



University College of the Cayman Islands

Student Code of Conduct

2010

University College of the Cayman Islands



University College of the Cayman Islands

Title:	STUDENT CODE OF CONDUCT
Policy No.:	96.11.01
Purpose:	To establish a framework for the development and approval of policies within the University College of the Cayman Islands
Effective Date:	August 2006
Latest Revision:	September 2010

Contents

1.	Introduction.....	4
2.	Policy Statement.....	4
3.	Scope and Applicability of the Student Code of Conduct.....	4
4.	Definitions	5
5.	Prohibited Conduct.....	6
6.	Disciplinary Procedures	10
6.1	General.....	10
6.2	Composition of Disciplinary Committee	10
6.3	Process of Misconduct Proceedings	11
6.4	Procedure at Disciplinary Hearing.....	12
6.5	Disciplinary Sanctions	14
6.6	Appeals Procedure.....	16
6.7	Recording And Administration Of Disciplinary Procedures.....	17
6.8	General Provisions And Miscellaneous	18
7.	Special Situations	19
8.	Implementation Authority	19
9.	Links To Related Policies, Forms, Guidelines	19
10.	Relevant Legislation	19
11.	History	19

1. INTRODUCTION

a. What Is the University College of the Cayman Islands?

The University College of the Cayman Islands is an institution that encourages the intellectual and personal growth of its students and provides certificate, associate, bachelor and continuing education for leadership, professional achievement and community excellence. Further, the University College of the Cayman Islands recognizes that the transmission of knowledge, the pursuit of truth and the development of students require the free exchange of ideas and self-expression.

b. Rationale of Student Code of Conduct

The University College of the Cayman Islands being a center of learning has obligations to maintain conditions conducive to freedom of inquiry and expression to the maximum degree compatible with orderly conduct of its functions. For these purposes, the University College of the Cayman Islands is governed by the rules, regulations, procedures, policies and standards of conduct that safeguard its functions and protect the rights and freedom of all members of the University community. Admission to the University College of the Cayman Islands presumes that students will conduct themselves as responsible members of the University community.

2. POLICY STATEMENT

a. Importance and Purpose of Student Code of Conduct

The Code of Conduct is established to foster and protect the core missions of the University, to foster the scholarly and civic development of students in a safe and secure learning environment, and to protect the people, properties and processes that support the University and its mission. The core missions and goals of the University are teaching, learning, research and service. Expectations for student behaviour are high in this University. This Code of Conduct is revised, when necessary, to be consistent with government laws and regulations.

3. SCOPE AND APPLICABILITY OF THE STUDENT CODE OF CONDUCT

This Code applies to all registered students, on University premises taking courses at either full-time, part-time or continuing education, and pursuing certificate, associate, bachelor, professional or any other general education studies or otherwise entered into any contractual relationship with the University to take instructions. Student status lasts until an individual graduates or is dismissed. Students continue to be subject to Laws of the Cayman Islands while at the University, and violations of those laws may also constitute violations of the Code. In such instances, the University may proceed with disciplinary action under the Code independently involving the same conduct and may impose sanctions for violation of the Code.

4. DEFINITIONS

For the purposes of this Code, ("Code" means Student Code of Conduct).

- (1) "Accused Student" means any student in violation the Code.
- (2) "Appeals Committee" means any person or persons authorized by the President to consider an appeal from the Disciplinary Committee's determination as to whether a student has violated the Code.
- (3) "Complaint" means a written statement, on appropriate University prescribed form, alleging violations of the Code or other published rule applicable to students at the University. Information submitted by other means will be reviewed and may, at the University's discretion, be acted upon but will not be treated as a formal complaint.
- (4) "Department" means one of the divisions of the University dealing with a particular field of knowledge.
- (5) "Disciplinary Committee" means any person or persons authorized by the President to determine whether a student has violated the Code and to conduct, where applicable, disciplinary proceedings.
- (6) "Faculty Member" means any person employed by the University to conduct teaching activities or who is otherwise considered by the University to be a member of the faculty.
- (7) "Member of the University community" means any person who is a student, faculty member, staff member, University official or any other person employed by the University and any other person lawfully present on University premises.
- (8) "Staff Member" means any person employed by the University to provide administrative and support services.
- (9) "Policy" means the written regulations of the University as found in, but not limited to, the Code, the University web site and any other University policy in effect.
- (10) "University" means University College of the Cayman Islands.
- (11) "Student" means the registered student, on University premises taking course(s) at either full-time, part-time or continuing education, and pursuing certificate, associate, bachelor, professional or any other general education studies or otherwise entered into any contractual relationship with the University to take instructions.
- (12) "University Premises" means any part of land, buildings, fixtures, facilities and other property in the possession of or owned, used or controlled by the University, including adjacent streets and sidewalks.
- (13) The term "Shall" is used in the imperative sense.
- (14) The term "May" is used in the permissive sense.

5. PROHIBITED CONDUCT

Conduct – Rules and Regulations

Any student found to have engaged in the following conduct while within the University premises, will be subjected to disciplinary action by the University.

a. Academic Misconduct

This includes any activity that compromises the academic integrity of the University, or subverts the educational process. Examples of academic misconduct, include, but are not limited to:

- (1) Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the faculty member of the course for which the work is being submitted or supervising authority for the academic requirement.
- (2) Falsification, fabrication or dishonesty in creating or reporting laboratory results, research results, and/or any other assignment.
- (3) Knowingly providing or receiving information during examinations or the possession and/or use of unauthorized materials during examinations. For example, usage of cellular phones.
- (4) Knowingly providing or receiving assistance in coursework, assignments, in laboratory or on field work unless otherwise directed by faculty members.
- (5) Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas.
- (6) Serving as, or enlisting the assistance of a substitute for a student in the taking of examinations.
- (7) Alteration of grades or marks by the student in an effort to change the earned grades or credit.
- (8) Alteration of academically-related University forms or records, or unauthorized use of those forms or records.
- (9) Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource materials, or manipulating a grading system.
- (10) Cheating -All forms of cheating are prohibited. Anyone who permits his/her work to be copied will be considered to be as guilty as the person who cheats. The penalty for cheating will be an automatic zero for the test or assignment in the case of the first offence. The penalty for subsequent offences will be suspension or expulsion.

- (11) Items (3) to (10) are considered major offences and items (1) and (2) are considered minor offences.

b. General misconduct

(1) Disruption of Class

- (a) Students must not indulge in disorderly or disruptive conduct or act in any way that interferes with university activities or disrupts a class in session, whether intentionally or unintentionally. This includes noisy behavior, cell phone use in class and any distractions to students and/or to members of the University community.

(2) Behaviour

- (a) Students are expected to behave in an exemplary manner at all times, in and out of the University College and in accordance with the published policies in the Students Code of Conduct which is available on the College website.

(3) Dress

Dress must be neat and modest, and must conform to rules specified by the University College as approved by the Academic and Administrative Committee., and the Student Code of Conduct.

It is our expectation that students who select UCCI do so realizing that college is a preparation for life. As such, students should realize that it is important to dress appropriately. Accordingly, students should note the following:

- (a) No hoods, do-rags, tams or bandanas are to be worn on the campus. This policy does not apply to headgear considered as a part of religious or cultural dress.
- (b) No “sunglasses” or shades are to be worn in class, unless medical documentation is presented to support use.
- (c) No decorative orthodontic appliances (e.g. “glitz”) whether permanent or removable shall be worn on campus.
- (d) Clothing with derogatory, offensive and lewd messages either in words or picture designs is strictly prohibited.
- (e) The feet must be covered at all times, that means, no bare feet, no beach slippers and no socks worn with sandals or slippers.
- (f) No sagging – the wearing of one’s pants or shorts low enough to reveal undergarments or secondary layers of clothing.
- (g) Both men and women should dress modestly.

(4) Smoking

(a) Smoking is prohibited inside the University building at all times.

(5) Alcohol

(a) Students should not consume or have in their possession for the consumption of, any alcoholic beverage on the University College premises or on the way to the University College.

(6) Drugs

(a) Students are reminded that the possession or consumption of prohibited drugs at any time is a criminal offence, and, apart from the legal consequences, may lead to expulsion from the University College.

(7) Fighting

(a) Students should not indulge in rowdy quarrels or in fights within the University College premises, while on work experience, or on the way to or from the University College.

(8) Classification of Major offences and Minor offences

(a) For items (5) and (7) are considered Major offences and items (1) to (2) are considered Minor offences.

c. Attendance

Students must maintain a 90% attendance record in each course. Absences must be explained in written communication to the lecturer as early as possible. Excuses for absence of three consecutive days or more must be supported by evidence acceptable to the University College, e.g., a medical certificate in case of illness, or a letter from a responsible relation or sponsor. Attendance is taken daily in classes and available for student review online at a student's myUCCI account at <http://sis.ucci.edu.ky>.

d. Punctuality

Classes begin promptly at the times indicated on timetables. Students must make every effort to be punctual for classes. Arrival, five minutes, after the scheduled start time of a class will constitute as lateness (L). At the discretion of the lecturer, latecomers may be refused admission to a class session and/or marked absent (A); this absence will be included in the calculation of attendance.

e. Dishonest Conduct

Dishonest conduct, including, but not limited to, knowingly reporting a false emergency, knowingly making false accusation of misconduct; misuse or falsification of University documents by actions such as forgery, alteration or improper transfer.

Each student is expected to uphold Academic honesty at all times. Academic dishonesty is considered a serious offence and includes, but is not limited to, the following:

- (1) Cheating – using or attempting to use unauthorized materials, information or study aids;
- (2) Plagiarism – representing the writings, words or ideas of another as one’s own, or copying material from a resource without proper acknowledgement;
- (3) Sabotage – wilfully damaging or impeding the academic work of another person;
- (4) Fabrication/falsification – altering or inventing any information. This includes falsification of academic records, forgery and modification of results issued by the University;
- (5) Adding and abetting – helping or attempting to help another commit an act of dishonesty.

f. Destruction of Property

Students should not deface damage or otherwise abuse any property of the University College and no property should be removed without the necessary permission. These include, but not limited to, actual or threatened damage to or destruction of University property or property of others on the University premises.

g. Sexual Misconduct

Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent. For the purposes of this Code, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. The element of consent may be dismissed in situations where an individual has been incapacitated by any drug or intoxicant, or who has been purposely compelled by force, threat of force or deception or who is unaware that the act is being committed or who is coerced by supervisory or disciplinary authority. This needs careful review as sexual activity is not appropriate whether or not consent is given.

h. Dangerous Weapons or Devices

Use, storage or possession of dangerous weapons or devices including, but not limited to, firearms and knives, unless authorized by a member of the University community.

i. Endangering Health or Safety

Taking or threatening action that endanger the safety, physical or mental health, or life of any person, whether intentionally or as a result of recklessness or gross negligence.

j. Theft and Computer Misuse

Theft or attempted theft; computer misuse; or unauthorized use of University premises or services, or the property of others.

k. Hazing

Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation.

l. Any act that is detrimental to the University.

m. Classification of Major and Minor Offences

All items e) to l) are considered Major offences and items (1) to (2) are considered Minor offences.

6. DISCIPLINARY PROCEDURES

6.1 GENERAL

- a. All alleged offences will be dealt with by the Disciplinary Committee, as hereinafter provided, which is empowered to investigate all alleged offences and to issue findings thereon. Subject to appeal, as set out below, the findings of the Disciplinary Committee in relation to offences shall be final; its reports and findings shall, however, be submitted to the Registrar, the Director of Student Services and the President.
- b. There shall be an Appeal Committee whose function will be to deal with appeals against the findings of the Disciplinary Committee in relation to alleged offences. The provisions in Section 6.6 set the procedure to be followed in cases of an Appeal.

6.2 COMPOSITION OF DISCIPLINARY COMMITTEE

- a. The University shall establish a pool of seven (7) committee members. All members of the Disciplinary Committee shall be appointed at the discretion of the President. The Committee members shall include the Chair of the Disciplinary Committee who is a faculty member, three (3) other faculty members, one (1) staff member and two (2) representatives of the Student Representative Council.
- b. For the purposes of a major offence, the Disciplinary Committee can convene the hearing with a quorum of any five (5) committee members. For the purposes of a minor offence, the Disciplinary Committee can convene the hearing with a quorum of any three (3) committee members to be appointed at the discretion of the Chair of the Disciplinary Committee, provided that there is no more than one (1) member of the Student Representative Council. If for any reason, any of the Committee members are unable to attend, the Chair of the Disciplinary Committee or his nominee, shall appoint any other member to sit in the absentee's place.
- c. The Disciplinary Committee may conduct any necessary investigation when an allegation of misconduct is alleged.
- d. If, any member of the Disciplinary Committee or the Appeal Committee other than the President, or his nominee, is found to be implicated in any aspect of the case under review, the President or his nominee shall nominate, on ad hoc basis, a substitute member with full membership rights for the duration of the case.

6.3 PROCESS OF MISCONDUCT PROCEEDINGS

A complaint can be filed by another student, by a faculty or staff member to the Registrar's, or to the Director of Student Services, or to the President of his/her designee. The matter may be referred to the Disciplinary Committee by the President or his/her designee.

Where an offence of misconduct is alleged, the Disciplinary Committee shall investigate and decide whether or not there is a case for the student or students concerned to answer. The process of investigation and evidence-gathering may involve interviewing suspects and witnesses. A student who is the subject of an investigation has the right to be informed, in writing, what offence he or she is suspected of having committed. He or she has the right not to answer any question (however, such silence will be reported in any subsequent disciplinary hearing).

When their investigation is complete, the Disciplinary Committee can then decide on one of the following:-

- a. Whether it is a major or minor offence.
- b. If the facts do not support a charge of misconduct under the Code. In this case, the Disciplinary Committee may find the student not in violation of the Code. The student will be informed in writing and that is the end of the matter.
- c. If the Disciplinary Committee finds that an offence supports a charge under this Code, and the accused student accepts the findings. In this case, the accused student agrees to accept responsibility and the case moves to Disciplinary Sanctions (refer to Section 6.5).
- d. If the Disciplinary Committee decides that an offence supports a charge under this Code, but the accused student disagrees. In this case, the accused student is charged with violation of the Code and the Disciplinary Committee will then summon each student concerned to a disciplinary hearing (procedure laid down in Section 6.4).
- e. The number of committee members responsible for adjudicating disciplinary cases differs according to the nature and seriousness of the alleged offence, i.e.; whether it is a major offence or a minor offence as explained in Section 5 above.
- f. **The student defendant always has the following statutory rights:-**
 - (1) To know which Section of the Code he or she is accused of breaching, when and where;
 - (2) To know the full evidence against him or her;
 - (3) To be accompanied or represented (lawyer not required to make statements or remarks);
 - (4) To call witnesses in defense;
 - (5) To appeal against the outcome of proceedings.
- g. **When a hearing is requested, the Chair of the Disciplinary Committee shall:**
 - (1) Make arrangements for the hearing and shall notify the student of the time, date, and place of the hearing.

- (2) Unless the student requests otherwise, the hearing will be closed except to participants.
- (3) The student shall notify the Chair of the Disciplinary Committee in advance of the hearing if the student desires the hearing to be public.

h. The purpose of the hearing is to:

- (1) Allow the Disciplinary Committee members to judge whether a violation of regulations of the Code has occurred and to recommend the appropriate action to be taken.
- (2) Provide students with institutional due process and to provide an atmosphere in which students can both learn and practice rules and procedures of responsible social conduct.
- (3) Apply in practice those principles and rules of justice and civic responsibility.

i. Prior to the hearing, the accused student, as well as any witnesses, may meet any two (2) members of the Disciplinary Committee to answer any questions.

j. Temporary Suspension

In extreme cases where the action of a student or group of students poses an immediate threat to the well-being of the University, or there is substantial evidence that the continued presence of the student(s) on the campus shall disrupt the University, the President of the University may temporarily suspend the student(s). After a determination by the President that the student's (s') presence no longer poses an immediate threat, the student(s) shall be restored to good standing pending a hearing by the Disciplinary Committee.

6.4 PROCEDURE AT DISCIPLINARY HEARING

- a. The circumstance which results in a hearing before the Disciplinary Committee is the referral by the Director of Student Services of a situation involving disciplinary action upon the student involved. The Chair of the Disciplinary Committee shall preside over the hearing and shall rule on the admissibility of evidence which may include hearsay, and on all other questions regarding the conduct of the hearing.**
- b. The appropriate hearing procedure is for the Chair of the Disciplinary Committee (or any other committee member who had full disclosure and an opportunity to present the case) to present a narration of the facts in the situation and specify any action they have recommended.**
- c. Points involved in such hearings traditionally have been classified as**
 - (1) Issues of fact (Did a certain incident occur? Was the student involved in the incident?),
 - (2) Issues related to the nature or character of the incident (Was it an accidental, careless, or intentional action? Was it spontaneous, or premeditated? Were there justifiable reasons or extenuating circumstances?),
 - (3) Issues of degree or extent (Was it minor, moderate, or major?), and

- (4) Issues of jurisdiction (Does the administration have jurisdiction over the incident and the persons involved?). That is, if the situation is the subject of a criminal investigation.
- d. **During the hearing, all evidence of the alleged misconduct will be reviewed by the Disciplinary Committee. All cases are decided on the 'civil standard' of proof (i.e. the balance of probabilities) - more likely than not based on the evidence the alleged misconduct did occur.**
- e. **The accused student has the opportunity to ask questions, introduce witnesses or additional evidence and provide his or her own statement of facts.**
- f. **After the Disciplinary Committee has reviewed all the evidence a decision must be made as to whether or not the accused student is responsible for the alleged misconduct and thus in violation of the Code.**
- g. **The hearing can lead to one of two (3) outcomes:-**
- (1) The accused student is found not responsible. This concludes the case.
 - (2) The accused student is found responsible. This moves to Disciplinary Sanctions (refer to Section 6.5).
 - (3) The matter is found to be outside the jurisdiction of the University then President and the UCCI Board of Governors shall provide appropriate directive.
- h. **If the accused student fails to attend the hearing, for any reason, the Disciplinary Committee may, nevertheless, proceed to a finding. The student must however be notified of the Disciplinary Committee's decision either by hand or by mail. If the notification of the decision is sent by mail, the said notification would be deemed delivered after 14 days from the date of postage.**
- i. **At the hearing, the student is entitled to:**
- (1) Present witnesses, to cross-examine witnesses who appear, and
 - (2) Examine all evidence presented to the Committee.
 - (3) The student then specifies the precise point at issue (the issue of fact, character, extent, or jurisdiction which occasions this hearing).
- j. **After the point at issue is specified,**
- (1) The Chair of the Disciplinary Committee, assuming the burden of proof, presents its position.
 - (2) It may present whatever relevant evidence, testimony, explanation, or argument it feels appropriate.
 - (3) After presentation of the student affairs' position, the student may present whatever relevant evidence, testimony, explanation, or argument the student feels appropriate.

- (4) Members of the Disciplinary Committee may ask questions to clarify issues at whatever point they feel necessary; however, such questions should not interrupt a speaker during the presentation unless the questions are essential.
- (5) All participants may ask questions after the initial presentations are made.

k. After all relevant matters have been placed before the committee,

- (1) It shall deliberate in closed session and render a decision.
- (2) The Chair of the Disciplinary Committee shall forward to the Registrar a written report of the decision and the reasons thereof.
- (3) The Registrar will report the decision of the hearing committee in a letter to the student and inform him or her of right to appeal to the Appeal Committee or the President on or before a specified date.
- (4) If no written choice is received within the time specified and the Office of the Registrar does not call for a review by the President, the action proposed shall be imposed and the disposition shall be considered final.

6.5 DISCIPLINARY SANCTIONS

a. If the student accepts responsibility or is found in violation of the Code after the hearing, the Disciplinary Committee must decide on the most appropriate sanction(s).

- (1) Impose a fine of any size
- (2) Order the student to pay compensation to any person or body suffering injury, damage or loss as a result of his or her conduct
- (3) Suspend the student from specified university premises or facilities for whatever period of time, or on whatever terms, it thinks fit.
- (4) Expel the student from membership of the University.

b. In relation to academic misconduct, the Disciplinary Committee may also impose one or more of the following:

- (1) Reduce a mark awarded to any piece of work
- (2) Award no mark to, or disregard, any piece of work
- (3) Substitute an alternative mark for any piece of work
- (4) Permit the student to re-sit an examination or re-submit a piece of work on such conditions as it thinks fit
- (5) Fail the student in the examination or part of the examination concerned

c. The following disciplinary sanctions may be imposed for violations of the Code:

- (1) Disciplinary Warnings and Reprimands-Action may be taken to warn or to reprimand a student for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. Warnings and reprimands must always be made in writing and shall include a statement that continuation or repetition of the specific conduct or other misconduct will normally result in one or more of the more serious disciplinary sanctions: restitution, disciplinary probation, suspension, or dismissal.
 - **Informal Reprimand** – an oral expression of disapproval to the student for violation of the Discipline Code given by the Registrar;
 - **Formal Reprimand** – a written expression of disapproval to the student for violation of the Discipline Code given by the Registrar at the request of the Disciplinary Committee.
 - (2) Restitution-An individual student may be required to make restitution for damage or other loss of property and for injury to persons. Failure to pay, or to make in writing University-approved arrangements to pay, will result in cancellation of the student's registration and will prevent the student from registering with the University.
 - (3) Disciplinary Probation-A student may be placed on disciplinary probation (meaning formal conditions are imposed on a student's continued attendance) for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the disciplinary probation shall be specified. Disciplinary probation serves as a warning to a student that further misconduct will raise the question of suspension or dismissal from the University. Disciplinary probation can be imposed for varying periods of time and can include the following:
 - Ineligibility to hold office in the University.
 - Ineligibility to represent the University in any official function.
 - Placing an informational notice in the student's permanent file.
 - Continued enrolment depends upon the maintenance of satisfactory conduct throughout the period of probation.
 - (4) Suspension-A student may be suspended from the University for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the suspension shall be specified. Suspension serves as a warning to a student that further misconduct will raise the question of dismissal from the University.
 - (5) Dismissal-A student's enrolment in the University may be terminated for violation of University rules, regulations, procedures, policies, standards of conduct, or orders.
 - (6) Forfeiture-In addition to other sanctions, a student who participates in hazing of another shall forfeit any entitlement to the University's awards for a specified period of time.
- d. A suspension or dismissal is considered a serious sanction and will be imposed only after the completion of the formal due process review provided for in this code.**

Only the President or the President's nominee may issue a final order of suspension or dismissal.

6.6 APPEALS PROCEDURE

a. Composition of Appeals Committee

The University shall establish a pool of three (3) faculty members who are not members of the Disciplinary Committee. All members of the Appeals Committee shall be appointed at the discretion of the President. If for any reason, any of the Committee members are unable to attend, the Chair of the Appeals Committee or his nominee, shall appoint any other faculty member to sit in the absentee's place.

b. Time Period of Appeals

The student may challenge the sanction by an appeal in writing to the Chair of the Appeals Committee within 14 days of the recommendation of the sanction by the Disciplinary Committee.

- (1) The Student must file a Notice of Appeal for Review with the Office of the Registrar.
- (2) The student's written appeal request shall state, as simply as possible, why the Disciplinary Committee's decision is unacceptable and the grounds for believing the decision to be erroneous or unfair.
- (3) Failure to make an appeal within this 14-day time period shall constitute a waiver of the appeal right.

c. Appeals from decisions of Disciplinary Committee

- (1) If the accused student is found to be in violation of the Code and thus found responsible after the hearing, but feels that the decision was incorrectly made, the student can appeal.
- (2) The first step is for the Appeals Committee to decide whether or not to grant the student's request for permission to appeal. The application will be considered on the basis of the documents and information submitted; there is also provision for the Appeals Committee to hold a hearing if it so decides. A reasoned decision will be given. If permission to appeal is not granted, that is the end of the internal university process. If permission to appeal is granted, the next step is for a hearing of the Appeals Committee to be arranged. During this appeal hearing, the evidence on which the Disciplinary Committee previously made its decisions will be reviewed, together with any new evidence that the Appeals Committee agrees to consider. At the end of this process, the Appeals Committee will decide whether to quash or confirm the decisions of the Disciplinary Committee (or it may decide to substitute a different penalty of the kind that the Disciplinary Committee itself could have imposed).

d. Appeal Procedure

- (1) An appeal of a disciplinary decision may be made only on justifiable grounds, including irregularity in proceedings, punishment inconsistent with the nature of the offences, additional pertinent evidence not available for the original hearing, or question of fact.
 - (a) The Chair of the Appeals Committee shall notify all parties in the case of the date, time, and place of appeal.
 - (b) The appeal proceedings will be confined to a reception of additional evidence to be offered and of other objections upon which the appeal is based.
 - (c) Following these presentations, the appeal hearing will close and the Appeals Committee will review the previous proceedings along with the additional evidence or objections.
 - (d) The Appeals Committee will then determine whether the disciplinary rights have been properly observed.
 - (e) In the decision, the Appeals Committee may:
 - Affirm the decision of the Discipline Committee which shall be effective as of the date specified by the committee;
 - Affirm the decision of the Discipline Committee and reduce the penalty which shall be effective as of the date specified by the Discipline Committee;
 - Reverse the decision against the student;
 - Reverse the decision against the student and order a new hearing by the Discipline Committee;
 - (f) The decision of the Appeals Committee shall be sent to the Registrar who shall notify the student and proceed appropriately.

6.7 RECORDING AND ADMINISTRATION OF DISCIPLINARY PROCEDURES

a. Recording of Disciplinary Procedures

- (1) Records of Disciplinary Proceedings shall be filed with the Registrar of the University College of the Cayman Islands.
- (2) Records must be kept in all cases that have been the subject of an investigation and have resulted in the imposition of a sanction, whether or not the student has waived the right to a hearing.
- (3) Records of Disciplinary Proceedings cases shall comprise:
 - (a) The written report of the Disciplinary Committee, if any;
 - (b) The Notice of Hearing (including the offence charged);
 - (c) Documentary evidence filed at a Hearing;
 - (d) The decision of the Disciplinary Committee and the reasons thereof.

b. Publishing and Use of Records

(1) Publishing of Records

Decisions of the Disciplinary Committee, including the name of the respondent, the offence and the sanction, shall be reported to the President in statistical form annually.

(2) Use of Records

Records of previous sanctions may be taken into account in imposing a sanction.

6.8 GENERAL PROVISIONS AND MISCELLANEOUS

a. Failure to Appear

(1) If a student notified to appear before the Discipline Committee, the Appeals Committee or the President fails to comply, and if the Chair of the Discipline Committee, or the Chair of the Appeals Committee, or the President, as the case may be, reasonably believes the failure to be inexcusable,

(a) The student shall be considered guilty of the violation alleged against him, and

(b) The Chair of the Discipline Committee or the Chair of the Appeals Committee shall impose the penalty considered appropriate.

Records of previous sanctions may be taken into account in imposing a sanction.

(2) When it appears necessary to avoid undue hardship or to avoid injustice, the Chair of the Discipline Committee or the Chair of the Appeals Committee may extend the time to enable a student to respond to an accusation or prepare a defence.

b. Withdrawn or Admitted Students

Persons who withdraw after allegedly violating the Code, who are not officially registered for a particular term but who have a continuing relationship with the University or who have been notified of their admission are considered "students", although not registered in the University.

c. Revision of the Code

This Code is an official publication of the University. All petitions for revision and amendment of this Code should be submitted through the Office of the Registrar. Proposed revisions to the Code shall be reviewed, in draft form, by the Council of Chairs before being presented for approval to the President. No revision shall become effective unless approved by the President and until printed notice of such revision is made available to students.

d. Confidentiality

All disclosures are dealt with in confidence. Disclosures concerning any act of misconduct should be made to the Chair of the Disciplinary Committee or to any other Committee

members. Individuals who make malicious or vexatious allegations may be liable to disciplinary action.

7. SPECIAL SITUATIONS

Whenever a University Policy must be enacted before it has been formatted in accordance with this policy, it may be distributed in memo or letter form by the Approval Authority, electronically or in print. As soon as possible after the policy is issued, it will be submitted to the University for formatting and publication. In the meantime, it is still considered effective and in force.

8. IMPLEMENTATION AUTHORITY

The President or his/her designee shall convene a Discipline Committee at a suitable time prior to the University's Commencement.

9. LINKS TO RELATED POLICIES, FORMS, GUIDELINES

Policy No. 96.12.05 - Expulsion

10. RELEVANT LEGISLATION

Not applicable.

11. HISTORY

<i>Activity</i>	<i>Historical Action</i>
<i>Approved:</i>	2006
<i>Effective:</i>	2006
<i>Revision1:</i>	2010
<i>Revision1 Effective:</i>	Fall 2010
<i>Revision2:</i>	
<i>Revision2 Effective:</i>	

