

13. Appeals and Complaints

13.1 Complaint process

The University is committed to the provision of the highest standard of education to all its students, and to maintaining an environment that facilitates learning to the fullest extent possible. In so doing, the University has established formal complaint procedures so that any current student who has reasonable ground to believe that he/she might have been treated in an improper manner by a staff member of the University, in an academic or non-academic matter, resulting in his/her being directly affected, may lodge a complaint with the University for an independent investigation.

These procedures are based on the principle that complaints will only be considered on matters of procedure that might have resulted in the complainant being unfairly treated, e.g., a complaint about the grade given by a teacher is admissible on possible procedural errors in determining the grade, but not on a teacher's academic judgment or evaluation with which the student concerned might disagree.

Although no student should be discriminated against or penalised for raising a *bona fide* complaint on reasonable grounds, the University also recognises the rights of individuals who may be wrongfully accused in the circumstances of a complaint. Where it is found that a student has raised a frivolous or vexatious complaint, or used false information in lodging a complaint, the complaint will be dismissed and any ongoing investigation will be terminated. The University reserves the right to invoke its student disciplinary procedure in respect of the student's conduct.

When a complaint is first lodged, the parties concerned should attempt to resolve the matter by informal means as far as possible. If an informal resolution cannot be reached, one or more of the following stages in the procedures should be followed:

- Stage 1: Formal Complaint
- Stage 2: Appeal to the Vice-Chancellor
- Stage 3: Appeal to the Council

Students who wish to lodge a complaint should first look at the *Procedures for Dealing with Student Complaints* at www.gs.cuhk.edu.hk/download/ComplaintProcedures.pdf, complete the prescribed complaints form, and submit it to the Responsible Authority as set out therein.

Matters related to student discipline and allegations of sexual harassment will be dealt with by the Senate Committee on Student Discipline and in accordance with the University's prevailing Policy Against Sexual Harassment respectively.

13.2 Policy against sexual harassment

Sexual discrimination and sexual harassment are prohibited by law in Hong Kong. The University is committed to eliminating and preventing sexual harassment and will not condone any act of sexual harassment committed by its students and staff members.

There is a well-defined mechanism for dealing with allegations or complaints of sexual harassment and for providing proper redress if and when harassment occurs. By clearly stating the University's stance on sexual harassment and putting an appropriate procedure in place, the University aims to cultivate a sense of justice, fairness, and openness in the University community in relation to gender equality and the furtherance of mutual respect. For more information on the policy, please refer to the website of the Committee Against Discrimination and Sexual Harassment at <http://cadsh.cuhk.edu.hk/en-gb/>.

Correcting the situation immediately is in everyone's best interests. Ignoring sexual harassment may make the situation worse because the harasser may misinterpret a lack of response as approval or condonation of the behaviour. Delay in making a complaint may also present difficulties for the University in conducting a thorough investigation and establishing the facts of the case. Any staff member or student who believes that he or she is a victim of sexual harassment should act promptly. Any staff member or student of the University who (a) has been sexually harassed by another staff member or student; (b) has witnessed an act of sexual harassment committed by another staff member or student of the University; or (c) has been expressly authorised by a victim to act on his/her behalf may approach the Panel Against Discrimination and Sexual Harassment. A flowchart summarizing the procedures to handle sexual harassment complaints is available at http://policy-harass.cuhk.edu.hk/images/download-center/Flow_chart.pdf. The current officers designated by the Panel Against Discrimination and Sexual Harassment to deal with enquiries and complaints are:

Convenor	Professor Margaret Ip	margaretip@cuhk.edu.hk
Member	Professor Lam Hon Ming	honming@cuhk.edu.hk
Secretary	/	padsh@cuhk.edu.hk

The designated officers shall inform the staff member or student concerned of the mechanism and options for dealing with allegations or complaints of sexual harassment and may offer assistance, including counseling, to the individuals concerned in the subsequent conciliation or investigation processes.

13.3 Personal Data (Privacy) Ordinance

As a data user and a responsible public institution, CUHK undertakes to comply with the requirements of the data protection principles set out in the Personal Data (Privacy) Ordinance, and to ensure that personal data kept are accurate, securely kept and used only for the purpose for which they have been collected. All staff members and students of the University who handle identifiable personal data should take extra precaution to ensure that the relevant laws on personal data (privacy) and University Guidelines are complied with and that effective security measures are adopted to protect personal and sensitive data concerning a wide spectrum of data subjects such as staff, students, alumni, patients, clients, donors, job applicants and other data subjects involved in research/experiments/surveys.

Special attention should be paid to protect the identifiable personal and sensitive data by encryption and security password.

Each Faculty/Department/School/Unit should have an effective mechanism in place to assess whether the use of mobile computing devices and removable storage media is truly necessary for handling such data. It is critical to ensure that these devices are securely kept and that all data contained within is

properly encrypted and/or password protected. Furthermore, members of the University are recommended to use office-owned mobile/removable devices rather than personal ones when handling identifiable personal or sensitive data.

In the event of any incident or suspected incident of violation of the personal data (privacy) laws, such as the loss of devices or document containing identifiable personal or sensitive data, it is imperative to report the matter to the University immediately. Prompt reporting enables remedial actions to prevent or minimise the damages caused to the data subjects, the University, and all other parties concerned. For details, please refer to the *Information Security Incident Report Policy* and complete the “Information Security Incident Reporting Form”

All students are requested to read the Ordinance and the relevant Codes of Practice and Guidelines, especially the six data protection principles outlined on the University’s website: “Protection of Personal Data (Privacy)” at <http://www.cuhk.edu.hk/policy/pdo/>. For other information of the Ordinance, please consult the Office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD): <http://www.pcpd.org.hk>.

For details of the Ordinance and its provisions, please refer to the website of the Office of the Privacy Commissioner for Personal Data, Hong Kong at www.pcpd.org.hk. Students are also requested to observe the “*Information Security Best Practices*”, especially the “*Guidelines for Securely Managing Mobile/Removable Devices*” listed on the ITSC website at www.itsc.cuhk.edu.hk/user-trainings/information-security-best-practices.

13.4 Whistleblowing Policy

The Whistleblowing Policy is established to enable staff, students, and other relevant parties to report their concern, in good faith and on a strictly confidential basis, about perceived irregularities in the operation of the University and the activities undertaken by its staff members that fall outside the scope of existing University policies and procedures. Members of the University can be assured that they can report such perceived irregularities without fear of reprisal or retribution.

For further details, please refer to the policy document at www.gs.cuhk.edu.hk/download/WhistleblowingPolicy.pdf