

STUDENT CODE OF CONDUCT

FOR

**CYBERJAYA UNIVERSITY COLLEGE
OF MEDICAL SCIENCES
(CUCMS)**

**CYBERJAYA UNIVERSITY COLLEGE OF MEDICAL SCIENCES
STUDENT CODE OF CONDUCT 2013**

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section

1. Citation
2. Introduction
3. Preamble
4. Interpretation

PART II
GENERAL DISCIPLINARY MATTERS

5. Categories of Misconduct
6. Minor Misconduct
7. Further Disciplinary rules
8. Penalties for minor misconduct
9. Major Misconduct
10. Gross Misconduct
11. Misconduct that is also criminal offence or is subject to civil action
12. Aggravating/mitigating circumstances

PART III
ACADEMIC MISCONDUCT

13. Introduction
14. Plagiarism
15. Cheating
16. Unfair Academic advantage
17. Falsifying Grade Reports
18. Misrepresentation to avoid Academic Work
19. Fabrication or falsification
20. Misuse of Computers or Computing Resources
21. Cheating in examination
22. Additional academic misconduct
23. Referral to Summary/Formal Student Disciplinary Procedure

PART IV
HOSTEL DISCIPLINE

24. Introduction
25. Student Discipline and Conduct
26. General Prohibitions
27. Visitors
28. Hostel Residential Committee
29. Leaving Hostel after Examination
30. Financial responsibilities
31. Warden's power
32. Serious/less serious breaches
33. Applicability of University's rules and regulations

PART V
ROAD TRAFFIC RULES

34. Introduction
35. Vehicle permitted on the University roads
36. Duty to display permit
37. How to obtain permit
38. Conditions for grant of permits
39. Validity of permit
40. Parking
41. When stopping is proper
42. Towing/Storage
43. Other offences under the Rules
44. Fines for parking and moving violations
45. Driving and cycling on the University roads
46. Enforcement of Rules
47. Referral to disciplinary hearing/penalties
48. Amendment to Rules

PART VI
FORMAL STUDENT DISCIPLINARY PROCEDURE

49. Responsibilities and rights of students
50. Responsibilities and rights of the University
51. Responsibilities and rights of Compliance and Disciplinary Unit
52. Disciplinary authority in respect of students
53. Responsibility for student discipline
54. Power to nominate
55. Compliance & Disciplinary Unit
56. Formation of Student Disciplinary Board for disciplinary hearings
57. The Student Disciplinary Board
58. Duties of Chairman/ Members of the Student Disciplinary Board
59. Pending Disciplinary matters
60. Rules to be complied with by students
61. Initiation of Disciplinary Proceedings
62. Preliminary interview
63. Referral to Summary Procedure
64. Penalties under Summary Procedure
65. Notification to proceed to the formal stage
66. Suspension pending hearing
67. Investigation
68. Investigatory interview
69. Statements of witnesses
70. Investigation Report
71. Case Report
72. Notice of Hearing
73. Length of Notice
74. Contents of the Notice
75. Service of Notice
76. The Formal Student Disciplinary Hearing
77. How parties will be presented
78. The order of proceedings at the hearing before the Disciplinary Board
79. Powers of the Student Disciplinary Board
80. Standard of Proof
81. Adjournment of hearings
82. Pronouncement of decision
83. Penalties under formal disciplinary procedure
84. Non-payment of fine/compensation
85. Confidentiality of proceedings
86. Custody and disposal of exhibits
87. Register of Disciplinary Proceedings
88. Report of Proceedings

PART V
APPEALS STAGE

89. Appeal in writing to the Registrar General within 14 days
90. Grounds of appeal
91. Appointment of a Committee to hear the appeal
92. Written Representation
93. Decision of Appeal
94. Communication of decision
95. Disposal/destruction of exhibits
96. Monitoring
97. Flow chart
98. Implementation date

APPENDICES

- Appendix A - Sample Letter to student. Re: Suspension
- Appendix B - Sample Letter to student. Re: Investigatory Interview
- Appendix C - Sample Notice of Disciplinary Action
- Appendix D - Flow chart

**CYBERJAYA UNIVERSITY COLLEGE OF MEDICAL SCIENCES
STUDENT CODE OF CONDUCT 2013**

In exercise of the powers conferred by section 41(1) and (2) of the Constitution of the Cyberjaya College of Medical Sciences (CUCMS) which is drawn up pursuant to section 30(1) of the Private Higher Educational Institutions Act 1996 [Act 555] (the Act), the Board of Governors of the Cyberjaya University College of Medical Sciences (CUCMS) does hereby make the following rules:

**PART 1
PRELIMINARY**

Citation

1. These rules may be cited as the **Cyberjaya University College of Medical Sciences Student Code of Conduct 2013**.

Introduction

2. The University Student Code of Conduct 2013 is intended to provide a clearly formulated and impartial process for dealing with allegations relating to student discipline and behaviour within a reasonable timescale, having due regard to the rules of natural justice.

Preamble

3. (a) The University is committed to supporting its students in carrying out their responsibilities to the highest possible standard within a culture which encourages productive and co-operative learning practices.

(b) However, the University is aware that there will be occasions in which such expectations are not met. The purpose of the Student Code of Conduct 2013 is to outline the process for dealing with the allegations of student misconduct as they arise.

(c) The procedure is designed primarily to be educative as opposed to merely punitive by assisting students in understanding and complying with behavioural standards and facilitating improvements where student conduct is not appropriate.

(d) The procedure will normally be applied in respect of alleged student misconduct occurring in, or in the vicinity of, premises owned or leased by the University.

(e) However, the University also reserves the right to take disciplinary action against students in respect of any misconduct wherever it may have taken place when that misconduct jeopardises or damages the good name or reputation of the University or raises questions about whether the student concerned should remain a student of the

University because he or she poses a danger to other students, staff or to the good order of the University community as a whole.

Interpretation

4. In these Rules, unless the context otherwise requires:-

“Act” means the Private Higher Educational Institutions Act 1996 [*Act 555*]

“academic misconduct” means the offences contained in Part III of these Rules;

“arson” means maliciously setting fire, or attempting to set fire, any public or private property, whether real or personal, not his/her own.

“authorities of the University College” are those persons referred to in section 13(1) of the Constitution of the University College.

“Board of Governors” means one of the Authorities of the University College composed of members under section 14 of the Constitution;

“Branch Campus” means a branch of the University College

“Chief Executive” means the officer appointed by the Board of Governors pursuant to section 28 of the University College Constitution;

“Compliance & Disciplinary Unit” means a body formed by the Board of Governors to be governed by rules pursuant to Section 35(2) of the Constitution and under Rule 55 of these Rules to conduct disciplinary hearings excluding appeals;

“Constitution” means the Constitution of the University College approved by the Registrar General of the Private Higher Educational Institutions pursuant to paragraph (b) of section 8 of the Act;

“disciplinary authority” means the Compliance & Disciplinary Unit formed by the Board of Governors of the University to determine whether a student has violated the Rules herein or the Rules in any Student Handbook or Student Policies or Regulations or the Students’ Code of Conduct and to recommend imposition of penalties but does not include the Student Disciplinary Appeals Board;

“disciplinary hearing” means a full hearing before the Disciplinary Board drawn by the Compliance & Disciplinary Unit under Rule 57 of these Rules;

“disciplinary offence” means a disciplinary offence committed under Rules 59 and 60 of these Rules and any Standing Orders pursuant to the Rules;

“disciplinary proceeding” means a disciplinary proceeding initiated under Rule 61 of these Rules;

“drug” means any drug or substance which is for the time being comprised in the First Schedule to the Dangerous Drugs Act, 1952 (*Act 234*);

“gambling” means the playing of any game of chance or of mixed chance and skill, for money or money’s worth and includes any wagering, betting or lottery;

“hazing” means any intentional, knowing or reckless act committed by one person alone or acting with others that endangers the mental or physical health or safety of a member of the University Community for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in, an organisation or any action taken or situation created which is intended to produce mental or physical discomfort, embarrassment, harassment, ridicule, or suffering to the said persons.

“Hostel” means any accommodation by whatever name called, provided by the University for the residence of students

“insubordination” includes any display, with words, actions or gestures, of disrespect to the superiors, and/or refusal to accept University authority and/or failure to perform work that is justified in the circumstances and assigned by the superiors

“liquor” means any drink of any alcoholic strength;

“member of the University Community” includes any person who is a student, faculty member, University Official or any other person employed by the University;

“motor vehicle” means every description of vehicle propelled by means of mechanism contained within itself and constructed or adapted so as to be capable of being used on roads, and includes any vehicle drawn by a motor vehicle whether or not part of the vehicle so drawn or is superimposed on the drawing motor vehicle;

“parking” means the bringing of a vehicle to a stationary position and causing it to wait for any purpose other than that of taking up or setting down persons, goods or luggage;

“plagiarism” as matters defined in Rule 13 of these Rules;

“poison” means any substance specified by name in the first column of Poisons List to the Poisons Act 1952 (*Act 366*) and includes any preparation, solution, compound, mixture or natural substance containing such substance;

“policy” means the written regulations of the University as found in, but not limited to the University’s Student Handbook, the Residential Halls’ Handbooks, the Road Traffic Handbooks, the Faculty, Office, and Department Manuals, the Graduate, Undergraduate and Professional Catalogues and Schedule of Classes;

“Registrar” means the Registrar of the University appointed by the Board of Governors under section 31(1) of the Constitution.

“Registrar General” means the Registrar General of Private Higher Educational Institutions appointed under subsection 3(1) of the Act;

“Security Personnel” includes the Director of Security, the Assistant Director of Security, the Security Officers and Campus Patroller;

“Senate” means the Senate of the University College constituted under section 16 of the Constitution;

“sexual conduct” includes

- a. Intentionally indecent and/or offensive actions that are of a sexual nature including, but not limited to voyeurism, exposure, sexually explicit communication (i.e., electronic and voice messages, photos, pictures, graphics, etc.)
- b. Sexually explicit touching or attempt of such touching, i.e. the unwanted touching of another person in a sexual manner which include, but are not limited to, the touching, either directly or through clothing, of another person’s genitalia, breasts, inner thigh, or buttocks of any person with a clothed or unclothed body part or object.
- c. sexual penetration

“staff member” means persons who is employed by the University College and who has entered into a contract of employment with the Cyberjaya University College of Medical Sciences and includes all members of the Authorities of the University College as defined in section 13(1) of the Constitution, all officers under Part VI and all employees under Part VII of the Constitution.;

“stalking” means any behaviour or activities occurring on more than one occasion that place another person in reasonable fear or threaten his or her mental health and/or are intended to cause emotional distress. Such behaviour or activities may include, but are not limited to, the following:

- a. unwelcome communication of any type, including face-to-face, telephone calls, voice messages, electronic mail, written letters or notes, unwanted gifts, etc.
- b. pursuing or following
- c. observing or surveillance

“student” includes all persons registered with the University and taking courses at the University, both full-time or part-time, pursuing undergraduate, graduate or professional studies and all other persons residing in hostels, including premises rented by the University;

“Student Disciplinary Board” means the Student Disciplinary Board drawn up by the Compliance and Disciplinary Unit under Rule 57 from among the persons referred to in Rule 56 of these Rules;

“Student Disciplinary Appeals Committee” means the committee formed under Rule 91 of these Rules by the Registrar General of Private Higher Educational Institution;

“Students’ Union” means the Students’ Union of the University College constituted in accordance with section 37(1) of the Constitution;

“Superintendent of Hostels” means a teacher kept in charge of administration of hostels and appointed as such by the Chief Executive in respect of University Hostels;

“traffic direction” means any order, direction or instruction given by a Security Personnel to any person using a road or a vehicle within the University;

“traffic sign” includes any signal, warning sign post, direction post, mark or device erected or provided on or near a road for the information, guidance or direction of persons using the road;

“University” means ‘the Cyberjaya University College of Medical Sciences (CUCMS);

“Warden of Hostels” means a teacher of the Department of a University assigned the work of administration of all Hostels of a University and appointed as such by the Chief Executive;

“vehicle” means a structure capable of moving or being moved or used for the conveyance of any person, goods or luggage and which maintains contact with the ground when in motion;

Aid to interpretation

Words importing the masculine gender include the feminine and neuter gender;

The recitals and headings are for convenience only and do not affect the interpretation of these Rules;

Words and phrases as defined herein, shall bear the same meanings in the Rules;

Words importing the singular include the plural and vice versa;

A reference to any statute or legislation shall, unless otherwise indicated, be a reference to the statute or legislation of Malaysia and includes any statutory modification, amendment or re-enactment thereof;

Any word that is not defined in these Rules herein shall bear meaning assigned to it in the relevant statute in relation to the word and if it is a word not so defined, then the meaning assigned to it in the Oxford English Dictionary.

All schedules, appendices, notices, standing orders and annexures, if any, attached hereto shall form part of these Rules.

PART II

GENERAL DISCIPLINARY MATTERS

Categories of Misconduct

5. (1) In order to reflect the different levels of student behaviour and conduct, student misconduct is divided into four (4) categories as follows:-

- (a) Minor misconduct
- (b) Major misconduct
- (c) Gross misconduct
- (d) Misconduct that is also criminal offence or is subject to civil action

Minor misconduct

- 6. (1) Minor misconduct includes persistent nuisance or disruptive behaviour which causes a disturbance to others or which may impact on health and safety at a lower level.
- (2) Although such behaviour is not threatening in its nature, it will cause a nuisance to staff and students and, if not addressed, can escalate.
- (3) It would involve students not complying on a couple of occasions with regulations applicable to specific areas of the University such as classrooms, tutorial rooms, the Laboratory, the Library, the Administration Office or the Student Affairs Office, the Mortuary and other places on the University campus, or University premises such as hostels, roads and parking bays.
- (4) Such behaviour will initially be addressed through senior staff or lecturers or tutors or superintendents or wardens, reminding students about what constitutes acceptable behaviour for their particular area. The student concerned may also be given opportunity to explain his conduct.
- (5) Should the behaviour not improve or the explanation not found satisfactory then the staff, the lecturers, the tutors, the superintendents or the wardens will verbally warn the students and then ultimately apply one or more of the range of warnings as provided hereunder:

Disciplinary Action

Disciplinary Authority

Written Warning

Deputy Head of Compliance and Disciplinary Unit

Final Written Warning

Head of Compliance and Disciplinary Unit

- (6) The following are examples of the type of behaviour which, if persistently exhibited by a student or if a student fails to comply with a previous request to modify his or her behaviour, is categorised as minor misconduct:-
 - (a) Repeated use of mobile phones in classrooms, tutorials and/or in areas designated as Quiet Zones of the Library/University Campus.
 - (b) Refusal to comply with regulations applicable to study areas and departments – e.g. eating and drinking in unauthorised areas.
 - (c) Misuse or unauthorised use of University facilities or property – e.g. sending spam via University computer facilities (If serious, it may be categorised as major misconduct)

- (d) Non-compliance with request of staff- e.g. to be silent at Quiet Zones of the library/University Campus, failure to show University ID upon request
- (e) Persistent late arrival for appointments and classes as well as tutorials and/or practicals
- (f) Non-compliance with ground rules for acceptable behaviour outlined by academic staff in lectures, seminars, etc
- (g) Addressing other students or staff members in an impolite manner
- (h) Dropping litter on University premises
- (i) Continuously leaving a mess in computer rooms, lecture halls, and tutorial rooms, library and all other designated places.

Further Disciplinary rules

7. (1) These are the further disciplinary rules that should be strictly observed by all students of the University. Any failure to observe these rules shall also constitute minor misconduct:-

- (a) Students are expected to be polite to all and abide by the rules and regulations of the University. They must respect and be obedient to staff members as well as the managing authorities of the University
- (b) They should give utmost importance to their classroom session, practical, homework and assignments. They are expected to maintain highest standards in their academic, professional and private life
- (c) Students are not permitted to proceed on leave without permission of the Chief Executive. They will have to report daily in the College attendance. In case of illness, permission will have to be obtained from the Chief Executive for remaining absent from class and practicals
- (d) Every student shall attend classes and practicals. They are not supposed to leave the University premises without the permission of the Chief Executive
- (e) The student should strictly adhere to the dress code, decided by the University. They must produce their ID card whenever it is demanded by the University's Human Resources Department, Student Affairs Department, Deans of Faculties or security officers
- (f) No student should stand or loiter in the corridors during class hours. They are forbidden to write on walls, desks or on other furniture both in classrooms & Hostel

- (g) No student will be admitted to the classroom unless he/she is well equipped with the required instruments and necessities as and when instructed by the concerned faculty members
- (h) Usage of mobile phones during class hours is strictly prohibited.
- (i) Without prior permission of the Chief Executive, any organising/conducting of tours, picnic, barbecues, etc. are strictly prohibited
- (j) No student shall keep heavy cash, gold/silver ornaments and/or other costly items in their rooms.
- (k) They should avoid, within the campus, any kind of illegal money transactions with other students, staff or third parties
- (l) Students shall maintain personal and environmental hygiene
- (m) Students shall conserve power and water, and make sure that they switch-off fans, lights and water taps when not necessary
- (n) In case where students fall sick, they must inform the sickness to the lecturer/Warden
- (o) No visitors will be entertained during working and/or class hours of the University.

(2) The list of minor misconduct above is not exhaustive and any mode of behaviour or act which is of a similar nature shall be regarded as a minor misconduct.

(3) Incidents of minor misconduct which are not corrected under Section 6, sub- rule (4) and (5) shall be dealt with under the Summary Student Disciplinary Procedure under Rule 63 of these Rules.

Penalties for minor misconduct

8. (1) The following are the penalties that may be imposed on a student who is found guilty of a minor misconduct:-

- (a) a written reprimand which will remain on the Student's record for a period until the student is no longer registered at the University, and may be taken into account in the event of any further disciplinary action against the Student during that period
- (b) a fine, proportionate to the misconduct, of up to RM 100 for each misconduct
- (c) a requirement that the Student makes a formal written or verbal apology to those affected by their misconduct

- (d) a requirement to meet in full or part the cost of making good any damage caused or loss suffered as a result of the misconduct
- (e) temporary suspension of the Student's access to various University services or facilities for a period not exceeding 5 weeks
- (f) temporary suspension of other relevant privileges, for a period of up to 5 weeks
- (g) the requirement that the student perform supervised community service not exceeding 30 hours
- (h) some other appropriate compensatory action by the Student.

Major Misconduct

9. (1) Major misconduct includes behaviour of an abusive or threatening nature, failure to comply with penalties issued for minor misconduct or where a student's action compromises the health and safety of other students and staff at a higher level.

(2) The following are examples of behaviour categorised as major misconduct:-

- (a) Non-compliance with penalties imposed for minor misconduct
- (b) Bringing the University into disrepute through noise and/or anti-social behaviour in the local community and/or writings in online social network
- (c) Causing obstruction or disruption of University processes and procedures (e.g. non-co-operation with disciplinary investigations, improper completion of enrolment) or roles, responsibilities and activities of members of the University community
- (d) Organising, inciting or participating in the boycott of any examination, lecture, tutorial, class or other legitimate activity carried out by or under the direction or with the permission of the University
- (e) Acting in any manner that is threatening or intimidating or is injurious, physically or mentally, to the well-being and safety of any other student or any member of staff of the University
- (f) Bullying or harassing a student or staff member via means of communication including phone, text, e-mails, or internet forums such as Facebook, Twitter, or blogs. This would also include publishing of offensive material about an individual

- (g) Committing fraud, dishonesty or deceit in relation to the University or its staff or in relation to being a student of the University
- (h) Tampering with the fire equipment and all other safety equipment
- (i) Organising assemblies without prior approval from the University and attending rallies and/or assemblies deemed illegal by relevant authorities
- (j) Improper and/or intemperate use of any loudspeaker, amplifier, or other similar appliances
- (k) Making falsification, alteration, fabrication, or misuse of a University or government form, document, record, or identification card
- (l) Making, using, displaying, or owning any flag, banner, placard, emblem or other device which is conducive to the promotion of immorality, indiscipline, disorder, disobedience or contravention of these Rules
- (m) Publishing, distributing, or circulating any document or the text of any lecture within or outside the University without prior consent from the University
- (n) Engaging in occupation or employment within or outside University which in the opinion of the University is undesirable or against any written law
- (o) Smoking is prohibited within the University premises as well as within its branch campus
- (p) Being a member of or associate with any unlawful society, organisation, body or group of persons in Malaysia or outside Malaysia, or any society, organisation, body or group of persons which the Registrar General has specified in writing to the Chief Executive to be unsuitable to the interests and well being of students or the University
- (q) Setting up an organisation, body or group of students of the University which is established by, under or in accordance with its constitution having any affiliation, association or dealing with any political party, unlawful organisation or any organisation which the Registrar General has specified in writing to the Chief Executive to be unsuitable to the interests and well being of students or the University

- (r) Expressing or doing anything which may be construed as expressing support, sympathy opposition to any unlawful organisation, body or group of persons whether in or outside Malaysia or any society, organization, body or group of persons which the Registrar General has specified in writing to the Chief Executive to be unsuitable to the interests and well being of students or the University
- (s) taking part in a political party's activity whether it is illegal or legal, within the University's premises
- (t) Making objection to the entry into, the presence in, the exclusion from or the expulsion from, the University in any manner, of any person.
- (u) Making unauthorised entry or attempted entry into or occupation of, University facilities
- (v) Using any part of the University building as a living or sleeping accommodation except what is provided for the student in the Hostel by the University
- (w) Causing damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly
- (x) Theft or abuse of university computers and other university electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include but not limited to unauthorised entry, use, transfer, or tampering with the communications of others; interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services; or copyright infringement.
- (y) Computer crime
 - (i) Causing a computer to perform any function with intent to secure access to any program or data held in any computer of university without authorisation
 - (ii) Causing modification of the content of any computer of university without authorisation

- (iii) Communicating directly or indirectly a number, code, password or other means of access to a computer to any person other than a person to whom he is duly authorised to communicate
- (iv) Committing intentionally the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data.
- (z) Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct.

(3) The list of major misconduct above is not exhaustive and any mode of behaviour or act which is of a similar nature shall be regarded as a major misconduct.

(4) Major misconduct will be dealt with under the Formal Student Disciplinary Procedure under Part VI of these Rules.

Gross Misconduct

10. (1) Gross misconduct includes behaviour that may be physically threatening, a persistent refusal to comply with University regulations or with previous penalties applied under the Student Disciplinary procedure or conduct which calls into question a student's enrolment at the University

(2) The following are examples of behaviour categorised as gross misconduct:-

- (a) Failure to declare any criminal convictions or current criminal investigations, on admission to, and/or during the course of study in, the University
- (b) Acting in any manner that constitutes or appears to constitute contempt of the University or involving in any activity that brings the University to disrepute
- (c) Organising, participating or carrying out in any activity which has a direct adverse effect on the University or which is prejudicial to the interest of University
- (d) Making representation or other communication to any public officer or to the press or the public in relation to any matter pertaining to the University or its members without authorisation.

- (e) Committing a criminal act against member of the University Community, not limited to robbing, causing physical harm, sexual harassment and threats/intimidation
- (f) Committing insubordination
- (g) Causing religious and/or racial vilification
- (h) Dealing in, having in possession or control, supplying or consuming any liquor, dangerous drugs, poisons, or any other illegal substances whether at or outside of University's premises
- (i) Gambling or playing cards within the University, whether for money or not
- (j) Committing theft of University property or unauthorised possession of property belonging to University or other staff member or student
- (k) Careless, wilful or reckless damage to property belonging to staff, students, visitors and university
- (l) Dealing in, having in possession or control, distributing, circulating or exhibiting, any obscene article or picture within or outside the University
- (m) Accessing and viewing pornographic sites on the internet and elsewhere within the University
- (n) Using or threatening to use, a weapon
- (o) Using or possessing firearms, ammunition, bombs, explosives, incendiary devices, or fireworks
- (p) Turning in a false fire alarm or bomb threat or misusing fire safety equipment on the campus or hostels
- (q) Engaging in any kind of sexual conduct with any member of the University or visitor to the University who is not the legal spouse of the student whether with or without consent of the other party
- (r) Involving in any immoral interaction, lewd or indecent behaviour between individuals in or outside the University's premises
- (s) Hazing within or outside the campus

- (t) Causing excessive fatigue; physical and psychological shocks; unapproved quests, treasure hunts, scavenger hunts, road trips, or other such activities; causing a person to wear apparel publicly that is conspicuous and not normally in good taste; or engaging in public stunts or morally degrading or humiliating games or activities
 - (u) Bullying or harassing including on the grounds of sex, sexual orientation (including actual or perceived sexual orientation and/or by an individual associating with another of a particular sexual orientation), trans-sexuality, race, ethnic origin, religion, belief, disability, marital status, creed, nationality, colour and/or age
 - (v) Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, whether intentionally or as a result of recklessness or gross negligence
 - (w) Stalking any person within or outside campus
 - (x) Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in restrooms; the storing, sharing, and/or distributing of such unauthorised records by any means is also prohibited
 - (y) Failure to settle a disciplinary penalty imposed by the University
 - (z) Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct
- (3) The list of gross misconduct above is not exhaustive and any mode of behaviour or act which is of a similar nature shall be regarded as a gross misconduct.
- (4) Gross misconduct will be dealt with under the Formal Student Disciplinary Procedure under Part VI of these Rules.

Misconduct that is also criminal offence or is subject to civil action

11. (1) Where a student of the University is charged with a criminal offence or is subject to a civil action, he may, in the discretion of the Chief Executive, immediately thereupon be suspended from being a student of the University and shall not, during the pendency of the proceedings, remain in or enter the University, unless otherwise decided by the University

(2) Where a court finds that a charge for a criminal offence is proved against a student of the University, the Disciplinary Authority may dismiss the student without further enquiry

(3) Notwithstanding sub-rule (2) above, the University reserves the right to hold an enquiry after the conviction or acquittal by the criminal court and may impose such disciplinary punishment as it deems fit upon the student concerned

(4) The University shall, depending on the nature and consequences of the offence, determine whether the misconduct is a criminal offence within the meaning of sub-rule (1) above

Aggravating/mitigating circumstances

12. (1) Notwithstanding the above categorisation of misconduct, any misconduct may be classified into a lesser or more severe degree of misconduct depending on the presence or absence of any aggravating or mitigating circumstances, as the case may be, under which the misconduct was committed.

(2) The following are the examples of aggravating circumstances although this list is only illustrative and is not designed to be prescriptive:-

- (a) Multiple prior offences
- (b) Apparent maliciousness of the student
- (c) Extent of injury caused
- (d) Increased potential harm to the University, its members or the public.
- (e) Economic harm to any individual or entity.

(3) The following are the examples of mitigating circumstances although this list is only illustrative and is not designed to be prescriptive:-

- (a) Evidence of sincere remorse
- (b) Attempts to ameliorate injury
- (c) Assistance in identifying other perpetrators
- (d) Self-reported and voluntary admission
- (e) Rehabilitative potential

(4) Where a gross misconduct committed by a staff member is surrounded by one or more of the mitigating circumstances, it may be categorised as a major misconduct. Likewise, where a major misconduct by a staff member is surrounded by one or more of the aggravating circumstances, it may be categorised as a gross misconduct.

(5) Even a minor misconduct, including those enumerated in Rule 6(6)(a) to (o) committed in aggravating circumstances, can be categorised as a major or gross misconduct and dealt with under the formal student disciplinary procedure under Part VI of these Rules.

PART III

ACADEMIC MISCONDUCT

Introduction

13. Students are expected to follow standards of academic integrity and honesty. Academic misconduct implies dishonesty or deception in fulfilling academic requirements and includes, but is not limited to, cheating, plagiarism or the furnishing of false information to the University or a University affiliate in academic related matters.

Plagiarism

14. (1) A student shall not plagiarise any idea, writing, data or invention belonging to another person.

(2) For the purpose of this Rule, plagiarism includes:

- (a) the act of taking an idea, writing, data or invention of another person and claiming that the idea, writing, data or invention is the result of one's own findings or creation; or
- (b) an attempt to make out or the act of making out in such a way, that one is the original source or the creator of an idea, writing, data or invention which has actually been taken from another source.

(3) Without prejudice to the generality of sub-rule (2) above, a student is deemed to have plagiarised when he –

- (a) publishes, with himself as author or co-author, an abstract, article, scientific or academic paper, or book which is wholly or partly written by some other person;
- (b) incorporates himself or allows himself to be incorporated as a co-author of an abstract, article, scientific or academic paper or book, when he has not made any written contribution to the abstract, article, scientific or academic paper, or book;
- (c) forces another person to include his name in the list of co-researchers for a particular research project or in the list of co-authors for a publication when he has not made any contribution which may qualify him as a co-researcher or co-author;

- (d) extracts academic data which are results of research undertaken by some other person, such as laboratory findings or field work findings or data obtained through library research, whether published or unpublished, and incorporates these data as part of his academic research without giving due acknowledgement to the actual source;
- (e) uses research data obtained through collaborative work with some other person, whether or not that other person is a staff member or a student of the University, as part of another distinct personal academic research of his, or for a publication in his own name as sole author, without obtaining the consent of his co-researchers prior to embarking on his personal research or prior to publishing the data;
- (f) transcribes the ideas or creations of another kept in whatever form, whether written, printed or available in electronic form, or in slide form, or in whatever form of teaching or research apparatus, or in other form, and claims whether directly or indirectly that he is the creator of that idea or creation;
- (g) translates the writing or creation of another person from one language to another whether or not wholly or partly, and subsequently presents the translation in whatever form or manner as his own writing or creation; or
- (h) extracts ideas from another person's writing or creation and makes certain modifications without due reference to the original source and rearranges them in such a way that it appears as if he is the creator of those ideas.

Sources from which work is plagiarised may include print and electronic media, computer programmes/codes, formulas, ideas, concepts, creative works such as choreography, lyrics, musical scores, scripts, paintings, designs and illustrations.

Cheating

15. (1) A student shall not use any unauthorised information, study aids or other materials or unauthorised communication with, or copying from another student on papers, projects, or other academic work.

(2) It is the responsibility of students to consult with their faculty concerning what materials and types of collaboration are permissible.

Unfair academic advantage

16. (1) No student shall commit theft of or cause a destruction or defacement of, or other interference with, the work of other students for the purpose of gaining unfair academic advantage.

(2) No student shall engage in activities that place other students at an academic disadvantage, such as theft, concealment, or alteration of needed resources or other materials or other manipulation of the academic system in one's favour.

Falsifying Grade Reports

17. No student shall change, forge, alter or destroy grades, scores, or markings on the graded examinations, quizzes, grade lists, official records or documents of the lecturer or tutor.

Misrepresentation to avoid Academic Work

18. No student shall make a misrepresentation by fabricating an otherwise justifiable excuse such as illness, injury, accident, etc., in order to avoid or delay timely submission of academic work or to avoid or delay the taking of a test or examination.

Fabrication or falsification

19. (1) No student shall falsify or fabricate any information or citation in any academic exercise, work, laboratory reports and results, speech, test or examination.

(2) As regards the above sub-rule, 'falsifying' is the alteration of information while 'fabricating' is the invention or counterfeiting of information.

Misuse of Computers or Computing Resources

20. (1) No student shall use computing resources for any purpose other than for education, research, service, and administration.

(2) The misuse of computers shall include:-

- (a) Accessing or attempting to access computing resources or computer-based information without proper authorisation.
- (b) Disrupting the intended use of computers or computer networks.
- (c) Damaging or destroying computer equipment or computer-based information.
- (d) Using a computer for an unauthorised purpose.
- (e) Violating copyright laws or license restrictions with respect to the copying or use of computer programs, data, materials or information.
- (f) Unauthorised use of another person's identification or password.

- (g) Unlawful or unauthorised access to or use of computers, computer networks and computer data, programmes, materials or information.

Cheating in examination

21. (1) No student shall cheat or attempt to cheat or conduct himself in a manner which can be construed as cheating or attempting to cheat in an examination, while the examination is being conducted.

(2) The following are the examples of conduct which can be construed as cheating although the list is only illustrative and is not designed to be prescriptive:-

- (a) take any book, paper, document, picture or other things, except those authorised by the examiner, into or out of an examination room, or receive any book, paper, document, picture or other things from any other person while in the examination room, except that a student may, while he is in the examination room, receive from the invigilator such books, papers, documents, pictures or other things which have been recommended by the examiner or Board of Examiners and authorised by the University
- (b) write or have it written by another person, any information or diagram which may be relevant to the examination he is sitting for, on his hand or on any other part of his anatomy or on his apparel or clothing
- (c) communicate with any other student during an examination by whatever means
- (d) Use or be in possession of material in any form during the examination which in the opinion of the University is used for cheating

Additional academic misconduct

22. (1) In addition to the above, the University shall treat as academic misconduct the following:-

- (a) Forging staff's signature on a piece of work
- (b) Finding out about test questions file in the computer in the classroom or elsewhere and telling other students.
- (c) Copying another student's work
- (d) Writing a piece of work for another student and/or friend
- (e) Lending another student's work to copy

- (f) Not attending the class but asking another student to sign a class attendance list
- (g) Signing another student's name in a class attendance list for the student who does not attend the class
- (h) Not ready for examination so asking a doctor to write the false sick medical certificate
- (i) Presenting gifts to any staff member of the University on any occasion and asking to take an oral examination with a kind staff
- (j) Resubmitting work already submitted for a different course for the present course
- (k) Submitting work which had been submitted the previous year by the senior
- (l) Modifying students' work and submitting it
- (m) Submitting the same work as another student
- (n) Not attending classes without a valid reason
- (o) Seeing students copying from another student in an examination and not informing the examiner

Referral to Summary/Formal Student Disciplinary Procedure

23. Academic misconduct of a serious nature will be dealt with under the Formal Student Disciplinary Procedure under Rule 65 in these Rules while the less serious academic misconduct will be referred to the Summary Student Disciplinary Procedure under Rule 63 of these Rules.

PART IV

HOSTEL DISCIPLINE

Introduction

24. (1) Allotment for accommodation in the hostel shall not be claimed as a matter of right even when a person is a *bona fide* student of the University. The University however makes it compulsory for all students to stay in the hostel provided.

(2) Allotment for accommodation in the hostel will be considered only after the Student Affairs Department has scrutinised the application and satisfied itself of the merit and eligibility of the student and that his stay in the hostel shall in no way be prejudicial to the interest of other residents in the hostels, in particular and the University, in general.

(3) Maximum period of stay in hostel for all students shall until the completion of the academic programmes and fresh allotment shall be made in each year by the competent authority in accordance with the allotment policy.

Student Discipline and Conduct

25. (1) Students are expected to maintain discipline and proper atmosphere of studies in the Hostel.

(2) The following acts of indiscipline are strictly prohibited:-

- (a) All kinds of riotous and disorderly behaviour such as shouting, violence, knocking and other acts of undesirable movement or behaviour that is likely to cause disturbance or annoyance to others
- (b) Ragging of all kinds in the Hostel or in the University Departments and within or outside the campus
- (c) Any form of playing music and video system inside the room or the Hostel premises causing annoyance to others
- (d) Maltreating or abusing the Hostel employees, canteen staff and others
- (e) Holding any meeting not relating to Hostel affairs in the Hostel premises without prior permission
- (f) Keeping fire arms, weapons, drugs and intoxicants of any kind in the Hostel
- (g) Keeping the light and fan on when the students are not inside the rooms
- (h) Damaging, misusing and stealing of any hostel properties or stealing others' belongings
- (i) Entertaining visitors of the opposite sex in their respective hostels.
- (j) Overstaying in Hostel by the students without permission of the Hostel Warden
- (k) Changing of rooms allotted to a student for his or her residence to any other rooms without prior written consent by or on behalf of the Warden
- (l) Staying out of the hostel after midnight without permission of the Warden
- (m) Allowing visitors or friends of students to stay within the hostel after midnight without permission of the Warden
- (n) Entertaining guests/outsideers in the Hostel without permission of the Hostel Superintendent/ Warden.

General prohibitions

26. (1) Student is not allowed to do any of the following:-

- (a) Host non-resident guests overnight in the Hostel or loan the room key to anyone
- (b) Operate a commercial business from their rooms or from any part of the Hostel or indulge in any gambling practice
- (c) Keep pets and/or flammable or caustic substances
- (d) Take out any University property from the Hostel
- (e) Organise parties that disturb other roommates and residents (including playing loud music)
- (f) Carry out any changes to the room's interior, damage walls and woodwork
- (g) Posses and/or take illegal drugs and all other related illegal substances
- (h) Keep or drink alcohol and smoke in the Hostel
- (i) Use electric heaters or leave heaters, cookers and electrical appliances in operation unattended
- (j) Display posters, advertisements, etc. in places not designated for this purpose
- (k) Make any unauthorised extension to electrical wiring or use multiple plugs.

Visitors

27. (1) Visitors are bound by the following rules:-

- (a) Visitors are strictly prohibited from entering into the hostel and/or room except on Open Days officially declared by the University
- (b) Visitors are allowed to be in the common areas until 10.00pm
- (c) Each visitor is obliged to leave his/her identification card at the reception and give the receptionist details of the name, surname, and the room number of the person visited
- (d) The receptionist's duty is to make note of each visit in the register of visit
- (e) Visitors under the influence of alcohol or narcotic drugs are not allowed to enter the Hostel.

- (2) The student shall be personally responsible for any breach of the above rules by his/her visitor.

Hostel Residential Committee

28. There shall be a Hostel Residential Committee (HRC) with the Warden of the Hostels as the Chairman and all Superintendents and Assistant Superintendents as the members. The Hostel Residential Committee will be responsible for looking into the general administration of the Hostel.

Leaving Hostel after Examination

29. (1) Within a week after completion of theory and practical examinations, students will have to hand over the keys to their room doors before a date as determined by the Warden and also return the furniture and other material issued to him/her by the Hostel office.

- (2) Student can claim a final clearance certificate in the prescribed form from the Hostel office and submit the same to the office of the Chief Executive.

Financial responsibilities

30. (1) Every student who is a resident of the hostel shall have the following responsibilities:-

- (a) Each resident is financially liable for any damage caused by him/her to the Hostel's property
- (b) In the case of damaging the room or any common area, residents are obliged to compensate for the damage or repair the damage
- (c) If individuals responsible for damage cannot be identified, the residents of the room or floor will become collectively responsible for the cost of repair and/or replacement
- (d) The cost of damages reported by new residents within one (1) week of their occupation shall be covered by the previous room residents.

Warden's Powers

31. (1) The Warden as the person responsible for maintenance of discipline in the Hostel may, from time to time issue such orders, instructions or directions as necessary for that purpose.

(2) It shall be the duty of the students to whom such orders, instructions or directions are made to comply with them.

(3) In the event of non-compliance with any of the aforesaid orders, instructions, or directions, the Warden may, in lieu of taking disciplinary proceeding under Part VI, impose a summary disciplinary punishment of a fine not exceeding RM 100.00 provided the student is given an opportunity to make representation and to state his side of the case in respect of the non-compliance.

(4) The warden shall deliver a notice to the student concerning the imposition and where a fine is imposed, the provisions relating to recovery of fine under Rule 84 of these Rules shall apply.

(5) A copy of all orders, instructions or directions together with any disciplinary punishment and notices be extended to the Student Affairs Department.

Serious /less serious breaches

32. The Warden may refer all serious breaches of the Hostel rules to be dealt under the formal student disciplinary procedure under Rule 65 of these Rules and the less serious breaches to the summary student disciplinary procedure under Rules 63 of these Rules.

Applicability of University's rules and regulations

33. The University's rules and regulations contained in these Rules shall be applicable in the hostel premises.

PART V
ROAD TRAFFIC RULES

Introduction

34. With a view to promoting the safety of drivers and pedestrians and with a view to ensuring the best use of limited parking space, the following University Road Traffic Rules shall be applicable to all students of the University.

Vehicle permitted on the University roads

35. (1) Students shall drive or keep on the University roads provided that only motor vehicles which are insured and are displaying the current road tax discs will be allowed.

(2) Students are permitted to bring or drive motor vehicles on the University roads only if the motor vehicles have the current permits displayed on them.

Duty to Display Permit

36. (1) Where a permit has been granted, it must be displayed on the vehicle so that it is clearly visible. In the case of a motorcar, it must be placed at the bottom right hand corner of the windscreen.

(2) Motor vehicles that do not display the current permits are required to stop at the Main Guard House and present their University identification tags and register the motor vehicle they are in.

How to obtain permits

37. (1) Before driving the vehicles on University roads, all drivers of motor vehicles must first apply to the Head of Security, for registration of their vehicle by completing the appropriate form.

(2) Forms may be obtained from the office of the Head of Security located at the Administration Office in the Students' Association Building.

Conditions for grant of permits

38. (1) A permit for a vehicle will not be granted unless the person wishing to register it possesses a valid driving licence and a copy of grant of the car. Individuals may be asked at the time of registration to produce documents relating to the vehicle.

(2) No student shall give incorrect or misleading information when applying for a permit.

(3) Permits are granted at the discretion of the Head of Security, acting on behalf of the Human Resources Department.

(4) The grant of any permit will be subject to compliance with the University Road Traffic Rules.

Validity of Permit

39. (1) Permits are only valid for the current academic year which is reflected by the colour of the permit.

(2) A permit issued to a student is not assignable to another.

Parking

40. (1) All motor vehicles driven on the University roads are required to be parked only in the parking bays provided.

(2) Students are not permitted to park a motor vehicle or a cycle:-

- (a) in the reserved bays that have been allocated
- (b) in a loading bay other than for the immediate purpose of loading or unloading
- (c) not carrying a disabled sticker in a bay reserved for a disabled driver
- (d) on hatched or grassed areas or on yellow lines
- (e) in such a manner so as to cause danger or an obstruction
- (f) within fifteen feet of a fire hydrant
- (g) in such a way as to occupy more than one bay
- (h) outside of a parking bay as delineated by white lines
- (i) opposing traffic on the University roads
- (j) in the parking bay which is not allocated for them.

(3) The issuance of a permit to enter the University roads does not guarantee a parking bay. The inability to locate a legal parking bay does not diminish the responsibility to park in accordance with these Rules.

When stopping is proper

41. Students are permitted to stop a vehicle on the University roads for the immediate purpose of letting passengers board or alight, or of loading or unloading goods.

Towing/Storage

42. (1) Agents designated by the University shall have authority to remove to a place of storage at the vehicle owner's expense, any student's/student's vehicle(s):

- (a) Blocking disabled or handicapped curb cut or ramp
- (b) Blocking within fifteen (15) feet of a fire lane or fire hydrant or hindering the movement of emergency vehicles
- (c) Blocking or parking in a driveway or traffic lane or impeding traffic flow by double parking

- (d) Which is/ are abandoned in the campus
- (e) Without permission or a parking permit or the vehicle number information visibly displayed
- (f) Upon which an "Intent to Tow" notice has been placed
- (g) Parked in bays not designated for the parking permit purchased or in reserved bays without authorisation
- (h) Parked in a bay meant for the restricted-disabled or the handicapped bay without authorisation
- (i) Parked in violation of Traffic and Parking Regulations
- (j) Parked in no parking zones
- (k) Parked on sidewalks or on grounds (grass or unpaved areas)
- (l) Parked opposing traffic on the University streets
- (m) Occupying more than one parking bay
- (n) Parked in designated loading zones for longer than 15 minutes
- (o) Unregistered with the University
- (p) Parked overtime in a metered bay
- (q) Parked in visitors' bays
- (r) Upon which a University Official determines it is necessary for facilitating the expeditious flow of traffic.

(2) In addition to any appropriate fine, the owner or operator of the offending vehicle shall be liable for payment of towing and storage fees. An appeal against towing and storage fees can be made to the Human Resources Department.

(3) In all cases where a motor vehicle has to be removed or immobilised, neither the University nor its servants will be responsible for any damage to such vehicle howsoever caused.

Other offences under the Rules

43. (1) The following are offences under these Rules:-

- (a) driving or cycling under the influence of alcohol or drugs
- (b) dangerous or reckless driving or cycling

- (c) failure to observe the speed limit of 40 kph or any other limits as clearly indicated by speed signs located on all roads within the University compound
- (d) driving without driving license
- (e) failure to observe a road sign ('Stop', 'Give Way', 'No Entry', 'Keep Left', etc)
- (f) failure to observe normally accepted traffic regulations, including the display of obligatory lights at the appropriate times
- (g) failure to stop when signalled to do so by Security Personnel
- (h) failure to wear a crash helmet whilst riding a motorcycle
- (i) indiscriminate or excessive sounding of vehicle horns, hooters, sirens or stereos
- (j) driving or cycling on footpaths intended for pedestrians.
- (k) driving unroadworthy motor vehicles.

(2) Students who are persistent and habitual offenders of the above rules shall be referred for Summary Student Disciplinary Procedure under Rule 63 of these Rules and shall face disciplinary penalties under Rule 64 of these Rules.

Fines for parking and moving violations

44. (1) The Human Resources Department through its authorised agent such as the Security Personnel may, in respect of simple offences in relation to parking, display of permits, road signs, vehicle lights, sounding of horns, etc., under the University Road Traffic Rules, compound the offences by imposing a fine of RM 25.00 to RM200.00 as set out below.

(a) Parking Violations	
(i) Registration violation	RM 25-00
(ii) Expired permit/hangtag/bumper sticker	RM 25-00
(iii) Improperly Parked	RM 25-00
(iv) Parking without parking permit	RM 35-00
(v) Improperly displayed parking permit	RM 25-00
(vi) Parking in a 'Restricted-Disabled' parking bay	RM 100-00
(vii) Resident Parking Violation	RM 25-00
(viii) Overtime at Meter	RM 25-00
(ix) Blocking Driveway	RM 25-00
(x) Double Parked	RM 35-00
(xi) Parking in a Fire Lane	RM 100-00
(xii) Blocking Fire Hydrant	RM 100-00
(xiii) No Parking Zone	RM 25-00
(xiv) Loading Zone	RM 25-00
(xv) Outside of Lines	RM 25-00

(xvi) Opposing traffic	RM 25-00
(xvii) Impeding traffic	RM 25-00
(xviii) Parked in two spaces	RM 25-00
(xix) Blocking Disabled curb (sidewalk curb cuts)	RM 100-00
(xx) Restricted – Visitor Parking Violation	RM 35-00
(xxi) Parked on Sidewalk or Grounds	RM 25-00
(xxii) Illegal Entry	RM 100-00
(xxiii) Breaking gate – Gate replacement (or the cost of replacing the gate, whichever is the higher)	RM 200-00
(xxiv) Gate Mechanism (repair charges per hour) (or the cost of replacement whichever is the higher)	RM 20-00
(b) Moving Violations	
(i) Disregarding Stop Sign	RM 35-00
(ii) Reckless Driving	RM 100-00
(iii) Speeding	RM 100-00
(iv) Failure to Obey Public Safety/Parking Officer	RM 35-00
(v) One-Way Street Violation	RM 25-00
(vi) Driving on Sidewalk or Pedestrian Way	RM 35-00

(2) Any student who receives RM200-00 or more in traffic and/or parking violations on University controlled roads/parking areas during any semester will be subject to summary student disciplinary action in accordance with Rules 63 of these rules.

Driving and cycling on the University roads

45. (1) Acts which would be crimes on roads outside the University roads may also be crimes if done on roads within the grounds and may therefore render the offender liable to prosecution by the Police.

(2) In order to help effective investigation, the Head of Security or his/her representative is authorised to report directly to the Police:-

- (a) accidents with a motor vehicle or cycle involving death or personal injury;
- (b) driving or cycling whilst apparently under the influence of alcohol or drugs;
- (c) accidents involving damage to property in circumstances suggesting dangerous or careless driving or cycling.

Enforcement of Rules

46. (1) All the Rules apply, according to the circumstances of the case, to

- (a) the legal owner of the vehicle, or
- (b) the person in whose name it is registered with the University, or
- (c) the person in charge of it at the time, or

- (d) any two or all of these if they are different persons
- (e) all visitors using vehicle on the University road.

(2) The Human Resources Department shall determine which of the above mentioned party/parties is/are to be charged with any offence.

Referral to disciplinary hearing/penalties

47. (1) The Human Resources Department may, in the case of persistent or habitual offenders, direct that formal student disciplinary proceedings under Rule 65 of these Rules be taken against him or her.

(2) The formal disciplinary hearing above shall determine the appropriate penalty to be given. This may include actions to withdraw or withhold, for an appropriate period, permission to have a vehicle on the University roads and/or to ban driving on the University roads or a fine of not more than RM 300.00 and/or any punishment under Rule 83 of these Rules.

Amendment to Rules

48. The Rules are, by no means, meant to be exhaustive. The University reserves the right to amend the University Roads Traffic Rules as and when it is necessary in the interest of safety of drivers and pedestrians.

PART VI

FORMAL STUDENT DISCIPLINARY PROCEDURE

Responsibilities and rights of students

49. (1) Students are responsible for:-

- (a) conducting themselves with dignity, honesty and integrity to promote an atmosphere of mutual respect
- (b) familiarising themselves with and adhering to acceptable standards of conduct, relevant policies, procedures, practices and rules as contained in these Rules and in the University's Student Handbook and/or other University's policies.
- (c) seeking clarification from their immediate superiors if there are aspects of (b) above which they do not understand.

(2) Students have a right to:-

- (a) seek guidance and advice from the Compliance and Disciplinary Unit in relation to any disciplinary matter relating to him or her
- (b) be treated fairly and consistently. This includes the right of representation, the right of appeal and the right to be provided with all evidence and relevant documents prior to attending a disciplinary hearing.

Responsibilities and rights of the University

50. (1) The University is responsible for:-

- (a) confronting and challenging and dealing with unacceptable behaviour of its students
- (b) establishing standards of conduct and ensuring that the students understand and comply with these
- (c) ensuring that the students receive, understand, and observe any policies, procedures, practices and other rules governing their enrolment
- (d) ensuring that matters relating to an individual's conduct are treated in a fair and consistent way with sensitivity and confidentiality
- (e) ensuring that students receive appropriate advice and training relating to the operation of the disciplinary procedure
- (f) consulting through its designated officials of the Compliance and Disciplinary Unit when taking action under the disciplinary procedure
- (g) ensuring that the students' actions are lawful and do not expose the University to legal liability for negligence

(2) The University has a right to :-

- (a) use its discretion to resolve problems through informal discussion. Often, constructive guidance can resolve difficulties and obviate the need for formal disciplinary action

- (b) enquire issues that may be affecting students' behaviour and conduct only discreetly and with appropriate sensitivity.

Responsibilities and rights of the Compliance and Disciplinary Unit

51. (1) The Compliance and Disciplinary Unit of the University shall, as directed by the Chief Executive, be responsible for:-

- (a) training and advising the University and students on all aspects of the disciplinary procedure
- (b) keeping a formal record and minutes of any meetings held under the disciplinary procedure. This is not a verbatim record or minutes but a detailed and accurate summary of what took place
- (c) monitoring the use and application the disciplinary procedure across the University
- (d) ensuring that the disciplinary procedure is applied consistently throughout the University.

Disciplinary authority in respect of students

52. (1) Pursuant to Section 46(1) of the Act and Section 35(1) of the Constitution, the Chief Executive appointed by the Board of Governors shall be the disciplinary authority in respect of every student of the Cyberjaya University College of Medical Sciences (CUCMS).

(2) A 'student' shall mean a person defined as a student in Rule 4 of these Rules.

Responsibility for student discipline

53. (1) The Chief Executive of the University shall, pursuant to Section 35(2) of the Constitution, be responsible for the maintenance of discipline and conduct of students in the University College.

(2) The Chief Executive shall, pursuant to Section 28(6) of the Constitution, act in respect of the general supervision over the arrangements for discipline in the University College, under the general authority and direction of the Board of Governors and the Senate.

Power to nominate

54. (1) The Chief Executive shall, in discharge of his duties under Section 28(6) of the Constitution, nominate the Head of Compliance & Disciplinary Unit, a body to be set up under Rule 55 below, to act on his/her behalf in respect to the operation of student disciplinary matters and issues.

(2) In the absence of the Head of Compliance & Disciplinary Unit, the Chief Executive may nominate any other officer to act on his/her behalf.

Compliance & Disciplinary Unit

55. (1) The Board of Governors shall, pursuant to section 42(1) (c) of the Constitution, direct that a body to be known as the Compliance & Disciplinary Unit be set up from among the staff members of the Department of Human Resources, Student Affairs Department and the Heads of various Schools/Department Centres of the University.

(2) The Compliance & Disciplinary Unit shall be headed by the Head of Compliance & Disciplinary who will act as the Chairman and shall consist, besides the Chairman, a member of Department of Human Resource, a member of the Student Affairs Department, seven (7) other members and it shall have the following responsibilities:-

- (a) to draw up the Disciplinary Board members for the purpose of hearing cases on allegations of misconduct against the students, from among the persons listed in Rule 56 below;
- (b) to vet and to exclude persons who, in any particular case, are in any way, connected to the case by reason of their involvement in the initiation or investigation of the case;
- (c) to select and appoint the most appropriate Disciplinary Board members for different types of cases, based on their knowledge and experience and the nature of the offence in respect of the Disciplinary Board;
- (d) to provide all administrative assistance needed in giving or serving notices of hearings and in doing all the other related administrative work in bringing up any act of misconduct from the early stage of the receipt of allegations of misconduct to the stage of hearing before the Student Disciplinary Board under Rule 78 and thereafter to the Registrar General of Private Higher Educational Institution under section 46 of the Act.

(3) The Chairman of Compliance & Disciplinary Unit shall, with assistance from its members, draw up rules pursuant to section 42(1)(c) of the Constitution, for the efficient running of the Unit and for the provision of all necessary services for the conduct of student disciplinary hearings in the University.

Formation of Student Disciplinary Board for Disciplinary Hearings

56. (1) The Compliance & Disciplinary Unit shall choose the Disciplinary Board members, appropriate for each case, from the following list of persons, namely:-

- (a) Members of the Senate/Board of Governors
- (b) Members of the Executive Management Committee of the University

- (c) Deans of the Faculties, their deputies or assistants
- (d) Heads of Departments/ Centres, their deputies or assistants
- (e) The Chief Executive, Deputy Chief Executive, the Registrar and the Secretary of the University College
- (f) Head of a Branch Campus, Librarian of the University Library, Bursar, Legal Advisor, his/her deputies or assistants
- (g) Hostel Wardens/Superintendents or a member of the Hostel Residential Committee ;
- (h) Senior lecturers and professors of the University College
- (i) Senior officers of Student Affairs Department and Administration
- (j) Senior Officers of Human Resource Department
- (k) Any other person employed by the University and authorised by the Chief Executive for the purpose.

(2) In choosing the board members, regard should be given to the type of misconduct, the place of its occurrence and its nature and consequences.

The Student Disciplinary Board

57. (1) The Disciplinary Board that is to hear the complaint against the Students shall be drawn up by the Compliance & Disciplinary Unit from among the relevant persons referred to in Rule 56 of these Rules.

(2) Each Disciplinary Board for a disciplinary hearing shall consist of five members including the Chairman.

(3) The member who, in the opinion of the Chief Executive or his or her nominee, is the most senior in service or the most qualified and experienced for the post, and shall act as the Chairman of the Disciplinary Board.

(4) The Disciplinary Board shall have a Secretary who shall attend at disciplinary hearings and do such work as directed by the Chairman of the Disciplinary Board but he/she shall not constitute a member of the Board or take part in the decision making.

Duties of Chairman /Members of Disciplinary Board

58. (1) Where a member fails to turn up for the disciplinary hearing, the Chairman has the discretion to appoint another suitable person to take the place of the absent member.

(2) The Chairman has the power to proceed with the hearing with less than five members only in the event where a member is unable to attend on account of sudden death, sickness of a member or for other valid reasons acceptable to the Chairman.

(3) All members of Disciplinary Board shall be from outside the Faculty of the Student against whom the allegation of misconduct is charged except in cases of academic offences.

(4) In forming the Disciplinary Board for each hearing, the Compliance & Disciplinary Unit shall ensure that the Board consists of persons who have no bias or hold any prejudice against the student.

(5) No person who was directly involved in the investigation of the allegation of misconduct shall sit on the Board.

Pending disciplinary matters

59. Cases of misconduct which have been subject to, or initiated under, rules other than these Rules will continue to be governed by those rules. However, with the consent of the student and the University, those cases may be referred for action under these Rules.

Rules to be complied with by students

60. (1) All students of the University are expected to conduct themselves with due regard for its good name and reputation. They shall at all times comply with:-

- (a) the Student Code of Conduct 2011
- (b) all other University Regulations, Policies, Procedures and Codes of Conduct currently in force
- (c) rules contained in the Student Handbooks of the various schools
- (d) terms of the letter of agreement signed by student upon enrolment.

(2) Any breach or violation of any of the rules/terms in (a) to (d) above shall be regarded as a disciplinary offence to which these Rules shall apply.

Initiation of Disciplinary Proceedings

61. The Disciplinary procedure shall be initiated when a person reports an allegation of misconduct to the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive.

Preliminary Interview

62. (1) The Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive shall, within 3 working days of the receipt of the report on the student's misconduct, hold a preliminary interview with the student before any further action is taken.
- (2) During this preliminary interview, the student is entitled to be accompanied by a friend or representative who may speak on the student's behalf.
- (3) Depending on what transpires at the preliminary interview, the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive may dismiss the allegations immediately if he or she believes that there is no case for the student to answer or that it is for some other reason appropriate to do so.
- (4) The Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive may elect to suspend the student under Rule 80 of these Rules from some or all of the University activities pending further investigation either by the University or the police as the case may be.

Referral to Summary Procedure

63. (1) If the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive considers it appropriate to do so, and if the student agrees, the matter may be dealt with summarily at a meeting without recourse to the Formal Student Disciplinary Procedure under Rule 76.
- (2) The meeting may be held within a minimum of 10 working days and a maximum of 20 working days after the preliminary interview in Rule 62 of these Rules unless the student agrees in writing that a shorter period is acceptable.
- (3) At the summary hearing, the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive shall consider written or oral evidence as he or she thinks fit and shall find the student guilty only if, on the available evidence he or she is satisfied, on the balance of probabilities, of the student's guilt.
- (4) If found guilty, appropriate punishments may be given under Rule 64 of these Rules.
- (5) The decision by the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive shall also be confirmed in writing to the student within five (5) working days.

Penalties under Summary Procedure

64. (1) If the student is proven guilty the following punishments may be given by the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive:-

- (a) Written undertaking from the student to be of good conduct and behaviour for a period of 3 months from the date of undertaking
- (b) A First Written Warning to be given to the student and to be placed in Student's Record
- (c) A Final Written Warning to the same effect as in (b) above. It shall state the right of appeal with a copy to be placed in Student's record
- (d) A fine up to RM200-00
- (e) Compensation for damage or loss caused
- (f) Suspension not exceeding 3 months.

(2) Copies of all written warnings and actions taken are to be placed in the Students' Record.

Notification To Proceed To The Formal Stage

65. (1) Where the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive considers the allegations to have substance, he/she will notify the Compliance & Disciplinary Unit to progress the case to Formal Student Disciplinary Procedure.

(2) Where a disciplinary authority takes the view that a student's case comes under Rule 59 of these Rules or a student has committed a disciplinary offence under Rule 60 of these Rules, the disciplinary authority shall, with assistance from the Compliance & Disciplinary Unit, verbally notify the student of the general nature of the alleged disciplinary offence and of the grounds on which it is proposed to take action against him and that the allegations will be further investigated and the student suspended if the situation so demands.

Suspension pending hearing

66. (1) A student who is the subject of a complaint of misconduct may be suspended by the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive pending disciplinary hearing and, if applicable, any appeal.

(2) Such a suspension is reserved for cases of serious misconduct and may be made with or without conditions as determined by the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive.

- (3) Suspension pending hearing is a neutral act in the context of eventual determination as to whether the allegation of misconduct is found to be proven or not proven. Its purpose may be, for example:-
 - (a) to ensure that potential witnesses or other evidence are not interfered with
 - (b) to avoid any repetition of the circumstances which led to the allegation
 - (c) to ensure the safety and well being of the University community and the student
 - (d) to safeguard University property.

- (4) Written reasons for the decision to suspend shall be recorded and made available to the student and copied to the Students' Council and the Security Personnel by the Compliance and Disciplinary Unit. *(A sample of the letter to student is shown in Appendix A)*

- (5) A student who is suspended may be wholly or partly prohibited from entering or remaining in the premises and from participating in University activities including exercising the functions or duties of any office or Committee membership.

- (6) Suspension may be subject to qualification such as permission to take an examination or submit an assignment.

- (7) Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive contemplating suspension pending a hearing must consult with the Student's Senior Lecturers and tutors to assess the potential impact it will have upon the student's studies.

- (8) A suspended student should seek guidance from his Faculty on how he or she best continues his/her studies.

- (9) If the decision to suspend impacts upon a student's tenancy in the University's accommodation (Hostel), the Hostel Residential Committee may consider, where appropriate, a temporary change to accommodation arrangements.

- (10) (a) Normally, no student shall be suspended unless he or she has been given the opportunity, normally within five days, to make representations to Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive either in person or in writing, as the student chooses.
 - (b) Such representation may be put forward by the student or by a representative.

(11)(a) In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended with immediate effect and before being given the opportunity to make representations.

(b) In such instances the student or his/her representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.

(12) A decision to suspend a student is reviewable by the University if the student submits written representations after the suspension had been in operation for 15 working days.

(13) The University shall also review the suspension upon receipt of evidence of significantly altered circumstances. This review shall be conducted by the Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive.

(14) In the interest of expediency the representation in sub-rules 10 and 11 and the review under sub-rule 12 may be held consecutively at the same meeting.

Investigation

67. (1) Before any formal disciplinary hearing is convened, there will be an investigation into the allegations of indiscipline to establish the facts of the case.

(2) The investigation will be carried out without delay by an investigation officer appointed by the Compliance & Disciplinary Unit.

(3) The investigating officer should normally be someone who does not work closely with either the individual under investigation, the individual making the complaint or the Disciplinary Board members who will hear the case and should not have had any previous involvement in the case.

(4) Where the facts are clear and not in dispute, the investigation may be undertaken by the Head of Compliance & Disciplinary Unit himself.

(5) The investigating officer will receive advice and guidance from the Compliance & Disciplinary Unit.

(6) The investigating officer will inform with two (2) working days' notice in writing to both the complainant and the student about whom the complaint is made that the investigation is going to take place and why. *(A sample of the letter to student is shown in Appendix B)*

Investigatory interview

68. (1) The complainant and the student about whom the complaint is made:-

- (a) will be required to attend an investigatory interview with the Investigation Officer, not for a hearing but to establish the facts of the case
- (b) may request that he/she be accompanied by a representative
- (c) should inform the investigating officer the number of witnesses relevant to his/her case.

Statements of witnesses

69. (1) Where appropriate, the investigating officer may also call for witnesses' statements in support of the allegations for the University and in defence of the allegations for the student, in advance of the hearing.

(2) If such witnesses' statements are available, they will be included in the Investigation Report by the Investigating Officer.

Investigation Report

70. (1) The investigating officer will provide the Compliance & Disciplinary Unit with an investigation report dealing with the facts of the case and recommending to the Unit to do one of the following:-

- (a) resolve the issue without the need to take further action and to remove all reference to investigation from the student's record
- (b) resolve the issue summarily under Rule 63 of these Rules without recourse to disciplinary proceedings
- (c) arrange a disciplinary hearing under Rule 65 of these Rules if (a) and (b) are inappropriate

Case report

71. (1) The staff of the Compliance & Disciplinary Unit shall, based on the Investigation Report, prepare a Case Report setting out the charges in full, the facts of the case and the list of names of witnesses to be called at the hearing and submit it to the Head of the Compliance & Disciplinary Unit in advance of the hearing.

(2) The student charged with misconduct shall be sent a copy of the Report at least ten (10) working days before the hearing.

(3) The student shall respond in writing to the Report, five (5) working days before the hearing, outlining the basis of his/her defence against the allegations and naming the witnesses who will be called by the student.

(4) The Compliance and Disciplinary Unit shall make sufficient copies of the Case Report and the response to it by the student under this Rule for the members of the Disciplinary Board, the parties to the dispute or their representative.

Notice of Hearing

72. Upon completion of the Investigation Report in Rule 70 and the Case Report under Rule 71, the Notice of hearing shall be issued by the Secretary of the Compliance & Disciplinary Unit as directed by the Head of the Compliance & Disciplinary Unit in compliance with Rules 72-75 of these Rules. *(The sample of a Notice of Disciplinary action and the Charge is set out in Appendix C)*

Length of Notice

73. (1) The Secretary of the Compliance & Disciplinary Unit shall issue the Notice of Hearing at least seven (7) working days before the date set for the hearing.

(2) The length of notice may be increased or shortened based on considerations such as :-

- (a) seriousness of the charges
- (b) the amount of evidence which is needed to meet them
- (c) the accessibility of that evidence
- (d) the time which has elapsed since the event in question.

(3) In appropriate cases, the notice period may be extended to a maximum of 14 days or shortened to a minimum of 3 days by consent of parties.

(4) Where necessary, the Secretary shall estimate the period generously and look favourably upon *bona fide* requests from students for extra time.

(5) The notice period, whether it is the minimum, extended or shortened, must be strictly observed.

Contents of the Notice

74. (1) The notice must be precise and unequivocal as to exactly what is going to take place at the hearing.

(2) The notice should also set out the charges, the date, time and venue of the disciplinary hearing and should call on the student to attend with his witnesses (if any) and with such evidence, documentary or otherwise, as are deemed necessary to rebut the charges.

(3) The notice should be clear as to the attendance of the student charged with the offence and should also state what will happen in the event of his non-attendance.

(4) The notice need not follow precisely the phraseology of the notice rule herein. It is sufficient if the date, time, venue, the charges and an invitation to attend with the evidence to rebut the charges and the consequence of non-attendance are stated clearly in the notice.

(5) Any amendment to the charges after the issue of a notice will require an adjournment of the hearing to allow the requisite period for preparation of the defence to the amended charge.

Service of Notice

75. (1) The notice may be served either personally or by post, fax or e-mail. Much care should be taken to ensure that the notice reaches the student and the notice is properly notified.

(2) In cases of service by post, the notice period starts to run from the date of receipt of the notice. Notices sent by post shall, in the ordinary course of business, be deemed to have been delivered to the addressee a day after posting for local addresses and two (2) days, for outstation addresses.

(3) Service of notice may be effected at the last address known to the University or made known to the University subsequently by the student.

(4) No notice shall be served by advertisement in the press or on a notice board in the University as both methods give rise to wide publicity to the extent of even damaging the student's defence.

The Formal Student Disciplinary Hearing

76. (1) The Compliance & Disciplinary Unit shall call together the Disciplinary Board drawn pursuant to Rules 57 of these Rules, which shall be charged with the responsibility to hear the student's case and shall also notify the student in writing of the alleged misconduct and the arrangements for the hearing of the case by serving the Notice in compliance with Rule 75 of these Rules.

(2) If there are series of related alleged misconduct involving one or more students, the Disciplinary Board may, at the discretion of its Chairman, deal with all allegations at one hearing.

(3) The case shall normally be considered at the next scheduled meeting of the Disciplinary Board.

How parties will be represented

77. (1) The student shall be represented at the hearing before the Disciplinary Board by a representative.

(2) The Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive shall appear before the Board on behalf of the University and shall play the role of the prosecutor and present the case against the student.

(3) No legal representation by a lawyer is permitted at this stage for either party.

The Order of Proceedings at the hearing before the Disciplinary Board

78. (1) The Order of Proceedings at the hearing shall be as follows:-

- (a) Introduction of those present by the Chairman of the Disciplinary Board
- (b) The Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive representing the University shall read out the charges against the student.
- (c) Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive may call witnesses to prove the charges and/or present written statements.
- (d) Student or his representative may cross-examine the witnesses.
- (e) Members of the Board may ask questions of clarifications to the University representative and the witnesses.
- (f) The student or his representative may be called upon to state his defence.
- (g) Student or his representative may call witnesses or present written statements.
- (h) The Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive may cross-examine the witnesses.
- (i) Members of the Board may ask questions of clarifications to the student and the witnesses.

- (j) The Chief Executive, Head of Compliance of Disciplinary Unit or any person nominated by the Chief Executive shall sum up on the evidence tendered for the University.
- (k) The Student or his representative shall sum up on the evidence tendered for the Student.

(2) The Disciplinary Board shall adjourn the matter for deliberations among themselves before reaching a decision.

Powers of the Disciplinary Board

79. (1) The witnesses shall normally be required to give evidence in person. However, the Board may receive written evidence :-

- (a) where the student agrees that the witness need not attend
- (b) where it is impracticable for the witness to attend.

(2) The witnesses at a disciplinary hearing shall not be required to give evidence under oath.

(3) The Disciplinary Board may impose time limits on oral addresses and submission by representatives of both sides.

(4) The Disciplinary Board shall rely on its decision only on evidence presented at the hearing or on written statements received in advance of, and presented at the hearing.

(5) The Disciplinary Board may ask for additional enquiries to be undertaken and may call for additional witnesses to attend and, for this purpose, may allow a short adjournment.

Standard of Proof

80. (1) The Disciplinary Board shall find a student guilty of misconduct only if, on the evidence before it, has satisfied on the balance of probability of the student's guilt.

(2) If the members of the Disciplinary Board cannot agree unanimously, the decision of the Disciplinary Board shall be that of the majority of its members.

(3) Where there is equality of votes for a decision, the Chairman shall have a casting vote.

Adjournments of Hearing

81. (1) Wherever possible, the hearings must proceed as scheduled. However, the Disciplinary Board may, only very exceptionally, at its discretion, grant adjournments of hearings.

(2) The Compliance & Disciplinary Unit and the persons representing the University and the Student shall take all the necessary steps to ensure that the Disciplinary Board will be able to hear the case on the date scheduled.

Pronouncement of Decision

82. (1) The Disciplinary Board shall, after its deliberations under Rule 91, return to the hearing room and the Chairman shall announce the decision, on both the guilt and the penalty, to the parties of the dispute.

(2) The decision of the Disciplinary Board shall also be confirmed in writing to the Student by the Secretary of the Disciplinary Board within 5 working days.

(3) For the purposes of record and for follow up actions such as appeals, the decision takes effect upon the written confirmation thereof to the parties under Rule 95(2) above.

Penalties under formal disciplinary procedure

83. (1) The penalties which a Disciplinary Board may impose on the student are as follows:-

(a) Written Undertaking from student to be of good conduct for a period determined by the Disciplinary Board.

A First Written Warning

(b) This should give details of the complaint, the improvement required and the time period for compliance. It shall warn that further disciplinary action will be considered if there is no satisfactory improvement. It shall also advise of the right of appeal. A copy of the First Written Warning shall remain in the student's record until he ceases to be a student of the University.

A Final Written Warning

(c) This shall be issued in cases where the misconduct is sufficiently serious to warrant only one warning but not sufficient to justify expulsion. A Final Written Warning shall give details of the complaint and shall warn that expulsion is likely if there is insufficient improvement and shall advise on the right of appeal. A copy of Final Written Warning shall be remained in the student's record until he ceases to be a student of the University.

(d) A fine up to a maximum of RM300-00 (amount subject to periodic review)

(e) Compensation of a reasonable sum in respect of identified and quantified loss

(f) The performance of unpaid services as determined by the Disciplinary Board for the University Community up to a maximum of 40 hours

- (g) Suspension from the University for a fixed period of time, up to a maximum of 3 months. A student who is suspended is prohibited from entering or remaining in the University premises and from participating in University activities. Suspension may be subject to qualification such as permission to take an examination or submit an assignment. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. The terms of the suspension shall be notified to the student in writing and a copy placed in his record.
- (h) Suspension for a fixed period of time from 3 months to 12 months under the same conditions as in (g) above.
- (i) A recommendation to Senate that an award already made, at any time during student's tenure at the University, or a qualification or an academic credit, be withdrawn.
- (j) Expulsion from the University which means that the student ceases to be a member of the University, has his/her registration as a student cancelled and loses all rights and privileges of membership. A student expelled from the University would not be permitted to study within the University for a period of 10 years.

(2) Where the penalty imposed impacts upon a student's tenancy in Hostel Accommodation, the University may consider, where appropriate, a temporary or permanent change to a student's accommodation arrangements.

(3) Penalties imposed following referral to the formal disciplinary procedure under Rule 75 of these Rules for any academic type of offences like copying from others, cheating in the examination, plagiarism, leakage of question papers etc, shall face the following penalties:-

- (a) A mark of "0" or a grade of "F" for the component of assessment on question
- (b) A mark of "0" or a grade of "F" for the module in question
- (c) A mark of "0" or a grade of "F" for the module in question and marks for other module to be kept at the minimum pass mark.

Non payment of fine/ compensation

84. (1) Where a student fails to pay a fine/compensation ordered by a Formal or Summary Student Disciplinary Board or a Hostel Warden, he:-

- (a) may be suspended from being a student or from entering the University, until the fine/compensation is paid

(b) shall cease to be a student where the fine/compensation remains unpaid for a period in excess of six (6) months without reasonable grounds.

(2) Any fine imposed on a student will be treated as a debt to the University. If it is not paid, enforcement by way of civil action may be taken against the student.

(3) Any compensation payable by a student shall be paid to the Bursar who shall pay it to such person/s as ordered by the Formal or Summary Student Disciplinary Board or a Hostel Warden.

Confidentiality of proceedings

85. Except with the authority of the student, the proceedings of the Disciplinary Board shall remain confidential with the exception of its decision and the penalty imposed.

Custody and disposal of exhibits

86. (1) At the disciplinary hearing, the Chairman of the Disciplinary Board shall order the following:-

- (a) that all exhibits tendered at the hearing be kept in the safe custody of the Head of Compliance & Disciplinary Unit pending conclusion of the hearing and any appeal therefrom
- (b) that the note of the disciplinary proceedings be made by the Compliance & Disciplinary Unit and kept in its custody.

Register of Disciplinary Proceedings

87. (1) The Head of Compliance & Disciplinary Unit shall maintain a Register of all disciplinary proceedings with such particulars as are listed hereunder:-

- (i) the case reference number
- (ii) the disciplinary offence
- (iii) the progress of the proceedings
- (iv) the result of the proceedings
- (v) such other particulars as necessary

Report of proceedings

88. (1) Where the Disciplinary Board finds a student guilty of a disciplinary offence, the Chief Executive shall serve a report, prepared with the help of the notes of proceedings, to the following persons:-

- (a) the Minister
- (b) the Student's parent or guardian
- (c) in the case of scholarship student, to the scholarship-sponsoring or scholarship-granting authority or body
- (d) in the case of a student who is an employee of the Government, to the Head of Department of the employee.

PART VII

APPEALS STAGE

Appeal in writing to the Registrar General within 14 days

89. (1) A student who is dissatisfied with the decision of:-

- (a) the Head of School in Summary Procedure under Rules 63 and 64 of these Rules;
or
- (b) the Disciplinary Board under Rule 82 of these Rules

may submit an appeal against the decision in writing to the Registrar General of Private Higher Educational Institution under section 46(7) of Part VIII of the Act.

(2) The appeal must be made within fourteen (14) days from the date of receipt of the decision under Rule 82(3) of these Rules.

Grounds of appeal

90. The student's appeal may be against either guilt or penalty or against both and must relate to one or more of the following grounds of appeal:-

- (a) the penalty was disproportionate to the offence
- (b) there was a procedural irregularity
- (c) the finding of guilt was unjustifiable in that it was one which no reasonable person could have reached on the available evidence

(d) the availability of new and significant evidence which could affect the outcome reached. The student will need to demonstrate why such evidence could not be presented earlier.

Appointment of a Committee to hear the appeal

91. The Registrar General may, within fourteen (14) days from the date of receipt of an appeal appoint a Committee of two (2) persons to consider the appeal and make its recommendation to the Registrar General within fourteen (14) days from the date of appointment.

Written Representations by Student

92. In submitting the appeal, the student shall be allowed to make written representation to the Registrar General.

Decision of Appeal

93. The Registrar General shall, within thirty (30) days from the date of receipt of the appeal or the date of recommendations as the case may be, decide on the appeal.

Communication of decision

94. The decision of the Registrar General shall be communicated to the student within fourteen (14) days from the date of his decision.

Disposal/Destruction of exhibits

95. The Chairman of the Disciplinary Board shall order the disposal, and where appropriate, the destruction of the exhibits which are to be carried out only after two (2) months from the decision on the appeal.

Monitoring

96. (1) The Head of Compliance & Disciplinary Unit is responsible for the administration of the Student Disciplinary Procedure and for the proper implementation of these Rules.

(2) General enquiries concerning the Procedure and the Rules may be made to the Head of Compliance & Disciplinary Unit.

(3) General information to students on the University's Student Code of Conduct is available from its website at <http://sdprules.cucms.com>

(4) Individual advice on charges of misconduct and representation at disciplinary hearings to students is available from the Student's Union of the University.

Flow chart

97. A flow chart setting out the possible stages of the Student Disciplinary Procedure and the Student Disciplinary Appeals Procedure is set out as Appendix D.

Implementation Date

98. The Rules made herein shall apply with effect from

APPENDICES

APPENDIX A

LETTER TO STUDENT RE: SUSPENSION - (RULE 66)

Dear _____

FURTHER TO YOUR MEETING WITH ME at the _____ office, this letter serves to confirm to you in writing that an allegation of gross misconduct has been made against you and that pending investigation into the allegation, you are suspended with immediate effect from attending classes as usual, for a period of two weeks from the date of this letter.

PLEASE TAKE NOTE that the suspension is not a penalty and that it is imposed only so as to enable the investigating officer to be appointed by me to investigate the allegation for the purpose of establishing the facts of the case and to avoid/ensure/safeguard _____

(fill in one or more of the reasons enumerated in Rule 66(3)(a) to (d))

YOU ARE HEREBY REQUIRED to keep away from the campus unless special permission has been granted by the Compliance and Disciplinary Unit to enter the campus. You should not discuss this case with anyone on the campus. However, this restriction is without prejudice to your opportunity to have reasonable access to information and/or colleagues not involved with the case, in private and in strict confidence, in preparation for your defence.

PLEASE RETURN to the Compliance and Disciplinary Unit any keys or other items of property entrusted by the University to you at the time of your enrolment.

PLEASE ALSO TAKE NOTE that the current period of suspension may be extended by such further periods as may be needed to complete the investigation.

Chief Executive
Cyberjaya University College of Medical Sciences

I ACKNOWLEDGE RECEIPT OF THIS LETTER

By _____
[Student's Name]

Date: _____

Please return copy of this letter to: _____
Compliance and Disciplinary Unit

APPENDIX B

LETTER TO STUDENT RE: INVESTIGATORY INTERVIEW - (RULE 68)

Dear _____

THIS IS TO INFORM YOU that I have appointed _____ as the Investigating Officer to look into the allegation of gross misconduct against you and that he will be making an appointment with you for an investigatory interview at _____ at ____ am/pm tomorrow. You may be accompanied by a representative at the interview.

THE PURPOSE OF THE INVESTIGATORY INTERVIEW shall be to obtain from you :-

- (a) information that can establish the facts of the case; and
- (b) the number of witnesses in support of your defence.

WITH HELP OF THE AFORESAID INFORMATION, the Investigating Officer shall prepare an investigating report and recommend to me _____

(fill in with one of the three options set out in Rule 70(1) of these Rules)

DEPENDING ON THE OPTION RECOMMENDED, I SHALL

- (a) arrange for the issue to be resolved
- (b) refer the matter to summary Student Disciplinary procedure
- (c) prepare the Case Report under 71(1) and refer the matter for Student Disciplinary Procedure

(Delete whichever is inapplicable)

Please acknowledge receipt.

Head of Compliance and Disciplinary Unit

Date: _____

cc: _____

[Name of Complainant]

[Address]

I ACKNOWLEDGE RECEIPT OF THIS LETTER

By _____

[Student's Name]

Date: _____

Please return copy of this letter to:

Compliance and Disciplinary Unit

APPENDIX C

NOTICE OF DISCIPLINARY ACTION - (RULE 72)

[Date]

[Student's Name and Address]

Dear Sir

Please be advised that in respect of the charges stated below, the University is proposing to take disciplinary action against you. The following are the particulars of the disciplinary hearing:

Date : _____

Time : _____

Venue: _____

The charge against you is as follows:

That you , _____ *(name)* as a _____ *(the post)*, at or about _____ *(the time)* am/pm, on _____ *(the exact date)* at _____ *(the exact place)* did distribute an obscene article entitled "*Playboy*" to your classmates and that you have thereby committed a gross misconduct under Rule 10 (2) (1) of the Cyberjaya University College of Medical Sciences Student Code of Conduct and such misconduct, if proven, shall be punishable with appropriate punishment.

You are hereby required to attend the disciplinary hearing without fail and please be further advised that at the hearing, you have the right to present your side of the case and to be accompanied by a friend or a representative. You may also bring witnesses (if any) and such evidence, documentary or otherwise, as you deem necessary to rebut the charge.

Take notice that if you fail to appear at the hearing, the Disciplinary Board shall proceed to hear the matter and reach a verdict in your absence.

Thank you.

[Name]

Head of Compliance and Disciplinary Unit

Date: _____

cc: _____

[Name and Address of Complainant]

I ACKNOWLEDGE RECEIPT OF THIS NOTICE

By _____
[Student's Name]

Date _____

Please return copy of this letter to: _____