

THE CHINESE UNIVERSITY OF HONG KONG

Whistleblowing Policy

1. PREAMBLE

The Chinese University of Hong Kong (the University) is committed to maintaining the highest standards of corporate governance, and accordingly a number of policies and procedures (e.g. procedure for handling serious misconduct, grievance procedures, procedures for dealing with student complaints, policy against sexual harassment, etc.) have been developed to address concern of its staff and students. The Whistleblowing Policy is established to enable its staff, students and other relevant parties* to report their concern, in good faith and on a strictly confidential basis, about perceived irregularities in the operation of the University and the activities undertaken by its staff members that fall outside the scope of existing University policies and procedures. Members of the University can be assured that they can report such perceived irregularities without fear of reprisal or retribution.

2. SCOPE

This Policy is designed to enable members of staff, students and other relevant parties (whistleblower), to report any serious concern which they consider to be matters of illegality, malpractice or impropriety, but fall outside the scope of existing University policies and procedures. Although it is not possible to give an exhaustive list of the activities that may be reported, broadly speaking, it is expected that the whistleblower may report on incidents such as:

- criminal offence;
- failure to fulfil any legal obligations or to comply with any statutory requirements;
- financial impropriety;
- an action which endangers the health and safety of any individual;
- an action which causes damage to the environment; and
- the deliberate concealment of information concerning any of the matter listed above.

3. PROCEDURES

- 3.1. A whistleblower who wishes to report any matter under this Policy should submit a report, addressed to the Vice-President (Administration) and University Secretary, in writing.

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* Relevant parties may include organizations/individuals with business dealings and/or a formal association with the University, e.g. contract workers, vendors, service providers, etc.

- 3.2. If the whistleblower considers it inappropriate to refer the matter to the Vice-President (Administration) and University Secretary, or if the Vice-President (Administration) and University Secretary/any member of the senior management is the subject of the report, the whistleblower could instead choose to report directly to the Vice-Chancellor and/or the Chairman of the Council, as appropriate.
- 3.3. The whistleblower shall provide full details and supporting evidence of the matter concerned.
- 3.4. On receiving the report, the Vice-President (Administration) and University Secretary shall determine whether the report should be dealt with under this Policy, and whether the report is made in good faith, and decide whether there is a *prima facie* case to support the matter reported.
- 3.5. If there is a *prima facie* case, the Vice-President (Administration) and University Secretary shall decide whether any follow-up action is necessary and, if so, how it should be taken, after consultation with the Vice-Chancellor and/or the Chairman of the Council, as appropriate. Depending on the nature of the report, the follow-up action may be taken by means of:
 - referral of the matter to the relevant authorities for handling in accordance with the existing University policies and procedures (e.g. procedure for handling serious misconduct, grievance procedures, procedures for dealing with student complaints, policy against sexual harassment, etc.); or
 - referral of the matter directly to a relevant outside body, e.g. a law enforcement agency; or
 - an internal investigation.
- 3.6. The whistleblower shall be informed of any action taken and decision made. If the report is dismissed, the whistleblower should similarly be informed together with the reason(s) for the case being dismissed.
- 3.7. If an internal investigation is conducted, it shall be done sensitively, fairly and expeditiously, with due attention to natural justice. If the investigation involves person(s) against whom allegations are made, they shall be told at an early stage with *prima facie* evidence supporting it, and be given an opportunity to respond to the allegations.
- 3.8. The whistleblower and the alleged person(s) shall be informed of the outcome of the investigation.
- 3.9. The Vice-President (Administration) and University Secretary shall ensure that no staff member or student of the University would be subject to victimization or reprisal for initiating a complaint in good faith or for providing information about perceived irregularities in the operation of the University and the activities undertaken by its staff members.

4. ANONYMOUS REPORT

If the report is brought anonymously, the Vice-President (Administration) and University Secretary shall review the report to determine whether a further inquiry into the underlying circumstance is justified. Factors to determine this will include the seriousness of the issue raised, the credibility of the information disclosed, the likelihood of verifying the information, and what supporting evidence may be available from other sources.

5. CONFIDENTIALITY

5.1. Every reasonable effort shall be made to ensure confidentiality and to protect the privacy of all parties concerned, in accordance with the existing University policies and applicable laws, particularly the Personal Data (Privacy) Ordinance. The maintenance and retention of records shall be in compliance with such policies and laws.

5.2. All relevant information pertaining to a report shall be kept confidential. However, if there is a criminal investigation or criminal proceeding, the University may need to provide the necessary information requested.

6. ACCOUNTABILITY

The Vice-President (Administration) and University Secretary shall report to the Executive Committee of the Council, at least annually, on all cases he has dealt with under this Policy, without breaching confidentiality or disclosing details of any individuals concerned.

(Approved by the Council at its meeting on 22nd January, 2019)