

King's College

Policy on Prevention of Sexual Harassment

A. Policy Statement

King's College is committed to eliminating any form of discrimination against all permanent and contract staff, students and other parties who have dealings with the schoolⁱ. Sexual harassment, a form of discrimination, is prohibited by law and unacceptable to the school community. By stating clearly the school's stance on sexual harassment and putting an appropriate procedure in place, we aim to cultivate a sense of justice, fairness and mutual respect in the school community. Any staff member, student or person who has dealings with the school found to have contravened this School Policy will be subject to disciplinary measures and/or legal actions.

B. What is sexual harassment?

(a) Legal definition of sexual harassment

According to Sex Discrimination Ordinance (SDO), the legal definition of "sexual harassment" includes the following situations:

(1) The person

(a) makes unwelcome sexual advances or gestures, or unwelcome request for sexual favours, to that person; or

(b) 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

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

Section 2(5) of the SDO defines sexual harassment while sections 2(7), 2(8), 9, 23 and 39 are also relevant.

(b) A sexually hostile or intimidating environment in the school setting refers to any unwelcome sexual conduct that affects the enjoyment of students in their learning and/or the performance and satisfaction of other parties who have dealings with the schoolⁱ. The school setting includes both the school campus and venues where learning or other activities organized by the school take place. The behaviour does not need to be directly or consciously targeted at an individual.

(c) Sexual harassment can involve physical, visual, verbal or non-verbal conduct of a sexual nature which is uninvited and unwelcome. A single incident can amount to sexual harassment. The unwelcome behaviour needs not be repeated or continuous.

C. Examples of sexual harassment

- (a) Any unsolicited and unwelcome contact that has sexual overtones including:
 - (1) Written contact, such as sexually suggestive or obscene letters, faxes, e-mail, SMS, whatsapp, facebook messages, notes and invitations;
 - (2) Verbal contact, such as sexually suggestive or obscene comments, intrusive questions of a sexual nature about a person's private life, intimidation, slurs, epithets, banter, jokes about gender-specific traits, sexual propositions and wolf-whistling;
 - (3) Physical contact, such as intentional touching, hugging, kissing, pinching, brushing against another person's body, touching or fiddling with a person's clothing, sexual assault; and
 - (4) Visual contact, such as leering or staring at another person's body, displaying sexually suggestive objects, pictures, cartoons, posters, magazines or screen-savers on the computer or mobile phone.
- (b) Sexual harassment also includes continuing to discuss sexually-related social issues after being informed directly that the topic is unwelcome, and using sexually-related behaviour to control or influence the career prospect or work environment of staff or to interfere with the performance or enjoyment of students in their learning environment.

D. Measures to Prevent Sexual Harassment

- (a) To raise the understanding and awareness of sexual harassment, and to promote and provide education on preventing sexual harassment
 - (1) among staff
 - (i) include the School Policy on Prevention of Sexual Harassment in the Staff Handbook and school intranet for staff reference and distribute related documents to new and temporary staff as part of the induction;
 - (ii) post notices to disseminate related and updated information;
 - (iii) conduct awareness raising sessions for general staff on sexual harassment issues;
 - (iv) encourage teachers to attend training programmes on sex education organized by EDB
 - (2) among students
 - (i) upload the School Policy on Prevention of Sexual Harassment on the School Webpage for students' information;
 - (ii) incorporate the topic of sexual harassment into sex education programmes so as to help students develop positive values and attitudes, especially with respect to coping with interpersonal relationships, arouse their awareness of sexual harassment and remind them to seek help when necessary

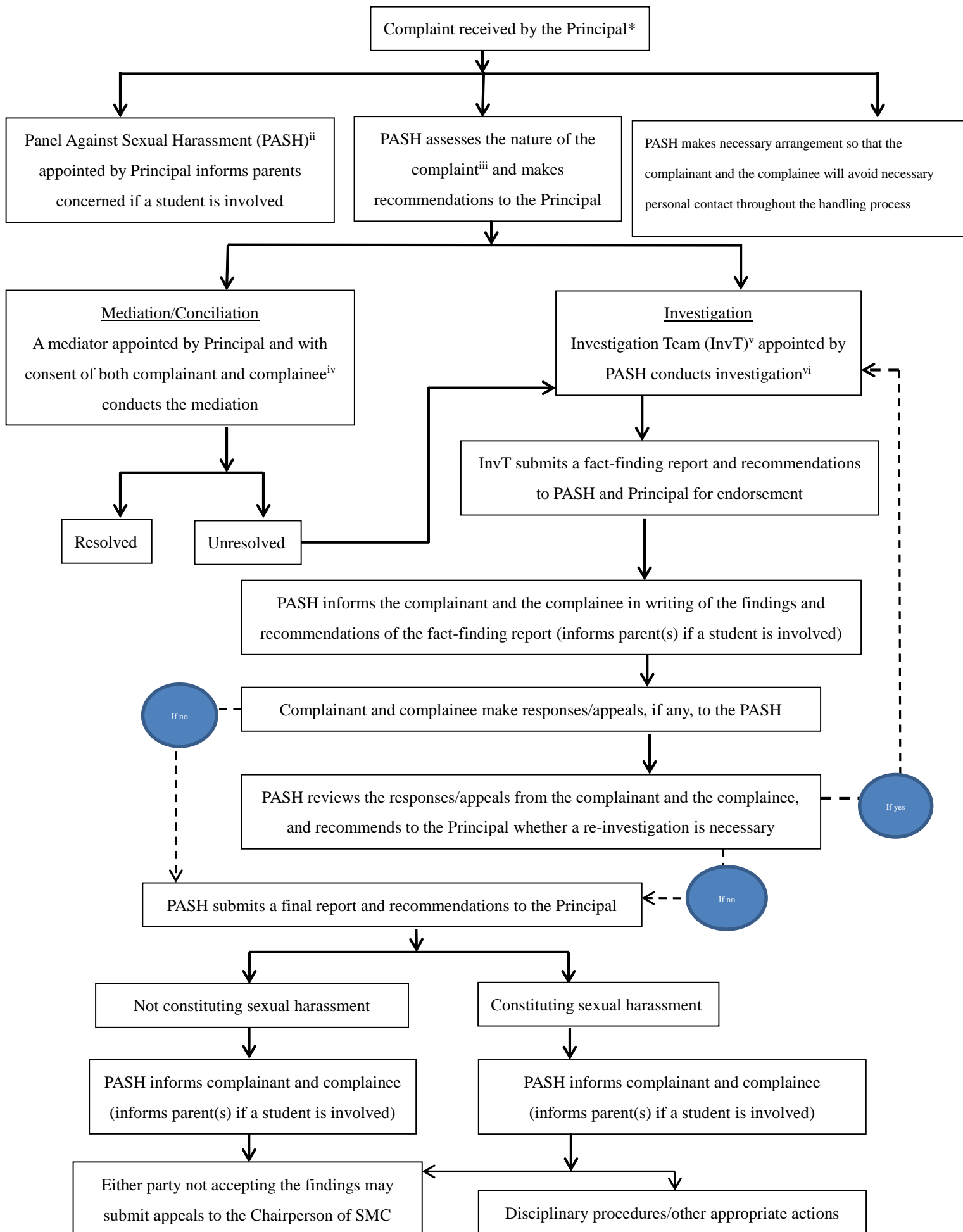
- (b) Notify other parties who have dealings with the schoolⁱ
- (1) Upload the School Policy on Prevention of Sexual Harassment on the school webpage for public perusal;
 - (2) Issue circular to parents at the beginning of every school year, inviting them to pursue the School Policy on Prevention of Sexual Harassment on the school webpage; and
 - (3) Issue service providers, voluntary workers and other NCSC staff in writing the school's stance and policy on sexual harassment.

E. Guidelines for Handling Sexual Harassment Complaints

- (a) Approaches/strategies a staff member, a student or any person who has dealing with the school may adopt if he/she feels being sexually harassed:
- Tell the harasser that his/her behaviour is unwelcome and unacceptable and has to stop immediately;
 - Keep a written record of the incidents, including the dates, time, location, witnesses and own response;
 - Lodge a complaint, written or oral, with the School [Please refer to Section E (b)] within three months of the occurrence of the incident, and request investigation and conciliation;
 - Lodge a complaint with Equal Opportunities Commission within twelve months of the occurrence of the incident, and request investigation and conciliation;
 - Report to the police and/or file a civil law suit against the harasser.
- (b) Channels for making a complaint to the school
- (1) Any complaint related to sexual harassment in school setting can be made either in written form or orally.
 - (2) If the complainant is a member of staff, he/she can forward the complaint to the Principal directly or via one of the Assistant Principals.
 - (3) If the complainant is a student, he can forward the complaint to the Principal via the class or subject teacher, social worker or one of the Assistant Principals.
 - (4) If the alleged harasser is the Principal or one of the Assistant Principals, the complainant can forward the complaint to the Chairman of the School Management Committee.
- (c) The School is committed to ensuring that all complaints will be handled seriously and objectively. Both the complainant and the complainees will receive fair and just treatment. In no circumstance will lodging a reasonable complaint adversely affect the appraisal performance/assessment of the complainant or put him/her to any other form of detriment.

(d) Major procedures to be taken after receiving a complaint

Flow Chart on Handling Sexual Harassment Complaints



- (e) Disciplinary measures and legal actions include:
- (1) Issuing a statement of apology,
 - (2) Deduction of conduct marks,
 - (3) Expulsion from school,
 - (4) Termination of contract,
 - (5) Activation of the procedure for handling staff misconduct or disciplinary matters,
and
 - (6) Reporting to the Police, etc.
- (f) Sexual harassment complaints will be handled in compliance with the following EDB circulars.
- (1) CSBS No. 11/2004 Guidelines for Handling Sexual Harassment Complaints
 - (2) EDBIC No. 1/2003 Staff Complaints Procedure
 - (3) EDBIC No. 7/2005 Public Complaints Procedure
 - (4) CSBC No. 20/1979 Reporting of Criminal Offences

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- i These include parents, voluntary workers, service providers, visitors, etc.
- ii PASH, made up of 2 male and 2 female members, includes one of the Assistant Principals.
- iii PASH will interview with the complainant, who will be required to report the details of the complaint in written form. The complainant may request the company of a third party (e.g. a parent or relative of the student involved) during the interview.
- iv InvT will be made up of 2 members of PASH, of different genders.
- v Throughout the investigation process, support and counselling service will be provided to both parties, whenever necessary. Either party may request the company of a third party during all investigation sessions.

* Important Remarks:

1. All parties involved in the procedure of handling complaints will be reminded that they may seek advice of the EOC whenever necessary.
2. A detailed record of all the steps taken, including the assessment results, the investigation procedures and records, etc. will be signed by the parties concerned and filed.
3. All information and records related to the complaint must be kept confidential. They will be circulated to relevant staff on a need-to-know basis.