

HKUGA Primary School

Policy for Preventing Sexual Harassment in School

1. Objectives:

HKUGA Primary School (hereafter referred to as "the School") is dedicated to creating a harmonious working and learning environment. The School absolutely prohibits any staff members (including contracted staff), parents, or students from engaging in any acts of sexual harassment.

The School has a responsibility to provide a work and learning environment free from sexual harassment. The "School Crisis Management Team" (abbreviated as "SCMT") has been established to provide guidance and assistance to staff and students. The members of the "Crisis Management Team" (supporting members) include the Principal, Vice Principal, Senior Teachers, and School Administrative Officer and social worker. According to the School's "Policy for Preventing Sexual Harassment in School" and procedures, team members may be appointed to participate in the investigation of sexual harassment complaints. Sexual harassment may result in civil or criminal liability for the perpetrator. Any individual engaging in behavior deemed sexual harassment is subject to disciplinary actions.

2. The Sex Discrimination Ordinance (SDO) clearly states:

- 2.1 In the employment context, any employee sexually harassing another employee (which may include contracted workers, agents or anyone seeking employment) is illegal (Section 23).
- 2.2 In an educational institution, any school staff member who sexually harasses a student or prospective student, or any student who sexually harasses school staff, or any student who sexually harasses another student or prospective student, is illegal (Section 39).
- 2.3 Any person who instructs, encourages, or attempts to encourage another person to sexually harass a third party is also illegal (Section 44).
- 2.4 Any person who knowingly assists another in committing an act of sexual harassment shall be regarded as having committed the same illegal act (Section 47).

3. Definition of Sexual Harassment

According to the Sex Discrimination Ordinance (Chapter 480) Section 2(5), the legal definition of "sexual harassment" includes the following situations:

- 3.1 Victims of sexual harassment can be male or female.
- 3.2 Sexual harassment includes unwelcome physical, visual, verbal, or non-verbal behavior of a sexual nature directed at another person that causes the victim to feel offended, humiliated, or intimidated, or creates a hostile or intimidating environment for the victim.
- 3.3 Unwelcome behavior does not need to occur multiple times or continuously; a single incident is sufficient to constitute sexual harassment.

4. Prohibited Behaviours

Prohibited behaviors encompass all unsolicited, unwelcome, and sexually suggestive contacts, including:

- 4.1 Written contact, such as sexually explicit or obscene letters, faxes, emails, texts, notes, and invitations.
- 4.2 Verbal contact, such as sexually suggestive or obscene remarks, questions, requests, threats, slanders, descriptions, jokes, demands, and whistling.
- 4.3 Physical contact, such as intentional touching, hugging, kissing, pinching, lightly touching another person's body, touching or manipulating another's clothing, blocking someone's path, ambushing, or forcing someone to engage in sexual acts.
- 4.4 Eye contact, such as lewdly looking at or staring at another person's body, displaying sexual items, pictures, cartoons, posters, or magazines.
- 4.5 Sexual harassment also includes continuing to discuss sexual or current affairs topics that have been directly indicated as unwelcome or using sexual behaviors to control or influence staff members' careers, salaries, or work environment, or to disrupt students' performance or enjoyment in a learning environment.

5. Personal Rights

If you experience sexual harassment or feel uncomfortable due to someone else's words or actions, you should:

- 5.1 Say "no"! Make it clear to the harasser that their behavior is unacceptable and must stop.
- 5.2 Even if the other party claims no malice, the victim should express feeling offended.
- 5.3 Document all details of the sexual harassment incident: including location, date, time, witnesses, nature of the incident, and personal reactions.
- 5.4 Tell someone you trust or seek help from the "School Crisis Management Team."

6. Responsibilities of School Members

If a teacher witnesses an act of sexual harassment, even if not personally involved, they should seek guidance or assistance from the "School Crisis Management Team" supporting members, who are the Vice Principal.

In cases of sexual harassment, individuals often wish to confide in someone and seek support. Regardless of being a supervisor, teacher, colleague, or classmate, the response of school members is crucial.

- 6.1 Listen seriously to every allegation, even if it initially seems not to be a sexual harassment case.
- 6.2 Help the complainant feel relaxed and calm.
- 6.3 Gather details of the incident, including individuals involved, nature of the incident, date, time, and location.
- 6.4 Ensure the complainant knows that the matter will be kept confidential and disclosed only to appropriate parties as necessary.
- 6.5 Take immediate action to understand how the affected employee/student wishes to handle or resolve the incident.

7. Complaints of Sexual Harassment

- 7.1 Complaints of sexual harassment can be classified as formal or informal, depending on whether an investigation is warranted.
- 7.2 The method of handling will depend on the complainant's wishes.
- 7.3 The complainant should submit a complaint in writing or verbally to a designated member of the "School Crisis Management Team" or the Principal within 12 months of the occurrence of the sexual harassment behavior.

8. Complaint Handling Procedures

8.1 Handling "Informal Complaints"

- 8.1.1 Generally, the primary purpose of "informal complaints" is to make the relevant person stop their sexually harassing behavior, rather than to investigate the incident.
- 8.1.2 "Informal complaints" are more suitable for handling minor or isolated harassment incidents.
- 8.1.3 The method of handling is entirely at the discretion of the victim ("the harassed"). If they find certain behaviors unacceptable, they can attempt to resolve the issue themselves by clearly explaining to the individual that such behaviors are unwelcome, offensive, and affect their performance.
- 8.1.4 Anyone who has experienced sexual harassment or bullying may seek confidential assistance from the "supporting members" of the school's "School Crisis Management Team."
- 8.1.5 If the victim feels it is too difficult or embarrassing to handle the harassment themselves, they may request the "supporting members" to arrange a meeting including both the victim and the relevant individual, or the victim may authorize the "supporting members" to approach the relevant individual on their behalf.
- 8.1.6 Contact between the "supporting members" and the victim will be treated as strictly confidential, with records kept for work purposes and reports made to the Principal or the School Supervisor; no information will be disclosed to any other parties.
- 8.1.7 The victim can tell anyone they trust, such as a teacher, colleague, or work partner, for emotional support and advice.

- 8.1.8 The goal of handling "informal complaints" is to help the victim resolve the issue, hence no formal internal investigation or disciplinary action will be initiated.
- 8.1.9 If the resolution of an "informal complaint" is inappropriate or the outcome is unsatisfactory to the victim, they may make a "formal complaint" to the Principal. If the subject of the complaint is the Principal, the victim may make a "formal complaint" to the School Supervisor.

8.2 Handling "Formal Complaints"

Preliminary

- 8.2.1 The "supporting members" will assist the victim in preparing their complaint and may accompany them to any meetings. All complaints will be thoroughly and swiftly investigated. The investigation will be conducted by the "School Crisis Management Team" or a group appointed by the Board of Directors, independently and objectively. Team members should include individuals not involved in the incident (when it involves school employees) and at least of the same rank/status as the accused harasser. The investigation should, as far as possible, be completed within four weeks of the complaint being filed.
- 8.2.2 The investigation team must remain vigilant to ensure the rights of both the complainant and the accused harasser are respected and protected.
- 8.2.3 The investigation team must reiterate the importance of confidentiality to all participants in meetings; any involved parties are strictly prohibited from discussing the complaint with colleagues, friends, or peers; violations of confidentiality will result in disciplinary action.
- 8.2.4 If a suspected sexual harassment case involves students or children, it must be handled with caution. Regardless of whether the complaint is anonymous, an investigation must still be conducted, and students and parents must be informed of the relevant rules and possible disciplinary actions.
- 8.2.5 If the complainant or accused harasser is a student, they must be accompanied by a parent or relative during meetings.

During Handling

- 8.2.6 The investigation will focus only on the facts of the complaint. Records must be kept at every stage of the investigation. Individuals will not be asked to recount unnecessary, embarrassing, or awkward details.
- 8.2.7 During the investigation, efforts will be made to arrange for the complainant and the accused harasser not to work together or be in the same class. If the complainant/victim is a student, arrangements will be made to prevent contact with the harasser.
- 8.2.8 The complainant will be informed of the general investigation procedures, notified whether the complaint is substantiated, and whether disciplinary action is required.
- 8.2.9 The School will ensure, as far as possible, that the complainant and any individuals assisting in handling the complaint will not be disciplined directly or indirectly because of the incident. The investigation process will be closely monitored to ensure that the harassing behavior has been stopped. If the School receives complaints of retaliation against the complainant or individuals assisting in handling the complaint, an investigation will be immediately conducted, and if substantiated, disciplinary action will be taken. Note: Complaint handling flowchart (p.8 of this Policy).

Follow-up

- 8.2.10 Any complaint found to lack factual basis and integrity, such as defamatory allegations against others, will be treated as an offense, and the complainant will be subject to disciplinary action.
- 8.2.11 Even if the complaint is not substantiated, for example, if the evidence is not convincing, appropriate arrangements may be considered to avoid violating the wishes of either party, such as ensuring both parties do not continue to work together or teach the same class.
- 8.2.12 Either the complainant or the accused harasser dissatisfied with the investigation results may submit a written appeal to the Board of Directors.
- 8.2.13 If the victim considers their harassed behavior a criminal offense (e.g., sexual assault), they have the right to seek assistance from "supporting members" to accompany them in filing a formal complaint with the police or the Equal Opportunities Commission, or to provide assistance regarding their needs.

9. Disciplinary Actions

Any employee or student found to violate the school policy for preventing sexual harassment, once substantiated, will face appropriate disciplinary actions by the School, including reprimands, warnings, recorded violations, suspension or expulsion. If the investigation confirms the sexual harassment behavior, the harasser will be held legally accountable under anti-discrimination laws or other laws.

10. Preventing Sexual Harassment and Ongoing Monitoring

10.1 The School is committed to creating a work and learning environment free from sexual harassment for staff and students. The School will take all reasonable steps, including providing training for students and staff and distributing this document annually to staff, to ensure strict enforcement of the sexual harassment prevention policy for all students, staff, parents, volunteers, contracted employees, service providers, agents, and visitors.

<http://www.hkugaps.edu.hk/...> *(This document will be put on our school webpage after this Policy is approved. A hyperlink of this document would be shown in this section.)*

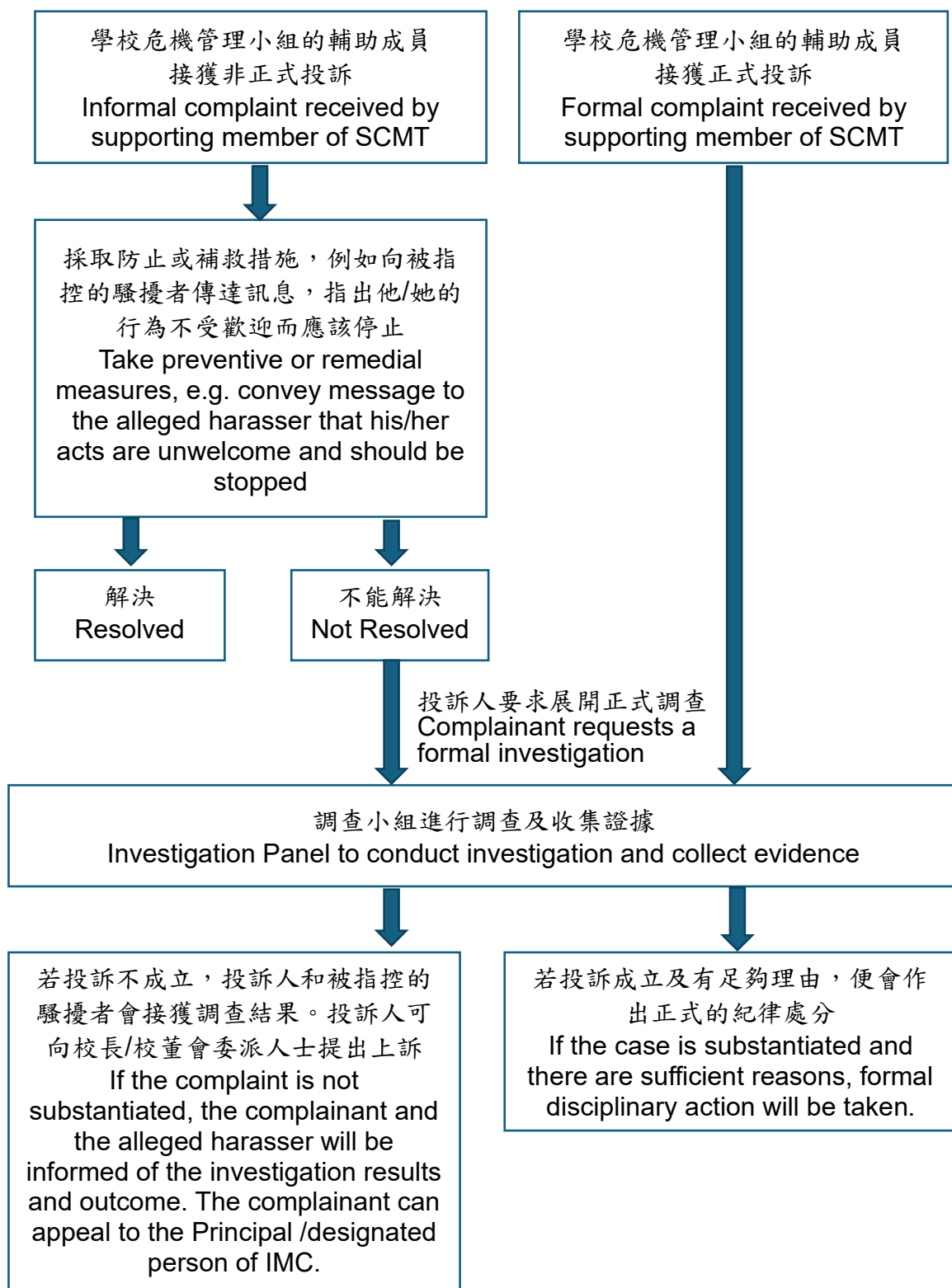
10.2 All details of "formal complaints" will be verified by the Principal or Supervisor and reported to the Board of Directors.

10.3 This policy will be reviewed periodically by the Board of Directors to ensure that all procedures are effectively implemented to prevent sexual harassment on campus.

10.4 The School will regularly monitor the effectiveness of the complaint mechanism and welcome suggestions for improvement from all stakeholders.

處理有關性騷擾投訴程序流程圖

SEXUAL HARASSMENT COMPLAINTS HANDLING PROCEDURE



Approved by IMC on 17 July 2014
Reviewed by GRSC of IMC on 12 Feb 2025