

THE HONG KONG POLYTECHNIC UNIVERSITY

Policy on Sexual Harassment

1. Policy Statement

- 1.1 The Hong Kong Polytechnic University is committed to equal opportunity in academic pursuit and employment and to eliminating any form of discrimination against all staff members, students, and other persons who have dealings with the University. Sexual harassment is a form of discrimination, and is prohibited and unacceptable at all levels in the University community no matter in the workplace or on campus (including the university accommodations) or at places outside campus where activities of the University are taken place. All members of the University community shall take necessary steps to ensure that the workplace and educational environment are free of sexual harassment.
- 1.2 All members of the University 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 University'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 behavior 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 sub-contractors, 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 University.

4. Handling Sexual Harassment

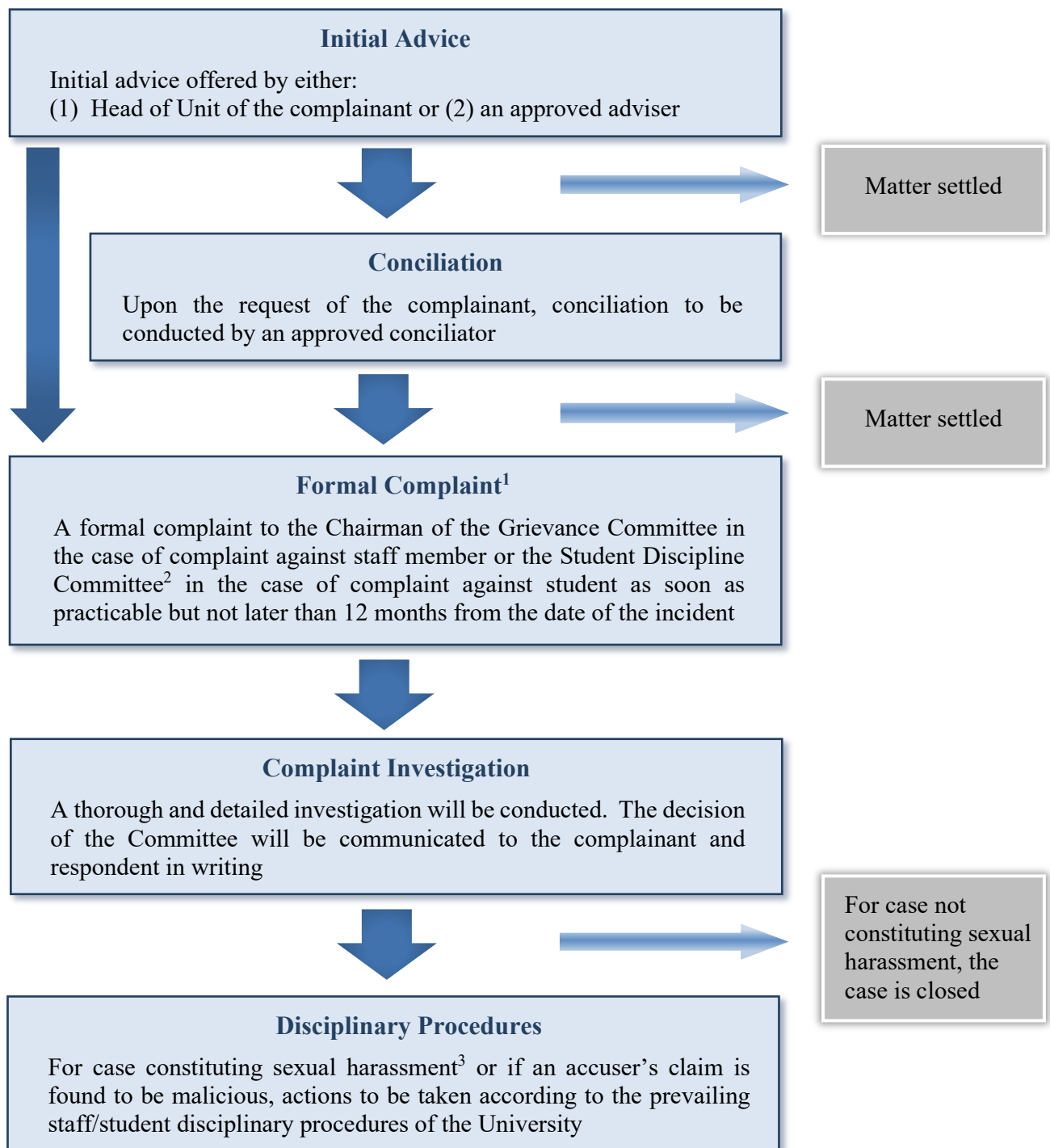
4.1 To avoid misunderstanding, a person who feels sexually harassed, offended, humiliated or intimidated by unwelcome sexual advances, requests for sexual favours, or other conduct of a sexual nature, is recommended but is not required, to communicate to the harasser that the conduct is unwelcome.

4.2 Staff members/students who feel sexually harassed can seek advice and support from the [approved advisers/conciliators](#) of the University for resolving the allegation 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](#)".

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

- 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 Chairman of the Grievance Committee in the case of complaint against staff member or the Chairman of the Student Discipline Committee in the case of complaint against student for investigation. Students may submit the complaint against student to the Student Discipline Committee directly via its Secretary or via the Hall Warden/Master of Residential College (if the incidents are taken place in the University accommodations). The complaint should be submitted as soon as practicable but no later than 12 months from the date of the incident. 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 the University. For incidents that are taken place in the University accommodation, disciplinary actions against the hall residents concerned will also be enforced for complaints that are found to be substantiated after going through the hall disciplinary procedures.
- 4.5 The internal procedures for handling complaints are summarized in a flow chart as set out in [Annex A](#).
- 4.6 The University will normally not consider anonymous complaints. The Chairman 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 the University, the complainant has the right to lodge a complaint directly to the Equal Opportunities Commission or report to the Police or file a civil law suit 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 the University.

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



¹ Anonymous complaints are normally not considered. The Chairman 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 incident taken place in the University accommodations, the complaint can be submitted to the Student Discipline Committee via the Hall Warden/Master of Residential College.

³ 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 the University.