

**Equal Opportunities Complaint Committee**

**Terms of Reference**

1. To conduct investigation of complaint of any alleged prohibited discriminatory act(s) under the Equal Opportunities Policy against a staff member or student of the University;
2. To request, receive and consider evidence from all relevant parties in person and/or in writing in connection with the matter under its investigation;
3. To provide findings, prepare report and decide on the investigation result of the complaint case.

**Composition**

4. The Equal Opportunities Complaint Committee (“the Committee”) shall comprise the following members:

	<b>For General Cases (where President/Vice President is not the Complainant or the Respondent)</b>	<b>For Cases where the President or the Vice President is the Complainant or the Respondent</b>
<b>Chairperson</b>	A Staff Member to be appointed by the President/Vice President (line manager of Respondent)	Chairman of Staffing Committee
<b>Members</b>	<p>4 or 5 Members:</p> <p>(a) Two Staff Members (one from the standing list of 20 academic/teaching staff members and one from the standing list of 20 administrative staff members) to be appointed by the President/Vice President</p> <p>(b) One Non-staff Council Member, or lawyer or retired lawyer to be appointed by the President/Vice President</p> <p>(c) One or two staff representatives and/or one student representative/nil, depending on identity of Complaint and Respondent:</p> <p style="padding-left: 20px;">i. If only staff are involved, two Staff Members (one nominated by Academic</p>	<p>A minimum of 4 Members to be appointed by the Council Chairman, including:</p> <p>(a) 2-3 Non-staff Council Member(s), or lawyer(s) or retired lawyer(s), depending on identity of Complainant and Respondent</p> <p>(b) One Elected Staff Council Member or Staff Council Member nominated by the Academic Board</p> <p>(c) If student is involved in the case, one Student Council Member</p>

	<p>Staff Association and one by Staff Association)</p> <p>ii. If only students are involved, one Student Member to be nominated by Students' Union, or Student Residents' Association if representative from Students' Union is not available</p> <p>iii. If both staff and student are involved, one Staff Member to be nominated by relevant staff association and one Student Member to be nominated by Students' Union, or Student Residents' Association if representative from Students' Union is not available</p>	
<b>Quorum</b>	Chairperson and three Members	Chairperson and four Members
<b>Secretary</b>	Equal Opportunities and Disability Access Officer (where s/he is not the Complainant or the Respondent), or a Staff Member from either Human Resources Office ("HRO") or Student Affairs Office	

5. 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 case involved). For staff members of the Committee, they have to be regular staff serving the University for 3 years or more.
6. Two standing lists of 20 academic/teaching staff members and 20 administrative staff members are drawn up as follows:
  - (a) HRO shall compile two staff lists, one on academic/teaching staff members and another one on administrative 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 staff, only staff at or above Executive Officer II or equivalent levels 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 staff members to be included in

the standing list of administrative staff members.

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

7. While forming the Committee, there should be a fair distribution of the gender of the members in the Committee as far as practicable. Staff Members on the standing list who have been appointed by President/Vice President to serve on a Committee will not be selected again in the same year as far as possible. 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. For academic or teaching staff member, the mere fact that the member is one of the teachers of either party of the complaint is normally not considered as not appropriate to be appointed on the Committee. Where the circumstances warrant, such as all members on the standing lists having close relationship with either the Complainant or the Respondent justifying their exclusion from the Committee, Chairperson of the Committee may appoint other staff members who are not on the two standing lists to serve as member(s) of the Committee.
8. Members of the Committee should sign a confidential agreement and declare any conflict or potential conflict of interest where necessary. 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 generally be exempted from being selected as a Committee member again in the following 3 years.
9. Other than to the extent set out in the Equal Opportunities Policy, 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.