

# NATIONAL UNIVERSITY OF SINGAPORE

## REGULATION 10

### DISCIPLINE WITH RESPECT TO STUDENTS

#### **(A) CLASSIFICATION OF OFFENCES GIVING RISE TO DISCIPLINARY PROCEEDINGS AND PROCEDURES FOR INITIATING DISCIPLINARY PROCEEDINGS**

1. Offences giving rise to disciplinary proceedings shall be classified as:
  - (a) Minor and Moderate Offences; or
  - (b) Serious Offences.
2. Minor and Moderate Offences are offences which may disturb, create a nuisance to others, disrupt or improperly interfere with academic, administrative, sporting, social or other activities of the University to a minor or limited extent.
3. Serious Offences are offences of substantial or significant gravity which may materially or seriously affect and damage the interests and/or proper functioning of the University, including but not limited to:
  - (a) any serious breach of academic integrity in connection with the conferment of any degree, diploma, certificate or other academic assessment;
  - (b) any offence that involves or results in criminal activity;
  - (c) any offence that involves or results in ragging; and
  - (d) any act or behaviour that is or may be materially or seriously detrimental to the reputation, dignity, interest or welfare of the University.
4. Complaints or allegations that a student has committed a Minor or Moderate Offence may be referred to the Head of the relevant Academic or Non-Academic Unit:
  - (a) if the complaint clearly does not involve a possible Serious Offence, the Head shall proceed to adjudicate the case in accordance with the procedures set out in Section B of these Regulations; and
  - (b) if the complaint could involve a possible Serious Offence, the Head shall refer the case to the Provost in accordance with Clause 5 of these Regulations.
5. Complaints or allegations that a student has committed a Serious Offence may be referred to the Provost:
  - (a) if the Provost is of the view that the complaint involves a possible Serious Offence and would be appropriately determined by the Board of Discipline, the Provost shall convene the Board of Discipline in accordance with Regulation 2 to adjudicate the case; and
  - (b) if the Provost is of the view that the complaint does not involve a possible Serious Offence and would be appropriately determined by the Head of the relevant Academic or Non-Academic Unit, the Provost shall authorise the Head to adjudicate the case and the Head shall proceed to adjudicate the case in accordance with the procedures set out in Section D of these Regulations.

6. Decisions of the Provost made pursuant to Clause 5 of these Regulations shall be final and binding.
  7. In the event that there would be a conflict of interest arising from the Provost's exercise of the powers in Clause 5 of these Regulations, the complaints or allegations shall be referred to the President who shall exercise the powers in Clause 5 of these Regulations. In the event that there would also be a conflict of interest arising from the President's exercise of the powers in Clause 5 of these Regulations, the complaints or allegations shall be referred to the Chairman of the Board of Trustees who shall exercise the powers in Clause 5 of these Regulations.
- (B) PROCEDURES FOR DISCIPLINARY PROCEEDINGS BEFORE HEADS OF ACADEMIC AND NON-ACADEMIC UNITS**
8. Where disciplinary proceedings are to be adjudicated by the Head of an Academic or Non-Academic Unit, the Head shall ensure that the student who is the subject of the disciplinary proceedings is given:
    - (a) reasonable notice of the alleged offence(s); and
    - (b) a reasonable opportunity to raise any matters which the student wishes to rely on in his or her defence and/or mitigation.
  9. The Head shall not reach any decision in respect of the disciplinary proceedings against the student, or exercise any of the disciplinary powers set out in Clause 10 of Statute 6 on Discipline With Respect To Students, unless the requirements in Clause 8 of these Regulations have been satisfied and the Head has given due consideration to the available evidence. In addition, the Head shall only exercise any of the disciplinary powers set out in Clause 10 of Statute 6 on Discipline With Respect To Students if the student is an existing student of the University at the time the alleged offences are adjudicated by the Head.
  10. Where the Head is satisfied that the alleged offence(s) was committed by the student, the Head shall notify the student within a reasonable time:
    - (a) of the offence(s) which the student is found to have committed;
    - (b) of the sanction(s) imposed against the student;
    - (c) that the student may, within a stipulated time limit and upon payment of a deposit stipulated by these Regulations, appeal to the Dean of the corresponding Faculty (in the case of disciplinary action by a Head of a Faculty-based Academic Unit) or the Dean of Students (in the case of disciplinary action by a Head of a non Faculty-based Academic Unit or a Head of a Non-Academic Unit); and
    - (d) that the Dean of the relevant Faculty or the Dean of Students (as the case may be) may affirm, vary or discharge the sanction(s) imposed in the first instance.
  11. A decision made by the Head of an Academic or Non-Academic Unit shall be final and binding on the student, subject to any decision on appeal made by the Dean of the relevant Faculty or the Dean of Students (as the case may be). Where the Head thinks fit, the Head may stay and/or suspend any sanction(s) imposed against the student pending the latter's appeal
  12. For record purposes, the Heads of Academic and Non-Academic Units shall inform the Secretary referred to in Section F of these Regulations in the event that they exercise any of the disciplinary powers set out in Clause 10 of Statute 6 on Discipline With Respect To Students to impose sanction(s) against students who have been found to have committed offence(s).

**(C) PROCEDURES FOR APPEALS TO DEANS**

13. Within fourteen days after receiving notice of the decision of the Head of an Academic or Non-Academic Unit, a student may appeal to the Dean of the corresponding Faculty (in the case of disciplinary action by a Head of a Faculty-based Academic Unit) or the Dean of Students (in the case of disciplinary action by a Head of a non Faculty-based Academic Unit or a Head of a Non-Academic Unit) by:
  - (a) giving notices in writing to the Head whose decision is being appealed against and the Dean of the relevant Faculty or the Dean of Students (as the case may be); and
  - (b) making payment of a deposit of Singapore Dollars Fifty (S\$50). If the Dean of the relevant Faculty or the Dean of Students (as the case may be) subsequently discharges or reduces any of the sanction(s) imposed in the first instance, this deposit shall be refunded to the student. Otherwise the deposit shall be forfeited.
14. In response to an appeal, the Dean of the relevant Faculty or the Dean of Students (as the case may be) shall ensure that the student is given a reasonable opportunity to address the Dean on any matters which the student wishes to rely on in his or her appeal.
15. The Dean of the relevant Faculty or the Dean of Students (as the case may be) shall not reach any decision in respect of the student's appeal, or exercise any of the disciplinary powers set out in Clause 10 of Statute 6 on Discipline With Respect To Students, unless the requirements in Clause 14 of these Regulations have been satisfied and the Dean has given due consideration to the available evidence. In addition, the Dean shall only exercise any of the disciplinary powers set out in Clause 10 of Statute 6 on Discipline With Respect To Students if the student is an existing student of the University at the time the appeal is adjudicated by the Dean.
16. Where the Dean of the relevant Faculty or the Dean of Students (as the case may be) decides to allow the student's appeal, the Dean may discharge and/or vary any sanction(s) imposed in the first instance in any manner that the Dean deems fit.
17. Where the Dean of the relevant Faculty or the Dean of Students (as the case may be) decides to dismiss the student's appeal, the Dean shall affirm the sanction(s) imposed in the first instance unless the Dean is of the view that the sanction(s) imposed in the first instance would be manifestly inadequate in all the circumstances of the case, in which case the Dean may impose such other sanction(s) in substitution therefor as the Dean thinks ought to have been imposed.
18. After a decision has been made, the Dean of the relevant Faculty or the Dean of Students (as the case may be) shall notify the student within a reasonable time of the Dean's decision to dismiss or allow the appeal and whether the sanction(s) imposed on the student in the first instance shall be affirmed, varied or discharged.
19. Pending the outcome of any appeal to the Dean of the relevant Faculty or the Dean of Students (as the case may be), and subject to the relevant Head's discretion to stay and/or suspend any sanction(s) imposed against the student pursuant to Clause 11 of these Regulations, the decision being appealed against shall remain in force and be valid and binding upon the student.
20. A decision made by the Dean of the relevant Faculty or the Dean of Students (as the case may be) shall be final and binding on the student.
21. For record purposes, the Deans of Faculties and the Dean of Students shall inform the Secretary referred to in Section F of these Regulations of the outcome of any appeals adjudicated by them.

**(D) PROCEDURES FOR DISCIPLINARY PROCEEDINGS BEFORE THE BOARD OF DISCIPLINE**

22. Where disciplinary proceedings are to be adjudicated by the Board of Discipline, the Board shall meet to adjudicate the disciplinary matter, adjourn and otherwise regulate its meetings in accordance with the following procedures:

Notice to student

- (a) Within a reasonable time after the Board of Discipline has been convened, the Secretary to the Board of Discipline shall issue a notice (the "Notice") to the student who is the subject of the disciplinary proceedings. The Notice shall identify the alleged offence(s) giving rise to disciplinary proceedings against the student under Clause 3 of Statute 6 on Discipline With Respect To Students. The Notice shall also contain adequate particulars of the alleged misconduct by the student which constitutes the said offence(s).
- (b) Upon receipt by the student of the Notice, the student may, within such period as may be specified in the Notice, make submissions and provide documentary evidence to the Board of Discipline in respect of the matter(s) specified in the Notice.

Documentary evidence and attendance of persons

- (c) The Board of Discipline may at any time request the production of such documentary evidence as the Board of Discipline deems appropriate for the fair adjudication of the matter for the purposes of any oral or paper hearing.
- (d) Except for documentary evidence which is provided to the Board of Discipline by the student, any other relevant documentary evidence or any relevant part of documentary evidence which is provided and/or produced to the Board of Discipline and which will be relied on by the Board of Discipline shall also be provided to the student. The student shall be given a reasonable opportunity to make submissions on any such documentary evidence provided to him or her.
- (e) The Board of Discipline may at any time request the attendance of such persons as the Board of Discipline deems appropriate for the fair adjudication of the matter at any oral hearing.

Hearing

- (f) The Board of Discipline shall consider the disciplinary matter before it by way of a paper hearing or an oral hearing as it deems fit. All hearings and proceedings shall be conducted in the English language.
- (g) At the hearing, the Board of Discipline shall adjudicate the matter(s) specified in Notice on the basis of the Notice, any submissions, any relevant documentary evidence provided and/or produced to the Board of Discipline and any oral testimonies of persons appearing before the Board of Discipline (in the case of an oral hearing).
- (h) The Board of Discipline shall have the discretion to adjourn any hearing where it deems fit. For the avoidance of doubt, where there are ongoing criminal investigations, prosecutions and/or proceedings against the student, it shall be reasonable for the Board of Discipline to adjourn any hearing pending the determination of the said criminal investigations, prosecutions and/or proceedings.
- (i) In the case of an oral hearing, the Board of Discipline shall fix a date and time for the oral hearing and provide the student at least fourteen days' notice of the hearing.

- (j) In the case of an oral hearing, the student shall have the right to attend and make submissions at the hearing. The student may be accompanied by legal counsel provided that due notice is given to the Board of Discipline by the student at least seven days before the hearing date giving the legal counsel's qualifications and other details that the Board of Discipline may require. The student's legal counsel may give legal advice to the student and make submissions to the Board of Discipline on behalf of the student during the oral hearing.
- (k) In the case of an oral hearing, the student may be accompanied by a translator provided that due notice is given to the Board of Discipline by the student at least seven days before the hearing date giving the translator's qualifications and other details that the Board of Discipline may require, and the Board of Discipline is of the view that the presence of the proposed translator would be appropriate for the fair adjudication of the matter.
- (l) In the case of an oral hearing, the Board of Discipline shall be entitled to question the student and any persons who appear at the hearing to testify. The Board of Discipline may also grant the student permission to question such persons if the Board of Discipline is of the view that doing so would be appropriate for the fair adjudication of the matter.
- (m) If the student or any other person(s) requested by the Board of Discipline to attend an oral hearing fail(s) to appear at the oral hearing, the Board of Discipline may, upon proof of service of the notice of the hearing, proceed to hear and determine the proceedings in their absence.
- (n) There shall be written minutes or records of any paper or oral hearing. Such records of hearing shall be strictly confidential. The University may use or disclose any records of hearings for any purposes it deems fit. A student shall only be entitled to a copy of the record of hearing where it relates to disciplinary proceedings that he or she was subject to and (i) for the purposes of an appeal to the Disciplinary Appeals Board by that student or (ii) where disclosure by the University is required by law. The University shall be entitled to dispose of any records of hearing in the usual course of business in accordance with its document disposal policies, practices or procedures as may be applicable from time to time.

#### Rules of Evidence

- (o) Rules of evidence do not apply to the conduct by the Board of Discipline of any disciplinary hearing. The Board of Discipline may attach such weight as it thinks appropriate to any material produced to it, notwithstanding that such material may not be admissible in civil or criminal proceedings.

#### University Legal Counsel

- (p) The Board of Discipline may request legal counsel of the University to attend any paper or oral hearing and/or any meetings of the Board of Discipline for the purpose of giving legal advice to the Board of Discipline.

#### Observer

- (q) The Provost may appoint an observer to attend any hearings and/or meetings of the Board of Discipline, provided that the student does not object. Such an observer shall not be considered a member of the Board of Discipline, and shall not participate in the adjudication of the disciplinary matter.

### Decision

- (r) The Board of Discipline shall not reach any decision in respect of the disciplinary proceedings against the student, or exercise any of the disciplinary powers set out in Clause 11 of Statute 6 on Discipline With Respect To Students, unless the Board of Discipline is satisfied that the student has had a reasonable opportunity to make submissions on the matter(s) specified in the Notice, the relevant or relevant parts of documentary evidence provided and/or produced to the Board of Discipline and any oral testimonies (in the case of an oral hearing), and has been given a fair hearing.
  - (s) In the event that the members of the Board of Discipline are unable to reach a unanimous decision, the Board of Discipline shall render its decision by majority vote.
23. After a decision has been made, the Board of Discipline shall inform the Secretary to the Board of Discipline of its findings and any sanction(s) to be imposed on the student. Within seven days or as soon as reasonably practicable after receipt of the Board of Discipline's decision, the Secretary to the Board of Discipline shall notify the student:
- (a) of the offence(s) which the student is found to have committed;
  - (b) of the sanction(s) imposed against the student;
  - (c) that the student may, within a stipulated time limit and upon payment of a deposit stipulated by these Regulations, appeal to the Disciplinary Appeals Board; and
  - (d) that the Disciplinary Appeals Board may affirm, vary or discharge the sanction(s) imposed in the first instance.
24. A decision made by the Board of Discipline shall be final and binding on the student, subject to any decision on appeal made by the Disciplinary Appeals Board. Where the Board of Discipline thinks fit, the Board of Discipline may stay and/or suspend any sanction(s) imposed against the student pending the latter's appeal.

### **(E) PROCEDURES FOR APPEALS TO THE DISCIPLINARY APPEALS BOARD**

25. Within fourteen days after receiving notice of the decision of the Board of Discipline, a student may appeal to the Disciplinary Appeals Board by:
- (a) giving notice in writing to the Secretary to the Disciplinary Appeals Board. The notice shall set out full details of the grounds of the student's appeal and the relief sought; and
  - (b) making payment of a deposit of Singapore Dollars Three Hundred (S\$300). If the Disciplinary Appeals Board subsequently discharges or reduces any of the sanction(s) imposed in the first instance, this deposit shall be refunded to the person. Otherwise the deposit shall be forfeited.
26. The Disciplinary Appeals Board shall consider an appeal, adjourn and otherwise regulate its meetings in accordance with the following procedures:

#### Documentary evidence and attendance of persons

- (a) An appeal shall not be a full rehearing of the matter. The Disciplinary Appeals Board shall not consider new evidence unless such evidence was not reasonably available to the student or the Board of Discipline (as the case may be) at any time prior to the hearing before the Board of Discipline.

- (b) Subject to the above restriction on the introduction of new evidence, the Disciplinary Appeals Board may at any time request the production of such new documentary evidence as the Disciplinary Appeals Board deems appropriate for the fair adjudication of the matter for the purposes of any oral or paper hearing.
- (c) Except for new documentary evidence which is provided to the Disciplinary Appeals Board by the student, any other new relevant documentary evidence or any relevant part of new documentary evidence which is provided and/or produced to the Disciplinary Appeals Board and which will be relied on by the Disciplinary Appeals Board shall also be provided to the student. The student shall be given a reasonable opportunity to make submissions on any such new documentary evidence provided to him or her.
- (d) Subject to the above restriction on the introduction of new evidence, the Disciplinary Appeals Board may at any time request the attendance of such persons as the Disciplinary Appeals Board deems appropriate for the fair adjudication of the matter at any oral hearing.

#### Hearing

- (e) The Disciplinary Appeals Board shall consider the appeal by way of a paper hearing unless in the opinion of the Disciplinary Appeals Board, it is inappropriate for the appeal to be considered by way of a paper hearing or unless the student requests that the appeal be considered by way of an oral hearing. All hearings and proceedings shall be conducted in the English language.
- (f) At the hearing, the Disciplinary Appeals Board shall adjudicate the appeal on the basis of the student's notice of appeal, any submissions, the records or minutes of the first instance hearing, the evidence adduced in the first instance and, subject to the restriction on the introduction of new evidence referred to above, any new relevant documentary evidence provided and/or produced to the Disciplinary Appeals Board and any new oral testimonies of persons appearing before the Disciplinary Appeals Board (in the case of an oral hearing).
- (g) The Disciplinary Appeals Board shall have the discretion to adjourn any hearing where it deems fit. For the avoidance of doubt, where there are ongoing criminal investigations, prosecutions and/or proceedings against the student, it shall be reasonable for the Disciplinary Appeals Board to adjourn any hearing pending the determination of the said criminal investigations, prosecutions and/or proceedings.
- (h) In the case of a paper hearing, the student, the Provost and/or any member of the Board of Discipline shall, subject to the restriction on the introduction of new evidence referred to above, have the right to make written submissions to the Disciplinary Appeals Board.
- (i) In the case of an oral hearing, the Disciplinary Appeals Board shall fix a date and time for the oral hearing and provide the student at least fourteen days' notice of the hearing.
- (j) In the case of an oral hearing, the student, the Provost and/or any member of the Board of Discipline shall have the right to attend and/or, subject to the restriction on the introduction of new evidence referred to above, the right to make submissions at the hearing. The student may be accompanied by legal counsel provided that due notice is given to the Disciplinary Appeals Board by the student at least seven days before the hearing date giving the legal counsel's qualifications and other details that the Disciplinary Appeals Board may require. The student's legal counsel may give legal advice to the student and make submissions to the Disciplinary Appeals Board on behalf of the student during the oral hearing.

- (k) In the case of an oral hearing, the student may be accompanied by a translator provided that due notice is given to the Disciplinary Appeals Board by the student at least seven days before the hearing date giving the translator's qualifications and other details that the Disciplinary Appeals Board may require, and the Disciplinary Appeals Board is of the view that the presence of the proposed translator would be appropriate for the fair adjudication of the matter.
- (l) In the case of an oral hearing, subject to the restriction on the introduction of new evidence referred to above, the Disciplinary Appeals Board shall be entitled to question the student and any persons who appear at the hearing to testify. The Disciplinary Appeals Board may also grant the student permission to question such persons if the Disciplinary Appeals Board is of the view that doing so would be appropriate for the fair adjudication of the matter.
- (m) If the student or any other person(s) requested by the Disciplinary Appeals Board to attend an oral hearing fail(s) to appear at the oral hearing, the Disciplinary Appeals Board may, upon proof of service of the notice of the hearing, proceed to consider the appeal in their absence.
- (n) There shall be written minutes or records of any paper or oral hearing. Such records of hearing shall be strictly confidential. The University may use or disclose any records of hearings for any purposes it deems fit. A student shall only be entitled to a copy of the record of hearing where it relates to disciplinary proceedings that he or she was subject to and where disclosure by the University is required by law. The University shall be entitled to dispose of any records of hearing in the usual course of business in accordance with its document disposal policies, practices or procedures as may be applicable from time to time.

#### Rules of Evidence

- (o) Save for the restriction on the introduction of new evidence referred to above, rules of evidence do not apply to the conduct of any appeal hearing. The Disciplinary Appeals Board may attach such weight as it thinks appropriate to any material presented before it, notwithstanding that such material may not be admissible in civil or criminal proceedings.

#### University Legal Counsel

- (p) The Disciplinary Appeals Board may request legal counsel of the University to attend any paper or oral hearing and/or any meetings of the Disciplinary Appeals Board for the purpose of giving legal advice to the Disciplinary Appeals Board.

#### Decision

- (q) The Disciplinary Appeals Board shall not reach any decision in respect of the student's appeal, or exercise any of the disciplinary powers set out in Clause 11 of Statute 6 on Discipline With Respect To Students, unless the Disciplinary Appeals Board is satisfied that the student has had a reasonable opportunity to make submissions in relation to the appeal, any new relevant documentary evidence or any relevant part of new documentary evidence introduced during the appeal and any new oral testimonies (in the case of an oral hearing), and has been given a fair hearing.
- (r) In the event that the members of the Disciplinary Appeals Board are unable to reach a unanimous decision, the Disciplinary Appeals Board shall render its decision by majority vote.
- (s) Where the Disciplinary Appeals Board decides to allow the student's appeal, the Disciplinary Appeals Board may discharge and/or vary any sanction(s) imposed in the first instance in any manner that the Disciplinary Appeals Board deems fit.



- (t) Where the Disciplinary Appeals Board decides to dismiss the student's appeal, the Disciplinary Appeals Board shall affirm the sanction(s) imposed in the first instance unless the Disciplinary Appeals Board is of the view that the sanction(s) imposed in the first instance would be manifestly inadequate in all the circumstances of the case, in which case the Disciplinary Appeals Board may impose such other sanction(s) in substitution therefor as it thinks ought to have been imposed.

Power to dismiss frivolous or vexatious appeals

- (u) Notwithstanding any provision to the contrary, if the Disciplinary Appeals Board is satisfied, after considering the notice of appeal submitted by the student pursuant to Clause 25(a) of these Regulations or at any later stage of the appeal proceedings, that the appeal is frivolous or vexatious or was not brought in good faith, the Disciplinary Appeals Board may by unanimous vote decide to refuse to entertain the appeal and dismiss the appeal.
27. After a decision has been made, the Disciplinary Appeals Board shall inform the Secretary to the Disciplinary Appeals Board of its decision to dismiss or allow the appeal and whether the sanction(s) imposed on the student in the first instance shall be affirmed, varied or discharged. Within seven days or as soon as reasonably practicable after receipt of the Disciplinary Appeals Board's decision, the Secretary to the Disciplinary Appeals Board shall notify the student of the same.
28. Pending the outcome of any appeal to the Disciplinary Appeals Board, and subject to the Board of Discipline's discretion to stay and/or suspend any sanction(s) imposed against the student pursuant to Clause 24 of these Regulations, the decision being appealed against shall remain in force and be valid and binding upon the student.
29. A decision of the Disciplinary Appeals Board shall be final and binding on the student.

**(F) ADMINISTRATIVE AND LOGISTICAL ARRANGEMENTS**

30. The Registrar or such entity as the Provost may designate shall serve as the Secretary to the Board of Discipline and the Disciplinary Appeals Board and shall carry out all administrative and logistical functions pertaining to any disciplinary matters before these two bodies, including but not limited to:
- (a) notifying the student concerned of any summary action taken by the Provost pursuant to Clause 14 of Statute 6 on Discipline With Respect to Students;
  - (b) issuing the Notice to the student concerned pursuant to Clause 22(a) of these Regulations;
  - (c) notifying the student concerned of any decision made pursuant to Clauses 23 and 27 of these Regulations;
  - (d) liaising with the student concerned on the provision of any submissions and documentary evidence by the student, and the provision of any copies of documentary evidence to the student;
  - (e) liaising with the relevant parties on any requests by the Board of Discipline or the Disciplinary Appeals Board for the production of documents or the attendance of persons;
  - (f) notifying the student concerned of the date and time of any oral hearing(s) to be convened; and
  - (g) producing and storing written records of any hearings.