



三水同鄉會劉本章學校

Sam Shui Natives Association Lau Pun Cheung School

Policy on anti-sexual harassment and dealing with sexual harassment

Preamble

1. Our school is committed to provide the workplace user with equal opportunity on learning and working. Any kinds of discrimination or harassment will not be tolerated. Our school will take any and all necessary action to eliminate and prevent any discrimination or harassment behavior among the members of our school.
2. Sex discrimination and sexual harassment are prohibited by law. Once sexual harassment occurs, it may adversely affect the work of the teaching staff and the learning environment of the student.
3. Our school is committed to eliminate and prevent sexual harassment. Sexual harassment behavior is not tolerated among the teaching staff or the student. Our school states clearly our stance on sexual harassment, sets appropriate procedure for dealing with it, states explicitly the liability of the person who committed the crime, the right of the victim in the sexual harassment, the role of the school and the general guideline for preventing and dealing with sexual harassment.

Definition of sexual harassment

1. According to the material 'Equal Opportunities Commission Anti-sexual harassment in school Reference: School Policy Formulation', 'Sex Discrimination Ordinance' 2(5) states the definition of sexual harassment. Besides, Ordinance 2(7), 2(8), 9 are related to the sexual harassment, too. According to the 'Sex Discrimination Ordinance', the legal definition of "sexual harassment" includes the following situations:

(a) any person

(i) makes unwelcome sexual advances, or unwelcome request for sexual favors, to another person; or

(ii) engages in other unwelcome conduct of a sexual nature in relation to that other person; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that that other person would be offended, humiliated or intimidated; or

(b) any person, either alone or together with other persons, engages in a conduct of a sexual nature which creates a hostile or intimidating environment for another person.

Above all, sexual harassment includes physical acts or verbal comments which involve 'meaning of sex' or 'request for sex' or 'conduct of sexual nature', as a result of which the target (victim) would be restless, doubtful, frightened, perplexed, worried, etc. psychologically.

2. Another definition of sexual harassment is: anyone creating a hostile or intimidating working environment in the aspect of sex for another person. For example, in the staff room where there are both female and male colleagues, some colleagues display explicit or pornographic materials, sexual banter, crude conversation, and sexually offensive jokes or activities, or even discuss the sex lives of oneself.

3. 'Sex Discrimination Ordinance' Section 39 applies to education establishment. Section 23 states that it is illegal to have any forms of sexual harassment in the working environment. These two ordinances apply to the user of the working environment, all the students and teaching staff (including the potential student and potential staff), person who provides service for the school (e.g: volunteer, contract staff, service provider and agent).
4. Examples of sexual harassment:
 - Uninvited physical contact or gestures, e.g: making eyes at someone, touching, pinching, kissing, hugging or brushing up against other intentionally.
 - Unwelcome requests for sex
 - Touching or fiddling with a person's clothing e.g. lifting up skirts or shirts, or putting hands in a person's pocket
 - Intrusive questions or insinuations of a sexual nature about a person's private life
 - Staring or leering at a person or at the private parts of his/her body or having obscene behaviour
 - Talk about sexual jokes openly, comment on the figure of other
 - Display offensive or pornographic materials or circulate sexual message, e.g.: mail, phone call, newspaper, periodical, photo, video, email, app, etc.
 - Suggest unwelcome request for sexual favours, e.g.: hint to other that development of personal career/study/graduate can be assisted if being co-operative or tolerant with the sexual request
5. Sexual harassment may occur to any person regardless of gender. The ordinance related to sexual harassment and school policy on sexual harassment apply to male, female and the sexual harassment occurred with the same sex.
6. Although there is no intention of sexual harassment or the intention cannot be proved, it is regarded as sexual harassment once the behavior fulfills the definition of sexual harassment.
7. The unwelcome behaviour needs not be repeated or continuous. A single incident can also amount to sexual harassment.

Promotion and Education

1. Arrange activity for all the teaching staff, students and parents and announce the policy on anti-sexual harassment and the procedure for dealing with sexual harassment via Mail or Notice, etc. Details of the policy can be listed appropriately in the publication and/or webpage of the teaching staff, students and parents.
2. Arrange promotion and education activity for the teaching staff, students and parents with the aim to enhance their knowledge on 'Policy on anti-sexual harassment'. Letting them understand different kinds of feasible way helps them get appropriate guidance and assistance whenever needed. To ensure that the activity achieved the best efficacy, appropriate timing needs to be selected.
3. Arrange different kinds of education activity and training periodically for the students with the aim to raise their awareness and alertness on sexual harassment.

4. Arrange training periodically for the teaching staff on the handling of sexual harassment complaints.
5. Post or circulate for perusal the promotion publication such as booklet, leaflet, poster or case story. State the way to distinguish between sexual harassment and non-sexual harassment. It helps to avoid distortion of the policy and can bring good impact to the person.
6. Disseminate periodically the message of anti-sexual harassment and way of dealing with sexual harassment to the newly joined teaching staff.

Conciliation, investigation and appeal

1. If the teaching staff or the student thinks that he/she was sexually harassed, he/she needs to inform the school promptly, to seek for conciliation or request an investigation of the complaint. Complaint needs to be lodged within 12 months since the occurrence of the incident in any circumstances. Late complaint will cause difficulty in conducting investigation and collecting evidence for the school.
2. The procedure for handling sexual harassment complaint will vary from the identity of the complainant or the alleged harasser (teaching staff, parents, students or person from institution beyond the school campus). Flowchart of the Procedure for handling complaint is attached as reference (Appendix 1). If the student is the complainant, our school needs to have close contact with the parent of the student and needs to support and give guidance or to have close contact with the organization of which the student has been transferred to. If the student is suspected to have been sexually assaulted, our school will consult the Family and Child Protective Services of the Social Welfare Department or the Child Abuse Investigation Unit of the Hong Kong Police Force and take appropriate measures with reference to the 'Protecting Children from Maltreatment---procedural guide for multi-disciplinary co-operation' (revised 2020). If the case revealed that it may involve a criminal offence, our school will report to the Police Force.
3. When the teaching staff, student or the parent lodges a complaint of sexually harassment to the school, our school will seek the approval of the complainant to let the 'Anti-Sexual Harassment Committee' (hereinafter referred to as the Committee) deal with the case. The president of the Committee is the Vice-Principal. Senior teacher and Social Worker are the members of the Committee.
4. 'Anti-Sexual Harassment Committee' can resort to conciliation to settle the dispute at the request of the complainant or the alleged harasser. Conciliation should be voluntary and will be conducted where both the complainant and the alleged harasser agree to conciliation. No legal rights or remedies are forfeited by participating in the conciliation.
5. If a resolution has been worked out because of the conciliation, the President of the Committee needs to keep a written record the details of the complaint and conciliation. After the acknowledgement and signature of the complainant and the alleged harasser on the written record, the report will then submit to the Principal.

6. If the case cannot be resolved by conciliation, an investigation team will be appointed by the Principal and the President of the Committee to deal with the complaint. An investigation team of at least two members from the 'Anti-Sexual Harassment Committee' with different gender is formed, including the President of the Committee. Person who is acquainted with the complainant and the alleged harasser should not be appointed as the member of the Investigation Team.
7. To safeguard the right of the student, if the complainant or the alleged harasser is a student, he/she is entitled to be accompanied by the parent/ guardian/ relative when attending the interview.
8. If necessary, make arrangement to avoid contact between the complainant and the alleged harasser, especially being alone with the other during the period of investigation.
9. If necessary, provide support and give guidance to the complainant (provide support and give guidance to both the student and the parent if the complainant is a student).
10. The Investigation Team will submit the report to the Principal and the President of the Committee after completion of the investigation. The Team will inform the finding to the complainant and the alleged harasser. The report can only be read and responded by the complainant and the alleged harasser (the alleged harasser is the first, the complainant is the second). After both parties acknowledged and signed the report, the Investigation Team will submit the final report to the Principal and the President of the Committee. The Principal and the President of the Committee may follow relative disciplinary procedure or take other appropriate action against the respective party whenever needed.
11. Any of the parties can appeal to the Incorporated Management Committee within 30 days after receiving the report.
12. If the complaint of the sexual harassment is undergoing criminal investigation of the law enforcement agency or is undergoing criminal or civil litigation of the judicial, our school will stop the conciliation or investigation. If the criminal investigation or the civil litigation has been abandoned, cannot be carried out, terminated or completed, or when the criminal or civil litigation has stopped or completed, the team can resume the conciliation or the procedure of investigation.
13. During the process of conciliation, investigation of the complaint and appeal, our school will endeavor to make sure that the process is confidential and all the personal privacy of the related parties is protected. Nevertheless, if the complaint involves criminal investigation or criminal prosecution, our school may need to provide the necessary data in the file.

Disciplinary action

1. Teaching staff or the employee being the alleged harasser:
If the teaching staff or the employee contravenes the anti-sexual harassment policy, the school will decide the disciplinary action after the just and impartial investigation. The person may be dismissed due to serious misconduct. If the

case involves criminal offence, the school will handle the case to the Police Force.

2. Student being the alleged harasser:

The school will decide the disciplinary action after the just and impartial investigation. If the case involves criminal offence, the school will handle the case to the Police Force. Not only will our school carry out just and reasonable disciplinary action with reference to the school policy, but also give guidance to the student with the aim to help the student eliminate the improper behavior.

Right to lodge a complaint to the Equal Opportunities Commission or to access to litigation in court

1. The procedure undertaken by our school does not affect the right of the complainant to lodge a complaint directly with the Equal Opportunities Commission, to access to civil litigation in District Court, to lodge a complaint to the Police Force or other investigating agency.
2. According to the 'Sex Discrimination Ordinance', if the complaint is not lodged within 12 months after the occurrence of the incident, Equal Opportunities Commission can decide not to have an investigation into the act of alleged sexual harassment. If the complainant decides to have civil litigation in respect of a claim of sexual harassment, he/she needs to have the litigation within 24 months after the occurrence of the incident.

Evaluation of the Policy

1. Details of the Policy and procedures will be evaluated and revised whenever needed.

General Guidelines for the teaching staff

1. All the teaching staff should never display pornographic or indecent articles or materials to others, make sexual jokes or discuss openly the sex lives of oneself or other.
2. All the teaching staff should never stay alone with the student when conducting activity in the classroom. If necessary, the door and the window need to be opened to let others know the environment in the room.
3. If the activity that is held beyond the school premises is not announced in the Notice or has not been approved by the Principal, our school will not bear any legal or insurance liability on the activity held beyond the school premises by the student and the teaching staff.
4. Anyone should avoid hijacking classroom discussion and turn it to sexual topics. Students of the opposite sex may be offended.
5. All the teaching staff need to pay attention to the personal behavior. To prevent misunderstanding among others, teaching staff should avoid having unnecessary physical contact with the student or other teaching staff.
6. If the teaching staff has been complained about the verbal or physical misconduct, he/she needs to change the demeanor or behaviour willingly and to apologize

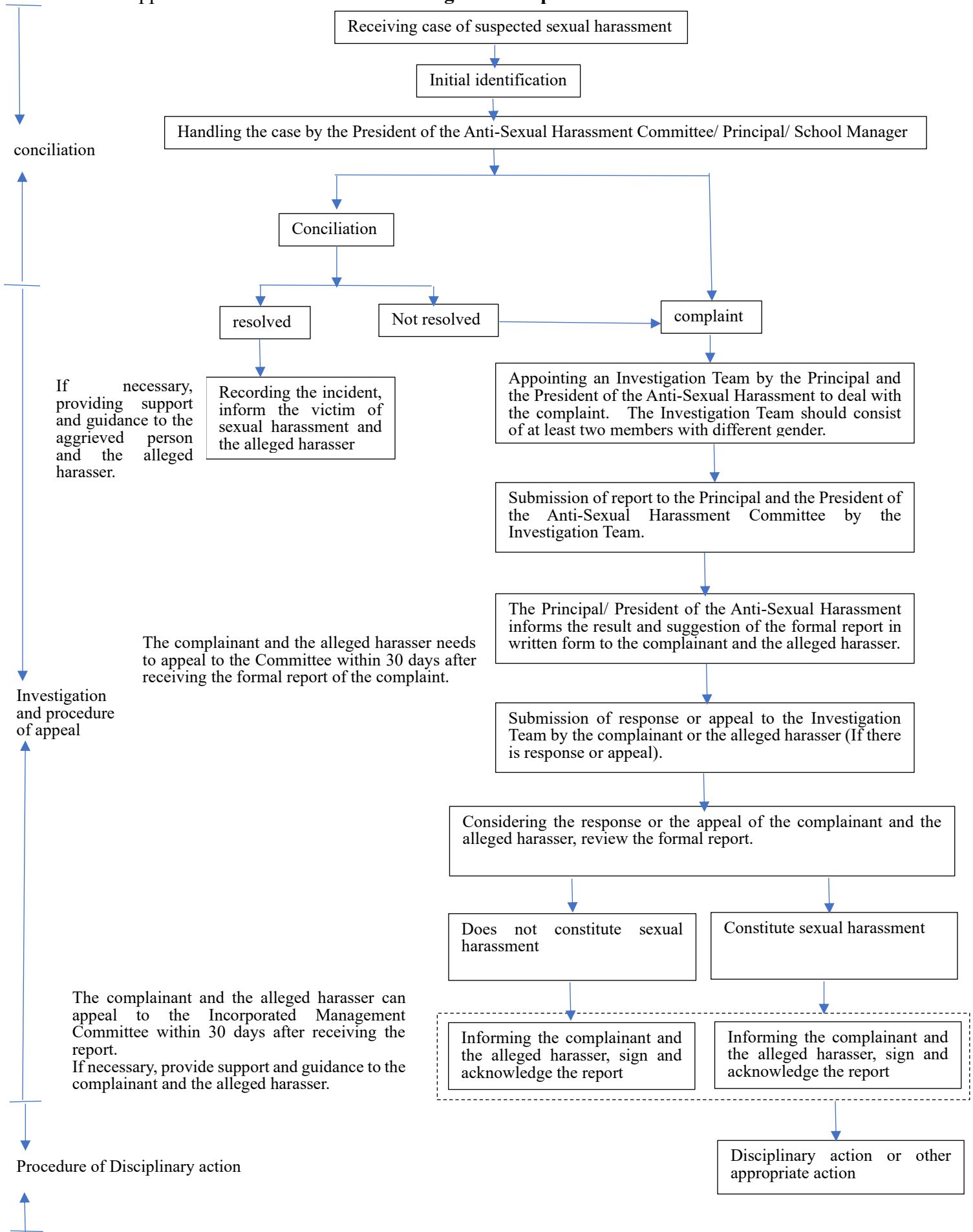
promptly with the aim to avoid being regarded as sexual harassment.

July 2022

*This document consists of 5 pages and an Appendix

This notice is translated from the notice in Chinese version. If any discrepancy arises, the original Chinese version should be treated as the official version.

Appendix 1 **Flowchart for dealing with complaint of sexual harassment**



*The procedure undertaken by our school does not affect the right of the complainant to lodge a complaint directly with the Education Bureau, to have enquiry at/ to lodge a complaint with Equal Opportunities Commission, to lodge a complaint to the Police Force, or to access to civil litigation in District Court