

Lingnan University

Whistle-blowing Policy

1. Preamble

The University is committed to the highest standards of corporate governance and accountability. In line with this commitment, the University wishes to provide a formal channel in which its staff and any other relevant parties (defined to include organizations/individuals with business dealings and/or a formal association with the University, e.g. contract workers, vendors, partners, etc.) to report their concerns in good faith and on a confidential basis about perceived irregularities in the operation of the University and the activities undertaken by colleagues within the University.

2. Definition

2.1 Though it is impossible to give an exhaustive list of the activities that constitute malpractice, non-compliance and fraudulent act, broadly speaking, a member of staff and any other relevant parties who has serious concerns of the following is welcome to file a report:

- (a) financial malpractice;
- (b) the abrogation of appropriate procedures;
- (c) departures from statutory or other requirements for good governance;
- (d) the deliberate concealment of information concerning any of the matters listed above.

2.2 While the whistle-blower may not have absolute proof of the malpractice, non-compliance and fraudulent acts reported, the report should show the reasons for the concerns.

3. Applicability

All staff members of the University and other relevant parties can avail themselves of the process provided by this Policy in reporting cases of malpractice/non-compliance/fraudulent act.

4. Anonymous Report

4.1 Anonymous reports will be dealt with in those cases where there is evidence that the report reveals a prima facie case of misconduct, and the matter reported is of a significant importance.

4.2 The wish of the whistle-blower to file the report in confidence is respected. However, staff members and other relevant parties are encouraged to identify themselves with their concerns because an anonymous allegation will be much more difficult for the University to follow up as it will not be able to obtain further information from an anonymous whistle-blower and to make a proper assessment.

5. Procedures

- 5.1 The filing of a written report shall be made ideally within thirty (30) days from the time of occurrence of the malpractice, non-compliance and fraudulent acts which is known or shall have been known to the whistle-blower.
- 5.2 A report shall be made to the staff member in the University who is in charge of the relevant matter. If the whistle-blower does not have knowledge about, or does not wish to approach the relevant staff who is in charge of the matter, he/she shall file a report to the Director of the Office of Council/Court Business and Governance Administration via a dedicated and confidential email address (wb-occbga@LN.edu.hk) or by letter.
- 5.3 If the whistle-blower considers that the Director of the Office of Council/Court Business and Governance Administration may have conflict of interest in the matter to be reported, he/she shall report the matter to the President (p_whistleblowing@LN.edu.hk). If the President is involved in the matter reported, he/she shall report the matter to the Chairman of the Council (wb-cc@LN.edu.hk). If the matter reported is related to any members of the Council, it would be referred to the Council for handling.
- 5.4 In the report, the whistle-blower shall provide full details, and where possible, supporting evidence of the matter concerned.
- 5.5 The recipient of the report (including an anonymous report) shall decide whether the report appears to be made in good faith and whether sufficient cause can be established to support the matter reported.
- 5.6 The recipient of the report shall, within fifteen (15) days after the receipt of the report, inform the whistle-blower (if known) the action taken, viz.:
 - (a) the report is dismissed and the reason of dismissal;
 - (b) referral of the report to the proper authority for handling or in accordance with the appropriate University procedures;
 - (c) to investigate the matter reported, either by the recipient of the report or by an inquiry panel set up for this purpose; or
 - (d) referral of the matter to an external legal enforcement agency in consultation with the President.
- 5.7 If an investigation is warranted, the following standards are observed:
 - (a) In order to ensure a fair and due process, the alleged person(s) shall be made aware of the allegation, and given the opportunity to respond to the allegation.
 - (b) The identity of the whistle-blower (if known) shall be made known to the alleged person(s), if any, unless there is a special request from the whistle-blower with good reasons for not to disclose the identity.
 - (c) The report and relevant documents provided by the whistle-blower and other relevant information obtained in the course of the investigation, if any, will be considered, and will be provided to the parties concerned.

- (d) It is necessary to establish that the report is made in good faith and is not made for personal gain. There is prima facie evidence to suggest that the information provided and/or the allegation made are substantially true.

- 5.8 If, upon the receipt of the report or at any stage of the investigation process, a possible criminal offence is disclosed, the University will decide if the matter shall be reported to the law enforcement agency for further action. Once the matter reported is referred to the law enforcement agency, the University will postpone further investigation/action until after the conclusion of criminal or civil proceedings.
- 5.9 The whistle-blower (if known) and all the other parties involved in the investigation shall be informed of the outcome of the investigation within sixty (60) days after the receipt of the report. If the whistle-blower is dissatisfied with the outcome, he/she could, within fifteen (15) days of being notified with the outcome of the investigation, request that the matter be referred to the President who shall have full discretion in deciding the action required.
- 5.10 The President will, within fifteen (15) days after the matter is referred to him/her either as requested by the whistle-blower or suggested by the outcome of the investigation that further or formal action by the University is required, decide which of the following actions to be taken:
 - (a) a further investigation;
 - (b) dismissal of the case;
 - (c) reporting the matter to a law enforcement body; and
 - (d) requesting the matter to be dealt with in accordance with existing procedures of the University.
- 5.11 The whistle-blower (if known) and all the other parties involved in the investigation shall be informed of the decision of the President.
- 5.12 If the President is involved in the matter reported, the Chairman of the Council shall replace the President in those tasks referred to in the report that are normally performed by the President.

6. Time Limits

The time limits set forth herein may be extended by the relevant decision-making authority if deemed appropriate.

7. Confidentiality

- 7.1 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.
- 7.2 All parties involved in the investigation should observe the confidentiality code strictly. Any violation of the confidentiality shall be regarded as a serious breach of professional ethics, and be subject to appropriate sanction.

8. Conflict of Interest

Any person who has an actual or potential conflict of interest in the allegation/complaint shall declare his/her interest or shall not take part in the processes of investigation.

9. Victimization

The University prohibits victimization or retaliation of any kind against any staff members who in good faith report a concern or participate in the investigation of a case regardless of whether the allegation is substantiated. Disciplinary action may be taken against any staff who is found to have (i) committed any act of victimization or retaliation; and/or (ii) lodged a false complaint or provided false information on purpose during the process of investigation.

10. Monitoring of the Policy and Procedures

The University may review the Whistle-blowing Policy and its procedures from time to time as deemed appropriate.