

# **Whistle-blowers' Regulations**

*In force from 1 September 2015*

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## **Article 1 Definitions**

These regulations use the following definitions:

- the party concerned: an employee on a contract of employment with HKU, a member of staff who is not on the payroll or a student enrolled as such at HKU, who reports a suspected abuse.
  
- an abuse or suspected abuse: a reasonably founded suspicion concerning HKU, with regard to the following:
  - - an (impending) offence;
  - - a serious breach (or impending serious breach) of the rules and regulations;
  - - a serious violation (or impending serious violation) of the HKU integrity code;
  - - deliberate provision (or impending deliberate provision) of incorrect information to public bodies (including the Ministry of Education, Culture and Science, the Ministry of Justice and NVAO);
  - - a great danger (or impending great danger) to public health, security and the environment;
  - - deliberate withholding, destruction or manipulation of information about the aforementioned facts.

## **Article 2 Reporting**

A party concerned can report an abuse until one year after termination of the contract of employment of the work, or until one year after unenrolling as a student.

### ***Procedure for staff***

Unless there are grounds for exception as referred to in Article 5, paragraph 2, the employee reports an abuse or suspected abuse to the Executive Board. The employee may request confidential support from the staff ombudsman.

### ***Procedure for students***

Unless there are grounds for exception as referred to in Article 5, paragraph 2, the student reports an abuse or suspected abuse to the Executive Board. The student may request confidential support from one of the student counsellors.

## **Article 3 Dealing with reports**

1. The chair of the Executive Board makes a written record of the report and the date it was received, and gets this record signed by the party concerned. The party concerned receives a copy of the signed record.
2. The chair of the Executive Board immediately orders an investigation on the basis of the report.
3. The report and the investigation based on the report are dealt with confidentially. Information about the report, how it is dealt with and/or the results may only be given with the permission of the chair of the Executive Board. In doing so, the anonymity of the party concerned is observed.

## **Article 4 Information about the results of the investigation**

1. Within a period of six weeks of the time of report, the party concerned is notified in writing, by or on behalf of the chair of the Executive Board, of the Executive Board's

opinion regarding the report. This notification also sets out the steps taken as a result of the report.

2. If it is not possible to comply with the provisions of paragraph 1 within the period stated, the party concerned will be informed of this in writing by the Executive Board, stating the term by which the period is extended. In this case, the Executive Board will regularly inform the party concerned about the progress.

#### **Article 5 Special procedure**

1. Contrary to the provisions of Article 2, the party concerned can report an abuse or suspected abuse to the chair of the Supervisory Board, if:
  - a. they do not agree with the opinion referred to in Article 4
  - b. they have not received the opinion within the period stated in Article 4
  - c. the term referred to in Article 4 paragraph 2, in view of all the circumstances, is unreasonably long and the party concerned has lodged an objection about it with the Executive Board, yet the Executive Board has not set a shorter, more reasonable term
  - d. the abuse or suspected abuse concerns a member of the Executive Board
  - e. there are grounds for exception as referred to in the following paragraph.
2. There are grounds for exception as referred to in the previous paragraph under e. if:
  - a. there is a situation in which the party concerned can reasonably fear countermeasures as a result
  - b. a prior report, in accordance with the procedure, of the same abuse (essentially) has not removed the abuse.

#### **Article 6 Dealing with reports made under the special procedure**

1. The chair of the Supervisory Board deals with report in accordance with the procedure set out in Articles 3 and 4.
2. The chair of the Supervisory Board informs the chair of the Executive Board of the opinion based on the report, after obtaining permission from the party concerned. In doing so, the anonymity of the party concerned is guaranteed. On the basis of the findings, the chair of the Supervisory Board may give binding instructions to the chair of the Executive Board for the settlement of the report.

#### **Article 7 Legal protection**

The party concerned who, in compliance with the provisions of these regulations, has reported an abuse or suspected abuse will not be disadvantaged in any way in relation to their position, insofar as this disadvantage would result solely from the report.

#### **Article 8 Final provision**

In all instances not covered by these regulations, as well as in the case of dispute about the interpretation of these regulations, the Executive Board will take a decision in consultation with the Supervisory Board.

*Adopted by the Executive board on 15 June 2015 with the consent of the CCR on 25 June 2015*