12. Appeals and Complaints

12.1 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. The University has established formal complaint procedures so that any current student who has reasonable ground to believe that s/he 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. This means e.g. that 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 penalized for raising a bona fide complaint on reasonable grounds, the University also recognizes 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 complaints, 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

A summary of the procedures is shown in the flowchart below:
Procedures for dealing with Student Complaints

Stage of Procedures

Informal Resolution

- Student discuss with individual concerned
- Complaint resolved?
  - Yes
  - Informal resolution achieved
  - Written record kept
- No
  - Informal resolution cannot be reached / formal complaint is lodged at the outset
  - Student submit complaints form
  - - Responsible Authority set up Panel
  - - Panel meeting
  - Complainant informed
  - Panel decision
  - Complainant accept decision?
    - Yes
    - Complaint resolved
    - Case documented
    - VC decide on admissibility of appeal
      - Dismissed
      - Admitted
        - VC reject original decision
      - VC alter original decision
    - Panel decision
      - Responsible Authority to reconsider complaint with original or new panel
      - Panel decision
      - Appellant informed
        - Appellant accept decision?
          - Yes
          - Appeal resolved
          - Case documented
          - Decision of Appeal Committee of the Council
        - No
          - Appellant appeal to Council
          - Case documented

Stage 1

Formal Complaint

- Student submit complaints form
- - Responsible Authority set up Panel
- - Panel meeting
- Complainant informed
- Panel decision
- Complainant accept decision?
  - Yes
  - Complaint resolved
  - Case documented
  - VC decide on admissibility of appeal
    - Dismissed
    - Admitted
      - VC reject original decision
      - Responsible Authority to reconsider complaint with original or new panel
      - Panel decision
      - Appellant informed
        - Appellant accept decision?
          - Yes
          - Appeal resolved
          - Case documented
          - Decision of Appeal Committee of the Council
        - No
          - Appellant appeal to Council
          - Case documented

Stage 2

Appeal to VC

- Student submit appeal form
- Responsible Authority submit a report to Vice-Chancellor
- Responsible Authority to reconsider complaint with original or new panel
- Panel decision
- Appellant informed
- Appellant accept decision?
  - Yes
  - Appeal resolved
  - Case documented
  - Decision of Appeal Committee of the Council
- No
  - Appellant appeal to Council
  - Case documented

Stage 3

Appeal to Council

Notes:
- As far as these procedures on student complaint are concerned, there shall be no further appeals beyond the Council.
- The flow chart is only a summarized description of the procedures. Please refer to the full text of the procedures for details.
Students who wish to lodge a complaint should first look at the *Procedures for Dealing with Student Complaints* at [https://www.gs.cuhk.edu.hk/media/ComplaintProcedures.pdf](https://www.gs.cuhk.edu.hk/media/ComplaintProcedures.pdf), complete the prescribed complaints form and submit it to the Responsible Authority as listed 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.

**12.2 Policy against sexual harassment**

Sexual harassment is 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 legal definition and examples of sexual harassment and details of this CUHK’s policy, please refer to the website on the Policy Against Sexual Harassment at: [http://www.cuhk.edu.hk/policy/harass](http://www.cuhk.edu.hk/policy/harass).

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 authorized by a victim to act on his/her behalf may approach the Panel Against Sexual Harassment. The current officers designated by the Panel Against Sexual Harassment to deal with enquiries and complaints are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professor Helene Fung, Convenor</td>
<td><a href="mailto:hhlfung@psy.cuhk.edu.hk">hhlfung@psy.cuhk.edu.hk</a></td>
</tr>
<tr>
<td>Ms. Yvonne Luk, Secretary</td>
<td><a href="mailto:yvonneluk@cuhk.edu.hk">yvonneluk@cuhk.edu.hk</a></td>
</tr>
</tbody>
</table>

The following flowchart summarizes the procedures to handle sexual harassment complaints, which is applicable to both staff and students.
Flow Chart on Handling Sexual Harassment Complaints

Conciliation

- Allegation received by the Panel Against Sexual Harassment

- Designated Pro-Vice-Chancellor and the Panel Convenor to review complaints under the complainant's veto or brought anonymously or by third parties if deemed necessary

Conciliation

- Resolved

- Not resolved

Investigation

- *Investigation Team
  (At least two panelists of different genders) appointed by the Convenor of the Panel Against Sexual Harassment (hereafter "the Panel Convenor")

- Investigation Team to submit a fact-finding report to the Panel Convenor who will notify the complainant and the complainee in writing of the findings of the fact-finding report

Investigation and Appeal Procedure

- Complainant or Complainee may submit an appeal to the Panel Convenor

- Ad Hoc Panel (a panel of 3 members) appointed by the Panel Convenor

- Ad Hoc Panel to report their decision to the Panel Convenor (Their decision on the facts will be final)

Disciplinary Procedures

- Not constituting sexual harassment

  - Panel Convenor to report the matter to designated Pro-Vice-Chancellor

  - Inform complainant and complainee

- Constituting sexual harassment

  - Panel Convenor to make a recommendation to designated Pro-Vice-Chancellor on the disposal of the case

  - Inform complainant and complainee

  - Complainee will have the right to appeal to the Vice-Chancellor on designated Pro-Vice-Chancellor's decision on disposal of the case

  - Disciplinary procedures/other appropriate actions

* Under special circumstances as deemed necessary by the Convenor of the Panel Against Sexual Harassment, a non-staff Council member/an external member/a student representative will join the investigation team to ensure that justice is upheld and seen to be upheld in the process of investigation.
12.3 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 students are required to comply with all relevant provisions of the Ordinance and observe the following six Data Protection Principles under the Ordinance in the collection, use, disclosure and retention of personal data:

Principle 1 – Purpose and Manner of Collection: this provides for the lawful and fair collection of personal data and sets out the information a data user must give to a data subject when collecting personal data from that subject.

Principle 2 – Accuracy and Duration of Retention: this provides that personal data should be accurate, up-to-date and kept no longer than necessary.

Principle 3 – Use of Personal Data: this provides that unless the data subject gives consent otherwise personal data should be used for the purposes for which they were collected or a directly related purpose.

Principle 4 – Security of Personal Data: this requires appropriate security measures to be applied to personal data (including data in a form in which access to or processing of the data is not practicable).

Principle 5 – Information to be Generally Available: this provides for openness by data users about the kinds of personal data they hold and the main purposes for which personal data are used.

Principle 6 – Access to Personal Data: this provides for data subjects to have rights of access to and correction of their personal data.

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: http://www.pcpd.org.hk. Students are also requested to observe the “Good Practices in Information Security”, especially the “Guidelines for Securely Managing Mobile Computing Devices and Removable Storage Media” listed in the website of the Information Technology Services Centre (ITSC): http://www.cuhk.edu.hk/itsc/security/gpis/index.html. It is important that any incident or suspected incident of violation of the Personal Data (Privacy) laws such as the loss of devices which carry identifiable personal or sensitive data, is reported to the University as soon as possible so that remedial actions can be taken to prevent or minimize the damages caused to the data subjects, the University and all other parties concerned. Please refer to the Information Security Incident Report Policy and Procedures under Information Security Policies posted on the ITSC website.

For further information, please visit the University’s website at: http://www.cuhk.edu.hk/policy/pdo.