

The Salvation Army Schools Anti-Sexual Harassment Policy

I Introduction

1. According to the Education Bureau Circular No. 2/2009, the amendments made in the definitions of “sexual harassment” under the Sex Discrimination Ordinance (SDO) (Cap. 480) by which a conduct of a sexual nature that creates a hostile or intimidating environment has been extended to cover educational settings. The amendment to the SDO came into effect on 3 October 2008. Hence, it is the responsibility of the Army Schools 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 or work or provide services in a safe and sexually hostile-free environment.

2. The Army Schools are Christ-centred educational institutions with an emphasis on cultivating personal spirituality and moral education. Sexual harassment will not be tolerated in our Schools. It not only brings disgrace to the working and learning environment, but also causes harm to the victims’ mental and psychological health, confidence, morale and academic or work performance. Hence, it is the responsibility of the Army Schools to ensure that all individuals (including all students, staff members, voluntary helpers, contract workers/ service providers/ agents/ visitors) are able to study, to conduct extra-curricular activities or work or provide services in a safe and sexually hostile-free environment. Any form of sexual harassment against any student/ staff member/ parent/ voluntary helper/ contract worker/ service provider/ agent/ visitor is unacceptable. The Army reaffirms that sexual harassment will not be tolerated in our Schools, and ensures that all students/ staff members/ parents/ voluntary helpers/ contract workers/ service providers/ agents/ visitors have the right to be free from sexual harassment. Sexual harassment is an unlawful act. Sexual harassment if and when it occurs, any person of the School has the right to launch a complaint. The Army Schools will not tolerate any forms of sexual harassment in their campuses.

II Legal Definition of Sexual Harassment and Related Examples

1. Legal Definition of Sexual Harassment

According to Section 2(5) of the Sex Discrimination Ordinance (SDO) (Cap. 480), the legal definitions of “sexual harassment” include the followings:

- a. “A person sexually harasses a woman if the person -
 - i. makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to her; or

- ii. 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
- b. the person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for her.

Sections 2(7), 2(8), 9, 23 and 39 of the SDO are also related to sexual harassment. The full text of the SDO can be obtained at the Department of Justice's website (www.legislation.gov.hk).

2. The following are some examples of sexual harassment acts:

- a. Uninvited physical contact or gestures
- b. Unwelcome requests for sex
- c. Sexual comments or jokes
- d. Intrusive questions or insinuations of a sexual nature about a person's private life
- e. Displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars
- f. Unwanted invitations
- g. Offensive communications of a sexual nature (letters, phone calls, faxes, e-mail messages, etc.)
- h. Staring or leering at a person or at parts of his/her body
- i. Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her
- j. Touching or fiddling with a person's clothing e.g. lifting up skirts or shirts, or putting hands in a person's pocket

3. "A hostile or intimidating environment" (Campuses)

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

- a. Anyone uses sexually suggestive cartoons in teaching a subject not related to sex.
- b. 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.
- c. 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.
- d. Staff members make sexual jokes or discuss their sex lives within earshot of other staff/ students on the school premises.
- e. 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.

III Preventive measures against sexual harassment

1. Staff members:
 - a. The Army's staff members are a team of professionals. To establish safe campuses of the Army's Schools and prevent them from becoming "a hostile or intimidating environment", fellow staff members should browse the Equal Opportunities Commission (EOC) webpage (www.eoc.org.hk) and the following resources:
 - i. "A Mission for Equal Opportunities" – to get to know what sexual harassment is, and learn how to prevent sexual harassment.
 - ii. EOC launches an on-line self-learning training module on sexual harassment (2007) at <http://www.eoc.org.hk:8080/shoncampus> to enhance teachers and students' understanding of sexual harassment.
2. Students:
 - a. The Army Schools always put much importance on sex education. Every year, our Student Counselling Teams organise sex education activities for all students, with an aim to encourage students to respect and care about others, raise their awareness on sexual harassment acts, and remind them to seek help in times of need. The Army Schools will continue to implement the abovementioned measures.
 - b. The Army Schools place a major emphasis on the work of student counselling. Our Student Counselling Teams, social workers and staff members will offer assistance to students who are uneasy or complain about "sexual harassment" as in any other situations.
 - c. Formulate notices on relevant issues to parents.
3. Others:
 - a. Upon entering a contract with all staff members/ contract workers/ service providers/ agents, the Schools will notify the other party in writing that sexual harassment is prohibited and would not be tolerated.
 - b. Develop and implement school-based policy on preventing sexual harassment, ensuring that all individuals of the Schools are able to work or study in a safe and sexually hostile-free environment.

IV Mechanism for Handling Sexual Harassment Complaints

1. **If a person feels being sexually harassed, he/she may adopt the following approaches/ strategies:**
 - a. Speak up at the time. Tell the harasser that his/her behaviour is unwanted and has to stop.
 - b. Tell someone he/she trusts, such as his/her parents/ teachers/ co-workers, for emotional support and advice.

- c. Keep a written record of the incidents, including the dates, time, location and witnesses and the complainant's own response.
- d. Lodge a formal complaint to the school principal or his/her designate or the teacher-in-charge.
- e. Lodge a complaint with EOC and request investigation and/or conciliation.
- f. Report to the police and/or file a civil law suit against the harasser.

2. Channels for lodging a complaint to the Army Schools

a. Staff members:

If there is any dispute or grievance among colleagues, a complaint may be lodged directly to the Principal. When necessary, an Arbitration Panel that includes teacher representative(s) set up by the Principal will follow up and make a decision on the case. If still dissatisfied, the complainant in question may request the case to be passed to the Supervisor for a judgment. If the problem remains unresolved through the abovementioned channels, the complainant may take other actions upon his/her own decision. If the complainees is the Principal, a complaint should be lodged directly to the Supervisor.

b. Students:

A student may tell teachers he/she trusts, or lodge a complaint to the Counselling Master/School Social Worker. If the complainees is Deputy Head/Vice Principal, or Department/Committee Head, a complaint should be lodged directly to the Principal. If the complainees is the Principal, a complaint should be lodged directly to the Supervisor.

3. Basic principles in handling sexual harassment complaints

- a. Enquiries and complaints should be handled in a just and impartial manner to ensure that the complainant and the alleged harasser are fairly treated.
- b. All information and records related to a sexual harassment complaint must be confidential and only be disclosed to relevant staff on a need-to-know basis.
- c. Complaints should be handled promptly to ensure that they are quickly resolved.
- d. Complainants should be protected against victimization (which in itself is an unlawful act of discrimination under section 9 of the SDO) and all parties involved should be treated fairly.
- e. In the process of handling a complaint, schools should avoid causing unnecessarily further distress and humiliations for the complainant.
- f. Care should be taken in handling complaints so as not to cause unnecessary distress to other people involved.

4. Major procedures for handling sexual harassment complaints

Activate internal procedures for dealing with complaints of sexual harassment

Keep all information and records related to the complaint of sexual harassment confidential;
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Inform the alleged harasser of the details of the allegation(s);
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Tell the complainant and the alleged harasser how the investigation will be conducted and who is responsible for the investigation;
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If necessary, make arrangements to avoid contact between the complainant and the alleged harasser during the investigation;
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Provide support and counselling, where necessary, including providing parents/ students/ staff with information about sexual harassment and clarifying any questions or concerns they may have, e.g., what they should do when they are sexually harassed;
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Interview the complainant; if the complainant is a student, he/she is entitled to be accompanied by their parents or relatives; Interview the alleged harasser; if the complainant is a student, he/she is entitled to be accompanied by their parents or relatives;
↓
Interview or obtain written statements from witnesses in relation to the complaint; Study the evidence and make decisions;
↓
Prepare a written report and inform the relevant parties of the investigation results in writing; Seek advice from EOC where necessary;
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Decide whether or not disciplinary measures or other appropriate actions should be taken.

For cases suspected to involve criminal offences, schools should report to the Police.

5. Disciplinary measures

- a. If the case is reported to the Police, the School will put the case on hold until the Police finish handling the case.
- b. If the alleged harasser is a student and if the case is substantiated, an appropriate corresponding disciplinary action (e.g. warning, suspension/ expulsion from school, report to the Police or EOC) will be imposed depending on the nature of the incident. Disciplinary action to be taken will be a mutual decision of the parents and the School.
- c. If the alleged harasser is a staff member (including the Principal) and if the case is substantiated, an appropriate corresponding disciplinary action (e.g. warning, termination of employment, dismissal, report to the Police or EOC) will be imposed depending on the nature of the incident. Disciplinary action to be taken will be a decision of the Supervisor or along with the Incorporated Management Committee (IMC) depending on the circumstances.

V Basic code of conduct on “Sexual Harassment” for staff members

- a. All staff members should not display any pornographic or indecent publications or information at school, nor should they use sexual jokes, speak about their own or others’ private life of a sexual nature.
- b. Notify coaches hired by the School that sexual harassment is prohibited.
- c. All staff members should not conduct any activities inside classrooms alone with any students. If necessary, leave the doors and windows opened so that the situation inside the room can be seen.
- d. Avoid hijacking classroom discussion and turning it to sexual topics, thus making students of the opposite sex feel offended.
- e. Always pay attention to one’s gestures. Avoid uninvited physical contact with any students or other staff members to avoid any misunderstandings.
- f. When being complained about one’s inappropriate language or behaviours, be willing to make a change and apologise promptly to avoid being accused of committing sexual harassment.

Remarks:

- Educational Services Department along with Principals review “The Salvation Army Schools Anti-Sexual Harassment Policy” biannually in order to modernise its provisions.
- The Chinese version of the aforesaid provisions is the official version.