

# THE HONG KONG ACADEMY FOR PERFORMING ARTS

## **Whistleblowing Policy and Procedures**

### **1. Preamble**

- 1.1 The Hong Kong Academy for Performing Arts (the “Academy”) is committed to be a fair and honest workplace and educational institution with high standards of good governance, integrity, accountability and responsibility. In line with this commitment, the Academy has established various policies and procedures, such as General Code of Conduct for Staff, Student Code of Conduct, Student Handbook, Staff Grievance Procedures, Procedures for Resolution of Students’ Grievances and Guidelines on Handling Public Complaints.
- 1.2 This policy aims to cater for aspects not covered by the prevailing policies and procedures and provide a channel for stakeholders<sup>1</sup> of the Academy to report an actual or suspected misconduct or unethical behaviour. Our stakeholders and community are encouraged to report any serious concern over matters considered to be of illegality, malpractice or impropriety in the Academy’s operation in good faith by following the procedures herein.
- 1.3 Whistleblowing reports include but are not limited to:
- Violation of laws and regulations
  - Misuse of funds or donations
  - Misappropriation of the Academy’s resources
  - Conflict of interest without due disclosure
  - Abuse of power or authority
  - Fraudulent activities
  - Harassment and discrimination
  - Endangerment to health or safety of people / environment
  - Breach of the Academy’s policies and procedures.
- 1.4 All reports will be handled promptly in an impartial manner and on a confidential basis in accordance with this policy.

### **2. Procedures**

- 2.1 A whistleblower who wishes to report any matter under this policy should submit a report, addressed to the designated officer as prescribed in Section 3, in writing via a dedicated and confidential email address: [whistleblow@hkapa.edu](mailto:whistleblow@hkapa.edu) or through letter directly to the designated officer.
- 2.2 The whistleblower shall include essential information in the report, such as:
- background of an incident
  - nature of misconduct
  - date(s) and duration of the incident
  - how to discover the incident
  - details of the parties involved

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<sup>1</sup> For example, stakeholders can be current or former employees, students, parents, vendors (including suppliers, consultants, service providers and agencies) and any other person with a working relationship or direct association with the Academy.

- evidence or reasons for concern if evidence is not readily available
  - contact details.
- 2.3 The designated officer shall develop and maintain a register of reports received, which contains information of the report receipt date, internal assessment results and actions that have been taken (if any); and keep the original reports in safe custody for at least three years.
- 2.4 The designated officer shall provide acknowledgement to the whistleblower if contact details are provided within two working days of receipt of the report. The designated officer(s) shall then determine whether the report is made in good faith and should be dealt with under this policy; and decide if there is a *prima facie* case to support the matter reported. The following actions may be taken:
- open a case and investigate the concern reported;
  - refer the report to person(s) with respective authority in accordance with the prevailing Academy policies and procedures;
  - refer the report to an external legal enforcement body after consultation with the Director, the Chairman of Council and/or legal advisor where appropriate; or
  - dismiss the report.
- 2.5 The whistleblower (if contact details are provided) shall be informed of the reason for the dismissal or what actions will be taken within 30 working days.
- 2.6 If an investigation is warranted, the alleged person(s) shall be made aware of the allegation and given an opportunity to respond to the allegation to ensure a fair and due process, unless it is prohibited by applicable laws and regulations.
- 2.7 The identity of the whistleblower (if not anonymous) shall be made known to the alleged person(s), unless there is a special request from the whistleblower with good reasons for not disclosing the identity.
- 2.8 The whistleblower (if contact details are provided) and all the other parties involved in the investigation shall be informed of the outcome of the investigation within 90 working days after the receipt of the report, subject to the applicable statutory and regulatory restrictions. The time for investigation may be extended and the whistleblower will be informed of the extension in due course.
- 2.9 If the whistleblower is dissatisfied with the outcome of the investigation, he / she could, within 7 days of being notified with the result, request the matter to be referred to the Chairman of the Audit Committee who shall have full discretion in deciding the action required.
- 2.10 The Chairman of the Audit Committee will inform the whistleblower and relevant parties involved in the investigation about the final decision, within 60 working days after the matter is referred to him / her either as appealed by the whistleblower or suggested by the investigation result that requires further actions.
- 2.11 If there is sufficient evidence to suggest a possible criminal or civil offence, the Council Chairman, the Chairman of the Audit Committee and/or the Director of the Academy should decide if the matter should be reported to an external legal enforcement body. Once the matter is referred to such a body, the Academy may cease to continue or suspend further investigation until related criminal or civil proceedings have closed.

### 3. Reporting channels

3.1 Normally, whistleblowers should report the case to the staff member who has management responsibility over the matter concerned as per the Academy's established mechanisms.

3.2 Whistleblowers should report to the designated officer as follows:

<i>If the whistleblower:</i>	<i>He / she should report the case to the:</i>
<ul style="list-style-type: none"><li>• does not know or does not wish to approach the staff member who has management responsibility over the matter concerned</li></ul>	Director of the Academy
<ul style="list-style-type: none"><li>• does not wish to report the case to the Director, or believes that the Director may have a conflict of interest</li></ul>	Council Chairman
<i>If the whistleblower believes that the case relates to the:</i>	<i>He / she should report the case to the:</i>
<ul style="list-style-type: none"><li>• Council Chairman;</li><li>• Council member;</li><li>• Director; and/or</li><li>• Deputy Director</li></ul>	Chairman of the Audit Committee
<ul style="list-style-type: none"><li>• Chairman of the Audit Committee</li></ul>	Council Chairman
<ul style="list-style-type: none"><li>• Person(s) other than the above</li></ul>	Director of the Academy

3.3 If the matter concerned is about an Academy's staff member or related to an operational matter, the Director of the Academy or his / her delegated team, who do not have conflict of interest, will assess the whistleblowing report; investigate the *prima facie* case (if applicable); and address the matter independently and impartially.

### 4. Anonymous report

4.1 We respect the rights of whistleblowers to remain anonymous and their reports will be accepted when the concern is a *prima facie* case of irregularity and of significant importance.

4.2 Whistleblowers are encouraged to express their concerns and provide sufficient information that contains clear reasons and concrete evidence to justify follow up actions.

### 5. Protection against retaliation

5.1 Staff members or students who, in good faith, report a concern or provide information of a case shall be protected from retaliation or adverse consequences of their employment or studies regardless of whether the allegation is substantiated.

5.2 If staff members or students believe that they are being retaliated against, they should immediately report this incident to the Director of the Academy or the Chairman of the Audit Committee, where appropriate.

## **6. Confidentiality**

6.1 All parties involved in the enquiry or investigation process will maintain confidentiality on all information. Disclosure of information should only be made to those persons who have a genuine need to know to progress. When it is necessary and possible, the Academy will inform the whistleblower in advance that his / her identity is likely to be disclosed.

6.2 Everyone involved in the investigation should understand the prevailing Academy policies and procedures and other applicable laws and regulations on protection of privacy. Violation of confidentiality shall be subject to disciplinary action.

## **7. False report**

7.1 The Academy reserves the rights to take appropriate actions against a whistleblower who is found to have submitted a false report on purpose or made a malicious allegation against any members of the Academy.

## **8. Conflict of interest**

8.1 Person who has actual, perceived or potential conflict of interest with the whistleblower or the alleged person(s) shall declare his / her interest and shall not handle the allegation.

## **9. Accountability**

9.1 The Internal Audit Office shall report to the Audit Committee, at least once a year, on all cases received under this policy, without breaching confidentiality or disclosing details of any individuals concerned.

## **10. Enquiries**

10.1 For further information and enquiries regarding these policy and procedures, please contact the Internal Audit Office.

## **11. Review of policy and procedures**

11.1 These policy and procedures were approved by the Director of the Academy on 30 March 2022 and will be reviewed by the policy owner at least every year or whenever changes are required (if those happen earlier) to make this document relevant and effective.

Policy owner:	Internal Audit Office
Approver:	Director of the Academy
Effective date:	31 March 2022
Last review date:	30 March 2022
Version:	1.0