

LCQ20: Handling of sexual harassment cases in schools

Following is a question by the Hon Mrs Regina Ip and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (October 24):

Question:

In January 2009, the Education Bureau (EDB) issued a circular to schools on the amendments to the Sex Discrimination Ordinance (Cap. 480), urging schools to adopt reasonably practicable measures, including developing a school policy (in written form) to eliminate sexual harassment as well as setting up a mechanism for handling sexual harassment complaints, and encouraging schools to make reference to the Framework for Sexual Harassment Policies in Schools prepared by the Equal Opportunities Commission. Moreover, the EDB has issued and updates from time to time the circulars to schools on the handling and prevention by schools of cases of students being sexually abused. In this connection, will the Government inform this Council:

(1) given that the current guidelines issued by the EDB on handling and preventing sexual harassment in schools does not cover the handling of complaints about staff members being sexually harassed, whether the EDB will consider reviewing and updating the relevant guidelines to ensure that all individuals in schools (including all students and staff members) are able to study or work in a safe environment which is free from sexual harassment; if the EDB will, of the details; if not, the reasons for that;

(2) given that the EDB leaves it for the schools to develop their own mechanism for handling sexual harassment complaints, of the measures put in place by the EDB to ensure that schools investigate and handle sexual harassment complaints in a fair manner in accordance with their school-based policy on preventing sexual harassment; and

(3) of the number of reports received by the EDB in the past five years on mishandling by schools or school sponsoring bodies of sexual harassment complaints in schools; the procedure adopted by the EDB for dealing with such cases, as well as the relevant investigation outcome and follow-up actions?

Reply:

President,

The Education Bureau (EDB) has all along been committed to assisting schools in creating a safe and sexual-harassment-free environment for staff members to work and students to study. My reply to the various parts of the question raised by the Hon Mrs Regina Ip about sexual harassment in schools is as follows:

(1) The EDB has been adopting various measures, by means of circulars, training courses for principals and briefing sessions for staff members, etc., to request schools to establish a sexually hostile-free environment in schools. The EDB has pointed out clearly in the relevant circular that schools have the responsibility to ensure that all individuals, including students and staff members, are able to study or work in a safe and sexually hostile-free environment. Schools should also take reasonably practicable measures, including developing a school policy (in written form) to eliminate sexual harassment, raising the understanding and awareness of both staff and students about sexual harassment and setting up a relevant mechanism to handle sexual harassment complaints, including complaints about staff members being sexually harassed. Besides, in collaboration with the Equal Opportunities Commission (EOC), the EDB has also provided schools with clear guidelines on the handling of sexual harassment complaints, which are updated in a timely manner as and when necessary. Drawn up by the EOC in 2009, the Framework for Sexual Harassment Policies in Schools (the Framework), which was updated and uploaded onto the EDB webpage on Prevention of Sexual Harassment in Schools in July and November 2013, sets out clearly the principles, mechanism and timeframe, etc., for handling sexual harassment complaints in schools. The EDB has also made available on the webpage clear guidelines about the procedures and points to note for handling such complaints by schools. These guidelines have all along been applicable to handling complaints about staff members being sexually harassed. The EDB will maintain communication with the EOC, review the guidelines in the Framework when necessary and provide assistance to schools as needed.

(2) Under the spirit of school-based management, the Education Ordinance has entrusted the School Management Committees/Incorporated Management Committees with the power and responsibility to manage schools. Therefore, schools should collaborate with their school sponsoring bodies (SSBs) to formulate school-based mechanisms and procedures for handling school affairs, including the handling of school-related complaints. If a complainant considers his/her sexual harassment case is not properly handled by the school or SSB concerned, he/she may lodge a complaint with or seek advice from the EOC directly, or seek assistance from the respective District School Development Section of the EDB. After receiving the complaint, the EDB will, based on the established mechanism and taking into account factors such as the subject of the complaint and the conflict of interest/roles, etc., decide the appropriate follow-up procedures. If the case can be handled by staff of a higher rank in school or designated staff of SSB/ task force, the EDB will refer the case to the school or SSB concerned for further action according to its school-based mechanism. Under special circumstances, for example, a complaint of a serious nature or involving serious mismanagement by the school, the EDB will intervene and conduct investigation on whether the school's Prevention of Sexual Harassment Policy is in order and whether the school has properly handled the suspected sexual harassment case.

(3) Upon receipt of reports on suspected improper handling of sexual harassment complaints by schools, the EDB will follow them up according to the established mechanism as set out in part 2 above. Regarding substantiated cases, depending on the actual circumstances and the severity of individual

cases, the EDB will provide appropriate advice or issue warning letters to the school management, demanding the schools concerned to revisit their complaint handling processes and procedures to ensure that the complaints could be handled in a fair and just manner. In the past five years from 2013 to 2017, the EDB received a total of 12 such reports, of which eight were found not substantiated, one substantiated and one partially substantiated after investigation, while two are still under investigation. The two schools involved in the substantiated cases have revisited their handling processes and procedures in handling complaints relating to sexual harassment in schools according to the advice of the EDB.