

## 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 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, 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](http://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 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 CUHK's policy, please refer to the website of the Committee Against Sexual Harassment at <http://policy-harass.cuhk.edu.hk/en-gb/>. The current officers designated by the Panel Against Sexual Harassment to deal with enquiries and complaints are:

Convenor	Professor Margaret Ip	<a href="mailto:margaretip@cuhk.edu.hk">margaretip@cuhk.edu.hk</a>
Secretary	Ms. Yvonne Luk	<a href="mailto:yvonneluk@cuhk.edu.hk">yvonneluk@cuhk.edu.hk</a>

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 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](http://policy-harass.cuhk.edu.hk/images/download-center/Flow_chart.pdf).

### **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 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 [www.pcpd.org.hk](http://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](http://www.itsc.cuhk.edu.hk/user-trainings/information-security-best-practices). It is important that any incident or suspected incident of violation of the Personal Data (Privacy) Ordinance 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 [www.cuhk.edu.hk/policy/pdo](http://www.cuhk.edu.hk/policy/pdo).

#### **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](http://www.gs.cuhk.edu.hk/download/WhistleblowingPolicy.pdf).