

# Queen Elizabeth School

## Policy on Preventing Sexual Harassment

This policy is set out in accordance with the requirement as stipulated in Circular No. EDBC002/2009 issued by the Education Bureau.

### 1. Introduction

Sexual harassment in any form is unacceptable behaviour. It can give rise to civil and criminal liability and will not be tolerated in the school. The school would take reasonably practicable steps to prevent and eliminate sexual harassment. If it occurs, everyone in school can lodge complaints, and the school is committed to handling sexual harassment complaints seriously.

#### Definition

According to the Sex Discrimination Ordinance (SDO), 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 person;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that that 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 that person.

### 2. Examples of Sexual Harassment

The following are some examples of sexual harassment acts and behaviors which may create a hostile or intimidating environment in the school:

Written Contact, such as sexually suggestive or obscene letters, faxes, e-mail messages, short message service (SMS) messages, notes, invitations, etc.;

Verbal Contact, such as sexually suggestive or obscene comments, questions, requests, threats, slurs, epithets, banter, jokes about gender-specific traits, sexual propositions, wolf whistling, etc.;

Physical Contact, such as intentional touching, hugging, kissing, pinching, brushing against another's body, touching or fiddling with a person's clothing, impeding or blocking movement, assault, coercing sexual intercourse, etc.;

Visual Contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters or magazines, as well as screen savers on the computer, etc.

### 3. Measures to Prevent Sexual Harassment

To raise the understanding and awareness of staff and students on sexual harassment, and to strengthen promotion, training and education on preventing sexual harassment, the school has taken/will take the following measures:

Conduct awareness raising sessions for staff on sexual harassment issues and encourage the persons/teachers appointed for handling sexual harassment complaints to receive appropriate training;

Distribute the policy statement to staff for discussion/reinforcement at staff meetings;

Provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction;

Include the procedures and guidelines for reporting/receiving and filing of complaints in the Staff Handbook and PTA Website; and

Notify service providers/agents, contract staff, voluntary helpers, etc. of the school policy on preventing sexual harassment.

### 4. Mechanism for Handling Sexual Harassment Complaints

The approaches/strategies a student/staff member may adopt if he/she is being sexually harassed:

(a) Speak up at the time. Tell the harasser that his/her behaviour is unwanted and has to stop;

(b) Tell someone he/she trusts, such as his/her teacher/the school social worker/colleagues/co-workers, for emotional support and advice;

(c) (i) For a student who has been sexually harassed, he/she should report to the Discipline Mistress;

write a written record the incidents, including the dates, time, location and witnesses and own response.

The Discipline Mistress reports the incident to the Principal.

The parent of the student must be informed

The Principal discusses with the parent of the sexually harassed student for further actions including lodging a complaint with Equal Opportunities Commission (EOC) and request investigation and conciliation within 12 months; reporting to the police and/or filing a civil law suit against the harasser.

- (ii) For a staff member who has been sexually harassed, he/she should report to the Principal.

The Principal discusses with the sexually harassed staff for further actions including lodging a complaint with Equal Opportunities Commission (EOC) and request investigation and conciliation within 12 months; reporting to the police and/or filing a civil law suit against the harasser.

- (iii) If a complaint is made against the Principal under these Procedures, the student/staff member should report to the Chairperson of the School Management Committee.

### **Major procedures to handle the complaints**

After receiving a complaint, the school would take the following major procedures to handle the complaint:

Activate internal procedures for dealing with complaints of sexual harassment as stipulated in the Guidelines in Staff Handbook.

#### **5. Principle of “confidentiality”**

All information and records related to a complaint of sexual harassment must 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.

#### **6. Time Limit for Sexual Harassment Complaint**

There are time limits for lodging a complaint to EOC and instigating legal proceedings. If a person who has been sexually harassed wants to lodge a complaint with EOC, he/she should do it within 12 months 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, staff/students should inform the school as soon as possible after he/she has been sexually harassed and the complaint should preferably be lodged within 3 months after the incident has taken place.

#### **7. Liabilities and Disciplinary actions**

##### **Liabilities**

Sexual harassment, which is an unlawful act, would entail civil liability. Some behaviour (such as indecent assault, stalking, crank calling, etc.) would also bear criminal consequences at the same time.

The school will consult EOC or other relevant organizations (such as the Police) when they have doubt about the suspected cases.

For cases suspected to involve criminal offences, the school will report to the Police.

## Disciplinary Actions

- (a) If any member of civil service staff is found to have committed a sexual harassment act, he/she may be subject to disciplinary action (summary or formal) by the School/ Education Bureau depending on the nature of the case.
  - (b) If any member of non-civil service staff is found to have committed a sexual harassment act, he/she may be subject to receiving written warnings or dismissal by the School/ Education Bureau depending on the nature of the case.
  - (c) If any service provider/agent, voluntary helper, etc. is found to have committed a sexual harassment act, the school may take the following actions, depending on the nature of the case:
    - (i) issue a written note of misbehavior / warning letter;
    - (ii) restrict entry to the school (for voluntary helper) ;
    - (iii) report to the police;
    - (iv) terminate the contract.
  - (d) If any student is found to have committed a sexual harassment act, the school may take the following actions, depending on the nature of the case:
    - (i) issue a written note of misbehavior / warning letter , lower his/her conduct grade and/or give a minor/major demerit;
    - (ii) impose suspension.
8. **Review & Amendment**

The school shall review this statement of policy and procedures periodically, and at any other times as necessary and recommend necessary changes to the policy statement and the procedures.

## Staff Handbook

### Internal procedures for dealing with complaints of sexual harassment

Keep all information and records related to the complaint of sexual harassment confidential;

Inform the alleged harasser of the details of the allegation(s);

Tell the complainant and the alleged harasser how the investigation will be conducted and who is responsible for the investigation;

If necessary, make arrangements to avoid contact between the complainant and the alleged harasser during the investigation;

Provide support and counseling, where necessary, including providing students/parents/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;

Interview the complainant; if it happens to be a student, she is entitled to be accompanied by her parents or guardians;

Interview the alleged harasser; if it happens to be a student, she is entitled to be accompanied by her parents or guardians

Interview or obtain written statements from witnesses in relation to the complaint;

Study the evidence and make decisions;

Prepare a written report and inform the relevant parties of the investigation results in writing;

Seek advice from Equal Opportunities Commission where necessary; and

Decide whether or not disciplinary measures or other appropriate actions should be taken.