

GRIEVANCE COMMITTEE

Terms of Reference

1. To conduct investigation of a grievance under the Staff Grievance Procedures against a staff member of the University;
2. To determine if a grievance is substantiated, provide findings and the recommended course(s) of action and prepare investigation reports;
3. To receive and consider evidence from all relevant parties in person and/or in writing in connection with the matter under its investigation;
4. To consider further evidence from the relevant parties, decide on the investigation result of the grievance and make recommendations on possible enhancement of systems/processes; and
5. To refer the matter to relevant disciplinary authority where necessary.

Composition

6. The Grievance Committee (“the Committee”) shall comprise the following members:

	For General Cases (where President/Vice President is not the Complainant or the Respondent)	For Cases where the President or the Vice President is the Complainant or the Respondent
Chairperson	1 Chair Professor or Professor or equivalent administrative staff member to be appointed by the President/delegated Vice President	Chairman of the Staffing Committee
Members	5 Members to be appointed by the President/delegated Vice President: (a) 2 staff members (1 from the standing list of 20 academic/teaching staff members and 1 from the standing list of 20 administrative/support staff members) (b) 1 Non-staff Council Member or Executive Committee Member of EdUHK Schools Ltd. (c) 2 staff members (1 from a standing list of at least 2 members with a minimum of	A minimum of 4 Members to be appointed by the Council Chairman, including: (a) 3 Non-staff Council Member(s), or Executive Committee Member(s) of EdUHK Schools Ltd. (b) 1 Elected Staff Council Member or Staff Council Member nominated by the Academic Board Observer: A staff member nominated by the relevant staff association (if requested by the Complainant/Respondent)

	1 male and 1 female nominated by Academic Staff Association and 1 from a standing list of at least 2 members with a minimum of 1 male and 1 female nominated by Staff Association)	
Quorum	4 (Chairperson and 3 Members)	4 (Chairperson and 3 Members)
Secretary	Director of Human Resources or his/her delegate	

7. To ensure fair and efficient processing of the complaint, members of the Committee should be proficient in English (and Chinese, depending on language(s) of the case involved). For the Chairperson and Members of the Committee in general cases, they have to be regular staff serving the University for 3 years or more.
8. 2 standing lists of 20 academic/teaching staff members and 20 administrative/support staff members are drawn up as follows:
 - (a) HRO shall compile 2 staff lists, 1 on academic/teaching staff members and another 1 on administrative/support staff members each year fulfilling the following requirements:
 - i. Regular staff serving the University for 3 years or more; and
 - ii. For the list of administrative/support staff, staff at or above Band E will be included.
 - (b) HRO then draws randomly:
 - i. 20 staff members from the list of academic/teaching staff members to be included in the standing list of academic/teaching staff members; and
 - ii. 20 staff members from the list of administrative/support staff members to be included in the standing list of administrative/support staff members.

A minimum of 8 male and 8 female staff members should be maintained in each standing list to the extent possible.

9. While forming the Committee, there should be a fair distribution of the gender of the members in the Committee as far as practicable. If the President/delegated Vice President thinks appropriate, s/he may alter the composition of the Committee or appoint any person outside any standing list shown in paragraph 6 above in place of any person in a standing list to enable the matters to be dealt with in a fair and balanced manner. Any member on a standing list who has been appointed by the President/delegated Vice President to serve on a Committee will not be selected again normally in 2 years as far as possible. The Chairperson or any Member of the Committee will be disqualified in case of any conflict or potential conflict of interest. No member of the Committee shall be from the same department/office as the Complainant or the Respondent, or have any direct working or other material or close relationship with the Complainant or the Respondent, or have ever been involved in any previous attempts at the resolution of the grievance. For the avoidance of doubt, the members appointed should act in their personal capacity, not representing the views of their affiliated departments and associations.

10. Both the Complainant and the Respondent shall be informed of the forming of the Committee and its proposed membership in writing. Each party may object to one of the members (but not to the Chairperson) of the Committee, stating his/her reason to the Chairperson of the Committee in writing. The Chairperson of the Committee has the discretion to decide whether to alter the membership of the Committee; and if so, report to the President/delegated Vice President who will appoint a replacement member.
11. Before the commencement of the investigation, members of the Committee should sign a non-disclosure agreement to ensure confidentiality of information accessible to them throughout the investigation process. The University appreciates the service of the members. An appreciation letter will be issued to members who have served on a Committee upon completion of the case. Staff members who have served a Committee will normally be exempted from being selected as a Committee member again in the following 2 years.
12. All recommendations and decision of the Committee on whether the grievance is established shall be made by a simple majority of votes by secret ballot. Each member including the Chairperson is entitled to 1 vote. In the event of a tie of votes, the Chairperson shall have additionally a casting vote. The voting result shall be recorded.
13. Other than to the extent set out in the Staff Grievance Procedures, the Committee shall have the power to determine and regulate:
 - (a) the procedures to be followed in connection with its investigation;
 - (b) the procedures to be followed in conducting any meeting or inquiry of the Committee;
and
 - (c) the conduct of all persons at any meeting or inquiry of the Committee.
14. For the avoidance of doubt, the Observer is not a member of the Committee, and should not participate in the investigation in any manner unless permitted by the Chairperson. S/he should sign a confidential agreement and declare any conflict or potential conflict of interest. The Chairperson, if s/he considers appropriate, may direct that the Observer be provided a copy of the Complainant's allegations (i.e. the completed Complaint Form together with all supporting evidence) and the Respondent's written response (if any).