

**CITY UNIVERSITY OF HONG KONG**  
**Staff Consultative Committee for General Grade Staff**

61<sup>st</sup> Meeting

8 October 2020 (Thursday) at 4:00 p.m. in  
Room 17-201, 17/F, Lau Ming Wai Academic Building (LAU)

**AGENDA**

1. Confirmation of notes of the 60<sup>th</sup> meeting held on 7 May 2020 (MM/SCC(GG)/60)
2. Matters arising from the last meeting (SCC(GG)/61/A2)

**Items for Discussion/Information**

3. PBPR for 2021
4. Re-constitution of Staff Consultative Committees (SCC(GG)/61/A4)
5. Proposed Amendments to the Code of Conduct for Staff and Related Regulations (SCC(GG)/61/A5)
6. Items raised by Staff Representatives
  - a) Pay adjustment after the latest performance appraisal exercise
  - b) Provision of surgical masks on every working day
  - c) More quota for temporary staff's contract renewals
  - d) Time adjustment for social club activities
  - e) Setting up of Independent Appeal Board for PBPR decisions
  - f) Non-friendly and non-energetic atmosphere of the campus
  - g) Labor shortfall
  - h) Poor indoor air quality and air flow
7. Any other business

Marinda LAU (Ms.)

Secretary, Staff Consultative Committee for General Grade Staff  
29 September 2020

Distribution

Mr. Sunny LEE, Vice-President (Administration)  
Miss Kit CHOW, Director of Human Resources  
Miss LI Ying, Amanda, Assistant Procurement Manager, FO  
Mr. POON Pak Lun, Alan, Academic Coordinator, SCOPE  
Mr. WONG Kim Hung, Accounting Supervisor II, FO  
Mr. YU Choi Man, Senior Sports Attendant, SDS

**CITY UNIVERSITY OF HONG KONG****Staff Consultative Committee (General Grade Staff)**

Notes of the 60<sup>th</sup> Meeting of the Staff Consultative Committee (General Grade Staff)  
held on 7 May 2020 (Thursday) at 2:30 p.m. in Room 17-201, 17/F, Lau Ming Wai Academic Building

Present :	Mr. Sunny LEE	Chairman/Management Side Member
	Miss Kit CHOW	Management Side Member
	Miss LI Ying, Amanda	Staff Side Member
	Mr. POON Pak Lun, Alan	Staff Side Member
	Mr. WONG Kim Hung	Staff Side Member
	Mr. YU Choi Man	Staff Side Member
	Ms. Marinda LAU	Secretary

Action**1. CONFIRMATION OF THE NOTES OF MEETING**

M1/60 The Notes of the 59<sup>th</sup> Meeting of the Staff Consultative Committee (General Grade Staff) held on 17 February 2020 were confirmed.

**ITEMS FOR DISCUSSION****2. ITEMS RAISED BY STAFF REPRESENTATIVES****(a) Lack of direct and personal communication of the President and his top team in Town Hall with staff and students**

M2/60 **NOTED** that:

The Staff Representatives expressed concerns over the inadequate communication between the University Management and staff, citing the campus safety and health precautionary measures adopted by the University in the past few months as an example. They suggested the University Management to hold town hall meetings to update staff on the University's latest developments.

M3/60 **OBSERVED** that:

With the safety and health of staff and students being the top priority, the University has a pressing need to make prompt decisions and timely execution of precautionary measures through the ERU in response to the unprecedented incidents relating to the social unrest and COVID-19.

The University values collegial exchange and open dialogue with staff. The President and senior management have been communicating with staff through various channels including visits to academic and non-academic units from time to time. It was agreed that communication between the University Management and staff should continue and ways to enhance communication effectiveness should continue to be explored.

**(b) The critical role of the existing SCC**

M4/60

**NOTED** that:

The Staff Representatives wished the University Management could hear their views on policies affecting them.

M5/60

**OBSERVED** that:

Staff views collected through Staff Consultative Committees and other means have always been seriously considered by the University in the formulation of policies as manifested in the adoption of various measures which have taken into account staff's feedback. There may however be circumstances that not every stakeholder's view can be accommodated.

It was reported that the proposal on Re-constitution of Staff Consultative Committees would need to be refined and re-submitted to the Council for further deliberation.

**(c) Proposed pay-freeze for colleagues**

M6/60

**NOTED** that:

The Staff Representatives relayed staff's concerns over the possible pay freeze for 2021 as indicated in the President's letter of 17 April 2020.

M7/60

**OBSERVED** that:

The Chairman explained that the Government's supplementary grant could only cover part of the total budget required for the annual pay adjustment under the PBPR with the remainder to be supplemented by the University's additional funding. In face of uncertainties in the macro environment and the resultant tight budget, adoption of cost control measures would be inevitably necessary. While the possible pay freeze in 2021 is not ideal, it would be one of the possible prudent measures to help relieve the University's financial burden and ensure long-term sustainability. The University will continue to keep staff posted of any further developments.

**(d) The aftermath of the removal of COLA and the launch of PBPR**

M8/60

**NOTED** that:

The Staff Representatives expressed their concern over the negative impact of a pay freeze on the livelihood of the low-income staff group.

M9/60

**OBSERVED** that:

The PBPR implemented years ago to reward staff based on performance has replaced the old reward system modelled on Civil Service. The staff's concern will be relayed to the University Management.

**(e) Release of Consultant Report on PBPR**

M10/60

**NOTED** that:

The Staff Representatives requested the University to release the consultancy report on PBPR.

M11/60

**OBSERVED** that:

A review was conducted after two years of implementation of the PBPR Scheme by an independent professional consultant. The key recommendations were announced in July 2013 via the Administrative Note No. E1/61/JUL13. A copy of the Administrative Note was tabled at the meeting for reference.

**(f) The setting up of Independent Appeal Board for PBPR decisions**

M12/60

**NOTED** that:

The Staff Representatives suggested that an independent appeal board be established to handle disagreements relating to the PBPR review.

M13/60

**OBSERVED** that:

Under the PBPR mechanism, the two-tier performance review process for non-academic staff has built-in checks and balances that the Head of Department and Line Manager will review any disagreement over the performance appraisal between a staff member and the appraiser, and can make appropriate calibration if necessary.

**(g) Campus security, freedom of access to the campus by public/family members, atmosphere of working in prison-like campus**

M14/60

**NOTED** that:

The Staff Representatives expressed concerns over the appropriateness of adopting the various campus security measures in the past few months, such as installation of barriers / gates to control access to the campus, and reported some technical problems about the gates at the Nam Shan Chuen entrance.

M15/60

**OBSERVED** that:

The University has the responsibility to provide a safe campus to staff and students. To ensure this, the University has to act without undue delay to implement the necessary security measures. The University will continue to monitor the situation and make timely adjustments to ensure campus safety.

**(h) Providing amenities and sport facilities, offering billboards for all construction parties on the campus, testing the fire alarm and fire drill system**

M16/60

**NOTED** that:

- (a) The Staff Representatives requested for an update on the re-opening of on-campus amenities and sports facilities after the resumption of working on campus.
- (b) They suggested to install billboards at the construction sites to show information more prominently about on-going construction works, and to consider other effective ways to alert staff members of fire drills / fire alarm system tests on campus since CAP message on these are often overlooked.

M17/60

**OBSERVED** that:

- (a) The University will update staff on the re-opening of amenities and sports facilities.
- (b) The suggestions will be relayed to relevant offices for consideration.

CDO/FMO

**(i) Providing better insulation against persistent noise produced in a few staff rooms during the office hours**

M18/60

**NOTED** that:

A Staff Representative received complaints from staff about the persistent noise during office hours which may come from P6506 – P6520 (purple zone) of YEUNG Building.

M19/60

**OBSERVED** that:

The complaint will be relayed to FMO for follow-up action.

FMO

**3. ANY OTHER BUSINESS****Surgical Masks**

M20/60

**NOTED** that:

The Staff Representatives suggested the University to provide staff with one surgical mask every day instead of every two days after resumption of working on campus.

M21/60

**OBSERVED** that:

The suggestion will be relayed to FMO for consideration.

FMO

**Swimming Pool**

- M22/60      **NOTED** that:
- An enquiry was received about the polluted pool water of the swimming pool with green algae growth.
- M23/60      **OBSERVED** that:
- One of the Staff Representatives provided an explanation relating to technical matter. The Student Development Services would clean up the swimming pool soon.
- M24/60      The meeting was adjourned at 4:10 pm.

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SUNNY LEE, CHAIRMAN

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MARINDA LAU, SECRETARY

Human Resources Office  
19 May 2020  
SCC(GG)-60N/v1

City University of Hong Kong

Staff Consultative Committee for General Grade Staff

61<sup>st</sup> Meeting

**Paper for : Information**

**Subject : Matters Arising from the 60<sup>th</sup> Meeting held on 7 May 2020**

SCC(GG) M17/60 Providing amenities and sports facilities, offering billboards for all construction parties on the campus, testing the fire alarm and fire drill system

The Staff Representatives suggested to install billboards at the construction sites to show information more prominently about on-going construction works, and to consider other effective ways to alert staff members of the fire drills / fire alarm system tests on campus since CAP message on these are often overlooked. The suggestions were relayed to the Director of Campus Development.

The Director of Campus Development replied that CDO will follow up as appropriate on the suggestion that project details (e.g. project name, contractor name, contact details and other need-to-know information) should be displayed at prominent positions of different construction sites.

The Director of Campus Development also advised that both CDO and FMO carry out fire drills / fire alarm tests regularly or on an ad-hoc basis to ensure proper operation of the fire protection system. Depending on the purposes and nature, such tests and drills are carried out separately or jointly by the two offices. Apart from ad-hoc tests, affected users will be informed in advance by CAP. In addition to the CAP message, CDO / FMO may sometimes also inform the affected units via email or phone. Staff members are welcome to report details of false alarms (e.g. time, date, room number, floor, building etc.) to CDO / FMO so that follow-up action can be taken accordingly.

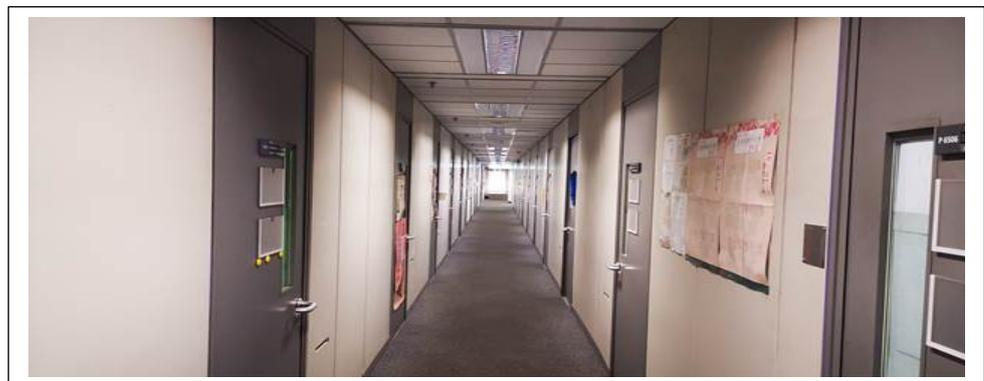
SCC(GG) M19/60

Providing better insulation against persistent noise produced in a few staff rooms during the office hours

A Staff Representative received complaints from staff about the persistent noise during office hours which may come from P6506 – P6520 (purple zone) of YEUNG Building. The complaint was relayed to the Director of Campus Development since it is under CDO’s purview.

The Director of Campus Development replied that CDO had carried out on-site checking but no noise was recorded. Related records are shown below:

Date of spot check	Time	Duration	Condition
29 May 2020	Morning & afternoon	10 mins. X 2	No noise was recorded
30 May 2020	Morning	10 mins.	
31 May 2020	Morning	5 mins.	
1 Jun 2020	Afternoon	10 mins.	
3 Jun 2020	Morning	10 mins.	
5 Aug 2020	1500	10 mins.	
5 Aug 2020	1530	10 mins.	
5 Aug 2020	1600	10 mins.	
5 Aug 2020	1630	10 mins.	
6 Aug 2020	1330	10 mins.	



SCC(GG) M21/60

Surgical Masks

The Staff Representatives suggested the University to provide staff with one surgical mask every day instead of every two days after resumption of working on campus. The suggestion was relayed to the Director of Facilities Management.

The Director of Facilities Management replied that the suggestion was thoroughly discussed in the Emergency Response Unit, and it was decided that the arrangement of one surgical mask every other day will remain unchanged.

City University of Hong Kong

Staff Consultative Committee for General Grade Staff

61<sup>st</sup> Meeting

**Paper for : Discussion**

**Subject : Re-constitution of Staff Consultative Committees**

**I. Purpose**

1. To discuss the proposed re-constitution of the two existing Staff Consultative Committees (SCCs) with the **“Senate Welfare Committee” under the Senate for academic/teaching staff** replacing the current one for academic/teaching/administrative staff and the **“Welfare Committee for Non-Academic Staff”** replacing the other one for General Grade staff as detailed in Sections III and IV below.

**II. Background**

2. To empower the Senate to further promote members’ engagement in academic issues of the University and strengthen communication between the management and academic staff members related to the University’s core functions on research and teaching as well as to allow more focused consultation on matters relating to respective staff categories, the Human Resources Committee (HRC) and Executive Committee of the Council respectively deliberated the following proposed re-constitution of the two existing Staff Consultative Committees in March 2020:

Existing	Representation	Proposed	Representation
Staff Consultative Committee (Academic, Teaching and Administrative Staff)	<ul style="list-style-type: none"><li>• Academic/Teaching staff</li><li>• Administrative staff</li></ul>	<b>Senate Consultative Committee</b> <i>(established under the Senate with focus on teaching and research matters)</i>	<b>Academic/Teaching staff</b>
Staff Consultative Committee for General Grade Staff	General Grade staff	<b>Consultative Committee for Non-academic Staff</b>	<ul style="list-style-type: none"><li>• Administrative staff</li><li>• General Grade staff</li></ul>

3. The Executive Committee noted that there were both supporting and opposing views on the proposal and resolved to refer the item back to the HRC for re-consideration. (*Views of SCCs and HRC are given at Appendix I.*)

**III. Changes to Senate Consultative Committee**

4. Taking into account the comments received at the meetings, the Senate has revisited the subject and approved the following changes to the Senate Consultative Committee for immediate implementation:
  - (a) To **rename** “Senate Consultative Committee” as **“Senate Welfare Committee”** and **modify its terms of reference** to specifically reflect the committee’s **focus on welfare matters** directly affecting the interests of academic and teaching staff.

- (b) To **increase staff representation** by including a new category of membership of **“one staff representative to be nominated from and by the academic and teaching staff outside the Senate and elected by Senate members”**. The number of **academic/teaching staff elected by and from the Senate** will be reduced from four to **three**.

Details on the major changes are summarized in Appendix II <sup>(Note)</sup>.

#### **IV. Proposed Changes to Consultative Committee for Non-academic Staff**

- 5. Similar changes to the Consultative Committee for Non-Academic Staff are proposed for Council’s approval as follows, with effect from 1 January 2021:
  - (a) To **rename** the “Consultative Committee for Non-academic Staff” as **“Welfare Committee for Non-academic Staff”** and **modify its terms of reference** to specifically reflect the committee’s focus on **welfare** matters.
  - (b) To **modify the staff-side representation** with **one member elected by and from Administrative Staff** and **three General Grade Staff**, instead of all four elected by and from both constituencies.
  - (c) To hold meetings normally **twice a year** (*currently three times*) to synchronize the meeting schedule of the Senate Welfare Committee.

Details on the major changes are given in Appendix III.

Encl.  
Human Resources Office  
29 September 2020

Note:  
The Senate approved the changes by paper circulation on 15 September 2020.

**Views on the Proposed Re-constitution of Staff Consultative Committees**

**1. From the Staff Consultative Committees**

- (a) At the meeting of the *Staff Consultative Committee (Academic, Teaching and Administrative Staff)* held on 17 February 2020, two Staff Representatives did not support the recommendations, on the ground that the new Senate Consultative Committee should not be established under the Senate which focuses on teaching and research matters only, thus depriving staff with an open avenue for consultation on issues of concern relating to University administration and general welfare (e.g. catering/campus facilities). The other two staff-side Members did not agree with the above views, noting that the two Consultative Committees as recommended cover all staff categories with no deprivation of channels for consultation. Moreover, the two new committees will allow more focused consultation on matters concerning respective categories of staff. Therefore, they were in support of the recommendations. Members' views would be reflected to the Council for consideration.
- (b) At the meeting of the *Staff Consultative Committee (General Grade Staff)* held on the same date, the Staff Representatives had no comments on the recommendations.

**2. From the Human Resources Committee**

The Human Resources Committee, at its meeting held on 3 March 2020, observed that:

- (a) Members expressed that the re-constituted consultative committees would allow more focused consultation on matters concerning the interests of respective staff categories; and all academic, teaching and non-academic staff will be fully represented at one of the two newly re-constituted committees. Senate's elected members representing respective academic units would contribute their views not only on matters relating to their units but also issues affecting the interests of academic and teaching staff.
- (b) The Chairman of the Staff Consultative Committee (Academic, Teaching and Administrative Staff) reiterated that two staff-side Members, at the meeting of 17 February 2020, indicated support for the recommendations.
- (c) The Staff-side Member raised objection to the recommendations and questioned the legitimacy and authority of the Senate to abolish the current Staff Consultative Committee. He was concerned about the lack of staff representatives elected from the whole staff body of academic and teaching staff in the Senate Consultative Committee, and deprivation of a formal channel for consultation on matters other than research and teaching (e.g. issues relating to university administration and staff's general welfare). However, it was noted that the feedback collected by the Staff Association contained supportive views on the merits of the proposed re-constitution.
- (d) The Chairman of the Human Resources Committee reminded to observe the appropriate approving mechanism for the proposed re-constitution. It was advised that in accordance with Section 14(1) (a) of the University's Ordinance which reads "*The Council shall appoint a President who, subject to the control of the Council, is vested the management, conduct and administration of the University, and the welfare and discipline of staff and students*", the President has the authority to decide on matters relating to the management of the University. The proposal would be deliberated and decided by the Executive Committee of the Council.

**Senate Consultative Welfare Committee (SWC)**

*[in replacement of Staff Consultative Committee for Academic, Teaching and Administrative Staff ]*

Terms of Reference

1. To provide a recognized channel of communications between academic/teaching staff and the University management on **welfare** <sup>Note 2</sup> matters directly affecting the interests of academic and teaching staff;
2. To promote a spirit of cooperation in attempting to secure the efficiency of the academic enterprise of the University and the contentment of its members.

Constitution

	<b>Senate <del>Consultative Welfare</del> Committee</b>	<b>Staff Consultative Committee for Academic, Teaching &amp; Administrative Staff</b>
<b>Chairman</b>	A Vice-President or equivalent appointed by the Senate Chairman	<i>A Vice-President or equivalent appointed by the President</i>
<b>Members</b>	<ul style="list-style-type: none"> <li>• <del>Three</del> <b>Four</b> academic/teaching staff elected by and from the Senate</li> <li>• <b>One</b> staff representative to be nominated from and by the academic and teaching staff outside the Senate and elected by Senate members</li> </ul>	<p><u>Representing the Management</u></p> <p>(a) <i>A Vice-President or equivalent appointed by the President, who will serve as the Chairman</i></p> <p>(b) <i>Director of Human Resources</i></p> <p><u>Representing the Staff Members</u></p> <p>(a) <i>2 staff members elected by and from Senate's Ex-officio Members and the Elected Members</i></p> <p>(b) <i>2 staff members elected by and from Academic, Teaching and Administrative Staff</i></p>
<b>Secretary</b>	A staff from the Senate Secretariat	<i>A staff from the Human Resources Office</i>

Notes

1. Changes approved by the Senate are shown in **blue**.
2. Matters relating to policy and procedures governing staff grievances and complaints would not be the agenda for discussion under the SWC. The SWC will have no involvement in the deliberation of the Appeal Committee for redundancy cases.
3. The membership will be of 2-year term for a maximum of two consecutive terms, i.e. four consecutive years. The term of office of the elected Members will be on staggered arrangement, with two memberships ending in one year; and another two ending in the following year.
4. The new SWC will normally meet twice a year.

**Consultative Welfare Committee for Non-Academic Staff (WCNS)**  
*[in replacement of Staff Consultative Committee for General Grade Staff]*

**Terms of Reference**

1. To provide a recognized channel of communication between the staff and the University management on **welfare** <sup>Note 2</sup> matters directly affecting their interests;
2. To promote a spirit of cooperation in attempting to secure the efficiency of the University and the contentment of the staff.

**Constitution**

	<b>Proposed <u>Consultative Welfare Committee for Non-academic Staff</u></b>	<i>Existing Staff Consultative Committee for General Grade Staff</i>
<b>Chairman</b>	A senior staff member appointed by the President	<i>A senior staff member appointed by the President</i>
<b>Members</b>	<p><u>Representing the Management</u></p> <p>(a) A senior staff member appointed by the President, who will serve as the Chairman</p> <p>(b) Director of Human Resources</p> <p><u>Representing the Staff Members</u>  <u>Four Members elected by and from Administrative and General Grade Staff</u></p> <ul style="list-style-type: none"> <li>• One Member elected by and from Administrative Staff</li> <li>• Three Members elected by and from General Grade Staff</li> </ul>	<p><i>Representing the Management</i></p> <p><i>(a) A senior staff member appointed by the President, who will serve as the Chairman</i></p> <p><i>(b) Director of Human Resources</i></p> <p><i>Representing the Staff Members</i>  <i>4 staff members elected by and from General Grade Staff</i></p>
<b>Secretary</b>	A staff from the Human Resources Office	<i>A staff from the Human Resources Office</i>

**Notes**

1. Proposed changes to the “Consultative Committee for Non-academic Staff” are shown in **blue**.
2. Matters relating to policy and procedures governing staff grievances and complaints would not be the agenda for discussion under the proposed WCNS. The WCNS will have no involvement in the deliberation of the Appeal Committee for redundancy cases.
3. To follow the existing practice, the membership will be of 2-year term for a maximum of two consecutive terms, i.e. normally four consecutive years. The term of office of the elected Members will be on staggered arrangement, with two memberships ending in one year; and another two ending in the following year.
4. The new WCNS will normally meet twice a year.
5. All other arrangements as detailed in the current Terms of Reference document will continue to apply in the new WCNS.

City University of Hong Kong

Staff Consultative Committee for General Grade Staff

61<sup>st</sup> Meeting

**Paper for : Information/Discussion**

**Subject : Proposed Amendments to the Code of Conduct for Staff and Related Regulations**

**Purpose**

1. To note/discuss the proposed amendments to the Code of Conduct for staff and the Regulations Governing Staff Discipline for protection of the CityU Song, CityU's trade marks and any other elements of the University's brand and corporate identity, as presented in paragraph 4 below.

**Background**

2. The University is to officially launch its first ever CityU Song in the last quarter of 2020. Currently, the University does not have the "protection" clauses stipulated in the existing rules and regulations against unauthorised use or alteration of CityU brand (including but not limited to the name of the University and its trade marks).
3. To fully protect the CityU Song, CityU brand and reputation, the Executive Committee (EXCO) of the Council, at its meeting of 10 September 2020, approved in principle to amend the relevant sections of the *Regulations Governing Staff Discipline, the Code of Conduct for staff and the Code of Student Conduct and Disciplinary Procedures* by specifying in principle that the following acts, behaviours and/or conduct are considered and are deemed to constitute improper/inappropriate behaviour amounting to misconduct:

*Unless stated otherwise in other University's policies and guidelines, any unauthorised use, alteration, adaptation, distortion, mutilation, or other derogatory treatment of the CityU Song, CityU's trade marks and any other elements of the University's brand and corporate identity which harms the University's reputation or good standing, or brings the University, the Court, the Council, and/or staff member(s) into disrepute, or is otherwise prejudicial or adversely affects the honour or reputation of the University, the Court, the Council, and/or staff member(s)\*.*

*\*Note: the exact wordings of the proposed amendments and the sections to be amended are subject to the deliberation and decision of the relevant approving authorities for the regulations/codes.*

**Proposed Amendments**

4. Following the approval-in-principle given by the EXCO of the Council to amend the Code of Conduct for staff and the Regulations Governing Staff Discipline as mentioned above, the proposed amendments are detailed in Annex I and Annex II respectively, with changes tracked.

The major amendments are highlighted (*in blue and italics*) in the following:

**(i) “Code of Conduct” for Staff**

Amend Clause 3.2 and add a new paragraph -

Protect University’s *Brand*, Corporate Image and Academic Reputation

Protecting the University’s *brand*, corporate image and academic reputation is a shared responsibility of all members of the University. Staff members shall act and behave responsibly and not engage in any improper behaviour that will weaken the University’s *brand and* corporate image, undermine the University’s academic reputation or bring the University into disrepute.

*Staff members shall not engage in any unauthorised use, alteration, adaptation, distortion, mutilation, or other derogatory treatment of University’s brand and corporate image (including but not limited to the University’s song<sup>1</sup>, University’s trade marks<sup>2</sup> and any other elements of the University’s brand and corporate identity) which harms the University’s reputation or good standing, or brings the University, the Court, the Council, and/or member(s) of the University into disrepute, or is otherwise prejudicial or adversely affects the honour or reputation of the University, the Court, the Council, and/or member(s) of the University.*

**(ii) “Regulations Governing Staff Discipline”:**

Include an additional example of gross misconduct in Appendix 1 -

Examples of Gross Misconduct

*(6) serious damage to University’s brand, corporate image and reputation.*

Add Clause (10) to and Amend Clause (14) in Appendix 2 –

Examples of Breach of Standards of Behaviour

*(10) engaged in any unauthorised use, alteration, adaptation, distortion, mutilation, or other derogatory treatment of University’s brand and corporate image (including but not limited to the University’s song<sup>3</sup>, University’s trade marks<sup>4</sup> and any other elements of the University’s brand and corporate identity) which harms the University’s reputation or good standing, or brings the University, the Court, the Council, and/or member(s) of the University into disrepute, or is otherwise prejudicial or adversely affects the honour or reputation of the University, the Court, the Council, and/or member(s) of the University;*

(14) committed any act or omission which, in the opinion of the relevant authorities of the University, amounts to a contravention of the University’s current policies including but not limited to code of conduct, sexual harassment, outside practice and outside work, external academic appointment, *intellectual property, use of IT services and resources, campus display and use of the University’s name, song, logos, visual identity and trade marks ~~University logo~~.*

<sup>1-4</sup> [University’s institutional identity items at (URL to be inserted)]

Note: Similar amendments and related changes to the Code of Student Conduct and Disciplinary Procedures will be considered for approval by the Senate.

## City University of Hong Kong

### Code of Conduct

#### 1. PREAMBLE

- 1.1 The Code of Conduct (“Code”) provides guidance for academic and non-academic staff members on City-the University’s expectations of their professional and ethical conduct. The Code is intended to promote the highest professional and ethical standards of staff members and to foster an academic environment that is conducive to excellence in research and professional education.
- 1.2 The Code applies to all staff members, whether full-time, part-time or temporary. It covers all circumstances when individuals are performing work, duties or functions of City-the University, as well as related activities and any circumstances when representing the University.
- 1.3 The Code complements and reinforces, but does not exclude or replace, detailed advice contained in respective University policies and regulations announced by Departments / Offices in their homepages. Staff members are also expected to abide by any professional codes relevant to their disciplines or areas of specialty.

#### 2. CORE VALUES

- 2.1 The academic capacity and vitality of City-the University flow from, and are nourished by, the core values which underpin the Strategic Plan<sup>1</sup>, and are reflected in all City-the University activities. These values embrace commitment to:
  - Excellence;
  - Honesty;
  - Freedom of Enquiry;
  - Accountability; and
  - Civility and Collegiality.
- 2.2 As a priority, in furtherance of the University’s vision and mission, all staff members are expected to conduct themselves in accordance with these core values.

#### 3. PROFESSIONAL AND ETHICAL CONDUCT

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<sup>1</sup> CityThe University’s Strategic Plan 2020-2025 at [https://www.cityu.edu.hk/sp2020-2025/SP\\_Booklet.pdf](https://www.cityu.edu.hk/sp2020-2025/SP_Booklet.pdf)

### 3.1 Strive for Excellence

Staff members are expected to demonstrate a sense of commitment to pursue excellence and continuous improvement by devoting their best efforts and performing to the best of their ability.

### 3.2 Protect University's Brand, Corporate Image and Academic Reputation

Protecting the University's brand, corporate image and academic reputation is a shared responsibility of all members of the University. Staff members shall act and behave responsibly and not engage in any improper behaviour that will weaken the University's brand and corporate image, undermine the University's academic reputation or bring the University into disrepute.

Staff members shall not engage in any unauthorised use, alteration, adaptation, distortion, mutilation, or other derogatory treatment of University's brand and corporate image (including but not limited to the University's song<sup>2</sup>, University's trade marks<sup>3</sup> and any other elements of the University's brand and corporate identity) which harms the University's reputation or good standing, or brings the University, the Court, the Council and/or member(s) of the University into disrepute, or is otherwise prejudicial or adversely affects the honour or reputation of the University, the Court, the Council and/or member(s) of the University.

### 3.3 Promote Freedom of Expression and Enquiry and Meet Academic Responsibilities

~~City~~The University recognizes and protects the concept and practice of freedom of expression and enquiry which is indispensable and vital to the advancement of the frontiers of knowledge and the pursuit of higher truths. Freedom of expression and enquiry carries with it the duty to use the freedom in a manner consistent with a responsible and honest search for, and dissemination of, knowledge and truth.

### 3.4 Act Ethically and with Integrity

Staff members are expected to conduct themselves ethically, honestly, and with integrity in all areas including teaching, research<sup>4</sup> and services. Intellectual property<sup>5</sup> and copyright are to be respected at all times.

The University prohibits bribery<sup>6</sup>, solicitation of advantages and corrupt practices in any form. Staff members must not offer, solicit or accept advantages (e.g. gift, hospitality, reward or other

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<sup>2</sup> [\[University's institutional identity items at \(URL to be inserted\)\]](#)

<sup>3</sup> [\[University's institutional identity items at \(URL to be inserted\)\]](#)

<sup>4</sup> Code of Practice for Research at <http://www.cityu.edu.hk/ro/studentlan/codeofpractice.html>

<sup>5</sup> University Policy on Intellectual Property at <http://wikisites.cityu.edu.hk/sites/upolicies/ippolicy/Documents/IPPolicy.pdf>

<sup>6</sup> Acceptance of Advantages (Administrative Note No. I12/02/FEB93) at [http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i12\\_02.html](http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i12_02.html), and

favour) from any sources (e.g. students, colleagues, organizations, suppliers, contractors or members of the community, etc.) in connection with the discharge of their official duties, unless permitted by the University under specified conditions.<sup>7</sup> Generally, it is not acceptable to give or receive benefits that may or may appear to:

- compromise their judgment, integrity or objectivity;
- create a conflict of interest (financial or otherwise);
- place them in a position of obligation;
- damage relationships with others; or
- indicate any favouritism or prejudice towards a person or a group of people.

### 3.5 Uphold Civility and Respect for Others

Fostering civil dialogue, promoting collegial exchanges and cultivating mutual respect are essential to the University's development as an increasingly diverse and robust academic community. Staff members are expected to:

- treat others with civility and respect;
- maintain a co-operative and collaborative approach to working relationships;
- respect individual differences and different viewpoints;
- engage in rational exchanges;
- refrain from making personal attacks or unfounded allegations;
- refrain from behaving aggressively, using abusive or inflammatory language; and
- avoid all forms of discrimination and harassment (including sexual harassment)<sup>8</sup>, bullying and intimidation.

### 3.6 Be Impartial and Fair

The University is committed to upholding and promoting impartiality, transparency, fairness, non-discrimination and equal opportunities<sup>9</sup>. In performing University duties and functions, making decisions or dealing with others (whether students, colleagues or members of the community) regardless of their race, national origin, sex and gender identity, sexual orientation, ability and disability, age, religion, family and marital status, etc, staff members have a responsibility to:

- act impartially, transparently, objectively and fairly;
- observe the principle and practice of non-discrimination;
- avoid favouritism; and

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What to do if you are offered a Bribe (Administrative Note No. I12/01/JUN84) at [http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i12\\_01.html](http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i12_01.html)

<sup>7</sup> Ditto

<sup>8</sup> Sexual Harassment Policy and Procedures at [http://www6.cityu.edu.hk/hro/download/stafflan/policy/university\\_sexual\\_harassment.pdf](http://www6.cityu.edu.hk/hro/download/stafflan/policy/university_sexual_harassment.pdf)

<sup>9</sup> Policy Statement on Equal Opportunities (Administrative Note No. X1/02/MAY99) at [http://www6.cityu.edu.hk/hro/download/stafflan/admnote/x1\\_02.html](http://www6.cityu.edu.hk/hro/download/stafflan/admnote/x1_02.html)

- not to misuse or abuse power or position.

### 3.7 **Be Accountable**

A sustained commitment to openness and accountability is critical to [Citythe](#) University's success as a public institution of international standing. Staff members are expected to accept responsibilities appropriate to their positions and delegated authorities, and be accountable for decisions and actions taken. They are also expected to exercise due care, appropriate control and fiscal accountability when conducting University business.

### 3.8 **Avoid and Declare Conflict of Interest**

A conflict of interest<sup>10</sup> arises when staff members' private interests compete or conflict with the interests of the University. Private interests mean both the financial and personal interests of the staff members or those of their connections including:

- family and other relations;
- personal friends;
- other companies or business interests which they hold or own (both in part or in whole);
- any other groups, clubs and societies to which they belong; and
- any person to whom they owe a favour or are obligated in any way.

Staff members must not use their authority or positions in the University, nor any information made available to them, to benefit themselves or their connections. They are expected to avoid putting themselves in a position that may lead to an actual, potential or perceived conflict of interest between their private interests and their duties and obligations to the University. They must also promptly make full disclosure of all relevant facts and circumstances pertinent to an actual, potential or perceived conflict of interest.

Some examples of conflict of interest situations are given at the [Attachment](#).

### 3.9 **Manage Public, Private and Confidential Information Carefully**

In handling different types of public, private and confidential information, it is staff members' responsibility to:

- follow University policies<sup>11</sup> and regulations, and applicable laws regarding collection, access, use, protection, disclosure, retention, and disposal of public, private and confidential information;

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<sup>10</sup> Conflict of Interest (Administrative Note No. I13/01/MAR85) at [http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i13\\_01.html](http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i13_01.html); Declaration of Interest by Members of University Committees (Administrative Note No. I1/03/JAN96) at [http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i1\\_03.html](http://www6.cityu.edu.hk/hro/download/stafflan/admnote/i1_03.html); and Financial Policies and Procedures Manual at [http://www6.cityu.edu.hk/FO/stafflan/htm/FPPM\\_FO.htm](http://www6.cityu.edu.hk/FO/stafflan/htm/FPPM_FO.htm)

<sup>11</sup> Personal Data (Privacy) Issues – Code of Practice at <http://www.cityu.edu.hk/vpad/ctu-only/code-of-practice.pdf>

- ensure adequate safeguards to prevent abuse or misuse of information; and
- maintain data security.

A staff member shall only disclose to other staff members or third party confidential information acquired in the course of employment or University affiliation on a need-to-know basis and only when authorized to do so.

The obligation to preserve confidential information continues even after cessation of employment.

### 3.10 Use and Manage University Resources Properly and Responsibly

Staff members need to ensure that University resources or assets (such as equipment, materials, financial resources, ~~or~~ information technology<sup>12</sup>, and/or the time and effort of other staff and students at the University, etc.) are used consistent with the mission of the University, and in a proper and responsible manner for legitimate purposes for which they are provided and in accordance with existing policies. The use of University resources for personal business activities is strictly prohibited. Staff members are expected to refrain from using University resources for private gain or the gain, both financial and non-financial, of a third party, or for promoting political or religious beliefs or interest of groups, clubs or societies.

Unauthorised use, Theft~~theft~~, carelessness, loss and waste of University resources or assets have a direct impact on the University's operational efficiency. Any use of University resources in connection with outside practice<sup>13</sup> may only occur where prior approval has been obtained and subject to agreed cost recovery.

### 3.11 Promote Health and Safety and Environmental Protection

It is a shared responsibility of staff members of the University to ensure a healthy, safe<sup>14</sup> and environmentally friendly campus for all students, colleagues and other members of the community. To meet this responsibility, they are expected to:

- follow safe workplace practices and report accidents, injuries and unsafe situations;
- maintain security;
- protect the environment; and
- actively promote stewardship of the environment.

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<sup>12</sup> Policy on Use of Information Technology Services and Facilities and related regulations at <http://wikisites.cityu.edu.hk/sites/upolicies/itpolicy/Wiki%20Pages/Home.aspx>

<sup>13</sup> Council's "New" Outside Practice Policy (Administrative Note No. C2/07/NOV10) at [http://www.cityu.edu.hk/vpad/stafflan/adminnote\\_C2\\_07\\_201011.htm](http://www.cityu.edu.hk/vpad/stafflan/adminnote_C2_07_201011.htm)

<sup>14</sup> Safety Policy at <http://www6.cityu.edu.hk/fmo/studentlan/download/safetypolicy.pdf>; and Environmental Policy at <http://www.cityu.edu.hk/fmo/download/environmentalpolicy.pdf>

### 3.12 Promote Good Citizenship

~~City~~The University is committed to promoting corporate governance and meeting legal requirements. To foster good citizenship, staff members are expected to:

- observe University policies and regulations, and applicable laws;
- be proactive to detect and prevent any gaps in compliance; and
- report non-compliance to supervisors or other delegated University officials (e.g. Head, Dean, Line Manager, Director of Human Resources).

## 4. COMPLIANCE

- 4.1 It is the personal responsibility of every staff member to understand and comply with the Code and all other relevant policies and regulations of the University, and applicable laws and to keep abreast of any changes or amendments in the Code and the relevant policies, regulations and laws. When staff members are outside Hong Kong on University business, they are expected to act in compliance with the applicable laws of the country or territory.
- 4.2 Failure to comply with the Code could result in significant risk to the University and its people, and could lead to disciplinary action by the University<sup>15</sup>.
- 4.3 A party (including but not limited to staff members and students) who reports misconduct or malpractices in good faith and / or assisting in an investigation regarding alleged misconduct or malpractices will be protected from reprisal or victimization, unless it is clear that such complaint is frivolous or vexatious or malicious, which amounts to an abuse of process, in which case the party concerned may be liable to disciplinary action or other appropriate actions.

Code of Conduct  
3 January 2011  
(updated on 7 June 2018)

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<sup>15</sup> Regulations Governing Staff Discipline at [http://www6.cityu.edu.hk/hro/download/stafflan/policy/university\\_staff\\_discipline.pdf](http://www6.cityu.edu.hk/hro/download/stafflan/policy/university_staff_discipline.pdf)

## **A Non-exhaustive List of Examples on Conflict of Interest Situations**

### ***Personal Relationship***

A conflict of interest can arise where a staff member makes or participates in decisions affecting another person who has a personal relationship with the staff member concerned (such as spouse, relative, close friend or personal associate, etc.).

- In the recruitment, appointment review or promotion of staff, or in the vetting of applications for student admission or selection interview, or marking of student assignment or examination papers, the candidate under consideration is the staff member's relative or close personal friend.
- A staff member takes part in the selection of suppliers or contractors, and one of the bidders under consideration is his / her relative or close personal friend (together "related persons"), or an entity owned or partly owned by any "related person" or a company in which any "related person" is a director, or when any "related person" is involved in preparation of the bidding documents.

### ***Financial Relationship***

Financial relationship can also give rise to a conflict of interest.

- A staff member has a pecuniary interest in a company which is being considered for selection as the University's supplier of goods or services, or is an existing supplier.
- A staff member accepts frequent or lavish entertainment or gifts from the University's suppliers or contractors.

### ***Outside Practice***

The University encourages and supports faculty members to engage in outside practice that focuses on high level and advanced work, using their talents, expertise and professional experience to support industry, commerce and the community provided that it does not compete, conflict with or adversely affect their primary activities and responsibilities to the University.

- A staff member conducts outside practice consultancy for a company without disclosing that he / she and /or his / her spouse holds or owns the company, or is a financial beneficiary of the company.
- A staff member forms a consultancy group under outside practice and the group engages the staff member's spouse or close personal friends to provide services.
- A staff member devotes substantial time involvement in outside practice that far exceeds the University permitted limit.

## CITY UNIVERSITY OF HONG KONG

## REGULATIONS GOVERNING STAFF DISCIPLINE

(Effective 1 December 2014)

**I. Preamble**

1. To promote good employment relations as well as to ensure fairness and consistency in disciplinary actions, a set of clear disciplinary procedures ('procedures') is required in the University.
2. The University has standards of behaviour reasonably expected to be maintained by a staff member commensurate with his/her position. Any breach of such standards will be considered as misconduct; disciplinary procedures and actions will be used to deal with such cases.

**II. Principles**

3. Disciplinary matters should be dealt with as promptly and thoroughly as possible without unreasonable delay, and actions taken should be consistent. Where a potential disciplinary case is upheld, the University will take reasonable action to ensure that similar situations do not occur in the future.
4. Potential disciplinary cases should be based only on evidence which is honestly and reasonably believed to be substantially true.
5. Disciplinary procedures should be applied prudently only where circumstances require, and should primarily help and encourage staff members to improve rather than just as a way of imposing punishment.
6. Staff members should be informed of the allegation against them at the commencement of investigation, and be provided with an opportunity to state their case before decisions are reached.
7. Staff members may be accompanied by another staff member of the University, if he/she so wishes, at all disciplinary meetings.
8. Any action taken as a result of the case should be fully documented and where appropriate the staff members should be provided with a written statement of any improvement expected including a clear time frame for this to be achieved<sup>1</sup>.
9. In general, staff members should not be dismissed for a first offence, unless the offence is so serious or has such serious consequences that the action is considered to be of gross misconduct, and as such may result in dismissal without notice. Examples of gross misconduct, which are not exhaustive, are given in Appendix 1.
10. Staff members concerned should be given the opportunity to appeal against a disciplinary decision.
11. Any member of the University who has any knowledge of any of the investigations, and/or

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<sup>1</sup> When a complaint of sexual harassment is found to be substantiated under the "Sexual Harassment Policy and Procedures" and the alleged harasser is referred to disciplinary action under the "Regulations Governing Staff Discipline", and if the complainant is a victim of wrongdoing committed by the alleged harasser, both the alleged harasser and the victim-complainant who has a legitimate and direct personal interest in receiving information relating to the disciplinary process in question should be informed of the outcome of a complaint, the disciplinary action and the penalties recommended or imposed against the alleged harasser, if any.

- disciplinary hearings should keep such information confidential to the extent reasonably possible.
12. If a staff member concerned resigns during the course of disciplinary or appeal proceedings or before conclusion of the disciplinary action, the respective authority shall decide if the proceedings should be continued after consultation with the Director of Human Resources who may report the case to the President as appropriate.
  13. A party who reports misconduct or malpractices in good faith and/or assisting in an investigation regarding alleged misconduct or malpractices will be protected from reprisal or victimization, unless it is clear that such complaint is frivolous or vexatious or malicious, which amounts to an abuse of process, in which case the party concerned may be liable to disciplinary action or other appropriate actions.
  14. All personal data received, processed or generated under the disciplinary procedures will be subject to the requirements of the Personal Data (Privacy) Ordinance.

### III. Scope

15. The procedures shall apply to all staff of the University other than the President and the Deputy President.
16. The procedures set out arrangements for dealing with breaches of standards of behaviour or misconduct as illustrated in Appendix 2, which are not exhaustive. Cases concerning unsatisfactory service standard, performance or breach of service agreement will be separately handled under the relevant contractual/statutory provisions.
17. In the event of a serious misconduct with prima facie evidence of criminal offence, the University should report the case to the Review Committee<sup>2</sup> of the Council for determination as to whether the case should be reported to the authorities.
18. For situations where investigations and handling of the cases should best be dealt with by law enforcement agencies, a court or professional body and not by the University, the President may (but is not required to) stay all actions and/or proceedings pending the outcome of such investigations or court proceedings. Without limiting the power of the University to commence disciplinary action in general, when a person is appointed or a committee is set up by the University to investigate a complaint against a member of staff and such person or committee reports the findings that the complaint is substantiated, the University may commence disciplinary action under these Regulations.
19. The procedures are introduced without prejudice to the rights of the University to terminate the employment of the staff member concerned in accordance with the provisions of the service agreement between the University and the staff member concerned.

### IV. Disciplinary Procedures

#### 20. General

- 20.1 A potential disciplinary case should be reported to and handled by the respective Head of Department<sup>3</sup> (Responsible Authority) as far as practicable. **It is expected that most cases can be handled at departmental level.**

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<sup>2</sup> The terms of reference of the Review Committee of the Council is available on the University website: [https://www.cityu.edu.hk/cuc/committee\\_RC.htm](https://www.cityu.edu.hk/cuc/committee_RC.htm)

<sup>3</sup> Head of Department includes Head/Director of Academic Department/Division/Centre, Dean/Director of School and Director/Head/Associate Vice-President of Administrative Office/Unit/Research Centre. For potential disciplinary cases in offices of the Line Managers, Head of Department includes Dean of College, Chief Information Officer, Provost and Vice-President or equivalent.

- 20.2 **Only serious incidents (such as gross misconduct, as illustrated in Appendix 1) or cases unresolved at the departmental level will require involvement of the respective Dean (for Colleges)/Line Manager at Vice-President or equivalent<sup>4</sup> level to instigate final disciplinary action, or to form a Disciplinary Committee to assist and advise him/her in reviewing the case.**
- 20.3 Flexibility is allowed for cases to be treated immediately at a more senior level if the conduct complained of is sufficiently serious as to amount to gross misconduct.
- 20.4 The President may, on his own initiative and in circumstances he deems fit, direct the Head of Department or the Line Manager/a senior staff at Chair Professor or equivalent level in writing to carry out investigations into an allegation of misconduct.
- 20.5 Staff members will be given the opportunity to appeal against a disciplinary action to the next higher level of authority (i.e. Appeal Authority, as illustrated in Figure 1).
- 20.6 Two flow charts showing the procedures are given in Appendices 3(a) and (b).
- 20.7 A summary of the different levels of disciplinary action and the respective Responsible/Appeal Authority is given below:

**Figure 1**

<b>Disciplinary Action</b>	<b>Responsible Authority</b>	<b>Appeal Authority (corresponding to Responsible Authority)</b>
<b>Formal Verbal Warning</b>  <i>(in the presence of a witness)</i>	<i>Where Dean of College is the immediate Line Manager:</i> 1. Head of Academic Department / Division  <i>Where Associate Provost is the immediate Line Manager:</i> 2. Head/Director of Centre 3. Director of Administrative Offices under the line management of the Associate Provost	1. Respective Dean of College  2. Associate Provost 3. Associate Provost
<b>Written Warning</b>  <i>(with the assistance of a Human Resources Manager)</i>	<i>Where Chief Information Officer is the immediate Line Manager:</i> 4. Director of Administrative Office  <i>Where Provost is the immediate Line Manager:</i> 5. Dean of College/School 6. Head/Director of Administrative Office/Unit/SCOPE under the line management of the Provost  <i>Where a Vice-President or equivalent is the immediate Line Manager:</i> 7. Director/Head/Associate Vice-President of Administrative Office/Research Centre/Dean of Graduate Studies	4. Chief Information Officer  5. Provost 6. Provost
<b>Final Written Warning</b>  <i>(with the assistance of a Human Resources Manager)</i>	<i>For the Office of the Provost:</i> 8. Provost  <i>For the Office of Vice-President or equivalent:</i> 9. Vice-President or equivalent  <i>For the Office of the President and where the President is the immediate Line Manager:</i> 10. Provost/a Vice-President or equivalent appointed by the President	7. Respective Vice-President or equivalent  8. Another Vice-President or equivalent appointed by the President  9. Another Vice-President or equivalent appointed by the President  10. Another Vice-President or equivalent appointed by the President
<b>Final Disciplinary Action</b>	Respective Dean (for Colleges) / Line Manager at Vice-President or equivalent level <i>(May make the decision to take final disciplinary action or chair a Disciplinary Committee to determine the final disciplinary action)</i>	Appeal Committee appointed by the President with President as the final approval authority

<sup>4</sup> In case the President, Provost, Vice-President or equivalent, or Dean is the Head of Department, the potential disciplinary case shall be dealt with by another Vice-President or equivalent to be appointed by the President.

- 20.8 In case the President is the Head of Department or immediate Line Manager of the staff member concerned, the potential disciplinary case should be reported to the President and will be handled by a Vice-President or equivalent appointed by the President.
- 20.9 In case an allegation is against the Head of Department, the case should be reported to and handled by the next higher level of authority concerned, i.e. the immediate Line Manager (Dean of College, Associate Provost, Chief Information Officer as the case may be) or the Provost/a Vice-President or equivalent as appropriate. Cases involving allegations against the Provost, Vice-President or equivalent will be reported to the President who shall appoint another Vice-President or equivalent to handle the case.
- 20.10 The Responsible/Appeal Authority<sup>5</sup> shall determine whether to appoint other staff members to form a Committee to assist him/her in the investigation or in handling the appeal.
- 20.11 Subject to the remainder of this paragraph concerning the Disciplinary Committee and the Appeal Committee, the issue of rank sensitivity shall not apply to the designated Responsible/Appeal Authority. Members of the Disciplinary Committee and the Appeal Committee (except the lay Council member<sup>6</sup>) should (i) normally be at a higher rank than the staff member concerned; and (ii) have not taken part in any deliberation and have not given any directions, instructions, or opinion in relation to the merit of the case prior to their appointment as members of the Disciplinary Committee or Appeal Committee (as the case may be).
- 20.12 In the event of a change in the management structure and/or reporting line or the issue of conflict of interest arises or there is any prior participation in any deliberation or giving any directions, instructions, or opinion in relation to the merit of case, the President shall, in his sole discretion, determine the appropriate Responsible/Appeal Authority as he deems fit.
- 20.13 The staff member concerned may be accompanied by another staff member of the University<sup>7</sup>, if he/she so wishes, at any formal meeting where his/her case is considered and to be notified of the decision.
- 20.14 In order to prevent duplication of investigation resources and to avoid a complainant having to give evidence to two different University committees on the same matter, the Responsible/Appeal Authority shall be entitled to and have the discretion to accept all or part of the findings (including but not limited to findings of facts) and/or recommendations of another committee of the University investigating a complaint.
- 20.15 The University is responsible for keeping a full record of the disciplinary cases. In very exceptional circumstances, should the Responsible/Appeal Authority, where applicable, consider it justified, recommendation can be made to the President to erase the disciplinary record after a specified period of time. The disciplinary record will be erased after the specified period.

## 21. Investigation by Head of Department<sup>8</sup>

- 21.1 When a potential disciplinary matter arises, the Head of Department concerned should promptly investigate the matter to establish the facts and should keep a written record of such an investigation for later reference.

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<sup>5</sup> Except for the Appeal Committee, the composition of which shall be comprised as set out under Clause 28.5.

<sup>6</sup> External member of the Council who is not a staff member of the University.

<sup>7</sup> The accompanying person is to provide advice and moral support to the staff member concerned. He/she shall have no right to address the Responsible Authority/Disciplinary Committee. Notes-taking for personal use may be allowed in appropriate circumstances as determined by the respective authority handling the case.

<sup>8</sup> Head of Department also refers to the appropriate Responsible Authority.

- 21.2 The Head of Department concerned will investigate the circumstances of the alleged breach of conduct in accordance with the following principles:
- (a) the need to be fair and impartial and to evaluate all evidence on its weight,
  - (b) the need to give the person accused of misconduct details of the allegations of misconduct in writing and also an opportunity to respond to such allegations,
  - (c) the need to keep the investigation as confidential as possible (recognising the probable need to interview witness),
  - (d) the need to maintain a written record of the investigation,
  - (e) the desirability of completing the investigation as promptly and thoroughly as possible and normally within three (3) months.
- 21.3 Having considered the facts, the Head of Department concerned should decide the appropriate action (if any) to be taken, which should be one of the courses of action set out below:
- (a) No Action
  - (b) Formal Verbal Warning
  - (c) Written Warning
  - (d) Final Written Warning

## 22. No Action

- 22.1 Where no misconduct is identified following the investigation then no action will be taken against the staff member. The Head of Department/Responsible Authority will inform the staff member of this fact as soon as possible.

## 23. Formal Verbal Warning

- 23.1 Where the investigation by the Head of Department identifies a case of *minor misconduct* then this will result in a *formal verbal warning* to the staff member from the Head of Department. Such verbal warning should identify the type of behaviour which was inappropriate and the need for the staff member to improve his/her behaviour within a specified time frame. It should also explain that should the *unacceptable behaviour persist* after the specified time frame, a *written warning* may result.
- 23.2 The *formal verbal warning* should be given in the presence of a witness. A record should be made of such warning which specifies the period over which the behaviour is expected to improve. Such record should be copied to the Director of Human Resources.

## 24. Written Warning

- 24.1 Where, following investigation by the Head of Department, the offence is considered to be a *serious* one, or a staff member has *failed without reasonable excuse to respond appropriately to a formal verbal warning*, he/she will be required to attend a meeting to be conducted by the Head of Department concerned with the assistance of a Human Resources Manager.
- 24.2 A *written warning* will be issued to the staff member and a copy will be placed in the staff member's personnel file. Such written warning will include details of the misconduct, the improvement required and what the consequences will be of a failure to change behaviour.

## 25. Final Written Warning

- 25.1 If, following investigation by the Head of Department, the *unacceptable behaviour* is considered to be *severe* enough or if the staff member has *failed without reasonable excuse to improve* in accordance with a prior *written warning*, he/she will be required to attend another meeting with the Head of Department concerned with the assistance of a Human Resources Manager. If appropriate, a *final written warning* will be issued and placed in the staff member's personnel file explaining that failure for behaviour to improve within the time period stated will lead to final disciplinary action to be handled by the respective Dean (for Colleges)/Line Manager at Vice-President or equivalent level or Disciplinary Committee to be chaired by the respective Dean (for Colleges)/Line Manager at Vice-President or equivalent level or another person appointed by the University. A copy of the final written warning will be forwarded to the immediate Line Manager of the Head of Department, where applicable.
- 25.2 All written warnings should be copied to the Director of Human Resources who will exercise discretion to report the cases as soon as practicable or on an annual basis to the President as appropriate, depending on the gravity of the cases.

## 26. Final Disciplinary Action by Respective Dean (for Colleges)/Line Manager at Vice-President or equivalent level or Disciplinary Committee

- 26.1 If, following investigation by the Head of Department, the staff member concerned has *failed without reasonable excuse to respond to the requirements of the final written warning*, or where the *misconduct* is considered to be so *serious* (such as gross misconduct), the Head of Department concerned will report to the respective Dean/Line Manager at Vice-President or equivalent level via the immediate Line Manager, where applicable, copied to the Director of Human Resources (not applicable if the alleged breach is against the Director of Human Resources), and may request the respective Dean/Line Manager at Vice-President or equivalent level to instigate *final disciplinary action*.
- 26.2 The respective Dean/Line Manager at Vice-President or equivalent level may, in his/her sole discretion and normally within three (3) weeks, decide whether or not to take final disciplinary action against the staff member. He/She may, with the delegated authority from the President, decide to take one or more of the courses of action set out in Appendix 4, which are not exhaustive, and convey the decision including the reasons to the staff member concerned. Alternatively, he/she may decide to form a Disciplinary Committee to assist and advise him/her in reviewing the case. The Disciplinary Committee will undertake a further investigation into the circumstances of the alleged breach of conduct, make findings of facts and decide, with delegated authority from the President, one or more of the courses of action set out in Appendix 4.
- 26.3 The respective Dean/Line Manager at Vice-President or equivalent level will act as the Chairman of the Disciplinary Committee, and where appropriate, the University may appoint another person to serve as the Chairman of the Disciplinary Committee. The Chairman will appoint two other persons to serve on the Committee. Members of the Disciplinary Committee should normally be at a higher rank than the staff member concerned and have not been involved in any earlier stages of the case. The Chairman will nominate a person to be the Secretary of the Disciplinary Committee.

- 26.4 All findings and recommendations of the Disciplinary Committee shall be reached by way of a simple majority of the members of the Disciplinary Committee present and voting. The decision of the Disciplinary Committee should be made normally within two (2) months from the date the Disciplinary Committee is established and will be conveyed, including the reasons, to the staff member concerned in writing<sup>9</sup>.
- 26.5 The respective Dean/Line Manager at Vice-President or equivalent level should copy all disciplinary decisions to the Director of Human Resources, who will report such actions as soon as practicable to the President.

## 27. Hearing of Disciplinary Committee

- 27.1 The procedures at the hearing shall be decided by the Chairman of the Disciplinary Committee. The Secretary of the Disciplinary Committee shall maintain record of proceedings as the Chairman considers appropriate.
- 27.2 The Disciplinary Committee may invite the staff member concerned to make representation and require the staff member concerned and any other person to provide relevant details and evidence at the hearing.
- 27.3 The Disciplinary Committee may investigate and inquire into any matters referred to it, consider any evidence including hearsay evidence, and take into account any information which it considers relevant.
- 27.4 In reaching its findings and recommendations, the standard of proof required by the Disciplinary Committee should be based on the balance of probabilities and be commensurate with the gravity of the breach of standards of behaviour.
- 27.5 In the event of the respective Dean/Line Manager at Vice-President or equivalent level or Disciplinary Committee involving in determining the final disciplinary action finds that:
- (a) staff members involved in the case have made allegations without justifiable cause;
  - (b) staff members involved in the case refused to substantiate such allegations which were an issue in the disciplinary process when called upon to do so;
  - (c) one or more staff members fabricated the evidence admissible in the disciplinary process,

the respective Dean/Line Manager at Vice-President or equivalent level or Disciplinary Committee may invite the staff member concerned to submit representation before a decision is made regarding disciplinary action which may be taken by the University against the staff member concerned.

## 28. Appeal Procedures

- 28.1 The respective Appeal Authority for disciplinary action taken by Responsible Authority concerned is given in Figure 1.
- 28.2 An appeal can be made against any disciplinary action but only on the grounds that:
- (a) new evidence has come to light which was not previously considered by the Disciplinary Committee or the Head of Department (as appropriate); and/or
  - (b) the disciplinary procedures were not correctly followed.

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<sup>9</sup> See footnote no. 1.

Any appeal must be submitted in writing to the Appeal Authority within three (3) weeks of notification of the decision and must give full and complete details of the ground for the appeal.

- 28.3 The Appeal Authority shall first consider whether the appeal satisfies the grounds set out in paragraph 28.2 above. If it does not so satisfy then the Appeal Authority shall notify the staff member of such fact in writing. If the appeal does satisfy paragraph 28.2 then the Appeal Authority for **formal verbal warning, written warning or final written warning** shall consider the appeal, make a decision on the issues raised in the appeal and convey such decision, including the reasons, to the staff member concerned normally within three (3) weeks<sup>10</sup>.
- 28.4 Appeal against a **final disciplinary action** should be submitted to the President within three (3) weeks after receiving the notification. The President has the flexibility to determine normally within three (3) weeks whether to accept the appeal, including the formation of an Appeal Committee.
- 28.5 Should the President decide to form an Appeal Committee to review the appeal, the composition shall comprise no more than five persons, including the Provost/a Vice-President or equivalent or another person appointed by the University as Chairman, and at least one lay Council member<sup>11</sup>. All internal members should normally be at a higher rank than the staff member concerned and all members should not have been involved in any earlier stages of the case. The University will nominate a person to be the Secretary of the Appeal Committee and the Chairman will decide on the procedures to be taken for the review. The Secretary of the Appeal Committee shall maintain record of proceedings as the Chairman considers appropriate.
- 28.6 All findings and recommendations of the Appeal Committee shall be reached by way of a simple majority of the members of the Appeal Committee present and voting. The Appeal Committee shall review the case and make recommendation to the President as soon as practicable and normally within two (2) months from the date the Appeal Committee is established<sup>12</sup>.
- 28.7 The decision of the President on any matters referred to it shall override those previously made.
- 28.8 The decision of the President shall be final and will be conveyed, including the reasons, to the staff member concerned in writing normally within three (3) weeks from the date the recommendation from the Appeal Committee is received.

## 29. Time Limits

- 29.1 Whilst each party referred to in these procedures is expected to take all reasonable steps to comply with the time limits specified in this document, a failure to comply with one or more time limits (unless a material and culpable failure) will not in itself amount to the procedures being void or voidable.

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<sup>10</sup> If the complainant of sexual harassment is a victim of wrongdoing committed by the alleged harasser, both the alleged harasser and the victim-complainant who has a legitimate and direct personal interest in receiving information relating to the disciplinary process in question should be informed of the decision on appeal, the disciplinary action and the penalties recommended or imposed against the alleged harasser, if any.

<sup>11</sup> An external member of the Council who is not a staff member of the University.

<sup>12</sup> See footnote no. 10.

### 30. **Resignation**

- 30.1 If a staff member concerned resigns during the course of disciplinary or appeal proceedings or before conclusion of the disciplinary action, the respective Responsible Authority or Appeal Authority, as the case may be, shall decide if the proceedings should be pursued or continued depending on the circumstances of the case and in consultation with the Director of Human Resources who may report the case to the President as appropriate.

(Updated on 1 December 2015)

### Examples of Gross Misconduct<sup>1</sup>

Gross misconduct is generally seen as misconduct serious enough to justify summary dismissal. Acts which constitute gross misconduct must be very serious.

Examples of gross misconduct, which are not exhaustive, might include:

- (1) theft or fraud;
- (2) physical violence or bullying;
- (3) unlawful discrimination or harassment;
- (4) serious incapability at work brought on by alcohol or illegal drugs;
- (5) a serious breach of confidence;
- (6) serious damage to University's brand, corporate image and reputation.

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<sup>1</sup> Discipline and Grievances at Work – The Acas Guide  
[Acas stands for Advisory, Conciliation and Arbitration Service in UK. It aims to improve organisations and working life through better employment relations. It helps with employment relations by supplying up-to-date information, independent advice and high quality training, and working with employers and employees to solve problems and improve performance.]

**Examples of Breach of Standards of Behaviour**

The following list, which is not exhaustive, sets out instances where a staff member may be found to have acted inappropriately. It includes circumstances where a staff member has:

- (1) breached any of the terms and conditions of employment;
- (2) breached regulations and conditions governing fringe benefits or obtained fringe benefits by fraud, deception or dishonesty and/or the withholding of information;
- (3) acted, omitted or failed to act in a manner which, in the opinion of the relevant authorities of the University, brings the University or the staff member or other staff members into disrepute and adversely affects the goodwill of the University, the Council and/or other staff members;
- (4) caused wilful damage to University's property;
- (5) failed or refused to comply with any lawful and reasonable request or order of, or decision made by, the Council or any authorised officer or the relevant authorities of the University, in relation to the staff member's employment;
- (6) lodged an allegation or grievance without a justifiable cause against another staff member of the University;
- (7) refused to substantiate such allegations which were an issue in the disciplinary process when called upon to do so;
- (8) fabricated evidence used in a disciplinary process;
- (9) failed to comply with the decision of the authority concerned in disciplinary process;
- (10) engaged in any unauthorised use, alteration, adaptation, distortion, mutilation, or other derogatory treatment of University's brand and corporate image (including but not limited to the University's song<sup>2</sup>, University's trade marks<sup>3</sup> and any other elements of the University's brand and corporate identity) which harms the University's reputation or good standing, or brings the University, the Court, the Council and/or member(s) of the University into disrepute, or is otherwise prejudicial or adversely affects the honour or reputation of the University, the Court, the Council and/or member(s) of the University;
- ~~(10)~~(11) been convicted of any crime (except a minor offence which, in the opinion of the relevant authorities of the University, does not adversely reflect on the character of the staff member and is not likely to bring the University into disrepute);
- ~~(11)~~(12) committed any act which, in the opinion of the relevant authorities of the University, is of an immoral, scandalous or disgraceful nature such as to render the staff member unfit to continue to hold his office or appointment;
- ~~(12)~~(13) committed any act or omission which, in the opinion of the relevant authorities of the University, amounts to a failure or an inability:

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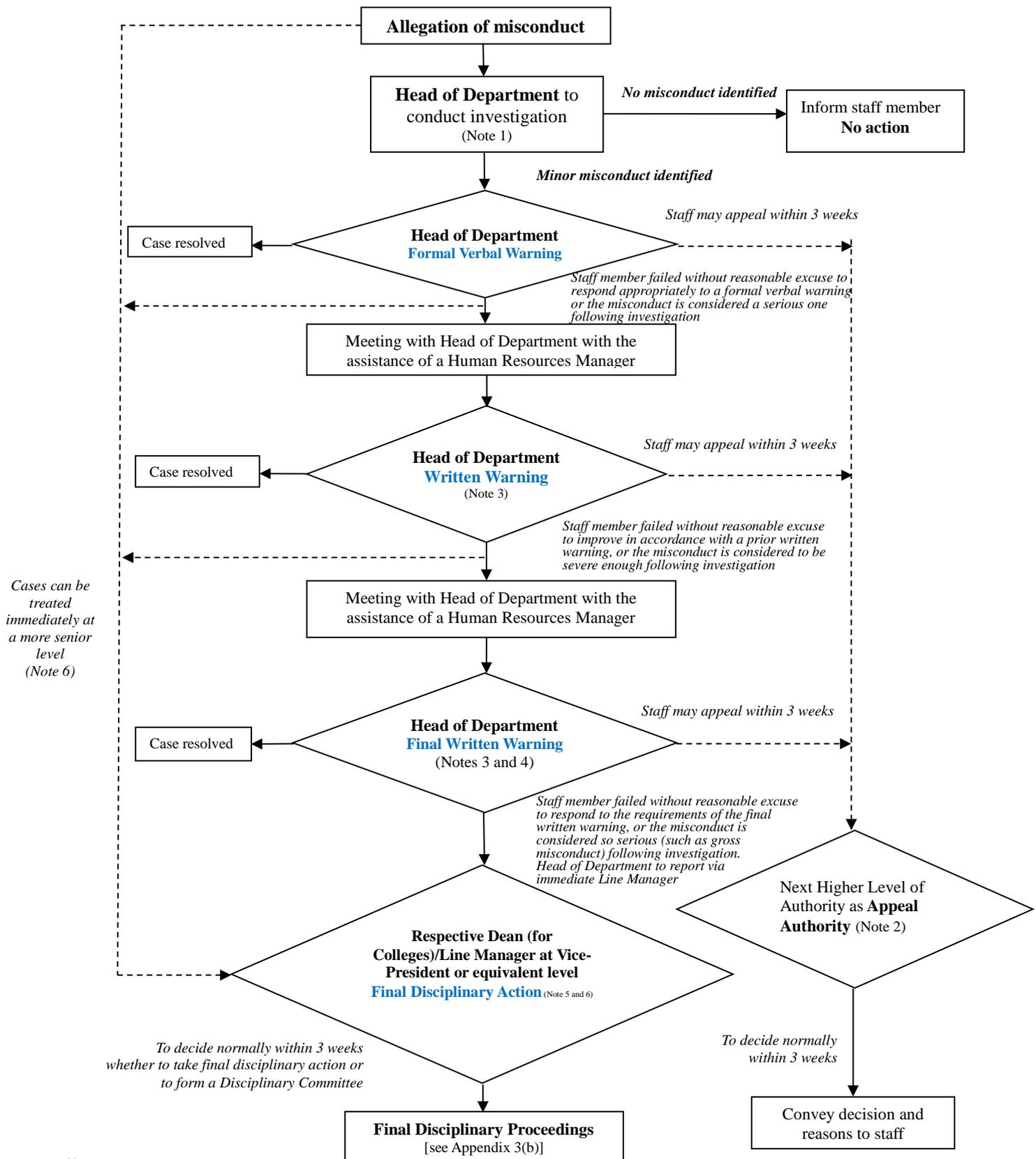
<sup>2</sup> [\[University's institutional identity items at \(URL to be inserted\)\]](#)

<sup>3</sup> [\[University's institutional identity items at \(URL to be inserted\)\]](#)

- (a) to perform the duties of the office or appointment of such staff member; or
- (b) to comply with the terms or conditions of employment of such staff member;

(13)(14) committed any act or omission which, in the opinion of the relevant authorities of the University, amounts to a contravention of the University's current policies including but not limited to code of conduct, sexual harassment, outside practice and outside work, external academic appointment, [intellectual property, use of IT services and resources](#), campus display and use of [the University's name, song, logos, visual identity and trade marks](#) ~~University logo~~.

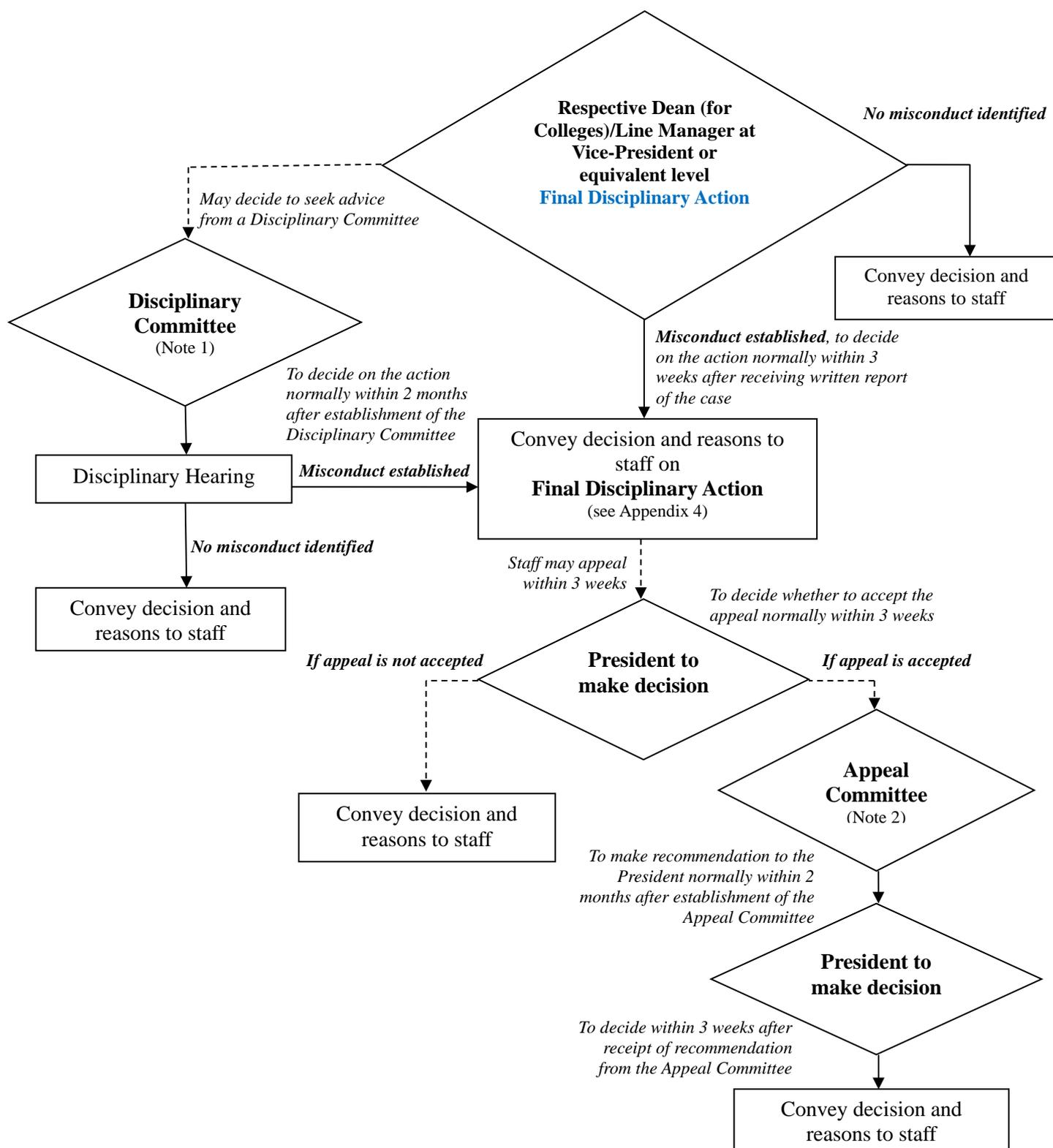
**Disciplinary Procedures**



**Notes**

1. Head of Department includes Head/Director of Academic Department/Division/Centre, Dean/Director of School and Director/Head/Associate Vice-President of Administrative Office /Unit/Research Centre. For cases in offices of the Line Managers, Head of Department includes Dean of College, Chief Information Officer, Provost and Vice-President or equivalent. Investigation by the Head of Department should be completed as promptly and thoroughly as possible and normally within three (3) months.
2. Next higher level of authority (i.e. immediate Line Manager) includes Dean of College, Associate Provost, Chief Information Officer as the case may be or Provost, a Vice-President or equivalent, as appropriate.
3. All formal verbal/written warnings will be copied to Director of Human Resources who will exercise discretion to report to the President as soon as practicable or on an annual basis as appropriate.
4. A copy of the final written warning will be forwarded to the immediate Line Manager of the Head of Department.
5. The respective Dean (for Colleges)/Line Manager at Vice-President or equivalent level should copy all disciplinary decisions to the Director of Human Resources, who will report such actions as soon as practicable to the President.
6. In the event of a serious misconduct with prima facie evidence of criminal offence, the University should report the case to the Review Committee of the Council for determination as to whether the case should be reported to the authorities.

**Final Disciplinary Proceedings**



**Notes**

1. The Disciplinary Committee will be chaired by the respective Dean/Line Manager at Vice-President or equivalent level, and where appropriate, the University may appoint another person to serve as the Chairman. The Chairman will appoint another two other persons, who should normally be at a higher rank than the staff member concerned and have not been involved in any earlier stages of the case, to serve as members. The Chairman will nominate a person to be the Secretary.
2. The Appeal Committee, to be appointed by the President, will have no more than five persons, including the Provost/a Vice-President or equivalent or another person appointed by the University as Chairman and at least one lay Council member. All internal members should normally be at a higher rank than the staff member concerned and all members should not have taken part in any deliberation and have not given any directions, instructions, or opinion in relation to the merit of the case prior to their appointment. The University will nominate a person to be the Secretary.

**Final Disciplinary Actions**

- (1) To issue a written warning to the staff member concerned;
- (2) To order the staff member concerned to indemnify the costs of the disciplinary process;
- (3) To order stoppage or deferment of salary increase which may otherwise be enjoyed by the staff member concerned;
- (4) To suspend or to forfeit the entitlement of the staff member concerned to one or more of the named fringe benefits which may otherwise be enjoyed by the staff member;
- (5) To vary the grade and/or terms of appointment of the staff member concerned with or without reduction or forfeiture of the privileges and/or benefits;
- (6) To dismiss the staff member concerned with or without reduction or forfeiture of the privileges and/or benefits.