

香港浸會大學教職員工會
Hong Kong Baptist University Faculty and Staff Union

團結 • Solidarity 自主 • Autonomy 公義 • Justice

NEWSLETTER (199)

A GUIDE TO
Consultation on policy guidelines and procedures governing disciplinary
proceedings of substantiated staff (3)

February 19, 2009

Part V. Appeal and Redundancy

5.1 Under the existing policy guidelines and procedures:

Appendix F Paragraph 3 reads "Any staff member who is removed from his appointment consequent upon the decision of the CTA may appeal to the Council whose decisions shall be final. The Council shall have power to prescribe from time to time regulations as to the mode, manner and procedure to be followed on any such appeal."

Paragraph 7 lists out the Procedures and the Membership of the Committee of Appeal.

Paragraph 8 lists out the steps to be taken "in each and every case when changes in staff requirements result in redundancy."

5.2 If the proposed changes are adopted:

The CTA decision to remove from appointment of the staff concerned "shall take effect forthwith, whether or not the appointee will lodge any further appeal subsequently."

It is not clear if the right to appeal and freedom of action by colleagues have been altered.

It is not clear if the powers of the Committee of Appeal have been altered.

It is not clear if there are new provisions regarding the removal of appointment on ground of redundancy.

QUESTIONS for Part V:

- 5.1 Do you agree that the CTA decision to remove from appointment of the staff concerned "shall take effect forthwith, whether or not the appointee will lodge any further appeal subsequently"?
- 5.2 Can the existing and proposed Appeal procedures be further strengthened to rule out unjust dismissals?

Part VI. The Powers of the President / Vice-Chancellor

- 6.2 Under the existing policy guidelines and procedures:

The powers of the President / Vice-Chancellor are carefully checked and balanced in accordance with a restrictive set of procedural and structural requirements, thereby providing stronger protection for the spirit of collegiality, procedural justice and rule of law.

Paragraph 6 reads "Under exceptional circumstances, in the absence of any recommendation from the CoE, the President / Vice-Chancellor should have the absolute discretion to initiate the process of removal from appointment of any academic or equivalent administrative staff...if he is satisfied that there are adequate evidences in support of such investigation."

- 6.3 **If the proposed changes are adopted:**

The President / Vice-Chancellor, on receipt of any allegation of misconduct, inefficiency or poor performance, or any proposal to remove an appointee from appointment, may, at his or her sole and absolute discretion, give direction to:

- deal with the allegation by way of informal procedures,
- set up a CoE to investigate the matter, or
- recommend to the Personnel Committee of Council to initiate the process of considering removal from appointment by setting up a CTA.

QUESTIONS for Part VI:

- 6.1 Do you support the proposal to give the President / Vice-Chancellor sole and absolute discretion in handling allegation of misconduct, inefficiency or poor performance?
- 6.2 Do you support the proposal to give the President / Vice-Chancellor sole and absolute discretion in handling "any proposal to remove an appointee from appointment"?
- 6.3 Please see Part III and Questions 3.2 and 3.3 above.