who study with one or more institutional partners of XJTLU as part of their programme will be made explicit in that agreement and students will be informed of those arrangements when they register.
- 21) Students covered in paragraphs 19) and 20) above are considered by Chinese authorities to be still registered as XJTLU students and therefore may also be subject to XJTLU disciplinary policies and procedures. Misconduct will be dealt with on a case-by-case basis.

- 22) Disciplinary action can take place even when the misconduct occurs away from University premises or outside term-time.
- a) The *Regulations for the Conduct of Examinations* apply to overseas examination sites as well as those run on the XJTLU campus;
 - b) Student behaviour off campus and during vacations, weekends, evenings, on placements and field classes is covered by this Policy;
 - c) Student social activity is covered by this Policy, including usage of social media or other forms of communication whether or not University IT systems are used, or whether or not it takes place during normal University opening hours.
- 23) Students should be aware that their behaviour in a social setting, for example, in University accommodation, or on social media, may have consequences for their academic progress on their programme of study.
- 24) Students are required to inform the University via the CSA if they are charged or convicted of a crime, in China or abroad, whilst registered at the University.

PENALTIES

- 25) Students who violate the laws and regulations of the PRC and of the University may meet with the following penalties, along with the loss of certain privileges:
- a) Verbal reprimand;
 - b) Formal written warning;
 - c) Suspension of studies;
 - d) Termination of studies.
- 26) Lighter penalties may be imposed under summary jurisdiction.
- 27) The University reserves the right to terminate the studies of any student convicted of criminal activity.
- 28) If a student is found guilty of misconduct but studies are not terminated, s/he will be placed on disciplinary probation. Heavier penalties, including suspension and termination of studies, will be considered for second and subsequent offences.
- 29) Lighter penalties may be considered in certain circumstances, including :
- a) If a student co-operates fully with any investigation and takes action to repair or minimise damage caused;
 - b) If a student can prove that s/he committed an offence of misconduct as the result of bullying or intimidating behaviour by another party or other parties.

30) If a student is found guilty of misconduct, this may have a negative effect on their eligibility for commendation or achievement award.

ACTIVITIES CONSTITUTING ACADEMIC MISCONDUCT

31) For examples of activities that constitute academic misconduct, please refer to the University's: *Regulations for the Conduct of Examinations, Academic Integrity Policy; and Policy on Fair Use of Library E-Resources;*

ACTIVITIES CONSTITUTING NON-ACADEMIC MISCONDUCT

32) This section provides a guide to the type of activities which constitute misconduct. For detailed examples, please refer to the *Guidance On Student Code Of Conduct And Discipline (Non-Academic Misconduct)* which accompanies this policy. Activities which are not listed may also constitute misconduct.

33) Any contravention of the Constitution of the PRC or engagement in activities which are illegal in PRC, irrespective of the offender's nationality, race, religion, gender, disability, age, place of birth or normal country of residence.

34) Any breach of University Regulations, Policies or Codes of Practice, with particular reference to those named in Paragraph 10) above.

35) Public order offences.

36) Abuse of communications media, information systems, information, data and Library e-resources.

37) Substantial obstruction or interference with the functions, duties or legitimate activities of any student or member of staff of the University, or any visitor to the University.

38) Fraud, deceit, deception, dishonesty and/or unauthorised behaviour.

39) Failure to provide proof of identity when requested to do so.

40) Failure to comply with the terms of any punishment imposed as a result of the University's disciplinary procedures.

41) Actions which display contempt of any measures taken by the University as a result of a disciplinary procedure.

42) Any other conduct that may discredit the University or may bring the University into disrepute.

RIGHTS, ENTITLEMENTS AND RESPONSIBILITIES OF STUDENTS UNDER THIS POLICY

43) Under this Policy, and in line with the *Student Charter* and other University policies, the University acknowledges the rights and responsibilities of students and sets out implications for students of actions taken under the terms of this Policy as follows:

- a) Students must familiarise themselves with the legal requirements and social expectations of residents in the PRC;
- b) Students will be treated fairly and consistently within all disciplinary procedures;
- c) Students normally will be provided with written details of any allegations made against them which are to be investigated under the disciplinary procedures;

- d) Students are entitled and will be given the opportunity to state their case and to be heard in any disciplinary hearing;
- e) Students are entitled and will be given the opportunity to be accompanied at any disciplinary meeting or hearing;
- f) Where a student makes a counter-claim against any allegation, the University will investigate this;
- g) Students are expected to engage with any disciplinary procedures in a polite, courteous and prompt manner;
- h) Students are expected to attend disciplinary meetings when invited to do so;
- i) Students are expected to follow the disciplinary procedures and fulfil their responsibilities within them.

PROCEDURES

- 44) The Procedures relevant to this policy are detailed in *Student Conduct and Discipline Procedures* which accompany this document.

APPROVAL & REVISION LOG

DATE	APPROVED BY	DESCRIPTION
16-Jun-16	Student Experience Committee	Approved, subject to modifications, and it was decided to submit it to SMT
22-Jun-16	SMT	Approved to take immediate effect
		TOR Board of Discipline, formerly an Appendix of 'Regulations on the Conduct of Examinations', made Appendix 1 of this policy.
29-Jun-16	Academic Board	Approved
15-Jun-17	Student Experience Committee	Latest revisions approved.
21-Jun-17	Chair's action	
28-Jun-17	Academic Board	Approved to take effect in 2017/18.
15-Jan-19	Student Experience Committee	Extensive revisions for clarity. Procedures separated from Policy into separate document
17-Apr-19	Academic Board	Approved to take effect in 2019/20

GUIDANCE ON STUDENT CODE OF CONDUCT AND DISCIPLINE (NON-ACADEMIC MISCONDUCT)

DEFINITIONS

1. **The University** or **XJTLU** is Xi'an Jiaotong-Liverpool University;
2. The **PRC** is the People's Republic of China;
3. **University accommodation** is accommodation owned by the University or accommodation provided under the terms of any agreement between the University and an accommodation provider;
4. **Including** means 'including but not limited to'. This means that examples provided do not constitute a complete list.
5. **Unauthorised** means that the student has failed to obtain the necessary permissions and approval from the University and/or the local government or national government.
6. **Minimum penalty** is the lowest penalty that will be applied.
7. A **breach of the peace** is noisy or violent behaviour in a public place which disturbs other people.
8. **Common assault** is when a person assaults another person but does not cause a significant injury. An example: Person A hits Person B. Person B gets a nosebleed and a few bruises, but does not need to visit a doctor or go to hospital.
9. **Bodily harm** is when a person suffers significant injury as the result of a deliberate act by another person. Example 1: Person A rides a bicycle recklessly on campus. S/he does not mean to hurt anyone, but as a result of this reckless action, Person B suffers an injury so serious that s/he needs to visit a doctor or hospital. Example 2: Person A hits Person B and causes an injury so serious that Person B needs to visit a doctor or a hospital.
10. **Grievous bodily harm** is when a person suffers serious injury as the result of a deliberate act by another person. Examples of serious injury include injury resulting in permanent disability, loss of sensory function or visible scarring; broken bones; injuries which cause heavy bleeding, usually resulting in a transfusion; injuries which need lengthy treatment; serious psychiatric damage.

INTRODUCTION

11. In order to ensure that judgements appear fair and just, this document lists the minimum penalty that will be imposed for an offences that constitute non-academic misconduct.
12. Heavier penalties, including suspension or termination of studies, will be considered for second and subsequent offences or on a case-by-case basis depending on the consequence of the action.

13. This document must be read in conjunction with the University's **Policy on Student Conduct and Discipline**.

- a. Verbal reprimand;
- b. Formal written warning;
- c. Suspension of studies;
- d. Termination of studies.

MINIMUM PENALTIES

14. This section provides a guide to activities which constitute misconduct and the minimum penalties which will be imposed. However, any activity which does not appear in this list may still be regarded as constituting misconduct. Criminal activity will be reported to the appropriate authorities.

ACTIVITY	MINIMUM PENALTY
Public order offences, including:	
15. Any breach of the peace, including being drunk and disorderly in a public place, on University premises or in University accommodation.	Verbal reprimand
16. Fighting or brawling, whether on University premises, in University accommodation or in public spaces	Formal warning
17. Common assault	Formal warning
18. Causing or inflicting bodily harm to another person	Suspension of studies
19. Causing or inflicting grievous bodily harm to another person	Termination of studies
20. Using obscene, offensive or threatening language, including in University accommodation	Verbal reprimand
21. Intentional or reckless damage or defacement to movable or immovable property without the owner's consent, including graffiti;	Formal warning
22. Littering (the improper disposal of garbage or waste);	Verbal reprimand
23. Begging;	Formal warning
24. Rioting;	Suspension of studies

25. Participation in gambling	Formal written warning
26. Organising gambling	Suspension of studies
27. Public indecency	Verbal reprimand
28. Unwarranted setting off of fire alarms and/or unauthorised use of fire-fighting equipment on University premises, in University accommodation or in any public place;	Formal written warning
29. Illegal or dangerous use of a motorised or non-motorised vehicle on University premises or any other place;	Formal written warning
30. Violent, harassing, indecent, disorderly, threatening, intimidating or offensive behaviour or language (whether expressed orally, in writing or electronically, including through blogs, social media, websites and other electronic means);	Formal written warning
31. Any behaviour which could constitute discrimination or harassment on the grounds of sexual orientation, gender, gender re-assignment, race, religion, disability or age;	Formal written warning
32. Acting as the leader of an unauthorised group event;	Formal written warning
33. Establishing any form of unauthorised organisation;	Formal written warning
34. Undertaking any form of activity which places a student, staff member or member of the public in danger;	Suspension of studies
35. The possession, sale, supply or use or misuse of any controlled substance;	Suspension of studies
36. Unauthorised possession of any firearm or offensive weapon;	Suspension of studies
Abuse of communications media, information systems, information and data, including :	
37. Distribution or publication of a poster, notice, sign or any publication including audio-visual material, all types of social media, blog, web-page, which is offensive, intimidating, threatening, indecent or illegal;	Formal written warning
38. Unauthorised retention and/or opening of mail, parcels or other correspondence	Verbal reprimand
Misuse of computers or the communications network, including	
39. Unauthorised use of the University's logo or name, or any misuse of the University's information systems, including social media;	Verbal reprimand

40. Hacking or attacking other people's computer systems and/or mobile communications networks, whether by programming, disseminating or using a computer virus or by the unauthorised use of a password;	Formal written warning
Fabrication and/or dissemination of:	
41. Confidential, proprietary and/or classified information of significance to the PRC and/or the University;	Suspension of studies
42. Information which infringes upon the legal rights and interests of other parties;	Formal written warning
43. Illegal websites, texts, audio and/or video recordings.	Formal written warning
Fraud, deceit, deception, dishonesty and/or unauthorised behaviour, including:	
44. Bribery or attempted bribery including offering or giving money, gifts or any other advantage to any student or employee of the University or any visitor to the University with the intention of inducing that person to perform their role improperly or of rewarding that person for performing his/her role improperly;	Suspension of studies
45. Misrepresentation or falsification of pre-entry qualifications, previous study, work experience, or personal statement which emerges post-admission to a programme of study;	Suspension of studies
46. Misuse or transfer to someone else of personal information including Library cards, student ID cards, valid certificates;	Formal written warning
47. Failure to declare a criminal conviction during the admissions process;	Formal written warning
48. Failure to use the prescribed procedures to inform the University of a criminal conviction received whilst registered on a programme of study at the University;	Suspension of studies
49. Theft, misappropriation, unauthorised use or misuse and/or selling of another's property;	Formal written warning
50. Any falsification of student attendance or transcript records;	Formal written warning
Other Activities	
51. Substantial obstruction or interference with the functions, duties or legitimate activities of any student or member of staff of the University, or any visitor to the University.	Formal written warning
52. Taking action to stop or hinder any investigation into alleged misconduct committed under the terms of this policy, including	Formal written warning

XJTLU

investigations taken on behalf of the University in University accommodation.	
53. Flouting the University's principle of separating education and religion by carrying out religious activities on University property or in University accommodation.	Formal written warning
54. Action which may cause injury, or harm (physical or mental), or jeopardise the safety of others;	Suspension of studies
55. Unauthorised or inappropriate use of sporting equipment, resulting in injury or the risk of injury to others;	Formal written warning
56. Unauthorised use or occupation of any premises;	Formal written warning
57. Failure to provide proof of identity when requested to do so;	Formal written warning
58. Failure to comply with the terms of any punishment imposed as a result of the University's disciplinary procedures;	Suspension of studies
59. Actions which display contempt of any measures taken by the University as a result of a disciplinary procedure;	Suspension of studies
60. Any other conduct that may discredit the University or may bring the University into disrepute.	Formal written warning

APPROVAL AND REVISION LOG

DATE	APPROVED BY	DESCRIPTION
15-Jan-2019	Student Experience Committee	Guidelines approved.

STUDENT CONDUCT AND DISCIPLINE PROCEDURES

DEFINITIONS

1. **The University** or **XJTLU** is Xi'an Jiaotong-Liverpool University.
2. **CAA** is the Centre for Academic Affairs
3. **CSA** is the Centre for Student Affairs

BOARDS OF DISCIPLINE

4. Misconduct will be dealt with according to the nature of the offence.
 - a. Procedures for academic misconduct are detailed in the Terms of Reference for the Board of Discipline, Academic Misconduct
 - b. Procedures for non-academic misconduct are detailed in the Terms of Reference for the Board of Discipline, Non-Academic Misconduct

SUMMARY JURISDICTION

5. Imposition of any penalties under Summary Jurisdiction has to be fair, reasonable and proportionate and can only be decided by the Director of CAA (or nominated delegate) in consultation the Deputy Director of CSA (or nominated delegate).
6. Penalties such as suspension of studies or changing any mark or result determined by a Board of Examiners may **ONLY** be taken by the Board of Discipline following the appropriate procedures.
7. Any action to be taken against a student under summary jurisdiction should be taken following an investigation and on the advice of the designated Investigating Officer

RIGHT TO APPEAL

8. Every student has the right to appeal against a penalty imposed under Summary Jurisdiction or by a Board of Discipline.
9. The appeals process depends upon the nature of the misconduct.
 - a. Appeals taken against a penalty imposed as a result of academic misconduct will follow the Disciplinary Appeals Procedure – academic misconduct.
 - b. Appeals taken against a penalty imposed as a result of non-academic misconduct will follow the Disciplinary Appeals Procedure – non-academic misconduct.