

# City University of Hong Kong

## Student Complaints Procedure

### Scope

1. This Procedure applies to Complaints made by current undergraduate and postgraduate students\*. Previously enrolled Students may lodge a Complaint under this Procedure provided that the event resulting in the Complaint occurred while they were enrolled.
2. This Procedure may not be used to challenge the professional academic judgement of examiners on the performance of Students; or for any of the following, for which separate procedures exist:
  - To request a review of any decision of an Assessment Panel or Examination Board.
  - To challenge the decisions made by any committee or panel at local or university level on a matter related to student discipline and / or sexual harassment.
  - To make a complaint against the President.
  - To make a complaint in relation to the conduct of any Student of the University.
3. This Procedure forms part of the Rules & Regulations of the University which a Student has, by accepting a place to study at the University and signing / making the Declaration upon Enrolment on admission to the University, agreed to fully observe. For the avoidance of doubt, in case where a Complaint is being made under this Procedure by a previously enrolled Student, such previously enrolled Student shall be deemed, for all intent and purposes, to have agreed to and accepted all the terms and conditions set out herein.
4. All Students have an obligation to inform themselves of the Rules & Regulations affecting them, including this Procedure.
5. A violation of the terms and conditions of this Procedure by a Student shall constitute and be deemed to be a breach of the University's Rules & Regulations and may result in disciplinary action being taken against the Student.

\* Students of the School of Continuing and Professional Education are not covered by this Procedure.

## Definitions

6. "Complaint" is defined, in this Procedure, as any type of problem, concern or grievance about the University or the University environment, which has an adverse impact on the Complainant's educational experience, and that is not covered by other University procedures, policies or codes of conduct, including those that deal specifically with the matters referred to in paragraph 2 above.
7. Definitions of respective terms adopted / addressed in this Procedure could be found in Appendix 1 of the Procedure.

## Principles

8. CityU undertakes to provide a high quality education experience to Students, fully supported by a range of academic and administrative services and facilities. The University recognises that things may go wrong occasionally. Should this happen, it is fully recognised that Students should be able to express their dissatisfaction but in a responsible and proper manner.
9. Students should feel that they can make a Complaint which will be treated seriously, expeditiously and sensitively.
10. The Complainant must be able to demonstrate that the Complaint is based on evidence which the Complainant honestly and reasonably believes to be true or substantially true.
11. In making his / her Complaint, a Student shall identify himself / herself properly. Complaints lodged anonymously will not normally be investigated. However, in exceptional circumstances, the Associate Provost (Student Life) may decide that an investigation is warranted even though it is made anonymously.
12. Complaints will be handled with regard for procedural fairness, confidentiality and privacy, including the use and storage of any information, data and records related to the Complaint.
13. Students are expected to participate in the Investigation and the Complaint resolution process under this Procedure in good faith.
14. All Investigations and / or Complaints will be dealt with constructively and, where a Complaint is upheld, the University will take reasonable steps or measures to prevent similar situations from occurring again in the future.
15. All information received as a result of an Investigation or a Complaint under this Procedure will remain confidential to those involved in the process. However, it

should be noted that the Respondent will be informed of details of the subject matter of the Complaint and be afforded an opportunity to answer and reply to the Complaint.

16. The University may consider invoking the disciplinary procedures under the Code of Student Conduct and Disciplinary Procedure ("the Student Code") against a Complainant in cases where the Complaint is found to be malicious, frivolous or vexatious or where a Student has violated any of the terms and conditions of this Procedure.
17. At any stage of the Investigation or the informal or formal Complaint resolution process, the Complainant may decide to withdraw the Complaint. In most instances, the University will then deem the Complaint resolved and the Investigation closed. However, in certain circumstances, the Associate Provost (Student Life) may deem the Complaint serious enough to warrant an internal investigation to continue even though it may have been withdrawn.

## **Timescales**

18. In the case of a Complaint being made by a current Student, the Complaint must be made within a reasonable time of the incident giving rise to the Complaint and, in any event, no later than three months after the incident.
19. In the case of a Complaint being made by a previously enrolled Student, the event giving rise to such Complaint must have occurred while that Student was enrolled and the Complaint must be made no later than three months after the event.
20. Any Complaints made outside the time limits set out in paragraphs 18 and 19 above will not be entertained.
21. The Complaint procedure is divided into four stages:
  - Informal Complaint Process
  - Formal Complaint Process
  - Appeal Process
  - Recordkeeping and Reporting Process

## **Informal Complaint Process**

22. Many Complaints can be handled through the informal process. This process should normally be used in the first instance. The Complainant should raise the Complaint initially with the most appropriate person in the relevant department / office / unit. For example, if the Complaint concerns the service quality provided by an office / unit of the University, then the Complainant should discuss the matter with an

appropriate member of staff from that office / unit directly. If the Complaint concerns the content of a course, then the Complainant should discuss the matter with the relevant course leader, the programme leader or the Head of department concerned.

23. If attempts at informal resolution are not successful to the Complainant's satisfaction, the Complainant may initiate the formal complaint process.
24. The relevant department / office / unit should keep a full set of records of the Complaints received or handled.

### **Formal Complaint Process**

25. Formal Complaints should be made in writing to the Associate Provost (Student Life). The following information must be provided when a Complainant wishes to make a formal complaint:

- a clear written statement of the nature of the Complaint;
- an explanation of the steps that have been taken to try to resolve the Complaint informally and why the responses are not considered satisfactory;
- evidence and / or relevant materials to support or justify the Complaint.

26. The Associate Provost (Student Life) or his / her nominee shall consider the matter at the earliest practicable opportunity and may undertake an initial investigation. He / she shall normally respond to the Complainant with one of the following decisions within 15 days of receipt of the Complaint:

- Dismissal of the Complaint as unfounded; or
- Determination that the Complaint is trivial and that no further action be taken; or
- Determination that the Complaint is malicious; frivolous or vexatious; or
- Proposal of an informal resolution to the Complainant; or
- Determination that the matter be further investigated by the Student Complaints Panel ("SCP").

27. If the complaint is referred to the SCP for formal investigation, the SCP will be established within 15 days. The SCP shall include:

- Associate Provost (Student Life), or nominee, as the Chair;
- Members:
  - (a) Three members nominated by the Chair of the SCP from amongst the following categories of staff members:
    - One faculty member from each College / School, nominated by the Dean
    - Two staff members appointed by the Senate
    - Director of Student Development Services

(b) EITHER one postgraduate OR undergraduate student member appointed by the Panel Chairman from the student pool, administered under the Associate Provost (Student Life), which comprises two undergraduate and one postgraduate students nominated annually by each of the Colleges and Schools^

^(Where the complainant is a postgraduate student, the student member will be a postgraduate student; where the complainant is an undergraduate student, the student member will be an undergraduate student).

- The Secretary shall be an administrative staff member of the University appointed by the Associate Provost (Student Life).

No individual who was involved with a case during the informal process should be a member of the SCP for that case.

28. The Complainant / Respondent will be informed in writing of the membership of the SCP.

29. The SCP will initially carry out a review of the Complaint, based upon the key documents generated at the informal stage and further information which the Complaint / Respondent wishes to add. The SCP may ask the complainant for further information, if required.

30. Both the Complainant and Respondent are entitled to be accompanied by a staff or student member of the University, who is not involved in the case and is not to act as a witness, to attend any interviews or meetings convened by the SCP. In this instance they must advise the Panel Secretary of the attendance of a companion in writing at least 3 days before the meeting, and must provide the name and status of the companion.

31. The SCP shall complete its investigation, hearing and proceedings in a timely manner and normally within 30 days (if practicable) of receipt of the referred case. On completion of its investigation, the SCP's report containing its findings of fact and its recommendations shall be released to both the Complainant and the Respondent on a confidential basis.

32. If the Complainant / Respondent is not satisfied with the outcome of this formal process, he / she may consider to submit an appeal.

33. Every effort will be made by the Associate Provost (Student Life) or the SCP to adhere to the time schedules set out in this formal process but there may be occasions however when this is not possible or impracticable. In such event, the Complainant and / or the Respondent shall be notified and kept informed of the progress by the Associate Provost (Student Life) or the SCP.

## Appeal Process

34. If the Complainant / Respondent is not satisfied with the outcome after the conclusion of the formal process, he / she may submit an appeal in writing to the President within 10 days of receipt of notification of outcome under the formal process. In the appeal, the appellant should state the grounds for appeal, which are limited to the following:

- procedural irregularities in the investigation during the formal process;
- fresh evidence which for good reasons had not been presented previously in the formal process.

35. The President or his nominee ("the Nominee") shall consider the matter at the earliest practicable opportunity. He / she shall normally respond to the appellant with one of the following decisions within 15 days of receipt of the appeal:

- Dismissal of the appeal as unfounded; or
- Proposal of a resolution to the appellant; or
- Convene a Student Student Complaints Appeal Panel ("SCAP") to consider the appeal.

36. Should the President or the Nominee elect either to dismiss the appeal, or to propose a resolution to the appellant without recourse to a SCAP, then his / her decision shall be final.

37. When the Nominee decided to convene a SCAP to consider the appeal, the SCAP will be established within 15 days. The SCAP shall include:

- President or the Nominee as the Chair;
- Members:
  - (a) One member nominated by the Chair of the SCAP from amongst the following categories of staff members:
    - One faculty member from each College / School, nominated by the Dean<sup>^</sup>
    - One staff member appointed by the Senate

<sup>^</sup>(The faculty members nominated by the Dean of each College/School are the same as those serving on the Student Complaints Panel)

(b) EITHER one postgraduate OR undergraduate student member appointed by the Panel Chairman from the student pool, administered under the Associate Provost (Student Life), which comprises two undergraduate and one postgraduate students nominated annually by each of the Colleges and Schools<sup>^^</sup>

<sup>^^</sup> (Where the complainant is a postgraduate student, the student member

will be a postgraduate student; where the complainant is an undergraduate student, the student member will be an undergraduate student)

- Administrative staff member appointed by the Associate Provost (Student Life) as Secretary.

No individual who was involved with the case during either the informal or the formal process should be a member of the SCAP for that case.

38. The appellant / respondent in the appeal process will be informed in writing of the membership of the SCAP.

39. The SCAP will carry out a review of the Complaint, based upon the key documents generated at the informal and formal stages, the evidence supporting grounds for appeal, and any further information which the appellant / respondent in the appeal process wishes to add. The SCAP may ask for further information from both the complainants and the respondent, if required.

40. The SCAP shall complete its investigation, hearing and proceedings as quickly as possible and normally within 30 days of receipt of the referred case. On completion of its investigation, the SCAP's report containing its findings of fact and its recommendations shall be released to both the appellant and the Respondent in the appeal process on a confidential basis.

41. The SCAP may decide:

- to confirm the decision previously made by the SCP, and thus conclude the consideration of the Complaint under this Procedure; or
- to propose an alternative resolution to the appellant / respondent in the appeal process.

42. The decision of the SCAP is final.

43. Every effort will be made by the President or the Nominee or the SCAP (as the case may be) to adhere to the time schedules set out under this appeal process but there may be occasions, however, when this is not possible or practicable. In such event, the appellant and/or the respondent in the appeal process shall be notified and kept informed of the progress by the President or the Nominee or the SCAP (as the case may be).

## **Recordkeeping and Reporting**

44. The Associate Provost (Student Life) will report annually to the Quality Assurance Committee (QAC) on all formal Complaints raised during the year, including those which have been dismissed. These reports form part of the University's quality assurance process and may be made available to other Committees or officers for reference, such as the Senate, the Management Board or the Council.

## **Privacy/Confidentiality**

45. All parties involved in a Complaint and / or an Investigation are required to act in accordance with the privacy / confidentiality measures listed in Appendix 2 of the Procedure.
46. Any violation of privacy and / or confidentiality set out in this Procedure and/or any contravention of the relevant data protection principles (DPPs) by a Student will be treated very seriously and subject those involved in such violation to disciplinary actions being taken against them under the Student Code.

## **Appendix 1**

### **Definitions of respective terms adopted/addressed in the Procedure**

1. "CityU" or "University" means the "City University of Hong Kong".
2. "The Procedure" or "This Procedure" means the Student Complaints Procedures of CityU.
3. "Student" means an undergraduate (including the Government-funded Associate Degree), taught postgraduate, research postgraduate or professional doctorate student of the University, and includes previously enrolled Students.
4. A Student who makes a Complaint will be referred to as "the Complainant" throughout this document / Procedure.
5. Individual(s) / College(s) / School(s) / service department(s)/ office(s) / unit(s) who / which are the subject / target of a Complaint will be referred to as "the Respondent" throughout this document / Procedure.
6. "Investigation" means an investigation of a Complaint.
7. For the purposes of this procedure, a "day" refers to working day. Working days are defined as Mondays to Fridays, and do not include Saturdays, Sundays and / or public holidays.
8. "Rules & Regulations" mean the rules and regulations of the University as may be amended from time to time appearing at the University's websites.



## Appendix 2

### Privacy/Confidentiality measures adopted in the Procedure

1. All parties involved in a Complaint and / or an Investigation are required to maintain confidentiality. Other than in the following specified circumstances, any and all Complaints and any and all written records, correspondence, data, information, reports or findings or recommendations that may be made in furtherance of and / or generated by a Complaint and / or an Investigation (including email correspondence between a Student and the University and / or the Associate Provost (Student Life) and / or the President and / or the SCP and / or the SCAP made during the process of a Complaint) (hereinafter collectively referred to as “the Documents / Records”) shall be and remain at all times confidential (including even after the conclusion/resolution of the Complaint / Investigation) and shall not be disclosed to any third party not involved in the resolution process of the Complaint under this Procedure.
2. Again, other than in the following specified circumstances, anything said or discussed at any interview(s) and / or meeting(s) conducted as a result of a Complaint and / or an Investigation (“the Discussions”) shall also be and remain at all times confidential (including even after the conclusion / resolution of a Complaint / Investigation) and shall not be disclosed to any third party not involved in the resolution process of the Complaint under this Procedure.
3. The specified circumstances referred to in paragraphs 1 and 2 above are confined to the following:-
  - 3.1 the making / filing of any reports or complaints to a regulatory body or the police;
  - 3.2 any private discussions that the Complainant and / or the Respondent may have with his / her respective immediate family member(s);
  - 3.3 where disclosure to third parties are required under legal proceedings or other action which requires disclosure to be made by way of a subpoena or similar court order.
4. Furthermore, Student(s) who invoke or take part in this Procedure is / are expected to respect and honour the system, procedures and regulations set out herein, including the appeal process and the decision of the President or the Nominee or the SCAP (as the case may be) being final, and shall not resort to other illegal or improper means to voice / express their / his / her dissatisfaction with the outcome of a Complaint or an Investigation, including but not limited to the publishing or posting of any of the Discussions and / or the Documents / Records and / or any matters arising therefrom on the Democracy Wall of the University.
5. It is recognized that in certain cases, a Complaint and / or an Investigation may be directed against or concerns an individual where some or all of the Documents /

Records will contain personal particulars or personal data of the subject under Complaint or Investigation. In such cases, it is expected that all persons involved in the Investigation and the resolution process of the Complaint, including the Complainant and the Respondent, who are 'data users' within the meaning of the Personal Data (Privacy) Ordinance, SCAP. 486 of the laws of Hong Kong SAR ("the Privacy Ordinance"), will respect the personal and privacy rights of others and will adhere to and fully respect the relevant data protection principles ("DPPs") set out under the Privacy Ordinance as regards collection, use, storage and security of personal data including (a) that personal data shall not be collected unless the data are collected for a lawful purpose directly related to a function or activity of the data user, (b) that personal data shall not be used for any purpose other than the purpose for which the data were to be used at the time of collection, and (c) that all practicable steps should be taken to ensure that personal data held by a data user are protected against unauthorized or accidental access (for further details, please refer to the Privacy Ordinance and the Schedules thereto).