

Legislative Panel on Education

**The Administration of  
the University Grants Committee-Funded Tertiary Institutions**

**Purpose**

This information paper sets out the composition and modes of operation of the governing bodies of the University Grants Committee (UGC)-funded institutions, their powers in appointing the heads and other staff of the institutions, as well as the mechanisms for appeals.

**Governing Bodies**

2. The UGC-funded institutions are statutorily autonomous bodies. Each institution has its own structure of governance, set out in its ordinance. In all cases, that structure includes a governing body (known as the Council, Board of Governors or the Court), and a body to regulate academic affairs (called the Senate or the Academic Board). Some institutions have an additional executive or advisory body.

3. The appointment and composition of the governing bodies are stipulated in the respective governing ordinances. To ensure a balanced composition, all governing bodies of the eight UGC-funded institutions comprise staff and student representatives, as well as lay members from the business, professional and academic sectors. The composition of these governing bodies, by the various categories of membership as set out in the respective ordinances, is presented at **Annex A**.

4. The table at **Annex A** shows that there are a total of eight seats in two institutions (i.e. The Chinese University of Hong Kong (CUHK) and The University of Hong Kong (HKU)) which are filled by Legislative Council members elected from among themselves. Besides, a total of five Legislative Council members are also appointed by the Chief Executive to the governing bodies of four other institutions in their personal capacity.

## **Powers and Operations of the Governing Bodies**

5. The powers of the governing bodies are stipulated in the respective Ordinances. Generally speaking, the governing councils have powers to manage the finance, staffing, estates and other administrative matters of the institutions. These powers include, for instance,

- (a) approval of the annual budget;
- (b) appointment and termination of the appointment of the Head, all academic and administrative staff of the institutions;
- (c) approval of the terms and conditions of service of employment of staff; and
- (d) approval of statutes which provide for the better carrying out of the provisions of the governing ordinances.

6. Meetings and procedures of the governing bodies are set out in their respective ordinances. As a general rule,

- (a) Meetings of the governing councils are held at such times and places as the Chairman may appoint. In 1998, two to four full council meetings were held by the various governing bodies of the UGC-funded institutions.
- (b) For six institutions, one half of the members for the time being holding office shall form a quorum at a meeting of the Council. In the case of CUHK and HKU, where the governing body is reasonably large, about one-fourth will form a quorum.
- (c) If a member has an interest in any matter to be considered at a meeting of the Council and is present at such meeting, he shall state the nature of the interest and shall, if required by the Council, withdraw while the matter is considered and in any case shall not vote thereon.
- (d) The Council may, from time to time, transact business by circulation of papers and postal votes between meetings.

- (e) The governing bodies may create and appoint such committees for any general or special purposes as it thinks fit and any such committees may consist partly of persons who are not members of the Council. On average, about [x] committees are set up under each governing body to consider issues such as finance, estates and personnel.
  
- (f) The governing body may delegate some powers to the committees, the Heads of institutions and other staff of the institutions. However, the Ordinances provide that certain powers cannot be delegated. These include the powers to appoint the Head of institution, approve the terms and conditions of the staff, approve the budget and make statutes.

### **Powers in Appointing the Heads and Staff of Institutions**

7. According to the governing ordinances of the eight UGC- funded institutions, the powers to appoint the Heads and other staff of the institutions are vested with their respective governing bodies. In most institutions, the powers to appoint staff except the Head of institutions have been delegated to various committees or the administration of the institutions, depending on the rank of the staff. The governing bodies retain the powers to appoint and terminate the appointment of the Heads of institutions and to determine the terms of employment of the staff.

### **Mechanism for Appeals**

8. In the event that a staff member is not satisfied with a decision (on employment-related and other matters) made by the administration of the institutions, he/she may appeal to the relevant committees, established either under the institutions' governing bodies or the administration, or to the head of the institution, as appropriate. The appeal mechanisms and procedures are made clear to the staff through staff handbooks and other circulars promulgated to the staff. They seek to ensure that the whole process is, and is seen to be, fair and reasonable. For instance, the complainant, and the person against whom the complaint is made, is given an opportunity to respond to any information or evidence which is brought to the attention of such an authority. Furthermore, the appeal authority

does not include any person who has a direct interest in the complaint.

9. We have provided the details of each institution's appeal mechanism in employment-related matters in our separate written replies to a question asked by the Hon Emily Lau at the Special Finance Committee Meeting to examine the Draft Estimates 1999-2000 held on 19 March 1999 and a similar question (Question 18) asked by the Hon Cheung Man-kwong at the Legislative Council meeting on 12 May 1999. The two written replies are attached at **Annexes B** and **C** respectively.

Education and Manpower Bureau  
May 1999

**Composition of Governing Bodies of the UGC-funded Institutions**

	Ex-officio Members	Members Appointed by the Chief Executive (Note 1)	Legislative Council Members	Staff	Students/Alumni	Members Appointed by the Governing Body/Head of Institution and Others	Total (Note 2)
City University of Hong Kong Council	President (1)	9 directly appointed	-	2 elected by eligible staff and appointed by the Chief Executive	President of Students' Union (Ex-officio member)	-	37
	Deputy President (1) Vice-President (4) Dean of each faculty (5) President of Students' Union (1) Chairman of Convocation (1)	9 recommended by Council  Not more than 3 public officers		1 Senate member nominated by Senate and appointed by the Chief Executive	Chairman of Convocation (Ex-officio member)		
	Sub-total:13	Sub-total:21	-	Sub-total:3	Sub-total:2	-	
Hong Kong Baptist University Council	President (1) Vice-President (3)	15 directly appointed 3 nominated by the Baptist Convention of Hong Kong	2 (appointed by the Chief Executive on an ad personum basis)	2 elected by eligible staff and appointed by the Chief Executive	President of Students' Union (Ex-officio member)	-	33
	Dean of each faculty (6) President of Students' Union (1)			2 nominated by Senate and appointed by the Chief Executive			
	Sub-total:11	Sub-total:18	Sub-total:2	Sub-total:4	Sub-total:1	-	
Lingnan College Board of Governors	President (1)	8 directly appointed 18 nominated by Lingnan Education Organisation 9 nominated by the above members	1 (appointed by the Chief Executive on an ad personum basis)	3 elected by Academic Board and appointed by the Chief Executive	1 alumnus nominated by Lingnan University Alumni Association and appointed by the Chief Executive	-	40
	Sub-total:1	Sub-total:35	Sub-total:1	Sub-total:3	Sub-total:1	-	

	Ex-officio Members	Members Appointed by the Chief Executive (Note 1)	Legislative Council Members	Staff	Students/ Alumni	Members Appointed by the Governing Body/Head of Institution and Others	Total (Note 2)
Chinese University of Hong Kong Council	Vice-Chancellor (1) Pro-Vice-Chancellor (3) Dean of each faculty and the graduate school (8) Head of each College (4) Treasurer (1)	6 directly appointed	3 elected by Legislative Council members from among themselves	Deans of the 7 faculties elected by academic staff of the faculties (7) (ex-officio members) 4 Fellows elected by the 4 Colleges' Assembly of Fellows 3 Senate members elected by Senate	3 Convocation members elected by Convocation	8 elected Trustees of each College 6 Life members appointed by the Council 6 elected by the Council	56
	Sub-total:17	Sub-total:6	Sub-total:3	Sub-total:14	Sub-total:3	Sub-total:20	
Hong Kong Institute of Education Council	Director (1) Deputy Director (1)	Not more than 14 directly appointed  At least 1 but not more than 3 public officers	-	3 elected by eligible staff  1 to 3 Academic Board members nominated by Academic Board and appointed by the Chief Executive	1 student representative appointed by President.  (i.e.: President of Students' Union)	(See "Students/Alumni" column)	26
	Sub-total:2	Sub-total:17	-	Sub-total:6	Sub-total:1	-	
Hong Kong Polytechnic University Council	President (1) Deputy President(1)	20 appointed by the Chief Executive  (Including 2 public officers)	2 (appointed by the Chief Executive on an ad personum basis)	2 elected by eligible staff  1 Senate member elected by the Senate	1 alumnus of the Alumni Association appointed by the Chief  1 representative elected by students and appointed by the Council	2 Deans nominated by President  (Also see "Students/Alumni" column)	29
	Sub-total:2	Sub-total:20	Sub-total:1	Sub-total:3	Sub-total:2	Sub-total:3	
Hong Kong University of Science and Technology Council	President (1) Vice-Presidents (3) Dean of each faculty (4) Chairman of Convocation (1)	Not more than 9 directly appointed  Not more than 9 recommend by the Council  Not more than 3 public officers	-	Not more than 3 Senate members elected by Senate and appointed by the Chief Executive	Chairman of Convocation  (Ex-officio member)	-	33
	Sub-total:9	Sub-total:21	-	Sub-total:3	Sub-total:1	-	

	Ex-officio Members	Members Appointed by the Chief Executive (Note 1)	Legislative Council Members	Staff	Students/ Alumni	Members Appointed by the Governing Body/Head of Institution and Others	Total (Note 2)
University of Hong Kong Court	Chancellor (1) Pro-Chancellor (1) Vice-Chancellor (1) Deputy Vice-Chancellor (1) Pro-Vice-Chancellor (4) Treasurer (1) Registrar (1) Council members(39) Senate members (about 160) Deputy Chairman and Clerk of Convocation (2)	Not more than 20 directly appointed	5 elected by Legislative Council members from among themselves	Senate members (Ex-officio members)	Deputy Chairman and Clerk of Convocation (2) (Ex-officio members) 12 elected Convocation members Another 5 Council members who are ex-officio members of the Court: <ul style="list-style-type: none"> <li>● 1 representative elected by under-graduate students</li> <li>● 1 representative elected by postgraduate students</li> <li>● President of Students' Union (1)</li> <li>● Chairman of Postgraduate Students Association (1)</li> <li>● President of the Alumni Association (1)</li> </ul>	5 appointed by the Court 6 Life members 3 members elected by Grant Schools Council 3 members elected by Hong Kong Subsidised Secondary Schools Council	About 262
	Sub-total:about 211 (Excluding double-counting)	Sub-total:20	Sub-total:5	Sub-total:160	Sub-total:19	Sub-total:17	

Note1: Members in this column do not include those staff or student/alumni representatives who are elected or nominated for appointment by the Chief Executive.

Note 2: The number of members in each category is the number as stipulated in the relevant governing ordinances. Due to practical reasons, there may be vacancies in some categories. As some members belong to more than one category, the total number of members as shown at the "total" column may be smaller than the sum of the sub-total numbers of all categories

Bureau Serial No.

Question Serial No.

Examination of draft Estimates of Expenditure 1999-2000

**CONTROLLING OFFICER'S REPLY TO  
WRITTEN/SUPPLEMENTARY QUESTION**

Head: Head 190 University Grants Committee      Subhead(No. & title):

Programme: University Grants Committee

Controlling Officer: Secretary-General, University Grants Committee

Policy Secretary: Secretary for Education and Manpower

Question:The proportion of contract staff to permanent staff in UGC-funded institutions; the number of contract staff whose employment was terminated in the past 12 months; what mechanism is in place in the institutions to deal with unreasonable dismissal; number of complaints received from staff who consider their service has been unreasonably terminated.

Asked by: The Hon Emily Lau

Reply:

The following table sets out the proportion of contract staff to permanent staff in the UGC-funded institutions and the number of contract staff whose employment was terminated in the past 12 months.



	CityU	HKBU	LC	CUHK	HKIED	PolyU	HKUST	HKU
<b>Proportion of contract to permanent staff</b>	16% to 84%	35% to 65%	40% to 60%	12% to 88%	40% to 60%	60% to 40%	18% to 82%	30% to 70%
<b>Cessation of Employment</b>								
● Completion of Contract #	6	3	8	20	4	19	17	0
● Resignation	34	5	11	37	15	20	12	0
● Deceased	0	0	0	0	0	1	0	0
● Initiated by institution								
● Non-renewal of Contract	15	4	4	0	0	4	4	35
● By serving notice	0	0	1	3	1	0	0	0
● By dismissal	1	0	0	1	0	0	0	0
<b>Total</b>	<b>56</b>	<b>12</b>	<b>24</b>	<b>61</b>	<b>20</b>	<b>44*</b>	<b>33</b>	<b>35</b>
<b>Number of complaints received from staff who consider their service has been unreasonably terminated</b>	0	1	0	0	0	0	0	1

\*the figure includes 11 general and minor grade staff

#The figures are on all full-time contract staff with contract appointment of 2 years and longer, excluding all research support staff and teaching assistants. Full-time staff on superannuation terms are also excluded.

All the UGC-funded institutions have their own established mechanisms/procedures for appointments, promotion, contract renewal and other staff management matters, as well as related appeal procedures. These mechanisms and procedures are clearly set out in staff handbooks, administrative circulars, etc which are published and accessible by all their staff. The institutions' heads and senior management are involved in the decision-making processes, where necessary. In some circumstances, the institutions' Councils are involved in the processes, or special committees with both internal and external representatives may be formed to consider individual cases.

In the event that staff concerned are not satisfied with a decision (eg regarding dismissal or non-renewal of contract), they may appeal to the relevant committees, established either under the institutions' Councils or the administration, or to the head of the institution, as appropriate. Details are set out at **Annex A**. The appeal mechanisms and procedures seek to ensure that the whole process is, and is seen to be, fair and reasonable. For instance, the complainant, and the person against whom the complaint is made, is given an opportunity to respond to any information or evidence which is brought to the attention of the appeal authority. Furthermore, the appeal authority must not include any person who has a direct interest in the complaint

It is also of course open to staff to pursue legal action or other established complaints/petitions channels if they so wish and they consider their case so justifies.

Signature: \_\_\_\_\_

Name in block letters: Mr N J French

Secretary-General

Post Title: University Grants Committee

Date: 11 May 1999

**Annex A**

**Established Mechanisms/Procedures in the UGC-funded Institutions for Handling Staff Complaints on Contractual/Employment Matters**

<b>Annex</b>	<b>Institutions</b>
A(1)	City University of Hong Kong (CityU)
A(2)	Hong Kong Baptist University (HKBU)
A(3)	Lingnan College (LC)
A(4)	The Chinese University of Hong Kong (CUHK)
A(5)	The Hong Kong Institute of Education (HKIEd)
A(6)	The Hong Kong Polytechnic University (PolyU)
A(7)	The Hong Kong University of Science and Technology (HKUST)
A(8)	The University of Hong Kong (HKU)

**Institution: CityU**

Categories of staff	Procedures
All staff	<p><b><u>Appeals pursuant to performance evaluation</u></b></p> <p><i>Promulgation:</i></p> <p>The procedures are promulgated in general circulars from the Director of Human Resources on Staffing Procedures for Academic Staff.</p> <p><i>Procedures:</i></p> <p>Staff members who wish to appeal against termination of their employment, as a result of the decision made by the respective approving committees, may follow this set of prescribed procedures:</p> <ul style="list-style-type: none"> <li>● The staff member must submit the appeal in writing to the President within three weeks of receipt of the approving committee’s decision, giving in full the grounds of the appeal.</li> <li>● The President will decide on the appointment of the appeal authority.</li> <li>● The appeal authority (in most cases, a Vice-President appointed by the President) will decide on the procedures for considering the appeal.</li> <li>● The decision made by the appeal authority, with delegated authority from the President, will be final.</li> <li>● Such cases will not be reported to the Council on a case by case basis. Non-renewal of contracts will be reported to the Council in the context of staffing statistics.</li> </ul>
	<p><b><u>Appeals pursuant to disciplinary proceedings</u></b></p> <p><i>Promulgation</i></p> <p>The procedures are stipulated in the Regulations Governing Staff Discipline.</p> <p><i>Procedures</i></p> <p>The procedures for appeal against findings and recommendations made by a Disciplinary Committee are as follows:</p> <ul style="list-style-type: none"> <li>● The Respondent may make further representations in writing to the President in respect of any matter set out in the written report submitted by the Disciplinary</li> </ul>

Categories of staff	Procedures
	<p data-bbox="549 322 1406 405">Committee, within seven working days upon receipt of the Report.</p> <ul style="list-style-type: none"> <li data-bbox="491 465 1406 645">● The President shall decide on the appropriate action to be pursued, having taken into account all matters set out in the written report, and the further representations in writing from the Respondent and other relevant parties.</li> <li data-bbox="491 705 1406 788">● In cases where the President decides to dismiss the Respondent, the President shall submit a report to the Council.</li> <li data-bbox="491 848 1406 884">● The decision of the President shall be final.</li> </ul> <p data-bbox="488 945 1406 1120">The Disciplinary Committee is set up by the Chairman of the Council's Staffing and Conditions of Service Committee according to the procedures and composition as stipulated in the Regulations Governing Staff Discipline.</p>

**Institution: HKBU**

<b>Categories of staff</b>	<b>Procedures</b>
Academic and equivalent administrative staff	<p><b><i>Promulgation</i></b></p> <p>Procedures in respect of Academic and equivalent Administrative staff are set out in the Staff Handbook.</p> <p><b><i>Procedures</i></b></p> <p>Those whose contracts not renewed pursuant to performance review by a panel may appeal via established appeals procedures as follows:</p> <ul style="list-style-type: none"><li>● the staff member concerned may write direct to the President &amp; Vice-Chancellor, giving all the reasons and evidence for such an appeal;</li><li>● the President &amp; Vice-Chancellor, after examining the reasons for the appeal, could either authorise the Review Panel to be re-convened to re-consider the case on ground of any newly submitted evidences, or to convene a different Panel, or to adopt other appropriate measures at his own discretion;</li><li>● the President &amp; Vice-Chancellor has the absolute discretion to interview the staff member concerned and/or to accept or not to accept the re-considered view of the Review Panel before communicating the result to the staff;</li><li>● Compositions of the relevant panels are at <u>Encl. 1</u></li><li>● the President &amp; Vice-Chancellor’s decision on the reconsidered view of the Review Panel shall be final.</li></ul> <p>In the case of termination of employment of a substantive academic or equivalent administrative staff by the Disciplinary or Personnel Committee of the University Council, he/she may appeal to the University Council whose decision shall be final.</p>

<b>Categories of staff</b>	<b>Procedures</b>
Support and ancillary staff	<p data-bbox="491 320 678 358"><b><i>Promulgation</i></b></p> <p data-bbox="491 421 1410 504">Procedures in respect of Support and Ancillary staff are set out in their respective Terms of Service booklets.</p> <p data-bbox="491 566 646 604"><b><i>Procedures</i></b></p> <p data-bbox="491 667 1410 795">Staff member whose appointment is terminated may appeal by writing to the Vice-President (Administration) &amp; Secretary whose decision shall be final.</p> <p data-bbox="491 857 1410 1070">A support staff member who has been dismissed for misconduct may appeal to a Disciplinary Committee appointed by the Council, whose decision shall be final. An ancillary staff member may be dismissed for misconduct by the President &amp; Vice-Chancellor whose decision shall be final.</p>

I. Composition of the Appointment Review Panel for Academic Staff

*Chairman:* Academic Vice-President

*Core Members:*

- Chairman of Research Committee
- A dean of faculty by rotation on an annual basis

*Other Members:*

- Dean of the relevant Faculty/School (or Dean of other Faculty/School should the relevant Dean be a core member)
- a senior teaching staff member for the relevant Faculty/School
- a senior teaching staff member from outside the Faculty/School

II. Composition of the Appointment Review Panel for Administrative Staff

*Chairman:* Vice-President (Administration) & Secretary

*Members:*

- the relevant Dean of Faculty/Head of Office
- a senior non-teaching staff member from outside the Office (preferably at Head of Office level if the appointee under review is at the Assistant Secretary/Senior Assistant Secretary or equivalent level);
- a senior teaching staff member from the Senate
- the Director of Personnel



Institution: LC

Categories of staff	Procedures
All staff	<p data-bbox="489 421 678 454"><i>Promulgation</i></p> <p data-bbox="489 517 1404 645">Appeal against non-renewal of contracts could be made to Appeals Committee established under the Council as provided by the LC Ordinance (Cap. 422, s. 16) whose decision shall be final.</p> <p data-bbox="489 707 1222 741">The following are extracted from the College Calendar:</p> <p data-bbox="489 804 1046 837"><u>Terms of reference of Appeals Committee</u></p> <p data-bbox="489 900 1404 1028">To consider and make decisions on appeals against the non-renewal of contracts, and to report thereon to the Council. The decision made by the Appeals Committee will be final.</p> <p data-bbox="489 1090 655 1124"><u>Membership</u></p> <p data-bbox="489 1187 1404 1265"><i>Chairman:</i>One member of the Council who is not member of the Staffing Committee established under the Council</p> <p data-bbox="489 1328 619 1361"><i>Members:</i></p> <ul data-bbox="496 1424 1404 1727" style="list-style-type: none"><li data-bbox="496 1424 1404 1503">● One member of the Council who is not member of Staffing Committee</li><li data-bbox="496 1568 678 1601">● President</li><li data-bbox="496 1666 1404 1727">● Not more than two co-opted members if deemed necessary by the Chairman</li></ul>

Institution: **CUHK**

<b>Categories of staff</b>	<b>Procedures</b>
Academic or equivalent administrative staff	<p>Departments’ recommendations for the termination of appointment of an appointee shall be considered at the Administrative and Planning Committee (AAPC).</p> <p>The appointee may appear before AAPC or may nominate a representative (not a legal representative) to the meeting to speak on the case. Staff who wish to appeal against a decision of AAPC to terminate his/her appointment should address the appeal to the Vice-Chancellor, who may after due consideration of the appeal and such other consultation as deemed necessary, either endorse the original decision or initiate a second review. In any case, the AAPC decision will be submitted to the Council for final decision, which will take into account the appeal.</p> <p>The Council’s decision shall be final.</p> <p>Termination of appointment by the University prior to completion of contract shall follow similar procedures.</p> <p>[Members of the Administrative and Planning Committee include the Vice-Chancellor, Pro-Vice-Chancellors and other University Officers].</p>
Executive, professional and general grades, and junior staff	<p>Departments’ decisions for the termination of appointment of an appointee shall be submitted to the Personnel Office (PO) which will ascertain and investigate the case and meet with the appointee concerned who may nominate a representative (not a legal representative) to help speak on the case. Before PO issues a letter of termination, the appointee may appeal in writing to the Administrative Affairs Committee or Academic Staff Review Committee as appropriate via Director of personnel against the decision of the unit concerned for termination of employment. A Standing Panel shall be appointed by the relevant Committees to consider the appeal and the Panel’s decision shall be final.</p> <p>[Members of the Administrative Affairs Committee include the Vice-Chancellor, a Pro-Vice-Chancellors and heads of major administrative units.</p> <p>[Members of the Academic Staff Review Committee include a Pro-Vice-Chancellors, all College Heads and Faculty Deans.]</p>

Note: The appeal procedures must be in compliance with all relevant laws, the University’s Terms of Service and contract provisions.

Institution:HKIEd

Categories of staff	Procedures
All staff	<p data-bbox="488 405 678 439"><b><i>Promulgation</i></b></p> <p data-bbox="488 501 1410 629">The procedures for handling staff complaints on contractual employment matters are published in staff handbook and administrative notices and circulars.</p> <p data-bbox="488 696 643 730"><b><i>Procedures</i></b></p> <p data-bbox="488 792 1410 1059">Formal appeals on all staff matters (including non-renewal of contracts) are considered by the Staff Selection and Review Sub-Committee of the Staffing Committee of the Council. The review of any appeal will normally be completed within two months after receipt of the appeal and a formal reply will be issued to the staff concerned.</p> <p data-bbox="488 1122 1410 1249">The decision of the Staff Selection and Review Sub-Committee of the Staffing Committee of the Staffing Committee in regard to appeals by staff against unreasonable dismissal will be final.</p>

**Institution: PolyU**

<b>Categories of staff</b>	<b>Procedures</b>
All staff	<p data-bbox="491 421 678 454"><b><i>Promulgation</i></b></p> <p data-bbox="491 517 1410 640">Staff appeals and grievances procedures are published in the Staff handbook accessible by all staff members via the University's intranet.</p> <p data-bbox="491 707 643 741"><b><i>Procedures</i></b></p> <p data-bbox="491 804 1410 929">These procedures are applicable to staff members including general grade and ancillary staff who are dismissed for various reasons. A copy of this set of procedures is at <u>Encl. 1</u>.</p>

## **Staff Appeals and Grievance Procedures\***

Encl. 1 to  
Annex A (6)

### *Preamble*

1. For the purpose of these procedures, the following shall not be a ground for appeal or grievance:(a) not being offered a new contract by the University; (b) offer of reappointment on contract terms instead of superannuable terms.
2. Anonymous letters will not be dealt with under these procedures.
3. Nothing in these Procedures affects the right of academic and equivalent administrative staff on superannuable terms to appeal to the University Council in pursuance of Clause 3 of Appendix A (Regulations Governing Removal from Appointment) of their conditions of service.

### *Staff Appeals and Grievance Procedures*

4. Any staff member who wishes to lodge an appeal or to pursue a grievance should set out his case in writing and submit it to his Head of Department. Notwithstanding the fact that the Head of Department may be a party against whom the appeal or grievance is directed, the submission should still be made to him in the first instance.
5. As an exception to the arrangements set out in paragraph 4 above, an appeal or grievance which involves allegations of corruption, physical harassment or assault to which the Head of Department is a party may be submitted directly to the Faculty Dean (in the case of the Head of an academic department) or the relevant Vice-President (in the case of the Head of a non-academic department).
6. In all cases of appeal or grievance, a copy of the submission should be sent simultaneously to the Secretary of the Appeals and Grievance Committee for record.
7. On receipt of a statement of appeal or grievance, the Head of Department shall interview both sides concerned and try to facilitate resolution of the matter at the departmental level. Both sides may bring along a 'friend' to the interview who must be an appointee of the university. The 'friend' may participate in the interview. The Head may ask either or both side(s) to provide any relevant documents. In the event that the Head of Department is the party against whom the appeal or grievance is directed, he shall seek to resolve the matter by discussion with the staff member concerned.
8. If the Head of Department concludes that he cannot reach a decision on the matter, he shall refer the case to his Faculty Dean if the subject of appeal is of an academic nature, or to the relevant Vice-President if the subject is not of an academic nature.
9. If the Head of Department does make a decision on the matter but the staff member concerned is not satisfied with the decision in respect of his appeal or grievance, he may, if he so decides, submit his case together with any supporting evidence to the Dean of his Faculty or the relevant Vice-President according to the nature of the subject of his appeal or grievance.

10. The Dean or Vice-President, having a case referred to him in accordance with paragraphs 5, 8 or 9 above, shall try to resolve the matter by taking any action he deems appropriate or necessary, which should include interviewing both sides concerned. He may ask either or both side(s) to provide any relevant documents. Either side may bring along a 'friend' to the interview who must be an appointee of the University. The 'friend' may participate in the interview.
11. If the Dean or Vice-President concludes that he cannot reach a decision on the matter, or the case is sufficiently serious or complicated in nature, he may recommend to the President that the case be referred to the Appeals and Grievance Committee for consideration. The President may either refer the case to the Appeals and Grievance Committee, or seek to resolve the matter by taking any action he deems appropriate or necessary.
12. If the Dean or Vice-President does reach a decision on the matter but the staff member is not satisfied with the decision, he may, if he so decides, submit his case to the President. The President may either refer the case to the Appeals and Grievance Committee, or seek to resolve the matter by taking any action he deems appropriate or necessary.
13. If the President does not refer the case to the Appeals and Grievance Committee and the staff member remains dissatisfied despite any action that the President may have taken to resolve the matter, then the staff member may submit the case to the Appeals and Grievance Committee for consideration.
14. The Appeals and Grievance Committee shall investigate the case by scrutinising and considering all relevant documents and by separately interviewing each side to the appeal or grievance. It may take any action it deems appropriate or necessary including the seeking of further information or evidence from relevant persons.
15. The Appeals and Grievance Committee may appoint a Sub-Committee and/or request the University administration to investigate the facts and report back to the Committee.
16. Both sides to the appeal or grievance shall be invited to a meeting of the Appeals and Grievance Committee. Each will be given the opportunity to present his case, and each may bring with him a 'friend' who must be an appointee of the University. The 'friend' will be an observer at the meeting of the Appeals and Grievance Committee and may not take part in the discussion.
17. In all cases when interviews are held with other persons, both the staff member making the appeal or pursuing a grievance and the one against whom the appeal or grievance is directed shall be interviewed again and given the right to comment on the information gathered during the interviews of other persons and to provide further information as appropriate.

18. The Appeals and Grievance Committee shall make recommendation(s) on the case in a Report to be submitted to the President within 2 months of its appointment. If it is not able to meet this deadline for any reason, it should explain the reason(s) in writing to the President and submit its Report as soon as possible thereafter.
19. The President shall make a decision on the case having full regard to but without being bound by the recommendation(s) contained in the Report of the Appeals and Grievance Committee. His decision shall not be the subject of an appeal or grievance under these Procedures.

#### Membership of the Appeals and Grievance Committee

20. Each year the membership of the Appeals and Grievance Committee is elected or decided by drawing lots as laid down in the composition of the Appeals and Grievance Committee. A permanent Secretary to the Appeals and Grievance Committee shall be appointed by the Director of Personnel. The Secretary shall not be a member of the Appeals and Grievance Committee. A co-opted member may be appointed by the Chairman of the Appeals and Grievance Committee for a particular case. The principle of retaining the same members for a minimum period of one year shall be observed as far as possible in order to maintain consistency and continuity in the committee's deliberations.

#### Quorum for meetings of the Appeals and Grievance Committee

21. The quorum for meetings of the Appeals and Grievance Committee shall be one short of the full membership. However, all members need to be present when decisions and conclusions are reached in relation to individual cases.

#### Decisions of the Appeals and Grievance Committee

22. Decisions of the Appeals and Grievance Committee will be made by a majority of votes by secret ballot. All members except the Chairman shall have one vote. The Chairman shall only have the casting vote. In the event of a tie, the matter shall be discussed once more and a vote taken a second time in order to try to reach a decision. If the second vote is tied, the Chairman may use his casting vote to decide the issue.

#### Documentation of the Appeals and Grievance Committee

23. The Secretary shall keep record of the decisions of the Appeals and Grievance Committee and shall conduct and keep record of all ballots.
24. Relevant documentation setting out the appeal or grievance shall be made available to the person against whom the appeal or grievance is directed. Similarly, any written response to the appeal or grievance shall be made available to the member of staff making an appeal or pursuing a grievance. All decisions of the Appeals and Grievance Committee shall be communicated to both parties in writing.

25. The Appeals and Grievance Committee's Report should be classified as 'Confidential' document and shall be available to the staff member making an appeal or pursuing a grievance and to the person against whom the appeal or grievance is directed, or any interested Council member, for perusal only.

Closure of an appeal or grievance case

26. An appeal or grievance case is closed when it is either resolved at an earlier stage, or when the President has made a decision on the case after considering the Report submitted by the Appeals and Grievance Committee.

Handling of malicious conduct

27. In addressing the question of possible malicious conduct in appeals or grievance cases, these procedures start with an assumption that all colleagues in the University share a common concern for the welfare of the institution, and of the University community of which they are a part. It is inherent in the concept of a University community that colleagues will behave towards each other in accordance with high standards of ethical behaviour. The first line of defence against malicious conduct, therefore, is a self imposed code of conduct towards colleagues that would preclude acting with malice. There should therefore be a prima facie assumption, unless there is convincing evidence to the contrary, that both parties to an appeal or grievance, irrespective of whether or not it is ultimately upheld, are acting legitimately - i.e. they genuinely believe in the justice of their case.
28. However, if in exceptional cases, in the judgement of the Appeals and Grievance Committee, any party to an appeal or grievance is considered to be acting maliciously towards the other party, the Committee shall so indicate in its Report on the case. It shall be for the university management to decide what, if any, action to take in response to this malicious conduct.

\* Note: The use of the masculine gender in these procedures shall be deemed to cover the feminine gender also.



Institution: HKUST

Categories of staff	Procedures
Academic Staff	<p data-bbox="491 376 678 412"><b><i>Promulgation</i></b></p> <p data-bbox="491 456 1410 568">The procedures and relevant policies are published in the Faculty Handbook and are also available on the University's computer network which is accessible by all staff in the University.</p> <p data-bbox="491 613 997 649"><u>Extracted from the Faculty Handbook:</u></p> <ul data-bbox="499 694 1410 1919" style="list-style-type: none"> <li data-bbox="499 694 1410 806">● An applicant who is notified of a negative decision may appeal that decision by petitioning the Dean in writing. This shall include a clear statement of the basis for the appeal.</li> <li data-bbox="499 851 1410 1164">● If the negative decision originated with the Department, the initial appeal shall be considered by the School Committee; otherwise, it shall be considered by the University Committee. For cases in which the University Committee has already been involved in the review, the Vice-President for Academic Affairs shall appoint an ad hoc Appeals Committee of senior academic staff (including those outside the faculty/department/unit concerned) to consider the appeal.</li> <li data-bbox="499 1209 1410 1288">● A decision by the School Committee to deny an appeal may be appealed to the University Committee</li> <li data-bbox="499 1332 1410 1523">● If the School Committee decides in favour of an appeal, the application will be forwarded to the Dean and shall subsequently be reviewed under the same procedures applicable to cases that did not receive negative recommendations from both the Department and Department Head.</li> <li data-bbox="499 1568 1410 1680">● A decision by the University Appointments and Substantiation Committee, or the ad hoc Appeals Committee as appropriate, to deny an appeal is final.</li> <li data-bbox="499 1724 1410 1919">● If the University Appointments and Substantiation Committee, or the ad hoc Appeals Committee as appropriate, decides in favour of an appeal, the application shall be forwarded to the Vice-President for Academic Affairs, who shall make a final decision in consultation with the President.</li> </ul>

<b>Categories of staff</b>	<b>Procedures</b>
Non-academic Staff	The provisions are similar to those for academic staff in that an applicant may appeal against a negative decision to a higher level authority which was not involved in the original decision making process. The higher level authority may appoint an ad hoc committee to consider the appeal.

**Institution: HKU**

<b>Categories of staff</b>	<b>Procedures</b>
All staff	According to Statute XIX, para. 2(1), of the HKU Ordinance, it is One of the Council’s power to consider staff grievances which are defined as any unresolved complaint made by an appointee, or a group of appointees, either against any other appointee or against any student of the University. The procedures are clearly set out in the staff manual. Relevant extract is at <u>Encl. 1</u> .
Teachers on substantive terms	Teachers employed on substantive terms are protected by ‘good cause’. Their termination are governed by the ‘Procedures for the Termination of the Appointment of a Teacher for “Good Cause”’. ( <u>Encl. 2</u> ).
Teachers on fixed terms	Teachers on fixed terms may appeal against the decision of the relevant selection committee on grounds relating to the process for the renewal of fixed-term contracts. Clause 7 of the “Procedures for the Renewal of Fixed-term Contract of Employment on Terms of Service I and Term of Service I (Clinical Medical Staff)” refers ( <u>Encl. 3</u> ).

## **STAFF GRIEVANCES**

### **PROCEDURES FOR THE RESOLUTION OF STAFF GRIEVANCES**

#### **PREAMBLE**

Under the provisions of Statute XIX (“Powers of the Council”), paragraph 2(1). “The Council shall have power ... to entertain and adjudicate upon complaints from, and to redress grievances of, members of the University and persons employed therein”. These Procedures are laid down by the Council to assist it in this task, insofar as it concerns the complaints and grievances of employees (but not of those members of the University who are not employees).

It is the Council’s intention, in laying down these Procedures, to provide a means whereby the complaint of an appointee, or group of appointees, against another appointee, or against a student, may be heard, in a fair and impartial fashion, and, if possible, resolved. While not wishing to subject complaints to quasi-judicial review, the Council nonetheless believes it to be necessary to make certain formal provisions to protect the rights both of the person with the complaint and of the person against whom the complaint is made. However, it is the Council’s hope that these proceedings will be conducted as informally as possible, within the guidelines laid down, with a view, wherever possible, to resolving grievances to the satisfaction of all the parties concerned.

The Council views the implementation of these Procedures as a last resort, and expects that the appointees concerned, and their colleagues, supervisors, Heads of Departments and Deans, as appropriate, will make every attempt to deal with complaints at departmental level.

#### **PROCEDURES**

##### *Definitions*

1. These Procedures apply to all appointees on Terms of Service I, Terms of Service I (Clinical Medical Staff), II, III and IV, and any other appointee on a full or part-time contract of temporary employment.
2. A “grievance” shall be any unresolved complaint made by an appointee, or a group of appointees, either against any other appointee (as defined in paragraph 1) or against any student of the University as defined in Statute I.
3. The following matters shall not be grievances to be resolved within these Procedures:—
  - (a) any matter about which an appeal properly lies elsewhere (including any complaint by a student against a member of staff);
  - (b) any matter which is sub judice elsewhere;
  - (c) any matter which has been the subject of a decision by a University committee;
  - (d) any dispute with a person outside the University; and
  - (e) any matter which involves an allegation of corruption, or of criminal behaviour.

##### *Grievances Panel*

4. There shall be a Grievances Panel (“The Panel”) comprising three members:—
  - (a) a chairman, appointed by the Council, who shall not be an employee of the University or a member of the Council;
  - (b) one lay member of the Council appointed by the Council; and

- (c) the longer-serving of the two Senate members of the Council.

The members in categories (a) and (b) shall be appointed for a period of three years, and their appointments shall be renewable.

*Preliminary consideration of a complaint*

5. Any appointee having a complaint which falls within the provisions of these Procedures, and which he has not been able to resolve informally, shall refer the matter, at his discretion, to his immediate supervisor, or to his head of department, or to the Dean of his Faculty, who shall attempt to damnify the nature of the complaint, and to resolve it.
6. If this process of conciliation falls, the appointee who has the complaint shall refer it, formally in writing, to the Vice-Chancellor.
7. The Vice-Chancellor shall dismiss any complaint which is anonymous, but may at this preliminary stage agree not to reveal the identity of the complainant to the person against whom the complaint is made, if he thinks there are good reasons for so doing.
8. On receipt of a complaint which is not to be dismissed under the provisions of paragraph 7 above, the Vice-Chancellor shall enquire what steps have been taken to resolve the complaint informally, if this is not apparent. If he is not satisfied that all appropriate steps have been taken, he shall invite the complainant to seek assistance as described in paragraph 5 above. However, if he is satisfied that informal channels have been exhausted, he shall then inform the person against whom the complaint has been made of the nature of the complaint, and invite that person to make a statement. Having considered any such statement, the Vice-Chancellor shall then take whatever further action he thinks appropriate, which may include one or more of the following:—
  - (a) dismissing the complaint if he considers it to be trivial or malicious;
  - (b) considering the complaint informally and resolving it himself.
  - (c) referring the complaint to the appropriate person or committee or office of the University, for further investigation or action;
  - (d) referring the complaint to the appropriate public body, e.g. the police or the Independent Commission Against Corruption; and
  - (e) referring the complaint to the Panel.

The Vice-Chancellor shall notify the complainant, and the person against whom the complaint is made, of the chosen course of action.

9. If the Vice-Chancellor decides not to refer a grievance to the Panel, but to adopt some other course of action, the appointee having the grievance may nonetheless ask the Panel to deal with it, and the Panel shall do so provided that the grievance is within its jurisdiction.

*Preliminary Consideration by the Panel*

10. If a grievance is referred to the Panel, either by the Vice-Chancellor or by the complainant, the Panel shall dismiss it:—
  - (a) where the complainant continues to wish not to have his identity revealed to the person against whom the complaint has been made; or
  - (b) if the complaint is deemed to be trivial or malicious; or
  - (c) if the complaint does not fall within the Panel's jurisdiction under the provisions of paragraph 3.

11. If the Panel does not dismiss the complaint under the provisions of paragraph 10 above, it shall set up a Committee of Enquiry (“The Committee”).

*Committee of Enquiry: Terms of Reference*

- (b) The Committee shall have a minimum of three members and shall comprise one member of the Panel, who shall be chairman, and such other members as the Panel shall determine. Members may be appointed from amongst the staff or the students of the University, as seems appropriate to the Panel, but shall not include any person who has a direct interest in the complaint, or who has taken part in any informal attempt at conciliation. The Registrar shall appoint a secretary to the Committee.
- (b) The powers and duties of the Committee shall be:—
- (b) to enquire into the complaint; and
  - (b) to report to the Council:—
    - i its findings on the complaint; and
    - ii its recommendations.

The Committee shall not have the power to dispose of the complaint itself, in any manner.

- (b) The Committee shall have the power, in its sole discretion, to require the complainant to give evidence, in person and/or in writing. The Committee shall also have the power to determine which other persons shall be asked to give evidence, and to ask them to do so. The Committee may take legal advice at any time.
- (b) For the purposes of its investigation, the Committee shall have access to such University documents as it sees fit.

*Setting Up of the Committee*

- (b) If a Committee of Enquiry is to be set up, the complainant, and the person against whom the complaint is made, shall each be notified of this in writing and shall, at the same time, be given a copy of these Procedures. The person against whom the complaint is made shall also be given, in confidence, a copy of the complainant’s written submission.
- (b) The Panel will select the chairman and the members of the Committee, and the complainant and the person against whom the complaint is made shall each be informed in writing of the proposed composition of the Committee. Each may object to one or more of the members (but not to the chairman), stating his reasons in writing to the Panel. If the Panel agrees that there are good grounds for the objection, it shall not appoint that person to membership of the Committee, but select another, to whose appointment the complainant, and the person against whom the complaint is made, may again object. This process shall continue until the Panel determines that neither the complainant, nor the person against whom the complaint is made, has any valid grounds for objection to any member of the Committee.

*Rights of the Two Parties*

- (b) The complainant, and the person against whom the complaint is made, shall each have the following rights:—
- (b) to appear before the Committee;
  - (b) to present evidence to the Committee;
  - (c) to call witnesses (or request the Committee to do so on his behalf); and

- (d) to bring with him a colleague or an adviser, who may speak on his behalf, when appearing before the Committee.

Each party, and any accompanying colleague or adviser, shall be reminded of the confidential nature of the proceedings, and of the obligation to maintain that confidentiality.

19. The complainant, and the person against whom the complaint is made, shall each be asked to state in writing, by a specified date in advance of the hearing; whether he wishes to submit any additional evidence; whether he will appear in person, with or without a colleague or an adviser; and whether he wishes the Committee to call any witnesses on his behalf. He shall provide a written notice of the name and status of his colleague or adviser and of the witnesses whom he wishes the Committee to call.
20. The complainant and the person against whom the complaint is made, shall be given not less than 7 days' notice of the date, time and venue of his appearance before the Committee.

#### *Conduct of the Enquiry*

21. The Committee of Enquiry shall have the power to determine, in its sole discretion, the procedures for its enquiry, in accordance with the following guidelines:—
  - (a) The Committee shall make such enquiries as it thinks fit, and seek and receive any evidence which it considers relevant, including asking questions of the complainant and any other person appearing before it.
  - (b) The Committee may permit the complainant (or his accompanying colleague or adviser) to ask questions of the person against whom the complaint is made, or any of the witnesses.
  - (c) The Committee may permit the person against whom the complaint is made (or his accompanying colleague or adviser) to ask questions of the complainant, or any of the witnesses.
  - (d) The Committee may meet the complainant, and the person against whom the complaint is made, separately.
  - (e) Neither the complainant, nor the person against whom the complaint is made, need be present at all the meetings.
  - (f) The complainant, and the person against whom the complaint is made, shall be given an opportunity to respond to any information or evidence which is brought to the attention of the Committee by either party, or by any third party, during the course of the investigation, and which appears to call for response, clarification or confirmation.

#### *The Committee's Report*

22. The Committee shall complete its investigation and proceedings as quickly as possible and normally within one month of its establishment.
23. On completion of its investigation, the Committee shall prepare a report of its findings and its recommendations to the Council. The Council shall meet to consider the report within two months of its submission, and a copy shall be given to the complainant, and the person against whom the complaint is made (each of whom shall be reminded that the Report is confidential, and that no action will be taken upon it unless and until the Council approves its recommendations) at the same time that copies are issued to members of the Council.
24. On receipt of the report, the Council shall decide upon the appropriate action to be taken. The Registrar shall notify the complainant, and the person against whom the complaint is made, of the Council's decision.

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

#### *Dismissal Proceedings*

26. The Vice-Chancellor shall not proceed with any complaint, as described in paragraph 6 of these Procedures, from an appointee whose Head of Department has already recommended that his contract of employment be terminated, until consideration of that recommendation is complete. If the appointee's contract is not terminated, his complaint shall then be considered.
27. Where an appointee has made a complaint, under the provisions of paragraph 6 of these Procedures, no recommendation for the termination of his contract of employment may be considered until the complaint has been dealt with under these Procedures.

#### *Group Complaints*

28. A complaint made by a group of appointees must be specific, and common to all members of the group. The group shall appoint a spokesman, who shall act on behalf of the group as the complainant for the purpose of these procedures.

#### *Vice-Chancellor*

29. In the event that the Vice-Chancellor is himself the appointee against whom the complaint is made, he shall be replaced in all these Procedures by the Chairman of the Council



## TERMINATION OF APPOINTMENT

### PROCEDURES FOR THE TERMINATION OF THE APPOINTMENT OF A TEACHER FOR “GOOD CAUSE”

*Extracts from The University of Hong Kong Ordinance*

2(2) For the purpose of this Ordinance, “good cause”, when used with reference to removal from office, membership or place and with reference to such of the members of the University and of the officers and teachers as shall be designated by the Ordinance and statutes, means inability to perform efficiently the duties of the office, neglect of duty, or such misconduct, whether in an official or a private capacity, as renders the holder unfit to continue in office.

12(9) The teachers shall be the Professors, Readers, Lecturers, and such other persons as may be designated teachers by the statutes. The teachers shall be appointed by the Council, and the Council shall not terminate the appointment of any teacher except where after due enquiry into the facts and after receiving the advice of the Senate on the findings of such enquiry there exists in the opinion of the Council good cause for such termination.

(10) Notwithstanding the provisions of subsections (6) and (9), any officer or teacher

- (a) who is appointed after or continued in employment beyond a retiring age determined by the Council; or
- (b) whose employment is temporary, part-time or probationary.

may be removed from office in accordance with the terms of his contract of service or on any other lawful grounds, without any reason for such removal being assigned.

(11) An appeal shall lie to the Chancellor from any decision of the Council to terminate the appointment of any officer or teacher.

#### *Procedures*

1. The Vice-Chancellor, in his absolute discretion, has the authority to initiate proceedings for the termination of a teacher's appointment for "good cause". Proceedings may be initiated either:—

(a) where the Vice-Chancellor has received a complaint or complaints that a teacher has demonstrated inability to perform his or her duties efficiently, neglect of duty, or misconduct (whether or not it or they are accompanied by a recommendation for the dismissal of that teacher); or

(b) where he himself believes, for whatever reason, that a teacher has demonstrated inability to perform his or her duties efficiently, neglect of duty, or misconduct such that a complaint could reasonably have been made.

2. If the Vice-Chancellor decides that such acts or omissions as referred to in sub-paragraphs (a) and (b) of paragraph 1, if proven, might be, prima facie, good cause for the termination of the teacher's appointment under the provisions of Sections 12(9) and (2) of the Ordinance, he shall refer the matter to the Registrar, who will define the charge to be made against the teacher and then refer the matter to the Committee of Enquiry into Possible Good Cause (the "Committee") which, on behalf of the Council, shall undertake an enquiry into the facts of the charge.

3. Under the provisions of paragraph 2 of Statute XIV, the Committee has the power to determine the procedure of its meetings, and it shall enquire into the charge in whatever way seems appropriate to it in the circumstances. In particular, the Committee may, if it wishes:—

(a) call for statements in writing in relation to any of the circumstances of the charge;

(b) call witnesses to answer questions; and

(c) call the teacher concerned to answer questions.

4. The teacher shall have the right:—

(a) to receive a copy of any statement in writing which forms part of the evidence before the Committee;

(b) to make statements to the Committee in writing or in person or both, in response to the written evidence or in relation to the general circumstance of the charge, or both;

(c) to be present when the Committee asks questions of witnesses; and to ask questions of those witnesses; and

(d) in attending meetings of the Committee, to be accompanied by another member of the University or a legal representative.

5. In the interests of avoiding subsequent disagreement about the evidence, the Committee may, if it wishes, arrange to have all or any of its proceedings recorded and/or transcribed verbatim.

6. The Committee shall prepare a report of its findings on the facts of the charge, but shall not make any recommendation on whether the teacher's appointment be terminated.

7. The report of the Committee shall be submitted to the Vice-Chancellor. If the enquiry has established facts which prove to the Vice-Chancellor's satisfaction that the charge should not have been brought, the teacher shall be informed accordingly and no further

action shall be taken against the teacher. Otherwise, the Vice-Chancellor shall forward the report to the Senate for its advice on the findings of the enquiry. In either case, the Vice-Chancellor shall at the same time send a copy of the report to the teacher and to such other persons as he may determine.

8. Under the provisions of paragraph 2 of Statute XIV, the Senate has the power to determine the procedure of its meetings, and it shall consider how to formulate its advice on the findings of the enquiry by the Committee in whatever way seems appropriate to it in the circumstances. In particular, the Senate may act through a sub-committee if it so wishes. Like the Senate, the sub-committee shall have the power to determine the procedure of its own meetings and shall consider how to formulate its advice on the findings of the Committee's enquiry in whatever way seems appropriate to it in the circumstances. The teacher shall have the right to make written representations to the Senate.

9. Having considered the report of the Committee, whether itself or through a sub-committee, the Senate shall forward the report to the Council. The Senate shall advise the Council that it adopt one of the following courses of action:—

- (a) “good cause” having not been demonstrated to its satisfaction, that the teacher not be dismissed; or
- (b) “good cause” having been demonstrated to its satisfaction, that the teacher not be dismissed because of mitigating circumstances; or
- (c) “good cause” having been demonstrated to its satisfaction, that the teacher be dismissed.

At the same time, the Senate shall inform the teacher of its advice to the Council.

10. On receipt of the Senate's advice on the findings of the enquiry, the Council shall determine whether or not the teacher's appointment shall be terminated. The teacher shall have the right to make written representations to the Council. If the Council decides that the teacher's appointment shall be terminated, it shall assign a reason for such termination.

11. The Council shall notify the teacher of its decision. In the case of a decision to terminate the appointment, the teacher shall be advised of his right under Section 12(11) of the Ordinance to appeal to the Chancellor.

**THE UNIVERSITY OF HONG KONG**

**Schedule for the Renewal of Fixed-term Contracts**  
(For details, refer to document 124/798 re-amended)

<u>Event</u>	<u>3-year contract</u> (1.7.98 - 30.6.2001)*	<u>2-year contract</u> (1.7.98 - 30.6.2000)*
SS reminder to HoD 9 months before contract expiry on:	1.10.2000	1.10.1999
If post to continue, advertisement to be placed. HoD inform, as appropriate, SS Head of incumbent's decision to apply. If so, SS Head to invite HoD to review incumbent by summative progress review. With justification, HoD may recommend not more than one extension of existing contract for 1.5 years, without advertisement of post.	Summative review process to be completed within 8 weeks from start date: e.g. if review start on 1.11.2000, entire process to be completed by 31.12.2000.	Summative review process to be completed within 8 weeks from start date: e.g. if review start on 1.11.99, entire process to be completed by 31.12.99.
If reappointment to be recommended, HoD to consider one of following options:  (a) a further fixed-term contract preferably of at least 4 years' duration;  (b) a fixed-term rolling contract with a mid-term review;  (c) a contract on probationary/substantive terms	Selection Committee to take maximum one month to decide on new appointment or reappointment: e.g. 31.1.2001.  HoD to promptly convey Selection Committee decision (including contract type to be offered) to Appointments Unit for action.  Whole process from reminder to Selection Committee decision to be completed in 5 months: e.g. 28.2.2001.	Selection Committee to take maximum one month to decide on new appointment or reappointment: e.g. 31.1.2000.  HoD to promptly convey Selection Committee decision (including contract type to be offered) to Appointments Unit for action.  Whole process from reminder to Selection Committee decision to be completed in 5 months: e.g. 28.2.2000.
Appeal only on procedural grounds for renewal of fixed-term contacts.		

\*Illustrative dates

HoD: Head of Department

SS: Staffing Section

October 1998

revised January 1999

**THE UNIVERSITY OF HONG KONG**

Procedures for the Renewal of Fixed-term Contracts  
of Employment on Terms of Service I and  
Terms of Service I (Clinical Medical Staff)

1. Nine months before the contract is due to expire, a reminder will be sent by the Head of the Staffing Section to the Head of Department.
2. The Head shall determine:
  - (a) in accordance with the Code of Practice for Heads of Teaching Departments within Faculties (document 401/1095), whether the post should be continued at the same level and in the same strategic academic direction; and
  - (b) in consultation with the Faculty Sub-Committee on Resource Allocation, whether there are funds to do so.
3. If the post is to continue, it is advertised for open application. The incumbent in respect of this post is free to apply and seek to invoke the summative review as set out in paragraph 4.
4. The Head shall inform the Head of the Staffing Section of the appointee's decision, and the latter shall invite the Head to review the performance of the appointee during the current contract, by using the summative progress review, and on the basis thereof to make a recommendation as to whether the appointee should be reappointed in open competition with other applicants. The prescribed review process must be completed within 8 weeks from the date of it being initiated.
5. Where re-appointment following summative review is to be offered, the Head will consider which of the following options would best cater for the interests of both the department and the appointee, taking into account the strategic academic direction of the department; its funding position; the percentage of fixed-term versus probationary/substantive staff in the department; and other pertinent circumstances:
  - (a) a further fixed-term contract preferably of the length of at least 4 years; or
  - (c) a fixed-term rolling contract which encompasses a mid-term review, the result of which would determine whether the contract should be allowed to lapse upon the contractual expiry date, or whether a further contract should be offered at that point, and which would supersede the balance of time in the original contract with however the entitlements applicable to the balance of time protected for an equivalent period in the rolling contract; or

(c) a contract on probationary/substantive terms, with the provision in respect of the former, of a waiver of the entire or part of the probationary period to be exercised by the chairman of the relevant selection committee.

6. The decision on whether to renew the contract shall be made by the selection committee which approved the initial appointment. The committee may, if it so wishes, delegate to its chairman the authority to act on its behalf, except that a decision not to renew a contract, and the hearing of appeals, may not be so delegated.

7. An appeal may not be made except when it refers to the process for the renewal of fixed-term contracts.

8. Either the Head or the appointee may appeal against the decision of the committee, by providing additional documentary information relating to procedures to the committee. The Head will not be a member of the Committee that receives the appeal; but he and/or the appointee will be interviewed if the committee so requires it, for purposes of clarification and/or elaboration. The appointee may not appeal against the Head's recommendation for not renewing the contract if it is made on financial or academic considerations.

9. Notwithstanding the provisions under paragraphs 3-5, as an exception and with very good justification, the Head may recommend not more than one extension of the existing contract, for up to 1.5 years, and have the performance review deferred until 9 months before the new expiry date of the contract. Such an extension may be considered in exceptional circumstances such as a recent change of Headship, contract renewal being conditional upon the appointee passing an upcoming examination, or to allow more time for recruitment of a replacement.

10. The award of a second and subsequent fixed-term contracts would not be tantamount to tenure or substantiated appointments.

11. The whole procedure, from the issue of the reminder stated in paragraph 1, to achieving a decision, shall as far as possible be completed within 5 months. Reference may be made to guidelines formulated to facilitate the filling of the post within a reasonable time-frame on the basis of a fair, consistent and transparent mechanism.

12. If the Head wishes to recommend the appointee's transfer from fixed-terms to probationary/substantive terms upon completion of a fixed-term contract, this recommendation will be considered by the relevant selection committee, or the chairman on its behalf, before approval is sought for the transfer to probationary/substantive terms from or on behalf of the Vice-Chancellor.

13. If the appointee's performance has been reviewed in accordance with the foregoing procedures, the Head may recommend for the consideration of the selection committee chairman that the appointee's probationary appointment be reduced to 18 months and a Second Probationary Review be completed by the end of the twelfth month of the probationary appointment, in accordance with the provisions for Second Probationary Review under Terms of Service I/Terms of Service I (Clinical Medical Staff) for probationary/substantive appointments.

14. A copy of these Procedures shall be issued to each candidate offered appointment on a fixed-term contract.

Staffing Section

February 1995

Revised November 1995

Revised September 30, 1998

Revised January 1999

VT/my

**LEGCO QUESTION NO. 18**

(Written Reply)

Date of sitting: **12.5.1999**

Asked by: The Hon CHEUNG Man-kwong

Replied by: **SEM**

**Question:**

With regard to the compulsory retirement and dismissal of teaching staff of tertiary institutions funded through the University Grants Committee, will the Government inform this Council whether it knows:

- (a) the retirement ages set for the teaching staff of these institutions;
- (b) the conditions to be met by the teaching staff who have reached the retirement age in order to extend their services;
- (c) which institutions have legislation or statutes to govern the retirement age of the teaching staff and the extension of service, and the details of these; and the criteria used by other institutions in governing the above aspects and the details of these;
- (d) the specific mechanism, handling procedure and assessment criteria that individual institution has adopted for dealing with the dismissal of teaching staff; and
- (e) whether there is any mechanism for lodging appeals against such dismissal in these institutions; if so,
  - (i) how such mechanism operate;
  - (ii) the criteria adopted by such mechanism in assessing the dismissal decisions concerned; and
  - (iii) the representativeness of the members and the size of membership of such mechanism, and whether management staff of the institutions, representatives of the teaching staff and outsiders are included?



**Reply:**

Madam President,

(a), (b) and (c)

All the UGC-funded institutions have their own rules on retirement age and conditions for the extension of service beyond the stipulated retirement age. Details are set out in **Annex A**.

(d) & (e)

All the UGC-funded institutions have their own established mechanisms/procedures for handling dismissals and appeals against dismissals. Details are clearly set out in staff handbooks, administrative circulars, etc which are published and accessible by all their staff. The institutions' heads and senior management are involved in the processes, where necessary. In some circumstances, the institutions' Councils are involved, or special committees with both internal and external representatives may be formed to consider individual cases. Details on handling dismissals are at **Annex B**.

In the event that staff concerned are not satisfied with a decision against dismissal, they may appeal to the relevant committees, established either under the institutions' Councils or the administration, or to the head of the institutions, as appropriate. Details are set out in **Annex C**. The appeal mechanisms and procedures seek to ensure that the whole process is, and is seen to be, fair and reasonable. For instance, the composition of membership of the appeal mechanism comprise, in general, the senior management, representative of teaching staff, and persons outside the institution such as non-staff Council members. In addition, the complainant and

the person against whom the complaint is made, are given an opportunity to respond to any information or evidence which is brought to the attention of the appeal body. Furthermore, the appeal authority does not include any person who has a direct interest in the complaint. In addition, it is open to staff to pursue legal action or other established complaints/petitions channels if they so wish and consider the case so justifies.

**UGC-funded Institutions' Rules and Procedures on Retirement Age**

<i>Institution</i>	<i>Retirement age</i>	<i>Conditions/criteria for extension of service beyond retirement age</i>	<i>Instruments which stipulate the retirement age and/or the conditions/criteria for extension</i>
CityU	<u>With effect from 1.1.1999:</u> 65 <u>Before 1.1.1999:</u> 60	The appointment and extension of service of eminent scholars of international status beyond the normal retirement age of 65 may be exceptionally considered for the purpose of promoting the research and teaching activities of the University.	<ul style="list-style-type: none"> <li>● Administrative circular issued to all staff</li> </ul>
HKBU	60	Extension of appointment beyond the normal retirement age will be considered only on functional grounds.	<ul style="list-style-type: none"> <li>● Terms of Service for staff</li> <li>● Circular to all staff</li> <li>● Staff handbook</li> </ul>
LC	65	The Council may consider upon recommendation of the College whether a staff member can continue service in the College after the retirement age on a case by case basis.	<ul style="list-style-type: none"> <li>● Terms of Service for staff</li> </ul>
CUHK	60	The Council may, by a vote of at least two-thirds of the number of members present request any person who has already attained the age of 60 years to continue in his office or appointment for such period thereafter as it shall from time to time determine.	<ul style="list-style-type: none"> <li>● Terms of Service for staff</li> <li>● Statute 22 of the CUHK Ordinance (Cap.1109)</li> </ul>
HKIED	60	Any appointment beyond the retirement age will be on functional grounds, for example, proven difficulty in recruiting a replacement, and/or requiring the staff member concerned to continue in a major task/project of significant importance to the Institute.	<ul style="list-style-type: none"> <li>● Administrative circular to staff</li> <li>● Staff handbook</li> </ul>

<i>Institution</i>	<i>Retirement age</i>	<i>Conditions/criteria for extension of service beyond retirement age</i>	<i>Instruments which stipulate the retirement age and/or the conditions/criteria for extension</i>
PolyU	60	Extension of service/re-appointment after retirement may be considered exceptionally on the basis of service needs and suitability of the incumbent.	<ul style="list-style-type: none"> <li>● Conditions of service documents</li> <li>● Staff handbook</li> </ul>
HKUST	65	Continuing appointment beyond the normal retirement age requires Council's approval, which will only be given in exceptionally justified circumstances.	<ul style="list-style-type: none"> <li>● Employment contract</li> </ul>
HKU	60	Applications for extensions of teaching and non-teaching equivalent staff will be considered and approved by the Retirement Review Board. The over-riding consideration behind whether or not an extension should be offered is whether it is in the University's best interests to retain the appointee's service, which can be demonstrated by reference to the following criteria for teaching staff: (a) Performance in teaching; (b) Performance in research; and (c) either participation in administration; or possession of qualities of special value to one department.	<ul style="list-style-type: none"> <li>● Terms of Service booklet</li> <li>● Staff Manual – Sections on Procedures for Extension of Appointment Beyond Retirement Age (Terms of Service I) and Terms of Service I (Clinical Medical Staff)<sup>Note 1</sup></li> </ul>

**Legend:**

<b>CityU</b>	City University of Hong Kong	<b>HKIED</b>	The Hong Kong Institute of Education
<b>HKBU</b>	Hong Kong Baptist University	<b>PolyU</b>	The Hong Kong Polytechnic University
<b>LC</b>	Lingnan College	<b>HKUST</b>	The Hong Kong University of Science and Technology
<b>CUHK</b>	The Chinese University of Hong Kong	<b>HKU</b>	The University of Hong Kong

**UGC-funded Institutions' Rules and Procedures on Dismissals**

<b><i>Institution</i></b>	<b><i>Mechanism/procedures and criteria for dismissal</i></b>	<b><i>Relevant documents</i></b>
CityU	<p>There are established procedures for dismissals pursuant to performance evaluation and disciplinary proceedings respectively.</p> <p><i>Performance evaluation:</i></p> <p>The major <u>criteria</u> which will be taken into account in deciding continuing employment of a staff member are:</p> <ul style="list-style-type: none"><li>(i) age, in line with the University's policy on retirement age;</li><li>(ii) ability to deliver adequate performance;</li><li>(iii) continuing demand for the work performed by the staff member;</li><li>(iv) availability of funding, etc.</li></ul> <p><i>Disciplinary proceedings:</i></p> <p>The Disciplinary Committee will be set up to examine and investigate any alleged breach, and recommend to the President on the course of action. A breach is referred to as a breach of the standards of behaviour reasonably expected to be attained by a staff member of the University commensurate with his position in the University. The Disciplinary Committee shall comprise at least three of the following categories of membership:</p>	<ul style="list-style-type: none"><li>● General circulars on Staffing Procedures for Academic staff, and for Non-academic staff.</li><li>● Regulations governing staff discipline</li></ul>

<i>Institution</i>	<i>Mechanism/procedures and criteria for dismissal</i>	<i>Relevant documents</i>
	<p>(a) the Vice-Presidents and Deans or their academic and administrative equivalents;</p> <p>(b) one member of the Senate from a panel of five nominated by the Senate;</p> <p>(c) one member of the Staff Consultative Committee for Academic and Equivalent Administrative Staff nominated by the Staff Side of that Committee; and</p> <p>(d) one or more members of the Council including the Chairman of Staffing and Conditions of Service Committee from amongst those members who are not staff members of the University.</p> <p>The President having taken into account all the relevant matters shall decide on the appropriate action.</p>	
HKBU	<p>A substantive staff member on the academic and equivalent administrative staff grades may be removed from appointment, after due enquiry, by the Disciplinary Committee or the Personnel Committee as appointed by the Council. The staff concerned shall be entitled to appear and to be heard, and be given written notice of all allegations made against him before any meetings of the Committee.</p>	<ul style="list-style-type: none"> <li>● Terms of Service for staff</li> <li>● Circular to all staff</li> <li>● Staff handbook</li> </ul>
LC	<p>The College has established procedures for termination of employment of appointees whose performance is considered “unsatisfactory”. “Unsatisfactory” performance applies when a staff member fails to meet his/her contractual obligations by such actions as rudeness, tardiness, inefficiency, performing his/her duties below the required level of competence or producing work below the required standard or of the required quality.</p> <p>There is a three-tier mechanism to deal with renewal of contracts and termination of employment on the grounds of performance, i.e.</p> <p>(a) the Academic or Non-academic Staff Review Committee, which considers cases of applications for contract renewal or recommendations of termination on the grounds of performance;</p> <p>(b) the Staffing Committee under the Council, which considers recommendations from the two Staff Review Committees, and either make decisions or make recommendations to the Council for approval; and</p> <p>(c) the Council, which deals with all staffing matters including termination.</p>	<ul style="list-style-type: none"> <li>● Circular</li> <li>● Staff handbook</li> <li>● E-mail</li> </ul>

<b><i>Institution</i></b>	<b><i>Mechanism/procedures and criteria for dismissal</i></b>	<b><i>Relevant documents</i></b>
CUHK	<p><u><i>Probationary Employment</i></u>  Subject to the provisions of the Ordinance and Statues, the University may at any time terminate the appointment of an appointee in probationary employment on giving the stipulated period of notice of termination in writing or salary in lieu of notice.</p> <p><u><i>Substantive Employment</i></u>  Subject to the provision of the Ordinance and Statutes, the University may at any time terminate the appointment of an appointee in substantive employment on giving the stipulated period of notice of termination in writing or salary in lieu of notice.</p> <p><i>Reasons for termination usually relate to wrongful conduct or poor performance of appointee concerned. Recommendations/decisions for termination of staff appointment from unit(s) concerned will be scrutinized and processed centrally by the Personnel Office to ensure that any recommendation for termination must be supported with valid reasons and evidence and that such actions are in full compliance with the relevant provisions of the Terms of Service, the Employment Ordinance, the CUHK Ordinance [in particular Statute 24 and other relevant Ordinances.] Input from the recommending officers and the appointees concerned will be sought. The appointee concerned may appear in person and/or nominate a representative (not a legal representative) to speak on the case when it is being considered. Such recommendations/decisions will be considered by the Council or a body with delegated power from the Council.</i></p>	<ul style="list-style-type: none"> <li>● Clause 6(c) / 7(c) of Terms of Service for Staff</li> <li>● Statute 24 of the CUHK Ordinance (Cap.1109)</li> </ul>
HKIED	<p>Staff may be dismissed in accordance with the disciplinary procedures if he/she neglects, or willfully refuses to perform his/her duties or in any manner misconducts himself/herself. Any disciplinary case will be investigated by a Disciplinary Committee appointed by the Director and chaired by the Deputy Director, with an Associate Director, or Head of Department, and a Council member (who is not a staff member) as members, and a staff observer in attendance.</p>	<ul style="list-style-type: none"> <li>● Administrative circular to staff</li> <li>● Staff handbook</li> </ul>

<i>Institution</i>	<i>Mechanism/procedures and criteria for dismissal</i>	<i>Relevant documents</i>
PolyU	<p>The authority for dismissing a staff member of the University rests with Council. If a staff member at any time neglects or refuses to perform any of his duties or in any manner (whether in relation to his employment or otherwise) misconduct himself, the Head of Department concerned, after careful review and in consultation with senior colleagues of the department, may make a case with full supporting evidence to the President for consideration. An independent panel of inquiry will be set up to inquire into the case. The staff member concerned shall be entitled to appear and to be heard, accompanied by someone of his/her own choice who must be a staff member of the University, in front of the panel. After inquiry, the panel will submit a report of findings to Management. If the findings substantiate a case of dismissal, the report of findings will be forwarded via the President to Council for debate and decision.</p>	<ul style="list-style-type: none"> <li>● Conditions of service</li> </ul>
HKUST	<p>The President or the Council (as appropriate depending on the rank of the staff member concerned) may dismiss a staff member having regard the outcome of a rigorous three-tiered performance review process involving deliberations at the department, school and university levels. The University's general performance criteria for academic staff are:</p> <ul style="list-style-type: none"> <li>(a) Teaching effectiveness</li> <li>(b) Excellence in research and scholarship; and</li> <li>(c) University, professional and public service.</li> </ul> <p>The University's employment contract further provides that the University shall always <b>not</b> terminate the employment of an appointee "by reason only of anything done or omitted by the appointee pursuant to his freedom in the classroom to discuss his disciplines, in the conduct of research in his fields of special competence and in the publication of the results of his research except where the Senate is of the opinion that what the appointee has done or omitted amounts to a failure to meet the standards required by the University."</p>	<ul style="list-style-type: none"> <li>● Employment contract</li> <li>● Faculty Handbook</li> </ul>



<b><i>Institution</i></b>	<b><i>Mechanism/procedures and criteria for dismissal</i></b>	<b><i>Relevant documents</i></b>
HKU	<p><i>For teachers protected by “good cause”:</i>  The Council shall not terminate their appointment except where after due enquiry into the facts and after receiving the advice of the Senate there exists in the opinion of the Council “good cause” for such termination.  “Good cause” means inability to perform efficiently the duties of the office, neglect of duty, or such misconduct, whether in an official or a private capacity, as renders the holder unfit to continue in office.</p> <p><i>For appointees on Terms of Service II and III (i.e. general and junior staff)</i>  An appointee on Terms of Service II and III may be removed from appointment, after due consideration by an <i>ad-hoc</i> group on termination, comprising the Pro-Vice-Chancellor (Staffing), the head of a department from another Faculty, and the Head of the Staffing Section. The appointee can appear in person before the <i>ad hoc</i> group, and can be accompanied by a second person of the University. The appointee can appeal to the Committee on Personnel Matters against the decision of the <i>ad-hoc</i> group.</p>	<ul style="list-style-type: none"> <li>● S.2(2) and 12(9) of the HKU Ordinance (Cap. 1053)</li> <li>● Staff Manual – Section on “Termination of appointment”</li> </ul>

**UGC-funded Institutions' Appeal Procedures**

<b><i>Institution</i></b>	<b><i>Mechanism/procedures and criteria for appeals against dismissal</i></b>
CityU	<p>Staff members who wish to appeal against termination of their employment due to performance evaluation may lodge an appeal in writing to the President. The President will decide on the appointment of the appeal authority. The appeal body (in most cases, a Vice-President appointed by the President) will decide on the procedure for considering the appeal. The decision made by the appeal authority, with delegated authority from the President, will be final. Statistics on non-continuation of employment will be reported to the Council periodically.</p> <p>Staff members who wish to appeal against termination of their employment, as a result of disciplinary procedures, may lodge an appeal in writing to the President. The President shall decide on the appropriate action to be pursued, having taken into account all matters in the written report submitted by the Disciplinary Committee, and the further representation made by the Respondent and other relevant parties. If the President decides to dismiss the appeal, the President must submit a report to the Council. The decision of the President shall be final.</p>
HKBU	<p>All staff member who is removed from his/her appointment consequent upon the decision of the Disciplinary or the Personnel Committee may appeal to the University Council whose decision shall be final.</p> <p>Membership of the Council comprises members from outside the University; members elected by eligible university staff from among themselves; members elected by the University Senate, etc.</p> <p>The Council shall have power to prescribe from time to time regulations as to the mode, manner and procedure to be followed on any such appeal.</p>
LC	<p>There is a comprehensive mechanism to deal with appeals from staff members against non-renewal of contract, or termination of employment on the grounds of performance.</p> <ul style="list-style-type: none"><li>● staff on substantiated terms may appeal to the Council which will normally appoint an ad hoc Committee to deal with the appeals;</li><li>● academic staff and non-academic staff whose rank is equivalent to lecturer or above may appeal to the Appeal Committee chaired by a Council member who is not a staff member and comprising a Council member who is not a member of the Staff Committee, the President and two co-opted members who are persons outside the College and whose expertise may be required in reaching a decision in the Committee; and</li></ul>

<i>Institution</i>	<i>Mechanism/procedures and criteria for appeals against dismissal</i>
	<ul style="list-style-type: none"> <li>● other non-academic staff may appeal to another “Appeals Committee” chaired by the Vice-President and comprising two heads of units, one academic staff and one administrative staff who is not head of unit and two co-opted members (internal and external).</li> </ul>
CUHK	<p>Recommendations for the termination of appointment of an appointee shall be considered by the Administrative and Planning Committee (AAPC). The appointee may appear before AAPC or may nominate a representative (not a legal representative) to the meeting to speak on the case. AAPC is chaired by the Vice-Chancellor. Other members are the Pro-Vice-Chancellors and other University Officers.</p> <p>If an appointee wishes to appeal against a decision of AAPC to terminate his/her appointment, he/she should address the appeal to the Vice-Chancellor, who may after due consideration of the appeal and such other consultation as deemed necessary, either endorse the original decision or initiate a second review. In any case, the AAPC decision will be submitted to the Council for final decision, which will take into account the appeal. The Council’s decision shall be final.</p>
HKIED	<p>Formal appeals against matters such as staff dismissal will be submitted to and considered by the Staff Selection and Review Sub-Committee (SSRS) of the Staffing Committee set up by the Council. SSRS is chaired by the Vice-Chairman of the Staffing Committee who is a non-staff Council member. Other members of the SSRS include up to 3 Council Members (including 1 elected staff representative) and the Director.</p>
PolyU	<p>Any staff member who wishes to lodge an appeal or to pursue a grievance (including those related to dismissal) should set out his case in writing and submit to his Head of Department. A copy of the submission should be sent simultaneously to the Appeals and Grievance Committee (AGC). The Head of Department, Dean, Vice-President or President, as appropriate, may consider the case. If they cannot reach a decision, or if the staff concerned are not satisfied, the case may be referred to AGC for consideration.</p> <p>The composition of AGC is as follows:</p> <p>Chairman: one Chairman and an alternate Chairman to be elected by and from members of the Senate, who shall be from two different faculties</p> <p>Members:</p> <p>(a) One member and one alternate member to be selected by drawing lots from a list of four persons elected from Faculty Boards different from those of the Chairman and alternate Chairman.</p> <p>(b) One member and one alternate member to be selected by drawing lots from a list of persons elected by and from each of the following academic units/groups:</p>

<i>Institution</i>	<i>Mechanism/procedures and criteria for appeals against dismissal</i>
	<ol style="list-style-type: none"> <li>1. Academic Secretariat (including Faculty Offices)</li> <li>2. Estate Office</li> <li>3. Finance Office</li> <li>4. Office of Information Technology Services</li> <li>5. Library</li> <li>6. Personnel Office</li> <li>7. Research and Postgraduate Studies Office</li> <li>8. Student Affairs Office</li> <li>9. Industrial Centre</li> <li>10. President's Office, Education Development Unit, Office of Communications and Public Affairs, Centre for Professional &amp; Continuing Education, Office of Media Resources &amp; Services, Office of Academic and Professional Collaboration, Office of Industrial Development (Home Resources), Office of Industrial Development (Technology Resources) and any other non-academic unit.</li> </ol> <p>(c) One member and one alternate member to be nominated by The Hong Kong Polytechnic University Staff Association.</p> <p>(d) One additional member may be co-opted from outside the University by the Chairman in consultation with the other three members. This member shall Serve only for the duration of the particular case for which he is co-opted.</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> <li>1. The term of office for membership shall be one year. Serving members will be eligible to stand for re-election. The President, Deputy President, Vice-Presidents and students shall not be eligible to serve on the Committee;</li> <li>2. Any member of the same department as any party to the appeal or grievance and/or any member who declares himself to have an interest in a particular appeal or grievance case shall not participate in the Committee's consideration of that case, and his place will be taken by the alternate member.</li> <li>3. A person shall only serve in one capacity on the Committee.</li> </ol>
HKUST	<p>A staff member served with notice of termination of appointment may appeal against the decision in writing to the appeal authority. The appeal authority is the next higher level of authority.</p> <ol style="list-style-type: none"> <li>(a) a faculty committee of the School and the School Dean;</li> <li>(b) a faculty committee of the University and the Vice-President for Academic Affairs;</li> <li>(c) the president; and</li> <li>(d) the Council.</li> </ol> <p>At each level, the appeal authority may appoint an appeal committee comprising internal and/or external members on the merits of individual cases. In addition, there is an Academic Integrity Committee of the Senate.</p>

<i>Institution</i>	<i>Mechanism/procedures and criteria for appeals against dismissal</i>
HKU	Appeals against decisions made by the Committee of Enquiry into Possible Good Cause are considered by the Council on the recommendation of the Senate. The Council shall notify the teacher of its decision. The teacher may appeal to the Chancellor.