

HKTA Tang Hin Memorial Secondary School Policy on preventing sexual harassment

In response to EDB Circular 2/2009 Sexual Discrimination Ordinance regarding declarations and guidelines to prevent sexual harassment:

- 1) The School will try its best to eliminate and prevent any case of sexual harassment. If there are any suspected cases of sexual harassment, the School will investigate and follow up. If the allegations are found to be legitimate, disciplinary action will be taken to ensure the campus is an environment free of sexual hostility.
- 2) Legal definition of Sexual Harassment
 - 2.1 Sexual Harassment Ordinance (Chapter 2 (5), Section 1)

A person is considered to harass if he/she makes sexual advances or requests for sexual favours, especially when any reasonable person, having regard to all the circumstances, would anticipate that the victims would feel offended, humiliated or intimidated.
- 3) Examples of Sexual Harassment
 - 3.1 Unsolicited physical touching
 - 3.1.1 Unnecessary/improper physical contact or stroking on another person's body, deliberate brushing up against him/her, unwelcome touching of the shoulders or arms and invasion of private space.
 - 3.2 Verbal Harassment
 - 3.2.1 Unnecessary/improper discussion of sex-related topics, intrusive questions or insinuations of a sexual nature about a person's private life, commenting on a person's dress, appearance and body shape, sexual comments or jokes/stories of a sexual nature.
 - 3.3 Physical Harassment
 - 3.3.1 Whistling or making kissing sounds, implying sex through gestures, staring or leering at a person or his/her body, display of sex-related objects such as pornographic publications or posters.
 - 3.4 Unwelcome requests for sex
 - 3.4.1 Constant requests for dating despite repeated rejections.
 - 3.4.2 Requests or demand for sex with threats.
 - 3.4.3 Use coercion by implication or openly to request sex.
 - 3.4.4 Constant phone calls or mail requesting sex.
 - 3.5 Sexual Assault or unsolicited sex acts
- 4) Actions to be Taken by Victims in Case of Sexual Harassment
 - 4.1 Make stance clear. Tell harasser his/her behaviour is unwelcome and that he/she should stop.
 - 4.2 Note down the date, time, venue, any witnesses and nature of harassment (words the harasser has used / what the harasser has done) and your responses.
 - 4.3 Inform a person you trust.
 - 4.4 Seek help from a friend and/or counsellor for emotional support and information on how to file an informal or formal complaint.
 - 4.5 Write a letter or note to the harasser telling him/her that his/her behaviour is unwelcome and that he/she should stop immediately.
 - 4.6 Lodge a formal complaint.
 - 4.6.1 In School
 - 4.6.1.1 In case a student, teacher or staff member is involved, complaints can be made to the Principal in person or in writing.
 - 4.6.1.2 In case the accused is the Principal, complaints should be made to the School Supervisor.
 - 4.6.2 Outside school
 - 4.6.2.1 Complaints should be made to the Equal Opportunities Commission

Address : 19/F., CityPlaza Three, 14 Taikoo Wan Road,
Taikoo Shing, HK

Tel.No.: (852) 2511 8211 Fax No.: (852) 2511 8142

Email: <http://www.eoc.org.hk>

4.6.2.2 Contact the police / take legal action

- 5) Mechanism for Handling Sexual Harassment Complaints
 - 5.1 When a complaint is received, a committee of at least three members will be formed to start investigation work. The committee should consist of senior teachers with approximately the same number of male and female teachers.
 - 5.2 Investigation will start once a complaint is received. The complainant will be informed of how the investigation will progress. In general, any investigation should be finished within one month of the date the complaint is received.
 - 5.3 The Principal will inform the School Supervisor about the result of investigation and the IMC members will also be informed in the following IMC meeting.
 - 5.4 If either the accused or the complainant is not satisfied with result or the procedures of the investigation, they should lodge a complaint according to the following path:
The Principal → School Supervisor
or they can also seek help from external bodies such as the police or the Equal Opportunities Commission at any stage of the investigation process.
 - 5.5 All parties involved in the investigation, including investigation committee members, the Principal, the School Supervisor and IMC members should not disclose any details, including the personal information of the complainants and the accused, in order to protect their rights and privacy.
- 6) The School will ensure that no complainant will be treated unfavourably or their performance records negatively affected for lodging a reasonable and proper complaint. However, any offensive or unreasonable accusation will be followed up and acted upon.
- 7) Disciplinary Actions
 - 7.1 If any student is accused of sexual harassment and the allegations are found legitimate, disciplinary action will be taken.
 - 7.2 If a staff member, including the Principal, is found to be guilty of sexual harassment, he/she will be punished. The form of punishment will be determined by the School Supervisor (together with the IMC members, if needed), with regard to the situation/severity of individual cases.
 - 7.3 When necessary, the School shall seek help from the police or the Equal Opportunities Commission.
- 8) If the case of harassment is not only caused by improper conduct of an individual, but also results from policies, procedures or practices of the School, these shall be amended as necessary. Those involved may be asked to suggest ways for improvement.