

APPENDIX K

PROCEDURES FOR THE RESOLUTION OF THE GRIEVANCES OF STUDENTS

1. The procedures set out in this document apply to all students of the University as defined in Statute I. Paragraphs 1-5 specify the general procedures for dealing with complaints. These procedures, however, do not apply to examination results determined by the Board of Examiners. There is no provision for appeals against examination results in the University; the decisions of the Board of Examiners on examination results are final. The procedures described in the remaining paragraphs mainly relate to complaints which the students may have against staff members of the University, including teachers (which for this purpose includes all persons involved in teaching activities in the University) and all other persons employed by the University of Hong Kong.

2. A student who wishes to make a complaint on an administrative or academic matter should do so to the Head of the teaching department or school, centre or unit or institute concerned, the Dean of his Faculty or the relevant committee or officer, as the case may be, either directly or through the staff-student consultative committee, class representatives, personal tutors, supervisor(s) or any other formal or informal channels. If a student is not clear about the channels through which he can make his complaint, he may seek advice from the Dean of Students.

3. In making his complaint, a student shall identify himself properly. An anonymous complaint shall not normally be dealt with, although complaints by an identified student for himself and on behalf of others will be accepted.

4. On receipt of a complaint, the Head of the department/school/centre/unit/institute, the Dean of the Faculty, the committee, or the officer concerned shall investigate the matter. It is important that all possible attempts should be made to seek remedial action at this stage, with a view to having the complaint resolved fairly and informally in a manner acceptable to all the parties concerned.

5. If it is not possible for the complaint to be resolved fairly and informally under paragraph 4 above, the Head of the department/school/centre/unit/institute, the Dean of the Faculty, or the committee or officer concerned shall refer the complaint to the Vice-Chancellor. The student shall be so informed, and shall be required to submit his grievance formally in writing if he has not yet done so. The written submission shall explain the grounds on which the complaint is made and the matters that constitute the grievance. The Dean of Students will be able to give advice on the preparation of the written submission.

6. The student may lodge his complaint with the Vice-Chancellor directly in the event
 - a. that his complaint is dealt with informally in the manner described in paragraph 4 above, but he is not satisfied with the findings or action of the Head, Dean, committee or officer concerned; or
 - b. he believes on reasonable grounds that his grievance will not be properly dealt with by the procedure described in paragraph 4 above.

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7. The complainant must submit his grievance formally in writing to the Vice-Chancellor. In addition to details of the grievance and the grounds on which the complaint is made, the written submission must also explain:
- a. why he is not satisfied with the outcome of the investigation described in paragraph 4 above; or
 - b. why he believes that his complaint will not be properly dealt with in accordance with the normal procedure.

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8. The Vice-Chancellor shall, on receipt of a complaint, take appropriate action which may include the following:
- a. considering the complaint informally and resolving it himself; or
 - b. referring the complaint to the Head/Dean/Officer concerned or relevant committee or office of the University for investigation or action; or
 - c. referring the complaint to an outside body, *e.g.*, the police or ICAC, if appropriate; or
 - d. referring the complaint to the chairman of the grievances panel set up in the manner described in paragraph 9 below.

The Vice-chancellor shall notify the complainant accordingly. Where the complaint is referred to the Chairman of the grievances panel, the Vice-chancellor shall notify the staff member(s) concerned.

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9. There shall be a grievances panel which shall be chaired by a member of staff of one of the UGC-funded institutions other than the University of Hong Kong. The Chairman shall be appointed by the Council on the recommendation of the Senate. In addition to the Chairman, the grievances panel shall comprise a member from each Faculty appointed by the Council on the nomination of the Board of the Faculty concerned from amongst its members.

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10. In the event that the Vice-Chancellor refers the complaint to the Chairman of the grievances panel the latter shall, on behalf of the Vice-Chancellor, set up a Committee of Enquiry to investigate the complaint.

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11. The Committee of Enquiry shall be regarded as an advisory committee of the Vice-Chancellor and shall be responsible to him. It shall comprise the Chairman of the grievances panel and two other members of the panel appointed by the Chairman. The Chairman of the grievances panel shall be the Chairman of the Committee of Enquiry. If the Chairman of the grievances panel is unable to act at the time a Committee of Enquiry needs to be set up, members of the grievances panel shall elect an Acting Chairman from amongst themselves to chair the Committee of Enquiry and otherwise act on behalf of the Committee. The Chairman and members of the Committee of Enquiry shall be persons not otherwise involved in the grievance. The Registrar shall appoint a secretary to the Committee.

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12. The responsibility of the Committee of Enquiry shall be the following:
- a. to enquire into the complaint referred to it by the Vice-chancellor;

- b. to determine whether the student has a genuine grievance and to determine the relevant facts; and
 - c. on completion of its investigation, to report its findings of fact to the Vice-Chancellor and to make recommendations to him accordingly.
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13. The Committee shall have the power, in its sole discretion:

- a. to co-opt members, including not more than one student member on the understanding that if such co-option is made, the staff member(s) who is being complained of (referred to as "the staff member involved" in the remaining paragraphs of this document) can request the co-option of one member of the University staff;
 - b. to have access to such University documents as are relevant for the purposes of its investigation as the Vice-Chancellor, in his discretion, approves; and
 - c. to require the complainant, the staff member involved, and any other persons concerned to give evidence, in person and/or in writing.
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14. The Committee of Enquiry shall also have the power to determine, in its sole discretion, the procedures for its enquiry, in accordance with the following guidelines:

- a. The Committee shall be fair, although any quasi-judicial procedure shall be avoided.
 - b. The Committee shall act as an inquisitorial body and shall make such enquiries as it thinks fit and receive any evidence it considers relevant. It shall ask any questions it wants to of the complainant and any other person appearing before it. It shall not permit the complainant to examine or cross-examine the staff member involved or any of the witnesses, and vice-versa. The Committee is not expected to permit or request either the complainant or the staff member involved to be present at all its meetings. It may see the complainant or the staff member involved separately.
 - c. The complainant and the staff member involved shall be given an opportunity to respond to any information or evidence which is brought to the attention of the Committee by either party or from any third party during its investigation and which appears, in the Committee's sole discretion, to call for response, clarification or confirmation.
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15. If a Committee of Enquiry is set up, the complainant shall be notified of this in writing. He shall, at the same time, be informed

- a. of the membership of the Committee;
- b. of his right to appear before the Committee, and his obligation to do so if so required by the Committee;
- c. of the fact that the staff member involved will receive, in confidence, details of the complainant's written submission and that the complainant will be provided, also in confidence, with the written statement from that staff member referred in paragraph 18.a below;
- d. of his right to present evidence and/or to call witnesses (or request the Committee to do so on his behalf);
- e. of his right to bring with him a friend or an adviser, who may speak on his behalf, when appearing before the Committee;
- f. of the procedures to be adopted, and the powers and duties of the Committee of Enquiry (including the fact that the Committee reports its findings to the Vice-

Chancellor, and does not have the power to dispose of the complaint itself in whatever manner);

- g. of the fact that he will receive a confidential report from the Committee of Enquiry on the completion of its investigation;
 - h. of the confidential nature of the proceedings, and of his obligation to maintain that confidentiality; and
 - i. of the fact that a student who lodges a complaint against a staff member of the University maliciously or without reasonable cause may be the subject of a complaint before the Disciplinary Committee.
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16. The complainant shall be asked to state in writing, by a specified date in advance of the hearing, whether he wishes to submit any additional evidence or whether he will appear in person with or without a friend or an adviser, and whether he wishes the Committee to call any witnesses on his behalf. He shall provide a written notice of the name and status of his friend/adviser and/or the witnesses whom he wishes the Committee to call.

17. The complainant shall be given not less than 7 days' notice of the date, time and venue of his appearance before the Committee.

18. If a Committee of Enquiry is set up, the staff member against whom the complaint is lodged shall be notified of the complaint in writing, and shall be provided, in confidence, with the written submission of the complainant. He shall be informed at the same time:

- a. of the membership of the Committee;
 - b. of his right to submit a statement in writing, on the understanding that the complainant will be provided, in confidence, with a copy of such written statement; and/or to appear before the Committee to present his statement in person; and/or to call witnesses (or request the Committee to do so on his behalf);
 - c. of his right to bring with him a friend or an adviser, who may speak on his behalf, when appearing in front of the Committee;
 - d. of the procedures to be adopted, and of the powers and duties of the Committee of Enquiry (including the fact that the Committee reports its findings to the Vice-Chancellor, and does not have the power to dispose of the complaint itself in whatever manner);
 - e. of the fact that he will receive a confidential report from the Committee of Enquiry on the completion of its investigation; and
 - f. of the confidential nature of the proceedings, and his obligation to maintain that confidentiality.
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19. The Committee shall complete its investigation and proceedings as quickly as possible and normally within one month of its establishment. On completion of its investigation, the Committee shall report its findings of fact and its recommendations to the Vice-Chancellor. On receipt of the report, the Vice-Chancellor shall decide upon the appropriate action to be taken. The student and the staff member involved shall be promptly notified in writing of the decision of the Vice-Chancellor.

20. On completion of its investigation, the Committee's report containing its findings of fact and its recommendations shall be released to both the complainant and the staff member involved on a confidential basis.

21. During all stages of the proceedings, the complaint, its details and the Committee's report shall be dealt with by all parties concerned in strict confidence. Unauthorized disclosure of any information, details or documents relating to the report may result in appropriate action by the Vice-Chancellor.

22. At the end of each academic year, the Vice-Chancellor shall submit to the Senate and the Council a general report on complaints received from students during the year.