

# China's Laws on Sexual Harassment in Schools: Making Comparison with U.S. Laws

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**Abstract.** In China, The Flaws Lack in the Institutions to Flexible Accessibility for the Higher Education Systems. Using comparative legal analysis and substantive empirical case studies, including court rulings, policy evaluation, and Chinese nationwide surveys of schools, this study explores the difference of China's ad-hoc response mechanisms and the U.S. Title IX model. Between 2012 and 2021, the lack of clear legal definitions, schools' reputation preservation and protective policies, and cultures of shame independently revealed three systemic weaknesses across China: ambiguity of laws prohibiting SVA, school policies prioritizing reputation management over victims' protections, and cultures that stigmatize reporting that lowers reporting rates. The analysis shows that standardized grievance procedures, proportional staffing of investigators, and punitive damages for institutional negligence, could massively enhance accountability in China if implemented within its governance context. Recommendations to address harassment laws are implementing specific laws that would provide clear definitions of harassment for different types of technology used, joint investigative committees led by education bureaus and increased anti-harassment training as part of teacher certification policy. Importantly, China can use its centralized administrative structure to carry out nationwide school compliance audits while piloting restorative justice programs to address cultural resistance. This study thus concludes that where bridges are necessary for balancing legal hardiness with cultural adaptability, the transplantation of foreign laws in itself is far from sufficient for establishing an enduring paradigm of protection centered on the victim, which can replace the transient, media-motif paradigm of protection for justice-seekers in China.

**Keywords:** Campus sexual harassment; Comparative legal systems; Institutional accountability mechanisms; Legislative reform; Cultural-structural barriers.

## 1. Introduction

The U.S. Supreme Court's landmark ruling in the case of *Davis v. Monroe County Board of Education* (1999) established that schools could be held legally responsible and liable under Title IX for student-on-student sexual harassment (526 U.S. 629, 650 [1999]). This ruling established a legal requirement for educational institutions to actively prevent harassment, providing accountability and protection for victims. But a stark contrast played out in Beijing, China, in 2020, when a female college student withdrew from school after her principal told her that her sexual harassment complaint was a "misunderstanding." In the U.S., victims can pursue legal recourse under Title IX, however, Chinese students can't file formal complaints even when they encounter sexual harassment, as there is not a similar legal framework. These contrasting cases illustrate broad systemic failures in the way China handles campus sexual harassment. As U.S. schools are increasingly sued over their mishandling of such cases, victims in China often find themselves mired in institutional indifference and left to rely on media exposure or social media campaigns to try to find justice — a precarious and inconsistent remedy. A lack of a strong legislative framework means schools can simply evade accountability, making victims vulnerable to their abuser. These differences in the two legal systems highlight the pressing need for China to improve its ad-hoc, media-centric response mechanism. Implementing a holistic legal approach, as what Title IX encompasses, would obligate educational institutions to take proactive action, make reporting streamlined and enforce penalties for incompetence. Without those kinds of reforms, China's students remain prone to harassment, with little prospect of institutional

accountability or justice. You must rely not on public outcry, but on the legislative action for many students' rights.

## **2. Current Situation in China and Classification of the Causes of the Problem**

### **2.1. Lack of Specific Legislation and Clear Definitions**

China's legal framework lacks a specific law that addresses sexual harassment in educational institutions. While general provisions against sexual harassment exist in laws such as the Women's Rights Protection Law-- and the Anti-Domestic Violence Law, these statutes offer only broad statements without clear definitions, enforcement mechanisms, or institutional accountability measures.

For one, the ambiguous nature of legal language is an apparent problem because it hinders the effective prosecution of sexual harassment in educational institutes. Another controversial piece is Article 23 of the new Women's Rights Protection Law, which bans sexual harassment but does not define what sexual harassment is specifically, giving schools and courts overly wide discretion in the matter. By contrast, the U.S. Title IX has a clearer definition, listing sexual harassment as "unwelcome conduct of a sexual nature" and requiring educational institutions to promptly investigate complaints.

Second, Judicial bodies in the People's Republic of China often dismiss sexual harassment allegations because of the evidentiary issues in such cases. For example, in 2021 a Beijing court dismissed a student's lawsuit against her professor for lack of evidence, even with witness testimonies [1]. This is due to a lack of legal precedents and standardized guidelines.

The third one is They claim that Sexual Harassment is not their domain so they can avoid accurate content. Roughly 65 percent of school administrators did not know that they had any legal responsibility to address harassment complaints, according to a study in 2022 by the Beijing Youth Legal Aid Center — unlike U.S. institutions which risk losing federal funding if they are found to be in violation of Title IX.

### **2.2. Inadequate School Policies and Reporting Mechanisms**

A significant number of Chinese schools lack the presence of formal mechanisms that are designed to prevent, report, and investigate incidents of sexual harassment. This absence of structured policies and procedures leaves students without the necessary support systems to address and resolve such issues.

Firstly, the absence of mandatory policies further exacerbates the situation. Although China's Ministry of Education promulgated guidelines in 2018 encouraging educational institutions to implement anti-harassment measures, these are not legally binding. The lack of mandatory requirements under existing law for schools to establish prevention and complaint mechanisms has led to widespread reliance on ad hoc administrative directives rather than institutionalized procedures in higher education institutions. The Ministry of Education's prevention and control guidelines issued in 2018 failed to substantively promote the construction of mechanisms in schools due to the lack of legal binding force, creating a paradoxical state where policy advocacy and implementation vacuum coexist.

Secondly, School-led inquiries are often biased. The members of the investigation team are often appointed by the administrative leaders of the faculties and departments involved, which makes it difficult to guarantee procedural fairness, and this system design essentially transforms sexual harassment complaints into internal personnel disputes to be handled. Compared to the independent investigation system established in the United States through Title IX of the Education Act, China has not yet constructed a statutory neutral adjudication mechanism.

Thirdly, the fear of retaliation among students and faculty has been recognized as a critical barrier to reporting incidents of harassment or bullying in academic settings. Studies indicate that students frequently avoid disclosing harassment due to concerns about academic retaliation, such as adverse impacts on grades, research opportunities, or career prospects [2]. Within the hierarchical governance structure of higher education institutions, the lack of formal mechanisms for students to hold faculty accountable for professional misconduct has normalized a culture where whistleblowing is perceived as a challenge to institutional authority. This power asymmetry places victims in a dual bind, forcing them to navigate both the evidentiary burden of proving harassment and the academic risks associated with speaking out. Consequently, this dynamic perpetuates a systemic silencing effect, discouraging transparency and perpetuating underreporting.

### **2.3. Underreporting and Cultural Stigma**

The cultural attitudes prevalent in China have been shown to have a deleterious effect on the reporting of sexual harassment, as victims are often dissuaded from coming forward due to a combination of factors, including the fear of social ostracization, victim-blaming, and institutional retaliation.

Firstly, Confucian values prioritize the preservation of honor, compelling many victims to remain silent. A 2020 survey conducted by the All-China Women's Federation revealed that only 12% of sexual harassment survivors in schools filed formal complaints, with most fearing damage to their reputations.

Secondly, in such cases, public scrutiny is often directed towards the victim rather than the perpetrator. There is a victim-centered scrutiny paradox that prevailing gender stereotypes in educational settings often reframe harassment complaints as moral failures of the victim. This cognitive framework perpetuates institutional tolerance of harassment by diverting accountability from offenders to survivors.

Third, campus sexual harassment in China is a systemic issue, which is exacerbated by a number of problems in the educational institution such as they often undermine the right of the victims to receive support to protect their image and interest. Structural obstacles to reporting incidents are pervasive for victims; academia's hierarchical authority model implicitly disincentivizes whistleblowing behaviors counter to institutional prestige. For example, we are not sent ones with formal means for students to hold faculty accountable in this way, leaving coercive institutional practices in place that leave survivors vulnerable to contractual repression through shadows processes. Such systemic disempowerment produces a silencing effect that discourages victims from pursuing legal remedies, the risks for which are compounded by evidentiary burdens and academic retaliation risks whose failings are embedded in institutional architecture [3].

### **2.4. Limited Awareness and Education**

The prevailing issue in China's education system is its failure to provide adequate instruction to students and staff regarding sexual harassment, consent, and gender equality.

First, China's promotion of comprehensive sexuality education (CSE) does not translate well into classroom practices and there is a significant gap between policy mandates and actual implementation, especially in terms of educating about consent. Theoretically informed empirical studies demonstrate that greater than 80% of curricula offered in schools are bio-centric and exclude discussion of sexual boundaries and harassment radiators [4]. This pedagogic imbalance is symptomatic of systemic implementation barriers where institutional preferences for the physiological content of social-emotional learning objectives are overshadowed by their mandatory nature as outlined in national guidelines. Such discrepancies highlight the fact that structural reforms in teacher training and curriculum standardization are needed to align educational outcomes with policy frameworks.

Secondly, teacher preparedness gaps persist in addressing campus sexual harassment. A 2021 Guangzhou study found 68.64% of harassment victims reported educators lacked protocols to handle cases, relying on subjective judgment over evidence-based responses [5]. Without mandated training

programs, schools perpetuate environments where harassment remains underreported and mishandled, particularly in classrooms and dormitories.

Thirdly, NGOs such as "Girls' Protection" conduct workshops, but their reach is limited. Absent government-backed programs, awareness remains low.

### **3. China-US Comparison**

#### **3.1. Differences in Legal Definitions and Scope**

There are no operational definitions of sexual harassment in educational contexts in China's legal framework. Although Article 23 of the Women's Rights Protection Law prohibits sexual harassment, this prohibition is de vey general [6]. Comparative analyses highlight definitional divergences: U.S. Title IX jurisprudence defines sexual harassment as "unwelcome conduct of a sexual nature" that is informed by case law precedents that can include verbal abuse and cyber harassment. On the contrary, Chinese courtrooms unilaterally reject 63.7% of campus harassment allegations through statutory vagueness when compared to the famous peer liability framework outlined in *Davis v Monroe County Board of Education* case [7].

The current Chinese laws do not provide a clear definition for institutional accountability in campus harassment governance. In contrast, accountability frameworks compel education bodies to take remedial actions when they gain knowledge about harassment, but these domestic standards compromise the enforcement of obligating institutions to respond in a proactive manner. Research reveals systemic failure in administrative processes across many institutions of higher education (HEIs), with nearly half of the surveyed institutions of HEIs having failed to setup standardized processes to deal with complaints of gendered misconduct [8]. This stands in stark contrast to Title IX's requirement for swift investigations and protections for victims under U.S. law. Legal experts have linked China's lack of accountability to ambiguous administrative guidelines that prioritize institutional reputation above the need to obey the law. The Campus Safety Guidelines, introduced in China in 2020, stress ideological education, but fail to provide enforceable penalties for negligence on the part of institutions. this is in stark contrast to U.S. case law that holds schools strictly liable under Title IX. Breaking scientific evidence illustrates how 72.1% of Chinese universities do not carry sanctions for administrators who fail at investigations of harassment, confirming systemic impunity [9].

#### **3.2. Variations in Legal Remedies and Protections**

U.S. federal regulations provide structural safeguards against procedural bias in campus misconduct-adjudication via a settlement agreement. Strict external review processes and firm timelines for the resolution of complaints within Title IX frameworks have been proven to eliminate institutional conflicts of interest. This practice was supported by extensive longitudinal studies of compliance with administrative rules, documenting the common use of third-party investigators to mitigate against bias in grievance processes [10]. In contrast, China has no statutory procedural safeguards for its sexual harassment redress system. A 2022 study of 30 Chinese universities found that 67% of them let internal committees controlled by administrators conduct investigations despite having no legal obligation to respect the confidentiality of victims or due process [11]. When it reaches a committee, the structural critique often means that victims have no choice but to withdraw complaints due to institutional pressure and the pressure of those sitting on committees who would much rather have their bodies protected from public scrutiny than ensure that they are held accountable.

The use of punitive damages to prevent institutional misconduct is common in U.S. courts. For instance, Title IX jurisprudence allows for emotional distress damages, and peer-reviewed studies show median settlements are greater than \$500,000. China's Civil Code Article 1010 specifies sexual harassment as tort but provides no punitive damages or compensation benchmarks. A judicial analysis for the cases from 2020 to 2023 shows that in 82.6% of the cases, only a purely symbolic

compensation (median: ¥20,000) was ordered, limited to direct costs for the medical treatment provided [11]. Legal scholars say this illustrates a legislative desire for social stability over individual remedies, and the fear excessive recompense could set off waves of litigation. Hence, low deterrence facilitates recidivism, and as a result, statutory reform is called for.

#### **4. The Development Direction of Chinese Law**

##### **4.1. Comparative Insights: Adapting U.S. Legal Practices to China’s Educational Context**

Chinese legal reform needs to rapidly develop specialized legislation to fill the gaps in institutional accountability. Based on the U.S. Title IX’s “affirmative obligation” concept, passage of a Campus Sexual Harassment Prevention Law could compel schools to take proportional protective actions. For example, institutions that do not staff full-time investigators in line with the size of their student body—one professional per 2,000 students—should incur administrative penalties, including ineligibility for certain sources of funding or public accountability reviews. Such legislation should incorporate procedural fairness by standardizing timelines for evidence collection and investigations, similar to the U.S. Department of Education’s guidelines mandating 60-day resolutions for harassment complaints.

But China’s approach needs to replace its administrative governance strengths with other means. Unlike the joint investigation model we have in the U.S., for educational authorities to encourage or work collaboratively could spur compliance. It dovetails with, yes, China’s inter-ministerial 2023 Guidelines on Preventing Bullying and Violence, which already require schools to report incidents to local education bureaus within 24 hours. Applying these guidelines to sexual harassment would allow the use of existing bureaucratic infrastructure, requiring inter-departmental task forces (e.g., education, public security, and women’s federations) to provide semi-annual on-site audits of school prevention systems.

This calls for a culturally responsive governance that combines legal deterrence with rehabilitative education. Though the U.S.-jurisprudential system emphasizes punitive measures, China’s institutional model shows potential for restorative paradigms. Empirical studies show that when gender equity curricula are arbitrarily mandated (the state stipulates that they refer to China 2022 Campus Gender Equality Guidelines), they significantly lower recidivism rates—by 37.6% when combined with psychological interventions [12]. The government plan for a country-wide harassment reporter system must be understood in the context of the Ministry of Education using anonymized case data, in real-time, to optimize the dynamic policy effects of machine learning algorithms.

##### **4.2. Strengthening Legal Frameworks: Enhancing Protections Against Sexual Harassment in Chinese Schools**

In order to close systemic loopholes in the battle against campus sexual harassment, it is a pressing task to establish legally binding definitions of prohibited acts. At present, the Women’s Rights Protection Law uses vague phrases such as “gender dignity” creating inconsistency in judicial implementation. More than 70% of judges have reported finding it difficult to apply such concepts to different types of technology-facilitated harassment cases, like non-consensual image sharing or algorithmically-modulated defamation [13]. Such legislative reforms should codify objective criteria gleaned from comparative best practices, including explicit prohibitions about platform penetration (e.g., unauthorized access to private social media accounts) and content weaponization (e.g., fabricating deepfakes to destroy reputations). These definitions should reflect new forms of digital harm and should empower courts to issue protective orders and compel the removal of harmful content.

Dismantling institutional protectionism Structural accountability reforms must tear down institutional protectionism. Provincial authorities should order universities to set up independent oversight committees (of legal/women’s rights experts, as piloted in Hubei 2018) Moreover, these committees

must have statutory authority and, in 30 days, be required to complete these investigations and add the information to biannual anonymous statistics. The willingness to report was 28.9% more respectively under transparent data disclosure, in agreement with Article No. 14 of 2021, draft Women's Rights Law [13]. National guidelines should also impose consistent punishments on any administrator who stalls complaints through moving them up, or withhold them, like moving them up or withholding them, the only question is whether there should be any ability to limit the ability to participate (like not473 decisions) or to move up (like a cap689).

Teacher certification systems must have gender equity competency assessment built in, along with ongoing professional development requirements. Comparative studies show that campuses that recurrent-discrimination training as part of educator credentialing protocols lead to positive results for campus cultural ecosystems [14]. Reform measures should also create fiscal incentive mechanisms which would link institutional funding allocation to progress measured by gender climate evaluation outcome while ensuring operational sustainability of preventive student-led initiatives via earmarked funding streams for the same funding sources, thus creating multi-stakeholder collaborative governance structures.

## 5. Conclusion

China's legal framework for addressing campus sexual harassment was structurally inadequate compared to the institutional accountability systems set up under U.S. Title IX. We identify three systemic deficiencies in the analysis: vague statutory definitions that allow judicial circumvention, school policies that focus on institutional reputation over victim safety and cultural-structural barriers to reporting. To bridge these divides, China needs a hybrid reform model, combining the rigor of law and the flexibility of administration. Specialized legislation should define types of harassment in explicit terms, including digital offenses such as non-consensual image sharing, and require the proportional staffing of independent investigators in schools. Second, harnessing the centralized governance of China, eight provincial education bureaus should supervise biannual compliance audits, while different investigative committees cutting across departments should be established to minimize institutional bias. Third, pedagogical reform needs to institutionalize anti-harassment training for educators and to fund student-led prevention efforts. Positivity needs to be balanced with restorative approaches such as mandatory gender equity education for offenders, in accordance with the values of the society. Although U.S.-style, litigation-driven accountability may be at odds with China's culture of governance, integrating legal obligations within existing frameworks of policy implementation--for instance, broadening the scope of existing school-level anti-bullying guidelines--is a culturally and practically coherent path forward. Without such reforms, China's reliance on media-driven justice will leave systemic vulnerabilities for victims.

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