

Policy on Sexual Harassment Prevention

1. Preamble

Hong Kong Christian Service Pui Oi School (“The School” hereafter) is committed to equal opportunity in work and learning for staff members and students by providing a working and learning environment without discrimination, harassment, vilification, or intimidation as of their rights of having a sexual-harassment-free environment.

Sexual harassment, which is prohibited by law, would entail civil and/or criminal liabilities. Sexual harassment brings negative impacts on work and learning. In order to protect the right of all students, staff members, parents, voluntary workers, contract workers, services providers, agents and visitors, the School will provide education and training and set up a complaint handling mechanism to build a sexual harassment free campus.

2. Definition and Examples of Sexual Harassment

Sexual Discrimination Ordinance, effective since 1996, defines sexual harassment in section 2(5) and describes the offence in section 2(7), 2(8), 9, 23 and 39. According to section 2(5), a person sexual harasses another person, if

a) the person

1. makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to him/her; or
2. engages in other unwelcome conduct of a sexual nature in relation to him/her, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that he/she would be offended, humiliated or intimidated; or
3. the person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for him/her.

b) Examples of sexual harassment include:

4. uninvited physical contact or gestures,

5. unwelcome requests for sex,
 6. sexual comments or jokes,
 7. intrusive questions or insinuations of a sexual nature about a person's private life,
 8. displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars,
 9. unwanted invitations,
 10. offensive communications of a sexual nature (letters, phone calls, faxes, e-mail messages, etc.),
 11. staring or leering at a person or at parts of his/her body,
 12. unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her,
 13. comments alluding to sex, for example, body, wearing or activities related with sex,
 14. indecent or intimidating speaking,
 15. sexual propositions or other pressure for sex, and
 16. implied or overt threats for sex.
- c) The following are some scenarios of creating a hostile or intimidating environment in schools:
17. Anyone uses sexually suggestive cartoons in teaching a subject not related to sex.
 18. During recess and/or lunch time, a group of students hanging out in the playground and rate female students who are playing/ chatting/ staying there. As a result, some of the female students avoid staying in the playground.
 19. In the staff room where there are both female and male colleagues, some colleagues display nude pictures as screen savers on the computer; or some like to exchange obscene jokes with each other in the presence of other colleagues of the opposite sex.
 20. Staff members make sexual jokes or discuss their sex lives within earshot of other staff/ students on the school premises.

21. A group of students hijack classroom discussion and turn it to sexual topics. Students of the opposite sex feel offended and do not want to join the discussion.

3. Measures to prevent sexual harassment

The School formulates and promulgates its policy of sexual harassment prevention through promotion, talks and trainings. The school will raise the understanding and awareness of staff, parents, staff members, voluntary workers, contract workers, service providers, agents on preventing sexual harassment.

a) Promotion and education

1. To raise the understanding and awareness of staff on sexual harassment, the School will
 22. provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction;
 23. post notices to disseminate related information;
 24. conduct awareness raising sessions for general staff on sexual harassment issues and encourage the persons/ teachers appointed for handling sexual harassment complaints to receive appropriate training to enable sensitive treatment of such cases.
2. To raise the awareness of students and parents on sexual harassment, the School will
 25. promulgate the school policy, the handling procedures and the related discipline actions on sexual harassment to students and their parents via students' orientation programmes, assemblies, briefing sessions, parent-teacher association, notices, circulars, student handbooks, intranets and seminars, etc;
 26. incorporate the topic of sexual harassment into our curriculum, so as to help students develop positive values and attitudes (such as respect and care for others), teach them proper behaviour for coping with interpersonal relationships, arouse their awareness on sexual harassment and remind them to seek help when necessary.

3. In the aspect of education, and discipline and counselling, the School will
 - arrange counselling activities according to the personal and social developmental needs of students to develop students' positive values and attitudes, such as messages about gender equity and respect for others.

4. Mechanism Handling Sexual Harassment

If a person feels being sexually harassed, he/she may adopt the following informal or formal approaches/ strategies.

27. Speak up at the time. Tell the harasser that his/her behaviour is unwanted and has to stop.
28. Tell someone he/she trusts, such as his/her teacher/colleagues/co-workers, for emotional support and advice.
29. Keep a written record of the incidents, including the dates, time, location, complainant and witnesses and own response.
30. Lodge a formal complaint to the school principal or his/her designate or the teacher-in-charge.
31. Lodge a complaint with Equal Opportunity Commission (EOC) and request investigation and/or conciliation.
32. Report to the police and/or file a civil law suit against the harasser.
33. The School will not handle anonymous complaints as it is not possible to investigate them.

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a) Complaint Procedures

34. Complainants can submit a complaint by informing the principal / the supervisor orally or through a written statement. Or the complainant may lodge the complaint with the 'sexual harassment prevention and handling committee' of the School. Any person who believes he/she is a victim of sexual harassment should take action immediately. Proper handling is beneficiary to all parties concerned. Neglecting sexual harassment only lets the situation continue to deteriorate because the harasser may misunderstand the victim's inaction as consent or forbearance. Deferring lodging a complaint

causes difficulty in investigation and collecting evidence. If the complainant does not accept the investigation result, he/she may lodge an appeal in writing to the principal / the supervisor or sexual harassment prevention and handling committee of the School.

- 35.** Sexual harassment prevention and handling committee of the School. Convener: the principal, members: assigned staff members. (Assigned members should consist of different sexes.)
- 36.** The table below shows the composition of sexual harassment prevention and handling committee.

Target involved	Investigation stage	Appeal stage
Janitor / driver / school bus nanny / therapy assistant / clerical staff / watchman / cook / and equivalent ranks	Vice principal and 2 members of the school executive committee (senior graduate master grade teacher)	Principal and 2 members of the school executive committee (senior graduate master grade teacher)
Teacher assistant / laboratory technician / IT technician	Vice principal and 2 members of the school executive committee (senior graduate master grade teacher)	Principal and 2 members of the school executive committee (senior graduate master grade teacher)
Teacher (certified master)	Vice principal and 2 members of the school executive committee (senior graduate master grade teacher)	Principal and 2 members of the school executive committee (senior graduate master grade teacher)
Teacher (graduate master)	Vice principal and 2 members of the school executive committee (senior graduate master grade teacher)	Principal and 2 members of the school executive committee (senior graduate master grade teacher)
Therapist II	Vice principal and 2 members of the school executive committee (senior graduate master grade teacher)	Principal and 2 members of the school executive committee (senior graduate master grade teacher)
Teacher (senior graduate master)	Principal and 2 managers of the IMC (sponsoring body)	3 managers of the IMC (may include one independent individual)

	manager or independent manager)	
Vice principal (primary school section)	Principal and 2 managers of the IMC (sponsoring body manager or independent manager)	3 managers of the IMC (may include one independent individual)
Social worker / Therapist I (PT, OT)/Speech Therapist / Nurse	Principal and 2 managers of the IMC (sponsoring body manager or independent manager)	3 managers of the IMC (may include one independent individual)
Houseparent	Warden, one member of the executive committee of the School (senior graduate master grade teacher), and vice principal	Principal and 2 members of the school executive committee (senior graduate master grade teacher)
Vice warden	Warden, one member of the executive committee of the School (senior graduate master grade teacher), and vice principal	Principal and 2 members of the school executive committee (senior graduate master grade teacher)
Warden	Principal and 2 managers of the IMC (sponsoring body manager or independent manager)	3 managers of the IMC (may include one independent individual)
Principal	Supervisor and 2 managers of the IMC (sponsoring body manager or independent manager)	3 managers of the IMC (may include one independent individual)
Supervisor / Incorporated management committee	3 persons-in-charge from the sponsoring body	Persons-in-charge from the sponsoring body / #management committee members of Hong Kong Christian Service

Management committee members of Hong Kong Christian Service can be persons-

in-charge of the sponsoring body.

b) Complaint handling procedure

If a person who has been sexually harassed wants to lodge a complaint with the principal, he/she should do it within 12 months after the incident has taken place. Since the change of circumstance, the resignation of persons involved, the delay could cause difficulty to the investigation and the collection of evidence. However, the School may start an investigation after the time bar if the evidence is concrete or the complaint involves serious and emergency issues. The principal will immediately handle the complaint after he/she preliminarily study and verify it. During conciliation, investigation, and appellation, the School will make reasonably determined effort to keep confidentiality and preserve the privacy of the parties concerned. After receiving a formal complainant, the Sexual harassment prevention and handling committee will take the following steps to handle a complaint:

- 37.** activate internal procedures for dealing with complaints of sexual harassment;
- 38.** keep all information and records related to the complaint of sexual harassment confidential;
- 39.** inform the alleged harasser of the details of the allegation(s);
- 40.** tell the complainant and the alleged harasser how the investigation will be conducted and who is responsible for the investigation;
- 41.** if necessary, make arrangements to avoid contact between the complainant and the alleged harasser during the investigation;
- 42.** provide support and counselling, where necessary, including providing parents/students/staff with information about sexual harassment and clarifying any questions or concerns they may have, e.g., what they should do when they are sexually harassed;
- 43.** interview the complainant; if the complainant is a student, he/she is entitled to be accompanied by their parents or relatives;
- 44.** interview the alleged harasser; if the complainant is a student, he/she is entitled to be accompanied by their parents or relatives;

45. interview or obtain written statements from witnesses in relation to the complaint;
46. study the evidence and make decisions;
47. prepare a written report and inform the relevant parties of the investigation results in writing;
48. seek advice from Equal Opportunity Commission where necessary;
49. decide whether or not disciplinary measures or other appropriate actions should be taken; and
50. if the case is in criminal and civil proceeding, the School will halt the conciliation or investigation.

5. Internal disciplinary measures

- a) If any staff member is attested having contravened the Sexual Discrimination Ordinance, the management will report the case to the incorporated management committee (IMC) of the School, and the IMC will decide the punishment. If any student is attested having contravened the Ordinance, the School will decide the punishment, and will report it to the IMC.
- b) If the School believes the complaint involves criminal offence, it will handle the case to the police.

Chinese version prevails.