

For information

Legislative Council Panel on Education

**Updates on the Grievance/Complaints Handling Procedures
of University Grants Committee-Funded Institutions**

Purpose

This paper informs Members of:

- (a) the latest developments in the review of grievance/complaints handling procedures of University Grants Committee (UGC)-funded institutions; and
- (b) the flowcharts of institutions' latest grievance procedures.

Background

2. At the July 2010 meeting of the Legislative Council Panel on Education, the UGC shared with Members the guidelines of best practices in redress mechanisms developed by the UGC on the basis of its findings on the grievance procedures adopted by ten institutions in other jurisdictions and by the UGC-funded institutions. Members noted that the eight UGC-funded institutions had all agreed actively to keep their grievance procedures under review in the light of overseas experience, and to consider implementing the four specific recommendations made by the UGC, namely 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, if these recommendations were not featured in their existing grievance procedures.

3. The UGC has conveyed to the institutions Members' comments on the grievance procedures expressed at the July 2010 meeting. We have also invited the institutions to provide updated complaint/grievance handling flowcharts and provide more detailed responses to the UGC's recommendations. Their replies are summarized in the ensuing paragraphs.

Latest Developments in Institutions' Reviews

Overview

4. The Chinese University of Hong Kong (CUHK) and Lingnan University (LU) advised that their grievance/complaints handling procedures have already incorporated the four features recommended by UGC. City University of Hong Kong (CityU), Hong Kong Baptist University (HKBU) and The Hong Kong University of Science and Technology (HKUST) have completed their reviews of the grievance/complaints handling procedures and have now incorporated all four recommendations in their procedures. The other three institutions (i.e. The Hong Kong Institute of Education (HKIEd), The Hong Kong Polytechnic University (PolyU) and the University of Hong Kong (HKU)) are actively reviewing their procedures with reference to the UGC's best practices guidelines.

5. A summary of the most up-to-date local grievance procedures and the flowcharts of the latest procedures provided by the institutions are at **Annexes A and B** respectively.

Appointment of Mediators

6. Further to the July 2010 Education Panel meeting, HKUST has incorporated into its procedures an explicit provision to allow the adoption of mediation as a means to resolve grievance/complaints. As such, the procedures of a total of six institutions (CityU, HKUST, CUHK, LU, HKBU and HKU) now allow the use of mediation as a means of dispute resolution. The remaining two institutions (i.e. HKIEd and PolyU) are heading towards this direction in their reviews of the procedures.

7. Regarding the cost-sharing arrangement in engaging external mediators, different institutions adopt different arrangements. CUHK, HKBU, HKU and LU will, before the mediation process begins, discuss with the complainant(s) and respondent(s) with a view to reaching an agreement on the financing arrangements, including the cost-sharing arrangement. CityU will consider bearing all or part of the cost, while in HKUST both the complainant(s) and respondent(s) will share the cost. HKIEd and PolyU advised that they would consider this issue in their reviews. Institutions have all agreed to make known to the staff concerned the cost-charging arrangements.

8. The UGC is glad to note that institutions have responded positively to the recommendation on the adoption of mediation.

Time Limits

9. For CUHK, HKBU, LU and HKUST, their existing procedures have already set out clear time limits at all key stages, and the time limits will be kept under review with reference to overseas experience. CityU has now stipulated clear time limits in its grievance procedures for handling grievances at all key stages. As such, the procedures of five institutions have clear time limits specified at all key stages, and the time limits have been made known to staff. HKIEd advised that it is reviewing its procedures and is heading towards this direction. PolyU and HKU are considering the options of stipulating clear time limits at all key stages, having regard to overseas experience.

10. The UGC is glad to note that all institutions acknowledge the importance of resolving grievance/complaints as soon as practicable and within a reasonable timeframe, which is beneficial to both the complainant(s), respondent(s) and the institutions.

Guard Against Retaliation

11. CityU has now stipulated an explicit provision in its grievance procedures to guard against retaliation. As such, there are explicit provisions to guard against retaliation in the procedures of five UGC-funded institutions (i.e. CityU, CUHK, HKBU, LU and HKUST). The remaining three institutions (i.e. HKIEd, PolyU and HKU) advised that they fully supported this recommendation, and confirmed that even without such a provision in their existing procedures, any form of retaliation is strictly forbidden.

Involvement of External Parties

12. As Members noted at the July 2010 meeting, when compared to the overseas institutions, the Councils of the eight UGC-funded institutions were already more heavily involved at various stages of the grievance procedures, including the final level of appeal. Further to enhance independence of the mechanism, CityU, HKBU, HKUST have revised their grievance procedures to allow for the involvement of external members who are not Council members at the final level of appeal. Together with four institutions which already had such arrangement when we last reported to the Panel in July 2010, the

procedures of seven institutions now allow for the involvement of external (non-Council) members at the final level of appeal, i.e. the complainant(s) and/or respondent(s) may request the involvement of external members at the final level of appeal.

13. As for HKIEd whose final appeal authority in its existing procedure already includes lay Council Member(s), the institution would consider allowing the involvement of independent external non-Council member(s) at the final level of appeal.

14. The UGC is glad to note that institutions have all responded positively to the recommendation of including independent external parties at the final level of appeal by incorporating relevant provisions in their procedures or proposing changes to the existing arrangements. The UGC believes that the involvement of reputable and independent external members at the final level of appeal will enhance the transparency of the grievance procedures and provide appropriate external checks and balances.

Way Forward

15. The UGC is pleased to note that a number of institutions have already completed the reviews of their grievance procedures and incorporated the UGC's four specific recommendations. As for HKIEd, PolyU and HKU, the UGC notes that they are revising procedures along the lines suggested in the UGC's recommendations. The UGC will monitor the progress of the institutions in improving their grievance/complaint handling procedures.

16. We will also continue to keep under review developments in other jurisdictions, and work with the UGC-funded institutions to ensure that their grievance procedures are fair, transparent, and in line with world trends.

UGC Secretariat
15 July 2011

Summary of Grievance Procedures of UGC-funded Institutions

Features	Institutions							
	CityU	HKBU	LU	CUHK	HKIEd	PolyU	HKUST	HKU
Definition / Scope	CityU has completed its review and has established a new set of grievance procedures for handling general, employment-related complaints. The University's new grievance procedures have come into effect on 1 March 2011. Grievance is defined as any unresolved employment related complaint, made by a staff member or group of staff members, against any staff member or group of staff members in the University. A grievance does not include dissatisfaction with a University policy of general application challenged on the ground that the policy is unfair or inadvisable. Further, the University's Grievance Procedures cannot be invoked in respect of personnel decisions, performance appraisal, termination of employment, redundancy, allegations of sexual harassment and staff discipline.	- 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	A Campus Grievance Officer designated by the University will be responsible for administering, coordinating and facilitating the implementation of the Procedures. The Campus Grievance Officer will be the first point of contact to receive complaints and to advise on mediation and filing procedures. Upon receipt of a grievance from a complainant through the filing of a prescribed form, the Campus Grievance Officer will, in consultation with the Director of Human Resources, determine whether the complaint falls within the scope of the Procedures and whether there is a prima facie case of serious nature based on the submission made by the complainant. <u>Informal Resolution through Mediation</u> - Before making a formal application for review, the staff member concerned is required to seek informal resolution through mediation as the first step. - Mediation shall be conducted by a ready pool of staff drawn from various departments and units who have undergone a commissioned training programme in mediation. The informal mediation process will normally be completed within two months from the date of receipt of the complaint in prescribed form, but it can be extended based on mutual agreement by both parties or by the University due to exceptional circumstances of the case.	<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. <u>Informal Resolution:</u> - When a grievance is raised, the parties involved should attempt to resolve the grievance by informal means as far as possible. - Face-to-face communication between/amongst the parties involved is often a constructive means of resolving grievances. Staff members having a grievance are encouraged to first discuss it with their immediate supervisor (or the next level of supervisor if deemed more appropriate) with a view to resolving the matter informally. - If an informal resolution can be achieved, it is advisable as a good practice to keep a written record of the agreement reached for future reference. 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	<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,

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	CityU	HKBU	LU	CUHK	HKIEd	PolyU	HKUST
<p><u>Formal Resolution through Review</u> Formal resolution through review comprises a 2-stage process.</p> <p><u>Stage 1 Review by Review Officers</u> Designated Review Officers for reviewing complaints in Stage 1 of the formal resolution process are Heads or Directors of Administrative Units, Heads of Departments, Deans of Schools or Colleges, Vice-Presidents and Provost, as follows:</p> <p>(a) A grievance arising out of a decision or action at the departmental level shall be dealt with by the Head and then Line Managers (where appropriate);</p> <p>(b) A grievance arising out of a decision or action at the Head's or Line Manager's level shall be dealt with by the Dean, or Provost or one of the Vice-Presidents, or the next line of authority, whichever is appropriate;</p> <p>(c) A grievance arising out of a decision or action of the Provost or a Vice-President, or any other person directly reporting to the President shall be dealt with by either another Vice-President or such other person to be appointed by the President.</p> <p>Under normal circumstances, a decision shall be made within one month after the filing of a written complaint. Where the Review Officer has not made a decision within one month and there are no extenuating circumstances, the complainant may take his / her grievance to the next level within the Grievance Structure. The decision by any Review Officer of any grievance reviewed by him / her can be appealed by the complainant to the next higher Review Officer within the Grievance Structure, except that the determination by the President shall be final. Where the complainant is not satisfied with the Review Officer's decision, he / she may lodge an appeal with the Campus Grievance Officer within three weeks of being notified of the decision. The Campus Grievance Officer, upon receiving a grievance appealed to him / her for review, may resolve the grievance informally himself / herself, having regard to the merit of the case, or refer the appeal to the President.</p> <p>The President, upon receiving a grievance appealed to him / her for review via the Campus Grievance Officer, may decide on a course of action which may include:</p> <p>(a) dismissing the grievance;</p> <p>(b) resolving the grievance informally himself / herself, having regard to the merit of the case;</p> <p>(c) referring the grievance to a Grievance Review Panel for Stage 2 review.</p> <p><u>Stage 2 Review by Grievance Review Panel</u> The Grievance Review Panel shall convene a hearing of the case within one month after its establishment.</p> <p>The Panel shall provide the President with a written report of its findings and</p>	<p>grievance.</p> <p>- 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.</p> <p>- The Chairman of the Council, after receiving the complaint against the P&VC, may refer the complaint to the Chairman of the Personnel Committee of the Council to set up a Special Committee on Conflict Resolution.</p> <p><u>Stage 3: Enquiry by Committee on Conflict Resolution</u> - 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.</p> <p>- The Special Committee on Conflict Resolution will report to the Council Chairman.</p> <p>- 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> <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> - 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.</p> <p>- The Appeal Committee will make a</p>	<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> - The Responsible Party shall review the relevant details submitted by the Complainant and decide whether to</p> <p>(a) dismiss the grievance if it does not fall within the scope of these Procedures[#], 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</p> <p>(b) dismiss the grievance if he/she considers it to be trivial or malicious[#]; or</p> <p>(c) recommend the grievance to be further considered under these Procedures</p> <p>[Note: [#] 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> - The Complainant and Respondent are encouraged to resolve the grievance together with an internal or external mediator.</p> <p><u>Stage 3: Consideration by the President</u> - 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.</p> <p>- 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> <p><u>Stage 4: Grievance Hearing Panel</u> - 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>	<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> <p>- 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> <p><u>Stage 2:</u> - 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> <p><u>Stage 3:</u> - 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>	<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> - 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).</p> <p>- 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.</p> <p>- 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.</p> <p>- 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> <p><u>Stage 3:</u> - 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.</p> <p>- 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>	<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> <p>- 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> <p>For appeals against decisions on human resource management issues on grounds of procedural irregularities:</p> <p><u>Stage 1:</u> - Appeals will be considered by the Director of Human Resources together with the Legal Counsel.</p> <p><u>Stage 2:</u> - 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>	<p>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 to the Branch Head for other Departments/Offices. The supervisor should clarify the grievance and attempt to resolve the grievance within one month.</p> <p><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 Branch Head. Each level of management should clarify the grievance and attempt to resolve it within one month.</p> <p><u>Stage 3:</u> - If the grievance remains unresolved after consideration at the Branch Head level, the staff member may refer the grievance in writing to the President within one week of the notification of the decision. 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.</p> <p>- The complainant and respondent will be notified of the hearing at least three weeks in advance.</p> <p>- The Hearing Committee shall have the power to determine, at its discretion, the procedures for the hearing.</p> <p>- The Hearing Committee will provide the President a written report of its findings and recommendations within three months of its first hearing.</p> <p>- 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> <p><u>Stage 4:</u> - If the staff member is not satisfied with the decision of the President, he may appeal to the Council Chairman</p>	<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>

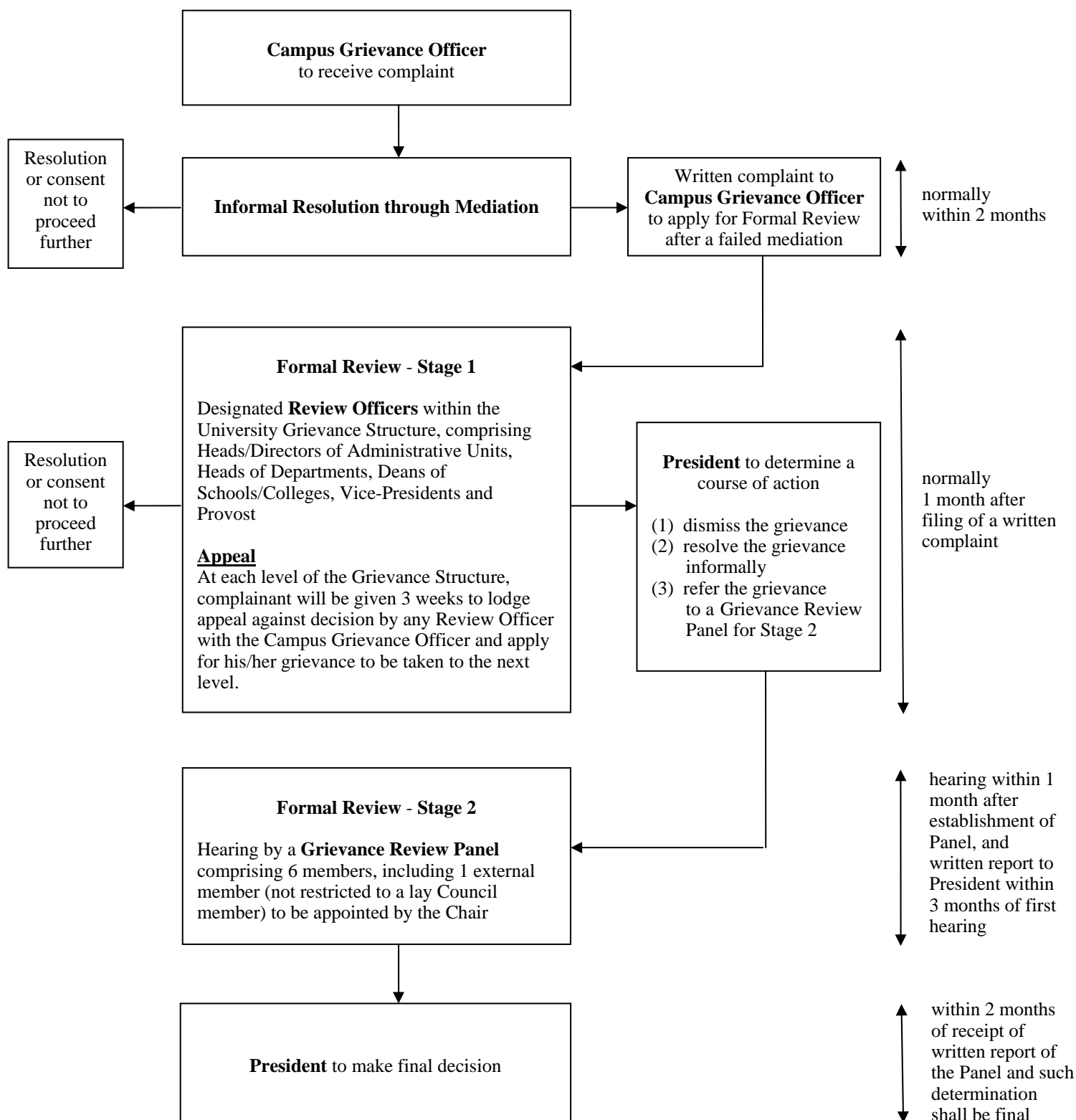
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	<p>recommendations within three months of the date of its first hearing. After considering the report of the Panel, the President may accept or reject the recommendations of the Panel in whole or in part.</p> <p>The President shall make a determination on the grievance within two months of the receipt of the written report of the Panel, and such determination shall be final. The decision of the President, including reasons therefore, shall be given in writing to both the complainant and the respondent.</p>	<p>decision within two months of its establishment.</p>	<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. 		<p>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) take 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> <p><u>Mediation:</u></p> <ul style="list-style-type: none"> - Mediation is a voluntary dispute resolution process which involves an independent neutral third party (the mediator). - At any stage of the procedures and before a decision of the appeal by the Council Chairman is made (in stage 4 above), either party may request to seek resolution of the grievance through mediation. If consent for mediation is received from both parties within two weeks of an initiation of mediation, mediation should be conducted. The time limit for consent for mediation may be extended if agreed to by both parties. The mediator to be appointed could be an internal or external mediator as agreed to by the parties involved. Where external mediation service is engaged, the mediation costs, if any, should be shared by both parties involved. - The mediation should be completed as soon as practicable and normally within two months from the date of receipt of the consent for mediation unless extension of the period is agreed to by both parties. - Upon completion of the mediation: (a) if a settlement is agreed to between the parties involved, the staff member having the grievance shall within one week from the date of settlement withdraw the request for review of the grievance in writing to the supervisor concerned; or (b) if a settlement cannot be agreed to between the parties involved, the staff member having the grievance may, within one week upon notification of the result of mediation or upon the expiry of the period for mediation, refer the grievance in writing to the appropriate supervisor as in Stages 1-4 above. - The time spent on reaching consent for mediation and on the actual mediation process will not count towards the time limit set for the different stages of handling the grievance as stipulated in these Procedures. 	
Composition of the party handling the grievances	<ul style="list-style-type: none"> - Campus Grievance Officer to receive complaints - Staff members trained with mediation skills to conduct informal resolution through mediation - Designated Review Officers to conduct 	<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 	<ul style="list-style-type: none"> - Grievance Hearing Panel: <u>Convenor:</u> Vice-President (or a senior academic or administrative staff appointed by the 	<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 	<ul style="list-style-type: none"> <u>Grievance Committee</u> - 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 	<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 	<p><u>For appeals to the President</u></p> <ul style="list-style-type: none"> - The Hearing Committee comprises five staff members, namely (a) Provost/ Vice-President as Chair; (b) two Heads / Directors, and (c) two staff members below Head / Director 	<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 		

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	<p>Formal Review – Stage 1</p> <p>Grievance Review Panel to conduct Formal Review – Stage 2, comprising six members, including one Vice-President as Chair (to be appointed by the President), two Heads / Deans / Directors and two staff members below the Head / Dean / Director level to be drawn by the Chair from the standing list of Grievance Review Panel Members, and one external member who may be, but is not restricted to, a lay Council member to be appointed by the Chair on a case-by-case basis.</p> <p>No member who has any direct interest in the case or has been connected with the decision or action which is the subject of the complaint, shall serve on the Panel. The Campus Grievance Officer or his / her nominee will serve as the secretary of the Panel.</p>	<p>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.)</p> <p>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.</p> <p>The Appeal Committee (for complaints against staff below the rank of Vice-President) as appointed by the Chairman of the Personnel Committee of Council comprises a lay member of the Personnel Committee of the Council (as Chairman); another lay member of the Personnel Committee of Council; and a member of the Personnel Committee of Council or, as and when necessary, an external member. The Appeal Committee (for complaints against Vice-Presidents or the P&VC) as appointed by the Chairman of the Council comprises a lay member of the Council (as Chairman), and two lay members of the Council (or, as and when necessary, a lay member of Council and an external member).</p>	<p><i>President if the grievance concerns the Vice-President)</i></p> <p><u>Members:</u></p> <p>(a) One member of academic staff at or above the Professor rank[^]</p> <p>(b) One member of administrative staff at or above the Director rank[^]</p> <p>(c) Up to two members (internal or external) that may be co-opted by the Convenor.</p> <p><u>Secretary:</u> Director of Human Resources or his/her delegate</p> <p><u>[Note:</u> [^] <i>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 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></p> <p><u>The Appeals Committee of the Council:</u></p> <p>(a) Three non-staff members of the Council</p> <p>(b) May co-opt other non-staff Council members or external members when deemed necessary</p>	<p>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> <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>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).</p> <p>- If the respondent is an 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).</p> <p>- 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> <p><u>Appeal Authority</u></p> <p>i) Council (in respect of complaints against the President or the Vice-President)</p> <p>- 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.</p> <p>ii) Staff Appeal Sub-committee of the Staffing Committee (in respect of complaints against other staff members)</p> <p>- 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.</p>	<p>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> <p>(For appeals against decisions on human resource management issues:)</p> <p>- 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.</p> <p>- 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.</p> <p>(For appeals against decisions on human resource management issues on grounds of procedural irregularities:)</p> <p>- The Panel will comprise the Director of Human Resources and the Legal Counsel.</p>	<p>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 Provost, Vice-President for Administration and Business, Vice-President for Research and Graduate Studies and Vice-President for Institutional Advancement.</p> <p>- 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> <p><u>For appeals to the University Council</u></p> <p>- The Grievance Committee comprises the Chairman of the Human Resources Committee of the Council as the Chair, and two other lay Council Members or external members outside the University and the University Council as determined by the Council Chairman on the merits of each individual case.</p>	of Enquiry
Procedures apply to individuals and/or groups	A grievance may be made by a staff member or group of staff members, against any staff member or group of staff members in the University. A grievance made by a group of staff members should be specific and 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.	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	The President	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	(For appeals against decisions on human resource management issues:)	The Council Chairman.	The Committee of Enquiry.

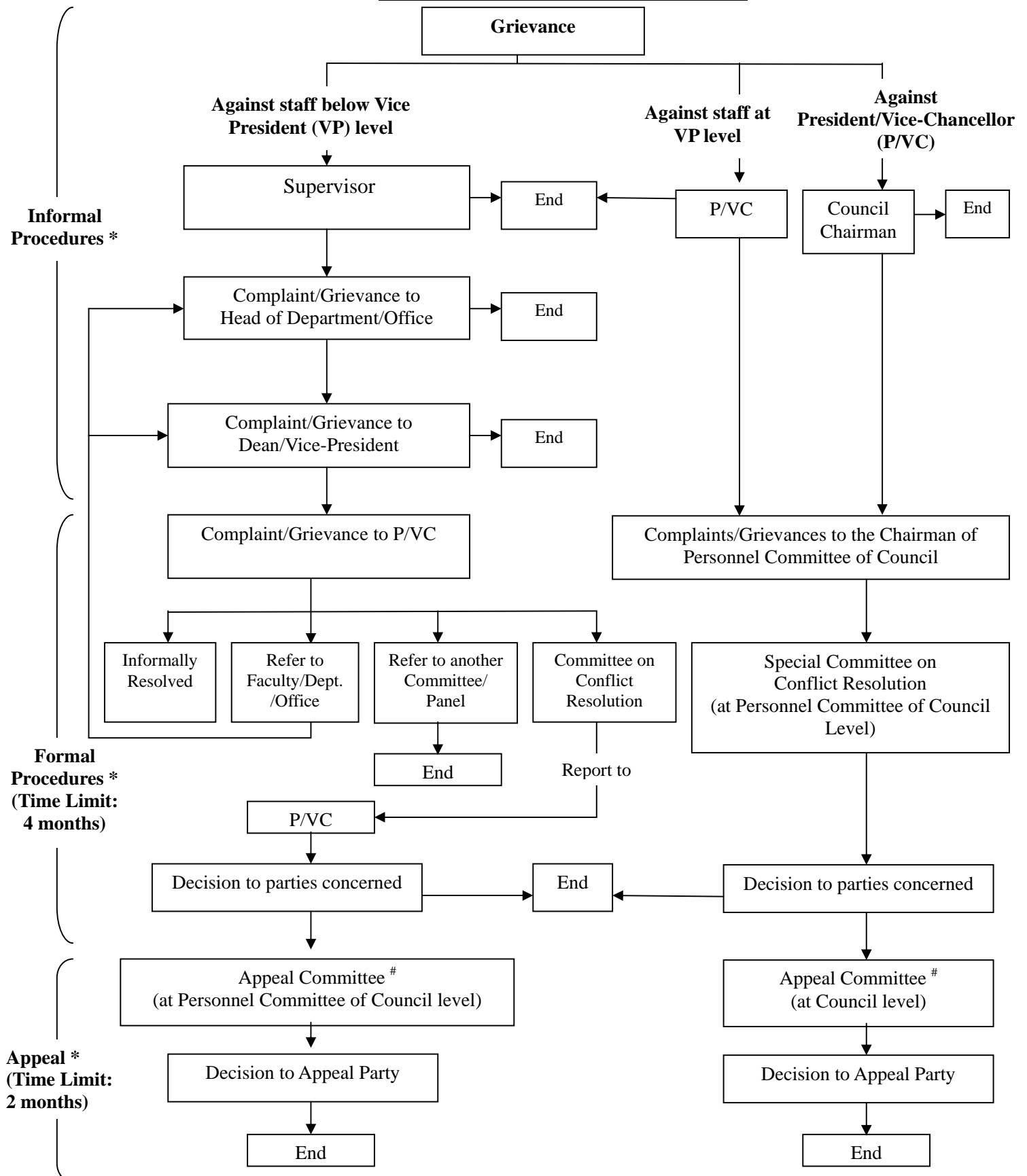
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					President or the Vice-President; and the Staff Appeal Sub-Committee of the Staffing Committee (chaired by the Vice-Chairman of the Staffing Committee who is also a lay Council member) in respect of complaints against other staff members.	The Review 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 Chairman of the Committee of Enquiry is chaired by the Chairman of the Grievances Panel (i.e. 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	<p>When the Grievance Review Panel at the formal stage is set up, the complainant and the respondent shall be notified of this in writing. They shall, at the same time, be informed:</p> <ul style="list-style-type: none"> - of the membership of the Panel; - of the right to appear before the Panel; - of the responsibility of the complainant to provide sufficient evidence to substantiate his / her case, and to receive, in confidence, any written submission made by the other side; - of the right to present evidence and / or to call witnesses (or request the Panel to do so on their behalf); - of their rights to bring with them an accompanying person as an observer (but not as an advocate), who must be a full-time staff member of the University, when appearing before the Panel; - of the procedures to be adopted, and the powers and duties of the Panel; and - of the confidential nature of the proceedings, and of their obligation to maintain that confidentiality. 	<ul style="list-style-type: none"> - 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 allowed). 	<p>Both the Complainant and the Respondent shall have the following rights:</p> <ol style="list-style-type: none"> to be given a fair hearing by the relevant party(ies); to present evidence; to call witness(es) to speak on his/her behalf; and to be accompanied by a support person, who shall not be his/her legal representative[∗], 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. <p><i>[Note: ∗ 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 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 complainee (if applicable) should have the same right to present his/her case fully. 	<ul style="list-style-type: none"> - 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 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"> - The complainant and respondent may object to the membership of the Grievance and Appeal 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 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. 	<ul style="list-style-type: none"> - 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 the latest 10 days prior to the hearing. The documentary materials and list of witnesses will be provided to the opposing party at least seven 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). 	<ul style="list-style-type: none"> - 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.
Records	<ul style="list-style-type: none"> - The Human Resources Office shall keep a record of all complaints filed, including relevant decisions and lodge these with the Campus Grievance Officer. All relevant data and written records will be erased one year after the completion of the process, unless such grievances result in disciplinary action or the University considers that such data should be retained longer (e.g. if there is litigation). 	<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 	<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 	<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. A copy of the</p>	<p>The Council Secretary will keep record.</p>

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				<p>be filed with the Personnel Office for record.</p> <p>- 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.</p> <p>- 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.</p>	<p>process including the appeal procedures. The names of any third parties will be blocked out before any release of data upon request.</p>		<p>written reports, decisions and notifications to the parties involved will be kept in the Human Resources Office under confidential file.</p>	
Others	<p>- 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.</p> <p>- 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>with effect from 1 March 2011</i>); (c) Sexual Harassment Procedures (<i>to be developed</i>); and (d) Staff Disciplinary Procedures (<i>revised</i>).</p> <p>- In the light of best practices in redress mechanisms in overseas institutions and the best practice guidelines developed by the UGC, the new Grievance Procedures have incorporated 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.</p>	Nil	<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> <p>Liability:</p> <p>(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.</p> <p>(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.</p> <p>(c) All parties involved in these Procedures shall be bound by all relevant University-wide policies/guidelines including the <i>Rules of Procedures for Council and University Committee Meetings</i> stipulated in the Committee Handbook if deemed appropriate, <i>Guidelines and procedures for declaration of interests by staff members</i> and <i>Code of Practice for Handling Personal Data</i>.</p> <p>Non-retaliation:</p> <p>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.</p>	<p>- 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.</p> <p>- The procedures specify that confidentiality should be ensured during the process.</p>	Nil	<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>	Nil	

**City University of Hong Kong
Flow Chart on Grievance Procedures**



HONG KONG BAPTIST UNIVERSITY Procedures in Handling Staff Grievances



* **“Mediation”** can be initiated at any time, before a decision is reached at the final level of appeal, either by the complainant or the relevant authority dealing with the complaint at that time. Subject to 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.

Appeal Committee may comprise an external member as and when necessary.

Grievance/Complaints Handling Procedure of Lingnan University

Stage 1
Informal Stage

Time limit: -

Stage 2
Formal Stage

Stage 2.1

Time limit:

1. Submission of written grievance: (a) within 3 months of the alleged incident if not going through informal resolution or (b) within 1 month after termination of informal stage;
2. Determination of the nature of the grievance: within 15 working days upon receipt of a grievance

Stage 2.2

Time limit:

Within 60 days after the 1st mediation meeting which shall be arranged within 15 working days of the conclusion of Stage 1

Stage 3

Time limit:

1. Writing to the President: within 10 working days of the conclusion of Stage 1 (without a mediation) or Stage 2 (with mediation);
2. Decision by President: within 30 working days upon receipt of the writing or referral

Stage 4

Time limit:

Within 60 working days after the 1st hearing which shall be held within 20 working days after the establishment of the Grievance Hearing Panel (GHP)

Stage 5

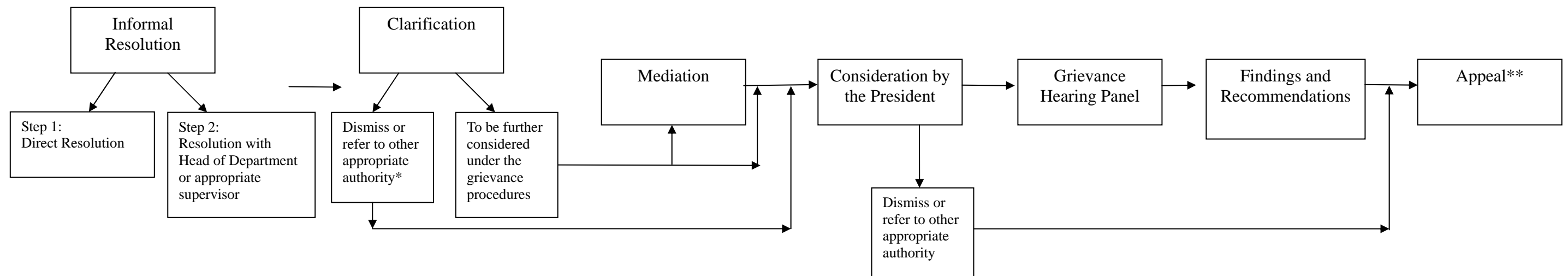
Time limit:

1. Report from GHP: within 30 working days of the final hearing of Stage 4;
2. Decision from President: Within 15 working days upon receipt of the report from GHP

Stage 6

Time limit:

1. Submission of written appeal: within 15 working days of being notified of the decisions;
2. Decision from the Appeals Committee: within 60 working days after the receipt of the appeal;
3. Notification to appellant: within 5 working days from the decision is made



* A grievance that is dismissed under Stage 2.1 shall be referred to the President under Stage 3 for confirmation or reconsideration of the decision to dismiss.

** The Appeals Committee shall consist of three non-staff members of the Council appointed by the Council, and shall have the power to determine, at its discretion, the procedures for its investigation and to co-opt other non-staff Council members or external members when deemed necessary.

*** The grievance resolution proceedings shall normally be completed in accordance with the procedural time limits set out in the Procedures. Reasonable extension of time may be granted by the President at the University level and by the Chairman of the Council at the Council level, if appropriate.

**** At any time during the formal grievance resolution process, and before a final decision is made by the Appeals Committee, the Complainant/ Respondent may request to seek to resolve the grievance through mediation. With the consent of all parties involved, mediation shall be initiated.



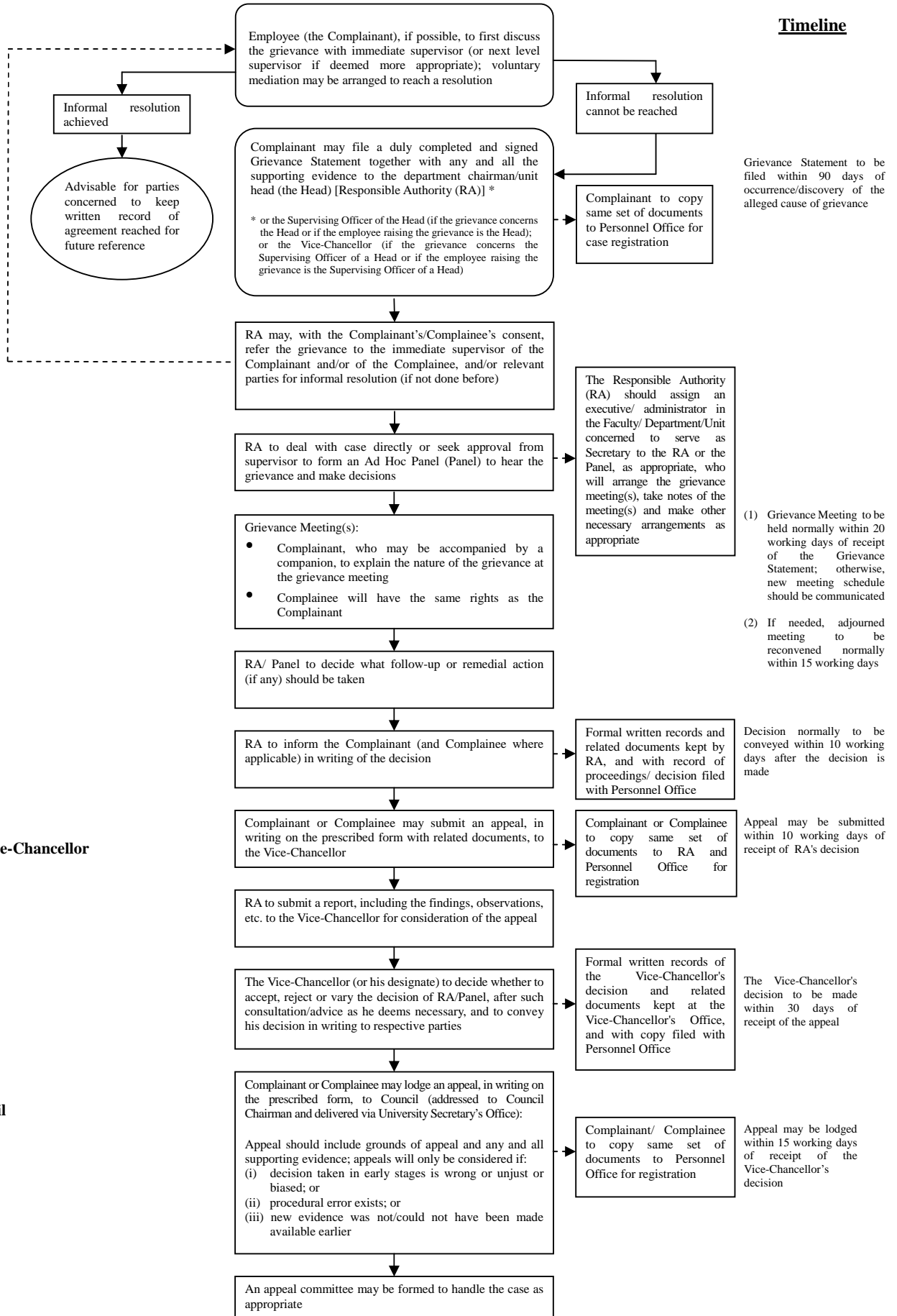
Flow Chart on Grievance Procedures for University Employees

Informal Resolution

Stage 1 Formal Complaint

Stage 2 Appeal to the Vice-Chancellor

Stage 3 Appeal to Council



THE HONG KONG INSTITUTE OF EDUCATION

Existing Procedures for Resolving Staff Grievances (Under Review)

Informal Stage

Stage 1: Departmental Level

The immediate supervisor / Head / appropriate VP, as appropriate, of the complainant attempts to resolve the complaint informally.
(Time limit: normally within 1 month)

Resolved

Cannot be resolved

Stage 2: Vice President Level

The appropriate VP shall enquire what steps have been taken to resolve the complaint informally and if he /she considers appropriate, try to resolve informally by himself / herself as far as possible.
(Time limit: normally within 1 month)

Resolved

Cannot be resolved

Formal Stage

Stage 3: Grievance Committee Level

The Grievance Committee shall complete its enquiry as soon as possible.
(Time limit: preferably within 1 month from the date of its first meeting)

A report of findings, conclusions and recommendations to the President for decision.

The President shall decide upon the appropriate action to be taken.
(Time limit: normally within 1 month of the submission of the report)

The Secretary of the Grievance Committee shall notify both parties in writing of the decision made.
(Time limit: normally within 3 working days of the decision being taken)

If either party is not satisfied with the decision, he /she may lodge an Appeal Notice within 2 weeks from the date of being notified of the decision to the Appeal Authority.

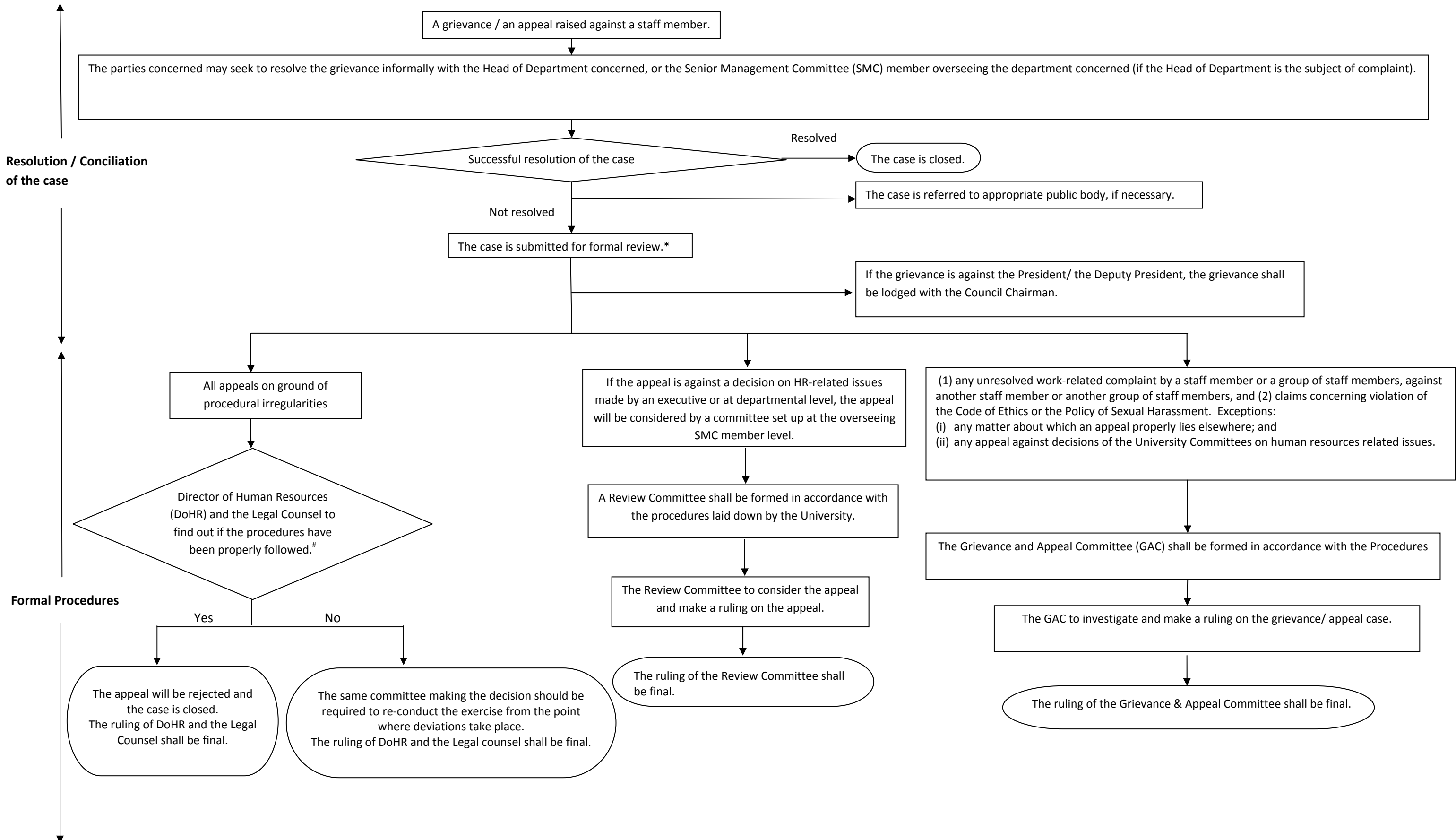
Stage 4: Appeal

The Appeal Authority will review the entire case and decide on the appropriate course of action.
(Time limit: normally within 30 days after receipt of the appeal)

The decision of the Appeal Authority shall be final

Note: The Procedures above are only applicable to handling grievances in which the respondents are staff members other than the President / Vice Presidents.

THE HONG KONG POLYTECHNIC UNIVERSITY
An Overview of the Grievance and Appeal Procedures



* The University will normally not entertain anonymous complaint.

In the event that DoHR and the Legal Counsel could not agree, the President or his delegate would nominate a senior member, acceptable to both DoHR and the Legal Counsel, to chair a small group comprising DoHR and Legal Counsel as members to reach a final decision.

The Hong Kong University of Science and Technology
Flowchart of the Staff Grievance Procedures

INFORMAL RESOLUTION

- Face-to-face communication between/amongst the parties involved
- The staff concerned is encouraged to discuss with the immediate supervisor (or the next level of supervisor if more appropriate)

A written record of the agreement reached is advised to be kept.

FORMAL PROCEDURES

- Stage 1
- Staff concerned refers the grievance in writing to the immediate supervisor/Head of Department.
(Time limit: within 2 months of the incident)
 - The supervisor/Head of Department attempts to resolve the grievance.
(Time limit: within 1 month of receipt of grievance)

- Stage 2
- Staff unsatisfied with the decision in Stage 1, appeal in writing to the supervisor's supervisor, and so on to the Head of Department, the Dean (in case of academic departments) and the Branch Head (Provost/Vice-President).
(Time limit: within 1 week of notification of the decision in Stage 1 or the previous level of appeal)
 - Each level of management should clarify the grievance and attempt to resolve it.
(Time limit: within 1 month on receipt of the request for appeal)

- Stage 3
- Staff unsatisfied with the decision in Stage 2, appeal in writing to the President.
(Time limit: within 1 week of notification of the decision in Stage 2)
 - The President will review the complaint, invite the respondent to make a statement and decide on a course of action which may include referring the grievance to a Hearing Committee for formal review.
(Time limit: within 1 month of receipt of complaint)
 - The complainant may request a Hearing Committee be established.
(Time limit: within 1 week of receipt of the President's notification)
 - Review of the grievance by the Hearing Committee (either directed by the President or requested by the complainant) and provide the President with a written report
(Time limit: within 3 months of the first hearing)
 - The President will issue a final decision in writing to both the complainant and respondent.
(Time limit: within 1 month of receipt of the written report of the Hearing Committee)

- Stage 4 (Final Appeal)
- Staff unsatisfied with President's decision, appeal in writing to the Council Chairman
(Time limit: within 1 week of notification of the President's decision in Stage 3)
 - The Council Chairman will in consultation with the Chairman of the Human Resources Committee decide on a course of action which may include appointing a Grievance Committee to examine the case.
 - The Grievance Committee^{NOTE}, if appointed, will provide a report of its findings and recommendations to the Council Chairman.
 - The Council Chairman to make the final decision.

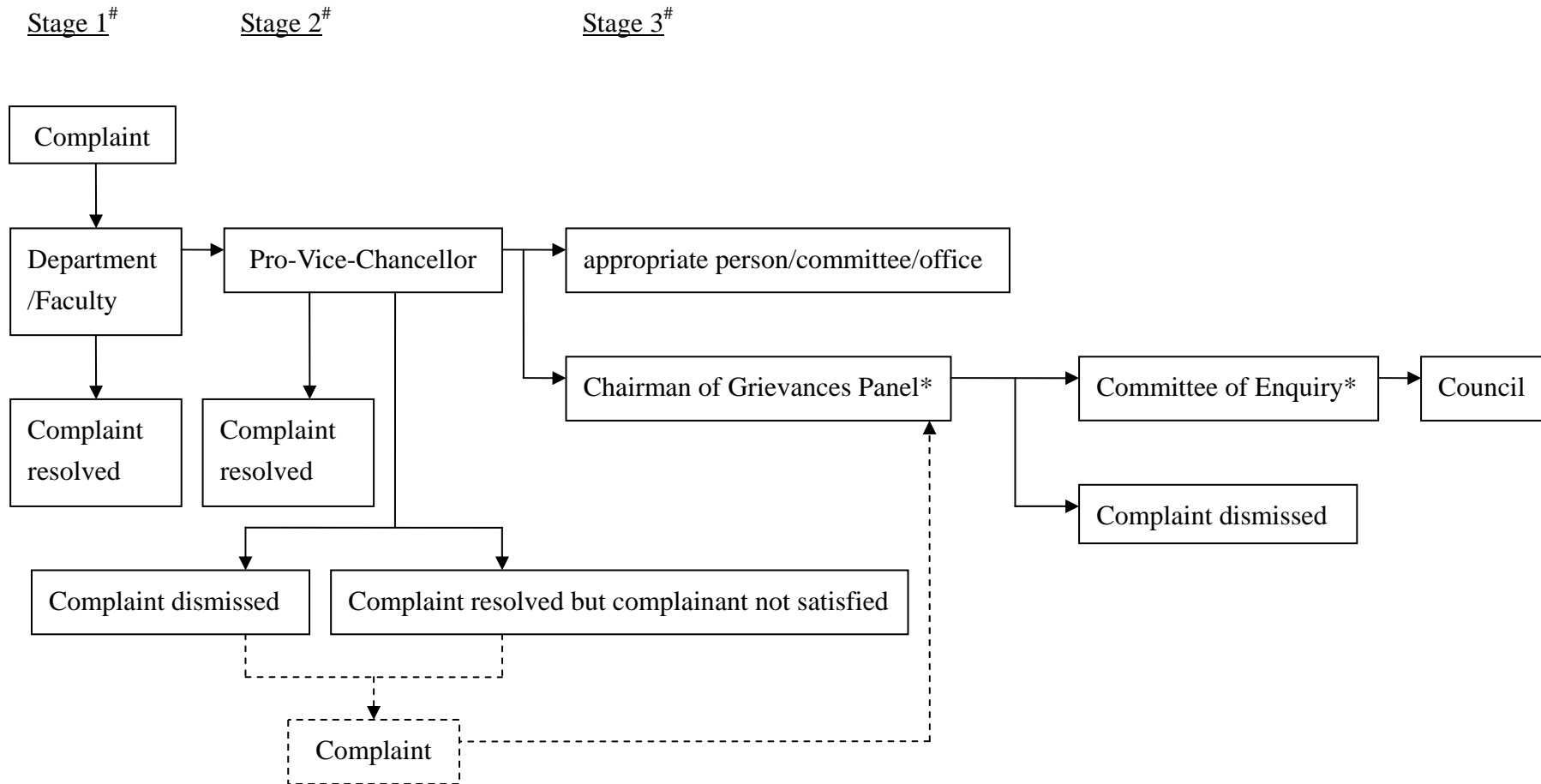
- Mediation
- At any stage of the procedures and before a decision of the appeal by the Council Chairman is made (in Stage 4), either party may request to seek resolution of the grievance through mediation.
 - Consent for mediation
(Time limit: within 2 weeks of an initiation of mediation)
 - Completion of the mediation
(Time limit: as soon as practicable or normally within 2 months from receipt of the consent for mediation)

Refer the grievance in writing to the appropriate supervisor as in Stages 1-4 if a settlement cannot be reached.
(Time limit: within one week upon notification of the mediation result or upon expiry of the mediation period)

Withdrawal of request for review of the grievance by the complainant if a settlement is reached
(Time limit: within one week from the settlement date)

Note
 The Grievance Committee comprises the Chairman of the Human Resources Committee of the Council as the Chair, and two other lay Council Members or external members outside the University and the University Council as determined by the Council Chairman on the merits of each individual case.

The University of Hong Kong
Procedures For the Resolution of
Staff Grievances



* involvement of external members

before a decision is reached at the final level of appeal, assistance from external/internal mediators can be sought.