

THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY

Prevention and Handling of Discrimination and Harassment: Guidelines for Supervisors and Managers

A. Introduction

Diversity, inclusiveness, respect and equal opportunities are of our highest priority at HKUST. All staff and students, regardless of their backgrounds, are expected to comply with the relevant policies and to respond appropriately to ensure that prohibited conduct does not occur. Failure to do so may result in the University being held vicariously liable for discrimination and/or harassment, whether or not you were aware that discrimination and/or harassment was occurring or agreed with the act. There is also a possibility that individual supervisors/managers may be held liable if they fail to respond appropriately to complaints of this nature or victimise someone who makes a complaint of discrimination and/or harassment.

Furthermore, discrimination and/or harassment would bring negative impact on the physical and psychological well-being of staff and students. It is found that discrimination and harassment at workplace/learning environment often results in communication breakdowns, conflicts, low morale, absenteeism or resignation etc.

In view of the above, this set of guidelines aims to empower supervisors and managers, or those with leadership responsibilities, at HKUST when it comes to advising on discrimination and/or harassment and suggest best practices for preventing discrimination and harassment at workplace/learning environment.

B. Roles and responsibilities of supervisors/managers

1. As supervisors/managers, you have the responsibilities as follows:
 - be a role model (on all aspects) to set the tone;
 - foster a safe and welcoming workplace/learning environment that is free from discrimination and harassment;
 - communicate the University's policies and procedures regularly and clearly;
 - promote awareness on equal opportunities among staff and students;
 - recognize colleagues' good attitude and behavior;
 - take each complaint seriously, respond promptly, fact finding (non-judgmental) and suggest possible way(s) forward; and
 - keep yourself updated on discrimination and harassment matters by attending relevant training and understanding relevant procedures in the University.
2. Having nil discrimination or harassment case reported does not mean such incident does not exist. A supervisor/manager has a role to monitor the workplace/learning environment and identify whether discrimination and/or harassment is evident.

C. Suggestions to supervisors/managers

1. If an act is observed in breach or potentially in breach of the University's policy, please act immediately. You may consider the following:
 - discuss with the staff/student whose behaviour is of a concern;
 - advise the staff/student sensitively that his/her behaviour is inappropriate and is likely to bring damage to the workplace/learning environment that he/she should stop; and/or
 - seek advice from the University's Equal Opportunities Officer through the email coad@ust.hk.
2. If a staff/student approaches you for reporting a potential discrimination/harassment scenario, you can do the following:
 - listen to him/her;
 - find out the needs of the staff/student concerned and respect his/her wish;
 - provide emotional support, if needed;
 - separate the respondent and complainant before the fact-finding is completed, if any potential risk is observed; and
 - assist the staff/student to report to the University through the email coad@ust.hk or law enforcement agencies.
3. Supervisors and managers should maintain strict confidentiality for any enquiry/complaints about discrimination or harassment as per the relevant University's policies and laws.
4. However, staff/students who have a concern or a complaint of discrimination or harassment should be encouraged to self-manage the situation, if situation allows, as rectifying the situation immediately is in everyone's interest. It is, therefore, suggested that he/she may approach the discriminator(s) directly to stop the inappropriate behaviour. Ignoring the concerns may make the situation worse.
5. If the attempt made to stop the inappropriate behaviour was not effective, staff/students concerned should consider taking further actions, such as approaching their supervisors/managers for help as a form of informal resolution stipulated in the Procedures for Handling Discrimination/Harassment Complaints.
6. Staff and students are advised to record the discrimination/harassment incident clearly, including date, time, venue, any witness(es) and any attempt made to stop the behaviour etc., in case further actions are to be taken.

D. Unlawful acts under the anti-discrimination ordinances

1. There are four anti-discrimination ordinances in Hong Kong, namely, the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance, that prohibit discrimination on the grounds of sex, pregnancy, breastfeeding, marital status, disability, family status and race, in the prescribed areas of activities, including employment,

education, provision of goods, services and/or facilities, disposal and/or management of premises, and participation in clubs and sporting activities. The legislation also provides protection from harassment and vilification, including but not limited to sexual harassment and racial vilification.

2. The following are some examples of discrimination and/or harassment at workplace/learning environment:
 - Decisions on pay, performance of duties and promotion based on one's race, sex, marital status, or disability
 - Dismiss a staff simply based on one's family status with an underlying assumption that he/she would not be fit for the work because he/she has family responsibilities
 - Create a hostile or intimidating environment for the staff or student who is breastfeeding
 - Make offensive or intimidating comments or gestures, or insensitive jokes about one's disability or sex
 - Refuse to hire staff or admit students who are ethnic minorities

These examples above are not exhaustive. If you wish to understand more, please visit the website of the Equal Opportunities Commission: <https://www.eoc.org.hk/>.

3. For full text of the University Equal Opportunities and Anti-Discrimination Policy and Procedures for Handling Discrimination/Harassment Complaints, please refer to the website: <https://deo.hkust.edu.hk/policy-and-procedures>.

E. Best practices for preventing discrimination and harassment at workplace/learning environment

1. Dealing with discrimination and harassment cases can be costly, in terms of both resource and time spent. Therefore, some tips and best practices for preventing discrimination and harassment at workplace/learning environment are offered:
 - Remind staff and students at your School/Department/Unit of the University's relevant policies and procedures, and updates regularly;
 - Distribute and display relevant training and educational materials at the noticeboard(s);
 - Communicate (particularly from leaders) regularly and often to reinforce the message of intolerance for discrimination and harassment; and
 - Introduce the Diversity and Equal Opportunities Resource person(s) of your unit to your staff and encourage your staff and students to attend relevant information session or training about prevention of discrimination and harassment (you may contact the Manager (Diversity and Equal Opportunities) to arrange such, if needed).