

HKCCCU Logos Academy

Preventing and Dealing with Sexual Harassment: Code for Staff

(I) Introduction

Sexual harassment is a civil offence, and some misbehaviour (such as sexual assault, stalking, phone harassment, etc.) may lead to criminal penalty. Each individual should be legally responsible for any behaviour of sexual harassment, including students, staff members, volunteers, contract workers / service providers / representative. Any individual who coerces or instructs another person to sexually harass, or knowingly assists another person to sexual harass (such as being involved in sexual jokes) is also liable for their actions.

(II) Disclaimer

HKCCCU Logos Academy (hereinafter referred to as “the school” or “this school”) shall ensure a working / learning environment free from malpractices/ offences under the Sex Discrimination Ordinance (SDO). This school shall distribute this code to all staff members and see to it that the code will be followed.

According to the SDO, sexual harassment is an illegal practice that affects work and learning. This school does not tolerate any individual who sexually harasses any student, staff member, volunteer, contract worker, service provider, representative or guest. This school stresses that these sexual harassing practices are intolerable, and shall protect the rights of any student, staff member, volunteer, contract worker, service provider, representative or guest so that they, in a non-sexually threatening environment, may learn, perform extra-curricular activities, work or provide services.

This school shall educate and raise the awareness among staff and students on sexual harassment issues and set up a complaint system to ensure a happy, non-discriminating campus. Offenders will be subject to disciplinary actions and/ or summary dismissal.

(III) Definition and Examples of Sexual Harassment

1. Legal definition of sexual harassment

According to the SDO, the legal definition of “sexual harassment” includes the following situations:

A. the person

- (i) makes unwelcome sexual advances, or unwelcome request for sexual favours, to that person; or
- (ii) engages in other unwelcome conduct of a sexual nature in relation to that person;

in circumstance in which a reasonable person, having regard to all the circumstances, would have anticipated that that person would be offended, humiliated or intimidated; or

B. 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. The following are some examples:

- (i) Anyone uses sexually suggestive cartoons in teaching a subject not related to sex.
- (ii) 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.
- (iii) Staff members make sexual jokes or discuss their sex lives within earshot of other staff/students on the school premises.

2. Meaning of Sexual Harassment

There are two types of sexual harassment:

2.1. Quid Pro Quo:

Any sexual harassing practice with aims to obtain sexual favours (such as providing sexual favours in exchange for promotion, pay raise, or passing an exam).

2.2. Sexual hostile environment:

Any verbal or physical sexual harassment that affects the working / learning performance of any individual or creates an offensive, hostile or intimidating working / learning environment.

3. Individuals involved in sexual harassment

3.1. Any staff member is legally responsible for his/her own sexually harassing behaviour. Any sexual harassment towards superiors, superiors-to-be, colleagues, colleagues-to-be, subordinates, subordinates-to-be, be it of whatever motive, is an offence.

3.2. According to the SDO, any individual who knowingly assists another person with sexual harassment should be considered equally responsible for the offence. Any individual who coerces or lures another to sexually harass in exchange for any benefits is also legally responsible.

3.3. Any staff member of this school who sexually harasses a student, student-to-be, or colleague, be it within or outside the campus, be it of the same or different gender, is legally responsible.

3.4. Any contract worker who sexually harasses a student, student-to-be, or colleague, be it within or outside the campus, be it of the same or different gender, is legally responsible.

4. Examples of sexual harassment (from the Equal Opportunities Commission)

4.1. Repeated attempts to make a date, despite being told "no" each time

4.2. Comments with sexual innuendoes, such as of the body, attire, or sexual activities

4.3. Relentless humour and jokes about sex or gender in general

4.4. Sexually suggestive or insulting sounds

4.5. Sexual propositions or other pressure for sex

4.6. Implied or overt threats for sex

4.7. Obscene gestures or inappropriate touching (e.g. patting, touching, kissing or pinching)

4.8. Obscene postures

4.9. Displaying sexually obscene or suggestive photographs or literature

4.10. Relentless phone calls or mails of sexual or private propositions

4.11. Attempts to ravish kisses or fondle another

4.12. Sexual assault or forced sexual intercourse (rape)

* Note: Examples mentioned in 4.4 to 4.12 may constitute criminal offences.

(IV) Complaint System

1. Methods

Any claims of sexual harassment should be reported as soon as possible; the complaint can be either verbal or written. This school shall take action in due course.

1.1 Verbal complaint (informal procedure)

Any individual who thinks or suspects he/she is sexually harassed can verbally complain to the school supervisor, the principal, deputy principals or the complaint

committee appointed by the school management committee (SMC). The complaint will go through an informal procedure.

1.2 Written complaint (formal procedure)

Any individual who thinks or suspects he/she is sexually harassed can deliver a written complaint to the complaint committee appointed by the school. The committee will process the complaint through a formal procedure.

1.3 Anonymous complaint

Any anonymous complaint not traceable will not be dealt with.

1.4 Any individual can also file a complaint with the Equal Opportunities Commission or district courts.

2. Procedures

Any individual who wishes to complain may choose to file their complaint under either the informal or formal procedure based on the severity of the case.

2.1. Informal procedures (for verbal complaints)

The aim of this procedure is to reduce conflict between those involved, fostering an attitude that is open to communication such that those involved may understand the different sides to the issue. This is a fast, flexible and efficient procedure that caters to the feelings and emotions while also protecting the rights and anonymity of those involved.

The procedures are as follows:

- A. The complainant describes the case to the complaint committee member.
- B. The committee member responds correspondingly to the complainant's requests and addresses his/her feelings.
- C. The committee member discusses with the respondent, understanding the case.
- D. The committee member offers solutions.
- E. Before closing the case, the committee member fills in Form A for records.

2.2. Formal procedures (for written complaints)

- A. The complainant delivers a written complaint (Form B-1) to the complaint committee describing the case and provides relevant details.
- B. The committee investigates in accordance with the complaint procedures.
- C. The committee produces a written complaint to the respondent and offers him/her a chance to reply (Form B-2)
- D. The rights and privacy of the complainant and the respondent is well protected in all meetings.
- E. The committee produces a report (Forms B-1, B-2, B-3), comprising detailed description of the case and relevant details, the findings of the investigation, suggestions and solutions.
- F. Any reports are kept confidential but may be used for statistical purposes.

3. Appeal procedures

If the complainant or/and the respondent is/are not satisfied with the decisions by the school supervisor, the principal and the complaint committee, he/she/they may apply to the SMC for appeal. The SMC may make a ruling on the appeal or delegate its authority to an appeal committee to make a ruling. Persons who made the decision under appeal cannot attend and vote at meetings of SMC or appeal committee considering the appeal. If after appeal the individual(s) is/are still not satisfied, he/ she may take the case to the Equal Opportunities Commission or the police.

4. Confidentiality Code

During investigation, all information about the case is kept confidential to protect the rights of those involved. The complaint committee may seek testimonies from other persons (e.g. witnesses, counselling officers, social workers, the Equal Opportunities Commission). Such testimonies will be disclosed to the complainant and the subject to this, the anonymity of such persons and confidentiality of their testimonies are kept strictly.

(Note: The committee, depending on the severity of the case, may keep the principal and/or school supervisor informed of the progress of the complaint, which may include the details of the complaint.)

Any individual who violates the aforementioned confidentiality code may receive a written warning produced by the school.

5. Prevention of Discrimination by way of Victimization

When investigating, this school ensures those involved will not be discriminated by way of victimization to prevent those involved from being treated unfairly, harmed or penalized.

(V) Promotion and Education

1. This school promotes the message of prevention of sexual harassment via:
 - (a) Explication in staff meetings
 - (b) Circulation of policies
 - (c) Distribution of circulars
 - (d) Holding / encouraging staff members to take part in conferences and / or courses. Policies, flyers, booklets and other relevant information will be available in the library, teacher resource rooms and / or other places upon request.
2. The messages include the following:
 - (a) The administration does not tolerate any behaviour of sexual harassment
 - (b) The school ensures that all staff members understand what sexual harassment is
 - (c) The school ensures that all staff members understand what to do when sexually harassed, and that their complaints will receive commensurate treatment, and
 - (d) The school ensures that all staff members will not be unfairly treated because of or become victims to cases of sexual harassment.

(VI) Staff training

1. Staff members who help coordinate and deal with complaints should receive adequate training so as to be more adept at their work in the committee, examples including the following:
 - (a) Understanding: members should be able to define and exemplify sexual harassment, understand the role of power in cases of sexual harassment, understand the reasons behind harassment, be able to spot likely cases of harassment, such as who is prone to harassment
 - (b) Aversion: members should be able to recognize the role of promotion, how to effectively make use of resources available, unofficially monitors the campus, be able to spot signs of harassment and to warn other staff of possible harassment
 - (c) Treatment: members should be able to respond to enquiries, protect the privacy, anonymity of those involved, objectively listen, offer other solutions to sexual harassments aside from official channels, recognize other external bodies who may be of help to those involved (such as the Equal Opportunities Commission).

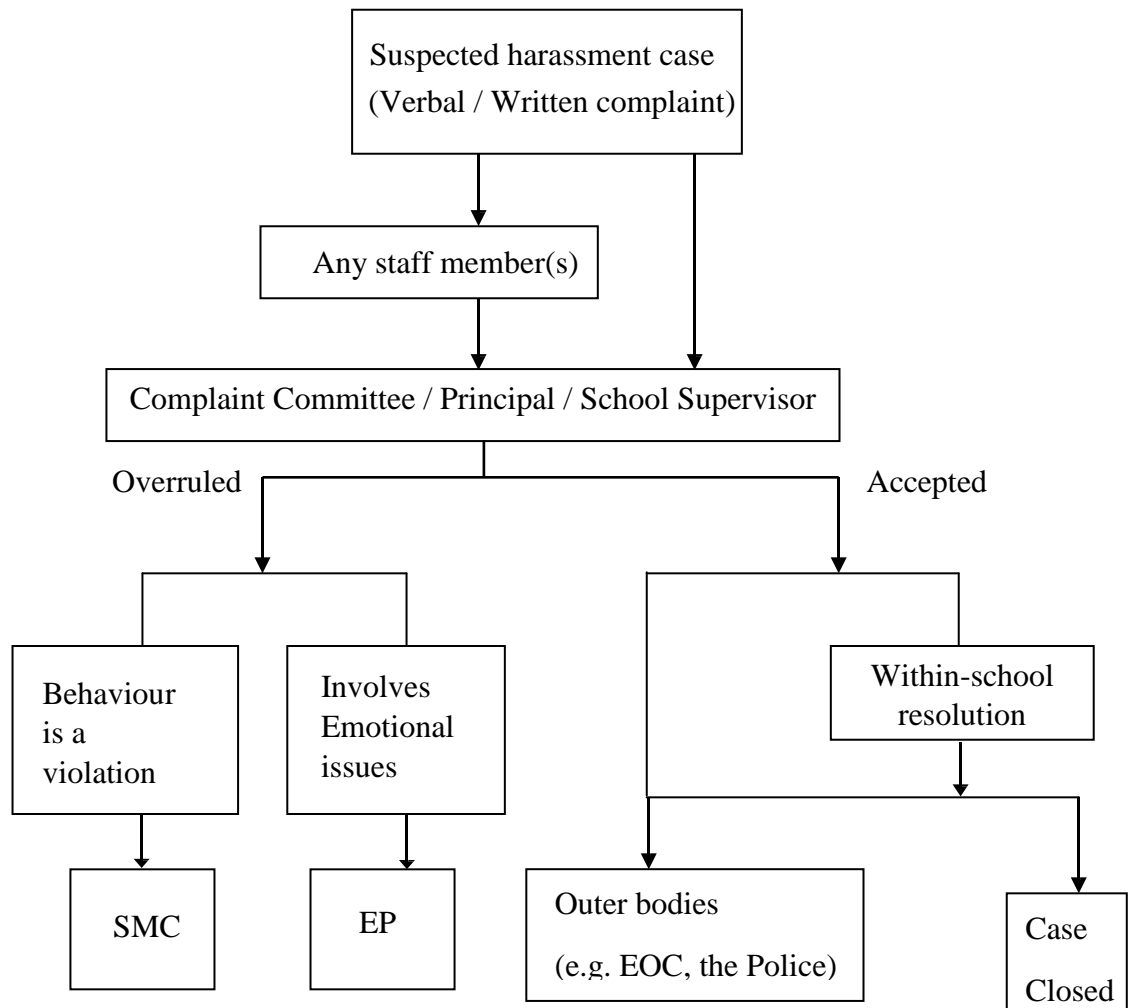
(VII) Executive Committee of Prevention of Sexual Harassment

The committee will review the complaint system from time to time and may revise it if necessary.

Members:

1. Promotion and Education Team;
2. Complaint Committee; and
3. Principal.

Procedures of dealing with Sexual Harassment



Executive Committee of Prevention of Sexual Harassment
Form for Informal Complaint (201__ - __)

Form A

Case No. : _____ Date recorded: _____
Complainant: _____ Sex: _____ Age: _____
Details: Position _____ Class _____

Nature:

Verbal	Offended
Behaviour	Under threatening environment
Discriminatory	Others

Respondent: _____ Sex: M/F
Details: Position _____ Class _____
Date of case: _____

Provide a brief description of what happened.

Findings/ Solutions

Complaint Committee Member: _____

Date: _____

Case number to be entered by the committee.

Executive Committee of Prevention of Sexual Harassment
Form for Formal Complaint (201__ - __)

Form B-1

Case No. : _____ Date recorded: _____
Complainant: _____ Sex: _____ Age: _____
Details: Position _____ Class _____

Nature:

Verbal	Offended
Behaviour	Under threatening environment
Discriminatory	Others

Respondent: _____ Sex: M/F
Details: Position _____ Class _____
Date of case: _____

Provide a brief description of what happened.

I declare that the description above is the whole truth and nothing but the truth.

Signature of Complainant: _____ Date: _____

Executive Committee of Prevention of Sexual Harassment
Form for Formal Complaint (201__ - __)

Form B-2

Form of Respondent

This is my response to case number _____:

My details are as follows:

Name: _____ Class: _____ Age: _____

Details: Position _____ Class _____

Other: _____

I declare that the description above is the whole truth and nothing but the truth.

Name: _____ Date: _____

Executive Committee of Prevention of Sexual Harassment
Form for Formal Complaint (201__ - __)

Form B-3

Form of Records (Complaint Committee)

Case No. : _____ Date: _____

Complainant:	Suspect:
Sex: M/F Age:	Sex: M/F Age:
Position / Class:	Position / Class:

First meeting with complainant / respondent Date: _____
Actions / Findings:

Second meeting with complainant / respondent Date: _____
Actions / Findings:

Third meeting with complainant / respondent Date: _____
Actions / Findings:

Complaint Committee: _____ Date: _____

Final findings and follow-up actions (if any) to be taken (to be completed when the case closes)

Complaint Committee: _____ Date: _____