

Sexual Harassment Awareness Training for College Students

EQUAL OPPORTUNITIES COMMISSION OF HONG KONG

The Equal Opportunities Commission of Hong Kong (Commission) was invited by four Hong Kong universities to create and conduct sexual harassment training catered to college students, and in particular, for university student leaders responsible for organizing freshmen orientation camps and activities in 2005. This article outlines the Commission's experience, including methodologies used, considerations given for, and results of the training program.

Background

For the past few years, orientation camps held by Hong Kong universities have attracted wide media coverage, raising public concerns about the quality of our university students. Orientation events and activities were meant to be welcoming festivities for university freshmen, but they have evolved into a kind of newcomers' "rite of passage" into university life. Some students who had attended and/or participated in the activities claimed to have experienced different levels of sexual harassment, ranging from the more serious hazing to being made the subject of sexually explicit pranks to chanting of abusive slogans with sexual connotations. All this led to a strong reaction from the community. Local opinion leaders and editorial writers of leading newspapers devoted spreads to the controversy, sparking heated public debates over wide-ranging issues from the purpose of freshmen orientation camps to the quality of higher education in Hong Kong. While some in the community are sympathetic to both the victims and organizers of the pranks, some have called for legal action to be taken against student organizers.

The Commission conducted a study into

sexual harassment in orientation camps in 2003. It then jointly organized with the Women's Commission a "Forum on Preventing Sexual Harassment in Universities" on 17 August 2004. Participants from eight universities including universities administrators, and representatives of student unions and non-governmental organizations met and addressed the issue by looking at the social, policy and legal contexts. They agreed that more should be done to address the issue.

Relevant Legislation

Under Section 39 of the Sex Discrimination Ordinance,¹ person-to-person sexual harassment behavior between students is prohibited in an education setting. Nevertheless, unlike Section 2(5) and Section 23, under which person-to-person as well as sexually hostile *working* environment in the employment field are prohibited, there is currently no provision that outlaws a sexually hostile *learning* environment.

Moreover, under Section 46, employers are made vicariously liable for unlawful conducts of their employees. Education institutions are currently not legally liable for unlawful acts of their students under the current anti-discrimi-

nation legislation. While higher education institutions are keen to tackle the issue of on-campus sexual harassment, they do not go as far to include the topic in their curriculum.

Preparation for the Program

The Commission believed that a separate program on sexual harassment had to be designed specifically for college students for two major reasons. One was the non-extension of prohibition of sexual harassment in the work setting to a learning environment. The second major reason was the audience, namely, college students as opposed to those from the commercial sector who generally prefer straightforward informative sessions on the law.

In preparing for the formulation of the program, the Commission met with students and student affair officers of relevant universities to understand their views on sexual harassment and their reactions to the community views regarding publicized orientation camp incidents. The activity was aimed at maximizing their receptiveness to the topic, balancing the different concerns of the university administrators, the program audience (i.e., student leaders), and the newcomers the subject of the orientation camps.

Reputation was the overriding concern for universities and school administrators. Hong Kong being a small place with eight universities, competition among them is vigorous locally and in the international arena. Universities were particularly concerned that their sponsors (for funding) and the commercial sector (employing their graduates or diploma holders of overseas universities) had expressed their disappointment toward the quality of local university students following the orientation camp incidents.

Both students and school administrators agreed that they were wary of being “ambushed” by the media and attracting negative publicity for their schools. Interestingly, none of them were worried much about the legal

aspects; schools knew clearly that they were not made liable for acts of their students and the students mostly regarded the definitions and concepts of sexual harassment as irrelevant. Rather, there was a tendency to associate sexual harassment with serious sexual abuses that amount to criminal liabilities.

From the outset, the students expressed skepticism toward the effectiveness of training on sexual harassment. They did not agree with the seriousness of sexual harassment and considered training on this topic as preaching or imposing morals, which they resented. Some expressed hostility to bearing in mind the possibility of committing sexual harassment when organizing orientation camp activities. They viewed their actions and activities as “just having a good time” and could not understand why individuals might become offended; and even if some did, they did not understand why objection was not raised during the activities. “Going to the media with the complaint” was viewed as an act of betrayal. They also resented that their freedom of speech and expression had been restricted.

Training on values for university students

The Commission recognized that college students hold vastly different views toward receiving moral education from adults. In particular, it noted that university life is where a person shapes his/her own morality standard in searching for his/her own identity. It also marks a crucial transitional period where a teenager leaves the protective and regulated environment of the secondary school and enters a phase where he/she begins to exercise self-autonomy, a prelude to adulthood. For example, one no longer needs parental approval to skip a boring lecture in college.

Students experience during these early university years the change in society’s views about them, i.e., mature college students. This change in social status carries with it a different set of social expectations – or pressures, i.e., college

students should know better; they should know how to take care of themselves as well as others. This is illustrated in a letter sent by a student to a local paper after an orientation camp incident was made public. A secondary student from Leung Shek Chee College wrote, “University students used to be respected in Hong Kong... How can these well-educated people be so irresponsible? It is really a shame.”²

College is where a person begins to build his/her value system. Studies show that college students have many considerations that they feel they must balance out, and they often struggle with the complexity of moral issues. It is during this delicate stage that they strive to strike a “balance between themselves and others and society, struggling with considerations of both justice and caring while struggling to create a system of beliefs and behaviors which constitute a moral self and a moral life.”³ Therefore, it is not difficult to comprehend students’ reactions and, subsequently, how their reactions differ from that of mature adult. They need to go through a cognitive reasoning process in their college years, experimenting and experiencing, and eventually develop their own sense of justice and morals.⁴

Experts point out that from an educational standpoint, the most effective means of moral education is through treating moral education as “a complex process... and advocate developing exercises that recognize that students are complex people who grow best in condition that provide support and encouragement, make connections between subject matter and life, and use dialogue and conversation.”⁵ In this sense, the training program the Commission had been commissioned to do for this special category of audience could not be done in the more traditional classroom setting, in which the students are spoon-fed on what is right and what is wrong which often involves subjective views and personal values of the teacher.

Survey on peer sexual harassment in local tertiary institutions⁶

Local academic, Professor Catherine Sokum Tang of the Department of Psychology at The Chinese University of Hong Kong, conducted a survey on Peer Sexual Harassment in Local Tertiary Institutions in 2001. Tang’s survey results were a telling portrayal of students’ overall attitude toward and experiences with sexual harassment; it was especially useful in facilitating the Commission’s designing of its program for university campuses.

According to the survey, out of the 2,495 respondents, a majority of students reported that sexual harassment occurred in their campuses and was popularly perceived to be a result of women’s sexy apparel and appearances. They also tended to endorse the misconception that sexual harassment was just over-reaction on the part of victims.

With regards to students’ experiences of peer sexual harassment, the survey found that about 28.3% of the respondents reported having been sexually harassed, while another 0.5% admitted experiencing unwanted pressure to engage in sexual activities from their peers. 20% reported having received unwanted sexual materials; 6.6% received unwanted demeaning gender jokes; and 4.3% received unwanted requests for dates from their peers via electronic mail and through other communication channels on the Internet.

Tang’s survey is perhaps more important in relation to the need to make information about sexual harassment more accessible for this audience. The survey asked about the channels from which respondents could obtain information about sexual harassment on campuses. 24.8% of the respondents were aware that their university held workshops/seminars on sexual harassment, but only 3.8% participated in them. The results also show that only 3.9% of the respondents had read their university policy on sexual harassment, and 12.3% of them knew where to seek assistance when needed.

Whereas the survey found that out of the 706 who felt they were victims of peer sexual harassment, only 47.5% directly showed dissatisfaction to the harassers, and only 3.2% lodged complaints with the university or representative student bodies. 53% of the victims, however, responded passively by ignoring the harassers. Some reported to have allowed unwanted incidents and harassers to alter the victims' daily routine, with 1% of the victims admitting to have tried to escape by skipping/dropping classes.

The survey also showed that victims of peer sexual harassment had low self-confidence/self-image as well as feelings of depression, insecurity and poor sense of belonging to the institutions subsequent to their sexual harassment experiences. 5% of the victims reported that the experiences negatively affected their learning attitudes and academic performance.

All in all, Tang's survey indicated the existence of various degrees of sexual harassment on local university campuses. It also showed that information on sexual harassment such as sexual harassment policy, redress mechanism, etc. existed but was not readily available because the campus community were not aware of it. This inaccessibility of information on sexual harassment played a part in reinforcing students' reluctance to seek help or report harassment experiences to the proper authorities as well as students' misconceptions on sexual harassment. The finding of the survey indicated a need for training and promotional programs on the topic to be implemented among university campuses.

The program

Having considered the initial meetings with university administrators and students, studies conducted on university student moral education and the survey on students' attitude toward sexual harassment, the Commission created a three-session program that was held on four university campuses between May and

August of 2005. The sessions are described as follows:

"How FREE are you?" A Quiz

Given students' initial reluctance and hesitation toward training on sexual harassment, the Commission's priority was to design a program that would incorporate group discussions on relevant issues and opportunities for students as well as our trainers to explore other issues of relevance to the topic and of concern for students, i.e. freedoms and rights, etc.

The Commission's program began with an ice-breaking quiz in which students were presented with eight scenarios in orientation camps that may potentially amount to either a person-to-person sexual harassment or hostile environment situation. Students were then asked to choose, under each scenario, one answer that most accurately represented their initial thinking and response. Students were required to share their feelings toward the issues, and encouraged to discuss openly their reasons for making their choices.

A sample scenario and choice of the four answers:

Orientation Camp Scenario 1:

Male students place grapes directly in front of their chests and hold bananas between their legs. Female students are blindfolded and instructed to eat the grapes and bananas.

You Feel:

The game is extremely entertaining. All are grown adults and there is no need to feel anxious or embarrassed about sex or sexually nuanced activities. Everyone should have the right and freedom to do what one feels happy doing. Why not participate?

Look around and see how others are reacting to this. Although on a personal level, I feel no

uneasiness over the game, I need to consider the feelings of other students. Depending on the reaction of others, I may have to interfere.

Need to be careful here. With orientation camp arousing much unwanted publicity right now, we may need to check out the law on this and see whether this can be considered unlawful. If found lawful, then the game is on.

Need to protect school reputation. Given the media circus and the media attention on orientation camp activities in recent years, the school's reputation had been questioned and affected as a result. No matter how cool the game is and regardless of whether or not it legally constitutes sexual harassment, it is best to avoid it.

The four answers were modeled after the comparative study of how freedom of speech is pursued in four countries, namely the United States, Canada, Germany and Great Britain.⁷ The discussions and the presentations of different countries' interpretations of freedoms of speech in their social context and differences in approach underlined the various interpretations that one could view one's rights and freedoms. It also set the premise that while the students' right to exercise what they feel to be part of their human rights and freedoms maybe legitimate and should be recognized, they equally share the responsibility that others' rights and freedom are also protected.

This session was purposely conducted not to give students the "we are right and you're wrong" impression⁸. Instead, it was meant to be a "developing exercise"⁹ where through the process of evaluation and discussion the students became conscious of the situations and articulated how they arrived at the choices they had made without being condemned. There were no right or wrong answers to the quiz; instead the participants were given an open-ended ques-

tion that reverberates the issue on their sense of self-determination: *What is the role of universities? Make ideas safe for students or make students safe for ideas?*

Defining Sexual Harassment

The second session of the program focused on the two definitions of sexual harassment. The Commission was of the view that it was important that students learned about both definitions. While the Commission had been actively urging the government to amend the Sex Discrimination Ordinance to extend coverage of hostile environment to the education setting, we considered it necessary to begin the educating process early. Moreover, this should also be a good preparation for the students' future entry into the work force of Hong Kong.

The Commission was at one stage considering whether to specifically include the "not unlawful" part about sexually hostile environment in education setting as part of the program. In the end, we decided to present the audience with the whole picture of the development of the Sex Discrimination Ordinance in Hong Kong. We believed that the lawfulness of an act should not become the crux in deciding whether an offensive act should/would be carried out or not. In addition, presenting what was considered a loophole in the Sex Discrimination Ordinance would also serve as a very good transition into the more important topic of "sexual harassment in context".

Sexual Harassment in Context

Sexual harassment in context was the session in which students were given the opportunity to discuss the various aspects attributed to sexual harassment, including gender and power dynamics. This session was designed so that students could get a glimpse of what social, or at the very least, what legal considerations were given and the reasoning behind outlawing sexual harassment. It also served to

address local university students' misconceptions or myths the local survey¹⁰ revealed:

Gender dynamic: Women, statistically, are more prone to sexual harassment. The expression "sexual harassment" emerged from the women's movement in the late 1960s from the United States of America. It was a term given to explain a range of women's experiences when they began to enter into the workforce in the 1960s. And because of their unique experiences women have reasons to be more anxious about abuse than men. However, it is not meant to be a justification for rationalizing that only women are subjected to sexual harassment behavior and men are not. It simply acknowledges the fact that women and men have different experiences and that women and men do have different perspectives on sexual harassment.

Power dynamic: Power is a natural phenomenon that exists in human relationships. People in positions of power are more often tempted into misusing their authority over subordinates. However, individuals, though without organizational power, by grouping together may become one powerful force that creates an oppressive and intimidating atmosphere.

Students were given the opportunity to explore these attributes in the context of peer pressure and consider how these very same attributes would play a role in sexual harassment and in activities conducted in orientation camps.

A short presentation film, "Sexy Campus"¹¹, was incorporated into this portion of the program. There were four specific scenes students were asked to pay attention to: a student sexually harassing another student; a sexual prank at a campus canteen, "happy corner"¹², and "male slave"¹³. By viewing the film, students were elevated to viewing the situations from a third person's standpoint and thus given a more holistic view of the impact of the acts on the recipients.

The film was followed by a discussion on how the students felt about the four scenarios acted out in the film, the various roles cast, and their views as a by-stander. The combination of the film and discussion served the purpose of facilitating the students' understanding of why the community and other people, as non-participatory third parties, reacted to orientation camp controversies the way it had.

The Commission did not want students to walk away feeling guilty of what they had done or what they were not aware of before attending the program. A small session was devoted on social forces that have shaped the community's and the students' view on and feelings toward sexual harassment. Media influence was used as an example. Students discussed about the paradox that while on one hand the media had hounded university students over the controversy, on the other it had also contributed in "selling sex" in advertisements, television game shows and movies.

Finally, the ultimate intention was to leave students with a renewed sense of social responsibility in their thinking process and behaviors, and to equip them with new perspectives and rationale in looking at problems, conflicts and dilemma they were learning to face. To conclude the program, students were asked to consider three orientation-camp-related questions:

- ♦ *What is the real purpose for the "orientation" of newcomers?*
- ♦ *As returning students, what would you like for the freshmen class to take away from the orientation experience?*
- ♦ *How do you plan to go about achieving these goals and what are some ways of evaluating and assessing that?*

Feedback

Feedbacks received from participants after having attended the program were mostly positive. Comments received mainly expressed a new sense of ownership of the topic and an appreciation of taking responsibility for the

ultimate purpose of the orientation camp rather than being force-fed by a set of imported moral theory. Most of them were surprised that they were not lectured to or blamed for what had happened in the past.

Conclusion

The Commission is of the view that university students should be given more opportunity to learn about sexual harassment, not only as a deterrent for future controversies arising from orientation camps, but also as an essential element in their cognitive moral development. The Commission will continue to advocate for these programs to be included in the general education curriculums in local universities. However, since under the current Sex Discrimination Ordinance universities are not liable for their students' actions, so far there appears to be little incentive for administrators to incorporate sexual harassment awareness programs like this into their curriculums. The Commission has recommended that the ordinance be amended as to include both the liability element and "hostile learning environment" into its jurisdiction.

Endnotes

¹Sex Discrimination Ordinance (Cap 480) An electronic copy can be obtained on-line at the Hong Kong Judiciary homepage at <http://www.legislation.gov.hk/eng/home.htm> (9 December 2005).

² *The Standard*, September 18, 2002.

³ Schrader, Dawn E, "Justice and Caring: Process in College Students' Moral Reasoning Development", in *Justice and Caring: The Search for Common Ground in Education* (New York: Columbia University, 1999), pages 43 - 52.

⁴ Ibid., page 51.

⁵ Noddings, Nel. *The challenge to care in schools: An alternative approach to education*. New York: Teachers College Press. 1992 and Martin, Jane Roland, "The Schoolhome: Rethinking Schools for Changing Families" (1992) MA: 2 *Harvard Educational Review* 53, both as cited by Schrader (see note 3 above) page 53.

⁶ Tang, Catherine S. K., "Survey results on peer sexual harassment in local tertiary institutions" Hong Kong : s.n., 2003.

⁷ Rosenfeld, Michel, "Hate Speech in Constitutional Jurisprudence: A Comparative Analysis" (2003) 24 Cardozo Law Review 1523.

⁸ Schrader, op. cit., page 48.

⁹ Ibid., page 53.

¹⁰ Tang , op.cit.

¹¹ "Sexy Campus" (in translation) is one episode of the TV series "A Mission for Equal Opportunities" produced by RTHK in 2005. It was based on a peer sexual harassment complaint case lodged by a secondary school student to the Commission.

¹² "Happy Corner" is an activity that had been carried out in student orientation camp activities where a student (usually a male) is held by four limbs, spreading both legs and slammed against a hard object, such as corner of a table.

¹³ This is also a popular orientation camp game activity where a student is tied up as a captive and received "treatment" from students of the opposite sex. Usually the "treatments" would include body search, spraying drinks or dumping food onto sensitive body parts of the captive which carry certain sexual connotations.