

TKDS Fong Shu Chuen School
Preventing Sexual Harassment on Campus

1 Belief

We believe that everyone has the right to be respected and be equally treated.

2 Objective

We aim at providing equal opportunities for our staff and students. Sexual harassment is discriminatory and unlawful. It may lead to disciplinary measures of our school, and may also entail civil liability and even criminal consequences. We will try our best to prevent sexual harassment. Sexual harassment will not be tolerated in our school.

3 Definition and examples

3.1 Definition of Sexual harassment:

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

(a) If any person

- makes an unwelcome sexual advance, or an unwelcome request for sexual favors, to another person; or
- 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.

(c) sexual harassment may occur to any persons, regardless of their gender; all provisions in the SDO and the school policy related to sexual harassment are applicable to both men and women as well as sexual harassment to persons of the same sex.

(d) even if the act of sexual harassment is not intentional or there is no evidence to prove the intention, it amounts to sexual harassment once the act meets the definition of sexual harassment. Hence, no matter whether the act is intentional or not, or even if the act is of a playful nature, it may amount to sexual harassment.

(e) a single incident may also amount to sexual harassment.

3.2 Examples of Sexual Harassment: (including but not limited to)

- 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

3.3 Scenarios of creating a hostile or intimidating environment in schools: (including but not limited to)

- Anyone uses sexually suggestive information 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.

4 Measures for prevention of sexual harassment

Our school will promulgate the policy to all students, parents, staff members, contract service providers and external parties in order to raise their awareness on sexual harassment. We will take the following measures:

- The sexual harassment policy will be distributed and explained to all staff members (Including Mechanism for handling sexual harassment complaints and related punishment) during the first staff meeting of every school year.
- Notices of the policy will be distributed to all students and parents to inform them of the policy with the relevant information.
- All service providers and external parties will be provided with the relevant information of the policy.
- Notices of the policy are also prominently posted on campus for all students and staff members to inform them of the policy.
- Training and education programmes on gender equality, respecting others and enhancing awareness on the prevention of sexual harassment for staff members will be provided.
- Related topics will be taught during Moral Education Lessons in order to cultivate positive values and attitudes for students (i.e. respecting others and caring for others). Interpersonal skills will also be taught in order to raise their awareness on sexual harassment. Teacher will also tell them to seek for help whenever needed.
- This policy will be reviewed in the final meeting every academic year.

5 Mechanism for handling sexual harassment complaints

5.1 Principles of handling sexual harassment complaints

- Enquiries and complaints will 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.
- All information and records related to a sexual harassment complaint will be 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 should be informed about the details of the allegation.
- Complaints will be handled promptly because both the complainant and the alleged harasser are under pressure.
- Complainants and witnesses will be protected against victimization (which in itself is an unlawful act of discrimination under section 9 of the SDO) because of the complaint case.
- Avoiding asking the complainant to repeat his/her painful story,

appointing investigators of the same sex to interview the complainant, etc. in order to ensure that the complainant would not be unnecessarily further distressed or humiliated. Complaint cases should be handled discreetly so that the other related parties would not be unnecessarily distressed.

- Whether the complaints are anonymous or not, our school will conduct investigation, in particular, investigation will be conducted discreetly into any suspected sexual harassment made against students.
- If necessary, support and counseling are offered to the complainant.
- Time bar for lodging a complaint:
If the person who is sexually harassed intends to lodge a complaint with the school, he/she should take action within 12 months after the incident occurred. Otherwise, the school will not handle the case. There is also a time bar for lodging a complaint with the EOC or to take legal action. If the person who is sexually harassed intends to lodge a complaint with the EOC, he/she 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. Any decision to take legal proceedings to the District Court should be made within 2 years after the incident occurred.

5.2 Complaint handling procedure

Every person has the right to lodge a complaint on sexual harassment. 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.

- i. The complainant can lodge the complaints with the principal / vice principal. The school will ask the complainant to provide relevant information and will collect other evidence on the alleged harassment, discrimination or "victimization".
- ii. The principal or vice principal will undertake a preliminary inquiry into the complaint in order to determine whether there is prima facie evidence that any member, employee or student of the school may have engaged in discrimination or harassment. The purposes of the preliminary inquiry are to ensure that there are sufficient materials which warrant a full investigation, and to screen out obviously unfounded allegations.
- iii. The principal or vice principal will interview the witness of the alleged

harassment, discrimination or "victimization", in confidence, within 2 weeks of the receipt of the complaint and decide whether there are sufficient materials which warrant a full-scale investigation into whether the respondent has engaged in discrimination/harassment.

- iv. Upon receipt of the case, the matter will be referred to a dedicated committee for a full-scale investigation.
- v. The committee will inform the complainant the conclusion of the investigation. If the dedicated committee concludes that the respondent has engaged in discrimination/harassment, the school has the power to impose disciplinary measures on the respondent.
- vi. If the sexual harassment act amounts to criminal offences, the principal will notify the IMC and suggest the complainant referring the case to the police.
- vii. If the school decides to dismiss the complaint, the principal or vice principal will inform the complainant of his/her decision and the reasons for it. If the complainant does not accept the findings, he/she can appeal in writing to the school by providing new evidence or adequate justification within 14 days from the date of the school's reply.
- viii. If the respondent is the principal, the Supervisor will appoint the School Manager to set up a dedicated committee to follow up the appeal or complaint.
- ix. All documents related to the complaint will be kept by the IMC.

In case of dispute the Chinese version of this agreement shall prevail.