

第五章 調查範圍以外的指控



在「解委會」第七次聆訊中，黃院長指出：

Now, the Committee of Enquiry – that is, the first CoE was set upI set out seven items of misconduct on the part of Mrs. Lai, which I considered to be inappropriate and unacceptable. therefore, it is not true that Mrs. Lai has never been informed of the Charges against her.

CTA 18/06/07 Transcript p 5 L P

黃院長提出他認為是「unacceptable and inappropriate conduct」的七項事件，指控我違反紀律規條。但在《解委會報告》中「Findings and Analysis」一欄內，我卻發現兩項超越「解委會」調查範圍以外的指控。

假如黃院長提出的七項事件，足以證明我 misconduct 及 inefficiency，「解委會」又何需另外附加兩項超越「解委會」調查範圍以外的罪名？看來「解委會」也深明黃院長提出的指控是如何無力，證據是如何的不足了。

這一章我們會探討這兩項指控，看看校方如何通過「解委會」，作出公平、公正、合理的解僱決定。

1. 發表文章有損學校形象？

《解委會報告》指我公開發表的一篇文章對當事人不公平，有損大學形象（報告 II /19/ (C) 項）。但假如大學的處理方法沒有問題，又何需害怕事件會損害形象？

(c) Mrs.Lai's attitude and behaviour towards CoE and other relevant staff during the CoE investigation process

Members took the view that the open letter in Chinese entitled 致浸會大學各同事同學及教育界同工的公開信 of 27/12/06 issued by Mrs.Lai (a copy of which was attached to the CoE Report) during the investigation process of CoE was not proper and appropriate, and reflected her disrespected for the University's internal procedures. The act was not fair to those staff members mentioned in the letter who had no appropriate channel to make clarifications to the recipients of the letter. Members took the view that the publicity Mrs. Lai had created during the whole series of events was not appropriate and had caused damage to the image and reputation of the University. Members took the view that Mrs. Lai's attitude and behaviour towards CoE and other relevant staff during the CoE investigation process constituted misconduct on her part.

我曾就這次解僱事件發表了數篇文章（詳見附件四），而文中所述的全都是事實，否則，我相信校方早已向我採取行動，指出我文中不正確的地方。我將事件如實記述，又怎可以說是對其他非當事人不公平？即使要覺得不公平的，也應該是當事人，亦即是我本人，而不是指控我的校方。

校方又指我的文章損害大學的形象和聲譽。讓我們再細想想：我發表該些文章，把事件公告天下，到底損害了誰的形象？假如是我做了錯事，讓別人知道我的「醜事」，受損的應該是我的形象吧？現在校方那麼擔心形象受損，箇中原因，不是昭然若揭嗎？

2. 沒有悔意的僱員

《解委會報告》指我沒有悔意(報告 II /19/(D) 項)，到底我做錯了什麼而需要有悔意？

D Possibility for Improvement

Throughout the hearing process, Members noted from Mrs. Lai's presentation that she had not shown any sign of remorse for her conduct and did not admit any wrong on her part. Instead, she had tried to put forward defense and excuses to justify her insubordination and inefficiency in handling the complaint case and grievance issues by shifting the responsibilities to, and putting the blame on other persons, her subordinates, supervisor, and CoE. Her conduct had demonstrated that she persistently refuse to face up to weaknesses in her interpersonal and management skills and to rectify the problems that had arisen. This was a basic flaw for any one in a senior management position. Members had grave concern about Mrs. Lai's effectiveness and professionalism in resuming a senior managerial position within the University.

「解委會」給我的罪名是 insubordination 及 refusal to perform her duty。我從 04 年 10 月我被剝奪職銜，05 年 2 月被吳校長解除職務，至 07 年 3 月「解委會」成立，一直沒有任何機會重返工作崗位，那我又何來有機會再聽從上司的指令，並履行我的職責呢？「解委會」對我這樣的指控，究竟是根據什麼呢？難道是另一「莫須有」的例子？

整件事的源起，是我一位犯校規的已離職下屬對我的投訴，由於她的投訴根本不能成立，因此不可能說我對她做了任何不公平或違反校規的事。既然我根本沒有做錯，又何來「悔意」？明白了事實的真相後便可以看到，我根本沒有需要將責任推到任何人身上，因為我沒有對任何人做了任何違反校規的事情。

黃院長是處理這些投訴個案的調查員，他處理的方式及其後對我的一連串懲罰，本身就是不公平、不合理的。黃院長在調查期間的陳述，前後不一致，且謊話連篇，我作為「當事人」，甚至是「受害人」，為尋求公道及釐清事件真相，以捍衛我的「聲譽」，努力作出澄清及回應，是理所當然的。難道我不澄清、不回應，承認黃院長的指控，校方便不會解僱我？



3. 結語：巧立名目，把我入罪

《解委會報告》第 9 頁第 II/B/D 尾段及結論對我有以下的指控：

This was a basic flaw for any one in a senior management position. Members had grave concern about Mrs. Lai's effectiveness and professionalism in resuming a senior managerial position within the University.

Conclusion

Members had taken note on the one had the allegation against Mrs. Lai as contained in the CoE Report and supported by evidences / submissions presented by the University;

and on the other hand Mrs. Lai's defence to the allegations, and tended to agree with the University findings.

In accordance with Paragraph 2.4 of Appendix F of the Terms of Service A that 'in reaching decisions, the Committee shall be guided by the balance of probabilities'; the CTA had deliberated thoroughly on the evidences for and against the allegations; and came to the unanimous view that there were substantial grounds to show that Mrs. Lai's acts and her willful non-compliance with reasonable requests from her supervisor amounted to misconduct and inefficiency on her part.

On the above grounds and in the interest of the University, CTA Members unanimously **CONCLUDED** that the appointment of Mrs. Tammy Lai should be terminated in accordance with Clauses 16.3 of Terms of Service A.

報告指我不服從上司指令，拒絕履行職責，是行為不檢和工作效率低，到底我是否不服從上司指令？是否拒絕履行職責？是否行為不檢？前文已清楚交代。

就 N 導師對我的投訴，黃院長要求我與 N 導師會面，以解決她的申訴。為了解她的申訴內容，我要求黃院長給我 N 導師投訴我的信件，這樣我們的會面才合情合理。而在我收到 N 導師投訴我的信件前，我已向她發出電郵，邀請她會面，但她一直沒有回應。我未能成功與她會面，是她的選擇，不能說我不服從上司指令。N 導師被學員投訴，黃院長要求我進行電話調查，又要我交報告，我都立刻處理及跟進，而他在當時也接納了報告，沒有指摘我不服從上司指令。黃院長在我病癒復職後，要我呈交他在八個多月前早應完成的 N 導師的工作表現評估報告，我立刻處理及跟進。他在接受報告時，他沒有指摘我，沒有說我遲交七天是不服從上司指令。



N 導師是我六十多名下屬中的一位，對於每一位下屬，我都是盡心盡力執行我的職責，我實在沒有必要也犯不著對 N 導師有任何失職或違反紀律規條的行為。在我處理 N 導師被學員投訴、撰寫她的工作評估報告，以及邀請她會面等事件中，都沒有引發任何災難性後果。我完全根據黃院長的指示辦事，又怎能說我工作效率低。報告指我 *insubordination* 及 *refusal to perform her duties*，全是沒有根據的指控。

校方在找不到實質證據的情況下，為了繼續解僱我的程序，便千方百計巧立名目，把我入罪，甚至連不在調查範圍之內的事項都要拿來充撐場面，作為解僱我的理由，可見黃院長和校方對我的指控根本軟弱無力，也無法提出充分的證據。

