

# THE CHINESE UNIVERSITY OF HONG KONG

## Policy Against Sexual Harassment Executive Summary

1. The University is committed to equal opportunity in academic pursuits and employment. Any form of discrimination or harassment will not be tolerated. The University shall take any and all necessary steps to eliminate and prevent its occurrence on campus.
2. Sex discrimination and sexual harassment are prohibited by law. Sexual harassment if and when it occurs may adversely affect the work of University staff members and the learning environment of its students.
3. The University is committed to eliminating and preventing sexual harassment. A Task Force on Education and Training has been established to promote awareness of the need to prevent sexual harassment. Please refer to Annex 1 for more details.
4. The University's policy and procedure against sexual harassment ("the Policy") sets out the mechanism for dealing with allegations or complaints of sexual harassment and for providing proper redress if and when harassment occurs. By clearly stating the University's stance on sexual harassment and putting an appropriate procedure in place, the University aims to cultivate a sense of justice, fairness and openness in the University community in relation to gender equality and the furtherance of mutual respect.
5. A Panel Against Discrimination and Sexual Harassment ("the Panel") shall be responsible for conciliation and complaint investigation of cases involving staff members or students.
6. Written complaints are not required to trigger conciliation, but a written complaint must be filed if a complaint investigation process is to be initiated. After complaint investigation process is initiated, an Investigation Team will be established with a view to submitting a fact-finding report to the Convenor of the Panel Against Discrimination and Sexual Harassment ("the Panel Convenor") within prescribed time limits. Among other things, this report will include a determination as to whether or not an act of sexual harassment has been committed.
7. The Panel Convenor shall notify the complainant and the complainee of the findings of the fact-finding report. Subject to the findings of the report, the complainant or the complainee will have the right to appeal to an Ad Hoc Panel formed by three members of the Panel Against Discrimination and Sexual Harassment to review the facts/findings. The Ad Hoc Panel's decision on the facts will be final and will be reported to the Panel Convenor. The Panel Convenor shall prepare a final report and submit the report for consideration by the Pro-Vice-Chancellor/Vice-President designated to handle matters relating to sexual harassment ("the designated Pro-Vice-Chancellor/Vice-President"). After reviewing the report, the designated Pro-Vice-Chancellor/Vice-President will convey his/her decision in writing to the

complainant and the complainee. If there is a finding of sexual harassment, the complainee will have the right to appeal to the Vice-Chancellor on the designated Pro-Vice-Chancellor/Vice-President's specific decision on the case. The decision of the Vice-Chancellor will be final.

8. If the conduct of the relevant staff member or student warrants disciplinary action, the University reserves the right to invoke the relevant disciplinary procedures and to take appropriate disciplinary action against the staff member or student concerned.
9. The internal University procedures do not affect the right of the complainant to lodge a complaint directly with the Equal Opportunities Commission or the Police, or to take civil action in the District Court.
10. A flow chart on handling sexual harassment complaints is appended in Annex 2 for illustration.

15 December 2020

# THE CHINESE UNIVERSITY OF HONG KONG

## CUHK Policy Against Sexual Harassment

### **Preamble**

1. The University is committed to equal opportunity in academic pursuits and employment. Any form of discrimination or harassment will not be tolerated. The University shall take any and all necessary steps to eliminate and prevent its occurrence involving members of the University community.
2. Sex discrimination and sexual harassment are prohibited by law. Sexual harassment if and when it occurs may adversely affect the work of the University staff members and the learning environment of its students.
3. The University is committed to eliminating and preventing sexual harassment and will not condone any act of sexual harassment committed by its staff members or students. The policy and procedure below set out the mechanism for dealing with allegations or complaints of sexual harassment and for providing proper redress if and when harassment occurs. By clearly stating the University's stance on sexual harassment and putting an appropriate procedure in place, the University aims to cultivate a sense of justice, fairness and openness in the University community in relation to gender equality and the furtherance of mutual respect.

### **Legal Definition of Sexual Harassment**

4. According to Section 2(5) of the Sex Discrimination Ordinance (Cap. 480, LHK) ("the Ordinance"):

*"A person (howsoever described) sexually harasses a woman if –*

*(a) 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."*

5. It should be noted that the Ordinance covers sexual harassment of both men and women, and the above definition shall have effect regarding sexual harassment of men with such modifications as are necessary. (Section 2(8) of the Ordinance)
6. Section 23 of the Ordinance further provides that various forms of sexual harassment in the field of employment are unlawful. This will cover a fellow staff member, a contract worker, a commission agent or any person who is seeking to be employed by the University.
7. Section 39 of the Ordinance applies specifically to educational establishments. In the context of the University, it is unlawful for an employee of the University to sexually harass a person who is a student or a prospective student of the University. Additionally, it is unlawful for a student or prospective student of the University to sexually harass any fellow student or prospective student of the University; or to sexually harass any staff of the University.
8. The full text of the Ordinance can be obtained at the Department of Justice's website [www.legislation.gov.hk](http://www.legislation.gov.hk).

### ***Examples of Sexual Harassment***

9. Sexual harassment includes unwelcome sexual advances, unwelcome requests for sexual favours and other conduct of a sexual nature including physical acts and verbal comments as a result of which a reasonable person would anticipate that the subject of attention would be offended, humiliated or intimidated. Any sex-related language, action or physical contact that is unwelcome may constitute sexual harassment. An intimidating, hostile or offensive working or learning environment will also constitute sexual harassment. Sexual harassment can be through spoken words, emails, letters, phone calls, or the like. Sexual harassment does not have to be intentional or aimed at any particular subject and may be explicit or implicit. Sexual harassment may occur between persons of the same sex or opposite sex. A single incident may be sufficient to constitute sexual harassment.
10. The following behaviour is illustrative of, but not limited to, what may be regarded as sexual harassment:
  - a) **Unwelcome sexual advances** – e.g. persistent requests for dates, leering or lewd gestures, touching, grabbing or deliberately brushing up against another person;
  - b) **Unwelcome requests for sexual favours (Misuse of authority)** – e.g. explicit or implicit suggestions that sexual co-operation or the toleration of sexual advances may further a person's career or affect a person's academic results;
  - c) **Unwelcome verbal, non-verbal or physical conduct of a sexual nature** – e.g. sexually derogatory or stereotypical remarks; questioning regarding a person's marital status or sex life; and

- d) **Conduct of a sexual nature that creates a hostile or intimidating environment** – e.g. sexual or obscene remarks around the workplace/classrooms/hostels or displaying sexist or other sexually offensive pictures or posters.

### ***Publicity and Education***

11. The University is committed to eliminating and preventing sexual harassment. A Task Force on Education and Training has been established to promote awareness of the need to prevent sexual harassment. Please refer to Annex 1 for more details.

### ***Victimization***

12. Victimization occurs when a person treats another person (“the victimized person”) less favourably than in those circumstances he or she treats or would treat other persons, and does so by reason that the victimized person or any other person (“the third person”):
  - a) has made, or intends to make, a complaint under the Policy; or
  - b) has furnished, or intends to furnish, information or documents in relation to a complaint; or
  - c) has appeared, or intends to appear as a witness in a complaint investigation process; or
  - d) has reasonably asserted his/her own or another person’s rights under the Policy.

Under the above circumstances, the victimized person or the third person may file a complaint on the ground of victimization.

13. No staff member or student of the University shall be subject to victimization or reprisal for initiating a good faith complaint, for participating in conciliation, for providing information in the complaint investigation processes, or for participating in the formal disciplinary procedures. However, the University reserves the right to take disciplinary action against any staff member or student making a false or malicious complaint or intentionally providing false information in any complaint or conciliation process.
14. The procedure for handling complaints of victimization will broadly replicate the process of handling complaints of sexual harassment, except that the Panel Convenor will make the final decision.
15. If it can be demonstrated that an act of victimization has been committed, the University will take action according to the prevailing disciplinary procedures or other appropriate rules and regulations of the University.

### ***Conciliation, Investigation and Appeal***

16. Any staff member or student who believes that he or she is a victim of sexual harassment should act promptly. Correcting the situation immediately is in everyone's best interests. Ignoring sexual harassment may make the situation worse because the harasser may misinterpret a lack of response as approval or condonation of the behaviour. Delay in making a complaint may also present difficulties for the University in conducting a thorough investigation and establishing the facts of the case.
  
17. Any staff member or student of the University who (a) has been sexually harassed by another staff member or student; (b) has witnessed an act of sexual harassment committed by another staff member or student of the University; or (c) has been expressly authorized by a victim to act on his/her behalf may approach the Panel Against Discrimination and Sexual Harassment. For information of the officers designated by the Panel Against Discrimination and Sexual Harassment to deal with enquiries and complaints, please visit <https://cadsh.cuhk.edu.hk/en-gb/people-who-can-help/designated-officers> or email to [padsh@cuhk.edu.hk](mailto:padsh@cuhk.edu.hk) or call CADSH hotline at 3943 8716.

The designated officers shall inform the staff member or student concerned of the mechanism and options for dealing with allegations or complaints of sexual harassment and may offer assistance, including counseling, to the individuals concerned in the subsequent conciliation or investigation processes.

18. Separately, all cases of possible sexual harassment that have been drawn to the attention of College or University officers should be referred to the Panel Against Discrimination and Sexual Harassment to ensure consistency in dealing with the matter.
  
19. Where a complaint had been made but the complainant has declined to participate in the normal procedures or a complaint is brought anonymously or brought by third parties not directly involved in the case, the University shall review the case to determine whether a further inquiry into the underlying circumstances is justified. The review shall be conducted jointly by the designated Pro-Vice-Chancellor/Vice-President and the Panel Convenor who have full authority to determine whether to conduct a further inquiry.

In the event that a decision to proceed with an inquiry has been reached, an individual who is the subject of the complaint shall normally be notified in writing of the complaint, and be given the opportunity to respond to it.

20. Conciliation and complaint investigation processes are available to staff members or students through the Panel Against Discrimination and Sexual Harassment. A flow chart on handling sexual harassment complaints is appended in Annex 2. The Panel Against Discrimination and Sexual Harassment shall have the responsibilities as detailed in Annex 3 and shall report to the Committee Against Discrimination and Sexual Harassment. For each allegation/complaint, a team of at least two panelists will be appointed by the Panel Convenor to conduct conciliation or investigation.

The primary purpose of the conciliation and complaint investigation processes is to deal with the complaint fairly and expeditiously.

21. When a request for separation is made on reasonable grounds, whether during the process of conciliation or investigation or as part of the resolution of the complaint with a view to protecting any staff member(s) or student(s) of the University, the designated Pro-Vice-Chancellor/Vice-President may request departments/units concerned to give sympathetic consideration and explore all reasonably practicable arrangements to accommodate the request.
22. For an allegation that potentially discloses the commission of a criminal offence, the University has the right to report the case to the police for handling. In the event that a sexual harassment complaint is under criminal investigation by a law enforcement agency or is the subject of criminal or civil proceedings in court, the University may suspend its conciliation or investigation process. The Panel may resume the conciliation or investigation process if the criminal investigation is abandoned, not proceeded with, discontinued or completed or following the dropping or completion of criminal or civil proceedings.

### **Conciliation**

23. The Panel Against Discrimination and Sexual Harassment will offer to facilitate conciliation of the dispute at the request of the complainant or the complainee. Under normal circumstances, attempts at conciliation do not require the filing of a written complaint.

Conciliation is a voluntary process, and will be conducted by the Panel only where both the complainant and the complainee agree to conciliation. No legal rights or remedies are forfeited by entering into conciliation. If the conciliation fails to reach a settlement, the complainant can continue to enforce his/her rights.

If a settlement has been reached during the conciliation, the parties may enter into a legally binding agreement to record the terms of the settlement.

24. The Panel Convenor shall appoint two panelists of different gender to conduct any conciliation. The Secretary of the Committee Against Discrimination and Sexual Harassment shall act as Secretary of the conciliation team.
25. The maximum time for the conduct of conciliation is 40 working days from the receipt of a complaint. The time limit for conciliation may be extended by the Panel Convenor on reasonable grounds and with the agreement of both parties. If the dispute is not resolved by conciliation within this period or either party decides to stop the conciliation, the complainant may pursue the case through formal investigation. In such a case, a written complaint should be filed with the Panel Against Discrimination and Sexual Harassment.
26. The complainant may elect to bypass conciliation and proceed directly with the filing of a written complaint.

## **Complaint Investigation and Appeal Procedure**

### 27. Investigation

- a) If the complainant\* wishes the University to initiate an investigation into an act of sexual harassment, he/she should file a written complaint with the Panel Against Discrimination and Sexual Harassment.

The officer designated by the Panel Against Discrimination and Sexual Harassment may help to record an oral complaint which has to be signed and confirmed by the complainant.

- b) Upon receipt of a written complaint, the Panel Against Discrimination and Sexual Harassment will conduct a full and impartial investigation. At least two panelists of different gender shall be appointed on a roster basis by the Panel Convenor to investigate a complaint (the "Investigation Team"). Under special circumstances as deemed necessary by the Panel Convenor, a non-staff Council member, an external member or a student representative may be invited to join the Investigation Team to assist the process and secure the confidence of the parties. In cases which both parties are students, the Investigation Team shall include a student representative wherever possible.

- c) In the course of the investigation:

i) The complaine e will be given a copy of the complaint by the Investigation Team and will be provided with an opportunity to respond to the allegation.

ii) The complainant, complaine e, witnesses and any other parties concerned will be interviewed individually, separately and in private by the Investigation Team. Neither the parties nor witnesses will be subject to questioning except by members of the Investigation Team.

iii) Subject to the approval of the Investigation Team, any individual attending an interview may ask to be allowed to be accompanied by one person other than a legal representative. A witness in the case is not a suitable accompanying person. Such a request must be submitted in writing in advance and set out the reasons for requesting an accompanying person together with the name and occupation of the individual proposed for the Investigation Team's consideration. The Investigation Team's decision on such a request shall be final. If the request is granted, the accompanying person will not be entitled to address the Investigation Team.

iv) Documents and/or any evidence may be produced and reviewed.

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\* The Panel Against Discrimination and Sexual Harassment may conduct an investigation in respect of a complaint filed by a person who alleges that he/she was sexually harassed when he/she was seeking to be employed by the University or to be a student of the University.



- v) A contemporaneous record will be kept of all oral evidence given to the Investigation Team.

28. Fact-Finding Report

The Investigation Team will submit a written fact-finding report to the Panel Convenor. The fact-finding report shall consist of the following:

- a) A statement of the issues under review.
- b) The allegation(s) made by the complainant.
- c) The evidence adduced in support of the allegation(s).
- d) The response of the person of whom complaint is made to the allegation(s).
- e) The evidence adduced in rebuttal of the allegation(s).
- f) The finding of facts following the investigation.
- g) A determination as to whether the complaint(s) is established.

29. Follow-up and Appeal Procedures

- a) The Panel Convenor shall review the fact-finding report and notify the complainant and the complaine in writing of the fact-finding report.
- b) If the finding of the Investigation Team is that the allegation of sexual harassment is established, then the complaine will have the right to submit an appeal to the Panel Convenor. If the finding of the Investigation Team is that the allegation of sexual harassment is not established, then the complainant will have the right to submit an appeal to the Panel Convenor.
- c) Upon receipt of an appeal, the Panel Convenor will establish an Ad Hoc Panel (consisting of three members of the Panel Against Discrimination and Sexual Harassment who have not had any prior involvement in the case). The Ad Hoc Panel shall review the fact-finding report, taking into account the written appeal stated in the complainant or complaine's written submission ("Grounds of Appeal"). The Ad Hoc Panel may meet the complainant or the complaine and hear his or her submission. If it is necessary, the Ad Hoc Panel may also meet the relevant witnesses.
- d) The Ad Hoc Panel may uphold, vary or overturn the finding of the Investigation Team. The Ad Hoc Panel's decision on the facts will be final, and will be reported to the Panel Convenor.
- e) If there is a finding of "sexual harassment not established" by the Investigation Team (and no appeal is submitted) or by the Ad Hoc Panel on appeal, the Panel Convenor shall report the matter to the designated Pro-Vice-Chancellor/Vice-President and submit a final report to the designated Pro-Vice-Chancellor/Vice-President for consideration.
- f) If there is a finding of "sexual harassment established" by the Investigation Team (and no appeal is submitted) or by the Ad Hoc Panel on appeal, the

Panel Convenor shall make recommendations to the designated Pro-Vice-Chancellor/Vice-President on disposal of the case, e.g. whether or not the University should pursue formal action against the complainee, and submit a final report to the designated Pro-Vice-Chancellor/Vice-President for consideration.

- g) Upon receipt of the Panel Convenor's final report, the designated Pro-Vice-Chancellor/Vice-President shall decide to accept, vary or reject the recommendations in the final report and shall decide what actions, if any, should be taken. The decision of the designated Pro-Vice-Chancellor/Vice-President will be conveyed in writing to the complainant and the complainee.
- h) The complainee may submit a written appeal to the Vice-Chancellor on the designated Pro-Vice-Chancellor/Vice-President's specific decision on the disposal of the case, but may not appeal to the Vice-Chancellor against the decision on the facts made by the Ad Hoc Panel.
- i) The decision of the Vice-Chancellor is final and will be conveyed in writing to the complainant and the complainee.

30. Decision on Procedural Matters

The Investigation Team and the Ad Hoc Panel are not strictly bound by the above procedures and requirements. After consulting the Panel Convenor on the relevant procedural matters and the proposed changes, the Investigation Team or the Ad Hoc Panel may, at any stage of the investigation and appeal, dispense with or vary the procedures or requirements to suit specific circumstances where needed.

**Time Limits**

- 31. The filing of a written complaint should normally be made within (i) 6 months from the time the complainant knew or should have known of an act(s) of sexual harassment or action taken as a result of alleged sexual harassment or (ii) thirty (30) working days after conciliation has been completed, whichever is later.
- 32. Unless an extension of time is granted by the Panel Convenor, the total time period for the investigation, from the filing of a written complaint to submission of the fact-finding report to the Panel Convenor, will not exceed eighty (80) working days.
- 33. The Panel Convenor shall convey to the complainant and the complainee the findings of the fact-finding report within fifteen (15) working days after receipt of the fact-finding report.
- 34. The complainant or the complainee shall submit their written appeal to the Panel Convenor within fifteen (15) working days after being notified of the findings of the fact-finding report.

35. Upon receipt of an appeal, the Panel Convenor will establish an Ad Hoc Panel which shall report its decision to the Panel Convenor within thirty (30) working days after receipt of the Grounds of Appeal from the complainant or the complainee.
36. The Panel Convenor shall submit a final report to the designated Pro-Vice-Chancellor/Vice-President within fifteen (15) working days after receipt of the decision of the Ad Hoc Panel. If no Grounds of Appeal are received, the Panel Convenor shall review the fact-finding report and submit a final report to the designated Pro-Vice-Chancellor/Vice-President within fifteen (15) working days.
37. The designated Pro-Vice-Chancellor/Vice-President shall convey his/her decision in writing to the complainant and the complainee within fifteen (15) working days upon receipt of the final report.
38. If there is a finding of sexual harassment, the complainee may submit a written appeal to the Vice-Chancellor on the designated Pro-Vice-Chancellor/Vice-President's specific decision within fifteen (15) working days upon being notified of the disposal of the case. The decision of the Vice-Chancellor will be made as soon as practicable following receipt of the appeal from the complainee.
39. The time limits set forth herein may be extended by the Panel Convenor on reasonable grounds. The Panel Convenor may consider a complaint which is out of time if he/she considers that it is fair to do so.

### **Confidentiality**

40. In the conciliation, complaint investigation and appeal processes, every reasonable effort shall be made to ensure confidentiality and to protect the privacy of all parties in accordance with existing University policies and applicable laws.
41. In the conciliation, complaint investigation and appeal processes, files pertaining to a case shall be kept confidential. However, if there is a criminal investigation or criminal proceedings in court, the University may need to provide necessary information contained in the files. The University may also need to disclose some information to third parties (e.g. in reporting a crime) when there is clearly a risk that the harassing behaviour has created or will create significant harm to the complainant or other persons and where the University needs to intervene because of its own potential liability for failing to do so.

Records may be made available to University officials in accordance with and to the extent required by University rules, regulations or policy or by law.

### **Conflict of Interest**

42. Any person who has an actual or potential conflict of interest in the complaint shall declare his/her interest and shall not take part as a conciliator or as a member of the Investigation Team, Panel Convenor or in any other capacity as a decision-maker.

### ***Formal Disciplinary Procedures***

43. If it is determined that an act of sexual harassment has been committed and the conduct of a staff member or student of the University warrants possible disciplinary action, the University is entitled to invoke the relevant disciplinary procedures and take appropriate disciplinary action against the staff member or student concerned. If the University considers that it is appropriate to do so, it may on its own initiative or upon the complainant's written request bypass the conciliation or investigation processes and proceed with disciplinary procedures directly.

### ***Right to Lodge a Complaint with EOC and to Take Court Action***

44. The internal University procedures do not affect 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 or to make a complaint to the police or other investigating agency.
45. Under the Ordinance, the EOC may decide not to take up an investigation into an act of alleged sexual harassment if the complaint is not lodged within 12 months of the alleged incident. If a complainant decides to take court action in respect of a claim of sexual harassment, he/she normally has to commence the legal proceedings within 24 months of the incident.
46. If a complainant wishes to make a claim in court, it is advised that this is done within the prescribed time limit. If the complainant wishes to report the incident to the Police and needs advice and assistance on the procedure, the Panel Convenor may offer help.

### ***Policy Review***

47. The content of this policy and procedure is subject to periodic review and amendment.

(Approved by the Administrative and Planning Committee at its meeting on 15 December 2020.)

## THE CHINESE UNIVERSITY OF HONG KONG

### Publicity and Education

#### 1. Importance of Awareness, Promotion, and Education

- a) The University's policy statement on sexual harassment, related investigation procedures and guidelines for staff and for students, should be promulgated to all members of the University community in the form of circulars and notices as soon as they become available. In introducing the Policy Against Sexual Harassment, it is important to:
  - i) explain the reason and the need for introducing the policy;
  - ii) clearly define the University's policy;
  - iii) seek the support of all staff and students to observe and comply with the policy; and
  - iv) provide necessary training where required for the proper administration and observance of the policy.
- b) A Task Force on Education and Training has been established under the Committee Against Discrimination and Sexual Harassment to promote awareness of the issue. The objective is to ensure that the Policy is properly received and correctly interpreted. It will be a valuable learning experience for both the University and its population. The right messages must therefore be suitably conveyed, awareness promoted, and the University community appropriately educated.

#### 2. Targets

The publicity and education programme should be organised for all staff and students. They include people at different levels with various functional responsibilities and duties – Deans, Department Chairs and Unit Heads in the Administration, full and part-time teaching and non-teaching staff, undergraduates as well as postgraduates and the rest of the campus community.

Staff including those listed below, who have leadership/management roles and may be the first point of contact for staff/students on sexual harassment matters, should undertake relevant training in particular the policy and procedures:

- The Vice-Chancellor
- The Provost
- Pro-Vice-Chancellors/Vice-Presidents
- Associate Vice-Presidents
- The University Secretary
- The Registrar
- Deans of Faculty and of the Graduate School

- Department Chairs
- Faculty and College Secretaries
- Heads of Administrative Units
- College Heads and Masters
- University and College Deans of Students
- All members of the Committee Against Discrimination and Sexual Harassment
- All members of the Panel Against Discrimination and Sexual Harassment
- All members of the Task Force on Education and Training

### **3. How the Policy Should be Publicized and Awareness Training Provided**

- a) The policy, procedures, general information as well as sources of further information should be disseminated through campus computerized network to all LAN users and published in the CUHK Newsletter, College newsletters, the Campus Community Newspaper, and student publications such as CU Student.
- b) Policies, procedures and guidelines for the reporting, receiving and filing of complaints should be included in the Staff Handbooks and Student Handbook.
- c) To implement the policy, procedure and guidelines and to increase awareness of sexual harassment problems, educational seminars and programmes should be arranged for various target groups:
  - i) Seminars for Department/Unit Heads, administrators and other selected personnel who may help to promote the policy and serve as resource persons and as advisors of their respective units.
  - ii) Talks may be arranged for staff members through CUTA, staff unions, etc. to heighten their sensitivity to the issue and their awareness of their role in discouraging harassing behaviour.
  - iii) Programmes for similar purposes may be arranged for students by the Office of Student Affairs and the Colleges' Dean of Students' Offices.
  - iv) The Colleges may also support the Policy by including talks on the subject during their weekly/monthly assemblies.
- d) A session in the training programmes for new staff members (e.g. Orientation Programme for new teaching staff, Induction Programme for newly recruited clerical and administrative staff) and orientation programmes for students may be used for discussion of the topic and dissemination of information to the new comers.

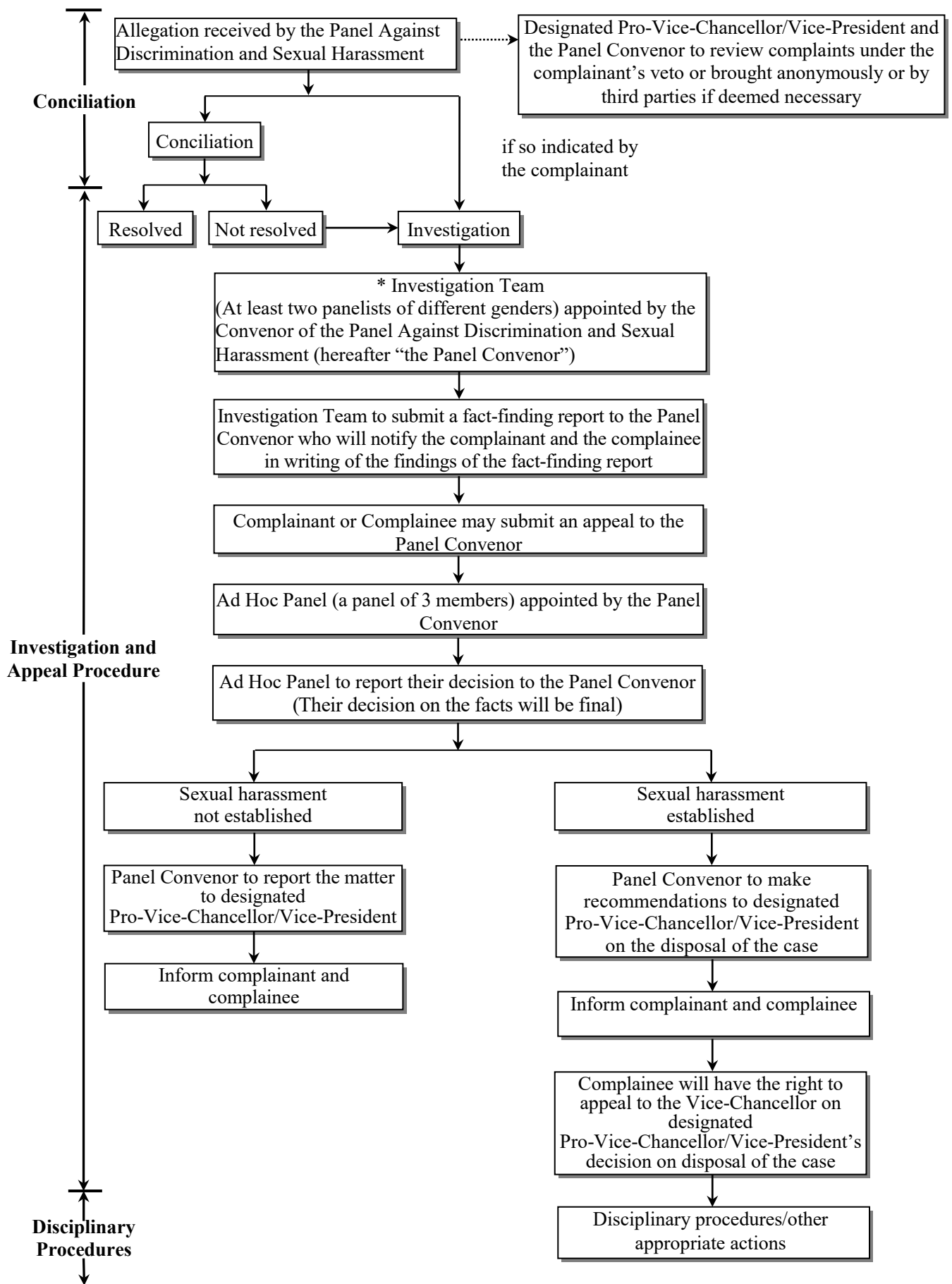
#### **4. Promotional Literature and Educational Tools**

Publicity materials including pamphlets, information leaflets, posters and case profiles could be printed and distributed to departments and units for posting or circulation. Some of these materials could be used for training programmes as well as for distribution to new appointees. Actual cases (with identities hidden), research findings, books, videos/films, and description of hypothetical situations may be used as training materials. A question-and-answer leaflet to distinguish between what is sexual harassment and what is not will help to avoid misinterpretation of the policy and will provide better impact.

#### **5. Maintenance of the Policy**

Promotional and educational activities should be conducted as an on-going exercise to introduce and reinforce the policy. Such activities could be timed to provide the most effective impact, e.g. in September and January each year (beginning of teaching term) when there are incomers. During the year, such activities are also needed for reinforcement.

## Flow Chart on Handling Sexual Harassment Complaints



\* Under special circumstances as deemed necessary by the Convenor of the Panel Against Discrimination and Sexual Harassment, a non-staff Council member/an external member/a student representative will join the investigation team to ensure that justice is upheld and seen to be upheld in the process of investigation.



**THE CHINESE UNIVERSITY OF HONG KONG**

**Panel Against Discrimination and Sexual Harassment**

1. The Panel Against Discrimination and Sexual Harassment shall consist of:
  - a) Teaching and non-teaching staff members of both genders who are of good standing, preferably of different ranks, will be appointed for a term of two years, with one panelist appointed as the Convenor;
  - b) A non-staff Council member to be nominated by the Council;
  - c) External members to be nominated by the Alumni Affairs Office;
  - d) Student representatives to be nominated by the Student Union; and
  - e) Postgraduate student representatives to be nominated by the Office of Student Affairs.
  
2. The responsibilities of the Panel Against Discrimination and Sexual Harassment include:
  - a) Informing individuals of available options which include but are not limited to conciliation and complaint investigation by the University, and their right to lodge complaints with Equal Opportunities Commission and to take court action.
  - b) Informing individuals involved or alleged to be involved in a complaint of the available formal disciplinary procedures of the University if the complaint is not resolved through the processes administered by this Panel.
  - c) Informing the individual seeking 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 and the safeguards against victimization that are provided under applicable law and University policy.
  - d) Informing all parties involved or alleged to be involved in a complaint that a report will be produced for and submitted to a Pro-Vice-Chancellor/Vice-President designated to handle matters relating to sexual harassment (“the designated Pro-Vice-Chancellor/Vice-President”).
  - e) Conducting conciliation or investigation upon receipt of allegation/complaint through a team of at least two panelists, plus a non-staff Council member, an external member or a student representative under special circumstances as deemed necessary by the Panel Convenor, to ensure that justice is upheld and seen to be upheld in the process of investigation.
  - f) Maintaining records of complaints, reports, and managing the process in such a way that they conform with the privacy requirements of applicable laws.