



# Whistle-blowing Policy

(Version 1)

## Update History (Record since 2024)

Version	Effective Date	Description
1	1 March 2025	Policy implementation

## Whistle-blowing Policy

### **Preamble**

1. The Hong Kong Metropolitan University (“**University**”) is committed to fostering a culture of integrity, transparency, and accountability, and the University expects all full-time, temporary, fractional, and part-time staff (“**staff members**”) employed by the University to uphold these principles vigilantly.
2. This Whistle-blowing Policy (“**Policy**”) aims to encourage and support all staff members, students and external parties working with the University such as (but not limited to) its agents, contractors, legal and accounting advisors (“**External Parties**”) to report wrongdoing, malpractice, and misconduct without fear of reprisal or retribution, thereby promoting a safe and ethical environment for all members of the University community.

### **Definition**

3. Whistle-blowing is the reporting of suspected wrongdoing, malpractice and misconduct in relation to the University’s activities.
4. For the purposes of this Policy, the definition of “wrongdoing, malpractice, and misconduct” includes, but is not limited to, the following examples:
  - (a) **Corruption and Financial Misconduct**  
Bribery, corruption, kickbacks, conflicts of interest, accounting manipulation, tax evasion, fraud, theft, misappropriation, money laundering in relation to the University’s funds and/or resources;
  - (b) **Data and Confidentiality Violation**  
Misuse of confidential information and/or data protection violation;
  - (c) **Health, Safety, and Environmental Concerns**  
Health and safety risks, and/or damage to the environment;
  - (d) **Legal Violations**  
Breach of local laws, regulations, rules or University policies, any other breach of legal or professional obligations, human rights violations and/or possible criminal offences;
  - (e) **Unethical Practices in Recruitment and Competition**  
Unethical conduct in staff or student recruitment or selection and/or anti-competitive behaviour;

(f) Information Suppression and Concealment

Any attempt to suppress or conceal any information relating to any of the above.

**Coverage of the Policy and Scope**

5. This Policy is applicable to all staff members, students and External Parties.
6. This Policy does not form part of any staff member's contract of employment with the University, nor does it confer on the staff member any contractual rights.
7. Disciplinary action under this Policy is separate from and without prejudice to the University's right to terminate the employment of any staff member at any time whether with or without notice, or payment of wages in lieu of notice, in accordance with the Laws of Hong Kong and/or the relevant "Terms and Conditions of Service" and/or any applicable terms of the contract.
8. This Policy is separate from and without prejudice to the University's existing policies and procedures, although there will inevitably be some cross-over. If the whistle-blown activities fall under the scope of the prevailing policies and procedures, the case will be redirected and addressed in accordance with the relevant policies and procedures.
9. This Policy is separate from the Staff Grievance Procedures of the University, which define "grievance" as an expression of feeling of unfairness by a staff member regarding the treatment received from the University's Management or other staff member(s) that jeopardises his/her general welfare at work and/or his/her terms and conditions of employment at the University, which is different from "wrongdoing, malpractice and misconduct" as defined under paragraph 4 of this Policy.
10. This Policy is separate from the Policy on Equal Opportunities of the University, which concerns unlawful acts of harassment, discrimination, vilification or victimisation, which are different from "wrongdoing, malpractice and misconduct" as defined under paragraph 4 of this Policy.
11. The Staff Disciplinary Procedures relate to general breaches of a staff member's terms as specified under their letter of appointment, terms and conditions of service, guidelines, rules and regulations, codes of practices and/or the code of conduct for staff. Whilst "misconduct" under this Policy covers a larger number of breaches than those set out in the Staff Disciplinary Procedures, this Policy adopts the disciplinary actions and appeal procedure set out in the Staff Disciplinary Procedures.

**Principles, Rules and Guidelines**

12. The following principles, rules and guidelines shall apply to and govern the conduct of the Reporting Procedures and Appeal Procedures:

- (a) Staff members, students and External Parties should be free from interference, restraint, threat or reprisal in submitting a Report;
- (b) Reports should be handled in a way that is fair to the Whistle-blower and the Accused;
- (c) The Whistle-blower and the Accused must attend in-person meetings conducted as part of the Reporting Procedures individually. No relatives, friends, colleagues and/or other representatives, including legal representatives, shall be allowed to attend or be present at such meetings; and
- (d) No recording in any form, including audio and video, shall be allowed by the Whistle-blower or the Accused as part of the Report submission or in the course of the investigation.

### **The Whistle-blower**

13. Any staff member, student and External Party working with the University may report wrongdoing, malpractice or misconduct (and hence become a “**Whistle-blower**”), as long as:

- (a) they have obtained substantial evidence about this wrongdoing, malpractice or misconduct in a work-related context;
- (b) they are acting in good faith and have reasonable grounds for suspecting that the wrongdoing, malpractice or misconduct has occurred; and
- (c) they are not reporting the wrongdoing, malpractice or misconduct for personal gain.

14. Staff members submitting malicious or unsubstantiated Reports may face disciplinary action under the Staff Disciplinary Procedures. Students submitting malicious or unsubstantiated Reports may face disciplinary action under the Student Disciplinary Procedures. External Parties submitting malicious or unsubstantiated Reports may face legal actions taken by the University.

### **Protection of the Whistle-blower**

15. The University aims to encourage openness and will support Whistle-blowers who raise genuine concerns under this Policy.

16. The University will accordingly:

- (a) Implement measures to protect Whistle-blowers against any retaliation, retribution or unfair treatment regarding their employment, studies or working relationship, regardless of whether the investigation later proves the allegation(s) to be substantiated; and

(b) Reserves the right to take appropriate actions against anyone who is found to harass or victimize a Whistle-blower or anyone who assisted with or participated in the investigations. This includes termination of employment, studies or working relationship.

### **Reporting Procedures**

17. Any staff member, student and External Parties who satisfies the requirements of paragraph 13 may submit a written description (a “**Report**”) of the alleged wrongdoing, malpractice, or misconduct to the relevant person as set out in paragraphs 36 to 38 (the “**Relevant Authority**”).
18. The Report should name any parties alleged to have committed the wrongdoing, malpractice, or misconduct (the “**Accused**”), provide evidence of the alleged wrongdoing, malpractice, or misconduct, and specify how the Whistle-blower obtained such evidence.
19. The following procedures will then apply:
  - 19.1 The Relevant Authority will acknowledge receipt of the Report to the Whistle-blower, within seven calendar days of the Report being submitted.
  - 19.2 The Relevant Authority reserves the right to not investigate the Report if the Whistle-blower has not provided all of the information considered necessary when requested, within two weeks after a request has been made by the Relevant Authority.
  - 19.3 If the Relevant Authority considers that the Report gives grounds and sufficient information to investigate, an investigation will be conducted.
  - 19.4 The investigation may include, but is not limited to, the following actions:
    - (a) Meeting(s) between the Relevant Authority and Whistle-blower for the Whistle-blower to provide any missing information from the Report;
    - (b) Discussion of the Report with relevant Schools/Offices and staff members at the University;
    - (c) Meeting(s) between the Relevant Authority and the Accused, giving the Accused an opportunity to respond to the allegations and provide their own evidence in rebuttal;
    - (d) Discussion of the Report with external experts or advisors, if deemed necessary.

20. The investigation will be conducted in an impartial and confidential manner and shall comply with all applicable laws.
21. The Relevant Authority will review the case in consultation with the relevant Dean(s)/Director(s)/staff members, depending on the nature of the alleged wrongdoing, malpractice or misconduct. For example, student-related matters will be directed to the Student Affairs Office or Registry; staff-related matters will be directed to the Human Resources Office; matters related to the University's funds and/or resources will be directed to the Finance Office, etc. The Relevant Authority will then decide on the appropriate steps to be taken. If the relevant Dean(s)/Director(s) are the source of complaint or subject of the Report, the case will be escalated to the supervisor immediately above their reporting line.
22. The Relevant Authority shall close the investigation normally within one month, or within a longer time as deemed appropriate.
23. Taking into account all relevant factors, the Relevant Authority will decide which of the following action(s) should be taken:
  - (a) dismiss the case if it does not fall within the scope of this Policy and prevailing procedures or if he/she considers that it is trivial or malicious;
  - (b) take disciplinary action pursuant to the relevant Disciplinary Procedures;
  - (c) refer the case to the respective Vice President/Provost for further consideration if the Relevant Authority considers that appropriate steps have not been taken to resolve the whistle-blown activity;
  - (d) refer the case to the respective Vice President/Provost to handle informally, having regard to the merit of the Report;
  - (e) refer the case to the Whistle-blowing Panel for review and investigation;
  - (f) refer the case to an external legal enforcement agency; or
  - (g) take any other recommended action for further handling as appropriate.
24. If the Relevant Authority decides to refer the case to the Whistle-blowing Panel, the terms of reference and composition of the Whistle-blowing Panel are specified in Appendix I.
25. The Whistle-blowing Panel shall complete such investigation as it considers appropriate in the circumstances and provide the Relevant Authority with a written report containing its findings and recommendations on the appropriate course(s) of action including actions

(if any) to be taken by the University within 3 months from the date of its first meeting or such longer period as it considers necessary.

26. The Relevant Authority, having taken into account the Whistle-blowing Panel's recommendations, will normally make a decision within 14 calendar days after receipt of the Whistle-blowing Panel's recommendations. Longer decision time may be granted as deemed appropriate. The decisions and actions should be copied to the President for information.

### **Appeal and Review Procedures**

27. Except for paragraphs 39 to 43, upon notification of the decision, the Whistle-blower may have the right to appeal, where appropriate, in the form of a written statement, within 14 calendar days from the notification of the decision.
28. An appeal will only be considered if
  - (a) new substantial evidence has come to light which was not previously considered; and/or
  - (b) the procedures were not correctly followed.
29. In case of an appeal, compelling justifiable details of the ground for appeal shall be submitted in full to the President for consideration.
30. Upon receipt of the appeal, the President, in consultation with the relevant Dean(s)/Director(s)/staff members, shall review all evidence presented, the record of previous proceedings, recommendations and decisions made on the case (and consider consulting the Cabinet if deemed necessary, excluding the Vice President(s)/Provost previously involved in handling the case). The President will decide which of the following action(s) to be taken, which may include:
  - (a) dismissing the appeal request if it does not satisfy the criteria in paragraph 28;
  - (b) setting up an Appeal Panel (the "**Appeal Panel**") to review the case and make recommendations; or
  - (c) any other actions deemed appropriate.
31. If the President decides to refer the case to the Appeal Panel, the terms of reference and composition of the Appeal Panel are specified in Appendix II.
32. The Appeal Panel shall complete such investigation as it considers appropriate in the circumstances and provide the President with a written report containing its findings and recommendations on the appropriate course(s) of action including actions (if any) to be

taken by the University within 3 months from the date of its first meeting or such longer period as it considers necessary.

33. The President, having taken into account the Appeal Panel's recommendations, will normally make a decision within 14 calendar days after receipt of the Appeal Panel's recommendations. Longer decision time may be granted as deemed appropriate.
34. Any decision of the President under paragraphs 27 to 35 shall be final.
35. If the Accused resigns during the investigation, appeal proceedings, or before the conclusion of any decision, the Relevant Authority, in consultation with the relevant Dean(s)/Director(s)/staff members, shall decide if the proceedings should be pursued or continued depending on the circumstances of the case. The Relevant Authority shall report the case to the President as appropriate.

#### **Relevant Authority and Conflict of Interest**

36. The Whistle-blower should submit the Report with evidence to the Vice President (Administration and Corporate Development).
37. The following provisions apply in order to avoid conflicts of interest and only act as exceptions to paragraph 36:
  - (a) If the Whistle-blower believes the Vice President (Administration and Corporate Development) may have a conflict of interest or is the source of complaint, the Whistle-blower should submit the Report to the President, who shall appoint another Vice President/Provost or equivalent to handle the case; and
  - (b) If having followed the procedure set out at paragraph 37(a), the Whistle-blower also believes the President may have a conflict of interest, the Whistle-blower should submit the Report to the Council Chairperson.
38. “[Declaration Form for Conflict of Interest](#)” should be signed by all parties who are involved in any part of the investigation and proceedings. Anyone with an actual, perceived or potential conflict of interest with the contents of the Report or investigation must declare it.

#### **Whistle-blowing Matter involving the President**

39. Any Whistle-blowing matter involving the President shall be referred to the Council Chairperson. Upon receipt of the matter involved, the Council Chairperson, in consultation with the relevant Dean(s)/Director(s)/staff members, shall review all evidence presented, the record of previous proceedings, recommendations, and decisions made on the case. The Council Chairperson will decide on the action to be taken, who may decide to:

- (a) Dismiss the case if it does not fall within the scope of this Policy or if he/she considers the merit of the allegation is not substantiated; or
- (b) Appoint a Special Panel (the “**Special Panel**”) to conduct an investigation.

40. If the Council Chairperson decides to appoint a Special Panel, the terms of reference and composition of the Special Panel are specified in Appendix III.

41. The Special Panel shall complete such investigation as it considers appropriate in the circumstances and provide the Council Chairperson with a written report containing its findings and recommendations on the appropriate course(s) of action including actions (if any) to be taken by the University within 3 months from the date of its first meeting or such longer period as it considers necessary.

42. The Council Chairperson shall, in consultation with the Executive Committee, make a decision after considering the Special Panel’s recommendations. The decision of the Council Chairperson shall be final.

43. In case the recommended action involves the dismissal of the President, written approval from the Council shall be obtained in accordance with Section 11 of the Hong Kong Metropolitan University Ordinance (Cap. 1145, the Laws of Hong Kong).

### **Anonymous Reporting**

44. The University aims to create a transparent and impartial mechanism for staff members, students and External Parties to voice Whistle-blowing concerns openly under this Policy.

45. Given the difficulties of thoroughly investigating an anonymous Report, the University will only proceed to investigate an anonymous Report if the Report provides good reasons and substantive evidence to justify an investigation and if the Report alleges significant wrongdoing, malpractice, or misconduct.

### **Confidentiality**

46. Confidentiality must be, as far as practicable, strictly observed, complied with and respected by the University, the Whistle-blower, the Relevant Authority, the Accused and all persons involved in the investigations. In general, the communication of information regarding the investigations will be shared within the University strictly on a confidential and need-to-know basis.

47. As far as practicable and to the extent permitted by law, the identity of the Whistle-blower will be kept confidential and will not be disclosed. If the nature of the investigation and/or any subsequent civil or criminal proceedings, makes it necessary to disclose the Whistle-blower’s identity, the University will inform the Whistle-blower accordingly.

48. The identity of the Accused and details of their alleged wrongdoing, malpractice, or misconduct may be shared with persons assisting with the investigations, including relevant Schools/Offices within the University. If necessary for enforcement, the University may share this information with the relevant Dean(s)/Director(s)/staff members.
49. Any violation of this confidentiality requirement will be subject to disciplinary proceedings.

**Review and Updates**

50. The University reserves the right to review and make revisions (whether in full or in part) to this Policy as deemed appropriate from time to time.

For enquiries, please contact [whistleblowing@hkmu.edu.hk](mailto:whistleblowing@hkmu.edu.hk)

*March 2025*

Appendix I  
**Whistle-blowing Panel**

**A. Terms of Reference**

- (a) To receive cases of whistle-blowing referred to it by the Relevant Authority;
- (b) To request, receive and consider evidence from all relevant parties in person and/or in writing;
- (c) To seek legal / professional advice on the whistle-blowing matters;
- (d) To have access to any of the University's documents as it sees fit for the purpose of its investigation and consideration;
- (e) To issue pertinent letters, reminders and correspondence to the relevant parties as deemed appropriate; and
- (f) To document the findings and make recommendations.

**B. Composition**

Chairperson: A Provost/Vice President nominated by the President

Members: A Dean / Director nominated by MB

A Senate member nominated by the Senate

An academic staff member nominated by the President

A non-academic staff member nominated by the President

Secretary: Relevant Dean / Director in relation to paragraph 21

Notes

- *The duration of membership shall normally be 2 years to be aligned with the end of an academic year.*
- *In case of conflict of interest, the President may nominate another Chairperson, members or secretary to serve in the Panel to uphold its independence.*

## **Appeal Panel**

### A. Terms of Reference

- (a) To receive appeal cases of whistle-blowing referred to it by the President;
- (b) To request, receive and consider evidence from all relevant parties in person and/or in writing;
- (c) To seek legal / professional advice on the whistle-blowing matters and procedural fairness at any time;
- (g) To have access to any of the University's documents as it sees fit for the purpose of its investigation and consideration;
- (h) To issue pertinent letters, reminders and correspondence to the relevant parties as deemed appropriate; and
- (i) To document the findings and make recommendations.

### B. Composition

Chairperson: A Provost/Vice President nominated by the President

Members: A minimum of 2 senior staff members at Dean / Director rank or above nominated by the President

Secretary: Relevant Dean / Director in relation to paragraph 21

*Notes: Chairperson and members should not have taken part in any deliberation and/or have not given any directions, instructions, or opinion in relation to the merit of the case prior to their appointment as Chairperson or members of the Appeal Panel.*

## **Special Panel**

### A. Terms of Reference

- (a) To receive cases of whistle-blowing matter against the President referred to it by the Council Chairperson;
- (b) To request, receive and consider evidence from all relevant parties in person and /or in writing;
- (c) To seek legal / professional advice on the whistle-blowing matters;
- (d) To have access to any of the University's documents as it sees fit for the purpose of its investigation and consideration;
- (e) To issue pertinent letters, reminders and correspondence to the relevant parties as deemed appropriate; and
- (f) To document the findings and make recommendations.

### B. Composition

Chairperson: A lay Council member nominated by the Council Chairperson

Members: A minimum of 2 lay Council members nominated by the Council Chairperson

Secretary: Relevant Dean / Director in relation to paragraph 21