

Valtorta College
Policy on Preventing Sexual Harassment

1. Introduction

Our school is committed to promote diversity and equality in which all individuals are treated with respect and dignity. Since sexual harassment is intimidation, bullying or coercion that degrades the harassee as well as intolerable for individuals, it is an unlawful act which is not allowed to occur. If it occurs, it will be taken very seriously as the school is committed to eliminating and preventing sexual harassment.

2. Legal Definition of Sexual Harassment

According to Sex Discrimination Ordinance (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 circumstances 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.

3. Examples of Sexual Harassment in Schools

Without limiting the legal definition of sexual harassment, the following behaviour can be regarded as sexual harassment:

- Uninvited physical contact or gestures.
- 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.

4. Examples of Creating Sexually Hostile or Intimidating Environment in School

An individual behaviour does not need to be directly or consciously targeted at an individual student or staff members, can create a sexually hostile or intimidating environment. This form of behaviour does not limit to the display of explicit or pornographic materials, sexual banter, crude conversation, and sexually offensive jokes or activities.

The following are some scenarios of creating a hostile or intimidating environment in schools:

- Anyone uses sexually suggestive cartoons 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.

5. Measures to Prevent Sexual Harassment

The following are measures the school has taken to educate, raise the understanding and awareness of teachers, students and parents on sexual harassment:

For teachers

- Provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction.

- Distribute the policy statement to staff for discussion/reinforcement at staff meetings at regular intervals.
- Include the procedure and guidelines for reporting/receiving and filing of complaints in the staff handbooks and contracts with service providers.
- Post notices to disseminate related information.
- Conduct awareness raising sessions for general staff on sexual harassment issues and encourage the persons/teachers appointed for handling sexual harassment complaints to receive appropriate training to enable sensitive treatment of such cases.

For students and parents

- On the first day of this academic year, class teachers highlighted to their students the school's determination to prevent sexual harassment and handle complaints.
- A sheet encapsulating the school's policy was also posted on the notice board of classrooms.
- "Questions and Answers on Preventing Sexual Harassment in Schools", co-authored by the Equal Opportunities Commission and Education Bureau, has been uploaded to the school's webpage.
- Promulgate the school policy, the handling procedures and the related discipline actions on sexual harassment to students and their parents via students' orientation programmes, assemblies, briefing sessions, parent-teacher association, notices, circulars, student handbooks, intranets and seminars, etc.
- Consider incorporating the topic of sexual harassment into sex education programmes, class teacher period and Life Education lessons, so as to help students develop positive values and attitudes, teach them proper behaviour for coping with interpersonal relationships, arouse their awareness on sexual harassment and remind them to seek help when necessary.

6. Handling of Sexual Harassment Complaints

Mediation, complaint investigation and appeal are three processes available to students, staff members and other employees through the Sexual Harassment Panel.

The **Sexual Harassment Panel** consists of three teachers of different genders who have sensitivity to sexual harassment matters and of good standing, with one member appointed as the Convenor; and a non-staff member to be nominated by the school Supervisor.

The responsibilities of the Panel include:

(1) Informing

- individuals of available options and their right to lodge complaints with the Equal Opportunities Commission and to take court action;
- all parties involved the actions to be taken according to the prevailing staff/student rules and regulations of the school, if the complaint constitutes sexual harassment; and
- the individual who would like to initiate an investigation that a written complaint will be required and that the complaint, including the identity of the complainant, will be disclosed to the complainee.

(2) Conducting mediation or investigation on filed complaint through a team of at least two panel members to be appointed by the Convenor of the Panel.

(3) Maintain records of complaints, reports, and subsequent management action in conformance with confidentiality.

7. Appeal

The complainants or complainees are entitled to appeal against the findings and recommendations of the final report within a period of one week after receipt of the report. The decision of the Panel will be made as soon as possible upon receipt of the appeal.

8. School's Disciplinary Measures

If it can be demonstrated that an act of sexual harassment has been committed and the conduct of a student or staff of the school warrants disciplinary actions, the school authority is entitled to invoke the relevant disciplinary procedures and take suitable disciplinary actions against the student or staff concerned.

9. Right to Lodge a Complaint with EOC and to Take Court Action

It should be noted that the complainant has the right to lodge a complaint directly with the Equal Opportunities Commission (EOC) or to take civil action in the District Court of Hong Kong.

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