

THE CHINESE UNIVERSITY OF HONG KONG

Procedures for Dealing with Student Complaints of Sub-degree, Professional and Continuing Education Programmes (SPCEPs)

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 of Sub-degree, Professional and Continuing Education Programmes (SPCEPs)¹ 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 in SPCEPs 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, these Procedures do not apply to matters covered by separate University procedures/policies, e.g. student discipline and allegations of sexual harassment will be dealt with by the Student Disciplinary Committee(s) of the respective Sub-degree Providing Unit(s) (SDPU(s)) or Committee(s) delegated by the Governing Board(s) of SDPU(s) or SDPU(s)'s Student Disciplinary Committee(s) and in accordance with the University's prevailing Policy Against Sexual Harassment respectively. 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 or matters

¹ Students registered for an approved course of study in undergraduate or postgraduate programmes of the University are not covered by these Procedures.

that are covered by separate University procedures/policies as stipulated in paragraph 2 above 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 Programme Offering Unit (POU) 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 COMPLAINT PROCEDURE

Informal Resolution

5. A student complaint should normally be lodged within 10 working days 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 10 working days 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.
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 informally among the parties concerned, or with the help of a third party.
7. 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 or Head of POU). Where a Programme Director or Head of POU is the subject of the complaint, the complainant should approach the Head of SDPU, i.e. Dean of Faculty concerned or the Director of the School of Continuing and Professional Studies (CUSCS) as appropriate.

8. 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.
9. 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. A Programme Director or Head of POU may also consider setting some guidelines on how complaints should be dealt with informally. However, any such guidelines do not preclude the complaint being dealt with formally.
10. If an informal resolution cannot be reached, one or more of the following stages in these Procedures should be followed:
 - (a) Stage 1: Formal Complaint
 - (b) Stage 2: Appeal to the Chairperson of the Senate Committee on SPCEP (SPCEP Chairperson)
 - (c) Stage 3: Appeal to the Provost

These stages are set out in detail below, and a summary of the Procedures is shown in the flowchart in [Attachment 1](#).

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 complaint 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 complaint form should reach the following Responsible Authority:

- Programme Director or Head of POU; or
- Dean of the Faculty concerned or Director of CUSCS, where the Programme Director or Head of POU, respectively, is the subject of the complaint,

within 7 working days of the complainant being informed of the outcome of the informal resolution, or (in the case of a direct formal complaint not having gone through informal resolution) within 10 working days of the occurrence or discovery of the alleged cause of complaint. The complaint form should also be copied to the Registrar² 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 of a relevant administrative unit if the complaint is non-academic in nature.

13. Where it is clear that a complaint is frivolous or vexatious (see paragraph 4 above), 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 (Panel) to look into the case. The Panel should comprise:

- the Responsible Authority, as Chairperson;
- the Registrar or his/her representative; and
- another staff member, appointed by the Dean of the Faculty with which the student is affiliated or the Director of CUSCS in the case of CUSCS programme(s), who does not belong to the same department/unit/office of the subject of the complaint,

² C/O Secretary of the Senate Committee on SPCEP, Registry.

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 SPCEP Chairperson 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 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. The University will only share the information and evidence submitted in a complaint with members of staff where it is strictly necessary in order to process, investigate and consider the complaint.
16. The 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 and the complainee(s) may be invited to attend and provide the Panel with additional information to facilitate the investigation process. The complainant and the complainee(s) must take all reasonable steps to attend the meeting(s) arranged by the Panel. The complainant and the complainee(s) are 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 and the complainee(s) may confer privately with the accompanying person. Subject to the agreement of the Chairperson of the Panel, the accompanying person may address the Panel or ask questions on behalf of the complainant or the complainee(s). However, the accompanying person shall not, on behalf of the complainant or the complainee(s), 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 Registrar², of the decision of the Panel within 3 working days after the confirmation of the notes of meeting(s). In the event of the 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 SPCEP Chairperson

18. If the complainant is not satisfied with the decision of the Panel or with the dismissal of the complaint (see paragraph 13 above) under Stage 1 of these Procedures, s/he may lodge an appeal to the SPCEP Chairperson 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 Registrar², within 10 working days of being notified of the decision of the 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 SPCEP Chairperson. Complaints addressed to the SPCEP Chairperson 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 in the formal complaint procedure, 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 SPCEP Chairperson shall decide on the admissibility of the appeal. The appeal shall be either allowed or dismissed. If the appeal is dismissed, the SPCEP Chairperson shall convey his/her decision (i.e. to uphold the original judgement of the Panel) in writing to the Responsible Authority and the appellant, with a copy to the Registrar², within 7 working days of the report from the Responsible Authority. If the appeal is allowed, the SPCEP Chairperson may either alter or reject the original decision of the Panel. If the SPCEP Chairperson 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 SPCEP Chairperson 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 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 SPCEP Chairperson 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 Provost

22. If the appellant is still not satisfied with the decision of the SPCEP Chairperson taken at Stage 2 of these Procedures, s/he may lodge a further appeal to the Provost. Such an appeal must be addressed to the Provost via the Registrar (no forms are prescribed) within 15 working days of the appellant receiving written notification of the SPCEP Chairperson's decision. Appeals to the Provost shall be handled by an appeal committee formed by the Provost. Complaints made to the Provost other than an appeal against the decision of the SPCEP Chairperson, 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 Provost.

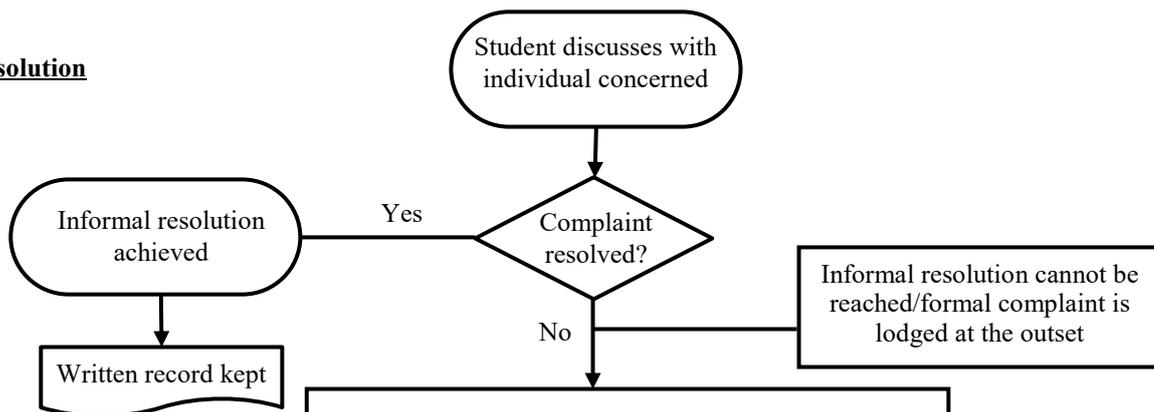
Documentation

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 Panel, decision of the SPCEP Chairperson 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.

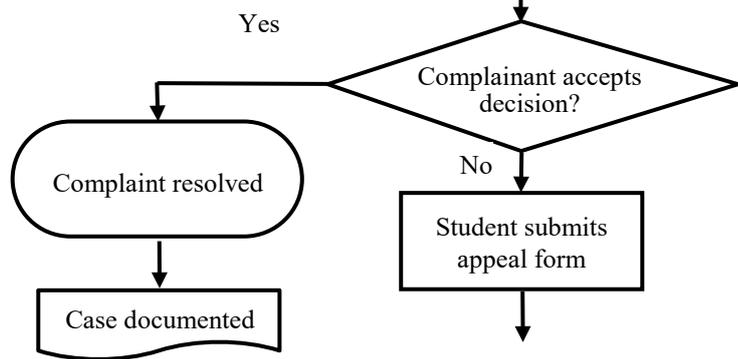
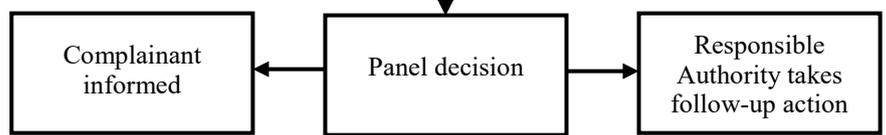
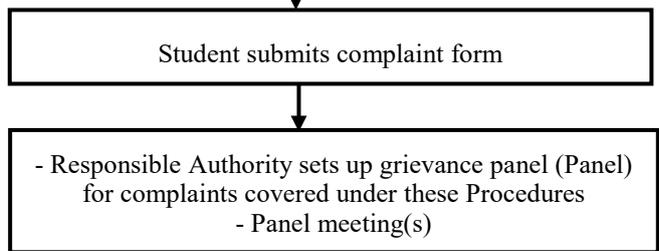
Procedures for Dealing with Student Complaints of Sub-degree, Professional and Continuing Education Programmes (SPCEPs)

Stage of Procedures

Informal Resolution



**Stage 1
Formal
Complaint**

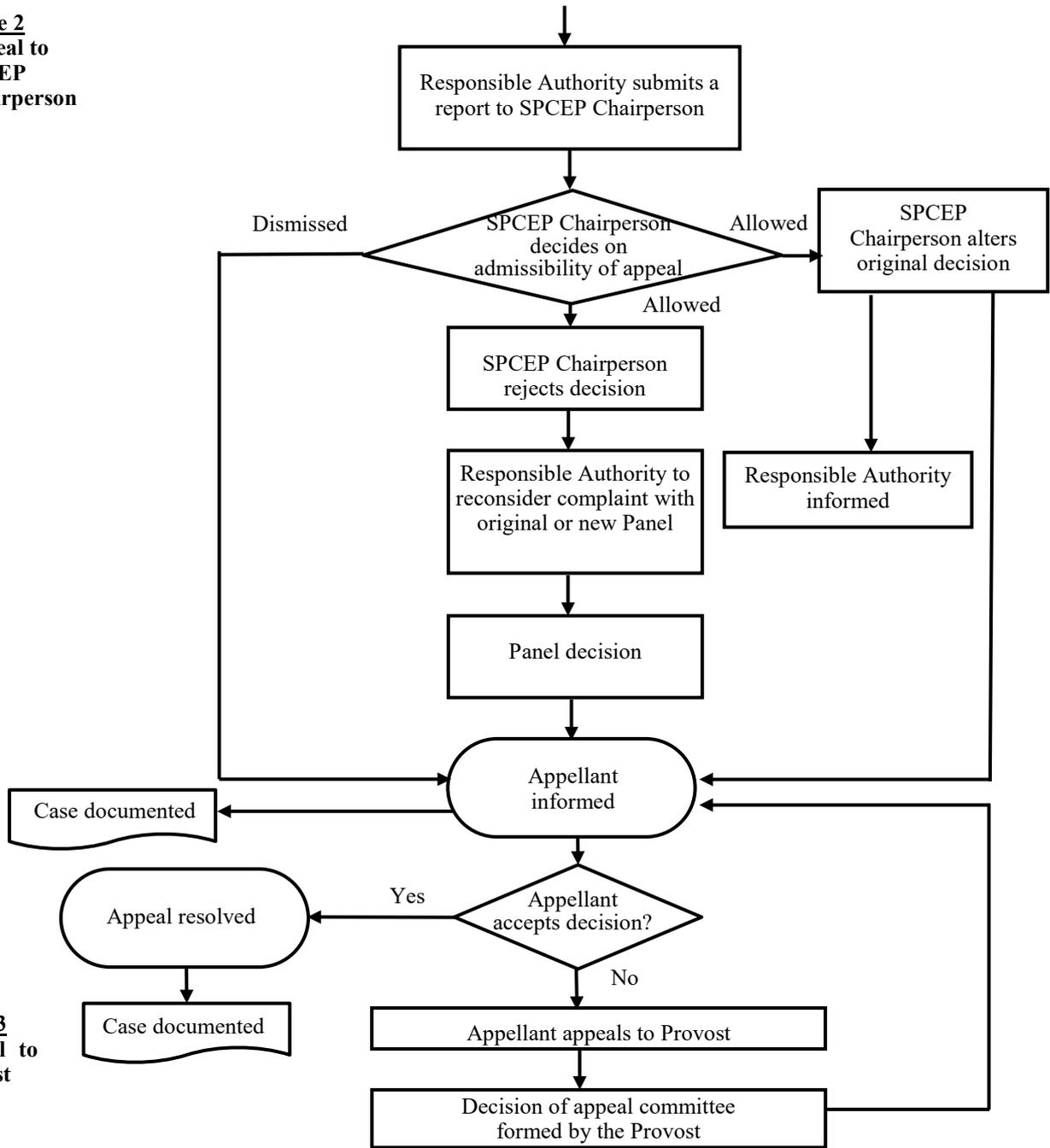


**Stage 2
Appeal to
SPCEP
Chairperson**

to be continued...

...continued

Stage 2
Appeal to
SPCEP
Chairperson



Stage 3
Appeal to
Provost

Notes:

- There shall be no further appeals beyond the Provost under these Procedures.
- The flowchart is only a summarized description of the Procedures. Please refer to the full text of the Procedures for details.

THE CHINESE UNIVERSITY OF HONG KONG
COMPLAINT FORM FOR SUB-DEGREE, PROFESSIONAL
AND CONTINUING EDUCATION PROGRAMMES (SPCEPs)

GUIDELINES

Before completing the complaint form, please make sure you read the *Procedures for Dealing with Student Complaints of Sub-degree, Professional and Continuing Education Programmes (SPCEPs)* and these Guidelines.

For complaints related to assessment, please note that any complaints based exclusively on one or more of the following grounds will not be admissible:

- a. Complaints against an academic judgement, except in cases of possible procedural errors in determining the grade.
- b. Informal assessments of a student's work by members of academic staff.
- c. The retrospective reporting of extenuating circumstances which a student has reasonably been expected to disclose to the Assessment Panel concerned before their meeting.
- d. Marginal failure to attain a higher class of award.

THE CHINESE UNIVERSITY OF HONG KONG

COMPLAINT FORM FOR SUB-DEGREE, PROFESSIONAL AND CONTINUING EDUCATION PROGRAMMES (SPCEPs)

Please complete this form with signature, and submit to the following Responsible Authority:

- Programme Director or Head of Programme Offering Unit (POU); or
- Dean of the Faculty concerned or the Director of the School of Continuing and Professional Studies (CUSCS), where the Programme Director or Head of POU, respectively, is the subject of the complaint,

within 7 working days of your being informed of the outcome of the informal resolution, or (in the case of a direct formal complaint not having gone through informal resolution) within 10 working days of the occurrence or discovery of the alleged cause of complaint. The complaint form should also be copied to the Registrar¹ for documentation.

Name:	
Student ID number (if applicable):	
Programme Offering Unit (POU):	
Programme:	
Year and month of attendance:	
Contact number:	
Email:	
When were you informed of the outcome of the informal resolution?	
What is the decision against which you are complaining and what outcome are you seeking?	

Declaration of Student

I request that this complaint be considered under Stage 1 of the Procedures. I confirm that the information given on this form and in the supporting documents (if any) is true to the best of my knowledge and belief.

Signature:		Date:	
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¹ C/O Secretary of the Senate Committee on SPCEP, Registry.

Please set out clearly the nature and origin of your complaint, including dates, time and other details.

If you have tried to resolve your complaint informally, please state what steps you have taken and why the outcome is not satisfactory to you.

[Continue on a separate sheet if necessary]

List of documentary evidence. Please attach the documentary evidence.

Name the accompanying person who will attend the meeting(s) of the grievance panel with you. The person can be one of your family members or a member of the University, but shall not be your legal representative.

[Continue on a separate sheet if necessary]

THE CHINESE UNIVERSITY OF HONG KONG

APPEAL FORM FOR SUB-DEGREE, PROFESSIONAL AND CONTINUING EDUCATION PROGRAMMES (SPCEPs)

Please note that appeals will only be considered on one or more of the following grounds:

- a. there is an allegation of procedural impropriety against the Responsible Authority/grievance panel (Panel) in the formal complaint procedure, i.e. the complaint has not been considered by the Responsible Authority/Panel according to the *Procedures for Dealing with Student Complaints of Sub-degree, Professional and Continuing Education Programmes (SPCEPs)*; and/or
- b. new evidence has become available which was not, and which could not reasonably have been, made available at the preceding stages.

This appeal form should reach the Responsible Authority, with a copy to the Registrar¹, within 10 working days of being notified of the decision of the Panel.

Name:	
Student ID number (if applicable):	
Programme Offering Unit (POU):	
Programme:	
Year and month of attendance:	
Contact number:	
Email:	
When were you informed of the outcome of your formal complaint under Stage 1?	
What is the decision against which you are appealing and what outcome are you seeking?	

Declaration of Student

I request that this appeal be considered under Stage 2 of the Procedures. I confirm that the information given on this form and in the supporting documents (if any) is true to the best of my knowledge and belief.

Signature:		Date:	
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Appeal Form p.1/2

¹ C/O Secretary of the Senate Committee on SPCEP, Registry.

Please set out clearly the reasons of your appeal.

List of new documentary evidence (if any) which was not, and which could not reasonably have been, made available at the preceding stages. Please attach the documentary evidence.