



# **Policy on Equal Opportunities**



## Update History (Record since 2024)

Version	Effective Date	Description
2026.1	April 2026	Policy Review and Refinement

## Policy on Equal Opportunities

### HKMU's Position on Equal Opportunities

1. It is unlawful for a member, employee or student of the University to harass, discriminate against, vilify or victimize another member, employee or student of the University, or other persons such as job applicants and applicants applying for admission to the University, on the grounds of sex, marital status, pregnancy, breastfeeding, family status, disability or race of that person. The University will not tolerate any unlawful acts of harassment, discrimination, vilification or victimization and it will uphold this principle in all of its operations.
2. The University, members and employees of the University who hold supervisory positions will take all necessary steps to ensure that all members, employees and students of the University and other persons who have dealings with the University (such as job applicants and applicants applying for admission) are not subject to any unlawful acts of harassment, discrimination, vilification or victimization in their employment, educational experience<sup>1</sup> or application process.
3. The University adopts in their entirety the Codes of Practice issued by the Equal Opportunities Commission (the “**EOC**”) in relation to the Sex Discrimination Ordinance (“**SDO**”), the Disability Discrimination Ordinance (“**DDO**”), the Family Status Discrimination Ordinance (“**FSDO**”) and the Race Discrimination Ordinance (“**RDO**”).
4. Members, employees and students of the University should observe the requirements of the SDO, DDO, FSDO and RDO (collectively the “**Discrimination Ordinances**”) as well as the relevant the Codes of Practice issued by the EOC. They may be personally liable if their conduct contravenes any of the Discrimination Ordinances.
5. Members, employees and students of the University should be proactive in preventing unlawful acts of harassment, discrimination, vilification or victimization by familiarizing themselves with the Discrimination Ordinances and the relevant Codes of Practice, through developing a sensitivity towards such issues and by ensuring that their conduct does not constitute a breach of any of the Discrimination Ordinances.
6. The University will promote equal opportunities in employment and education.

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<sup>1</sup>Aspects of an individual's educational experience include but are not limited to admission to a course or programme, grades, letters of recommendation, assignment, honours, research opportunities, scholarships, grants, career development, employment opportunities, use of facilities, probation, termination, and classroom conditions.

7. The University will make reasonable accommodations for staff, students, applicants applying for admission and job applicants with disabilities in order to provide equal opportunities in employment and education unless such changes impose unjustifiable hardship on the University. Reasonable accommodations are measures or actions taken in order to provide equal opportunities in employment and education such as adjustment in procedures<sup>2</sup>, provision of aids, facilities or services to meet the individual needs of persons with disabilities. A detailed assessment may be required in order to determine what accommodations are necessary and each case needs to be considered with regard to its own circumstances including the nature of the particular disability and the effect the disability has on the person.
8. In the context of education, adjustments in the admission process, design of curriculum and assessment methods, provision of services and facilities, etc. may be considered in order to meet the individual needs of students or student applicants with disabilities.
9. In the context of employment, the University will, where appropriate, consult employees with disabilities and obtain professional advice in order to gain a better understanding of the practical measures that can be taken to accommodate employees with disabilities.

#### **Coverage of the Policy and Scope**

10. This Policy is applicable to all members, employees and students of the University.
11. This Policy does not form part of any staff members' contract of employment with the University, nor does it confer on the staff member any contractual rights.
12. This Policy is separate from and without prejudice to the University's existing policies and procedures, although there will inevitably be some cross-over. If a Complaint made pursuant to this Policy falls under the scope of the prevailing policies and procedures, the case will be redirected and addressed in accordance with the relevant policies and procedures.
13. This Policy is separate from the Staff Grievance Procedures of the University, which define "grievance" as an expression of feeling of unfairness by a staff member regarding the treatment received from the University's Management or other staff member(s) that jeopardises his/her general welfare at work and/or his/her terms and conditions of employment at the University, which is different from "wrongdoing, malpractice and misconduct" as defined under paragraph 4 of this Policy.
14. This Policy is separate from the Whistle-blowing Policy of the University, which concerns the reporting of wrongdoing, malpractice, and misconduct without fear of reprisal or

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<sup>2</sup> The types of adjustment provided by an employer for its staff and job applicants with disabilities may include: (a) changes or adjustments to the recruitment and selection procedures; (b) modifications to work premises; (c) changes to job design, work schedules or other work practices; (d) provision and modification of equipment, and (e) provision of training and other assistance.

retribution, thereby promoting a safe and ethical environment for all members of the University community.

15. This Policy adopts the disciplinary actions and appeal procedures set out in the Staff Disciplinary Procedures and University's Regulations Governing Academic Integrity and Student Discipline.
16. Disciplinary action under this Policy is separate from and without prejudice to the University's right to terminate the employment of any staff member at any time whether with or without notice, or payment of wages in lieu of notice, in accordance with the Laws of Hong Kong and/or the relevant "Terms and Conditions of Service" and/or any applicable terms of the contract.

### **Key Principles and Definitions**

17. The Discrimination Ordinances prohibits unlawful acts of discrimination, harassment, vilification or victimization on the grounds of sex, marital status, pregnancy, breastfeeding<sup>3</sup>, family status<sup>4</sup>, disability<sup>5</sup> or race<sup>6</sup> of a person.

#### **A. Discrimination**

18. ***Direct discrimination*** means treating a person less favourably than another person in comparable circumstances, because of a person's protected characteristic (whether it is their sex, marital status, pregnancy, breastfeeding, family status, disability or race).

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<sup>3</sup> Under SDO, a woman is breastfeeding if she is (a) engaged in an act of breastfeeding a child; (b) engaged in an act of expressing breast milk; or (c) a woman who feeds a child with her breast milk, even though she may not be doing so at the time the relevant act of discrimination or harassment is committed.

<sup>4</sup> Family status in relation to a person means the status of having responsibility for the care of an immediate family member. An immediate family member is a person who is related by blood, marriage, adoption or affinity.

<sup>5</sup> Disability means total or partial loss of the person's bodily or mental functions; total or partial loss of a part of the person's body; the presence in the body of organisms causing disease or illness; the presence in the body of organisms capable of causing disease or illness; the malfunction, malformation or disfigurement of a part of the person's body; a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. Disability includes a disability that (i) presently exists; (ii) previously existed but no longer exists; (iii) may exist in the future; or (iv) is imputed to a person.

<sup>6</sup> Race, in relation to a person, means the race, colour, descent or national or ethnic origin of that person, and includes a race, colour, descent, national or ethnic origin that is imputed to the person. Racial Group means a group of persons defined by reference to race, colour, descent or national or ethnic origin, and references to a person's racial group refer to any racial group into which the person falls or is imputed to fall. However, an act done on the ground of any matter specified below does not constitute an act done on the ground of the race, colour, descent or national or ethnic origin of a person: (a) that the person: (i) is or is not an indigenous inhabitant of the New Territories; or (ii) is or is not a person who was in 1898 a resident of an established village in Hong Kong or a person descended through the male line from such person; (b) that the person: (i) is or is not a Hong Kong permanent resident; (ii) has or has not the right of abode or the right to land in Hong Kong; (iii) is or is not subject to any restriction or condition of stay imposed under the Immigration Ordinance (Cap. 115); or (iv) has or has not been given the permission to land or remain in Hong Kong under the Immigration Ordinance (Cap. 115); (c) the length of residence in Hong Kong of the person; or (d) the nationality, citizenship or resident status of the person under the law of any country or place concerning nationality, citizenship, resident status or naturalization of or in that country or place.

19. **Indirect discrimination** means applying to a person with a protected characteristic (whether it is their sex, marital status, pregnancy, breastfeeding, family status, disability or race) a requirement or condition which is applied or would be applied equally to a person without the protected characteristic but:

(a) which is such that the proportion of persons with the protected characteristic who can comply with it is considerably smaller than the proportion of persons without the protected characteristic who can comply with it;

(b) which is not justifiable irrespective of the protected characteristic of the person to whom it is applied; and

(c) which is to that person's detriment because he cannot comply with it.

20. **Act done because of the protected characteristic of a person and for other reason:** If an act is done for two or more reasons and one of the reasons is the protected characteristic of a person (whether or not it is the dominant or a substantial reason for doing the act), then the act is taken to be done for the dominant or a substantial reason for doing the act.

21. **Disability discrimination** against a person includes:

(a) direct discrimination against that person on the ground of the disability of his or her associate (including his spouse, carer, relative or another person who is living with him on a genuine domestic basis, or another person who is in a business, sporting or recreational relationship with him),

(b) direct discrimination against that person because of the fact that that person is accompanied by, or possesses a palliative or therapeutic device or auxiliary aid, or any matter related to this fact, whether or not it is the discriminator's practice to treat less favourably any person who is accompanied by, or is in possession, and is the user, of such a palliative or therapeutic device or auxiliary aid, or

(c) direct discrimination against that person because of the fact that that person is accompanied by an interpreter, a reader, an assistant or a carer<sup>7</sup> who provides interpretive, reading or other services to that other person because of the disability, or any matter related to this fact.

22. **Disability discrimination against job applicants of the University:** It is unlawful for a person (**the employer**), in relation to employment by him at an establishment in Hong Kong, to discriminate against another person with a disability, in the arrangements the employer makes for the purpose of determining who should be offered that employment,

(a) in the terms on which the employer offers that other person that employment; or

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<sup>7</sup> Carer includes (i) the Director of Social Welfare (ii) any officer of the Social Welfare Department authorized in writing by the Director of Social Welfare and (iii) any person specified in Schedule 1 to the DDO.

(b) by refusing or deliberately omitting to offer that other person that employment.

However, such discrimination is not unlawful where

(a) being a person without a disability is a genuine occupational qualification for the job (“**Genuine Occupational Qualification Exception**”), or

(b)(ii) that other person would be unable to carry out the inherent requirements of the particular employment (“**Inherent Requirements Exception**”), or would, in order to carry out those requirements, require services or facilities that are not required by persons without a disability and the provision of which would impose an unjustifiable hardship on the employer (“**Unjustifiable Hardship Exception**”).

23. The DDO exempts employers and educational establishments from liability in the provision of reasonable accommodations in cases where they would create or impose an unjustifiable hardship. In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:

(a) the reasonableness of any accommodation to be made to a person with a disability;

(b) the nature of the benefit or detriment likely to accrue or be suffered by any person concerned;

(c) the actual effect of the disability of a person concerned; and

(d) the financial circumstances and the estimated amount of expenditure (including recurrent expenditure) required to be made.

In each case of proving unjustifiable hardship, the responsibility always rests with the employer or the educational establishment. In deciding whether the Inherent Requirements Exception or the Unjustifiable Hardship Exception applies, the following factors should be taken into account:

(a) that other person’s past training, qualifications and experience relevant to the particular employment;

(b) where the person is already employed by the employer, the person’s performance as an employee and

(c) all other relevant factors that it is reasonable to so take into the account.

24. ***Disability discrimination against employees of the University:*** It is unlawful for the employer, in the case of a person with a disability employed by him at an establishment in Hong Kong, to discriminate against that person:

- (a) in the way he affords that person access to opportunities for promotion, transfer or training, or to any other benefits, services or facilities, or by refusing or deliberately omitting to afford that person access to them<sup>8</sup>;
  - (b) in the terms of employment he affords that person; or
  - (c) by dismissing that person, or subjecting him to any other detriment<sup>9</sup>.
25. Aspects of an individual's **employment** include but are not limited to hiring, re-appointment, crossing of efficiency bar, promotion, termination, redundancy, reassignment, transfer, pay, pay adjustments, performance management, rewards, fringe benefits, workload, opportunities, training and staff development, and working conditions.
26. **Disability discrimination against a person applying for admission as a student:** It is unlawful for an educational establishment to discriminate against a person with a disability:
- (a) by refusing or failing to accept that person's application for admission as a student; or
  - (b) in the terms or conditions on which it is prepared to admit that person as a student<sup>10</sup>.
27. It is not unlawful for an educational establishment to refuse or fail to accept a person's application for admission as a student at an educational establishment where that person, if admitted as a student by the educational establishment, would require services or facilities that are not required by students who do not have a disability and the provision of which would impose unjustifiable hardship on the educational establishment. Furthermore, such discrimination is not unlawful if
- (a) that person is not reasonably capable of performing the actions or activities reasonably required by the educational establishment in relation to students at that educational establishment; or
  - (b) the students who participate in or are to participate in those actions or activities are selected by a method which is reasonable on the basis of their skills and abilities relevant to those actions or activities and relative to each other ("**Capability Exception**").
28. **Disability discrimination against students:**<sup>11</sup> It is unlawful for an educational establishment to discriminate against a student with a disability: (a) by denying that student's access, or limiting that student's access, to any benefit, service or facility provided by the educational

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<sup>8</sup> Such discrimination is not unlawful in the case of opportunities for promotion or transfer to, or training for, such employment.

<sup>9</sup> Subject to the Inherent Requirements Exception and the Unjustifiable Hardship Exception.

<sup>10</sup> Subject to the Capability Exception.

<sup>11</sup> Subject to the Capability Exception.

establishment; (b) by expelling that student; or (c) by subjecting that student to any other detriment.

***B. Harassment***

29. ***Harassment*** can be committed against a person on the ground of that person's disability, sex, race, or the fact that she is breastfeeding.
30. Harassment can be committed:
- (a) by an employer against a job applicant;
  - (b) by an employer against an employee;
  - (c) by an employee against another employee;
  - (d) by an employee against his employer;
  - (e) by a workplace participant<sup>12</sup> against another workplace participant at a workplace of them both;
  - (f) by a student, or a member of staff of the University or a member of the University against a student of the University or an applicant applying for admission to the University; or
  - (g) by a student of the University or an applicant applying for admission to the University against a member or member of staff of the University.
31. ***Disability harassment*** means unwelcome conduct (i.e. conduct which is not solicited, invited, incited or reciprocated by the aggrieved person) towards a person in relation to his or her disability, or towards a person on the ground of the disability of his or her associate, in circumstances where a reasonable person would have anticipated that the harassed person would be offended, humiliated or intimidated.
32. It is not necessary for a person to object to or protest against the offending party in order to make the conduct unacceptable and establish the "unwelcomeness" of the case. Whether an act of disability harassment is unwelcomed remains a subjective perspective of the person making the Complaint.
33. Examples of acts which may amount to disability harassment include but are not limited to:
- (a) unwanted action involving bodily contact;
  - (b) abuse, whether verbal or written, such as notes, email or graffiti;
  - (c) threats;
  - (d) demeaning comments or conduct;
  - (e) unnecessary intrusive personal inquiries in relation to a person's disability; and
  - (f) comments or conduct because of a person's disability which are based on stereotypical assumptions about the person's capabilities or need for assistance.
34. ***Racial harassment*** occurs if:

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<sup>12</sup> Workplace participants includes an employer, employee, the principal of a contract worker, an intern or volunteer.

- (a) a person, on the ground of the race of another other person or an associate<sup>13</sup> of that other person, engages in unwelcome conduct (which may include an oral or a written statement), in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated by that conduct; or
- (b) a person, on the ground of the race of another person or his or her associate, alone or together with other persons, engages in conduct (which may include an oral or a written statement) that creates a hostile or intimidating environment for the second-mentioned person. Racial harassment can be in any form; physical, visual, verbal or non-verbal, and even a single incident may constitute racial harassment. Racial harassment is unlawful under the RDO.

35. **Sexual harassment** is:

- (a) an unwelcome sexual advance, or an unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in relation to to a woman or a man, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that she or he would be offended, humiliated or intimidated; or
- (b) conduct of a sexual nature (whether done by one person alone or together with other persons) which creates a hostile or intimidating environment for her.

36. **Sexual harassment** can take different forms and may include gestures, physical or visual contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile or intimidating environment.

37. The following behaviour can be regarded as **sexual harassment**:

- (a) unwelcome sexual advances - e.g. leering and lewd gestures; touching, grabbing or deliberately brushing up against another person;
- (b) unwelcome requests for sexual favours - e.g. suggestions that sexual co-operation or the toleration of sexual advances may further a person's career;
- (c) unwelcome verbal, non-verbal or physical conduct of a sexual nature - e.g. sexually derogatory or stereotypical remarks; persistent questioning about a person's sex life; and
- (d) conduct of a sexual nature that creates a hostile or intimidating work environment - e.g. sexual or obscene jokes around the workplace; displaying sexist or other sexually offensive pictures or posters.

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<sup>13</sup> Associate includes a spouse of a person; another person who is living with the person on a genuine domestic basis; a relative of the person; a carer of the person; or another person who is in a business, sporting or recreational relationship with the person.

38. In determining whether certain conduct constitutes *sexual harassment*, all the relevant circumstances will be considered.
39. A series of incidents may constitute sexual harassment. However, depending on the circumstances, it is not necessary for there to be a series of incidents. One incident may be sufficient to constitute sexual harassment.
40. On the other hand, an employee may be the victim of a hostile work environment where he or she is harassed in a pattern of incidents that may not be, in and of themselves, offensive, but when considered together amount to sexual harassment.

**C. Victimization**

41. *Victimization* arises where a person (the discriminator) treats another person (the person victimized) less favourably than other persons in comparable circumstances because the person victimized or a third person has done or intends to do, or is suspected to have done or to intend to do, the following:
- (a) bringing proceedings against the discriminator or any other person under any of the Discrimination Ordinances;
  - (b) giving evidence or information in connection with proceedings brought by any person against the discriminator or any other person under any of the Discrimination Ordinances;
  - (c) otherwise doing anything under or by reference to any of the Discrimination Ordinances in relation to the discriminator or any other person, or
  - (d) alleging that the discriminator or any other person has committed an act which is unlawful under any of the Discrimination Ordinances.

**D. Vilification**

42. *Vilification* is unlawful and means any activity in public<sup>14</sup> to incite hatred towards, serious contempt for, or severe ridicule of a person or members of a class of persons. It is irrelevant whether any person is actually incited by the vilification.
43. *Serious vilification* is intentional conduct that involves the threat of physical harm or damage to premises or property, and is a criminal offence.
44. *Disability vilification* is conducted on the ground of the disability of that person or class of persons. Racial vilification is conducted on the ground of the race of that person or class of persons.

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<sup>14</sup> Defined to mean any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded material, as well as any conduct that is observable by the public, including actions and gestures and display of signs.

45. ***Serious disability vilification*** is a criminal offence and occurs if a person intentionally incites hatred, serious contempt or severe ridicule of another person or members of a class of persons on the ground of their race or disability, and such activity involves threatening physical harm to that person or the members of that class of persons, their property or premises, or the property or premises their have access to.

#### **Responsibilities of EO-related Roles and Committee**

46. The University shall designate the following roles and committee to assist with handling EO-related matters:

- (a) **Committee on Equal Opportunities (“Committee”)**: Chaired by a VP / Provost nominated by the President, the Committee is responsible for monitoring the compliance of the Policy on Equal Opportunities, reviewing and updating the Policy on Equal Opportunities and coordinating efforts across the University to promote the concept of EO.
- (b) **EO Officer (Staff)**: A staff member (at Band 4 or above) from the Human Resources Office, nominated by the President, who serves as the main contact person for cases involving staff complainants or incidents from University-organised staff activities, when these matters are escalated to University-level proceedings.
- (c) **EO Officer (Student)**: A staff member (at Band 4 or above) from the Student Affairs Office, nominated by the President, who serves as the main contact person for cases involving student complainants or incidents from University-organised student activities, when these matters are escalated to University-level proceedings.
- (d) **EO Coordinator**: EO Coordinator: Each Dean/Director shall nominate two staff members (at Band 4 or above), preferably one male and one female, to serve as School/Office representatives. They act as the first points of contact within their respective units to provide initial support and advice on EO enquiries and cases. They will receive EO training, particularly in the concept of EO and complaint handling.

47. In situations where a case does not clearly involve either staff or students, or where it concerns facilities or broader institutional matters, the Chairperson of the Committee will determine the most appropriate officer to handle the case, based on its specific nature and circumstances.

#### **Protection of the Complainant**

48. The University aims to encourage openness and will support Complainants who raise genuine concerns under this Policy.

49. The University will accordingly:

- (a) Implement measures to protect Complainants against any retaliation, retribution or unfair treatment regarding their employment, studies or working relationship,

regardless of whether the investigation later proves the allegation(s) to be substantiated; and

- (b) Reserve the right to take appropriate actions, against anyone who is found to harass or victimize a Complainant or anyone who assisted with or participated in the investigations. This includes termination of employment, studies or working relationship.

### **Reporting Procedures**

50. If staff members, job applicants, students or student applicants believe that they have been subject to harassment, discrimination, vilification or victimization by a member or student of the University, they may initiate the following reporting procedures and are encouraged to do so as soon as possible after the alleged act(s).
51. For Complaints against persons who have dealings with the University (e.g. harassment by workplace participants such as contract workers, service users, etc), the University may take appropriate actions, such as case handling making reference to this Policy or referring the case to relevant organisations.
52. It is useful for the Complainant to maintain relevant written records and evidence of the alleged act(s) in order to support their Complaint. The University has both formal and informal resolution procedures in place, as set out below.
53. The Policy is without prejudice to all statutory rights of the Complainant. Apart from invoking these internal procedures, the Complainant may lodge a Complaint directly with the EOC. If they choose to do so, the Complaint must be made in writing within 12 months of the alleged act(s), otherwise the EOC may decide not to conduct, or to discontinue, an investigation into the relevant incident(s).
54. Alternatively, the Complainant may commence civil proceedings in the District Court pursuant to the relevant provisions in the Discrimination Ordinances. Such proceedings must be commenced before the end of the period of 24 months (unless the Court allow a claim to be brought out of time) beginning (a) when the act complained of was done; or (b) if there is a relevant report prepared by the EOC in relation to that act following a formal investigation, with the day on which the report is published or made available for inspection, whichever is the later. For the avoidance of doubt, any period of time during which the Complaint is being dealt by the EOC is discounted from the 24-month period.
55. If the Complainant believes that the action complained of appears to constitute a criminal offence and decides to report to the Police, he/she is recommended to report the matter to the President first.
56. All Complaints will be dealt with promptly, confidentially and impartially. All relevant persons are encouraged to support their fellow colleagues, students or other members of the

University in the process of counteracting unlawful acts of harassment, discrimination, vilification and victimization. They could do so by acting as a witness in investigations or by stopping the inappropriate conduct should they witness it.

57. If a Complainant knowingly makes a false allegation or makes an allegation not in good faith, disciplinary action may be taken against him or her.

***School/Office Level (Informal Resolution)***

58. Deans/Directors should be alert to and remain sensitive to the EO-related concerns and Complaints of their stakeholders, including staff, student, job applicant, workplace participant, applicant applying for admission, etc.

59. Deans/Directors or the Relevant Authority as set out in paragraphs 86 to 88 (the “**Relevant Authority**”), should attempt to resolve EO Complaint by informal resolution. Informal resolution may enable prompt action to be taken to stop the unwelcome behaviour at the earliest possible stage. Informal resolution is often the first step in addressing equal opportunities Complaints, especially when the Accused does not realize that their behaviour is offensive to the Complainant. This process aims to resolve issues quickly and amicably, without resorting to formal legal procedures.

60. When a person believes he/she has been harassed, discriminated against, vilified or victimized, he/she may first seek an informal resolution from the Relevant Authority, within 90 calendar days from the date on which they knew, or reasonably should have known, of the alleged act(s). This time frame is established to prevent undue delay that could impede the investigation process. Prompt action also serves to maintain a discrimination and harassment-free environment. Complaints that are lodged beyond the 90-day limit may be handled at the University’s discretion on a case-by-case basis, taking into account the specific circumstances and the seriousness of the allegations.

61. Informal resolution procedures may involve direct communication with the Accused or seeking assistance from a third party whom the Complainant feels comfortable (“**Informal Mediator**”). Such third-party individuals may include, for a student Complainant, the teacher responsible, the course coordinator or programme leader concerned; or, for a staff Complainant, the immediate supervisor, department head, or Dean/Director. The role of the Informal Mediator is to understand the facts and nature of the Complaint, offer advice and support, including counselling, to the Complainant, and to serve as a communication bridge between the Complainant and the Accused in an attempt to reach an informal resolution to the matter, normally within 1 calendar month after receipt of the Complaint. Informal Mediator may make reference to the “Tips on Informal Resolution” in Appendix I.

62. The purpose of informal resolution procedures is to clarify misunderstandings, address concerns, remind individuals of appropriate standards of conduct to prevent recurrence, resolve the disputes and explore potential remedies. These procedures do not imply that the Accused is permitted to evade responsibility for alleged act without the possibility of a

formal investigation. Rather, the intent is to facilitate the resolution of the matter through a mutually acceptable solution. In this respect, no public sanction or written records would generally be involved if the Accused and the Complainant are able to reach an amicable resolution.

63. At this stage, the Informal Mediator may involve respective School/Office's EO Coordinator, as described in paragraph 46, as a source of information regarding the general procedures for both informal and formal proceedings, including the available options and providing guidance in relation to the Complaint.
64. If informal resolution procedures fail to resolve a situation involving harassment, discrimination, vilification or victimization, or if the Complainant believes that only a formal proceedings can provide resolution, he/she may file a formal Complaint to the Relevant Authority in accordance with the formal proceedings. In addition, if in the judgement of the Informal Mediator, the action complained of appears to be of a serious nature, he/she should advise the Complainant to initiate formal proceedings.
65. All parties involved in informal proceedings shall keep confidential all information which comes to their knowledge during the process unless disclosure is required by law. Any person found to have breached confidentiality of the process will be subject to appropriate disciplinary action.

***School/Office Level (Formal Proceedings)***

66. In the circumstances described in paragraph 64, the Complainant may submit a written Complaint about the alleged harassment, discrimination, vilification or victimization to the Relevant Authority via the EO Coordinator, copying the EO Officer responsible. While the Complainant may present the Complaint in any written format of his/her own preference, the "Complaint Form for Equal Opportunities Matters" in Appendix II is designed to facilitate the accurate presentation of relevant information about the Complaint. The Complainant should complete the Form and submit it together with evidence of the alleged harassment, discrimination, vilification or victimization, and specify how the Complainant obtained such evidence (if applicable).
67. On receipt of a Complaint, the following procedures will then apply:
  - (a) The EO Coordinator will acknowledge receipt of the Complaint within 7 calendar days of the Complaint being submitted.
  - (b) The EO Coordinator, in consultation with the Relevant Authority, reserves the right to not investigate the Complaint if the Complainant has not provided all the information considered necessary when requested, within 14 calendar days after a request has been made by the Relevant Authority.

- (c) A preliminary inquiry shall be conducted by the EO Coordinator in an impartial and confidential manner to determine whether there is prima facie evidence that the Accused may have engaged in alleged acts. The purposes of the preliminary inquiry are to ensure that there are sufficient materials which warrant a full investigation and to screen out obviously unfounded allegations.
68. The EO Coordinator, in consultation with the Relevant Authority, shall decide on the appropriate steps to conduct the preliminary inquiry, which may include but not limited to the following actions:
- (a) Ascertain whether the Complainant is aware of the steps to resolve the Complaint informally and whether the Complainant wishes to make use of such steps to attempt to resolve the Complaint informally;
  - (b) Meeting(s) between EO Coordinator and the Complainant for the Complainant to provide any missing information from the Complaint;
  - (c) Meeting(s) between the EO Coordinator and the Accused, giving the Accused an opportunity to respond to the allegations and provide their own evidence in rebuttal;
  - (d) Discussion of the Complaint with relevant Schools/Offices and staff members at the University;
  - (e) Discussion of the Complaint with external experts or advisors, if deemed necessary;
  - (f) Any other inquiry actions as appropriate.
69. The EO Coordinator shall submit a written record of the preliminary inquiry to the Relevant Authority, normally within 1 calendar month, or within a longer time as deemed appropriate, upon receiving all the relevant details of the Complaint. The written report shall set out the allegations made, a brief summary of the evidence available and the recommendation on whether there are sufficient materials to warrant a full-scale investigation.
70. Taking into account all relevant factors, the Relevant Authority will decide within 14 calendar days the actions to be taken, which may include but not limited to:
- (a) dismiss the case if it does not fall within the scope of these Policy and prevailing procedures, or if he/she considers that it is malicious or is not substantiated by evidence;
  - (b) refer the case to the relevant supervisors for re-consideration if the Relevant Authority consider that appropriate steps have not been taken to resolve the matters;
  - (c) take disciplinary action pursuant to the relevant Disciplinary Procedures<sup>15</sup>;

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<sup>15</sup> The Staff Disciplinary Procedures or Regulations Governing Academic Integrity and Student Discipline, whichever is applicable.

- (d) set up an ad-hoc School/Office Level Complaint Panel for a full-scale investigation if the Relevant Authority considers that the Complaint gives grounds and sufficient information. The terms of reference and composition of the ad-hoc School/Office Level Complaint Panel are specified in Appendix III;
- (e) escalate the case to the University Level Proceedings in instances where the matter is deemed too complex for resolution at the School/Office Level Proceedings. This may include cases that involve multiple Schools/Offices, or where the nature of the Complaint is particularly serious;
- (f) refer the case to an external legal enforcement agency; or
- (g) take any other recommended action for further handling as appropriate.

71. Prior to reaching the decision of dismissing the case (paragraph 70(a)), the Relevant Authority should consider putting up the case at the School/Office Level Complaint Panel for decision to ensure sufficient objectivity in the process of decision.

72. The decisions and actions should be copied to the EO Officer responsible for information. It is expected that most cases can be resolved at School/Office Level Proceedings.

#### ***University Level Formal Proceedings***

73. Proceedings at the University Level will be considered if

- (a) The case is referred by the Relevant Authority under paragraph 70(e); or
- (b) The case is dismissed by the Relevant Authority under paragraph 70(a) but new substantial evidence has come to light which was not previously considered at the School/Office Level Proceedings;
- (c) The proceedings procedures were not correctly followed at the School/Office level proceedings.

74. In the circumstances described in paragraph 73, upon notification of the decision at School/Office Level formal proceedings, the Complainant may submit the written Complaint, within 14 calendar days from the notification of the decision by School/Office, to the Chairperson of the Committee on Equal Opportunities (“**Chairperson**”) or Relevant Authority as set out in paragraph 86 to 88 via the EO Officer responsible.

75. The following procedures will then apply:

- (a) The EO Officer responsible will acknowledge receipt of the Complaint to the Complainant within 7 calendar days of the Complaint being submitted.

- (b) The EO Officer responsible will assist in reviewing the Complaint and consult with the relevant Dean(s)/Director(s)/staff members as appropriate, including making enquiries about the steps already taken to resolve the Complaint, and the decisions made on the case (e.g. School/Office Level Proceedings and consideration by Relevant Authority). If deemed necessary, the Complainant may be requested to supplement any information, document or evidence in support of the complaint.
  - (c) The EO Officer responsible will inform the Accused in writing by copying the Complaint to the Accused, who will have the opportunity to respond in writing within 14 calendar days. The written response from the Accused will be copied to the Complainant for information. No further exchange of documents between the two parties shall be allowed thereafter unless otherwise directed by the EO Officer in writing.
  - (d) After receiving the statements and response from the parties concerned, the EO Officer responsible will further review the documents and recommend the steps to be taken to the Chairperson, normally within 14 calendar days.
76. The Chairman, having received the recommendations of the EO Officer responsible and taken into account all relevant factors, will decide within 14 calendar days on the action(s) to be taken, which may include but not limited to:
- (a) dismissing the Complaint if it does not satisfy the criteria in paragraph 73; or
  - (b) referring the Complaint to the Relevant Authority at the School/Office Level Proceedings for re-consideration if the Relevant Authority at the University Level Proceedings considers that appropriate steps have not been taken to resolve the Complaint; or
  - (c) resolving the Complaint informally by the Chairperson or the Relevant Authority, having regard to the merit of the complaint; or
  - (d) setting up an EO Panel to review the case and make recommendations; or
  - (e) referring the case to an external legal enforcement agency; or
  - (f) taking any other recommended action for further handling as appropriate.
77. Prior to reaching the decision of dismissing the Complaint (paragraph 76(a)), the Relevant Authority should consider putting up the case at the EO Panel for decision to ensure sufficient objectivity in the process of decision.
78. If the Relevant Authority decides to refer the case to the EO Panel, the terms of reference and composition of the EO Panel are specified in Appendix IV.
79. The EO Panel shall complete such investigation as it considers appropriate in the circumstances and provide the Relevant Authority with a written report containing its

findings, voting results (if applicable) and recommendations on the appropriate course(s) of action to be taken by the University, within 3 calendar months from the date of its first meeting or such longer period as it considers necessary.

80. The Relevant Authority, having taken into account the EO Panel's recommendations, will normally make a decision within 14 calendar days after receipt of the Panel's recommendations. Longer decision time may be granted as deemed appropriate. The decisions and actions should be copied to the President for information. Any decision of the Relevant Authority shall be final.

### **Other General Notes**

81. At School/Office level, Deans/Directors hold ultimate accountability for the proper handling and equitable resolution of all complaints. All official communications — including outcome notifications and appeal correspondence — must be issued under the authority of the respective Dean/Director.
82. Where the Relevant Authority or Panel has given notice of a meeting to the Complainant and the Accused in accordance with the Policy, but one of those parties is not present at meeting, the Relevant Authority or Panel may still proceed with the inquiry and make such findings and recommendations as it thinks fit.
83. The Relevant Authority or Panel may decline to inquire into a Complaint if it considers the substance of the Complaint has been examined or is being examined under another University procedure, or by any public body which has responsibility for receiving complaints of equal opportunities, or by a court, tribunal or law enforcement agency.
84. If the Complainant and the Accused have agreed to resolve the matter, and the Relevant Authority / Panel considers that the terms of the agreement are consistent with respect for the principles of equal opportunities, the investigation may be suspended or discontinued.
85. If the Complainant or the Accused leaves the University during the investigation, informal or formal proceedings, or before the conclusion of any decision, the Chairperson, in consultation with the EO Officer(s) and School/Office representative, shall decide if the proceedings should be pursued or continued depending on the circumstances of the case. The Chairperson shall report the case to the President as appropriate.
86. In the meantime, whether to take legal action, such as referring the case to the Equal Opportunities Commission, Police or initiating civil proceedings, is solely at the discretion of the Complainant. If the Complainant has concerns about the University's handling of the matter, they may decide on any further legal steps within the prescribed time limits.

### **Relevant Authority and Conflict of Interest**

87. At the School/Office Level Proceedings, the Complainant should submit the Complaint and evidence to the Dean/Director of the respective School/Office of the Accused, copying the Director of Human Resources.

88. At the University Level Proceedings, the Complainant should submit the Complaint and evidence to the Chairperson of the Committee on Equal Opportunities via the EO Officer responsible.
89. The following provisions apply in order to avoid conflicts of interest and only act as exceptions to paragraph 86 to 87:
  - (a) If the Complainant believes the respective Dean/Director may have a conflict of interest or is the source of the Complaint, the Complaint should be addressed directly to the Vice President/Provost overseeing the School/Office;
  - (b) If the Complainant believes the EO Officer(s), the Chairperson or VP/Provost may have a conflict of interest or is the source of the Complaint, the Complainant should submit the Complaint to the President, who shall appoint another Vice President / Provost to handle the case; and
  - (c) If having followed the procedures set out at paragraph 88(b), the Complainant also believes the President may have a conflict of interest, the complainant should submit the Complaint to the Council Chairperson.
90. “Declaration Form for Conflict of Interest” should be signed by all parties who are involved in any part of the investigation and proceedings. Anyone with an actual, perceived or potential conflict of interest with the contents of the Report or investigation must declare it.

#### **Complaint involving the President**

91. Any Complaint involving the President shall be referred to the Council Chairperson. Upon receipt of matter involved, the Council Chairperson, in consultation with the EO Officer(s), shall review all records of previous proceedings, including making enquiries about the steps already taken to resolve the Complaint, recommendations and decisions made on the case, and decide on within 14 calendar days the action to be taken, which may include:
  - (a) Dismiss the case if it does not fall within the scope of this Policy or if he/she considers the merit of the allegation is not substantiated; or
  - (b) Appoint a Special Panel to conduct an investigation.
92. If the Council Chairperson decides to appoint a Special Panel, the terms of reference and composition of the Special Panel are specified in the Appendix V.
93. The Special Panel shall complete such investigation as it considers appropriate in the circumstances and provide the Council Chairperson with a written report containing its findings and recommendations on the appropriate course(s) of action including actions (if any) to be taken by the University within 3 months from the date of its first meeting or such longer period as it considers necessary.

94. The Council Chairperson shall, in consultation with the Executive Committee, make a decision after considering the Special Panel's recommendations. The decision of the Council Chairperson shall be final.
95. In case the recommended action involves the dismissal of the President, written approval from the Council shall be obtained in accordance with Section 11 of the Hong Kong Metropolitan University Ordinance (Cap. 1145, the Laws of Hong Kong).

#### **Anonymous Complaint**

96. The University aims to create a transparent and impartial mechanism for staff members, job applicants, students or student applicants to voice concerns about harassment, discrimination, vilification or victimization openly under this Policy.
97. Given the difficulties of thoroughly investigating an anonymous Complaint, the University will only proceed to investigate an anonymous Complaint if the Complaint provides good reasons and substantive evidence to justify an investigation.

#### **Confidentiality**

98. Confidentiality must be, as far as practicable, strictly observed, complied with and respected by the University, the Complainant, the EO Officer(s), the Chairperson, the Committee, the Accused and all persons involved in the investigations. In general, the communication of information regarding the investigations will be shared within the University strictly on a confidential and need-to-know basis in order to proceed with the attempt at resolution.
99. The identity of the Accused and details of their alleged wrongdoing may be shared with persons assisting with the investigations, including responsible Schools/Offices within the University. If necessary for enforcement, the University may share this information with the relevant authorities.
100. If Complainant wishes to remain anonymous, he or she should understand that this may limit the ability of the University to look into the issues raised. In some circumstances, the University may only be able to look into any systemic issues that may exist, if applicable and as far as practicable.
101. As far as practicable and to the extent permitted by law, the identity of the Complainant and the Accused will be kept confidential and will not be disclosed. If the nature of the investigation and/or any subsequent civil or criminal proceedings, makes it necessary to disclose the Complainant's and Accused's identity, the University will inform them accordingly.
102. If media attention is foreseeable, Public Affairs Office (PAO) shall be the focal point for external information dissemination. PAO shall give specific communication recommendations on a case-by-case basis.

103. Any violation of this confidentiality requirement will be subject to appropriate disciplinary proceedings.

### **Review and Updates**

104. The University reserves the right to review and make revisions (whether in full or in part) to this Policy as deemed appropriate from time to time.

For enquiries, please contact the following party, as appropriate:

- **Respective Deans / Directors**
  
- **EO Officer (Student) should be contacted if the Complainant is a *student*:**
  - Tel: 2768 5768
  - Email: eoostudent@hkmu.edu.hk
  
- **EO Officer (Staff) should be contacted if the Complainant is a *staff member*:**
  - Tel: 2768 6335
  - Email: eoo@hkmu.edu.hk
  
- **Counselling service for Full-Time Students:**
  - Tel: 2768 6205
  
- **Counselling service for students at LiPACE:**
  - Tel: 3120 9952 (LiPACE's Student Affairs Office)
  
- **Staff Counseling (24 hours/7 days Service)**
  - Tel: 5401 0037
  - Email: eap@cfsc.org.hk
  
- **Equal Opportunities Commission, HKSAR**
  - Tel: 2511 8211
  - Email: eoc@eoc.org.hk

April 2026

### **Tips on Informal Resolution**

Informal Mediator can help to stop the unwelcome behaviour at the earliest possible stage, maintain an equity environment and address issues before they escalate into more serious problems.

The following guidelines outline the informal procedures that Informal Mediator may follow to handle the complaint:

1. **Encourage Open Communication:** Informal Mediator should encourage the Complainant to voice his/her concerns in a constructive and respectful manner. Open communication helps identify and resolve issues quickly and amicably, without resorting to formal legal procedures.
2. **Arrange Private Meetings:** When a complaint is raised, Informal Mediator should arrange a private face-to-face meeting to understand the facts and nature of the complaint, offer advice and support, including counselling, to the Complainant, and to serve as a communication bridge between the Complainant and the Accused in an attempt to reach an informal resolution to the matter.
3. **Active Listening and Empathy:** During the meeting, Informal Mediator should listen actively and empathetically to the Complainant and the Accused concerns. Understanding the root cause of the complaint is crucial for finding an effective resolution. Where necessary, Informal Mediator may encourage the Complainant to consolidate and organize his/her thoughts by making reference to or completing the Complaint Form for Equal Opportunities Matters in Appendix II to ensure relevant information is accurately presented.
4. **Explore Possible Solutions:** Informal Mediator should discuss potential solutions with the Complainant and seek his/her views and input on the feasibility of resolving the situation. This collaborative approach poses a higher chance to come up with mutually agreeable solutions.
5. **Facilitate Conciliation:** If necessary, Informal Mediator can facilitate informal conciliation between the Complainant and the Accused. These sessions aim to clarify misunderstandings, address concerns, remind individuals of appropriate standards of conduct to prevent recurrence, resolve the disputes and explore potential remedies. These proceedings do not imply that the Accused is permitted to evade responsibility for alleged act without the possibility of a formal investigation. Rather, the intent is to facilitate the resolution of the matter through a mutually acceptable solution. In this respect, no public sanction or written records would generally be involved if the Accused and the Complainant are able to reach an amicable resolution.

*Private Conciliation:*

- Private conciliation is an informal process whereby Informal Mediator or their nominees usually serves as the conciliator of the discussion in attempt to settle disputes.
  - The conciliator should remain neutral and not show favouritism towards any party involved in the complaint. This helps maintain the integrity of the conciliation process and ensures that both parties feel comfortable sharing their positions and equally heard.
  - In the conciliation process, the conciliator would provide guidance, give advice and make interventions or suggestions as appropriate to help both the Complainant and the Accused stay focused on the issue at hand and reach a resolution in a fair and constructive manner.
  - As the conciliator deems appropriate, conciliation sessions can be conducted with each party separately to understand their perspectives and gather relevant information, and/or jointly with the attendance of both parties involved to express their views openly in a private and confidential setting.
6. **Documentation and Follow-Up:** While informal procedures usually do not require formal documentation, it is advisable for Informal Mediator to take note of the incident, keep brief notes on the discussions and agreed-upon actions. Follow-up meetings should be scheduled to ensure that the complaint has been resolved satisfactorily.

Nevertheless, if informal mediation fails to resolve a situation involving harassment, discrimination, vilification or victimization, or if the Complainant believes that only a formal Complaint can provide resolution, he/she may file a formal Complaint. If in the judgement of the Informal Mediator, the action complained of appears to be of a serious nature, he/she should advise the Complainant to initiate formal proceedings.

At this stage, the Informal Mediator may involve the Equal Opportunities Officers (“EO Officers”), as described in Policy paragraph 65, as a source of information regarding the general procedures for both informal and formal resolutions, including explaining the available options and providing guidance in relation to his or her complaint.



### Complaint Form for Equal Opportunities Matters

#### Notes

1. Please read the Policy on Equal Opportunities (“Policy”) before completing the Complaint Form (“Form”).
2. This Form is designed to facilitate the Complainant to accurately present relevant information about their complaint when submitting a request for handling / investigation.
3. Please fill out the Form completely. Where available and appropriate, supporting documents and evidence should be provided as far as possible to justify the complaint.
4. The completed Form, together with all supporting documents, should be submitted to the Relevant Authority, according to the Policy.
5. All information provided will be kept in strict confidence and will be disclosed only to appropriate personnel in the University involved in the proceedings.

#### Part I Complainant Information

Name		Staff / Student ID	
(For Staff) Post			
School / Office			
(For Student) Programme			
Year of Study			
Phone No.		Email	

#### Part II Details of the Complaint

Subject of the Complaint (Name & Post / Programme)			
Your relationship with the Subject			
Have you raised this concern for consideration under another policy or procedure?	<input type="checkbox"/> No <input type="checkbox"/> Yes (please provide details below :)		
	Policy / Procedure		
	Date of Submission		

Please tick ✓ where appropriate

**Details of Complaint**

*(Please state the facts of the case, including dates, places, persons, incidents and events. Please attach separate sheet(s) if the provided space is not enough. Where available, provide evidence to support your complaint as far as possible. Keep your information succinct as this lends clarity to the matters to be addressed. Further relevant information may be sought from you if investigation is conducted.)*

**Witnesses**

*(Please state the names of any witnesses to the complaint raised. Specify what aspects of your complaint they can comment on.)*

**Supporting Documents**

*(Please list below the supporting materials available to you and attach copies if possible.)*

**Informal Resolution**

*(Please state the steps you have taken to resolve your complaint informally and why the concern remains unresolved, or why you believe informal resolution is not appropriate.)*

**Declaration**

- By submission of this form, I confirm the above statements are true to the best of my knowledge, belief and information and I understand this submission will be shared with those named in this complaint and personnel in the University involved in the proceedings. Attachment of this Form to an email from you will constitute signatory authorization.

**Date** \_\_\_\_\_ **Signature** \_\_\_\_\_

**School / Office Level**  
**Complaint Panel**

**A. Terms of Reference**

- (a) To receive Complaints involving allegations of harassment, discrimination, vilification or victimization referred to it by Dean / Director;
- (b) To request, receive and consider evidence from all relevant parties in person and/or in writing;
- (c) To seek legal / professional advice on matters involving harassment, discrimination, vilification or victimization;
- (d) To have access to School's/Office's documents as it sees fit for the purpose of its investigation and consideration;
- (e) To issue pertinent letters, reminders and correspondence to the relevant parties as deemed appropriate; and
- (f) To document the findings and make recommendations.

**B. Composition**

Chairperson: Band 6 or above nominated by Dean / Director  
Members: A minimum of 2 staff members nominated by Dean / Director  
Secretary: Equal Opportunities Coordinator as specified in paragraph 46

*Notes*

- *Members are to be nominated on a case-by-case basis.*
- *In case of conflict of interest, the Dean/Director may nominate another Chairperson, members or secretary to serve in the Panel to uphold its independence.*

**University Level**  
**Equal Opportunities Panel**

**A. Terms of Reference**

- (a) To receive Complaints involving allegations of harassment, discrimination, vilification or victimization referred to it by the Chairperson;
- (b) To request, receive and consider evidence from all relevant parties in person and/or in writing;
- (c) To seek legal / professional advice on matters involving harassment, discrimination, vilification or victimization;
- (d) To have access to any of the University's documents as it sees fit for the purpose of its investigation and consideration;
- (e) To issue pertinent letters, reminders and correspondence to the relevant parties as deemed appropriate; and
- (f) To document the findings and make recommendations.

**B. Composition**

Chairperson: A Provost / Vice President nominated by the President

Members: A Dean / Director nominated by MB Chairperson  
A Senate member nominated by the Senate Chairperson  
An academic staff member nominated by the President  
A non-academic staff member nominated by the President

Secretary: Equal Opportunities Officer as specified in paragraph 46

*Notes*

- *Panel members will be nominated by the President on a case-by-case basis, taking into account the nature of the matter and all relevant factors.*
- *In case of conflict of interest, the President may nominate another Chairperson, members or secretary to serve in the Panel to uphold its independence.*

## **Special Panel**

### A. Terms of Reference

- (a) To receive Complaints involving allegations of harassment, discrimination, vilification or victimization against the President referred to it by the Council Chairperson;
- (b) To request, receive and consider evidence from all relevant parties in person and /or in writing;
- (c) To seek legal / professional advice on matters involving harassment, discrimination, vilification or victimization;
- (d) To have access to any of the University's documents as it sees fit for the purpose of its investigation and consideration;
- (e) To issue pertinent letters, reminders and correspondence to the relevant parties as deemed appropriate; and
- (f) To document the findings and make recommendations.

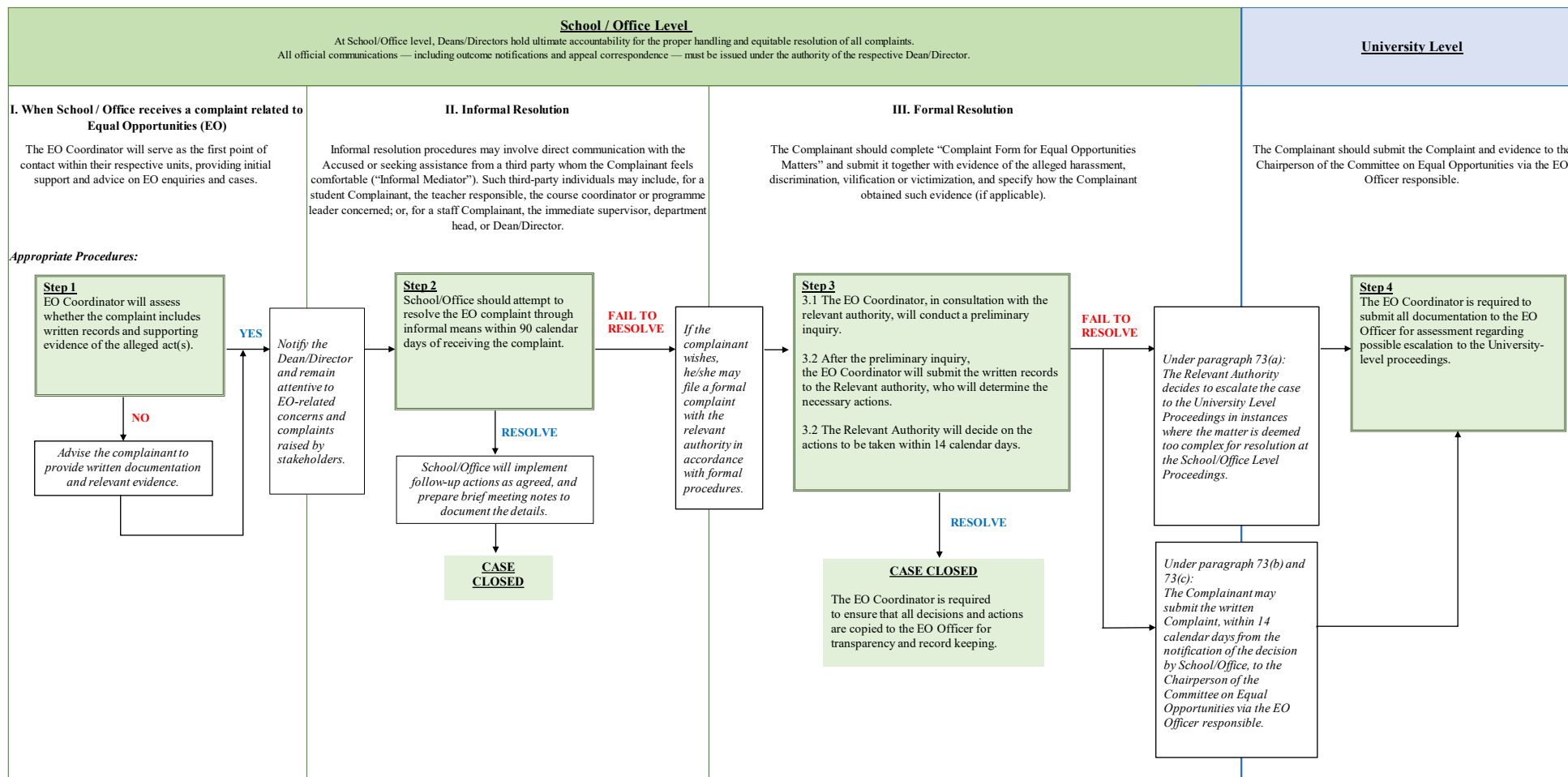
### B. Composition

Chairperson: A lay Council member nominated by the Council Chairperson

Members: A minimum of two lay Council members nominated by the Council Chairperson

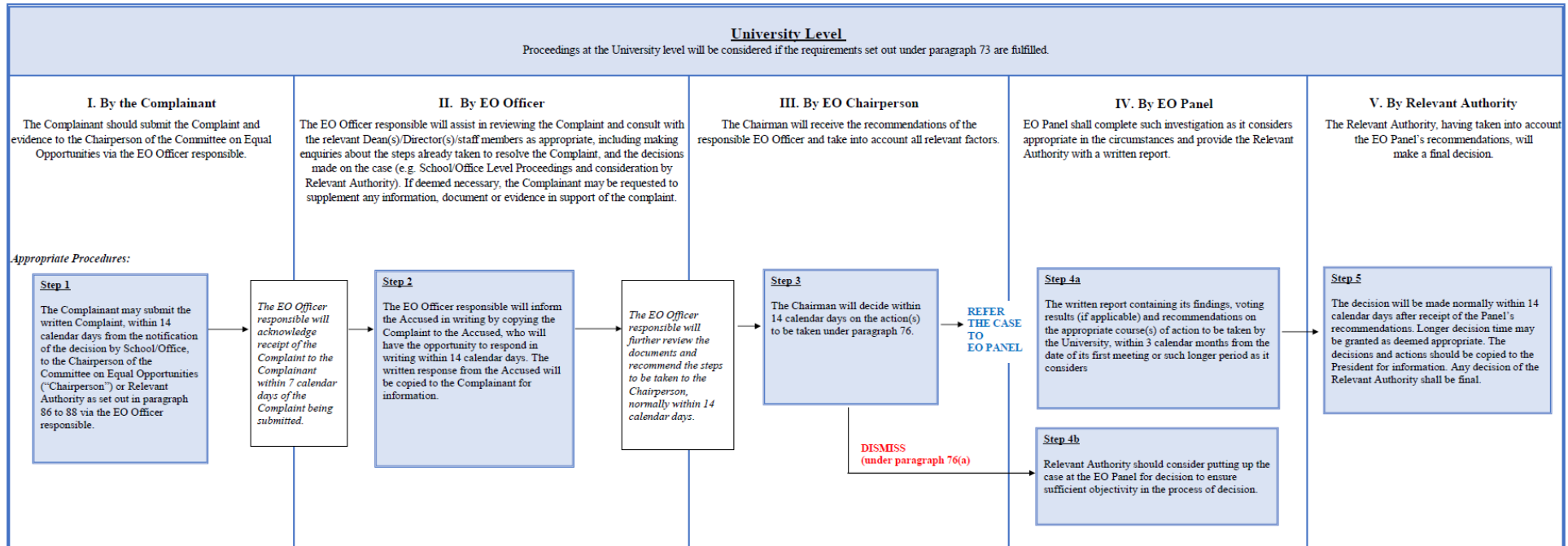
Secretary: Equal Opportunities Officer as specified in paragraph 46

### School / Office Level



For the full version, please refer to the Policy on Equal Opportunities.

## University Level



*For the full version, please refer to the Policy on Equal Opportunities.*