Anti-Sexual Harassment Policy Checklist – Research Report on Tertiary Institutions (2020-2021)

Executive Summary

Research Background

Sponsored by Equal Opportunities Commission's (EOC) "Funding Programme of Research Projects on Equal Opportunities 2020/ 21", the Association for the Advancement of Feminism (AAF) conducted a study on anti-sexual harassment policies in the tertiary education sector. This study is a continuation of: (1) AAF's 64 items used in Anti-Sexual Harassment Policy Checklist - Research Report on eight UGC-funded universities in Hong Kong from the period of 2009 to 2012; (2) AAF's 36 items used in Anti Sexual Harassment Policy Checklist – Research Report on eight UGC-funded universities and other tertiary institutions, as well as primary and secondary schools in Shum Shui Po District from the period of 2014 to 2015; and (3) the same 36 items used in the Checklist to examine the written policies of both UGC-funded universities and self-financed tertiary institutions that offered sub-degree and degree programs from the period of 2017 to 2018.

The current research has expanded the 36 items on the Checklist to 43 items, to better serve the following research objectives.

Research Objectives

To improve the written policies on anti-sexual harassment of both UGC-funded universities and self-financed tertiary institutions and to raise awareness of the significance of the Anti-Sexual Harassment Policy.

Research Method

The research was conducted in two stages. From March to June 2021, we checked whether written Anti-Sexual Harassment Policies could be obtained from the websites of the institutions concerned. If no written Anti-Sexual Harassment Policy could be found on the website, an email inquiry was made to request a copy of the latest version of Anti-Sexual Harassment Policies for assessment. The 43 items Checklist was used to examine whether the written Anti-Sexual Harassment Policy covered each item on the checklist. ✓, ✗ or ✗ were used to indicate the results of the assessment. The completed checklist was sent to each of the institutions concerned via email for feedback. In July 2021, we emailed the completed checklists to the institutions and collected responses from them. We particularly looked into the fact that whether the institution had a written Anti-Sexual Harassment Policy and whether there was enough coverage for protection.

The 43 items Checklist is divided into four parts: (1) Policy Statement, (2) Policy Content, (3) Complaint Handling Procedures, and (4) Policy Implementation.

Response Rates

The UGC-funded universities' response rate to the checklist assessment is 100% (all 8 universities responded).

Among the 33 self-financed tertiary institutions, 17 institutions (51.5%) completed the checklist assessment, and 8 institutions (24.2%) affiliated with UGC-funded universities used the same policy set as their respective universities. The overall response rate is 75.8% (51.5%+24.2%).

The remaining 8 institutions (24.2%) did not respond to our request and we were unable to obtain a copy of their written policies.

The response rate among self-financed tertiary institutions has a drastic increase compared to that in 2017/18, from 29.4% to 75.8%. This clearly indicates that the participating institutions have recognized the importance to fight against sexual harassment.

Response rate of self-financed tertiary institutions	Number	%
Policy was provided for assessment	17	51.5
Used the same policy set as affiliated universities	8	24.2
No reply	8	24.2
Total	**33**	**100**

Key Findings

(1) UGC-funded universities

The overall fulfillment score of UGC-funded universities is 78.2%, slightly lower than that in the 2017/18 study but still higher than that in the 2014/15 study.

	2014/15 (%)	2017/18 (%)	2020/21 (%)
Policy Statement	85.9	85.9	92.2
Policy Content	63.8	65	76.8
Complaint Handling Procedures	76.9	82.7	70.8
Policy Implementation	80	87.5	81.3
Overall	**75.7**	**79.2**	**78.2**

When compared with the 2017/18 study, the UGC-funded universities have a major improvement in the first two parts of the Checklist, i.e. policy statement and policy content. It is found that all the participating universities have included the following in their policies: the impact of sexual harassment as a violation of human rights and equality; the adverse effects on work, morale, productivity, health, and learning; subsequent possible disciplinary actions; the definition of victimization; and the statement about no punishment for a complaint filed in good faith. The eight universities have also specified new forms of sexual harassment, such as image-based sexual violence, in their policies.

However, the study has identified a noticeable shortfall with regard to their performance in the third and fourth areas of the Checklist, i.e. complaint handling procedures and policy implementation. The universities have yet to fulfill the criteria set out in the area of complaint handling procedures, including but not limited to data collection and data dissemination; permission given to the affected parties in terms of access to external support during the complaint handling processes; interpretation services to ethnic minorities; and enquiry services throughout the processes. Policy implementation involving regular review of the existing policies and procedures has not been fulfilled by more than half of the participating universities.

(2) Self-financed tertiary institutions

The overall fulfillment score of self-financed tertiary institutions is 54%, slightly higher than that in the 2017/18 study.

	2017/18 (%)	**2020/21 (%)**
Policy Statement	68	69
Policy Content	37	54.9
Complaint Handling Procedures	49.2	49.9
Policy Implementation	38	42.7
Overall	**49.2**	**54**

The institutions have achieved the highest fulfillment score in the first part of the Checklist, i.e. policy statement. Many institutions have included the following in their policies: "zero-tolerance toward sexual harassment" (96%), "sexual harassment is an unlawful act" (80%), and "the harasser will face disciplinary action" (80%). However, it is found that only 36% and 32% of the participating institutions have specified that such offenses may lead to contract termination or academic dismissal respectively.

In the area of policy content, most institutions have included the following in their policies: "legal definition of sexual harassment" (96%), "a hostile environment for work or study" (92%), and "no one shall be subject to victimization for initiating a good faith complaint" (84%).

In the third and fourth areas of the Checklist, i.e. complaint handling procedures and policy implementation, the fulfillment rates are only 49.9% and 42.7% respectively, which are lower than those of the UGC-funded universities (70.8% and 81.3% respectively) by 20.9 and 38.6 percentage points.

Though the overall score of self-financed tertiary institutions is lower than the 8 UGC-funded universities, there is also a large discrepancy between institutions affiliated with UGC-funded universities and the otherwise. The highest overall score is 90.7% and the lowest is 18.6% (see appendix 3). Inadequacies are found in the anti-sexual harassment policies of self-financed institutions.

Affiliated institutions following the same policies of their host universities have achieved higher overall scores:

Self-financed tertiary institutions following the policies of the host universities			
	All Institutions (%)	**Same policy (%)**	**Difference**
Policy Statement	69.0	92.9	▲ 34.6%
Policy Content	54.9	74.5	▲ 35.7%
Complaint Handling Procedures	49.9	73.3	▲ 46.9%
Policy Implementation	42.7	92.9	▲ 117.6%
Overall	**54.0**	**80.1**	**▲ 48.3%**

The overall scores of the institutions using their own policies are lower:

Self-financed tertiary institutions (Independent policies)			
	All Institutions (%)	**Institutions using independent policy (%)**	**Difference**
Policy Statement	69.0	59.7	▼ 13.5%
Policy Content	54.9	40.9	▼ 25.5%
Complaint Handling Procedures	49.9	38.5	▼ 22.8%
Policy Implementation	42.7	25.9	▼ 39.3%
Overall	**54.0**	**41.5**	**▼ 23.1%**

Recommendations

A review of the written anti-sexual harassment policy is just a starting point. The purpose of this research is to raise the awareness of tertiary institutions about their anti-sexual harassment policies, particularly the self-financed ones. There is room for improvement in different aspects of the policies. In addition to participating in this checklist assessment, institutions should evaluate and improve their existing policies, review the various sections of the policies, conduct consultations and make modifications.

(1) Recommendations for UGC-funded universities

1. **Anti-Sexual Harassment Policy should stipulate the potential disciplinary actions** against a sexual harasser which include suspension or termination. Three of the universities have not done so.

2. **Expand the scope of the policy:** Some universities only cover employment or study-related activities that are on campus or within school hours, or fail to address same-sex sexual harassment in their policies. Given the fact that universities provide a wide range of activities, including internship programs, study tours, exchange programs, as well as student-led extracurricular activities with a variety of people involved, limiting the scope of the policy to descriptions such as "on campus" or "within work/study hours" would result in less protection coverage than that prescribed by law.

3. **Improve the complaint handling procedures and make them more user-friendly**: While a well-written policy enables the victims of sexual harassment to have a clear understanding of their rights, quite a few universities have not specified concrete measures in their policies, for example, separation of the alleged harasser from the alleged victim. An appropriate approach is to designate a staff member to offer an adequate response to the needs of the affected individuals without undermining their situations. For example, universities should consider incorporating external assistance and help record the oral complaint in the form of a file note to better accommodate the need of the affected, especially ethnic minorities, in the process.

4. **Universities should strengthen the collection and dissemination of relevant data**: Only one out of the eight universities has fulfilled this criterion. The collection and dissemination of relevant data will help raise the awareness of the members of the universities regarding anti-sexual harassment and the available mechanisms, and create incentives for training especially in events promoting equal opportunities and lectures of general education.

5. **Universities should develop tailor-made training plans** for different target groups, such as students, teaching and administrative staff, and staff responsible for handling complaints.

(2) Recommendations for self-financed tertiary institutions

1. **Expand the scope of the policy** to include protection: (1) for all personnel under various employment contracts, students and related personnel (e.g. part-time staff and students, contract workers, job applicants, student applicants, volunteers, interns, etc.); (2) on and off campus; (3) for an extended time period to cover all employment or study-related activities; and (4) for same-sex sexual harassment.

2. **Provide examples of sexual harassment in the policy:** This will serve as a quick reference for all readers of the policy, such as the general public, victims, and staff handling complaints, to clearly understand the scope and applicable parties of the policy.

3. **Respect the rights of the victims and develop user-friendly procedures**: It is recommended that institutions should make the written policy widely accessible together with a flow chart of the complaint procedures on their websites in both Chinese and English languages. Reference could be drawn from afore-mentioned recommendations given to UGC-funded universities.

4. **Develop training and implementation plans**: Institutions should provide training tailor-made for different target groups. Anti-sexual harassment requires collective effort. It is noteworthy that sexual harassment is associated with gender/ power relationship/ discrimination and should therefore be one of the primary areas of tertiary education to promote dialogue and diversity.