

THE UNIVERSITY OF HONG KONG

“Whistle-blowing” Procedures

In order to promote good governance and accountability, the University encourages its staff and students as well as members of the public to report illegality, irregularity, malpractice, unethical acts or behaviours, and inappropriate conduct or actions.

2. Reports by the “whistle-blower” shall be made
 - (a) to the staff member/officer in the University who is in charge of the relevant matter (*e.g.* the Dean of a Faculty, the Head of a Department);
or
 - (b) in accordance with existing procedures of the University (*e.g.* procedures for dealing with staff and student grievances, research misconduct, equal opportunity grievances, *etc.*).
3. If the person who wishes to make a report does not have knowledge about, or does not wish to approach, the staff member/officer who is in charge of the matter to be reported, he/she shall contact the Registrar of the University. (If he/she believes that the Registrar may have conflict of interest in the matter to be reported, he/she shall report the matter to the President & Vice-Chancellor.)
4. The recipient of the report (including an anonymous report) shall decide whether the report is made in good faith and whether there is any *prima facie* evidence to support the matter reported. The recipient may take the following actions:
 - (a) to dismiss the report, and to inform the “whistle-blower” of the reason for the dismissal;
 - (b) to refer the report to another person/office, so that the matter can be dealt with by the proper authority or in accordance with the appropriate University procedures;
 - (c) to investigate the matter reported, either by the recipient himself/herself or by an enquiry panel set up for this purpose;
 - (d) to refer the matter to an external legal enforcement body (*e.g.* Police or ICAC).

The “whistle-blower” shall be informed of the action taken.

5. All employees of the University involving in the “whistle-blowing” procedures are under an obligation not to disclose confidential information acquired during the course of their employment.

6. If an investigation is conducted, it shall be done in accordance with the following principles:
 - (a) it is necessary to establish that the report is made in good faith; there is *prima facie* evidence to suggest that the information provided and/or the allegation made is/are substantially true; the matter is serious enough to call for an investigation; and the report is not made for personal gain;
 - (b) the identity of the “whistle-blower”, if known, shall be made known to the person(s) against whom allegations are made, unless there is a special request from the “whistle-blower” with good reasons for not to disclose the identity; and
 - (c) to ensure a fair and due process, the person(s) against whom allegations are made shall be made aware of the allegation, and given an opportunity to respond to the allegation.
7. The “whistle-blower” and the person(s) under investigation shall be informed of the outcome of the investigation.
8. Staff or student members who in good faith report a concern or participate in the investigation of a case are protected from retaliation or adverse consequences of their employment or studies regardless of whether the allegation is substantiated. Staff or student members believing that they are being retaliated against shall immediately report the matter to the President & Vice-Chancellor, who shall deal with such matter in accordance with the appropriate University procedures.
9. In the case that a staff or a student maliciously and without reasonable cause makes a complaint against any officer, member or employee of the University, the President & Vice-Chancellor may take appropriate actions against the complainant, including issuing a written reprimand to a staff member, removing a staff member from particular duties and initiating a charge against a student before the Disciplinary Committee appointed under paragraph 2 of Statute XXX.
10. If the President & Vice-Chancellor is involved in the matter reported, the Chairman of the Council shall replace the President & Vice-Chancellor in those tasks referred to at the above which shall originally be performed by the President & Vice-Chancellor.

September 5, 2012
Amended February 2017