

# **Ying Wa Girls' School**

## **Policies on Preventing Sexual Harassment in School**

16 November 2016

(IMC approved)

# **Ying Wa Girls' School**

## **Policies on Preventing Sexual Harassment in School**

### **Chapter 1: Introduction**

- 1.1 Principle: Zero tolerance for sexual harassment
- 1.2 Objectives of the policy and responsibilities of the school
- 1.3 Obligation and responsibility of all staff members and students

### **Chapter 2: Definition and examples of sexual harassment**

- 2.1 Definition of sexual harassment
- 2.2 Examples of sexual harassment

### **Chapter 3: Measures for prevention of sexual harassment**

### **Chapter 4: Handling sexual harassment complaints**

- 4.1 Rights of victim and various actions to be taken
- 4.2 Principles of handling sexual harassment complaints
- 4.3 Mechanisms for handling sexual harassment complaints
- 4.4 Time bar for lodging a complaint

### **Chapter 5: Punishment**

### **Chapter 6: Related resources**

- 6.1 English resources
- 6.2 Chinese resources

## **Chapter 1: Introduction**

### **1.1 Principle: Zero tolerance for sexual harassment**

Sexual harassment is discriminatory and unlawful. It may lead to disciplinary measures of schools, and may also entail civil liability and even criminal consequences. Once an act of sexual harassment has occurred, any person in the school has a right to lodge a complaint. Since sexual harassment will not be tolerated in school, the school is determined to eliminate and to prevent any forms of sexual harassment.

### **1.2 Objectives of the policy and responsibilities of the school**

The objectives of sexual harassment policy and the liability of school include but not limit to:

- ensuring all students and staff members (including prospective students and staff members) and other persons who provide services to school (including voluntary helpers, contract workers, service providers, agents) are able to study, work, conduct extra-curricular activities or provide or have access to services in a safe and sexual hostile-free environment;
- informing all students and staff members, through effective means, the sexual harassment policy and the channels to lodge complaints;
- setting up effective channels for lodging complaints, which should be sensitive to the feelings and needs of complainants in order to make the complaint handling mechanism more user-friendly;
- handling complaints on the principles of fairness, impartiality and confidentiality, and in a serious and discreet manner; and
- ensuring that nobody will be punished because of lodging a complaint in good faith.

### **1.3 Obligation and responsibility of all staff members and students**

All staff members and students have the obligation and responsibility to prevent and eliminate sexual harassment, including respecting the will and feelings of others, refusing to tolerate any sexual harassment behaviour, and supporting co-workers or students to take reasonable steps to stop sexual harassment.

## **Chapter 2: Definition and examples of sexual harassment**

### **2.1 Definition of sexual harassment**

According to the legal definitions under the Sex Discrimination Ordinance (SDO), “sexual harassment” occurs when:

- (a) any person
  - (i) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person; or
  - (ii) engages in other unwelcome conduct of a sexual nature in relation to another 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 conduct of a sexual nature which creates a hostile or intimidating environment for another person.

### **2.2 Examples of sexual harassment**

The following are some examples of sexual harassment acts:

- Uninvited physical contact or gestures
- Unwelcome requests for sex
- Sexual comments or jokes
- Intrusive questions or insinuations of a sexual nature about a person’s private life
- Displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars
- Offensive communications of a sexual nature (letters, phone calls, faxes, e-mail messages, etc.)
- Staring or leering at a person or at parts of his or her body
- Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him or her
- Uninvited touching or fiddling with a person’s clothing

The following are some scenarios of creating a hostile or intimidating environment in schools:

- Anyone uses sexually suggestive cartoons in teaching a subject not related to sex.
- During recess and / or lunch time, a group of students hanging out in the playground and rate female students who are playing or chatting or staying there. As a result, some of the female students avoid staying in the playground.
- In the staff room where there are both female and male colleagues, some colleagues display nude pictures as screen savers on the computer.
- Staff members make sexual jokes or discuss their sex lives within earshot of other staff or students on the school premises.
- 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.

### **Chapter 3: Measures for prevention of sexual harassment**

The school will take the following measures for prevention of sexual harassment:

- The school promulgates the policy to all students, parents and staff members.
- The policy is uploaded to the school website so that students and staff members can have access to the policy at anytime.
- All articles that may possibly lead to sexual harassment are cleared.
- The school will prevent any improper use of computer technology in order to prevent sexual harassment.
- The policy and measures will be reviewed on a regular basis or when needed.

### **Chapter 4: Handling sexual harassment complaints**

#### **4.1 Rights of victim and various actions to be taken**

Every person has a right to lodge a complaint on sexual harassment. When a person is sexually harassed or feels that he or she is sexually harassed, he or she may take the following actions:

- Speak up at the time. Tell the harasser that his or her act is unwelcome and should be stopped immediately.
- Keep a written record of the incidents, including the dates, time, location, witnesses and nature (what the harasser has said or done) and his or her own response.
- Tell someone he or she trusts or a counsellor, and ask for emotional support and advice.
- Lodge a formal or informal complaint to the school.

If the complaint is not deemed handled in a proper or satisfactory way by the school, the complainant can

- lodge a complaint with the Equal Opportunities Commission (EOC) and request investigation or conciliation.
- lodge a complaint with the Education Bureau (EDB).
- consult a lawyer, report to the police or file a civil lawsuit against the harasser.

The complaint handling procedure in the school does not affect the complainant's lodging complaints with the EOC, reporting to the police or filing a lawsuit in the District Court.

## 4.2 Principles of handling sexual harassment complaints

The school adopts the following principles in handling sexual harassment complaints:

**Fairness:** Enquiries and complaints will be handled in a just and impartial manner to ensure that the complainant and the alleged harasser are fairly treated, and both parties have chances to present their case. The group conducting interview with the alleged harasser and the complainant should compose of members of both sexes.

**Confidentiality:** Assurance will be given to all students and staff members that all information and records related to a sexual harassment complaint will be kept confidential and only be disclosed to relevant staff on a need-to-know basis. Since the alleged harasser is a key person in the case, under the principle of natural justice, he or she should be informed about the details of the allegation.

**Avoid delay:** Complaints will be handled promptly because both the complainant and the alleged harasser are under pressure.

**Transparent procedures:** The school will make the sexual harassment policy known to all students, staff members and other workers in the school.

**Avoid conflict of interest:** If the staff member who handles the enquiry or complaint case is closely related to the complainant or the alleged harasser (for instance, relatives), or the alleged harasser is the person-in-charge of handling sexual harassment complaints, the case will be handled by another person.

### **4.3 Mechanisms for handling sexual harassment complaints**

#### **A. Informal (verbal) complaint handling mechanisms:**

If the primary concern of the complainant is to stop the acts of sexual harassment as soon as possible by way of taking informal action (e.g. sending a clear message to the alleged harasser) instead of conducting an investigation into his or her case, the complaint will be handled informally. Generally speaking, the informal complaint handling mechanism is an appropriate way for handling minor and single incidents rather than serious and repeated acts of sexual harassment.

#### ***Procedures (students being the complainants):***

The complainant verbally complains to any staff member (e.g. class teacher, guidance teacher, social worker) that she trusts. Upon her consent, the staff member refers the case to the SMT<sup>1</sup> or SMT Designated Group with a brief written record of the incident, including the date, time, location, witnesses (if any) and the complainant's own response. The complainant can also directly approach the SMT. The SMT Designated Group will interview both the alleged harasser and the complainant separately to look into the incident and provide appropriate solutions. The SMT Designated Group will keep brief written records of these meetings. If the complainant is not satisfied with the outcome, she can lodge a formal complaint.

#### ***Procedures (staff members, alumnae, parents or other parties who provide services to the school being the complainants):***

The complainant can directly approach the SMT or SMT Designated Group. The SMT Designated Group will interview both the alleged harasser and the complainant separately to look into the incident and provide appropriate solutions. The SMT Designated Group will keep brief written records of these meetings. If the complainant is not satisfied with the outcome, he or she can lodge a formal complaint.

#### ***Procedures (SMT or IMC members being the complainants):***

The complainant can directly approach the IMC<sup>2</sup> or IMC Designated Group. The IMC Designated Group will interview both the alleged harasser and the complainant separately to look into the incident and provide appropriate solutions. The IMC Designated Group will keep brief written records of these meetings. If the complainant is not satisfied with the outcome, he or she can lodge a formal complaint.

---

1. SMT: School Management Team which is composed of the Principal and the two Vice-Principals  
2. IMC: Incorporated Management Committee

## **B. Formal (written) complaint handling mechanisms:**

### ***Procedures (students being the complainants):***

The complainant writes a formal complaint to any staff member (e.g. class teacher, guidance teacher, social worker) that she trusts. Upon her consent, the staff member refers the case to the SMT or SMT Designated Group with a detailed written record of the incident, including the date, time, location, witnesses (if any) and the complainant's own response. The complainant can also write directly to the SMT. The SMT Designated Group will interview both the alleged harasser and the complainant separately to look into the incident and provide appropriate solutions. The SMT Designated Group will keep detailed written records of these meetings. If the complainant is not satisfied with the outcome, she can appeal to the SMT.

### ***Procedures (staff members, alumnae, parents or other parties who provide services to the school being the complainants):***

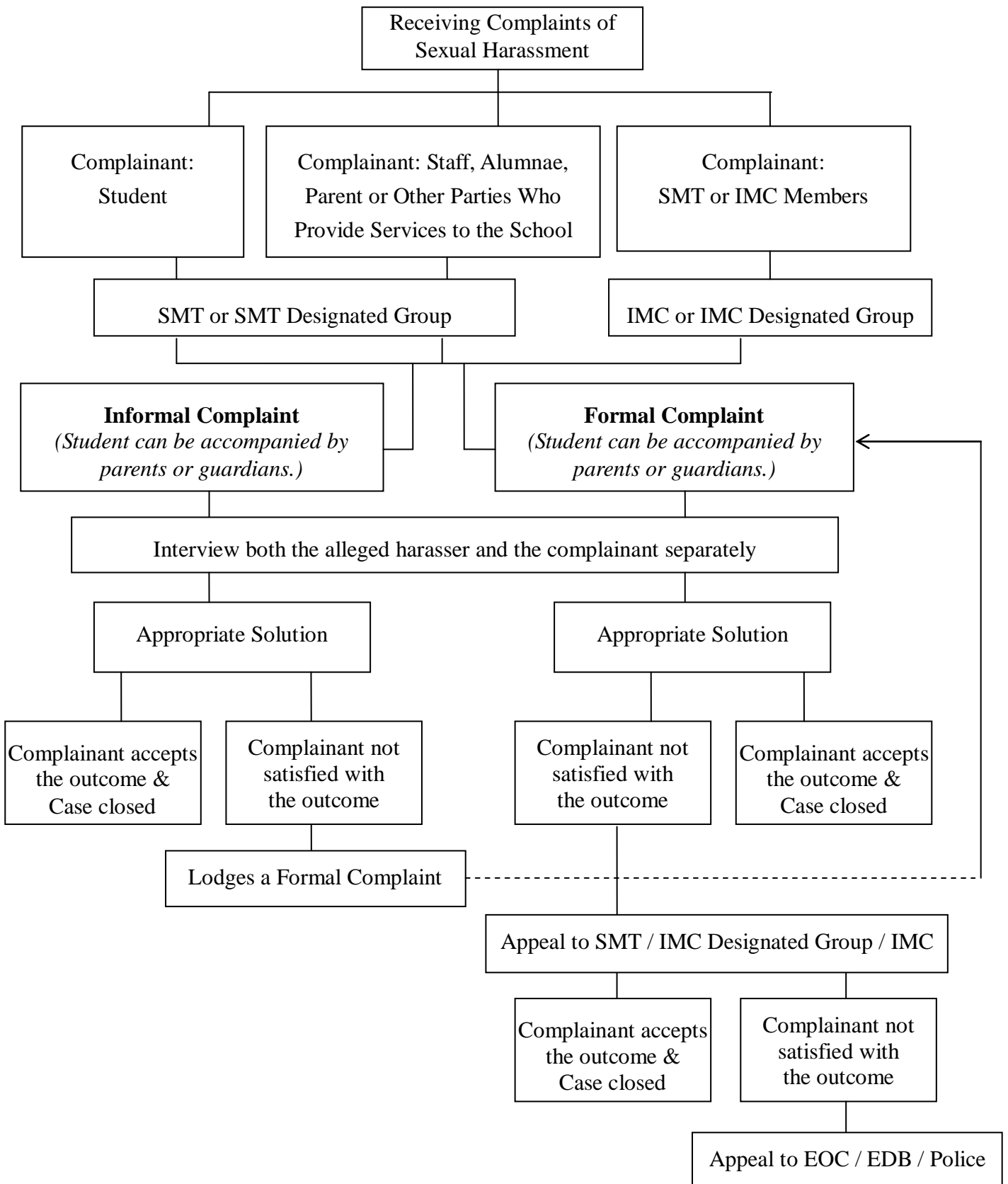
The complainant writes a formal complaint to the SMT or SMT Designated Group. The SMT Designated Group will interview both the alleged harasser and the complainant separately to look into the incident and provide appropriate solutions. The SMT Designated Group will keep detailed written records of these meetings. If the complainant is not satisfied with the outcome, he or she can appeal to the IMC Designated Group.

### ***Procedures (SMT or IMC members being the complainants):***

The complainant writes a formal complaint to the IMC or IMC Designated Group. The IMC Designated Group will interview both the alleged harasser and the complainant separately to look into the incident and provide appropriate solutions. The IMC Designated Group will keep detailed written records of these meetings. If the complainant is not satisfied with the outcome, he or she can appeal to the IMC. If the complainant is not satisfied with the appeal result, he or she can file a complaint to the EDB or EOC.



## Mechanism for Handling Sexual Harassment Complaints



#### **4.4 Time bar for lodging a complaint**

If the person who is sexually harassed intends to lodge a complaint with the school, he or she should do so as soon as possible, preferably within 4 months. Whether delayed complaints with justifiable reasons would be handled is entirely at the school's own discretion.

If the person who is sexually harassed intends to lodge a complaint with the Equal Opportunities Commission (EOC), he or she should take action within 12 months after the incident occurred. Otherwise, the EOC will not handle the case unless there are justifiable reasons for the delay. Any decision to take legal proceedings to the District Court should be made within 2 years after the incident occurred.

### **Chapter 5: Punishment**

- If any member of the staff is found to have violated the Sex Discrimination Ordinance (SDO), the school will report the case to the Incorporated Management Committee (IMC). The IMC will decide on any disciplinary actions to be taken.
- If any student is found to have violated the SDO, the school will decide on any disciplinary actions to be taken and report the case to the IMC.
- If the case is suspected to involve criminal offences, the school will report it to the police.

### **Chapter 6: Related resources**

#### **6.1 English resources**

Formulating Sexual Harassment Policies in Schools

<http://www.eoc.org.hk/eoc/upload/2013116155023361433.pdf>

Questions & Answers on Preventing Sexual Harassment in Schools

[http://www.edb.gov.hk/attachment/en/sch-admin/admin/about-sch/sch-sexual-harassment-prevention/Q%20and%20A\\_E%2013-11-2013.pdf](http://www.edb.gov.hk/attachment/en/sch-admin/admin/about-sch/sch-sexual-harassment-prevention/Q%20and%20A_E%2013-11-2013.pdf)

#### **6.2 Chinese resources**

制定校園性騷擾政策

<http://www.eoc.org.hk/eoc/upload/2013116155027594586.pdf>

防止校園性騷擾的問與答

[http://www.edb.gov.hk/attachment/tc/sch-admin/admin/about-sch/sch-sexual-harassment-prevention/Q%20and%20A\\_TC%2013-11-2013.pdf](http://www.edb.gov.hk/attachment/tc/sch-admin/admin/about-sch/sch-sexual-harassment-prevention/Q%20and%20A_TC%2013-11-2013.pdf)