

Queen's College - Policy on Preventing Sexual Harassment

PURPOSE

Sexual harassment is an unlawful act which is not allowed to occur; if it occurs, everyone in school can lodge complaints, and the school is committed to eliminating and preventing sexual harassment.

Definition and Examples of Sexual Harassment

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

1. if any person
 - a. makes an unwelcome sexual advance, or unwelcome request for sexual favors, 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. the 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 following are *some examples* of sexual harassment acts

1. Uninvited physical contact or gestures
2. Unwelcome requests for sex
3. Sexual comments or jokes
4. Intrusive questions or insinuations of a sexual nature about a person's private life
5. Displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars
6. Unwanted invitations
7. Offensive communications of a sexual nature (letters, phone calls, faxes, email messages, etc)
8. Staring or leering at a person or at parts of his/her body
9. Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her
10. 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:

1. Anyone uses sexually suggestive cartoons in teaching a subject not related to sex.
2. 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.
3. In the staff room where there are both female and male colleagues, some colleagues display nude.

Measures to Prevent Sexual Harassment

1. The school should promulgate the anti-sexual harassment (ASH) policy to all students, parents and staff on a regular basis. The ASH policy should be distributed and explained to all new students, staff, contract service providers, and all other related parties.
2. The policy should be uploaded to both the school's intranet and internet websites so that students and staff, as well as external parties such as contract service providers, can have access to the policy at any time. All related parties should know that the school has zero-tolerance for any sexual harassment acts and should be provided with the relevant information.

3. The policy and measures should be reviewed once a year. In addition, review of the policy should also take place after each investigation of a complaint case.
4. Training or education programmes on gender equality, respecting others and enhancing awareness on the prevention of sexual harassment should be organized regularly for teachers, students, parents, etc. Management or designated teachers who are appointed to handle sexual harassment complaints should also be arranged to receive relevant training.
5. The school should clear all articles that may possibly lead to sexual harassment and prevent any improper use of computer technology or social media in school. In addition, the school environment should be monitored and checked if there are any unwritten ways in which the school operates that may create a sexually hostile environment, and make changes whenever necessary to avoid potential problems occurring.
6. Designated staff is designated by school to implement special measures for the prevention of sexual harassment and handle sexual harassment complaints whenever deemed appropriate.

Mechanism for Handling Sexual Harassment Complaints

1. If a person feels being sexually harassed, he/she should take the following actions :

- a. Speak up. Tell the harasser that his/her behavior is unwelcome and has to stop immediately.
- b. Keep a written record of the incident, including the date, time, location, witnesses and nature (what the harasser has said or done), and his / her own response.
- c. Tell someone he / she trusts and ask for emotional support and advice.
- d. Lodge a formal / informal complaint to the school principal or the teacher-in-charge.
- e. Lodge a complaint with Equal Opportunities Commission (EOC). In case conciliation fails, the complainant may seek legal assistance from the EOC.
- f. Lodge a complaint to the Education Bureau.
- g. Consult a lawyer, report to the police (if the acts may amount to criminal offences) or file a civil law suit in the District Court.

2. The school will follow the following principles in handling sexual harassment complaints.

- a. 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 cases.
- b. All information and records related to a sexual harassment complaint will be kept confidential and only be disclosed to relevant staff on a need-to-know basis. Under the principle of natural justice, the alleged harasser will be informed about the details of the allegation.
- c. Complaints will be handled promptly because both the complainant and the alleged harasser are under pressure from the sexual harassment complaint case.
- d. The handling procedures related to sexual harassment complaints are incorporated in the school-based complaint policy / sexual harassment policy and make them known to all students, staff, and other workers in the school. For complaints involving students, the school will ensure that the students and their parents understand the rules and disciplinary measures.
- e. Complainants and witnesses will be protected against victimization, e.g. being treated less favorably, including being retaliated (which in itself is an unlawful act of discrimination under section 9 of the Sex Discrimination Ordinance) because of the complaint case.
- f. If the staff who handles the enquiry / complaint case is closely related to the complainant or the alleged harasser (for instance, being relatives), or the alleged harasser is the person-in-charge of handling sexual harassment complaints, the case will be handled by another person.
- g. Whether the complaints are anonymous or not, the school may need to make enquiries and to conduct investigations. If the anonymous complaint involves a minor or a person

with disability, the decision to follow up with the complaint or not should be made more carefully.

- h. Empathise the complainants by making appropriate administrative adjustments. For instance, documenting information thoroughly to avoid asking the complainant to repeat the unpleasant experience to different parties, respecting the complainant's preference in appointing investigators of the same sex to conduct the interview, etc. Complaint case will be handled discreetly to avoid distressing other related parties.

3. **Major procedures for handling sexual harassment complaints**

After receiving a complaint, the school coordinator should take the following procedures to handle the complaint

- a. Activate internal procedures for dealing with complaints of sexual harassment;
- b. Keep all information and records related to the complaint of sexual harassment confidential;
- c. Inform the alleged harasser of the details of the allegation(s);
- d. Tell the complainant and the alleged harasser how the investigation will be conducted and who is responsible for the investigation;
- e. If necessary, make arrangements to avoid contact between the complainant and the alleged harasser during the investigation;
- f. 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;
- g. Interview the complainant; if the complainant is a student, he is entitled to be accompanied by his parents or relatives;
- h. Interview the alleged harasser; if the alleged harasser is a student, he is entitled to be accompanied by his parents or relatives;
- i. Interview or obtain written statements from witnesses in relation to the complaint;
- j. Study the evidence and make decisions;
- k. Prepare a written report and inform the relevant parties of the investigation results in writing;
- l. Seek advice from EOC where necessary
- m. Decide whether or not disciplinary measures or other appropriate actions should be taken.

References :

1. Education Bureau Internal Circular No. 2/2022 on *Guidelines and Procedure for Handling Sexual Harassment Complaints*
2. Education Bureau Circular No. 2/2009 on *Amendment to Sex Discrimination Ordinance (Cap. 480)*
3. *'Develop on Anti-Sexual Harassment Policy for Your School' devised by Equal Opportunities Commission (updated in November 2023)*