

# THE CHINESE UNIVERSITY OF HONG KONG

## Procedures for dealing with Student Complaints

### **Preamble**

1. The Chinese University of Hong Kong is committed to the provision of the highest standard of education for all its students, and to maintaining an environment that can facilitate student learning to the fullest extent possible. In so doing, the University recognizes the importance of having established procedures so that any current student who has reasonable grounds 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, may lodge a complaint with the University for an independent investigation into the matter.
2. Any student who is registered for an approved course of study at the University may lodge a complaint under these Procedures if s/he has a reasonable belief that there have been irregularities related to his/her studies resulting in his/her being directly affected. However, 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. There are separate procedures and documents that deal with such matters. The Procedures set out in this document are devised to cover student complaints as defined herein and which are not dealt with under specific rules and regulations of the University, and exclude instances whereby the complainant is not directly affected.

### **General principles**

3. These Procedures are based on the principle that complaints received shall only be considered on matters of procedure that might have resulted in the complainant being unfairly treated. In other words, only allegation of procedural impropriety constitutes grounds for complaint, and complaints/appeals against an academic judgment are not admissible. For instance, a complaint about the grade given by a teacher is admissible on possible procedural errors in determining the grade, but not on the teacher's academic judgment or evaluation with which the student concerned might disagree.
4. No student should be discriminated against or penalized for raising a *bona fide* complaint on reasonable grounds. However, the University also recognizes 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 forthwith (see paragraph 13 below). A student who makes repeated complaints, or a series of complaints that are similar in nature, that have already been dealt with or dismissed will not be entertained. The University reserves the right to invoke its student disciplinary procedure in respect of the student's conduct. If the nature or history of the complaint is such that the case has been, is being, or would be more appropriately, dealt with in accordance with other University procedures, the Registrar shall have the authority to so advise the complainant and, where applicable, to refer the complaint elsewhere.

## **STAGES OF THE COMPLAINTS PROCEDURE**

5. 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 these Procedures should be followed:
  - Stage 1: Formal Complaint
  - Stage 2: Appeal to the Vice-Chancellor
  - Stage 3: Appeal to the Council.

These stages are set out in detail below, and a summary of the Procedures is shown in the flowchart at Attachment 1.

### **Informal Resolution**

6. When a complaint is first lodged, whether verbally or in writing, attempts at resolving the issues by informal means should first be made, if appropriate, without escalating to formal procedures. It is envisaged that the vast majority of complaints will be satisfactorily resolved at this informal stage among the parties concerned, or with the help of a third party.
7. A student complaint should normally be lodged within 2 weeks of the occurrence or discovery of an alleged cause of complaint. This is particularly important if a complaint relates to an assessment, in which case the complaint must be lodged within 2 weeks of the date the academic results are released. A delay in filing a complaint may, taking all circumstances into account, constitute grounds for dismissal of the

complaint, especially if the time element will have a material effect on the investigation.

8. In informal resolution, the student should first discuss the matter directly with the individual concerned. If more than one individual person is involved, the student should approach the one person who, in his/her judgement, is most appropriate to handle the matter. It is recognized, however, that there may be circumstances in which the student cannot, or does not want to, approach the individual concerned. In such cases, the complainant is advised to approach the person at the next level of line management as a third-party mediator (e.g. a Programme Director, Department Chairman or Head of postgraduate Division). Where a Programme Director or Department Chairman is the subject of the complaint, the complainant should approach the Dean of Faculty concerned; or the Dean of the Graduate School if a complaint is directed at a Division Head.
9. Unless there are justifiable reasons, a complainant can normally expect that s/he would be informed, within 10 working days after making the complaint, of how the matter raised would eventually be resolved (although the implementation of the resolution may sometimes take longer than 10 days). It is expected that the person handling or assisting with the resolution will make every reasonable attempt to resolve the complaint at this level, viz., to arrange a meeting with the student, hear the complaint, try to reach a resolution, and inform the student of the outcome within the prescribed timeframe. If the complaint is in connection with a non-academic or administrative matter, it still rests with the person receiving the complaint to try to resolve it with the Head of the relevant administrative unit.
10. At the conclusion of any attempts at resolution, whether successful or not, the person handling or assisting with the resolution should record in writing the case and the outcome for his/her own future reference. Each Department will be asked on an annual basis to provide statistical information in a standard format (e.g. on the number of grade appeals/amendment allowed) on all such cases resolved informally. A Department Chairman or Programme Director may also consider setting some guidelines on how complaints should be dealt with informally (especially in connection with grade appeal). However, any such guidelines do not preclude the complaint being dealt with formally.

### **Stage 1: Formal Complaint**

11. If a complaint cannot be resolved informally, or if a student wants to lodge a formal complaint at the outset without going through the informal stage of resolution, s/he should set out in writing, on a prescribed complaints form (Attachment 2) duly signed by the complainant, the details of the complaint, including where applicable a description of the informal efforts taken to resolve the matter. It is at this point that a complaint becomes formal. Complaints raised other than in this manner, or addressed to parties other than the Responsible Authority as defined below, shall not be dealt with.

12. The completed complaints form should reach the following Responsible Authority:

- Chairman/Programme Director of the student's Major Department/Programme, in the case of an undergraduate; or
- Head of the postgraduate Division/Programme Director, in the case of a postgraduate; or
- Dean of the Faculty concerned or of the Graduate School, where the Department Chairman or the Division Head, respectively, is the subject of the complaint,

within 7 working days of the complainant being informed of the outcome of the resolution, or (in the case of a direct formal complaint not having gone through resolution) within 2 weeks of the occurrence or discovery of the alleged cause of complaint. The complaint form should also be copied to the Registrar for documentation. In the case of a dispute on whether the formal complaint is submitted within the prescribed time limit, the Registrar shall have authority to adjudicate. The Registrar has the discretion to redirect the complaint to another appropriate Responsible Authority (other than those stated above), such as the Head/Master of the College to which the complainant is affiliated or, if the complaint is non-academic in nature, the Head of a relevant administrative unit, etc.

13. Where it is clear that a complaint is frivolous or vexatious, or the complainant is not directly affected by the relevant instance (see paragraph 2 above), the Responsible Authority, in consultation with the Registrar, may dismiss the complaint summarily and will so inform the complainant.

14. If the formal complaint falls within the scope of these Procedures, the Responsible Authority should, within 10 working days after receiving the complaint form, set up an ad hoc grievance panel to look into the case. The panel should comprise:

- the Responsible Authority, as Chairperson;
- the Registrar or his representative; and
- another staff member, appointed by the Dean of the Faculty with which the student is affiliated, who does not belong to the same department/unit/office of the subject of the complaint, or is not directly involved in the substance of the complaint.

The Registrar shall appoint a member of the administrative staff to serve as secretary to the panel. The Vice-Chancellor, or the Provost if the Vice-Chancellor so delegates, may at his/her absolute discretion alter the size and composition of a particular panel, on the recommendation of the Responsible Authority and/or the Registrar.

15. The ad hoc grievance panel, in undertaking the investigation, may request a response to the complaint from any University staff or students who are believed to have relevant information regarding the grievance.
  
16. The ad hoc grievance panel should normally meet to look into the case within 10 working days of its establishment, unless there are good reasons for an exception. At the meeting(s), the complainant may be invited to attend and provide the panel with additional information to facilitate the investigation process. The complainant must take all reasonable steps to attend the meeting(s) arranged by the panel. The complainant is entitled to be accompanied by one person in attending the meeting(s). The accompanying person can be one of his/her family members or a member of the University, but shall not be his/her legal representative. During the meeting, the complainant may confer privately with the accompanying person. Subject to the agreement of the Chairperson of the ad hoc grievance panel, the accompanying person may address the panel or ask questions on behalf of the complainant. However, the accompanying person shall not, on behalf of the complainant, answer any questions that may be posed by the panel.
  
17. The panel shall make a decision and set it down in writing within 7 working days of the meeting (or the final meeting if more than one meeting is held). The Chairperson of the panel should then inform the complainant in writing, with a copy to the Registrar, of the decision of the panel within 3 working days after the confirmation of the notes of meeting(s). In the event of the ad hoc grievance panel not ruling in favour of the complainant, the reasons thereof should be fully recorded and communicated to the complainant. Appropriate follow-up or remedial actions should be initiated by the Responsible Authority, including, where applicable, referral to the relevant authority for initiating disciplinary action.

## **Stage 2: Appeal to the Vice-Chancellor**

18. If the complainant is not satisfied with the decision of the ad hoc grievance panel under Stage 1 of these Procedures or with the dismissal of the complaint (see paragraph 13 above), s/he may lodge an appeal to the Vice-Chancellor against the decision. The appeal should be made in writing, on a prescribed appeal form (Attachment 3) duly signed by the appellant, and should reach the Responsible Authority, with a copy to the Registrar, within 10 working days of being notified of the decision of the ad hoc grievance panel. Unless there are special circumstances and/or justifiable reasons, an appeal filed outside this timeline will not be entertained. The Registrar shall have authority to adjudicate on the validity of a late appeal. The Responsible Authority shall, within 10 working days of the receipt of a valid appeal form, submit a report outlining the nature of the formal complaint, findings and decisions of the panel, and any observations on the nature of the appeal, to the Vice-Chancellor. Complaints addressed to the Vice-Chancellor other than appeals lodged in this manner against a decision of a Responsible Authority shall not be entertained.
19. Appeals will only be considered on one or more of the following grounds: (a) that there is an allegation of procedural impropriety against the Responsible Authority/panel, i.e. the complaint has not been considered by the Responsible Authority/panel according to these Procedures; and/or (b) that new evidence has become available which was not, and which could not reasonably have been, made available at the preceding stages.
20. Upon receipt of the appeal via the Responsible Authority, the Vice-Chancellor, or the Provost if the Vice-Chancellor so delegates, shall decide on the admissibility of the appeal. The appeal shall be either allowed or dismissed. If the appeal is dismissed, the Vice-Chancellor, or the Provost if the Vice-Chancellor so delegates, shall convey his/her decision (i.e. to uphold the original judgement of the ad hoc grievance panel) in writing to the Responsible Authority and the appellant, with a copy to the Registrar, within 7 working days of the report from the Responsible Authority. If the appeal is allowed, the Vice-Chancellor, or the Provost if the Vice-Chancellor so delegates, may either alter or reject the original decision of the ad hoc grievance panel. If the Vice-Chancellor decides to alter the original decision of the panel, s/he shall so convey to the Responsible Authority without any need for the original panel to reconvene; in the event of the Vice-Chancellor rejecting the original decision of the panel, especially in the light of new evidence, s/he shall ask the Responsible Authority either to reconvene the original panel or to convene another ad hoc grievance panel with new membership to reconsider the complaint.

21. In the case of an appeal against the dismissal of a formal complaint, as provided under paragraph 13 above, the Vice-Chancellor, or the Provost if the Vice-Chancellor so delegates, shall either uphold the decision to dismiss the original complaint on the grounds set out in paragraph 13 above, or ask the Responsible Authority to investigate the complaint formally, i.e. go back to Stage 1 of these procedures.

### **Stage 3: Appeal to the Council**

22. If the appellant is still not satisfied with the decision of the Vice-Chancellor taken at Stage 2 of these Procedures, s/he may lodge a further appeal to the Council. Such an appeal must be addressed to the Chairman of the Council via the Secretary to the Council, with a copy to the Registrar (no forms are prescribed), within 15 working days of the appellant receiving written notification of the Vice-Chancellor's decision. Appeals to the Council shall be handled by an appeal committee formed by the Council. Complaints made to the Council or the Council Chairman other than an appeal against the decision of the Vice-Chancellor, as described above, shall not be entertained. As far as these procedures on student complaints are concerned, there shall be no further appeals beyond the Council.

### **Documentation**

23. As soon as a complaint under Stage 1 or an appeal under Stage 2 or Stage 3 of these Procedures has been activated, all relevant documents should be put on file irrespective of the final outcome of the complaint or appeal(s). The standard records should include inter alia the completed complaint and appeal forms, findings and decisions of the ad hoc grievance panel, decision of the Vice-Chancellor in the case of an appeal under Stage 2, etc. The Responsible Authority shall direct the complete set of documents to be sent to and archived in the Registrar's Office within 20 working days of the case being closed.

[Approved by the Senate at its 1<sup>st</sup> Meeting (2009-10), and the Council at its 5<sup>th</sup> (2009) Meeting.]