

Pooi To Middle School
Policy on Preventing Sexual Harassment

I. Introduction

Pooi To Middle School strives to provide equal opportunities for every teaching staff member and student so that all individuals are able to work and study in a safe environment without sexual harassment, discrimination victimization and vilification.

Sex discrimination, as well as sexual harassment, is unlawful and they can cause the offender to bear criminal and civil liabilities. Once an incident of sexual harassment occurred, it will bring detrimental effects to staff members' and students' working and learning environment. The school wishes to build a sound and discrimination-free environment through providing education and training, as well as establishing an effective channel for lodging complaints. Any individuals who committed an act deemed as sexual harassment are subjected to disciplinary measures.

Pooi To Middle School restates that it does not tolerate any acts of sexual harassment in order to ensure all students, staff members, parents, voluntary helpers, contract workers, service providers/agents and visitors have access to the right of being protected from sexual harassment.

II. Definition and Examples of Sexual Harassment

According to the Sex Discrimination Ordinance, the legal definition of sexual harassment is:

- (1) If any person
- (a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person; or
 - (b) 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

- (2) 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.

Section 2(5) of the Sex Discrimination Ordinance (SDO) provides the definition of sexual harassment. In addition, sections 2(7), 2(8), 9, 23 and 39 are provisions in relation to 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 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

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/ chatting/ 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, or some like to exchange obscene jokes with each other in the presence of other colleagues of the opposite sex.
- ✧ Staff members make sexual jokes or discuss their sex lives within earshot of other staff/ 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.

III. Measures for prevention of sexual harassment

The school will establish and promulgate policies on preventing sexual harassment and enhance awareness of students, parents, voluntary helpers, contract workers/service providers/agents on the prevention of sexual harassment through promotion, providing seminars and training on the topic.

Promotion and Education

1. To raise the understanding and awareness of staff on sexual harassment, the school will:

- ✧ Provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction;
- ✧ Distribute/restate the policy statement to staff for discussion/ reinforcement at staff meetings at regular intervals;
- ✧ Include the procedures and guidelines for reporting for reporting/receiving and filing of complaints in the staff handbooks and contracts with service providers;
- ✧ Post notices to disseminate related information;
- ✧ 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. To raise the awareness of students and their parents on sexual harassment, the school will:

- ✧ Promulgate the school policy, the handling procedures and the related discipline actions on sexual harassment to students and their parents via students' orientation programmes, assemblies, briefing sessions, parent-teacher association, notices, circulars, student handbooks, intranets and seminars, etc;
- ✧ Incorporate the topic of sexual harassment into the curriculum so as to help students develop positive values and attitudes (such as respect and care for others), teach them proper behavior for coping with interpersonal relationships, arouse their awareness on sexual harassment and remind them to seek help when necessary.

3. In terms of education and discipline:

The school will 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. All these help to prevent acts of sexual harassment.

IV. Mechanism for handling sexual harassment complaints

1. If a person feels being harassed in school, he/she may adopt the following informal or formal approaches/strategies:

- ✧ Speak up at the time. Tell the harasser that his/her behavior is unwanted and has to stop.
- ✧ Tell someone he/she trusts, such as his/her teacher/colleagues/co-workers, for emotional support and advice.
- ✧ Keep a written record of the incidents, including the dates, time, location and witnesses and own response.
- ✧ Lodge a formal complaint to the school principal or his/her designate or the teacher-in-charge.
- ✧ Lodge a complaint with EOC and request investigation and/or conciliation.
- ✧ Report to the police and/or file a civil law suit against the harasser.

2. Channels for lodging a complaint to school

- ✧ Any staff member or student who believes that he or she is a victim of sexual harassment should act promptly. Correcting the situation immediately is in everyone's best interests. Ignoring sexual harassment may make the situation worse because the harasser may misinterpret a lack of response as approval or condonation of the behavior. Delay in making a complaint may also present difficulties for the school in conducting a thorough investigation and establishing the facts of the case.
- ✧ Staff member or student can lodge a complaint to the School Chancellor/Principal or the Executive Committee on Anti-sexual Harassment policy. The complaint must be lodged within 15 working days.

Executive Committee on Anti-sexual Harassment:

Convener: Principal

Members: Vice Principals, Student Guidance Committee, teacher manager/
teachers appointed (note: members must involve different
genders)

3. Investigation Procedures

Upon receiving complaints, the School Chancellor/Principal or the Executive Committee on Anti-sexual Harassment will appoint 1-2 teachers to formulate a task force to address the related complaints.

During the process of conciliation, investigation of the complaint and appeal, the school will strive, through reasonable actions, to ensure that the process is

kept confidential and that the privacy of the related parties is protected.

Upon receiving the formal complaint, the Executive Committee on Anti-sexual Harassment will adopt the following major procedures to handle the complaint:

Activate 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 parents/ students/ 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 the complainant is a student, he/she is entitled to be accompanied by their parents or relatives;
- ✧ Interview the alleged harasser; if the complainant is a student, he/she is entitled to be accompanied by their parents or relatives;
- ✧ 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 EOC when necessary;
- ✧ Decide whether or not disciplinary measures or other appropriate actions should be taken.

In the event that a sexual harassment complaint is under criminal investigation by a law enforcement agency or is subject or criminal or civil proceedings in court, the school may suspend its conciliation or investigation process.

4. Internal Disciplinary Actions

If a staff member is proved to have offended the Sex Discrimination Ordinance, the school will report to the School Incorporated Management Committee, and let it decide the disciplinary measures to be taken.

If a student is proved to have offended the Sex Discrimination Ordinance, the school

will decide on the disciplinary measures and report it to the School Incorporated Management Committee.

If the school considers that the complaint may involve criminal offences, they should report to the Police as soon as possible.

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