

For information

Legislative Council Panel on Education

Governance Structure and Grievances and Complaints Mechanisms of the University Grants Committee-funded Institutions

Introduction

This paper provides an update on the reviews of governance and management structures, including the internal grievance and complaint mechanisms, adopted by the University Grants Committee (UGC)-funded institutions.

Background

2. In December 2002, the Administration briefed the Panel on the Government's decisions on the Higher Education Review on the basis of the final recommendations of the UGC. The UGC recommended and the Government accepted, among others, that the UGC-funded institutions should review their governance and management structures, including the grievances and complaints mechanisms to ensure that they were "fit for the purpose". At the request of the Panel, the UGC agreed to provide an update on the development of the internal grievances and complaints mechanisms in individual institutions at an appropriate time.

3. At the Panel meeting held on 21 June 2004 and the special Panel meeting held on 5 July 2004 when the subject of remuneration systems in the UGC-funded institutions after deregulation of their university salaries was discussed, the Panel requested the institutions, the UGC and the Administration to follow up a number of issues, including the availability of appeal and grievances mechanisms for staff to lodge complaints about the implementation of the new remuneration systems.

Review of Governance and Management Structure

4. The governing bodies of the UGC-funded institutions started their reviews of the fitness for purpose of their governance and management structures in 2003. All the institutions have now completed the reviews – although some aspects, such as legislative changes, are still in train. Major features of the reviews conducted by the institutions included the size and composition of the governing bodies, the fitness for purpose of the governance structure, the relevant governing

ordinances, and codes of practices where applicable, and the need for periodic reviews of the effectiveness of governing bodies. While most of the recommendations made under the reviews have been implemented, some of the recommendations (e.g. those relating to the composition of the university Councils) require legislative changes to their governing ordinances, and the relevant institutions are now working on the legislative amendments. The institutions also decided that they would conduct future reviews of their governance structure on a need basis. The latest position is summarised at **Annex A**.

Follow-up on Availability of Grievances and Complaints Mechanisms

5. The reviews demonstrate that all institutions have in place established grievances and complaints mechanisms to handle staff complaints, including complaints from staff who felt aggrieved by the implementation of the new remuneration systems. The established grievances and complaints mechanisms in place are tailored to suit the particular circumstances of each institution. The procedures are clearly defined and made known to staff. Normally, a designated body, e.g. grievance committee, appeal authority, panel, investigation committee, *etc.* is tasked to conduct enquiry or investigation. The documentation and claims of appellant staff members or the relevant parties will be examined. Meetings will be held with staff concerned and there will be calling of witness if applicable. The recommendations of the appeal authority will have to be approved by the highest level of management of the institution, and the final decision will be explained to the complainant or appellant. A summary of all eight institutions' grievances and complaints mechanisms is provided at **Annex B**.

Concluding remarks

6. It can be seen from the above that all institutions have taken on board the recommendations of the Higher Education Review to review their governance and management structures, including the grievances and complaints mechanisms, and have been implementing improvement measures. The UGC welcomes the institutions' introduction of fit for purpose structures, having regard to their different roles and missions and individual circumstances, as well as local and international good management practices.

University Grants Committee Secretariat
April 2008

**Summary of the Present Situation on the
Review of Governance and Management Structures of the
University Grants Committee-funded Institutions**

<u>Institution</u>	<u>Present Position</u>
City University of Hong Kong (CityU)	<ul style="list-style-type: none">• CityU has completed its review and the recommendations of the Review Committee have been implemented, including the restructuring of the Council Committees, and the issue of a Code of Practice for Council Members.• One of the recommendations of the Review Committee was to reduce the size of the Council with a clear majority of lay members. The corresponding changes to the CityU Ordinance were approved by the Legislative Council in June 2007.
Hong Kong Baptist University (HKBU)	<ul style="list-style-type: none">• HKBU has completed its review and concluded that the University Court and Senate have been functioning effectively, and that the University Court and Council have been playing complementary roles in governing the University. Furthermore, the Senate, with its existing powers and duties, is fit for its purpose as the highest academic body of the University.
Lingnan University (LU)	<ul style="list-style-type: none">• It is the practice of the LU Council to conduct a “fitness for purpose” review of its function whenever there is significant change to Council membership. The Council completed a review in 2004. No amendment to the Council composition has been proposed by LU.

<p>The Chinese University of Hong Kong (CUHK)</p>	<ul style="list-style-type: none"> • CUHK has completed the review and some of the recommendations, including the establishment of an Executive Committee under the Council and an audit committee have been implemented. It has also decided to reduce the size of its Council for effective governance. The precise composition of the Council remains to be finalized. To allow the existing members to complete their present terms of membership, CUHK intends to implement the recommendation over a period of two to three years. As an interim measure, an Executive Committee of the Council has been established since December 2003 to discharge on behalf of the Council such duties and powers as delegated to it by the Council.
<p>The Hong Kong Institute of Education (HKIEd)</p>	<ul style="list-style-type: none"> • The HKIEd has completed a review and decided to streamline the structure of the Council Committees by dissolving some Committees and subsuming some Sub-committees under other Committees, and to reduce the number of Council members.
<p>The Hong Kong Polytechnic University (PolyU)</p>	<ul style="list-style-type: none"> • PolyU has completed the review and concluded that its governance structure was fit for purpose, and that the University has an effective management structure. Nonetheless, to refine PolyU's governance and management structure, a number of recommendations have been approved for implementation by the Council, e.g. the institution of a process of self-evaluation to review the performance of Council as a whole once every two years, review of the University's committee structures, etc. It has also proposed reducing the size of its Council and adjusting Council's composition to achieve the reduction in size. • The University will initiate necessary legislative amendments regarding the size and composition of its Council in collaboration with the Administration.

<p>The Hong Kong University of Science and Technology (HKUST)</p>	<ul style="list-style-type: none"> • HKUST has further reviewed its governance and management structures, and is working on proposed amendments to the Hong Kong University of Science and Technology Ordinance to implement the recommendations arising from the review, including changes in the size and composition of the Council.
<p>The University of Hong Kong (HKU)</p>	<ul style="list-style-type: none"> • HKU has completed its review of the governance and management structures, and put in place processes and mechanisms to implement all the 17 recommendations arising from the review. The majority of the required measures, including the reconstitution of Council and Senate, have already been implemented. Implementation of the remaining recommendations is being carried out in phases. • Amendments to the Statutes of the University of Hong Kong Ordinance to reconstitute the University Council and Senate were introduced to the Legislative Council and became effective from November 2003. • HKU is working on amendments to the University of Hong Kong Ordinance so that the descriptions of the respective roles of the Council and the Court therein would be fully consistent with their powers as set out in the relevant statutes. HKU plans to submit their legislative amendments to the Administration for consideration, with a view to presenting the amendments to the Legislative Council in its 2007/08 session.

**Summary of the Existing Grievances and Complaints Mechanisms of the
University Grants Committee-funded Institutions**

<u>Institution</u>	<u>Present Position</u>
City University of Hong Kong (CityU)	<ul style="list-style-type: none">• The University has established appeal procedures for handling grievances and complaints in relation to staffing matters, which are applicable to staff members who feel aggrieved by personnel decisions affecting them. The University's Regulations Governing Staff Discipline deal with grievances/complaints other than those on personnel matters.• Staff members are encouraged to consult the Head of Department or seek advice from the Human Resources Office first to consider whether the issue can be resolved without invoking the formal process.• Staff members who feel aggrieved by personnel decision may submit an appeal in writing to the President. The President will decide whether to appoint an Appeal Authority to consider the appeal. The Appeal Authority shall determine whether to form an Appeal Committee to assist and advise the Appeal Authority in reviewing the appeal. The decision of the Appeal Authority will be final.• Other grievances or complaints shall be made in writing and lodged with the President, Deputy President, Director of Human Resources or Head. Mediation will be conducted subject to consent of the complainant and the respondent. An investigator or the Head will conduct investigation if mediation is not forthcoming or fails, and will make recommendation to the President whether disciplinary proceedings are to be pursued. The President's decision will be final.

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	<ul style="list-style-type: none"> • The appeal and grievances mechanisms are incorporated in the University's Staffing Procedural Manual which is accessible on the University's intranet. The Regulations Governing Staff Discipline form part of the University's employment contract. They can also be accessible on the University's intranet. • The Appeal Procedures for staffing matters were last revised in September 2003. The Regulations Governing Staff Discipline were last revised in July 2007.
Hong Kong Baptist University (HKBU)	<ul style="list-style-type: none"> • The University's Grievance Procedures deal with all work-related grievances/complaints. Specific guidelines and procedures have also been laid down to deal with various types of grievances/complaints. • Staff members are encouraged to raise and discuss any work-related concern/grievance/complaint with their immediate supervisors in the first instance, or with a senior level if the immediate supervisor is involved. • Should informal resolution fail, or if a staff member so wishes, he/she may write to the appropriate authority (Vice-President or the President & Vice-Chancellor, as appropriate in accordance with the established procedures) to initiate the formal procedures to handle his/her grievance/complaint. Work-related grievances/complaints will be handled by a Conflict Resolution Committee. The President/Vice-Chancellor or the Vice-President may appoint a relevant Panel, in accordance with the respective guidelines and procedures, to attend to the respective grievance/complaint. • Any staff member who is not satisfied with the outcome of enquiry by the

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	<p>Committee on Conflict Resolution may write to the President & Vice-Chancellor who may refer the matter to be considered by an Appeal Committee, of which the decision will be final. For decisions of relevant Panel, the staff member can write to a higher level authority for appeal and the final decision shall rest with that authority.</p> <ul style="list-style-type: none"> • Procedures are made known to staff members via Personnel Office Circulars, Staff Handbook, and homepage of the Personnel Office. • The procedures were first established in 2002-2003, which will be reviewed in 2007-2008; and thereafter subject to periodic review every three to four years.
Lingnan University (LU)	<ul style="list-style-type: none"> • The University administers appropriate procedures for handling staff grievances and complaints on matters directly associated with the staff members' employment relationship with the University. • In general, under the existing mechanism, a staff member who has a grievance or a concern about the administration of a University policy is encouraged to try to resolve it by working with his Department/Unit Head or the University's Human Resources Office. • Respective Appeals Committees are responsible for handling appeals against termination and non-renewal of contract for academic and non-academic staff. Grievance, other than that relating to termination of employment and non-renewal of contract, which is not resolved informally at the levels of the Head of Department/Unit and/or the Human Resources Office may be presented in writing to the Office of the President, which may appoint an Investigation Committee to

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	<p>deal with the case. The Committee shall report its findings and recommendations to the President. The final decision rests with the Council.</p> <ul style="list-style-type: none"> • The functions and procedures of the Appeals Committee are widely publicized in the University through the campus computer network. A Staff Handbook including the relevant procedures is available on the website of the University for easy reference by staff members. • The procedures for handling grievances and complaints, like other staffing policies and procedures, are closely monitored by the University. They are subject to review on a periodic basis in the light of relevant developments. The Council Appeals Committee conducted a review of its procedure in June 2007.
The Chinese University of Hong Kong (CUHK)	<ul style="list-style-type: none"> • The University has established procedures for handling various types of complaints and grievances, e.g. sexual harassment complaints, complaints related to personnel matters, as well as other general complaints or disciplinary matters. • The existing administrative arrangements allow a staff member to resolve grievances or handle complaints in preliminary stages, with the guidance of his/her supervisor(s) and/or the University's Personnel Office. Mediation is also encouraged before formal procedures are triggered. • There are detailed procedures for handling various types of complaints. Generally, the formal procedures consist of: establishing whether there is a prima facie case; forming an Investigation Committee to undertake formal investigation; allowing representation/defense by the complainant; allowing appeal or review as applicable; and approving final decision/action.

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	<ul style="list-style-type: none"> • Where a review/appeal procedure is stipulated, the case will be handled by a separate committee / officer with appropriate authority (other than the one handling the complaint in the first place) as stipulated in the relevant procedures. The final decision rests with the committee or officer with duly delegated authorities. • The staff associations of the University are kept informed of, or consulted on, the various currently-in-force procedures. The established procedures are made known to the parties concerned and where appropriate, published in the Staff Handbook and the University website. • The University keeps the procedures on handling complaints or grievances under review from time to time, having regard to changing statutory provisions, the working environment and the development and needs of the University. For example, the procedures for handling sexual harassment complaints were last reviewed in September 2007.
The Hong Kong Institute of Education (HKIEd)	<ul style="list-style-type: none"> • The Institute has established procedures for handling work-related grievances and complaints made by a staff member, or a group of staff members, against any individual or a group of staff members. • Any staff member may refer the complaint to his or her immediate supervisor, or Head of Department/Unit who shall determine the nature of the complaint and attempt to resolve it informally at the departmental level. • If the complaint cannot be resolved at departmental level, the complaint may be

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	<p>referred to a relevant Vice-President. The Vice-President shall refer the complaint to the appropriate Department/Unit for further investigation or to the Grievance Committee for further investigation.</p> <ul style="list-style-type: none"> • If the complainant is not satisfied with the decisions made by the relevant decision authority, he/she may lodge an appeal in writing. The Appeal Authority will review the entire case and decide on the appropriate course of action. The decision of the Appeal Authority shall be final. • The Procedures for Resolving Staff Grievances are posted in the Institute's intranet and staff members are able to retrieve the grievances and complaints mechanisms / procedures when needed. • Review of the procedures will be conducted as the Institute deems fit. The Institute is now in the process of reviewing the grievances and complaints mechanisms/procedures.
The Hong Kong Polytechnic University (PolyU)	<ul style="list-style-type: none"> • The University has established procedures for handling grievances and complaints which have proven to have worked well over the years. In order to further refine these procedures and consequent upon the Report of the Governance and Management Review Committee appointed by the University Council, the University Management appointed a working group to conduct a comprehensive review of all existing regulations governing appeals and grievances by staff in PolyU. The PolyU Council approved in June 2007 a new Policy on handling staff grievances and appeals as proposed by the University Management. A set of new Procedures for handling grievances and appeals established in accordance with the approved Policy has been implemented since

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	<p>March 2008.</p> <ul style="list-style-type: none"> • The new Procedures handle all staff grievances including allegations concerning sexual harassment and violation of the University Code of Ethics, and appeals against decisions on human resources-related issues. • The new Policy puts greater emphasis on facilitating the conciliation of a grievance at an early stage. All parties concerned including staff members, supervisors, Heads of Department and the Senior Management Committee members are expected to make every attempt to resolve a complaint, as informally as possible, to the satisfaction of all parties concerned. • The relevant authority, the Grievance and Appeal Committee, the Review Committee or the Director of Human Resources and the Legal Counsel as appropriate, will investigate the complaint by scrutinising and considering all relevant documents. During the investigation process, the Grievance and Appeal Committee may take any action it deems appropriate or necessary including interviewing the parties concerned or seeking further information/evidence on the case. • The decisions of the Grievance and Appeal Committee, the Review Committee or the Director of Human Resources together with the Legal Counsel (or as the case may be, a small group chaired by a senior staff member and comprising the Director of Human Resources and the Legal Counsel) on complaints under their purview shall be final. • The new Procedures were announced to the University community in January 2008. They are also included in the Staff Handbook which is accessible by staff members any time via the University Portal.

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	<ul style="list-style-type: none"> • The University will review the implementation of the new Procedures from time to time.
<p>The Hong Kong University of Science and Technology (HKUST)</p>	<ul style="list-style-type: none"> • The University has established a set of Staff Grievance Procedures for handling employment-related grievances and complaints which do not fall under appeal mechanisms of separate University procedures. • In general, under the existing mechanism, a staff member who has a relevant grievance/complaint is encouraged to try to first resolve it by working with supervisors within the unit(s)/department(s) involved. • Complaints are handled at and escalated to management levels, i.e. from immediate supervisor, Head of Department, Dean/Vice-President and then to President. A Hearing Committee shall be established to resolve the matter in case of need. The Hearing Committee shall provide the President with a written report of its findings. The President will then issue a final decision. If the staff member is not satisfied with the decision of the President made after the conduct of a formal hearing, an appeal may be made to the Chairman of the University Council. The Council Chairman shall, in consultation with the Chairman of the Human Resources Committee, decide on a course of action. The decision of the Council Chairman will be final. • The Staff Grievance Procedures were announced vide an internal circular and are also posted on the University's staff intranet. • The regulations provide that the Staff Grievance Procedures will be kept under

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	review by the University.
The University of Hong Kong (HKU)	<ul style="list-style-type: none"> • The University has established procedures for handling staff grievances and complaints of all types. • Complaint should be referred to immediate supervisor/Head of Department/Dean of his/her Faculty, who shall attempt to clarify the nature of the complaint, and to resolve it. • A complaint that is not resolved may be referred to a Pro-Vice-Chancellor in writing. The case may also be referred to the Chairman of a Grievances Panel. If the Chairman of the Panel does not resolve the complaint, he shall set up a Committee of Enquiry for further investigation. Final decision rests with the Council of the University. • Procedures are set out in the Staff Manual and on the University's website. • There is no fixed timetable for review on the procedures. On completion of the investigation of a case, the Grievances Panel normally reviews the procedures in the light of its experience in the case. The procedures were revamped in 2004, and the current regulations and procedures were introduced in November 2004. The mechanism was examined in connection with a recent investigation held a few months ago, and no change was deemed necessary.