

# **FOR REFERENCE ONLY**

## **Guide for Teacher Manager Election**

### **Introduction**

1. Since the implementation of school-based management in public sector schools in 2000, the Education Bureau has been promoting the participation of key stakeholders in school management and decision-making. The aim is to introduce an open and transparent participatory school governance framework in schools by including key stakeholders like teachers, parents and alumni in the Incorporated Management Committee (IMC). The Education Ordinance (the Ordinance) provides that there shall be at least one teacher manager in the IMC and where there is only one teacher manager in an IMC, an alternate teacher manager shall also be provided. Teacher managers mentioned in this election guide include both teacher manager and alternate teacher manager (if applicable). All teacher managers shall be elected in the same manner for nomination for registration as managers.

2. The procedures of teacher manager election and the nomination of teacher manager have been stipulated in the IMC constitution. Schools shall conduct teacher manager election in accordance with the Ordinance and the IMC constitution. In consideration of the actual circumstances, schools can set out election details which have not been stipulated in the IMC constitution, provided that the election details do not contravene with the Ordinance and the IMC constitution.

3. This election guide, premised on the principle of fairness and transparency as provided for in section 40AN of the Ordinance on ‘Nomination of Teacher Manager’, outlines the procedures for the election of teacher managers. Please refer to Annex I for the relevant provisions of election of teacher managers in the Ordinance. Schools should observe the stipulations in the IMC constitution regarding teacher manager election procedures and may adapt this election guide to develop their own election details. During the process of formulating the election details, all teachers should be consulted to ensure that the election details are fair and transparent; all related information should be properly documented. Teacher consultation should still be conducted in any subsequent review to see if there is a need to amend the election details, and all related information should be

properly documented.

4. Schools are reminded that any amendment concerning the provisions related to teacher manager election in the IMC constitution must be made in compliance with section 40AY of the Ordinance as well as the stipulated procedures on amendment of IMC constitution.

## **The Candidature**

5. An eligible candidate for the election of teacher manager must be a permitted teacher or registered teacher who —

- (i) is employed in the school to occupy a teacher post in the establishment of staff provided for in the codes of aid; or
- (ii) is employed in the school for a term not less than 12 months to perform teaching duties or other duties directly related to teaching.

6. The specialist staff of special schools is also eligible to become candidates in the election of teacher managers. Specialist staff refers to any person employed to work for the special school as a school social worker, speech therapist, physiotherapist, occupational therapist, occupational therapist assistant, educational psychologist, nurse, warden, assistant warden, houseparent-in-charge, houseparent, programme worker or braille staff, and those specified in the code of aid for special schools for such purposes.

7. **According to section 40AN(2)(b), the principal of the school should not be nominated as a teacher / alternate teacher manager. Candidates should note the registration requirements of managers set out in section 30 of the Ordinance.**

8. As stipulated in the Ordinance, a teacher shall not serve as a parent manager or an alumni manager.

## **Number & Tenure**

9. The number and tenure of office of teacher managers have been specified in the IMC constitution. Generally, the term of office of a teacher manager is recommended to come into effect on 1 September and terminate on 31 August. In case the school cannot conduct the teacher manager election before 1 September, it is recommended that the election should be conducted as soon as possible after

the commencement of the new school year in September. The principal should then nominate the elected teacher for registration as a teacher manager. Otherwise, in accordance with section 40AU of the Ordinance, if the post of teacher manager is vacant for more than three months, the IMC shall apply to the Permanent Secretary for extension of the period for filling the vacancy.

## **Nomination Procedures**

### **Returning Officer**

10. The IMC constitution has provided for the responsible person for conducting the teacher manager election. Generally, the teacher manager election shall be conducted by the principal, who shall be the Returning Officer responsible for giving notice on the teacher manager election, monitoring the nominations, issuance of ballot papers and counting of votes to ensure the compliance of the procedures as stipulated in the IMC constitution and election details. The Returning Officer must not be a candidate for the teacher manager election.

### **Period of Nomination**

11. The Returning Officer should specify the period of nomination for teacher manager election in accordance with the relevant provision of the IMC constitution.

### **Nomination**

12. According to the IMC constitution, the Returning Officer shall inform all teachers in writing of the number of teacher manager vacancies, the period of nomination, method of nomination, date of voting and counting of votes, date of announcement of results and other related information. At the same time, the notice should outline the eligibility of candidates (paragraphs 5 to 8 above) and responsibilities of a school manager.

13. The Returning Officer should follow the nomination procedure of teacher manager candidates which has been stipulated in the IMC constitution. In general, either one of the following two nomination methods would be adopted:

- (i) If all teachers (excluding the principal) are considered to be candidates, the teachers should state whether they intend to stand as candidates or not;

OR:

- (ii) If candidates need to be nominated by teachers and the nomination form should be distributed to all eligible teachers. Each teacher can nominate oneself, another teacher or more than one teacher to stand for election. If the IMC constitution does not specify the maximum number of nominees that each teacher can nominate, and whether there should be a mechanism of seconding a nomination, schools can set out such arrangements in the election details and ensure all these requirements are fair and transparent.

14. If no one stands for candidature in the election, the Principal may consider extending the deadline of nomination or conducting the election again after a lapse of some time. The election procedures should cater for such occasions and special arrangements should be made based on the principle of fairness and transparency.

### **Candidates' Information**

15. The IMC constitution and election details should include the provisions on whether each nominated candidate should supply a brief statement of his / her personal information to the Returning Officer.

16. The Returning Officer shall observe the timeframe set in the IMC constitution to issue written notice to all teachers, and generally, the written notice should be given not less than 7 days before the election day. Such notice should include the names of the candidates and the brief introductory statements of the candidates (together with their declarations if any), election arrangements and the relevant timeline. The IMC should guard against the risk of incurring any legal liability in publishing those statements. In addition, the Returning Officer can arrange a meeting for the candidates to introduce themselves and answer questions raised by teachers.

## **Electors' Eligibility**

17. The teachers referred to as in paragraphs 5 and 6 above are eligible to vote. The principal of the school also has the right to vote. All eligible electors have equal voting right.

## **Election Procedures**

### **Date of Voting**

18. The period between the date of voting for teacher manager election and the deadline of nomination should be set according to the IMC constitution. In general, it should be at least two weeks.

### **Voting method**

19. According to the Ordinance, the voting shall be conducted by secret ballot, i.e. electors are not allowed to put down their names or any other marks of identification on the ballot paper and should not let the other electors see whom they have voted for. A sample of the ballot paper is at Annex II.

20. A ballot box shall be made available for the election. It should be locked and the key should be kept by the Returning Officer. The Returning Officer shall inform all teachers of the voting arrangement in advance, arrange for the issuance of ballot paper in accordance with the IMC constitution (either attached to the written notice of the names of candidates, or distributed on the date of election) and ask all the eligible voters to cast their ballot papers into ballot box. The Returning Officer shall specify whether blank ballot papers should be returned according to the stipulations in the election details and, if so, inform all teachers about relevant arrangement in advance.

### **Counting of votes**

21. The Returning Officer may arrange to conduct voting and counting on the same day. All teachers and candidates can be invited to witness the counting of votes.

22. The principal and the Returning Officer (in the case if the Returning Officer is not the principal) shall be present to witness the counting of votes. During the counting process, the Returning Officer must make sure that all ballot papers have been poured out from the ballot box before counting starts. The Returning Officer should specify in advance the circumstances under which ballot paper will be declared invalid, for example —

- (i) the number of candidates marked on the ballot paper exceeds the number of vacancy for that election;
- (ii) the ballot paper has not been marked properly; or
- (iii) the ballot paper is marked in such a way that the identity of the elector can be traced.

23. If there is only one teacher manager vacancy and one alternate teacher manager vacancy, the one who obtains the greatest number of votes will be nominated for registration as the teacher manager whereas the one who obtains the next greatest number of votes will be nominated for registration as the alternate teacher manager. If there are more than one vacancy, the successful candidates are the ones who obtain the greatest number of votes, then the next greatest and so on until all vacancies are filled. When two or more candidates obtain the same number of votes, the Returning Officer shall refer to the IMC constitution to conduct a second round of voting or draw lots. Schools may consider adopting the mechanism of 'uncontested nomination' when necessary. All teachers shall be consulted and informed of such mechanism in advance. The principle of fairness and transparency should be observed in this regard.

24. After the election, the Returning Officer should put all the cast ballot papers in an envelope, which will then be signed and sealed by him / her and the principal (in the case if the Returning Officer is not the principal). The envelope and the cast ballot papers should be kept by the school for at least six months as they may be needed for investigation purposes in case of allegations against voting irregularity. However, prolonged retention period should be avoided.

### **Announcing Results**

25. The Returning Officer should inform all teachers of the results of election.

26. If the appeal mechanism for the teacher manager election is not stipulated in the IMC constitution, schools should specify the appeal mechanism in the election details so that unsuccessful candidate(s) know how to lodge an appeal when necessary. Generally, an appeal to the IMC in writing should be lodged together with the reasons within one week of the announcement of results. The school shall ensure that the appeal mechanism is fair and transparent.

### **Follow-up Action after Election**

27. The principal shall nominate the teacher(s) elected as teacher manager(s) of the school in accordance with section 40AN(1) of the Ordinance, and notify the IMC of the result of the teacher manager election. Meanwhile, the elected

teacher(s) shall apply to the Permanent Secretary for registration as manager(s) of the school in a specific form.

### **Filling of Vacancies**

28. If a teacher manager or alternate teacher manager vacancy arises (due to the expiry of term of office, resignation tendered by the manager during the term of office, or ceasing to be employed in the school as a teacher), the principal shall conduct an election and make nomination of teacher manager(s) to fill the vacancy within three months. If the principal cannot make nomination accordingly, the IMC may apply on good grounds to the Permanent Secretary for extension of the period for filling the vacancy.

### **Points to Note**

29. Teachers, being candidates and voters in the teacher manager election, should note the ethical conduct listed at Annex III to ensure fairness in the election process.

30. On receiving an application for registration as a manager of a school, the Permanent Secretary shall make such inquiry as he considers necessary. The Permanent Secretary may refuse to register an applicant as a manager of a school on grounds stipulated in section 30 of the Ordinance.

31. To facilitate smooth conducting of the election, it is advisable for the Returning Officer to handle all enquires related to election in a timely manner.

Education Bureau

## Education Ordinance

### Provisions relating to Election of Teacher Managers

The “Content” as listed out in the following table is a summary of the relevant provisions of the Education Ordinance and is for reference purpose. Please refer to the Education Ordinance if a specific provision is to be quoted.

<b>Education Ordinance</b>	<b>Content</b>
30	<p>The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that —</p> <ul style="list-style-type: none"> <li>• the applicant is not resident in Hong Kong for at least 9 months in each year;</li> <li>• the applicant is not a fit and proper person to be a manager;</li> <li>• the applicant is a person in respect of whom a permit to teach has previously been cancelled;</li> <li>• the applicant is under the age of 18 years;</li> <li>• the applicant has attained the age of 70 years and he fails to produce a valid medical certificate certifying that he is physically fit to perform the functions of a manager;</li> <li>• the applicant is under the age of 70 years and he fails to produce, upon a request by the Permanent Secretary, a valid medical certificate certifying that he is physically fit to perform the functions of a manager;</li> <li>• in making or in connection with any application — <ul style="list-style-type: none"> <li>(i) for registration of a school;</li> <li>(ii) for registration as a manager or a teacher; or</li> <li>(iii) to employ a person as a permitted teacher in a school,</li> </ul> the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular;</li> <li>• the applicant is a bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6) or has entered into a voluntary arrangement under that Ordinance;</li> <li>• the applicant has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment; or</li> <li>• the applicant has been registered as a manager of 5 or</li> </ul>



Education Ordinance	Content
	more schools.
40AB	<ul style="list-style-type: none"> <li>• “Teacher” means a permitted teacher or registered teacher employed in a school —               <ul style="list-style-type: none"> <li>(i) to occupy a teacher post in the establishment of staff provided for in the code of aid for primary schools, code of aid for secondary schools or code of aid for special schools; or</li> <li>(ii) for a term not less than 12 months to perform teaching duties or other duties directly related to teaching.</li> </ul> </li> </ul>
40AB	<ul style="list-style-type: none"> <li>• “Specialist staff”, in relation to a special school, means —               <ul style="list-style-type: none"> <li>(i) any person employed to work for the special school as a school social worker, speech therapist, physiotherapist, occupational therapist, occupational therapist assistant, educational psychologist, nurse, warden, assistant warden, houseparent-in-charge, houseparent, programme worker or braille staff; and</li> <li>(ii) any other person employed to work in the school as may be specified by the Permanent Secretary in the code of aid for special schools for the purposes of this definition.</li> </ul> </li> </ul>
40AL	<ul style="list-style-type: none"> <li>• For an IMC school, at least one teacher manager shall be provided.</li> <li>• If the constitution of IMC allows not more than one teacher manager, an alternate teacher manager shall be provided.</li> </ul>
40AN	<ul style="list-style-type: none"> <li>• The principal of a school shall nominate such number of teachers of the school for registration as teacher manager or alternate teacher manager of the school as may be provided for in the constitution of the IMC of the school.</li> <li>• A teacher manager must be a teacher of the school.</li> <li>• A teacher manager must not be the principal of the school.</li> <li>• The election of teacher managers must be held pursuant to the constitution of the IMC of the school.</li> <li>• In the election, all teachers of the school have equal voting right and right of candidature.</li> <li>• The voting for the election shall be conducted by secret ballot.</li> <li>• The system of the election is otherwise fair and transparent.</li> <li>• “Teacher” includes, in relation to the teacher manager election of a special school, the “specialist staff” of the school.</li> </ul>

<b>Education Ordinance</b>	<b>Content</b>
40AS	<ul style="list-style-type: none"> <li>• A teacher manager and an alternate teacher manager shall be elected in the same manner for nomination for registration as a manager.</li> </ul>
40AU	<ul style="list-style-type: none"> <li>• The person who fills the vacancy of teacher manager shall be elected in the same manner as the manager who ceased to hold the office concerned.</li> </ul>
40AW	<p>If a teacher manager or alternate teacher manager of a school ceases to be employed in the school, he shall be deemed to have resigned from his office as a manager in accordance with the constitution of the IMC of the school.</p>
40AX	<ul style="list-style-type: none"> <li>• If — <ul style="list-style-type: none"> <li>(i) the teachers and (where applicable) specialist staff of a school pass a resolution that any teacher manager or alternate teacher manager of the school is not suitable to continue to hold office as such; and</li> <li>(ii) the resolution is passed in a manner which is, as far as reasonably practicable, similar to the manner in which the manager is elected for nomination,</li> </ul> <p>the principal of the school shall make a written request to the IMC about the cancellation of the registration of the teacher manager or alternate teacher manager. The IMC shall, upon receiving the request from the principal, issue a notice in writing to the Permanent Secretary as regards the cancellation of the registration of the teacher manager or alternate teacher manager.</p> </li> </ul>

## XXX School XXX 學校

### Election of Teacher Manager 教員校董選舉

#### Ballot Paper 選票

Voting Date:

投票日期：

Please read carefully the “Directions for Voting” overleaf before casting vote.

填寫選票前請細閱背頁的「投票人須知」

Please use a blue or black ball-point pen to mark a “✓” in the box against the number of the candidates you vote for. The number of “✓” you marked on the ballot paper should not be more than the number of vacancies. Otherwise, your ballot paper will be considered null and void.

請用藍色或黑色原子筆在選票上候選人編號旁邊的空格內加上「✓」號。你在選票上所填的「✓」號，不能超過空缺的數目，否則，選票便會作廢。

#### Candidates 候選人

- |                          |   |                       |            |
|--------------------------|---|-----------------------|------------|
| <input type="checkbox"/> | 1 | XXX (Name in English) | XXX (中文姓名) |
| <input type="checkbox"/> | 2 | XXX                   | XXX        |
| <input type="checkbox"/> | 3 | XXX                   | XXX        |

## **XXX School**

## **XXX學校**

### **Directions for Voting**

1. Put no other marks on the ballot paper other than the mark “✓” or it will be considered null and void.
2. Fold the ballot paper into two and do not let anyone see whom you vote for. The ballot is secret.
3. Put the ballot paper into the ballot box.

### **投票人須知**

1. 除「✓」號外，請勿在選票上劃上其他記號，否則選票便會作廢。
2. 將選票對摺，切勿讓他人看見你的選擇。投票是保密的。
3. 將選票放入投票箱。

## **Ethical Conduct Required in the Teacher Manager Election**

### **Nomination of Candidates**

1. Do not offer any advantage to get any person to stand or not to stand as a candidate.
2. Do not offer any advantage to get any person having been nominated as a candidate to withdraw his candidature.
3. Do not offer any advantage to get any candidate's not using his best endeavours to promote his candidature.
4. Do not solicit or accept any advantage for any person's standing or not standing as a candidate.
5. Do not solicit or accept any advantage for any person's withdrawal of his candidature.
6. Do not solicit or accept any advantage for any candidate's not using his best endeavours to promote his candidature.
7. Do not use or threaten to use force or duress to induce any person to stand or not to stand as a candidate, or to withdraw his candidature.
8. Do not induce by deception, any person to stand or not to stand as a candidate, or to withdraw his candidature.

### **Electioneering**

1. Do not make any materially false or misleading statement of fact including but not limited to the character, qualifications or previous conduct of a candidate or candidates.
2. Do not take part in any activity that is likely to give rise to criticism and allegation of malpractices and should abide by the principle of fairness in election.
3. Do not state overtly or covertly the support of any person or organisation in any campaign activities, especially in the campaign literature before written consent has been obtained.

## **Voting**

1. Do not offer any advantage to induce any person not to vote at an election.
2. Do not offer any advantage to induce any person to vote or not to vote for a particular candidate at an election.
3. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's not voting at an election.
4. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's voting or not voting for a particular candidate at an election.
5. Do not use or threaten to use force or duress against any person for the purpose of influencing his or any other person's voting decision.
6. Do not induce by deception any person not to vote at an election.
7. Do not induce by deception any person to vote or not to vote for a particular candidate at an election.