

## **Evangel College Anti-Sex Harassment Policy**

### **1. Legal Definition of Sexual Harassment**

- 1.1 According to Section 2(5) of the Sex Discrimination Ordinance (SDO) (Cap. 480),  
“For the purposes of this Ordinance, a person (howsoever described) sexually harasses a woman if the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to her; or engages in other unwelcome conduct of a sexual nature in relation to her, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that she would be offended, humiliated or intimidated; or the person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for her.”
- 1.2 According to Section 2(8) of the Sex Discrimination Ordinance (SDO) (Cap. 480),  
“A provision of Part 3 or 4 framed with reference to sexual harassment of women shall be treated as applying equally to the treatment of men and for that purpose that provision, and subsections (5) and (7), shall have effect with such modifications as are necessary.”

### **2. Anti-sexual Harassment Committee**

- 2.1 The school makes every effort to maintain a sexual harassment free environment and so sets up the Anti-sexual Harassment Committee.
- 2.2 The members of the Anti-sexual Harassment Committee are as follows
- Convener: The Principal (1 person)
  - Deputy Convener: Vice-Principal / Assistant Vice-Principal (2 persons)
  - Promotion & Education: Teachers-in-charge of Student Guidance in the primary and secondary section (2 persons)

- Social Worker: A male and a female social worker (2 persons)
- Secretary: Secretary of the SMC (1 person)

### 3. Education regarding anti-sexual harassment

- 3.1 At the beginning of the school year, explain to all students, parents, teaching and non-teaching staff the Policy of Anti-sexual Harassment of the school.
- 3.2 Explain the Anti-sexual Harassment Policy to all students, newly employed staff, student teachers, substitute teachers, coaches, voluntary workers and workers of outsourced service providers.
- 3.3 The concept of anti-sexual harassment is introduced into class climate building. Classes are taught at the beginning of school year to keep sexual harassment free from the classroom. They are taught deliberately the Chinese cultural quotation and Biblical verses. Class Teachers are reminded to review with Class Committees to monitor and respond to cases of sexual harassment, if any, and nip them in the bud.
- 3.4 The school adopts the Mediation Approach to hold the harasser, if any, responsible, educate and mentor him/her to take preventive and proactive measures to correct his/her mistakes.
- 3.5 Invite external parties to organize anti-sexual harassment activities for primary students annually.
- 3.6 Upload the Anti-sexual Harassment Policy to the school's website.
- 3.7 The goals of anti-sexual harassment are as follows:
  - 3.7.1 Increase the awareness of the stakeholders to anti-sexual harassment.
  - 3.7.2 Educate stakeholders about the ways of coping with and handling sexual harassment.

#### 4. Measures of prevention of sexual harassment at school

4.1 Execute the Sexual Conviction Record Check on employing new staff.

4.2 Advise staff members the ways and rules of getting along with students.

#### 5. Complaints, Mediation, Investigation & Appeal

##### 5.1 Complaints

5.1.1 If any of our staff members or students (a) is sexually harassed by another staff member or students, (b) witnesses a teacher or student sexually harasses another staff member or student, (c) is authorized by the victim of sexual harassment, he/she may inform the Vice-principal/ the Principal. The Principal will then convene the meeting of the Anti-sexual Harassment Committee to handle the matter promptly.

5.1.2 On receiving complaints, the Anti-sexual Harassment Committee needs to meet the person who makes the complaint (the complainant) as soon as possible. If the complainant is a student, his/her parent(s)/guardian(s) should also be met. On meeting the complainant, (a) the right of the complainant, (b) the procedure of mediation, investigation and making appeal and (c) the support and counseling provided to the complainant should be explained clearly.

5.1.3 The complainant may ask for mediation or investigation through the Anti-sexual Harassment Committee which reports directly to the School Supervisor.

5.1.4 If the complaint is under investigation by the police or undergoing criminal or civil procedure in the court, the school will suspend the mediation or investigation concerned. If investigation by the police or the civil procedure in the court is given up, discontinued, stopped or completed, the Anti-sexual Harassment Committee may resume the mediation or investigation.

## 5.2 Mediation

- 5.2.1 In case of an individual and minor case of suspected sexual harassment, the Anti-sexual Harassment Committee, with the consent of the complainant and the party being complained, will resolve the complaint through mediation.
- 5.2.2 If the complainant is a student, a parent/ guardian/ close relative may accompany the student in the mediation process so as to protect the interest of the complainant.
- 5.2.3 The Anti-sexual Harassment Committee should appoint two members (one male, one female) to handle the mediation.
- 5.2.4 The mediation should be completed within 40 days after receiving the complaint. With legitimate reason(s) and the consent of the complainant and the party being complained, the Anti-sexual Harassment Committee may extend the time of mediation.
- 5.2.5 If the complaint cannot be resolved within the aforesaid period or one of the parties gives up resolving the matter through mediation, the complainant may continue the complaint in the following ways.

## 5.3 Formal Investigation

- 5.3.1 The Anti-sexual Harassment Committee will only conduct investigation of complaints of sexual harassment made by parties below.
- 5.3.1.1 Our student or teacher who is sexually harassed by another teacher, student of our school or a staff member of the our out-sourced service provider;
- 5.3.1.2 Our student or teacher who witnesses another student or teacher of our school harasses another person; or
- 5.3.1.3 Our staff member authorized by our teacher being sexually harassed; or the parent/the guardian of our student who is sexually harassed by our student/ teacher.

5.3.1.4 An applicant of our working post or a student who is to be admitted to our school in the following academic year being sexually harassed by our staff member/ student.

5.3.2 Unless the complaint is undergoing mediation conducted by our school, criminal or civil procedure, the Anti-sexual Harassment Committee will launch a comprehensive, fair and just investigation immediately on receiving the request for investigation by the complainant.

5.3.3 If necessary, the Anti-sexual Harassment Committee will invite another school board member to join the investigation.

5.3.4 In the process of investigation,

5.3.4.1 The party being complained will receive a copy of the complaint letter and will be given opportunities to respond to the complaint.

5.3.4.2 The complainant, the party being complained, witnesses or other persons related to the complaint will be met by the Anti-sexual Harassment Committee individually, separately and confidentially. They don't need to respond other parties other than the Anti-sexual Harassment Committee.

5.3.4.3 With the consent of the Anti-sexual Harassment Committee, any party who attends the investigation meeting may be accompanied by another person. Generally speaking, the witness is not a suitable person to accompany any party to attend the investigation meeting. On applying to the Anti-sexual Harassment Committee for a companion to attend the investigation meeting, the party concerned needs to provide information which includes the name and occupation of the companion and the reason(s) for requesting for a companion. The Anti-sexual Harassment Committee will vet the application. In case that a third party is approved to accompany any party to attend the investigation meeting, he/she is not allowed to respond in the investigation meeting. If the complainant is a student, the parent/guardian will automatically be allowed to accompany the student to attend the meeting.

5.3.4.4 The complainant or the party being complained should present related documents or evidence to facilitate investigation.

5.3.4.5 All verbal presentation in the investigation meeting will be recorded and filed.

#### 5.3.5 Investigation Report

5.3.5.1 The Anti-sexual Harassment Committee will write the investigation report. An investigation report should include the following:

5.3.5.1.1 The matter under investigation

5.3.5.1.2 The accusation made by the complainant

5.3.5.1.3 Evidence that support(s) the accusation

5.3.5.1.4 The response(s) of the one being complained

5.3.5.1.5 Evidence that refute(s) the accusation

5.3.5.1.6 The fact discovered after investigation

5.3.5.1.7 The validity of the complaint

5.3.5.1.8 Any suggested follow-up action(s)

#### 5.4 Post-investigation or Appeal Procedure

5.4.1 The Anti-sexual Harassment Committee needs to send the investigation report to both the complainant and the party being complained.

5.4.2 The complainant and the party being complained may respond or appeal in writing to the Anti-sexual Harassment Committee.

5.4.3 Based on the written responses or reason(s) for appeals, the Anti-sexual Harassment Committee will review the investigation report. Both the investigation report and the reason(s) of making appeal should be sent to the Principal for consideration.

5.4.4 The Principal needs to decide if the final investigation report is accepted partly, fully or rejected. Before making final decision, the Principal may ask the Anti-sexual Harassment Committee to clarify or provide more information.

5.4.5 The adjudication of the Principal is final. The result in writing should be sent to the complainant and the party being complained.

#### 5.4.6 The Time of Making Complaints

5.4.6.1 Generally speaking, the complaint can be made before either of the following dates:

5.4.6.1.1 Within 90 days after the person is sexually harassed or the person who knows the sexual harassment; or

5.4.6.1.2 Within 30 days after the mediation has been completed or discontinued.

5.4.6.2 Unless the Anti-sexual Harassment Committee agrees to extend the time of handling, the whole investigation period should not exceed 80 working days from the day of receiving written complaint to the day of submitting the investigation report.

5.4.6.3 After completing the investigation report, the Anti-sexual Harassment Committee should send the report and suggestions to the complainant and the party being complained within 15 working days.

5.4.6.4 After receiving the investigation report and suggestions, the complainant or the party being complained may respond or appeal in writing within 15 working days.

5.4.6.5 After receiving the response or appeal in writing, the Anti-sexual Harassment Committee needs to submit the investigation report, the responses and/or reasons for appeal to the Principal in 15 working days.

5.4.6.6 After receiving the report, responses and the reasons for appeal, the Principal needs to consider all substantiations to make the adjudication

5.4.6.7 With legitimate reasons, the Anti-sexual Harassment Committee may accept complaints after the deadline of making complaints.

## 5.5 Confidentiality

5.5.1 In the process of mediation or investigation, the school should make every effort to keep everything confidential and protect the privacy of all parties concerned.

5.5.2 In the process of mediation, investigation or appeal, all documents need to be kept confidential. However, if the complaint is under criminal investigation or procedure in the court, the school needs to provide essential parts of the documents for criminal investigation or procedure in the court. If there is obvious reason to believe that the case of sexual harassment has created or will create serious harm to the complainant and other parties or the school is liable for case, the school may need to get the third party informed (e.g. reporting crime).

## 5.6 Conflict of Interest

5.6.1 Any party which has actual or potential conflict of interest on handling the case must declare the conflict of interest and be abstained from handling the case.

## 6. Disciplinary Action

6.1 If the complaint is valid, after thorough discussion of the Personnel Subcommittee, suitable disciplinary action should be made – verbal warning, written warning, non-renewal of contract, immediate dismissal or reporting to the police.

## 7. The Right of Making Complaints to the Equal Opportunities Commission or Initiating Procedure in the Court



- 7.1 The handling of complaints by the school will not affect the right of the complainants to make complain to the Equal Opportunities Commission, to initiate civil procedure in the court, or to report the case to the police or other investigation institution.
- 7.2 According to the Sex Discrimination Ordinance, if any case of sexual harassment is not reported to the Equal Opportunities Commission within 12 months, the Equal Opportunities Commission may refuse launching investigation about the case; if the complainant wants to initiate the civil procedure in the court, he/she should do so within 24 months.
- 7.3 If the complainant wants to initiate procedure in the court, he/she is advised to do so within the suggested time period. If the complainant reports the case to the police, the Anti-sexual Harassment Committee will make every effort to cooperate with the police and the complainant.

## 8. Review of Policy

- 8.1 This Policy will be reviewed every 6 years.

## 9. Version of Policy

- 9.1 The English version of this Policy is for reference only and if there is any conflict between the English and the Chinese version, the Chinese version shall prevail.

## 10. The Date of Commencement

- 10.1 This Policy shall take effect on 29-03-2022. Any amendments to this document shall require approval of the SMC.

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