

The Hong Kong Polytechnic University
College of Professional and Continuing Education

Policy on Sexual Harassment

1. Policy Statement

1.1 The College of Professional and Continuing Education is committed to equal opportunity in academic pursuit and employment and to eliminating any form of discrimination against all staff, students, and other persons who have dealings with CPCE. Sexual harassment is a form of discrimination. It is prohibited and unacceptable at all levels in the CPCE community no matter in the workplace or on campus or at places outside campus where activities of CPCE are taken place. All members of the CPCE community shall take necessary steps to ensure that the workplace and educational environment are free of sexual harassment.

1.2 All members of the CPCE community should be acquainted with this Policy and are encouraged to report cases of sexual harassment to the relevant authorities. Any staff member or student who is found to have contravened the CPCE's Policy will be subject to disciplinary action.

2. Definition of Sexual Harassment

2.1 According to the Sex Discrimination Ordinance (SDO) (Cap.480), the following situations are legally defined as sexual harassment:

(a) Any person –

- (i) makes unwelcome sexual advances, or an unwelcome request for sexual favours, 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 other person would be offended, humiliated or intimidated; or

(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.

2.2 Sexual harassment applies to persons of the opposite gender or the same gender.

2.3 Sexual harassment can involve physical, visual, verbal, or non-verbal conduct of a sexual nature which is uninvited and unwelcome.

2.4 Unwelcome behaviour needs not to be repeated or continuous. A single incident can also amount to sexual harassment.

2.5 No matter whether the act is intentional or not, it may amount to sexual harassment if the act falls within the definition as stated above.

2.6 The Equal Opportunities Commission (EOC)¹ provides the following examples that can be considered as sexual harassment:

- Unwelcome physical contact or actions (for example, deliberately rubbing up against someone's body, kissing, hugging, etc.)
- Make wretched poses
- Make unwelcome sexual demands
- Make sex-related obscene jokes and comment on other people's figures
- Constantly questioning or insinuating other people's sex lives
- Circulate sexually explicit materials (for example, email, instant message on a mobile app, etc.)
- Make sexual jokes
- Use indecent photos as the desktop background
- Display or put up sexually suggestive or explicit photographs, videos, posters or calendar

2.7 In determining whether the conduct constitutes sexual harassment, a totality of circumstances of the conduct will be considered.

3. Scope

3.1 Under the provisions of Sections 23 and 39 of the SDO, various forms of sexual harassment in the field of employment and educational establishments are unlawful and are applicable to different groups of people as stated below:

(a) In the field of employment

Staff members, job applicants, contract workers employed by contractors or subcontractors, interns, volunteers, or a commission agent, etc.

(b) In educational establishments

Staff members, students (including inbound students) and persons seeking to be students of the establishment.

4. Handling Sexual Harassment

4.1 To avoid misunderstanding, a person who feels sexually harassed, offended, humiliated, or intimidated by unwelcome sexual advances, requests for sexual favours, or other conduct of a sexual nature, is recommended but is not required, to communicate to the harasser that the conduct is unwelcome.

4.2 Staff members/ students who feel sexually harassed can seek advice and support from the approved advisers/ conciliators of CPCE for resolving the allegation

¹ For more information, please visit the EOC website at <https://www.eoc.org.hk/compass/en/about-sexual-harassment/>.

through informal resolutions. Related procedures are detailed in the “Procedures for the Informal Resolutions of Allegations Concerning Sexual Harassment and Violation of the Code of Ethics” ([Annex A](#)).

- 4.3 In the event the complaint could not be resolved through informal resolutions, or if the affected person forms the opinion that only a formal complaint can provide relief, he/ she may lodge a formal complaint to the Chairperson of the Grievance Committee in the case of complaint against staff member or the Chairperson of the Student Discipline Committee via CPCE Academic Registry in the case of complaint against student for investigation. The complaint should be submitted as soon as practicable but no later than 12 months from the date of the incident. The submission must describe the relevant conduct and identify the accused person. Oral complaint may also be accepted. In such case, the complaint should be recorded with a transcription copy of it to be signed by the complainant for authentication of the complaint in the presence of a witness. The procedures for handling formal complaint of sexual harassment against staff member are detailed in the Staff Handbook while those against students are detailed in the “Regulations on Student Discipline”.
- 4.4 If the complaint is found to be substantiated after investigation by the Grievance Committee/ Student Discipline Committee or if the complaint is found to be malicious, the case will be referred to Staff/ Student Discipline Committee for actions in accordance with the prevailing disciplinary procedures of CPCE.
- 4.5 The internal procedures for handling complaints are summarised in a flow chart as set out in [Annex B](#).
- 4.6 CPCE will normally not consider anonymous complaints. The Chairperson of the Ethics Committee may determine whether an anonymous allegation concerning sexual harassment warrants action on an exceptional basis taking into account the substance of the information provided in the complaint.
- 4.7 All allegations and complaints will be handled in a fair, impartial, and confidential manner.
- 4.8 Apart from filing a complaint to CPCE, the complainant has the right to lodge a complaint directly to the Equal Opportunities Commission or report to the Police or file a civil lawsuit against the harasser. For cases which are reported directly to the law enforcement body, the staff/ students concerned who are subsequently convicted of an offence by the court of Hong Kong will be subject to disciplinary actions of CPCE.

March 2024

Procedures for the Informal Resolution of Allegations Concerning Sexual Harassment and Violation of the Code of Ethics

1. Preamble

- 1.1 Violation of CPCE's Policy on Sexual Harassment and its Code of Ethics¹ can take different modes and varying magnitudes that may affect the activities and prestige of CPCE at large. The following means of resolving allegations of violation of the Policy or the Code endeavours to strike a balance between the early resolution of allegations and the need for a thorough investigation. It is understood that the earlier an allegation of violation is dealt with, the better the chance that it will not lead to confrontation that is potentially damaging for both the person who alleges the violation (Complainant) and the staff member/ student implicated (Respondent) in the complaint. However, it may be that time needs to be spent gathering information and dealing with the matter more formally under the [Grievances and Human Resources Related Appeals Procedures](#)^{2/} [Regulations on Student Discipline](#)³.
- 1.2 This set of procedures will be explained to a staff member, student, or person from outside CPCE seeking advice on allegations concerning violation of the Policy on Sexual Harassment and the Code of Ethics. As a matter of principle, all information related to such allegations will be kept confidential by all persons who handle the allegation.
- 1.3 As a general principle, the adviser/ conciliator who has conflict of interest in the complaint should not be involved in handling the matter.

2. Initial Advice

- 2.1 A person affected by conduct which may constitute a violation of the Policy on Sexual Harassment or the Code of Ethics can consult an adviser for initial advice concerning the case and related procedures to resolve the allegation.
- (a) For the purposes of these regulations, the Head of the Unit (Division Head for example) in which the staff member concerned is employed or the Head of the Division hosting the programme in which the student concerned is enrolled, can act as an adviser.
- (b) In addition to Head of Unit/ Division, the Ethics Committee, via CPCE Human Resources Office (CHRO), will compile a list of persons who are nominated by respective units/ divisions concerned and agree to act as advisers. This list of advisers is hereinafter referred to as the "approved list".

¹ Code of Ethics applies only to staff members of CPCE.

² Complaints against staff members will be handled in accordance with the Grievances and Human Resources Related Appeals Procedures.

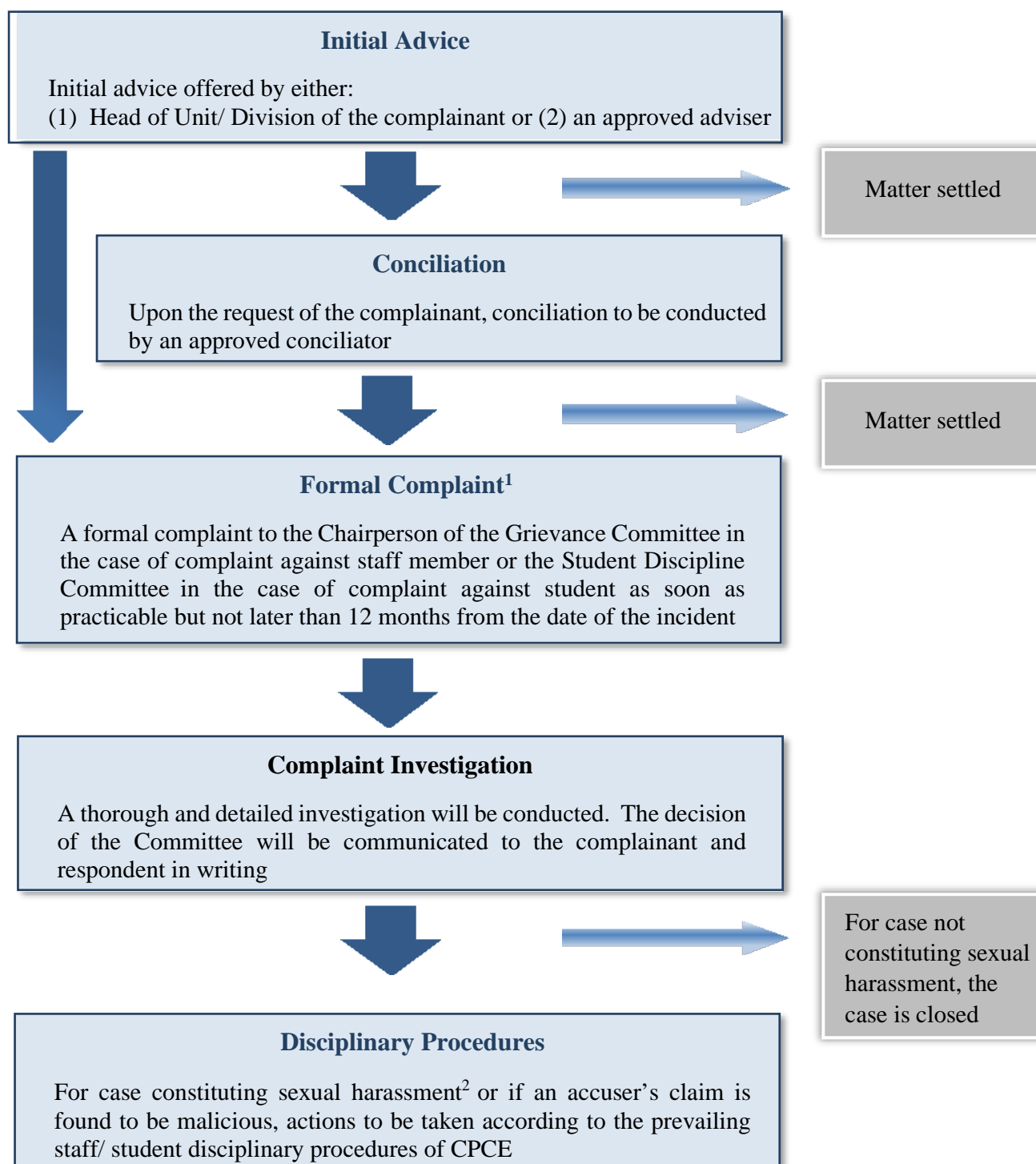
³ Complaints against students will be handled in accordance with the Regulations on Student Discipline.

- 2.2 The adviser concerned will provide his/her initial view of the case and explain to the complainant about the actions that can be taken under the existing internal procedures for resolving the allegations, including:
- (a) conciliation; and/or
 - (b) lodge of a formal complaint in accordance with the [Grievances and Human Resources Related Appeals Procedures](#)²/ [Regulations on Student Discipline](#)³.
- 2.3 The adviser concerned will also advise the complainant other possible channels for reporting the allegations including the Equal Opportunities Commission and the police.
- 2.4 The complainant, having met with an adviser, may decide to take the action(s) as stated above or take no further action at that point in time.

3. Conciliation

- 3.1 The complainant who has sought initial advice may request the appointment of a conciliator who will be expected to assist him/her in resolving the allegation.
- (a) The request for conciliation may be made verbally or in writing.
 - (b) The advisors in the approved list will normally act as conciliators if they agree to do so. Alternatively for student cases, an advisor may request the Head of Student Affairs to nominate a conciliator from the approved list to assist the complainant. The complainant has the right to object to the nominated conciliator and request another one from the list. In such cases, the Head of Student Affairs will review the request and nominate another suitable conciliator from the approved list.
- 3.2 The process of conciliation should involve the following:
- (a) The conciliator will meet with the complainant and respondent individually; or both of them in the same meeting upon mutual agreement of both parties.
 - (b) In the conciliation process, both the complainant and respondent may bring with him/her an accompanying person or invite persons who witnessed the incident to attend the meeting.
 - (c) The conciliator should record the name of the complainant and respondent, the date(s) and time(s) when meetings are held and, together with a written record of the major points discussed in the conciliation process. The record must be sent under confidential cover to the Chairperson of the Ethics Committee via the Secretary of the Committee.
- 3.3 When conciliation fails to resolve the allegation, or if the complainant forms the opinion that only a formal complaint can provide relief, he/she may lodge a formal complaint in accordance with the [Grievances and Human Resources Related Appeals Procedures](#)²/ [Regulations on Student Discipline](#)³.

Summary flow chart of internal procedures on resolving claims/ complaints concerning sexual harassment



¹ *Anonymous complaints are normally not considered. The Chairperson of the Ethics Committee may determine whether an anonymous allegation warrants action on an exceptional basis taking into account the substance of the information provided in the complaint.*

² *For cases which are reported directly to the law enforcement body, the staff/ students concerned who are subsequently convicted of an offence by the court of Hong Kong will be subject to disciplinary actions of CPCE.*