



LAW TING PONG SECONDARY SCHOOL

Policy on Preventing Sexual Harassment

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I. Introduction

According to the amended Sex Discrimination Ordinance, which took effect from 3 October 2008, conduct of a sexual nature which creates a hostile or intimidating environment in an educational establishment is also unlawful. Besides not tolerating any form of sexual harassment, the School would try to eliminate and prevent its occurrence on campus. The procedure and mechanism for dealing with allegations or complaints of sexual harassment will be outlined in the following sections, but the internal school policy does not affect the right of the complainant to lodge a complaint to the Equal Opportunities Commission (EOC) or the Police, or to take civil action in the District Court.

II. Definition

In accordance with the Sex Discrimination Ordinance, a person sexually harasses another person if the former makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the latter; or engages in other unwelcome conduct of a sexual nature in relation to that person; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the victim would be offended, humiliated or intimidated; or the person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for the victim. Even if the act of sexual harassment is not intentional or there is no evidence to prove the intention, it amounts to sexual harassment once the act meets the definition of sexual harassment. In addition, a single incident may also amount to sexual harassment.

III. Examples of Sexual Harassment

The following behaviour is illustrative of, but not limited to, what may be regarded as sexual harassment:

1. Unwelcome sexual advances – e.g., persistent requests for dates, leering or lewd gestures, touching, grabbing or deliberately brushing up against another person;
2. Unwelcome requests for sexual favours (Misuse of authority) – e.g., explicit or implicit suggestions that sexual co-operation or the toleration of sexual advances may further a person's career or affect a person's academic results;

3. Unwelcome verbal, non-verbal or physical conduct of a sexual nature – e.g., sexually derogatory or stereotypical remarks; continual questioning regarding a person's marital status or sex life; and
4. Conduct of a sexual nature that creates a hostile or intimidating environment – e.g., sexual or obscene remarks around the workplace / classrooms or displaying sexist or other sexually offensive pictures or posters.

IV. Measures to Prevent Sexual Harassment

1. Raise the understanding and awareness of staff on sexual harassment:
 - Provide the policy statement and other relevant information on sexual harassment to staff;
 - 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. Raise the awareness of students and their parents on sexual harassment:
 - Promulgate the school policy, the handling procedures and the related discipline actions on sexual harassment to students and their parents via assemblies, circulars, intranets and seminars, etc.
 - Incorporate the topic of sexual harassment into class teacher periods and life education lessons, so as to help students develop positive values and attitudes (such as respect and care for others), arouse their awareness on sexual harassment and remind them to seek help when necessary.
3. Strengthen work discipline and counselling to prevent the occurrence of sexual harassment:
 - 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.
 - When students have developed a certain level of awareness and understanding of these values and messages cognitively and emotionally, they will be able to think critically, analyze challenging situations, solve

problems, make appropriate reactions and build equal and mutually respecting relationship with others.

V. Mechanism for Handling Complaints of Sexual Harassment

1. Any student or staff member suffering from sexual harassment can report the case to the School through any teacher, the Assistant Principals or teachers in charge of sex education.
2. Teachers coming across students' behavior of sexual harassment or receiving complaints against sexual harassment should stop the behavior and refer the case / complaint to the Senior Management Team.
3. If any staff member of the School or course instructor is suspected to be involved in these complaints, an ad hoc group consisting of the Principal, the Assistant Principals and teachers in charge of sex education will be set up to handle the case. Other members whom the Incorporated Management Committee considers to be necessary can also be included.
4. The Investigation Team or the special ad hoc group will investigate the case and determine the follow-up action, e.g. arranging mediation, imposing punishment and assigning school personnel to provide counselling.
5. The principle of confidentiality shall be observed. All information and records related to a complaint of sexual harassment will only be disclosed to relevant parties on a need-to-know basis. Premised on the principle of natural justice and the fact that the alleged harasser is a key person in the case, the school shall inform him/her of the details of the complaint.

VI. Time Limit for Sexual Harassment Complaints

If a victim of sexual harassment wants to file a complaint with the EOC, he/she should do so within a year after the incident has taken place. Any decision to take legal proceedings to the District Court should be made within 2 years after the incident has taken place. Under this circumstance, a staff member / student suffering from sexual harassment should preferably complain to the School within 1 month after the incident has taken place.

VII. Liabilities

1. Being unlawful, sexual harassment would entail civil liability and some acts would even bear criminal consequences.
2. The School will consult the EOC or other external bodies when there is doubt about the suspected cases.
3. For a harasser suspected to have committed criminal offences, the school will report the case to the Police.

VIII. Disciplinary Actions

1. If a student is found to have sexually harassed others, the School may impose such punishment as demerits and school suspension, depending on the nature of the case.
2. If a service provider / agent, voluntary helper, etc. is found to have sexually harassed others, the School may take such actions as restricted entry to the campus and termination of contract, depending on the nature of the case.
3. If a staff member is found to have sexually harassed others, he / she may be subject to such punishment as receiving written warnings or being dismissed, depending on the nature of the case.

IX. Review & Amendment

The policy may be reviewed and modified by the School with reference to Hong Kong law and guidelines of the Education Bureau or other relevant bodies.

** This policy is referenced from Equal Opportunities Commission website and The Chinese University of Hong Kong policy on anti-sexual harassment.*