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17 May 2010

Miss Odelia Leung
Clerk to LegCo Panel on Education
1 Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Miss Leung,

**Grievance/Complaints Handling Procedures
of University Grants Committee-funded Institutions**

As undertaken by the Chairman of the University Grants Committee (UGC) at the LegCo Education Panel meeting in January 2010, I am pleased to share with the Panel a paper setting out the findings of the UGC's research of grievance procedures of ten reputable overseas institutions/organisations and the procedures adopted by the UGC-funded institutions, as well as the UGC-funded institutions' responses to the "best practice" guidelines developed by the UGC.

We will be happy to explain to the Panel our findings, and the latest developments in local institutions' grievance procedures at one of the Panel meetings.

Yours sincerely,

(Michael V Stone)
Secretary-General

For information

Legislative Council Panel on Education

Grievance/Complaints Handling Procedures of University Grants Committee-Funded Institutions

Purpose

This paper informs Members of (a) the guidelines of best practices in redress mechanisms developed by the University Grants Committee (UGC) on the basis of the UGC's findings on the grievance procedures adopted by ten institutions in other jurisdictions and the UGC-funded institutions; and (b) the responses of local institutions to the best practices mentioned in (a) above.

Background

2. The Education Panel has discussed institutions' grievance procedures on a number of occasions. Chairman, UGC undertook at the meeting in January 2010 to share with Panel members the findings of the UGC's research of grievance procedures of ten reputable overseas institutions and the procedures adopted by the UGC-funded institutions, as well as the UGC-funded institutions' responses to the "best practice" package developed by the UGC.

3. The UGC Secretariat has completed its research on the best practices in ten institutions in Australia, Canada, the United Kingdom and the United States, as well as the grievance procedures adopted by UGC-funded institutions. Our findings and analysis were presented to and discussed by the UGC which agreed the findings formed a good basis for a "best practice package". We subsequently shared the "best practice package" with the UGC-funded institutions which have responded positively to the recommendations. Several have in recent months reviewed and improved their grievance procedures. We are pleased to share with the Panel our findings, and the institutions' responses which are set out in the ensuing paragraphs.

The UGC's Findings

4. A summary of the most up-to-date local grievance procedures, and of the overseas grievance procedures are at **Annexes A and B**. An analysis and comparison of the local and overseas procedures prepared by the UGC is at **Annex C**.

5. As reflected in the analysis at **Annex C**, the grievance procedures of local institutions are now largely on a par with those adopted by overseas institutions. Institutions have adopted practices similar to those adopted by overseas institutions in areas such as the definition of grievance, the emphasis on the use of informal measures on conflict resolution, the involvement of external parties in grievance committees, keeping of written records and emphasis on confidentiality. In addition, the right to be accompanied and the right to present evidence in meetings are enshrined in institutions' procedures. In fact, when compared to the overseas counterparts, the UGC observes that local institutions have a higher level of involvement of the Council, Council Chairman or individual Council Members (*i.e.* persons outside the institutional management) at the final level of appeal.

Specific Recommendations

6. On the other hand, institutions also recognized that there is room for improvement in the local grievance procedures, in particular in areas such as: i) appointment of mediators; ii) stipulating the time limits for handling grievances; iii) guarding against retaliation; and iv) involvement of external parties in the final level of appeal. The UGC has made specific recommendations in regard to these areas, and invited the Council Chairmen and Heads of Institutions, to consider incorporating such features in their procedures – if they have not already done so. The details of the recommended improvement measures are set out below.

Appointment of Mediators

7. The UGC considers that the appointment of independent mediators (whether internal or external) would be in line with overseas practices. Mediation, if effectively conducted, can provide a relatively

quick and informal way to resolve grievances, and will inflict less harm on the existing employment relationship when compared to other formal means. It has become increasingly popular worldwide in terms of dispute resolution. Nevertheless, the history of mediation as a means of conflict resolution in Hong Kong is relatively short, and the infrastructure is still being developed. Having regard to institutions' autonomy, and taking into account the state of development of mediation as a means of conflict resolution in Hong Kong, the UGC believed that individual institutions should be given the flexibility to decide whether internal and/or external mediators should be involved in their grievances/complaints handling procedures. Institutions are supportive of the recommendation.

Time Limits

8. While the time required to handle grievances/complaints of differing natures and levels of complexity may vary, the UGC believes that it is justifiable for the complainant, as well as the respondent, to expect the investigation/hearing of a case to be completed within a reasonable period of time. To ensure transparency and efficiency, the UGC proposed, and all institutions agreed, that clear time limits should be set out in handling grievances at different stages, having regard to overseas experiences, and the need to ensure the time limit is practical and achievable. The institutions have also agreed to make the time limit known to all staff.

Retaliation

9. The UGC is glad to note institutions' confirmation that they strictly forbid retaliation as a matter of principle, even if the principle is not spelt out explicitly in the current grievances/complaints handling procedures of some institutions. To provide better assurance to staff, the UGC suggested, and all institutions agreed, to stipulate an explicit provision in their procedures to guard against retaliation, and to specify the consequences of non-compliance.

Involvement of External Parties

10. The UGC observes that, when compared to the overseas

institutions, the Councils of the eight UGC-funded institutions are more heavily involved in various stages of the grievance procedures, including the final level of appeal. As far as the involvement of external parties in the grievance procedures is concerned, the local grievance procedures are on a par with the overseas institutions, with considerable involvement of the Council Members, including lay Members.

11. As regards LegCo Members' calls for an inter-institutional redress mechanism, the UGC is not aware of similar models in other overseas jurisdictions. In the case of Hong Kong, the UGC continues to believe that it would not be appropriate to apply a uniform redress mechanism to all eight institutions, both for reasons of institutional autonomy and because of their differing policies, practices, values and cultures.

12. Nevertheless, the UGC also sees merits in building in independent checks and balances in institutions' grievance procedures. Further to enhance independence at the final appeal level, the UGC has invited institutions to consider involving reputable and independent external members at the final level of appeals. In other words, the Councils of individual institutions may set up review or appeals committees comprising, among others, external parties who are not members of the Council, to hear appeals at the final level. This would help enhance the transparency of the grievance procedures, and ensure sufficient external checks and balances, without running the risk of compromising institutional autonomy. All institutions have agreed to consider this recommendation.

Conclusion and Way Forward

13. The UGC is pleased to note that institutions have all agreed actively to keep their grievance procedures under review in the light of overseas experiences, and to consider implementing the four specific recommendations made by the UGC if they have not been featured in the existing grievance procedures. The concerned institutions have already set in train the review having regard to the UGC's findings and the "best practice package". The UGC will monitor developments in other jurisdictions, and continue to work with the UGC-funded institutions to ensure that their grievance procedures are fair, transparent, and in line

with world trend.

14. Members are invited to note the content of this paper.

UGC Secretariat

17 May 2010

Summary of Grievance Procedures of UGC-funded Institutions

Features	Institutions							
	CityU	HKBU	LU	CUHK	HKIEd	PolyU	HKUST	HKU
Definition / Scope	Since May 2009, CityU has set up two special Task Forces to carry out reviews of its procedures for handling different kinds of complaints. - The Review of Appeal Procedures for handling personnel-decisions related complaints had been completed, resulting in a new set of Appeal Procedures adopted by the University in January 2010 and reproduced in the relevant section of this document. - The Review of Grievance Procedures for handling general, employment-related complaints is still being carried out by the special Task Force set up in November 2009. It should be noted that the University currently does not have a separate set of procedures for handling general, employment-related but not personnel-decisions related complaints. What has been reproduced in this document is the existing Staff Disciplinary Procedures for dealing with staff complaints on discipline matters. Recommendations of the special Task Force, which are currently being drafted, will provide the basis for establishing a new set of procedures for handling general, employment-related complaints by the University.	- Grievance is defined as any unresolved complaint relating to work, made by a staff member, or group of staff members, against any staff member or group of staff members. - If the subject of the complaint or grievance is covered by a set of specifically laid down policy and procedures, or by an appeal mechanism under its respective policy and procedures, the complaint or grievance should be handled in accordance with the respective policy and procedures.	- A staff grievance is defined as any unresolved employment-related complaint or resentment concerning an act that the Complainant (the person or group lodging a grievance) considers: (a) to be unjust or unfair; (b) to have a potentially negative impact on his/her duties or ability to undertake those duties; and (c) actionable in the sense that the Complainant wants some action to be taken to remedy the situation. - The Grievance Procedures do not apply to grievances or appeals which are already covered by other specific policies and procedures established by the University (for example those relating to staff discipline, sexual harassment and personnel actions), or which are not employment-related, or which are governed by contractual/statutory provisions, or which involve an allegation of corruption/criminal behaviour which should be reported to an appropriate law enforcement body, or any dispute with other individual(s) outside the University. - A staff grievance does not include disagreement with human resource management related decisions (such as performance evaluation, merit increase or conditions of service), or dissatisfaction with a University policy, which shall be handled administratively. - Anonymous staff grievances will not be considered.	- Grievance is a concern, problem or complaint raised by an employee over matters relating to the complainant's employment. - Grievance does not include – (a) disagreement with a judgment made or an evaluative outcome (e.g. an assessment rating), except where it is alleged that the judgment or evaluative outcome has been caused by procedural error; or (b) dissatisfaction with University policies and regulations which are generally applicable to employees. - The grievance procedures do not apply to other matters for which specific review and appeal procedures have already been established, e.g. approved procedures for dealing with sexual harassment.	- Any unresolved complaint made by a staff member, or a group of staff members, against any individuals or a group of staff members which is work related and as a result of the following – (a) a prima facie case of unfairness or injustice which causes difficulty in carrying out his/her duties e.g. discrimination, sexual harassment, favoritism etc.; (b) not following the guidelines and procedures laid down by the institute in the course of performing duties; and (c) any other case of unfairness or injustice which is work related. - If the complaint or grievance is a matter which is covered by an appeal mechanism under its respective policy and procedures, the matter should be referred to an appropriate authority for review.	- Grievance is any unresolved work-related complaint submitted formally by a staff member, or a group of staff members against another staff member or another group of staff members. - The following complaints will not be considered: (a) any appeal against the decision of a University committee (above departmental level) on human resources management related issues, such as conditions of service matters; (b) any dispute with a person outside the University, except in relation to allegations concerning sexual harassment or violation of the Code of Ethics lodged by a person from outside the University against a staff member or a group of staff member; and (c) any matter which involves an allegation of corruption, or of criminal behaviour.	- Grievance is an expression of feeling of injustice and unfairness by staff members about the treatment received from the management or other University staff members which adversely affects their general welfare at the workplace and / or their terms and conditions of employment at the University. - Matters about which an appeal properly lies under separate University procedures, or which are not employment-related, or which should be referred to an appropriate public body (such as the police), should not be resolved within these procedures.	- The procedures should not apply to the following matters: (a) any matter about which an appeal lies elsewhere according to the relevant statutes or regulations of the University; (b) any matter which is sub judice elsewhere; (c) any dispute with a person outside the University; and (d) any matter which involves an allegation of corruption, or of criminal behavior which has been reported to and is under investigation by a law enforcement agency.
Grievance handling procedures	<u>Existing Staff Disciplinary Procedures (soon to be revised and supplemented by a new and separate set of Grievance Procedures currently being drafted by the above-mentioned special Task Force):</u> <u>Stage 1:</u> - Complaints (lodged with the President / Provost / Deputy President / Director of Human Resources / the Head) would be forwarded to the Mediator (person appointed by the President) for mediation, if consent of the complainant and the respondent is forthcoming. The complainant may withdraw the complaint after mediation within 30 working days after consent for mediation is given. - If consent is not forthcoming within seven days, or if the complainant does not withdraw the complaint after mediation, the complaint will be forwarded to the investigator (person appointed by the President) or the Head for investigations. Investigator will determine at his sole discretion whether the complaint is likely to be established; and recommend to the President whether disciplinary proceedings should be pursued. <u>Stage 2:</u> - President will at his sole discretion determine whether to take disciplinary proceedings against the respondent within ten working days. If so, the President will ask the Chairman of the Human Resources Committee of the Council to set up a disciplinary	<u>Stage 1: Informal Resolution</u> - Complainant should raise the grievance with the immediate supervisor, the Head of Department / Office (if the complaint is against the immediate supervisor), the respective Dean or Vice-President (if the complaint is against the Head of Department / Office), the Vice-President (Academic) (if the complaint is against the Dean), the President and Vice-Chancellor (P&VC) (if the complaint is against the Vice-President), or the Chairman of the Council (if the complaint is against the P&VC), and the relevant parties will try to resolve the complaint / grievance informally at this stage. <u>Stage 2: Formal Complaint</u> - If the Dean / Vice-President is unsuccessful in resolving the grievance, or if the complaint is against the Dean / Vice-President, the complainant may lodge the complaint with the P&VC. The P&VC may consider taking actions including (a) meeting with the parties concerned and resolve the grievance informally; (b) referring the grievance to the appropriate Dean / Vice-President for consideration if he considers that appropriate steps have not yet been taken; (c) referring the grievance to the proper committee / panel for review; and (d) referring the grievance to a standing Committee on Conflict Resolution for a formal review of the	<u>Stage 1: Informal Grievance Resolution:</u> - The Complainant (the person or group lodging a grievance) may discuss directly with the Respondent (the person or group against whom a grievance is lodged) the allegations that constitute the grievance and work with the Respondent to resolve any concerns. - If the grievance is not resolved with the Respondent, the Complainant is encouraged to discuss his/her concerns with his/her Head of Department or appropriate Supervisor, or the Head of Department or appropriate Supervisor of the source of grievance with an aim to resolve the grievance by informal means as far as possible. <u>Stage 2: Formal Grievance Resolution:</u> - Grievance that is not resolved informally may be presented in writing to the following Responsible Party: (a) the Grievance Co-ordinator; or (b) the supervisor of the Grievance Co-ordinator if the grievance concerns the Grievance Co-ordinator or if the Complainant is the Grievance Co-ordinator; or (c) the Chairman of the Council if the grievance concerns the President or if the Complainant is the President. - The Grievance Co-ordinator, who	The employee should, if possible, first discuss with his/her immediate supervisor to resolve the grievance informally. If need be, mediation, being a voluntary process through an independent third party or mediator, may be an effective means to help the parties in dispute to reach a voluntary agreement to resolve the grievance. If the grievance cannot be resolved informally, it shall be dealt with in accordance with the steps below. <u>Stage 1:</u> - The employee should, without unreasonable delay and within 90 days of the occurrence or discovery of the cause of grievance, set out the nature of the grievance in writing and submit the grievance statement with supporting evidence to the responsible authority: (a) the Chairman / Director / Head of Department / School / Unit (the Unit Head); (b) the supervisor of the Unit Head if the grievance concerns the Unit Head, or if the complainant is the Unit Head; or (c) the Vice-Chancellor if the grievance concerns the supervisor of a Unit Head, or if the complainant is the supervisor of a Unit Head. - The responsible authority may (a) deal with the case directly; or (b) seek approval from his supervisor to establish an Ad Hoc Panel to hear the	<u>Stage 1:</u> - The complainant may refer the complaint to his / her immediate supervisor, or head of department / centre / division / office who will determine the nature of the complaint and attempt to resolve the matter informally at the departmental level, normally within one month after receipt of the complaint. The head of department / centre / division / office may consult the human resources office and / or the appropriate Vice-President for advice. - If the complaint is against his/her immediate supervisor, the complainant may refer the complaint in writing to the head of his / her department / centre / division / office. - If the complaint is against the head of his / her department / centre / division / office, or the head of another department / centre / division / office, the complainant may refer the complaint in writing to the Vice President (Academic) or Vice President (Administration) as appropriate. - If the complaint is against the Vice President, the complainant may refer the complaint in writing to the President who may consult the Chairman of the Staffing Committee (a lay Council member) of the Council to call the Grievance Committee to investigate the matter and make a decision. If the	<u>Stage 1: Informal Resolution</u> - The complainant is encouraged to raise the complaint with his immediate supervisor, the Head of Department (if the immediate supervisor is the subject of complaint), or the Senior Management Committee member overseeing the Department (if the Head of Department is the subject of complaint). <u>Stage 2: Formal Complaint</u> - The complainant should submit the complaint to the Chairman of the Grievance and Appeal Committee. Complaints against the Deputy President or the President should be submitted to the Council Chairman. A group of staff member lodging a complaint should appoint a representative as spokesperson. Complaints of sexual harassment or violation of the Code of Ethics lodged by a person from outside the University against a staff member or a group of staff members would be referred to the Chairman of the Ethics committee for consideration and if deemed appropriate, it will be reported to the Chairman of the Grievance and Appeal Committee. Upon receipt of complaint, the Chairman of the Grievance and Appeal Committee will appoint members to the Committee within one month of receipt of complaint. Decisions of the Committee will be made by a majority of votes. The	It is every supervisor's inherent management responsibility to be alert to their staff members' problems and sentiments at work, to encourage the staff members to share their concerns and to resolve any problems and conflicts promptly before they turn to grievances. In case the issues cannot be resolved informally, they will be handled in accordance with the following procedures: <u>Stage 1:</u> - Staff concerned should refer the grievance in writing within two months of the incident to their immediate supervisor or Head of Department. If the Head of Department is the source of grievance, the grievance may be directed to the Dean (in the case of academic departments) or the Vice-President. The supervisor should clarify the grievance and attempt to resolve the grievance within one month. <u>Stage 2:</u> - If the staff member is not satisfied with the settlement, he may appeal in writing within one week of notification of the decision to the supervisor's supervisor, and so on to the Head of Department, the Dean in the case of academic departments) and the Vice-President. Each level of management should clarify the grievance and attempt to resolve it within one month.	<u>Stage 1:</u> - The grievance should first be resolved at the departmental or faculty level. The complainant should refer the grievance to his immediate supervisor, Head of Department, and Dean of Faculty. <u>Stage 2:</u> - If the complaint is still not resolved, the complainant may refer the complaint to the PVC. The PVC would ask the immediate supervisor, Head of Department, Dean of Faculty, or any other person the PVC considers appropriate to furnish a report setting out the nature of the complaint and the steps that have been taken to attempt to resolve the complaint. The PVC may (a) dismiss the complaint if it is trivial or malicious; (b) resolve the complaint himself; (c) refer the complaint to an appropriate person / committee / office for further investigation / action; or (d) refer the complaint to the Chairman of the Grievances Panel. The PVC will notify the complainant and respondent of his decision. The complainant may ask the Grievance Panel to consider the complaint even if the PVC has decided to adopt the course of action of (a) and (b), and the Grievances Panel shall do so. <u>Stage 3:</u> - The Chairman of the Grievances Panel may dismiss the complaint if it is trivial or malicious. Otherwise,

Features	Institutions							
	CityU	HKBU	LU	CUHK	HKIEd	PolyU	HKUST	HKU
	<p>committee. The disciplinary committee will submit a written report to the President, and will forward a copy of the written report to the respondent. The respondent may submit representations to the President, and the President will make the final decision.</p> <p><u>Procedures for Handling Appeals against Personnel Decisions (with effect from 1 January 2010):</u></p> <p><u>Stage 1:</u></p> <ul style="list-style-type: none"> - The President will set up a University Appeals Committee to consider the appeal (lodged within three weeks of receipt of notification of decision). <p><u>Stage 2:</u></p> <ul style="list-style-type: none"> - The University Appeals Committee comprises three to five persons (including the Chairman) who are substantiated Chair Professors or Professors; 1 additional member may be co-opted from outside the University by the President if necessary. It will not usually include anyone who has participated in the personnel decision. Staff members appointed to the Committee should be at a rank at or above the appellant. - The decision on the appeal shall be made within 40 working days after receipt of the appeal and shall be final. 	<p>grievance.</p> <ul style="list-style-type: none"> - If the grievance directed against a Vice-President cannot be successfully resolved by the P&VC, the complainant may refer the complaint to the Chairman of the Personnel Committee of the Council, who may resolve the complaint informally or appoint a Special Committee on Conflict Resolution. - The Chairman of the Council, after receiving the complaint against the P&VC, may resolve the complaint informally or refer the complaint to the Chairman of the Personnel Committee of the Council to set up a Special Committee on Conflict Resolution. <p><u>Stage 3: Enquiry by Committee on Conflict Resolution</u></p> <ul style="list-style-type: none"> - The Committee on Conflict Resolution will complete its enquiry as soon as possible and no later than two months since its confirmed membership and submit its report to the P&VC no later than ten working days after the date of its last meeting. The P&VC will notify the Committee his approval or otherwise of the recommendations of the Committee within seven working days of receipt of the report. If the P&VC does not approve the recommendation of the committee, he may take further actions mentioned in Stage 2. - The Special Committee on Conflict Resolution will report to the Council Chairman. - The complainant and respondent will be notified of the outcome of the Committee no later than seven working days after a decision has been made by the P&VC. The complainant and the respondent could expect to receive a decision from the Committee within four months from the date of submission of the written complaint to the P&VC. <p>[Note : At different stages of handling of the grievance/complaint, "mediation" can be initiated either by the complainant, or the relevant authority dealing with the complaint at that stage, and subject to the consent of both parties concerned, an independent third party (appointed either from within or outside the University) could be invited to assist in facilitating "mediation" as a means to resolving the grievance/complaint.]</p> <p><u>Stage 4: Appeal</u></p> <ul style="list-style-type: none"> - Appeal may be lodged no later than one month after being notified of the outcome of the enquiry. If the respondent is below the rank of Vice-President, the appeal may be lodged with the Chairman of the Personnel Committee of the Council, who may appoint an Appeal Committee within two weeks of the receipt of the appeal. If the respondent is a Vice-President or the P&VC, the appeal may be lodged with the Chairman of the Council, who may appoint an Appeal Committee within two weeks of the receipt of the appeal. - The Appeal Committee will make a 	<p>shall be appointed by the President, shall serve as a neutral facilitator to co-ordinate efforts of relevant parties to resolve disputes in a prompt and responsive manner.</p> <p><u>Stage 2.1: Clarification</u></p> <ul style="list-style-type: none"> - The Responsible Party shall review the relevant details submitted by the Complainant and decide whether to (a) dismiss the grievance if it does not fall within the scope of these Procedures⁶, and where necessary and appropriate, refer the grievance to the appropriate authority for further review or action (for example, the authority for handling disciplinary matters if the alleged incident may entail disciplinary proceedings); or (b) dismiss the grievance if he/she considers it to be trivial or malicious⁶; or (c) recommend the grievance to be further considered under these Procedures <p>[Note: ⁶ A grievance that is dismissed under Stage 2.1 (a) or 2.1 (b) shall be referred to the President under Stage 3 for confirmation or reconsideration of the decision to dismiss.]</p> <p><u>Stage 2.2: Mediation</u></p> <ul style="list-style-type: none"> - The Complainant and Respondent are encouraged to resolve the grievance together with an internal or external mediator. <p><u>Stage 3: Consideration by the President</u></p> <ul style="list-style-type: none"> - If the grievance is not resolved in Stage(s) 2.1 and/or 2.2, the Complainant may within 10 working days of the conclusion of the Stage 2.1 (without a mediation) or Stage 2.2 (with a mediation) write to the President who may consider referring the case to a Grievance Hearing Panel. - For grievances that have been referred to the President under Stage 2.1 (a) or 2.1 (b) above, the President or his/her delegate (as deemed appropriate), shall review the relevant documents, and where necessary and appropriate, consult the relevant parties. The Complainant and Respondent may be invited to make a verbal or written statement. The President shall within 30 working days of receipt of this referral, either confirm the said decision, which shall be the final consideration of the said grievance at the University level, or refer the grievance back to Stage 2.1 (c). <p><u>Stage 4: Grievance Hearing Panel</u></p> <ul style="list-style-type: none"> - The Grievance Hearing Panel shall be established within 10 working days and hold its first hearing within 20 working days after its establishment. The hearing process shall be completed within 60 working days after its first hearing. 	<p>grievance and make decision. The complainant and the complainee, where applicable, will be invited to attend a meeting (with the responsible authority or the Ad Hoc Panel) within 20 working days of receipt of the grievance by the responsible authority.</p> <ul style="list-style-type: none"> - Following the conclusion of the meeting(s), the responsible authority shall inform the complainant and the complainee in writing of his/her decision or the Ad Hoc Panel's decision on the case and where necessary and appropriate, the follow-up or remedial action to be taken, and normally within 10 working days after the decision is made. <p><u>Stage 2:</u></p> <ul style="list-style-type: none"> - The complainant or complainee may submit a written appeal to the Vice-Chancellor within 10 working days of receiving the notification of decision from the responsible authority. The responsible authority will be required to submit a report, including the findings and observations, to the Vice-Chancellor for consideration. The Vice-Chancellor shall decide to accept, reject or vary the decision of the responsible authority, after such consultation/advice he may seek as deemed necessary and appropriate, and shall convey his decision in writing to the respective parties within 30 working days of the receipt of the appeal. <p><u>Stage 3:</u></p> <ul style="list-style-type: none"> - The complainant or complainee may lodge an appeal in writing to the University Council, providing grounds of appeal and supporting evidence within 15 working days of the receipt of the notification of decision from the Vice-Chancellor. Upon the advice of the Chairman of the Council, the appeal may be handled by an appeal committee formed by the Council. 	<p>complaint is against the President, the complainant may refer the complaint in writing to the Chairman of the Staffing Committee (a lay Council member), who will attempt to resolve the complaint informally if possible or call the Grievance Committee to investigate the matter and make a decision.</p> <p><u>Stage 2:</u></p> <ul style="list-style-type: none"> - If the complaint cannot be resolved at the departmental level, the complaint will be referred in writing to the Vice President (Academic) (if the respondent is a teaching staff member) or the Vice President (Administration) (if the respondent is a non-teaching staff member). - The Vice President shall determine if the complaint is within the definition and scope of the grievance procedures. Otherwise the Vice President shall refer the case to the appropriate authority / Committee and / or seek legal advice if necessary. - If the complaint falls within the provisions of the grievance procedures, the Vice President will enquire what steps have been taken to resolve the complaint informally and try to resolve the complaint informally, normally within one month after the case has been referred to him / her. The Vice-President may consult or refer the case to the other Vice President if necessary. If the Vice President is satisfied that all informal channels have been exhausted, he / she may ask the respondent to submit a written statement. The Vice President may (a) refer the written statement to the appropriate department / centre / division / office for further investigation or action; and/or (b) refer it to the Grievance Committee for further investigation, as he / she thinks appropriate. - If the respondent is the Vice President, the President will try to resolve the grievance informally if possible or consult the Chairman of the Staffing Committee (a lay Council member) to call the Grievance Committee to investigate the matter and make a decision on the case. If the respondent is the President, the Chairman of the Staffing Committee (a lay Council member) will try to resolve the grievance informally if possible or call the Grievance Committee to investigate the matter and make a decision on the case as he / she thinks appropriate. <p><u>Stage 3:</u></p> <ul style="list-style-type: none"> - If the complainant remains dissatisfied as the Vice President has chosen a course of action other than referring the complaint to a Grievance Committee, the complainant has the right to refer the complaint to a Grievance Committee for consideration so long as the matter is within the Committee's jurisdiction. - The Grievance Committee will complete its enquiry as soon as possible, and preferably within one month from the date of its first meeting. Recommendations of the Grievance Committee will be made 	<p>Committee will provide the President a written report upon completion of investigation.</p> <p>For appeals against decisions on human resource management issues:</p> <ul style="list-style-type: none"> - The staff member concerned may submit in writing an appeal within 21 calendar days after receiving formal notice of a decision. A Review Committee would be appointed to review the case upon receipt of the appeal. Decision will be reached by a majority of votes. <p>For appeals against decisions on human resource management issues on grounds of procedural irregularities:</p> <p><u>Stage 1:</u></p> <ul style="list-style-type: none"> - Appeals will be considered by the Director of Human Resources together with the Legal Counsel. <p><u>Stage 2:</u></p> <ul style="list-style-type: none"> - If the Director of Human Resources and the Legal Counsel are in disagreement, the President will appoint a senior staff member to chair a panel. 	<p><u>Stage 3:</u></p> <ul style="list-style-type: none"> - If the grievance remains unresolved after consideration at the Vice-President level, the staff member may refer the grievance in writing to the President. The President will review the complaint and invite the respondent to make a statement in writing or orally. The President may (a) dismiss the grievance if it is outside the scope of the procedures, trivial or malicious; (b) refer the grievance to the department / branch if he considers that appropriate steps have not been taken; (c) resolve the grievance informally, having regard to the merit of the case and the principles of fairness and justice; or (d) refer the grievance to a Hearing Committee for formal review. The President should inform both the complainant and respondent within one month of receipt of complaint the course of action chosen. The complainant may request within one week of receipt of the President's notification that a Hearing Committee be established and the President would do so accordingly. - The complainant and respondent will be notified of the hearing at least three weeks in advance. - The Hearing Committee shall have the power to determine, at its discretion, the procedures for the hearing. - The Hearing Committee will provide the President a written report of its findings and recommendations within three months of its first hearing. - The President may accept the recommendations in whole or in part, reject the recommendations, or ask the parties for a further discussion. The President will issue a final decision in writing to both the complainant and respondent within one month of receipt of the written report. <p><u>Stage 4:</u></p> <ul style="list-style-type: none"> - If the staff member is not satisfied with the decision of the President, he may appeal to the Council Chairman within one week of notification of the President's decision, with a statement of justification. The Council Chairman will review all evidence, and in consultation with the Chairman of the Human Resources Committee, decide to (a) dismiss the case if it is trivial or malicious; (b) deny the appeal if he considers that the prima facie case for hearing the appeal is not established; (c) appoint a Grievance Committee to examine the case; or (d) any other appropriate actions. The Grievance Committee will provide the Council Chairman a report of its findings and recommendations. The Council Chairman will make the final decision. 	<p>the Chairman will set up a Committee of Enquiry to investigate the complaint, which is a standing committee of the Council. The complainant and the respondent will be notified of this in writing and be informed of the membership and their rights. On completion of investigation, the Committee will prepare a written report setting out the facts, conclusions, reasons for decisions, and recommendations. The complainant and respondent will be provided a copy of the report and be invited to make written response within three weeks of receipt. Upon receipt of written response or expiry of the three weeks, the Committee will finalise the recommendations, and report its decision to the Council for record.</p>

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		decision within two months of its establishment.	<p><u>Stage 5: Findings and Recommendations</u></p> <ul style="list-style-type: none"> - The Grievance Hearing Panel shall provide the President with a written report of its findings and recommendations within 30 working days of its final hearing. - Upon receipt of the report from the Grievance Hearing Panel, the President shall issue a decision in writing within 15 working days to both the Complainant and the Respondent. <p><u>Stage 6: Right of Appeal</u></p> <ul style="list-style-type: none"> - Written appeal detailing the grounds against the decisions taken at Stage 5 or the President's decisions taken at Stage 3 to dismiss the grievance or refer the grievance to other appropriate authority for further review or action may be lodged with the Appeals Committee of the Council within 15 working days of being notified of the decisions. - The Appeals Committee shall within 60 working days after the receipt of the appeal, make a decision, and inform the appellant in writing within five working days from the decision is made. - The decision of the Appeals Committee of the Council shall be final. 		<p>by a majority of votes by secret ballot. In the event of a tie, the Chairman of the Committee shall have a casting vote.</p> <ul style="list-style-type: none"> - Upon completion of its enquiry, the Committee shall prepare a report of its findings, conclusions and recommendations to the President for decision if the Committee is set up for resolving a complaint against staff members (other than the President or the Vice Presidents). The President shall consider the report and recommendations of the Committee normally within one month of its submission and shall decide upon the appropriate action to be taken. - For cases where the President or the Vice President is the staff member against whom a complaint is made, the Committee shall decide upon the appropriate action to be taken. - The complainant and respondent will receive the decision from the Secretary of the Grievance Committee in writing, normally within three working days of the decision being taken. <p><u>Stage 4:</u></p> <ul style="list-style-type: none"> - If the complainant or the respondent is not satisfied with the outcome, he / she may lodge an appeal in writing within two weeks from the date of being notified of the decision. The Appeal Authority will review the case, and consider whether the appropriate grievance procedures have been complied with, and decide on the appropriate course of action to be taken, normally within 30 days after receipt of the appeal. The decision of the Appeal Authority will be final. 			
Composition of the party handling the grievances	<ul style="list-style-type: none"> - Investigator may determine to appoint an advisor or to form an investigation committee to assist and advise him. Composition of the investigation committee is determined by the investigator in consultation with the Director of Human Resources or the Line Manager. - Disciplinary committee comprise of no less than three but not more than five members, and is appointed by the Chairman of the Human Resources Committee of the Council. - If the complaint is against a member of academic and equivalent administrative grade staff or teaching grade staff, the members include at least three of the categories (a) VPs, deans or equivalent; (b) one member of the Senate from a panel of five nominated by the Senate; (c) staff representative selected by the Chairman of the Human Resources Committee from a list of nominations made by the staff consultative committee for academic or administrative staff; and (d) one or more lay members of the Council (including the Chairman of Human Resources Committee). - If the complaint is against a member of the general or minor grade staff, the members include the categories of (a) deans and heads or equivalents; (b) one member of the academic and equivalent administrative grade staff from a panel of five nominated by the 	<ul style="list-style-type: none"> - The Committee on Conflict Resolution comprises (a) a Vice-President or a senior staff member appointed by the P&VC; (b) a lay Council member from the Personnel Committee of the Council appointed by the P&VC; (c) three standing staff members from a pool of potential members (comprising no less than one but no more than three elected staff members from each Faculty / School / Office) appointed by the P&VC; and (d) a staff member from the Personnel Office appointed by the Director of Personnel as Secretary to the Committee. (Each Faculty / School / Office will be invited at the start of each academic year to elect from its staff no less than one but no more than three elected staff members to serve on the pool of potential members from which the P&VC will appoint standing members and alternate members.) - The Special Committee on Conflict Resolution comprises of the Chairman of the Personnel Committee of the Council and two lay members of the Personnel Committee of the Council. - The Appeal Committee (for complaints against staff below the rank of Vice-President) comprises a lay member of the Personnel Committee of the Council (as Chairman), and two members of the Personnel Committee of the Council, one of whom is a lay member (as 	<ul style="list-style-type: none"> - Grievance Hearing Panel: <p><u>Convenor:</u> Vice-President (or a senior academic or administrative staff appointed by the President if the grievance concerns the Vice-President)</p> <p><u>Members:</u></p> <ul style="list-style-type: none"> (a) One member of academic staff at or above the Professor rank[^] (b) One member of administrative staff at or above the Director rank[^] (c) Up to two members (internal or external) that may be co-opted by the Convenor. <p><u>Secretary:</u> Director of Human Resources or his/her delegate</p> <p>[Note: [^] The Human Resources Office shall maintain a standing list of 10 potential members with five academic and administrative staff each, for the establishment of the Panel. On establishing the Panel, the President shall nominate by rotation in principle six members from among the standing list of potential Panel members: three from the sub-list of academic staff and another three from the sub-list of administrative staff. The</p>	<ul style="list-style-type: none"> - The Ad Hoc Panel hearing the grievance at Stage 1 includes three members, namely (a) the responsible authority; (b) one staff member appointed by the supervisor of the responsible authority; and (c) one staff member from a standing list of potential members maintained by the Personnel Office, to be assigned on a roster basis on the principle that the person should not be from the Department/School/Unit with which the complainant or complaine is affiliated. <p>[Note: Lay Council members will be involved in cases which are handled under the procedures provided in the Statute of its Ordinance.]</p>	<p><u>Grievance Committee</u></p> <ul style="list-style-type: none"> - If the respondent is a teaching staff member, the Grievance Committee, chaired by the Vice President, will comprise an elected staff representative from the Council who is also a member of the Staffing Committee of the Council, and three teaching staff at Lecturer level or above, with the longest length of service, to be selected by the Vice President (Academic). - If the respondent is a non-teaching staff member, the Grievance Committee, chaired by the Vice President, will comprise an elected staff representative from the Council who is also a member of the Staffing Committee of the Council, and three non-teaching staff at Executive Officer II level or above, with the longest length of service, to be selected by the Vice-President (Administration). - If the respondent is the President or the Vice President, the Grievance Committee, chaired by the Chairman of the Staffing Committee (a lay Council member), will comprise a minimum of four non-staff members from the Staffing Committee to be appointed by the Committee Chairman. <p><u>Appeal Authority</u></p> <ul style="list-style-type: none"> i) Council (in respect of complaints against the President or the 	<ul style="list-style-type: none"> - The Grievance and Appeal Committee comprises (a) one Chairman and one Alternate Chairman (at Associate Professor level or above and from different Faculty / Academic Units), to be elected from members of the Senate by majority vote; (b) one academic staff member (at Associate Professor level or above), to be appointed by rotation from a list of staff members elected from each of the Faculties or Academic Units different from those of the Chairman or Alternate Chairman; (c) one non-academic staff member, at Band 7 (under the 2004 HRM Model)/Administrative Officer and equivalent or above level, to be appointed by rotation from a list of staff members elected from each of the non-academic departments/units; (d) one member appointed by rotation from a list of six staff members nominated by the Hong Kong Polytechnic University Staff Association, and e) one additional member may be co-opted from inside or outside of the University by the Chairman in consultation with other members. If there is an objection from the complainant or respondent to the membership, the member concerned will be replaced by another staff member from the same name list under the respective category by drawing of lots. 	<p><u>For appeals to the President</u></p> <ul style="list-style-type: none"> - The Hearing Committee comprises five staff members, namely (a) one Vice-President as Chair; (b) two Heads / Directors, and (c) two staff members below Head / Director level but at or above Assistant Professor rank or equivalent as members. The Members of categories (b) and (c) are drawn from a pool of 24 staff members. The pool is formed by nominations by the President, Vice-President for Academic Affairs, Vice-President for Administration and Business and Vice-President for Research and Development. - On establishing a Hearing Committee, the President will appoint the Chair and nominate eight Members from the pool. The complainant and respondent will each eliminate one Member from categories (b) and (c). <p><u>For appeals to the University Council</u></p> <ul style="list-style-type: none"> - The Grievance Committee comprises three lay Council Members, including the Chairman of the Human Resources Committee of the Council as the Chair. 	<ul style="list-style-type: none"> - Stage 1: The immediate supervisor, the Head of Department, or the Dean of the concerned Faculty handles the grievance/complaint. - Stage 2: a PVC - Stage 3: Grievances Panel/Committee of Enquiry

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	Management Board; and (c) a staff representative selected by the Chairman of the Human Resources Committee from a list of nominations made by the staff consultative committee for general or minor grade staff. The disciplinary committee should not include members at a grade lower than that of the complainant or respondent.	members). The Appeal Committee (for complaints against Vice-Presidents or the P&VC) comprises a lay member of the Council (as Chairman), and two lay members of the Council (as members).	<i>nominated members shall not have any conflict of interest with the Complainant and Respondent. Both the Complainant and Respondent shall be asked to strike one name from each of two lists of academic and administrative staff being nominated by the President. If the name eliminated by both parties on either or both lists is the same or either/both party(ies) do(es) not strike any name(s) from the lists, the President shall strike further name(s) from the relevant list(s) to form the Panel.</i> - The Appeals Committee of the Council: (a) Three non-staff members of the Council (b) May co-opt other non-staff Council members or external members when deemed necessary		Vice-President) - will comprise the President and the Vice Presidents (except the respondent), at least one but not more than three public officers appointed by the Chief Executive, at least one but not more than three persons nominated by the Academic Board from among its number and appointed by the Council, three members elected from among the full-time teaching staff and the administrative staff whose rank or grade is equivalent to that of full-time teaching staff, not more than fourteen other persons appointed by the Chief Executive who shall be neither public officers nor employees of the Institute, and a full-time student of the Institute appointed by the Council. ii) Staff Appeal Sub-committee of the Staffing Committee (in respect of complaints against other staff members) - chaired by the Vice Chairman of the Staffing Committee (a lay Council member), will comprise a non-staff Council member who is a member of the Staffing Committee, the President, and up to three Council members including one elected staff representative.	(For appeals against decisions on human resource management issues:) - The Review Committee for appeal from academic staff will comprise the Senior Management Committee Member overseeing the Department as Chairman, and two senior academic staff members appointed by the President. - The Review Committee for appeal from non-academic staff will comprise the Senior Management Committee Member overseeing the Department as Chairman, and two senior academic or non academic staff members appointed by the President. (For appeals against decisions on human resource management issues on grounds of procedural irregularities:) - The Panel will comprise the Director of Human Resources and the Legal Counsel.		
Procedures apply to individuals and / or groups	Not specified.	Staff may raise the grievance as an individual or as a group.	A staff grievance made by a group of staff members should be common to all members of the group. The group shall appoint a representative among themselves as the spokesperson to act on behalf of the group for the purpose of these Procedures.	The employee may only raise the grievance as an individual.	Staff may raise the grievance as an individual or as a group.	Staff may raise the grievance as an individual or as a group.	Staff may raise the grievance as an individual or as a group.	Staff may raise the grievance as an individual or as a group.
Final Appeal	Of the existing Staff Disciplinary Procedures: The President. For complaints against personnel decisions: the University Appeals Committee.	The Appeal Committee of the Council.	The Appeals Committee of the Council	The University Council.	The Appeal Authorities: The Council in respect of complaints against the President or the Vice-President; and the Staff Appeal Sub-Committee of the Staffing Committee (chaired by the Vice Chairman of the Staffing Committee who is also a lay Council member) in respect of complaints against other staff members.	(For appeals against decisions on human resource management issues:) The Review Committee. (For appeals against decisions on human resource management issues on grounds of procedural irregularities:) The Panel. (For formal appeals other than those against decisions on human resource management issues and on grounds of procedural irregularities:) The Grievance and Appeal Committee.	The Council Chairman.	The Committee of Enquiry. (The Chairman of the Committee of Enquiry is chaired by the Chairman of the Grievances Panel (<i>i.e.</i> a lay Council Member) and may comprise external parties. The Committee of Enquiry shall make a report of its findings, decisions and recommendations to the Council for its record.)
Rights of complainant and respondent	- Respondent may be accompanied by another staff member during mediation process. - Respondent may be accompanied by another staff member to hearings of the disciplinary committee, who may not address the committee unless permitted by the Chairman. Legal representation will not usually be permitted, but may be permitted by the chairman of the disciplinary committee. - The respondent will be informed of the composition of the disciplinary committee and have the right to object to individual appointments within five working days. Chairman of the Human Resources Committee will make a final rule. - The respondent may submit written statement or representation to the disciplinary committee within ten	- The complainant and respondent will be notified of the membership of the Committee on Conflict Resolution within seven working days of the decision of the P&VC to refer the complaint to the Committee. - The complainant and respondent could object to the membership within seven working days of the receipt of the notification of membership. The P&VC will consider the objection and make a final decision. - The respondent will be provided with a copy of the written submission of the complainant. - The complainant and respondent have the right to appear before the Committee; present evidence; call witness(es); and be accompanied by a friend who is a staff member of the University as an observer but not an advocate (legal representation is not	Both the Complainant and the Respondent shall have the following rights: (a) to be given a fair hearing by the relevant party(ies); (b) to present evidence; (c) to call witness(es) to speak on his/her behalf; and (d) to be accompanied by a support person, who shall not be his/her legal representative ^o , during the hearing or appeal process. The support person shall be an observer and shall not be allowed to ask or answer questions on behalf of the Complainant or the Respondent. [Note:	- The complainant will be given an opportunity to explain the nature of the grievance in a meeting. - The complainant may be accompanied at the grievance meeting by a companion nominated by him/her, who shall not be his legal representative. If the companion is an officer of a staff union, the companion should attend the meeting as a fellow worker but not as a representative of the staff union. The companion must sign an undertaking of confidentiality before the meeting. The companion may not ask or answer or clarify questions on behalf of the complainant. But if invited by the responsible authority or the Ad Hoc Panel, the companion may address the parties during the meeting.	- The complainant and respondent shall each be notified in writing if the complaint is referred to the Grievance Committee for investigation and provided with a copy of the procedures at the same time. - The complainant and respondent shall normally be given not less than seven working days' notice of the date, time and venue of his / her appearance before the Committee. - The respondent shall be given a copy of the complainant's written statement and may submit a written statement to the Grievance Committee three working days before the enquiry. - The complainant will be provided a copy of the written statement submitted by the respondent. - Both parties shall be notified of the proposed composition of the Grievance Committee in writing at	- The complainant and respondent may object to the membership of the Grievance and Appeal Committee. - The complainant and respondent may present his case to the Committee. - The complainant and respondent may bring with him a friend who must be a staff member (but may not be legally represented or accompanied by a friend who is a practicing lawyer). The friend will be an observer and will not take part in the discussion. - The complainant and respondent for complaints of sexual harassment may invite a friend who may or may not be a staff member, and who may answer questions on behalf of them (but they may not be legally represented or accompanied by a friend who is a practicing lawyer). - The information gathered by the Committee from either the	- The complainant and respondent may eliminate one name from the Hearing Committee from each category of Member in the Committee. - The complainant and respondent will be invited to provide evidence relevant to the case and a list of witnesses they wish to call one week prior to the hearing. The documentary materials and list of witnesses will be provided to the opposing party at least three days before the hearing. - The complainant and respondent have the right to appear before the Committee, present evidence, call witnesses, and be accompanied in hearings of the Hearing Committee (but no legal representation is permissible).	- The complainant and respondent have the right to appear before the Committee of Enquiry, the right to be informed of the case, the right to receive any written submission made by the other side, the right to present evidence, the right to call witness, and the right to be accompanied by a friend or an adviser who may speak on their behalf. - The complainant and respondent may ask the other side or their witnesses questions.

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	<p>working days.</p> <ul style="list-style-type: none"> - The respondent or the investigator may cross-examine witnesses. - The respondent or the investigator may call witnesses. 	<p>allowed).</p>	<p>❖ <i>As the Procedures are intended to provide a means whereby the grievance shall be fairly considered and resolved in a timely and constructive manner, but without the formality of a legal proceeding, legal representation shall not be permitted for any parties in any phase of these grievance procedures.]</i></p> <p>At any time during the formal grievance resolution process, the Complainant/ Respondent may request to seek to resolve the grievance through mediation. With the consent of all parties involved, mediation shall be initiated.</p> <p>Guidance and assistance from the Human Resources Office is available to all relevant parties at any time during the grievance resolution process.</p>	<ul style="list-style-type: none"> - The complainee (if applicable) should have the same right to present his/her case fully. 	<ul style="list-style-type: none"> - least three working days before the enquiry. The complainant and respondent may object to one of the members (but not the Chairman) of the Grievance Committee. The Chairman has the discretion to decide whether or not the composition of the Committee should be altered. - The complainant and respondent have the right to appear before the Committee, to present evidence to the Committee, and to call witness(es). - The complainant and respondent have the right to be accompanied by a serving colleague as observer, but who does not have the right to speak on their behalf (no legal representation is allowed). - The complainant or respondent have the right to decline appearing before the committee in person (but do not have the right to ask another serving colleague to be an observer on the Committee). - The complainant and respondent may ask questions of each other and of the witness(es), and be given the opportunity to clarify / respond to / confirm any evidence presented to the Grievance Committee by the other party, or any third party during the course of investigation. 	<ul style="list-style-type: none"> - complainant or the respondent shall be available to the other party for comment. - The report of the Committee shall be made available to the complainant and the respondent. - The complainant and the respondent will be informed of the ruling on the case in writing. <p>(For appeals against decisions on human resource management issues:)</p> <ul style="list-style-type: none"> - The staff member lodging the appeal has the right to object to the membership of the Review Committee, and the member concerned will be replaced by another staff member appointed by the President. 			
Records	<p>The university will keep a full record; but the disciplinary committee may recommend to the President a specific period of time for keeping the record.</p>	<p>All records of meetings and, where appropriate, all evidence presented will be kept in the Personnel Office.</p>	<p>All records developed during the grievance process are considered confidential and shall be retained by the Human Resources Office and the Office of the President (Council and Court Business) in accordance with existing University policies and applicable statutory requirements</p>	<ul style="list-style-type: none"> - For informal resolution, the responsible authority and the respective parties are advised to keep a record of any agreement reached in writing. - After meeting(s) at Stage 1, the responsible authority will inform the complainant (and the complainee where appropriate) in writing of the decision. A formal written record of the meetings and all related documents will be kept by the responsible authority, with a copy to be filed with the Personnel Office for record. - At Stage 2, the formal written record of the Vice-Chancellor's decision and all related documents will be kept at the Vice-Chancellor's Office with a copy to be filed with the Personnel Office for record. - At Stage 3, the completed Appeal Form and the related documents will be sent to the Secretary to the Council and the Personnel Office for registration of the appeal. The Secretary to the Council will keep the record of the Council's decision. 	<ul style="list-style-type: none"> - If the complaint can be substantiated, the Committee's report will be kept in the confidential file of the staff against whom the complaint is made. For non-substantiated cases, the report will be filed separately in a subject file. - The Grievance Committee's report should be classified as 'Confidential' document and shall be allowed access by the staff member concerned, in his / her personal capacity, only after completion of the entire investigation process including the appeal procedures. The names of any third parties will be blocked out before any release of data upon request. 	<ul style="list-style-type: none"> - The Secretary of the Committee shall keep records of the Committee. - The Human Resources Office will keep records of the appeal cases and the decisions. 	<p>The complainant shall refer the matter in writing to the immediate supervisor or Head of Department. Appeal to each higher level is to be made in writing. The Hearing Committee shall provide a written report of its findings and recommendations to the President. The President shall issue a final decision in writing to the complainant and respondent. The Grievance Committee if convened shall provide a report of its findings and recommendations to the Council Chairman.</p>	<p>The Council Secretary will keep record.</p>	
Others	<ul style="list-style-type: none"> - The University is committed to refining and improving its procedures to deal with and resolve staff complaints under the guiding principles of impartiality, fairness and efficiency. - It is envisaged that a comprehensive Complaints Handling Mechanism will be developed for the University, consisting of 4 separate but interrelated procedures which form an integrated system for addressing different kinds of staff complaints, including (a) Appeal Procedures for Personnel Decisions; (b) Grievance Procedures (<i>being drafted, pending approval</i>); (c) Sexual Harassment Procedures (<i>to be developed</i>); and (d) Staff Disciplinary Procedures (<i>to be revised</i>). - In the light of best practices in redress 	<p>Nil</p>	<p>Confidentiality:</p> <p>(a) In the grievance process, every reasonable effort shall be made to protect the privacy of all parties involved and the confidentiality of all information and documents used, in accordance with existing University policies and applicable statutory requirements.</p> <p>(b) All parties involved in the grievance process should observe strict confidentiality code. Any violation of the confidentiality shall be regarded as a serious breach of professional ethics, and be subject to appropriate sanction.</p>	<ul style="list-style-type: none"> - The procedures provide that no employee shall be subject to victimization or reprisal for lodging a grievance which is justified and in good faith. However, lodging a malicious or vexatious grievance may give rise to disciplinary proceedings. - The procedures specify that confidentiality should be ensured during the process. 	<p>Nil</p>	<p>Nil</p>	<p>Confidentiality – All parties must observe strict confidentiality code. Any violation will be regarded as a serious breach of professional ethics, and be subject to appropriate sanctions.</p> <p>Non-reprisal – Staff members shall be free from restraint, interference, coercion or reprisal in bringing forward a grievance or appearing as a witness. However, staff members making complaints which are found to be malicious are liable to disciplinary action.</p>	<p>Nil</p>	

mechanisms in overseas institutions and the best practice guidelines developed by the UGC, the proposed new Grievance Procedures will incorporate the following major features such as (i) emphasis on use of informal measures for conflict resolution; (ii) appointment of mediators; (iii) protection against retaliation; (iv) stipulation of time limits; (v) involvement of external parties when necessary at the formal stage of grievance review; and (vi) rights of complainant and respondent at the formal stage to appear before the review panel, present evidence, call witnesses and be accompanied by another staff member.

Liability:

- (a) None of the parties involved in the Procedures as a Grievance Co-ordinator, or a mediator, or a member of the Panel or the Appeals Committee, or a decision maker shall be personally liable for any action/decision made.
- (b) Deliberately filing a grievance with false statements or which is found to be malicious is considered to be serious misconduct and such offenses shall be subject to disciplinary action.
- (c) All parties involved in these Procedures shall be bound by all relevant University-wide policies/guidelines including the *Rules of Procedures for Council and University Committee Meetings* stipulated in the Committee Handbook if deemed appropriate, *Guidelines and procedures for declaration of interests by staff members* and *Code of Practice for Handling Personal Data*.

Non-retaliation:

The University prohibits retaliation against any person who has filed a grievance, or in any way participated in the grievance process. Any staff member who makes an attempt of retaliation shall be subject to disciplinary action.

Summary of Best Practice in Grievance Procedures of Overseas Institutions

Features	Advisory, Conciliation and Arbitration Service (Acas) ¹ , UK	Institutions								
		University of Toronto, Canada	University of Essex, UK	University of Sussex, UK,	University of Warwick, UK	The University of Aberdeen, UK	Stanford University, US	University of Missouri System, US	University of Pennsylvania, US	University of Melbourne, Australia
Definition / Scope	Grievances are concerns, problems or complaints that employees raise with their employers.	Grievance means any complaint or dispute arising between an employee and the University concerning the interpretation, application, administration or alleged violation of any of the University's Policies for Confidentiality by any employee whose terms and conditions are covered by these policies and who has successfully completed the probationary period. The grievance procedure is not available to a staff member who is pursuing his/her complaint or grievance through another internal or external mechanism.	Grievances concern the appointment or employment of members of the Academic Staff and relate to matters affecting the staff members as individuals or matters affecting their personal dealings or relationships with other staff.	The procedures are not used to resolve (a) matters relating to statutory deductions from pay; (b) appeals against job evaluations, reward payments, capability procedure, disciplinary actions, and actual or threatened dismissal; (c) any matter which seeks to change an agreement reached with a recognised trade union; (d) allegations covered by the whistleblowing procedures; and (e) issues which are outside the responsibility or control of the University.	Grievances are complaints by members of the academic staff concerning their appointments or employment where those grievances relate to (a) matters affecting themselves as individuals; or (b) matters affecting their personal dealings or relationships with other staff of the University.	The grievances to which the procedure applies are those by members of the academic and academic related staff concerning their employment or appointments where those grievances relate to (a) matters affecting themselves as individuals; (b) matters affecting their personal dealings or relationships with other staff of the University; or (c) matters for which express provision is not made elsewhere.	A grievance is a complaint in writing to an officer of the University concerning a decision, made by a person or group of persons acting in an official University capacity, that directly or adversely affects the complainant as an individual in his or her professional capacity. A grievance does not include dissatisfaction with a University policy of general application challenged on the ground that the policy is unfair or inadvisable.	Any complaint by an employee concerning any aspect of the employment relationship other than merit increases, performance evaluations and job reclassifications, unless such exceptions include an allegation of prohibited discrimination or other illegality.	A grievance is defined as an unresolved issue concerning the application of University policy, practice, or procedure. This includes disciplinary action, involuntary termination, allegations of discrimination. Complaints regarding performance appraisals, flexible work options decisions, reductions in the size of the workforce, restructuring, change in reporting line and/or the designation of individuals for redeployment or separation from a unit are not matters subject to a grievance under this policy. Complaints regarding compensation and classification are only grievable if a violation of federal, state or local equal opportunity or labor laws is alleged. Other complaints of this nature are handled administratively.	A grievance is a complaint against any action (e.g. reclassification or misapplication of University policy), including a failure or refusal to act, that relates to his or her employment at the University.
Grievance handling procedures	<p>Stage 1:</p> <ul style="list-style-type: none"> - Raise grievance with their line manager informally. <p>Stage 2:</p> <ul style="list-style-type: none"> - If it is not possible to resolve a grievance informally, employees should raise the matter formally in writing and without unreasonable delay with a manager who is not the subject of the grievance. <p>Stage 3:</p> <ul style="list-style-type: none"> - Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. Appeals should be dealt with impartially, without unreasonable delay and wherever possible, by a manager who has not previously been involved in the case. 	<p>Stage 1:</p> <ul style="list-style-type: none"> - Failing resolution of the complainant through informal discussion, a formal written grievance may be filed within 20 working days. The immediate supervisor will convene a meeting with the complainant within ten working days of receiving the written grievance. The immediate supervisor will provide a written reply to the complainant within seven working days after the meeting. <p>Stage 2:</p> <ul style="list-style-type: none"> - Present grievance to the Department Head within seven days of receipt of written grievance. The Department Head will provide a written reply to the complainant within seven working days after the meeting. <p>Stage 3:</p> <ul style="list-style-type: none"> - Present grievance to the Principal / Dean / Division Head within seven days of receipt of the reply in Stage 2 above. The Principal / Dean / Division Head will convene a meeting with concerned parties within ten 	<p>Stage 1:</p> <ul style="list-style-type: none"> - Raise the grievance with the head of the school, department or other relevant area if the complainant has exhausted other remedies within the school, department or other relevant areas. <p>Stage 2:</p> <ul style="list-style-type: none"> - Apply in writing to the Vice-Chancellor (VC). The VC shall inform the Council if the VC decides to dismiss the complaints which are trivial or invalid. He may also decide whether the complaint should be disposed of informally. Otherwise, he may refer the complaint to the Grievance Committee to be appointed by the Council. The Committee will inform the Council whether the grievance is well-found, and make proposals for redress. 	<p>Stage 1:</p> <ul style="list-style-type: none"> - Submit details of the grievance in writing to the manager, copied to the relevant Personnel Officer, if the complainant feels that his concerns have not been adequately addressed through informal discussion with the manager. A meeting between the manager on the complainant should normally take place within ten working days. The manager will inform the complainant of the decision at the end of the meeting wherever possible, and confirm the decision in writing within five working days of the meeting. <p>Stage 2:</p> <ul style="list-style-type: none"> - Submit the grievance to the next most senior manager within five working days of receiving the Stage 1 decision. A meeting with the complainant and respondent will be arranged within ten working days. The manager will inform the complainant of the decision at the end of the meeting wherever possible, and confirm the decision in writing within five working days of the meeting. <p>Stage 3:</p> <ul style="list-style-type: none"> - Submit the grievance to the relevant Personnel Officer within ten working days of 	The complainant may lodge the complaint with the Vice-chancellor. If the Vice-chancellor does not deal with the complaint informally, or if conciliation is not possible, the Grievance Committee appointed by the Council will deal with the complaint. Wherever practicable, the grievance will be heard within 28 days. The Committee will determine the procedures for the hearing of the grievance with the objective of dealing with the matter as expeditiously as possible. The Committee may dismiss a grievance if it believes that the grievance has no substance. The Committee will inform the Council whether the grievance is well-found, and make proposals for redress.	<p>Stage 1:</p> <ul style="list-style-type: none"> - Raise the grievance with the Head of School / Administrative Section, or if it involves them, the Head of College / Secretary. <p>Stage 2:</p> <ul style="list-style-type: none"> - The complainant may present to the Principal who may dismiss the case summarily if it appears to be trivial or invalid, refer the grievance for consideration under other procedures, dispose of the matter informally, or refer the matter to the Grievance Committee approved by the Court. The Grievance Committee will inform the Court, through the Principal, of the outcome of the hearing, and make proposals for the redress of the grievance. 	<p>Stage 1:</p> <ul style="list-style-type: none"> - Filing of Grievance: <ol style="list-style-type: none"> 1. A grievance arising out of a decision at the administrative unit or department level shall be filed with the dean of the school. 2. A grievance arising out of a decision at the dean's level shall be filed with the Provost. 3. A grievance arising out of a decision at the Provost's level shall be filed with the President. 4. A grievance arising out of a decision at the President's level shall be filed with the President. The President shall make a determination on the grievance, and such determination shall be final. The decision of the President, with the reasons therefore, shall be given to the grievant in writing. - The complainant should file his complaint in writing, which should include a statement of the decision that constitutes the subject matter of the grievance and all ground(s) on which it is being challenged. The complainant should also include a statement that the complainant made informal efforts to resolve the 	<p>Stage 1:</p> <ul style="list-style-type: none"> - Should oral discussion with the immediate supervisor fail, the complainant may originate a grievance within ten days of the date of the alleged grievable act occurred by presenting the facts in writing to the supervisor, department head, or designated representative of the University with a copy to the Campus Grievance Representative. The decision of the official shall be made in writing to the complainant within ten days after receipt of grievance. For an alleged act of prohibited discrimination, an employee has a 180-day filing period. <p>Stage 2:</p> <ul style="list-style-type: none"> - If the complainant is not satisfied, the complainant or the complainant's representative shall within five days submit an appeal to the Campus Grievance Representative. The Campus Grievance Representative shall respond in writing to the grievance within five days from the date of the review. <p>Stage 3:</p> <ul style="list-style-type: none"> - If the complainant is not satisfied, the complainant or the complainant's representative shall within five days submit an appeal 	<p>Stage 1:</p> <ul style="list-style-type: none"> - Staff are encouraged to use the University Workplace Issue Resolution Program to resolve the grievance <p>Stage 2:</p> <ul style="list-style-type: none"> - The complainant must submit a completed grievance form within 30 working days of the date of the event giving rise to the grievance, if he is not utilizing the Workplace Issue Resolution Program first. The complainant must submit a completed grievance form ten working days from the final attempt to resolve the issue through the Workplace Issue Resolution Program. If the complainant is terminated from employment, he will have ten working days from notice of termination of employment to submit a grievance form. - The grievance will be considered by the Grievance Panel. The panel must submit recommendations for resolution in writing to the President within five working days of the completion of the hearing. The President will notify the complainant and respondent of the final decision in writing within ten working days of receipt of the recommendations from the 	<p>Stage 1:</p> <ul style="list-style-type: none"> - A staff member is required to discuss the grievance with the supervisor or the person who made the decision. Where the grievance relates to the supervisor, the staff member could discuss the grievance with the supervisor of the supervisor. The supervisor or the person who made the decision will discuss the matter with the staff member as soon as practicable and explain the reason for the decision. <p>Stage 2:</p> <ul style="list-style-type: none"> - The complainant may formally apply to the Vice-Chancellor for a review of the decision. The application must be in writing. It should state briefly the reason for seeking the review and summarise attempts to resolve the grievance informally. The Vice-Chancellor will determine an appropriate method of review, with the objective of resolving the grievance quickly, impartially and fairly. The Vice-Chancellor has the discretion of appointing a member of the pool of persons who have relevant skills and expertise in dispute resolution to review the grievance, unless the

¹Acas, while largely funded by the Department for Business Innovation & Skills of the UK Government, is a non-departmental body governed by an independent Council. It aims to improve organisations and working life through better employment relations. A failure to follow the Acas statutory Code of Practice on discipline and grievance does not, in itself, make a person or organization liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases.

Features	Advisory, Conciliation and Arbitration Service (Acas) ¹ , UK	Institutions									
		University of Toronto, Canada	University of Essex, UK	University of Sussex, UK,	University of Warwick, UK	The University of Aberdeen, UK	Stanford University, US	University of Missouri System, US	University of Pennsylvania, US	University of Melbourne, Australia	
		<p>working days of receipt of written grievance. The parties concerned may recommend <u>non-binding without prejudice</u> mediation. A mediator will be selected from a predetermined list of mediators who will meet with the parties concerned for a resolution with a mutually agreed timeframe.</p> <p>- If mediation is not used, or if mediation is not successful, the Principal / Dean / Division Head will provide a written reply within seven working days after his meeting with the parties concerned or within seven working days of the end of the mediation period.</p> <p><u>Stage 4:</u></p> <p>- The complaint will be presented to the Vice-President (VP) within seven working days of receipt of the reply from the Principal / Dean / Division Head. The VP will convene a meeting with concerned parties within 15 working days of receipt of written grievance. The VP will provide a written reply to the complainant within seven working days after the meeting.</p>		<p>receiving the Stage 2 decision. The Personnel Officer will make arrangements for a Grievance Panel to be convened to consider the grievance. The complainant will receive written notification of the outcome of the hearing within ten working days of the meeting.</p>			<p>dispute.</p> <p>- The officer dealing with the complaint may attempt to resolve the matter informally or make whatever disposition of the grievance he deems appropriate. The officer may refer the grievance to any person(s) who shall consider the matter and report to the officer as he directs. The officer may also remand the grievance to a lower administrative level for further consideration. The officer considering the grievance shall make a determination on the matter and shall inform the complainant in writing of the determination.</p> <p><u>Stage 2:</u></p> <p>- For a grievance filed and decided by the dean, appeal in writing to the Provost.</p> <p>- For a grievance decided by the Provost, appeal in writing to the President. No appeal shall be available for a grievance or appeal filed with the President.</p> <p>- The officer dealing with the complaint may attempt to resolve the matter informally or make whatever disposition of the grievance he deems appropriate. The officer may refer the grievance to any person(s) who shall consider the matter and report to the officer as he directs. The officer may also remand the grievance to a lower administrative level for further consideration. The officer considering the grievance shall make a determination on the matter and shall inform the complainant in writing of the determination.</p> <p>- In considering a grievance, the Provost or President should consider if there are proper facts criteria and procedures, and the reasonableness of the decision made.</p>	<p>to the University Grievance Representative. The University Grievance Representative shall respond in writing to the grievance within five days of the date of review.</p> <p><u>Stage 4:</u></p> <p>- If the complainant is not satisfied, the complainant or the complainant's representative shall within five days submit an appeal to the Grievance Committee. A decision of the Grievance Committee may be reached upon the concurrence of any two of the three members.</p> <p><u>Stage 5:</u></p> <p>- If the complainant or the University Grievance Representative is not satisfied, either may within five days file a written notice of appeal to the Board of Curators by delivering such notice to the President. The Board of Curators shall review such record.</p>	<p>panel.</p>	<p>grievance relates to employment relations, or if the complainant requests that the matter be reviewed by a member of the pool. The reviewer will provide a written report to the Vice-Chancellor on completion of the review.</p> <p>- On receipt of a report from a reviewer, the Vice-Chancellor will, having due regard for any recommendations made by the reviewer, confirm the decision which was complained against, vary the decision which was complained against, or set the decision aside and substitute a new decision. The complainant and the supervisor or the person who made the decision will be advised of the Vice-Chancellor's decision.</p>	
Composition of the party handling the grievances	Not applicable. Employers and employees may consider using an (external or internal) independent third party to help resolve the problem.	Not known.	The Grievance Committee comprise a Chair, one lay Council Member, and one member of the academic staff nominated by the Senate	The Grievance Panel consists of three senior managers (a Chair and two other members) appointed by the Vice-Chancellor, who have not been previously involved in the matter.	The Grievance Committee is appointed by the Council and comprises a Chair, an external Council Member, and a member of the academic staff nominated by the Senate.	The Grievance Committee comprises a Convenor, an external Court member, and an academic staff member nominated by the Senatus Academicus.	Not known.	The Grievance Committee consists of three members. The complainant or the complainant's representative shall designate one member; the University through the University Grievance Representative shall appoint one member; and selection of the third member be made by these two members. If mutually agreeable, the third member may be selected from a list approved by both. Otherwise, selection will be made from a list of members	- Members of the Grievance Panel will be selected from a list of volunteers, regular or retired University staff members or faculty who have completed a training session.	- Persons affiliated with the department / school in question will be removed from the list prior to the selection process. From the remaining list, the complainant and respondent will select six names in priority order to serve as	The pool of persons will be selected from within the University who have relevant skills and expertise in dispute resolution. It is established by the Vice-Chancellor in consultation with the Chair of the Staff Consultative Committee.

Features	Advisory, Conciliation and Arbitration Service (Acas) ¹ , UK	Institutions								
		University of Toronto, Canada	University of Essex, UK	University of Sussex, UK,	University of Warwick, UK	The University of Aberdeen, UK	Stanford University, US	University of Missouri System, US	University of Pennsylvania, US	University of Melbourne, Australia
								supplied by the Federal Mediation and Conciliation Service and maintained by the Human Resources Department of the University.	panelists. The first two of the six who are available from each list will compose the panel. The remaining four will select the chairperson of the hearing and an alternate.	
Procedures apply to individuals and / or groups	Individuals. Grievance raised on behalf of two or more employees by a representative of a recognized trade union or other appropriate workplace representative should be handled in accordance with the organisation's collective grievance process.	The employee may only raise the grievance as an individual.	Not known.	Staff may raise the grievance as an individual. Collective grievance may be dealt with under the procedures specified in the University's procedure agreements with its recognized trade unions.	Not known.	Staff may raise the grievance as an individual or as a group.	Not known.	Not known.	Not known.	Staff may raise the grievance as an individual. A group of staff members may jointly apply for a review of an action affecting each member of the group if the action is an alleged unfair application of University policy.
Final Appeal	Not applicable. In large organizations it is good practice to allow a further appeal to a higher level of management, such as a director.	The VP or designate.	The Grievance Committee.	The Grievance Panel.	The Grievance Committee.	The Grievance Committee.	The President.	The Board of Curators.	The President or designee (on the recommendations of the Grievance Panel).	The Vice-Chancellor.
Rights of complainant and respondent	Workers have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker e.g. that the employer is not honoring the worker's contract. The employees should be allowed to explain their grievance and how they think it should be resolved.	The complainant has the right to be accompanied by a University of Toronto colleague or a friend. The Grievance Procedure is not available to a staff member who is pursuing the grievance through other internal or external mechanism.	The complainant and respondent have the right to be heard at a hearing and the right to be accompanied by a friend or representative.	The complainant may be accompanied by a fellow worker or trade union representative; has the right to present evidence; and the right to explain the grievance.	The complainant has the right to present his case in person to the Grievance Committee, and the right to be accompanied by a friend or representative.	The complainant and the respondent have the right to be heard, the right to be accompanied by a friend or representative, the right to call witness(es).	The complainant has the right to be accompanied by a member of the professoriate or the academic staff at Stanford University.	Not known.	The complainant and respondent may be assisted by an employee representative who must be regular or retired faculty or staff members. The head of the responding department must approve all employee representatives for respondents.	The complainant may be represented or assisted by a person in Stage 1. However, that person should not be a practicing barrister or solicitor.
Records	Written records should be kept.	If mediation is successful, the Principal / Dean / Division Head will document the resolution and provide the complainant a copy within seven working days.	Not known.	A record of grievance meetings will be made by a Personnel Officer (or nominee) of all meetings held.	Not known.	Not known.	Not known.	The Grievance Committee shall keep a complete record. Upon the rendering of decision, the complete record shall be filed in the Office of the President of the University.	Not known.	If the complaint is resolved at Step 1, an appropriate record of the agreement should be kept by the complainant and the supervisor / the person who made the decision.
Others	Nil	Nil	Nil	The procedures require the keeping of statistical data. The procedures specifically provide for protection against retaliation. Members of staff have a right not to be treated less favourably than other members of staff as a result of raising a grievance.	Nil	The complainant, who has exhausted the University's grievance procedures, may approach the Scottish Public Services Ombudsman (SPSO) for independent review, though SPSO cannot deal with appointments/removals, pay, discipline, superannuation or other personal matters. It would be for the University Court to decide whether to accept the judgment and recommended remedial actions.	Nil	Nil	Retaliation against a staff member for utilizing the Grievance Procedure is a violation of University policy and will result in appropriate disciplinary action, up to and including termination.	Staff may seek redress through the following agencies: - Ombudsman (Victoria) for administrative decisions made within the University. Staff may also seek to explore alleged criminal or serious wrongdoing of University officers or staff and retain anonymity under the Whistleblowers Act, 2000; - Human Rights and Equal Opportunity Commission (for allegations of unlawful discrimination or sexual harassment while in University employment); - Equal Opportunity Commission (Victoria) (for allegations of unlawful discrimination and sexual harassment while in University employment); and - Australian Industrial Relations Commission (for unfair dismissal and allegations of breach of awards and agreements).

Source of information:

1. Acas <http://www.acas.org.uk/CHttpHandler.ashx?id=1047>
2. University of Toronto, Canada <http://www.governingcouncil.utoronto.ca/policies/confid.htm>
3. University of Essex, UK http://www.essex.ac.uk/academic/docs/cal/ordinances_shtm#41
4. University of Sussex, UK, http://www.sussex.ac.uk/humanresources/documents/griev_proc.pdf
5. University of Warwick, UK <http://www2.warwick.ac.uk/services/gov/calendar/ordinances/grievance/>
6. The University of Aberdeen, UK <http://www.abdn.ac.uk/hr/uploads/files/grievance%20procedures%20academic-academic%20related%20.pdf>
7. Stanford University, USA <http://facultyhandbook.stanford.edu/ch8.html>
8. University of Missouri System, USA <http://www.umssystem.edu/ums/departments/hr/manual/502.shtml>
9. University of Pennsylvania, USA <http://www.hr.upenn.edu/policy/Policies/620.aspx> and <http://www.hr.upenn.edu/staffrelations/resolution/manual.aspx>
10. University of Melbourne <http://policy.unimelb.edu.au/UOM0109#section-4> and <http://www.unimelb.edu.au/Council/minutes/Attachments/appg0903.pdf>

Key Features of Grievance Procedures of the 10 Overseas Institutions Selected by the UGC Secretariat and their Comparisons with the Grievance Procedures Adopted by UGC-funded Institutions

I. Definition of Grievance

“Grievance” as defined in the procedures adopted by the overseas institutions is mostly concerned about employment relationship, though there are some variations in the detailed definitions. The definition adopted by University of Aberdeen is as follows:

“The grievances to which the procedure applies are those by members of the academic and academic-related staff concerning their employment or appointments where those grievances relate to:

- matters affecting themselves as individuals.
- matters affecting their personal dealings or relationships with other staff of the University.
- matters for which express provision is not made elsewhere.

Where a grievance is directed against another person, as distinct from decisions made by University representatives acting in a managerial capacity, the person against whom the grievance lies shall have similar rights as the aggrieved at all stages of the procedure including the right to be represented.”

2. The definition as adopted by Stanford University makes specific reference to the professional academic capacity of the complainant, as follows:

- A grievance is a complaint in writing made to an administrative officer of the University concerning a decision, made by a person or group of persons acting in an official capacity, that directly or adversely affects the complainant as an individual in his professional academic capacity.

The procedures exclude dissatisfaction with a University policy of general application challenged on the ground that the policy is unfair or inadvisable.

3. The definition adopted by the University of Sussex specifically excludes (a) matters relating to statutory deductions from pay; (b) appeals against job evaluations, reward payments, capability procedure, disciplinary actions, and actual or threatened dismissal; (c) any matter which seeks to change an agreement reached with a recognised trade union; (d) allegations covered by the whistleblowing procedures; and (e) issues which are outside the responsibility or control of the University. These will be dealt with under separate procedures in place.

4. Apart from the University of Sussex, some universities also specifically exclude certain elements from their grievance procedures, for example:

- Complaints regarding compensation and classification are only grievable if a violation of federal, state or local equal opportunity or labor laws is alleged (University of Pennsylvania).
- A grievance is any complaint by an employee concerning any aspect of the employment relationship other than merit increases, performance evaluations and job reclassifications, unless such exceptions include an allegation of prohibited discrimination or other illegality (University of Missouri System).

The UGC Secretariat's observations on relevant grievance procedures of local institutions

5. The definition of grievance in UGC-funded institutions is similar to that of overseas institutions. In six UGC-funded institutions, namely HKBU, CUHK, LU, HKIEd, PolyU and HKUST, it is specified clearly that grievance should be concerned about employment relationship, while HKU's has not specified whether grievance must concern employment. In HKBU, HKIEd, PolyU and HKUST, grievance includes the relationship amongst staff members, *i.e.* complaints made by a staff member or a group of staff members against another staff member(s). CityU has not specified the definition of grievance in its procedures.

6. As in the case of overseas institutions, some UGC-funded institutions (including HKBU, CUHK, LU, HKIEd, PolyU, HKUST and HKU) specifically exclude certain elements from the procedures, such as dissatisfaction with institutional policies; any matter which involves an allegation of corruption or of criminal behavior; and disagreement with a judgment or evaluative outcome, except where it is alleged that the judgment has been caused by procedural error.

II. Emphasis on Use of Informal Measures for Conflict Resolution

7. In most of the grievance procedures of the 10 overseas institutions, the complainant has to endeavour to resolve the grievance through informal channels, before formal procedures could be instigated. The complainant should first raise the complaint with his immediate supervisor. If that was not successful in resolving the matter, the complainant may escalate the matter to more senior management for informal resolution of the grievance. Grievance procedures that are formalised at a very early stage may discourage line managers to resolve grievances informally, and encourage the referral of problems to the formal machinery. This may result in lengthy suspension while the grievance is being investigated.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

8. Seven institutions, namely HKBU, CUHK, LU, HKIEd, HKUST, PolyU and HKU encourage the employee with a grievance to raise the matter with his supervisor and resolve the grievance through informal channels. As for CityU, it is not specified whether informal measures are used.

III. The Role of Mediators

9. The grievance procedures of the University of Toronto provides that if grievances are not settled by the Department Head or designate, the Principal / Dean / Division Head or the griever may recommend non-binding without prejudice mediator as an alternative to presenting the case to the Vice-President. A mediator will be selected from a predetermined list of mediators.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

10. The arrangement of mediators is now explicitly mentioned in the procedures of CUHK, LU, HKBU and CityU. Mediators e.g. a staff member at a more senior level than the complainant and respondent, who is independent and may have received training in this area, may be involved to resolve the staff grievance. HKU advised that its procedures did not preclude mediation as a means to resolve disputes; and the remaining three institutions advised that they might consider introducing the appointment of mediators as an option to resolve grievances in light of overseas experiences.

IV. Right to be Accompanied

11. In most cases, the complainant and the respondent may be accompanied during the hearings. The person accompanying the complainant or the respondent may be a friend, although some institutions require in the procedure that that person should be a trade union official, staff member or a retired staff member. In most of the grievance procedures, the right to be accompanied does not include legal representation or the presence of a practising lawyer, as the proceedings are not legal proceedings.

12. The role of the person accompanying the complainant or the respondent differs among institutions. In some cases, this person may only be an observer who may not take part in the hearing by answering questions put to the complainant or respondent. In other cases, this person may speak on behalf of the complainant or respondent.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

13. The right of complainant and/or respondent to be accompanied exists in the procedures of all institutions. In five institutions, namely the CityU, HKBU, HKIEd, HKUST and PolyU, the person accompanying the complainant / respondent should be a staff member of the institutions, whereas in HKU the companion may be a friend or an adviser. It is not specified by CUHK and LU whether the companion should be a colleague or a friend. The right to be accompanied does not include legal representation or the presence of a practising lawyer in HKBU, CUHK, LU, HKIEd, HKUST and PolyU, but this is not specified in HKU. In CityU, legal representation may be allowed with the approval of the Chairman of Disciplinary Committee.

V. Right to Present Evidence in Meetings

14. In case a hearing is held by the grievance committee, most of the grievance procedures state that the complainant and the respondent should have the right to attend the hearing and present evidence, call witness, and present his case to the committee. The complainant and respondent are given the right to submit written statements to the committee in advance.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

15. The right to present evidence is provided for in the procedures of all institutions. In these institutions, the complainant or the respondent may submit a written statement to the grievance committee before the meeting. Furthermore, in CityU, HKIEd and HKU, the complainant or the respondent may question the witnesses on the other side.

VI. Keeping of Written Records

16. The grievance procedures of most of the overseas institutions being studied stipulate that the complainant or respondent will receive a written document setting out the decision at each stage of the appeal. A full written record of the grievance will be kept by the institution. In some cases, the complainant and respondent will be provided with a copy of the record.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

17. In the grievance procedures of CityU, HKBU, CUHK, LU, HKIEd, PolyU and HKU, a full written record of the grievance will be kept by the institution. In HKUST, while the grievance/appeal committee should submit written reports of the findings and recommendations to the Council Chairman, the requirement for keeping written records is not specified.

VII. Stipulating a Time Limit for Conflict Resolution

18. There is a time limit for each stage in the handling of the grievance. Most of the institutions require the supervisors to respond to the grievance of the complainant within a specified timeframe, which is

seven to ten working days in the case of University of Toronto. In the University of Sussex, the manager has to inform the complainant of the decision in writing within five to ten days. In the University of Missouri System, the supervisor has to inform the complainant of his decision within ten days after receipt of grievance. The complainant is required to respond within a specified timeframe if they wish to appeal to the next level. The institution would also undertake to hold a hearing of the grievance committee within a certain timeframe if so requested.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

19. Six institutions, namely CityU, HKBU, CUHK, HKIEd, HKUST and HKU, have set a time limit for the grievance handling bodies to respond to the complainant. However, the time limit is somewhat longer than that of overseas institutions and does not exist in all stages in the grievance procedures. In LU, the time limit is clearly set out at all stages. The time limit is not specified in PolyU.

VIII. Confidentiality

20. In most of the procedures, it is stressed that the grievance and the proceedings of handling the grievance, including the documentation, should be treated confidentially. All information about a staff member gathered should be held in strict confidence and not divulged to any other person. When soliciting information from staff members, it should be done on the understanding that the information will be kept in confidence. The staff members concerned should be given the right to have access to their personal data.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

21. Confidentiality is emphasised in all UGC-funded institutions' procedures.

IX. Guard against Retaliation

22. It is worth noting that the procedures adopted by the University of Pennsylvania specifically provide for protection against retaliation. Retaliation against a staff member for utilizing the Grievance Procedure is a violation of University policy and will result in appropriate disciplinary action, up to and including termination. Any

staff member who believes that he has been retaliated against or treated unfairly for utilising the Grievance Procedure could raise the matter with the Division of Human Resources / Staff and Labour Relations or another University Resource Office.

23. Apart from the University of Pennsylvania, the grievance procedures adopted by the University of Sussex also specifically provide for protection against retaliation. Members of staff have a right not to be treated less favourably than other members of staff as a result of raising a grievance.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

24. The guard against retaliation now exists in the procedures of CUHK, LU, HKBU and HKUST. In HKU, although there is no explicit provision for guarding against retaliation, there is a provision which requires that the Pro-Vice-Chancellor, in considering a complaint report which involves a recommendation for termination of the complainant's contract, should take into account whether the recommendation of dismissal is a retaliation of the complaint.

X. Resources Available from Other Organisations for Conflict Resolution

25. In the case of the University of Missouri System, should the employees decide to set up a grievance committee (which comprises one member appointed by the University, one member designated by the employees' representative and a third member from a list recommended by either and approved by both members), the third member can be selected from a list of committee members applied by the Federal Mediator and Conciliation Service and maintained by the University' Human Resources.

26. In the University of Pennsylvania, there is in place a special programme that gives staff members the opportunity to resolve work related issues with managers and co-workers. The programme, called "Workplace Issue Resolution Programme", provides different options for staff to work through issues at the early stages of conflict. These options include:

- (i) Conference/facilitated meetings with the University resources:

A trained professional from the Resources Offices at the University can assist in addressing / resolving the issue by having discussion with their supervisor, co-worker or other departmental management. The Resources Offices may also facilitate a meeting to assist the staff in resolution of the issues.

(ii) Mediation:

Mediation can be initiated by the staff member or his/her supervisor or co-worker. Two trained volunteer mediators will be drawn from a pool of trained mediators at the University Mediation Programme to co-mediate the dispute. They will facilitate the identification of issues, communication of interests and exploring options for resolution.

However, it should also be pointed out that the University of Pennsylvania is a relatively large university with more resources at its disposal. This may be the reason why the university can devote more resources to conflict resolution and mediation than local institutions.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

27. The grievance procedures of UGC-funded institutions make no provision for drawing on resources available from other organisations.

XI. Involvement of External Parties in Grievance Committees

28. Most of the grievance procedures of institutions stipulate that the grievance or appeal should be considered by a committee. There are different committees to deal with different stages of appeal, and the information the Secretariat has compiled in this respect might not be clear or comprehensive. The composition of grievance committees of different institutions varies. In some cases, some of the members in the grievance committees are not employees of the institutions. Examples include the University of Essex where the Vice-Chancellor may refer a grievance to the Grievance Committee to be appointed by the Council. The Committee comprises a Chair, an external Council Member and one academic staff nominated by the Senate. The University of Warwick also has a similar arrangement.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

29. The arrangement of involving external parties in grievance committees, which handle grievances before the final level of appeal, varies in the institutions. In CityU, HKBU, LU, HKIEd, HKUST and HKU, the committee handling grievances comprises lay members of the Council at certain stage(s) of the grievance handling mechanism, for complaints against certain level(s) of staff and/or for certain types of complaints. In PolyU, the relevant committee comprises a member who may be co-opted from inside or outside of the university. In CUHK, lay Council members will be involved in cases which are handled under the procedures provided under the Statute of its Ordinance.

XII. Final Level of Appeal

30. In most of the grievance procedures of overseas institutions, the final level of appeal is a committee / panel below the level of Council. In some cases, the committee comprises members of the staff who are nominated by the Senates of the universities. There are no specific provisions for including lay members in the committee / panel of final appeal. The University of Missouri System is the only one that has put down the Board of Curators as the final level of appeal for grievances. In the University of Toronto and University of Stanford, the Vice-President or the President are the final level of appeal.

The UGC Secretariat's observations on relevant grievance procedures of local institutions

31. The final level of appeal of six institutions, namely CUHK, HKBU, LU, HKIEd, HKUST and HKU, involves either the Council as a whole, the Council Chairman and/or individual Council Member(s). Among these, the final level of appeal of HKBU, LU, HKIEd and HKU is a committee/panel involving lay Council Members. In HKUST, the final level of appeal is the Council Chairman; in CUHK, it is the Council (based on the advice of an appeal committee which may comprise external parties); in LU and HKU, the committee may also comprise external parties. In PolyU, the committee of final appeal (for appeals not relating to human resources management issues) comprises staff members elected by the Senate and departments, members of staff unions, and a member who may be co-opted from inside or outside of the university. In CityU, the final level of appeal is the President (for

appeals relating to decisions on general, employment-related complaints) and a University Appeals Committee, comprising senior staff members of the University, and a co-opted external member when necessary (for appeals relating to personnel decisions).

UGC Secretariat
17 May 2010