

Lingnan University

Appeals Committee for Non-Academic Staff

Terms of reference

To consider and make decisions on appeals from non-academic staff against non-renewal of contracts and termination of employment on grounds of performance.

Membership

- Chairman : A member of the Presidential Group appointed by the President
- Members : Two Heads of Departments/Units appointed by the President
One member of academic staff appointed by the President
One member of administrative staff who is not Head of Department/Unit, appointed by the President
Up to two members (internal/external) may be co-opted by the President on an ad hoc basis
- Secretary : A staff member of the Human Resources Office
- In attendance : Director of Human Resources

Remarks

- (i) The Committee may invite Heads of Departments/Units concerned to its meetings, if necessary.
- (ii) The Committee may invite staff member(s) concerned to appear before the Committee to respond to members' questions.
- (iii) Appointed members shall normally abstain from deliberation on staff belonging to their own Department/Unit.
- (iv) If the Chairman has been involved in the review of a subject case, he/she shall be excused from the deliberation of the appeal and the President shall appoint a person from among the members of the committee to act as Chairman.

**Appeals Procedures for Non-academic Staff
(Contract Non-renewal & Termination of Employment)**

1. Any full-time non-academic staff member employed on a fixed term or continuous basis¹ (but not substantiated) whose contract is not renewed or whose employment is terminated on the grounds relating to performance of his or her duties may appeal to the Appeals Committee for Non-Academic Staff (“the Committee”) in accordance with the following procedures.
2. The Appellant must give his/her notice of appeal in writing and provide relevant supporting documentation to the Secretary to the Committee (“the Secretary”) within one month from the date of the notification concerning the non-renewal of contract or termination of employment on grounds of performance.
3. The Secretary shall forward a copy of the notice of appeal and relevant supporting documentation to the relevant review body(ies) for its written comments, which must reach the Secretary within fifteen working days from the receipt of such copies of documents.
4. The Committee shall review the appeal and reach a decision/recommendation within six weeks from the receipt of the notice of appeal from the Appellant concerned. Reasonable extension of time may be granted by the President, if appropriate.
5. The Committee may, prior to its formal meeting, hold a preliminary meeting for the purpose of determining whether further information or clarification may be required from the relevant review body(ies), whose member(s) may be invited to appear before the Committee at its formal meeting.
6. The Appellant who wishes to appear before the Committee in person at its formal meeting must indicate such a request in his/her notice of appeal, but the Committee reserves its right whether or not to accede to such request.
7. No legal representation is allowed for any proceedings of the Committee.
8. In arriving at a decision in its deliberation, the Committee may take into consideration all the relevant circumstances as to whether the non-renewal of the contract or the termination of the continuous employment is fair and reasonable, and in accordance with the established procedures and practices of the University, related laws and ordinances as well as principles of equity.
9. If the appeal is allowed, the case will be referred to the relevant responsible body to rectify the problem(s) and then be further considered by the relevant review body(ies) in accordance with the established procedures for review of personnel actions.
10. If the appeal is dismissed, the decision of the Committee shall be final. The Appellant concerned will be informed accordingly by the Human Resources Office.

¹ All staff members who are on probation or short-term appointments shall have no right of appeal.