

# 香港浸會大學教職員工會

## Hong Kong Baptist University Faculty and Staff Union

團結`Solidarity

自主`Autonomy

公義`Justice

香港浸會大學教職員工會陳仕齊  
二零零九年三月三十一日  
立法會教育事務委員會

### 政府資助高等院校之跨院校仲裁委員會

### Cross-Institutional Adjudication Commission(CIAC) for Government-funded Tertiary Educational Institutions

#### **Origin and Aims**

Cross-Institutional Adjudication Commission (CIAC) should be formed under the Tertiary Education CIAC Bill to serve the tertiary education (hereafter TE) sector or community of Hong Kong, by redressing grievances and addressing issues of maladministration in the TE sector. Through independent, objective and impartial investigation into complaints received (*and by self-initiated studies*), CIAC should strive to improve the quality of TE administration to render it more accountable to the TE community and the wider public, as well as enhance the academic freedom of TE teachers and students.

CIAC should operate without fear or favour, bias or prejudice. We see our role as finding out the facts of a case and coming to a fair conclusion on evidence. We are committed to serving the TE institutions under our jurisdiction and be accountable to TE community and the wider public.

#### **緣起與目的**

跨院校仲裁委員會是根據「高等院校界別跨院校仲裁委員會法案」成立，旨在負責處理及解決因政府資助高等院校行政當局行政失當而引起的不滿和投訴，竭誠為香港高等院校界別（下稱高教界）服務。其責任在以獨立客觀、公平公正的態度，調查接到的投訴（及主動進行研究），致力改善高等院校行政當局的行政質素，提高服務水平，使之能面對高等教育社群及廣大市民的問責，及提升院校師生的學術自由。

本委員會應秉持無私無畏、不偏不倚的宗旨行事，主要職責是尋求事實的真相，並根據所獲得的證據作出持平的結論。本委員會專注於服務政府資助的高等院校，及向高等教育社群與廣大市民負責。

#### **Vision**

To ensure that the TE sector of Hong Kong is served by fair administrations which are committed to fairness and justice, openness and accountability, and more importantly, the defense of academic freedom.

#### **願景**

確保香港的政府資助高等院校的管治及行政之公平公正，透明問責，而更為重要的，是捍衛學術自由。

## **Mission**

The Commission consists of 2 parts: an ombudsman and a non-standing independent jury, and achieve its goal through independent, objective and impartial investigation and adjudication, to redress grievances and address issues arising from maladministration in the TE sector, and bring about improvement in the quality and standard of, and promote justice and fairness in, tertiary education administration.

## **使命**

本委員會包括一位申訴專員及一個非常設的獨立陪審團，透過獨立、客觀及公正的調查及裁決，處理及解決因政府資助高等院校管治及行政失當而引起的問題，以及提升政府資助高等院校管治及行政的質素和水平，促進管治及行政公平公正。

## **Powers and Functions**

CIAC is an independent commission. It will fulfill its duties with discretion, to achieve fairness and efficiency in its execution. When needs arise, CIAC can appoint personnel with professional expertise to aid in its duties. CIAC owes its powers to the aforementioned Act and its adjudication carries binding power on all institutions under its jurisdiction.

- 1) The Ombudsman should serve as TE community's watchdog to ensure that:
  - Administrative hierarchy and bureaucratic constraints do not interfere with administrative fairness and justice
  - Tertiary administrative authorities do not jeopardize academic freedom
  - Abuse of power is prevented and administrative wrongs are righted
  - Facts are found out and justice are upheld when academics and students are unjustly accused
  - Mediations are appropriately provided to settle disputes
  - Human rights are protected
  - TE administration blunders can be rectified, so that administration can improve its quality, efficiency and attitude in serving TE community and the wider public
- 2) Independent jury may be formed to adjudicate appeal after the Ombudsman has fulfilled his / her duties in investigation and adjudication. The jury would consist of randomly selected academics, students, administrators, and citizens from the wider society. It would adjudicate appeal cases under the judicial guidance of a specially appointed judge based on the factual findings submitted by the Ombudsman.

## **權力及職能**

跨院校仲裁委員會的地位獨立。在履行這項職能時，會明智地行使其職權，以求做得公平和有效率。委員會可不時委任其認為有需要的技術或專業顧問，以協助執行職能。委員會之權力源於上述法案，並適用於所有其轄下之高等院校。

- 1) 仲裁委員會之申訴專員應擔當監察政府資助高等院校的角色，以：
  - 防止高等院校的架構及官僚作風干犯行政的公平公正
  - 防止高等院校管治及行政人員干預學術自由

- 防止及改正高等院校管治及行政人員之行政失當及濫用職權
- 澄清事實以確保被冤屈師生的公義得以伸張
- 適當地提供調解以平息紛爭
- 確保人權得以保障
- 管治及行政錯誤得以糾正，讓各院校行政當局得以改善其管治與行政質素、效率與態度，以致能服務高等院校社群及公眾

2) 仲裁委員會可從高等院校社群中隨機挑選學者、學生、行政人員，及從公眾中挑選市民，組成非常設的獨立陪審團，以處理申訴專員已處理個案之上訴，並由特別委任之法官以法律原則引導陪審團作出仲裁。

### **Value Emphasis**

- Making ourselves accessible and accountable to the wider public and institutions under our jurisdiction
- According the public and the TE sector courtesy and respect
- Maintaining impartiality and objectivity in our investigations
- Readily undertaking responsibility to ensure a fair and just environment for the TE sector
- Upholding professionalism in the performance of our functions

### **價值重點**

- 本委員會將保持本身與公眾及高教界接觸便利，也對之負責
- 本委員會將以有禮及尊重的態度面對公眾及高教界
- 本委員會將以公正客觀的態度進行調查
- 本委員會將勇於承擔責任，為高教界確保一個公平公正的工作環境
- 本委員會將維持專業水平，切實履行各項職能

### **Performance Pledge**

- Speed of case work
- Complainants' level of satisfaction with case handling
- Obtaining Redress
- Recommending improvement measures, monitoring administrative commitment and implementation
- Non-repetition of complaints

### **服務承諾**

- 盡快處理個案
- 著重投訴者對個案處理的滿意程度
- 盡力爭取錯誤之糾正
- 會就院校行政措施之改善提出建議，並監察其執行
- 盡力不讓錯誤重演