

Whistle-blowing Policy

1. Preamble

- 1.1. The Whistle-blowing Policy (“the Policy”) is developed to achieve transparency and uphold integrity in all aspects of the operation of the University. The University expects responsible participation in the operation of this Policy.
- 1.2. The University has established various mechanisms¹ for handling staff grievances and allegation of non-compliance and misconduct that any complaints of such nature should be handled in accordance with the prevailing policies and procedures. The purpose of this Policy is to provide our stakeholders and PolyU community with an overarching framework on the related reporting channels and arrangements to provide more clarity and transparency in these aspects.

2. Policy

- 2.1. “Whistle-blowing” refers to a situation where a person decides to report serious concerns in which s/he has become aware of or genuinely suspects that any members of the University have been or may become involved.
- 2.2. The Policy provides proper channels for members of the PolyU community and stakeholders to confidentially report, in good faith, genuine concerns about suspected illegality, irregularity and malpractice relating to (i) the operation of the University and/or (ii) unethical or inappropriate acts/behaviours committed by members of the University.
- 2.3. Whistle-blowers should normally report the case to the staff member who has management responsibility over the matter concerned as per University’s established mechanisms¹. If the case cannot be handled by the established mechanisms, whistle-blowers should refer to paragraph 6 of this Policy for the appropriate reporting channels.

¹ The following mechanisms are in place for handling cases of various nature:

- (i) Staff grievances and complaints of sexual harassment and violation of the Code of Ethics against staff members and appeals against decisions on human resources related issues will be handled in accordance with the “Grievances and Human Resources Related Appeals Procedures”.
- (ii) Allegations of non-academic/general misconduct or non-compliance with the policies and regulations of the University will be handled by Independent Panel of Inquiry (IPI) appointed by President or his/her delegate in accordance with established procedures.
- (iii) Allegations of academic misconduct (research related) and academic misconduct (not related to research) will be handled by IPI appointed by Vice President (Research and Innovation) or his/her delegate and IPI appointed by President or his/her delegate respectively in accordance with established procedures.
- (iv) If the complaint concerns the conduct and discipline of students, the relevant unit of the University could refer the case to the Student Discipline Committee which adjudicates and makes decisions on behalf of the President and the decisions made by the Committee will be final within the University.

2.4. Whistle-blowers must support their reports with relevant evidence. Even if they do not have absolute proof, they must reasonably believe that the information they disclose, or any allegations they make, are substantially true.

2.5. Whistle-blowing reports may include but are not confined to:

- Fraudulent practice and improprieties relating to internal controls
- Misappropriation of University's resources
- Breach of legal and regulatory requirements
- Harassment, discrimination, and victimization

3. Anonymous Report

3.1. The University will not normally deal with anonymous reports. It will only investigate an anonymous report if the information provided contains good reasons and substantive evidence to justify follow-up actions, and the matter reported is of a significant importance.

4. Protection for Whistle-blowers

4.1. To protect whistle-blowers, the University will:

- 4.1.1. ensure that whistle-blowers who report a case or a concern in good faith are protected against any retaliation, retribution or unfair treatment regarding their employment or studies, regardless of whether an investigation later proves the allegation.
- 4.1.2. reserve the right to take appropriate actions against anyone who is proven to harass or victimize a whistle-blower or the person(s) who participated in the investigation of a case. This includes dismissal from employment or studies.

5. Confidentiality

5.1. The University will make every effort to keep the whistle-blower's identity confidential. His/her identity will be released only on a need-to-know basis.

5.2. If the nature of investigation makes it necessary to disclose the whistle-blower's identity, the University will inform the whistle-blower in advance that his/her identity is likely to be disclosed.

5.3. If an investigation leads to a criminal prosecution, the University may refer the whistle-blower to law enforcement to provide further information. If this happens, the University will try its best to discuss the implications for confidentiality with the whistle-blower in advance. However, there may be cases when the University has to refer the matter to law enforcement without informing the whistle-blower first.

5.4. In the process of investigation, every reasonable effort shall be made to protect the privacy of all parties involved and the confidentiality of all information and documents used in accordance with existing University policies and applicable laws.

6. Reporting Channels

6.1. Whistle-blowers should normally report the case to the staff member who has management responsibility over the matter concerned as per University's established mechanisms.

6.2. *If the whistle-blower:* *s/he should report the case to the:*

6.2.1 does not know or does not wish to approach the staff member who has management responsibility over the matter concerned President (via e-mail address: president.office@polyu.edu.hk)

6.2.2 does not wish to report the case to the President, or believes that the President may have a conflict of interest Chairman of the Audit Committee of Council (via a dedicated and confidential e-mail address: whistle.blow@polyu.edu.hk)

6.3. *If the case relates to the:* *s/he should report the case to the:*

6.3.1 Chairman of the Audit Committee Council Chairman

6.3.2 President, Deputy President and Provost or Executive Vice President Council Chairman

6.3.3 Council Member Council Chairman in conjunction with Chairman of the Audit Committee

6.3.4 Council Chairman Chairman of the Audit Committee in conjunction with Deputy Council Chairman

6.4. Report should be made in writing stating the reasons for the concerns and the relevant details with supporting document. Information provided should be factual and contain as much specific information as possible.

7. Investigation Procedures

7.1. The person who receives the report (including an anonymous report) should handle it or refer it to the appropriate University authority.

If the report cannot be handled by the University's established mechanisms, the person who receives the report should ask the President/Chairman of the Audit Committee/Council Chairman how to handle the case.

7.2. The authority who handles the report should first determine whether there is sufficient evidence to suggest that the information provided or allegation made is substantially true and serious enough to justify an investigation.

- 7.3. The whistle-blower (if known) should be informed whether the matter will be investigated or dismissed.
- 7.4. If an investigation is justified and instigated, the following principles should be observed:
 - 7.4.1. The alleged person(s) should be made aware of the allegation and given the opportunity to respond.
 - 7.4.2. The identity of the “whistle-blower”, if known, shall be made known to the alleged person(s), unless there is a special request from the “whistle-blower” with good reasons for not to disclose the identity.
 - 7.4.3. The parties concerned should be invited to view the facts and evidence gathered for investigation as appropriate.
 - 7.4.4. All information gathered for investigation should be kept strictly confidential.
- 7.5. If there is sufficient evidence to suggest a possible criminal offence, the President and/or Council Chairman should decide if the matter should be reported to law enforcement. Once the matter is referred to law enforcement, the University will decide whether to continue, discontinue or suspend further investigation/action until related criminal or civil proceedings have closed.
- 7.6. The whistle-blower (if known) and the alleged person(s) will be informed of the completion of the investigation² whenever reasonably practicable.

8. Conflict of Interest

- 8.1. Anyone with an actual, perceived or potential conflict of interest in the allegation/complaint must declare it. S/he must not be involved in the handling of the allegation/complaint.

9. False Report

- 9.1. The University reserves the right to take appropriate actions against a whistle-blower (if known) who is found to have submitted a false report on purpose or made a malicious allegation.

10. Effective Date and Revision to the Policy

- 10.1. The Whistle-blowing Policy was approved by the University Council and became effective on 11 December 2018. The Council’s Audit Committee will periodically review the Policy and recommend appropriate revisions for the Council to consider and approve. The latest updates were approved by the Council in March 2024.

² The provision of information to the whistle-blower and the alleged person is subject to the applicable statutory and regulatory restrictions. These include the Prevention of Bribery Ordinance, Organized and Serious Crimes Ordinance, Personal Data (Privacy) Ordinance and Tipping Off, Anti-Money Laundering and Counter-Terrorist Financing Guidelines.