

# LCQ17: Preventing sexual harassment at universities

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (May 29):

Question:

The findings of a study conducted last year by the Equal Opportunities Commission revealed that, among the university students surveyed, 15.6 per cent (i.e. 2 259 persons) indicated that they had been sexually harassed on campus, and among them, 4.4 per cent (i.e. 98 persons) indicated that the perpetrators were tutors, lecturers or professors. In addition, among the university students who had been sexually harassed on campus, off campus by fellow students or teaching staff, or online, only 2.5 per cent (i.e. 84 persons) said that they had lodged complaints with the university to which they belonged. In this connection, will the Government inform this Council:

(1) whether it will request the various universities to (i) examine the mechanism for handling sexual harassment complaints, and (ii) review and improve the policy on prevention of sexual harassment; if so, of the details; if not, the reasons for that;

(2) whether it will request the various universities to establish a committee to be headed by a Pro-Vice-Chancellor/Vice-President dedicated to taking forward the university's policy and initiatives on gender equality and prevention of sexual harassment on campus; if so, of the details; if not, the reasons for that;

(3) given that only a small number of university students who had been sexually harassed had lodged complaints with the university to which they belonged, whether the Government will request the various universities to set up an online complaint and reporting platform which guarantees information confidentiality and anonymity for students who have been sexually harassed to lodge complaints and for witnesses to provide information, with a view to encouraging victims to make reports and protecting them from being discriminated against; if so, of the details; if not, the reasons for that;

(4) whether it will allocate additional resources to the various universities to enable them to step up efforts in spreading to university students via social media the message that they should be alert to sexual harassment; if so, of the details; if not, the reasons for that; and

(5) whether it will request the various universities to provide training to all newly recruited teaching staff on prevention of sexual harassment; if so, of the details; if not, the reasons for that?

Reply:

President,

All universities in Hong Kong are independent and autonomous bodies. According to Section 39(2) of the Sex Discrimination Ordinance (Cap 480), it is unlawful for a person who is a member of the staff of an educational establishment to sexually harass a person who is seeking to be, or who is, a student of the establishment. As an employer, an educational establishment must take "reasonably practicable steps" to prevent its employees from committing an act of sexual harassment. As such, universities are obliged to take reasonable and practical measures to prevent sexual harassment on campus, including laying down the relevant policy in writing and setting up a mechanism to handle complaints about sexual harassment.

The Government noted that all universities have put in place policies on the prevention and handling of sexual harassment, as well as complaint mechanisms and procedures, to ensure that every case is dealt with a serious and impartial manner. Besides, these policies and mechanisms are subject to timely review. According to universities' policies, a member, employee or student of the university shall not sexually harass any other members, employees or students of the university or any other persons who have dealings with the university. The universities will definitely not condone or tolerate any form of sexual harassment and are committed to eliminating and preventing sexual harassment. Disciplinary actions will be taken against those who are found to have committed sexual harassment as and when necessary.

All universities have open policies on the prevention of sexual harassment and mechanisms for handling related complaints. They also provide support for those who are concerned about sexual harassment, have worries about being sexually harassed or have lodged sexual harassment complaints, and offer advice on the mechanisms and ways of handling allegations or complaints of sexual harassment. No one should circumvent such policies and mechanisms or prevent any persons involved from exercising their rights to complain, or else they may be deemed to have abused office and breached the code of practice for staff, and hence liable for disciplinary actions. Similarly, staff of the committees and secretariats responsible for handling sexual harassment complaints should follow the established procedures and deal with every case properly in accordance with the mechanism on confidentiality, with a view to ensuring confidentiality of the process and protecting the privacy of all parties concerned. Otherwise, they may also be considered to have neglected their duties and subject to disciplinary actions. As for potential sexual harassment cases that are not brought about by formal written complaints but come to the knowledge of the universities nevertheless, the universities will take appropriate follow-up actions with due regard to the wishes of the alleged victims, including initiating complaint and investigation procedures and providing support and assistance to them. Depending on the nature and evidence of the case, the university will also consider whether to follow up on individual anonymous complaints. Besides, apart from complaining to the institutions, alleged victims of sexual harassment may lodge a complaint direct with the Equal Opportunities Commission (EOC) or bring civil proceedings in court. The internal complaint

mechanisms of the institutions will in no way affect the alleged victims' rights to complain or litigate outside the institutions. For cases involving criminal offences, they will be referred to the police by the institutions concerned for further investigation.

The management of the universities will handle sexual harassment complaints carefully in deference to the established policies of the universities and the principles of fairness and impartiality. At present, the universities regularly arrange for their heads, deans, management, staff and students to attend training courses, seminars and talks on how to prevent and handle sexual harassment, and invite the training officers of the EOC to deliver talks on campus. The general education programmes offered by the universities have included modules or elements of sex education in general. Taking into account the actual circumstances on their campuses, the universities have also widely promoted their policies and measures for the prevention of sexual harassment through effective channels (including social media) by launching regular publicity and education activities on campus.

Following the release of the report "Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong" in January 2019, the EOC respectively met with the Chairman of the University Grants Committee (UGC), the Convenor of the Heads of Universities Committee (HUCOM) and Presidents and/or Vice-Presidents of individual universities to discuss possible measures for addressing sexual harassment in universities. Responses from the management of the universities were positive. The HUCOM is proactively exploring the follow-up actions to be taken, including proposals on commissioning the EOC to conduct a follow-up survey in three to five years' time and produce training materials for the universities, as well as creating the post of equal opportunities officer in university. The UGC will actively consider providing the funding required having regard to the outcomes of the discussions between the HUCOM and the EOC and the proposals raised. Besides, some universities indicated that they would require all new students to attend a compulsory general education course on sexual harassment or explore mandatory online training for all staff.

The Education Bureau will continue to support the work of the EOC, and follow up with the UGC and the HUCOM on the progress achieved by universities in the continuous enhancement of their policies on the prevention and handling of sexual harassment and the complaint mechanisms.