

Sexual Harassment Policy in Creative Secondary School

1. Introduction

Background:

Following the amendment of Sex Discrimination Ordinance that came into effect on 3 October 2008, a sexual harassment act committed by any person that “creates a hostile or intimidating environment” also applies to educational settings.

It is the responsibility of our school to ensure that all individuals (including all students, staff members, voluntary helpers, contract workers/service providers/agents) are able to study, to conduct extra-curricular activities, to work or to provide / have access to services in a safe and sexual harassment-free environment. Our school, being the employer of the staff concerned, may also be vicariously liable.

We adopt zero tolerance for sexual harassment. Every individual has the right to be respected and be equally treated in our school. The attitude of sexual harassment is discriminatory and unlawful and may lead to disciplinary measures in school and may even entail civil liability and criminal consequences. Once an act of sexual harassment occurs, any person in the right has the right to lodge a complaint.

2. Principles of sexual harassment adopted by school

(i) Objectives and Responsibilities of the school to implement the sexual harassment policy

We have to ensure all students and staff members (including prospective students and staff members) and other persons who provide services to school (including voluntary helpers, contract workers/service providers/agents) are able to study, work, conduct extra-curricular activities or provide/ have access to services in a safe and sexual hostile-free environment.

Our school implements the sexual harassment policy and provides channels for the victim to lodge complaints. We also provide training to train students and staff members in order to raise their awareness of sexual harassment and to nurture the right and proper value of respecting others.

Our school has set up effective channels for lodging complaints, in order to make the complaint mechanism more user-friendly, fair, impartial, confidential and functioning in a serious and discreet manner.

(ii) Obligation and Responsibility of all Staff Members and Students in school

All staff members and students have the obligation and responsibility to prevent and eliminate sexual harassment, including respecting the will and feeling of others, refusing to tolerate any sexual harassment behavior, and supporting co-workers/students to take reasonable steps to stop sexual harassment.

Any students /staff member can lodge a complaint with the panel/staff member responsible for handling sexual harassment complaints if that student/staff member witnessed any other student/staff member committing a sexual harassment act or was sexually harassed.

3. Definition of Sexual Harassment

What is meant by “sexual harassment”?

According to the Sex Discrimination Ordinance (SDO), the legal definition of “sexual harassment” includes the following situations:

(a) any person

(i) makes unwelcome sexual advances, or unwelcome request for sexual favors, to another person; or

(ii) engages in other unwelcome conduct of a sexual nature in relation to that other 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

any person, either alone or together with other persons, engages in a conduct of a sexual nature which creates a hostile or intimidating environment for another person.

(b) any person, either alone or together with other persons, engages in a conduct of a sexual nature which creates a hostile or intimidating environment for another person.

4. Mechanism for handling sexual harassment complaints in school

The school would allow the complainant to lodge a formal or informal complaint.

(i) Informal sexual harassment complaints should be handled with an informal procedure. Generally speaking the informal complaint handling mechanism is an appropriate way for handling minor and single incidents rather than serious and repeated acts of sexual harassment. Its primary concern is to respond to the complaint, to understand the complainant's case, to communicate openly with the alleged harasser in a flexible and efficient manner, and respect the privacy and the human rights of both parties.

(ii) If the complainant lodges a formal complaint with written information, an adhoc Panel is set up by the school Principal and composed of almost equal numbers of both sexes to handle the sexual harassment complaint. The panel will be chaired by a senior member of staff and will formally investigate the case according to the written information; at the same time a copy of the written complaint should be passed to the alleged harasser for reply and information. During the period of investigation, the privacy of both the alleged harasser and the complainant should be well protected.

(iii) Anonymous complaints will not be handled.

(iv) During the process of investigation, the alleged harasser and the complainant's identity should not be revealed. The panel will seek advice from relevant parties such as counselor, social worker, officer from EOC etc. Any person violating the privacy ordinance will be sent a written warning.

(v) During the period of investigation, the school should take measures to prevent the complainant being offended

(vi) A written report should be prepared by the Panel and the investigation result, the consideration of the case and the disciplinary consequence recommended should be made known to both the complainant and the alleged harasser, and passed on to the school principal for decision.

5. The appeal mechanism

If one party does not accept the investigation result, as a principle of natural justice, appeals to a more senior level of school management, the school Board of Directors, should be allowed.

The school may consider referring such cases to the police.

6. Time bar for lodging a complaint

There is a time bar for lodging a complaint with the school. If the person who is sexually harassed intends to lodge a complaint with the school, he / she should take action within 2 months after the incident has occurred. Delayed complaints with justifiable reasons would be handled at the school's own discretion.

7. Disciplinary Measures

The investigation result of the Panel should state the specific disciplinary measures to which sexual harassment acts could lead and what disciplinary measure is recommended, for instance, making apologies, attending counseling sessions, paying compensation, being dismissed, etc. The recommendation will go to the Principal for decision.

If the case involves any students, the students and their parents should be informed of all the related regulations and disciplinary measures.

8. Measures for preventing sexual harassment

(i) Education and Training

The sexual harassment policy should be made available and explained to all students and staff members. Notices of the policy should also be posted on campus.

The policy should be uploaded to the school intranet so that student and staff members can have access to the policy at any time.

(ii) An executive committee of sexual harassment will be set up and report directly to the Principal. This committee will be chaired by a Vice Principal and consist of 3 to 5 members. It will set a period of one year to implement and review the policy, and revise the policy as required.

In the event of any discrepancy between the text of Chinese version and English version, the English version shall prevail.