Munsang College

Sexual Harassment Policy

1. Policy Statement
The school is committed to creating, promoting and maintaining a harassment-free environment for staff and students, and will take whatever action may be needed to prevent, and if necessary, discipline behaviour which violates this Policy. Everyone has the right to be respected and be equally treated. Sexual harassment is discriminatory and unlawful, and will not be tolerated in the school. It may lead to disciplinary measures of the school, and may also entail civil liability and even criminal consequences.

2. Definition of Sexual Harassment

2.1 Definition

Under the Sex Discrimination Ordinance (SDO) (Cap. 480), the legal definition of sexual harassment is:

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

The SDO and the sections related to sexual harassment are applicable to both men and women. Under the SDO, Sexual harassment means a person makes an unwelcome conduct of a sexual nature to you. The unwelcome conduct includes unwelcome sexual attention, physical contact, talking about issues of a sexual nature, or making a sexual advance. It also amounts to sexual harassment if you find the environment you work or study is sexually hostile, in which you feel intimidated.

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
- Unwanted invitations
- 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/her body
- Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her
- Touching or fiddling with a person’s clothing e.g. lifting up skirts or shirts, or putting hands in a person’s pocket

3. Objectives and Responsibilities of the School

The objectives of sexual harassment policy and the liability of school include but not limited 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 co-curricular activities or provide/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;
- providing appropriate training to students and staff members in order to raise their awareness on sexual harassment and to nurture the right and proper value of respecting others;
- 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.

4. 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/students to take reasonable steps to stop sexual harassment.

- Any student / staff member can lodge a complaint with the panel / staff member responsible for handling sexual harassment complaints if that student / staff member witnessed any other student / staff member committed any sexual harassment act or was sexually harassed.

5. Rights of Victim and Various Actions to be Taken
- Every person has a right to lodge a complaint against sexual harassment.
- When a person is sexually harassed, he/she may take the following actions:
  (a) Speak up at the time. Tell the harasser that his/her act is unwelcome and should be stopped immediately.
  (b) Keep a written record of the incidents, including the dates, time, location, witnesses and nature (what the harasser has said or done) and his/her own response.
  (c) Tell someone he/she trusts or a counsellor, and ask for emotional support and advice.
  (d) Lodge a formal or informal complaint to the school supervisor, school principal or teacher-in-charge, detailed as follows, within 6 months from the time the complainant knew or should have known of an act(s) of sexual harassment. The teacher-in-charge should inform the principal of the complaint within 2 school days.

<table>
<thead>
<tr>
<th>Complainant</th>
<th>Alleged Harasser</th>
<th>School Supervisor / Principal / Teacher-In-Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student</td>
<td>Student</td>
<td>Head and Deputy Head of Counselling Committee OR Head and Deputy Head of Discipline Committee</td>
</tr>
<tr>
<td>Student</td>
<td>Staff Member</td>
<td>Head and Deputy Head of Counselling Committee OR Head and Deputy Head of Discipline Committee</td>
</tr>
<tr>
<td>Staff Member</td>
<td>Student / Staff Member</td>
<td>School Supervisor OR Principal OR Vice Principal</td>
</tr>
</tbody>
</table>

(e) Lodge a complaint with the Equal Opportunities Commission (“EOC”) and request an investigation or conciliation. The complainant 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. In case the conciliation fails, the complainant may request the EOC to provide legal assistance. Telephone number of the EOC: 2511-8211. For enquiries or complaints, please refer to the EOC website: http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx.

(f) Lodge a complaint with the EDB.
(g) Consult a lawyer, report to the police or file a civil law suit against the harasser. Any decision to take legal proceedings to the District Court should be made within 2 years after the incident occurred.

- It should be noted that the complaint handling procedure does not affect the complainant’s lodging complaints with the EOC, reporting to the police or filing a lawsuit in the District Court.

6. Mechanism for Handling Sexual Harassment Complaints
- If the complainant is a student, a panel, consisting of almost an equal number of members of both sexes, will be appointed by the principal / school supervisor for conciliation and/or investigation of the case.
- If the complainant or alleged harasser is a student, he/she is entitled to be accompanied by his/her parent/guardian/family member to attend the relevant interview as so to safeguard his/her rights.
- If necessary, the complainant and the alleged harasser should avoid contact, in particular, private contact, during the period of investigation.
- If necessary, support and counselling are to be offered to the complainant as well as the parents if the complainant is a student.
- If the complainant is a staff member, the panel will be appointed by the Incorporated Management Committee for conciliation and/or investigation.
- Both informal and formal complaint handling mechanisms for sexual harassment complaints are established. For details, please refer to Flow Chart on Handling Sexual Harassment Complaints. 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/her case, the complaint will be handled informally to seek reconciliation. 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.
• The interviews and the statements of both the complainant and the alleged harasser are to be documented.
• A written report is to be prepared and the investigation result, the punishment and the considerations are to be made known to both the complainant and the alleged harasser.

7. **Punishment / Liabilities and Disciplinary Measures**
For cases constituting sexual harassment, disciplinary measures could be imposed on the harasser such as making apologies, attending counselling sessions, paying compensation, being dismissed, etc. The school may also consider referring those cases to the police if sexual harassment acts amount to criminal offences such as indecent assault, distribute and display indecent and obscene articles.

8. **Principles of Handling Sexual Harassment Complaints**
The school shall uphold the following principles when handling sexual harassment complaints.
• Fairness
  Enquiries and complaints are to 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.
• Confidentiality
  All information and records related to a sexual harassment complaint are to 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/she is to be informed about the details of the allegation.
• Avoid delay
  Complaints are to be handled promptly because both the complainant and the alleged harasser are under pressure.
• Transparent procedures
  All students and their parents, staff members and other workers in the school are to be informed of sexual harassment policy and the handling procedures related to sexual harassment complaints.
• Avoid conflict of interest
  Complaint cases are to be handled by designated staff members. If the staff member who handles the enquiry / 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 should be handled by another person.

9. **Measures for Prevention of Sexual Harassment**
• The policy statement for the prevention of sexual harassment is to be distributed to staff members and students via Janitor Handbook, Teacher Handbook and Student and Parent Handbook
• The statement is to be uploaded onto school home page to notify contract service providers and external parties that there is zero-tolerance to any sexual harassment acts. It is also to be displayed on campus for the reference of students, staff and visitors.
• Training and education programmes on gender equality, respecting others and enhancing awareness on the prevention of sexual harassment are to be organised for students and staff members.

10. **Review and Amendment**
The policy for prevention of sexual harassment is to be reviewed in school meetings every year and revised when needed.

_Last Revision Date: 9 August 2014_
Flow Chart on Handling Sexual Harassment Complaints

1. **Conciliation** (For Informal Complaint)
   - **Resolved**
   - **Not resolved**

2. **Investigation** (For Formal Complaint)
   - Investigation team
     - Investigation team to submit a fact-report to the panel convenor who will notify the complainant and complainee in writing of the findings of the report

3. **Disciplinary Procedures**
   - Not constituting sexual harassment
     - Panel Convenor to report the matter to the Principal / Incorporated Management Committee
     - Inform complainant and complainee
   - Constituting sexual harassment
     - Panel Convenor to make a recommendation to the Principal / Incorporated Management Committee on the disposal of the case
     - Inform complainant and complainee
     - Disciplinary procedures / other appropriate actions

4. **Resolved**
   - **Investigation**
   - Complainant or complainee may submit an appeal to the EOC

5. **Not constituting sexual harassment**
   - Panel Convenor to report the matter to the Principal / Incorporated Management Committee
   - Inform complainant and complainee

6. **Not resolved**
   - Designated Panel Convenor to review the complaint under the complainant’s veto or brought anonymously or by third party if deemed necessary

**Allegation received by the Panel against sexual harassment**