

For discussion
on 2 February 2018

Legislative Council Panel on Education

Overview of Sex Education and Prevention and Handling of Sexual Harassment in Schools

Purpose

This paper aims to brief Members on the general implementation of sex education, the measures for preventing sexual harassment in schools and the procedures for handling such cases by schools.

Overview of Sex Education

2. Sex education is part of values education, an integral component of our school curriculum. It is neither an independent subject nor limited narrowly to “sex” related education but interrelated with moral education, affective education, health education and life education, etc. Since the introduction of curriculum reform in 2001, the Education Bureau (EDB) has been advocating a holistic learning experience and encouraging schools to plan their curricula and other learning activities holistically and systematically for implementing values education, including sex education. Taking cultivation of students’ positive values and attitudes as the direction, schools should co-ordinate the learning elements and learning activities in values education across different subjects for strengthening their connection, so as to provide students with holistic learning experiences conducive to their whole-person development.

3. Learning elements related to sex education such as personal development, hygiene, puberty, making friends, dating, marriage, protecting the body and gender equality are included in the Key Learning Areas (KLAs), subjects and the curricula of moral and civic education of primary and secondary schools. Taking into consideration the EDB’s latest curriculum guides and documents, their mission, school-based circumstances and needs of students, schools should plan for a suitable school-based sex education curriculum professionally and organise related learning activities such as talks, visits and exhibitions, etc. Social atmosphere also exerts influence on values and sex education. Hence, we encourage schools to adopt life events as the major learning contents and engage students in exploring issues like dating and falling

in love, traps in making friends via mobile apps and public display of affection, etc. By establishing a meaningful connection between students' learning and their experience in personal growth, teachers can impart knowledge to students and help them develop positive values and attitudes. The EDB expects that sex education in schools will foster students' positive values and attitudes towards sex-related issues, encourage students to build healthy interpersonal relationships, as well as make reasoned judgement and responsible choices based on rational and objective analyses.

4. To support schools in implementing sex education, the EDB has been producing web-based learning and teaching resources on various subjects. For example, it has commissioned the Family Planning Association of Hong Kong to produce sex education animation resources and lesson plans, covering topics such as gender equality, prevention of sexual abuse and sexual harassment among peers. The EDB has also commissioned/invited tertiary institutions, relevant government departments and organisations/bodies (e.g. the Equal Opportunities Commission (EOC)) to co-organise related courses/seminars/workshops, etc. on a range of themes such as "How to Promote Sex Education Effectively in Primary/Secondary Schools", "Mass Media, Gender Role and Gender Equality Education" and "Gender Equality Education and Prevention of Sexual Harassment and Dating Violence", etc.

5. Recently, some members of the public have raised a number of controversial issues relating to sex education and gender education, such as same-sex marriage, gender recognition and gender identity of transgender persons. There is no general consensus across the community on these issues. Nevertheless, topics relating to sexual orientations and prevention of discrimination can be found in KLAs/subjects in the school curricula. For instance, in the Personal, Social and Humanities Education KLA, "Sexuality Issues" are dealt with under the strand of "Personal and Social Development" where similarities and differences between the two sexes, different types of relationships and the behaviours appropriate for these relationships are identified as core elements for learning. Through such subjects as Life and Society at the junior secondary level and Liberal Studies at the senior secondary level, schools can discuss with students topics relating to sexual orientations and prevention of discrimination, such as different notions and attitudes towards sex, love and marriage; heterosexual and homosexual relationships; and ethical issues in the homosexuality debate. Since "Sexuality Issues" are core elements for learning, a school-based Integrated Humanities curriculum should also include the relevant issues. Schools can also enhance students' understanding in that

respect through weekly assemblies, class teacher periods and extracurricular activities. Moreover, among the seven priority values and attitudes embedded in the school curricula, “Respect for Others” and “Care for Others” lay emphasis on the need for students to develop an attitude of respecting and tolerating others. They will thus be nurtured to be tolerant and respect others’ sexual values and orientations while reflecting on their own sexual values, understanding different sexual orientations and exploring contentious sexual topics.

6. Curriculum development is a continuous task and requires constant updating. The EDB will keep a close eye on the comments of members of the public about the curricula and conduct reviews regarding sex education in a timely manner. Before the community has reached a consensus on the contentious issues in question, it will be difficult to require schools to incorporate controversial values regarding sexual orientations and gender identities into their curricula. The EDB will continue to enhance its support to schools, including developing learning and teaching resources and organising professional development programmes for teachers to keep them abreast of the development of sex education, such as the latest issues and pedagogy.

Legislation relating to sexual harassment

7. The Sex Discrimination Ordinance (Cap. 480) (the Ordinance) has come into force since 1996. Under the Ordinance, sexual harassment is an unwelcome conduct of a sexual nature directed at the victim such as unwelcome sexual advance which makes a person feel offended, humiliated or intimidated; or any conduct of a sexual nature that creates a hostile or intimidating work environment. Notwithstanding that the Ordinance had prohibited sexual harassment acts in educational establishments, “a hostile or intimidating work environment” did not include educational settings when the Ordinance first came into effect. The Ordinance was subsequently amended in 2008. Since then a sexual harassment act committed by any person that creates a hostile or intimidating environment also applies to educational settings.

Measures for preventing sexual harassment in schools

8. The EDB has been taking various measures to assist schools in creating a sexual-harassment-free working and learning environment. The EDB reminds schools from time to time, by issuing relevant circulars and arranging training courses for principals and briefing sessions for staff members, etc. of

their responsibilities to ensure that all individuals, including students and staff members, are able to study or work in a safe and sexually hostile-free environment. At the same time, apart from the personal liability to be borne by individuals for an unlawful act of sexual harassment, the schools, as employers of the staff concerned, may also be vicariously liable.

9. Currently, multi-pronged measures covering school administration, education and guidance for students and professional training for staff members are taken to prevent sexual harassment in schools.

School administration

(i) School-based policy on preventing sexual harassment in schools

10. It is the responsibility of schools to ensure that all individuals (including all students and staff members) are able to study or work in a safe and sexually hostile-free environment. To prevent sexual harassment, the EDB advises schools to take reasonably practicable steps, including developing a school policy in written form to eliminate sexual harassment and establishing a comprehensive complaint-handling and support mechanism. In addition, education and training should be provided to create a gender-equal and respectful school culture so as to prevent sexual harassment.

11. To help schools formulate a school-based policy on preventing sexual harassment, the EDB has worked with the EOC to provide guidelines for schools to formulate measures for eliminating and preventing sexual harassment and develop procedures for handling such complaints, etc. We understand that the majority of public-sector schools (including special schools) and Direct Subsidy Scheme schools have already formulated a school-based policy on preventing sexual harassment. We have been following up closely with schools which have not formulated such a policy and urge them to do so as soon as possible.

(ii) Stringent appointment procedures

12. To reduce the risk of sexual abuse to children and mentally incapacitated persons, the Hong Kong Police Force (the Police) has implemented the Sexual Conviction Record Check (SCRC) Scheme since 2011 for employers (including schools) to check whether applicants to positions involving working with children or mentally incapacitated persons (including

teaching and non-teaching staff) have any sexual conviction records. Schools are reminded through circular that they should request prospective employees to undergo the SCRC at the advanced stage of the employment process for verifying the sexual conviction records as declared for protection of students' safety. At the same time, the EDB also reminds schools to guard against the appointment of improper persons as teachers by putting in place a stringent selection process and strengthening the administrative measures on appointment and related matters. These include requiring the applicants to declare in the application forms and/or other related documents whether they have been convicted of any criminal offence in Hong Kong or elsewhere, or whether their teacher registration has been cancelled/refused, and to provide the details accordingly. In addition, schools should state clearly on the application forms and/or other related documents the dire consequences of criminal prosecution that the appointees may face for providing false information or withholding material information. Furthermore, the EDB encourages schools, upon seeking the appointees' consent, verify the documents submitted, such as to apply to the EDB for releasing information regarding their registration status, check carefully the certificates of service issued by their previous employers or even consult their previous employers about their performance, etc.

Education and guidance for students

13. The Government attaches great importance to students' awareness of self-protection. Topics such as understanding the body, identifying inappropriate physical contact, how to say no and seek help are included in the personal growth education of primary schools. The EDB also encourages schools to organise sex-related preventive and developmental guidance activities for students at weekly assemblies or in class teacher lessons to teach students how to protect their bodies, say no when they feel offended and seek help when necessary. To help schools cultivate a sense of care, respect, self-discipline and self-confidence among students, the EDB has organised diversified guidance and discipline programmes for schools, such as the Caring Schools Award Scheme, Enhanced Smart Teen Project and Understanding Adolescent Project (Primary). In addition, the EDB will advise schools to remind parents of the need to protect their children against sexual assaults at their parent education activities. As mentioned in paragraph 3 above, we encourage schools to adopt life events as the major learning contents, such as discussing the traps in making friends via mobile apps. In respect of learning and teaching resources, we have also commissioned other organisations to produce

web-based learning and teaching resources on topics such as prevention of sexual abuse and sexual harassment (please refer to paragraph 4).

14. In addition, we also hope that through holistic values education, we could cultivate positive values and attitudes in students, help them build healthy interpersonal relationships, and teach them to treat people with respect regardless of their gender (including their bodies, sexual orientations and whole-person).

Professional development and training of teaching staff

15. The EDB has included knowledge and techniques of handling and preventing sexual harassment in various training programmes for school principals, middle managers and teachers. On school principals, both the designated programme for newly appointed principals of primary, secondary and special schools and the programme on legal matters for serving school principals cover legal knowledge related to sexual harassment. The leadership development programmes for middle leaders of primary and secondary schools also touch upon such topics in order to raise the alertness of schools and teaching staff on sexual harassment. The EDB co-organises with the EOC thematic talks on policy for elimination of sexual harassment in schools from time to time. Regarding teaching staff, the professional development course for secondary school graduate teachers covers the latest knowledge and counselling techniques of helping students having sex-related problems. Furthermore, to raise the awareness of teachers and social workers of protecting students from sexual assaults or harassment, the EDB holds talks or seminars on early identification, intervention and support to student victims every year.

Procedures for handling sexual harassment cases in schools

16. In the spirit of school-based management, the Education Ordinance has entrusted the School Management Committees (SMCs)/Incorporated Management Committees (IMCs) with the power and responsibility to manage schools. Therefore, schools should collaborate with their sponsoring bodies to manage the operation of schools properly, in strict compliance with the Education Ordinance, the Education Regulations, the Codes of Aid, relevant circulars and guidelines issued by the EDB as well as other related legislations. Their school-based policy on preventing sexual harassment should not only prescribe reasonably practicable steps to prevent sexual harassment, but also give due weight to and include proper handling of such complaints. For

example, they should put in place a comprehensive mechanism to handle complaints relating to sexual harassment so as to safeguard the interest of their staff and students.

17. Upon receiving any complaints relating to sexual harassment, schools should make reference to the principles and procedures stipulated in the EOC's "Framework for Sexual Harassment Policies in Schools" (the Framework) and activate the internal complaint handling procedures, including informing the alleged harasser of the details of the allegation(s), notifying the complainant and the alleged harasser how the investigation will be conducted and who will be responsible for the investigation. If necessary, the school may take appropriate action to avoid contact between the complainant and the alleged harasser during the investigation. Such complaints should be handled by staff member(s) of the same gender as the complainant. Upon assigning staff member(s) of appropriate rank for handling the complaint, the school has to launch an investigation promptly by, among others, interviewing and obtaining written statements from the complainant, alleged harasser and witnesses. A decision will be made upon assessing the evidence available and considering whether disciplinary or other appropriate actions should be taken. A written report should be prepared by the school, and the relevant parties should be informed of the findings. Any misconduct verified by a school in respect of its staff members must be reported to the EDB, and relevant information should be submitted. In case the complainant refuses to accept the findings of the school, he/she may lodge a complaint with the EOC or institute legal proceedings. The Framework has been uploaded onto the EDB webpage "Prevention of Sexual Harassment in Schools".

18. Schools may consult the EDB, the EOC or other relevant organisations (e.g. the Police) when necessary. When a suspected child sexual abuse case is identified, schools should observe the principles and relevant procedures as stipulated in the Procedural Guide for Handling Child Abuse Cases (Revised 2015) (the Procedural Guide) issued by the Social Welfare Department (SWD) so as to protect the safety of students. According to the Procedural Guide, the first person in contact of the child should inform the school supervisor/principal immediately, and the school social worker or guidance/professional staff should handle and follow up the case. The school should make an initial attempt to check the child's conditions and conduct an initial assessment. During this process, the school should consult the Family and Child Protective Services Units of the SWD or the Police so that appropriate procedures could be taken.

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

19. In handling suspected child sexual abuse cases of which the suspected abuser is a staff member of the school, the school should inform the EDB for effective communication among the caseworkers concerned (e.g. school social worker/guidance personnel), the school, the EDB and other relevant government departments to ensure that appropriate follow-up actions are taken for the victims and the suspected abuser, and the safety of other students in the school is also safeguarded.

Punishment on teachers with misconduct

20. The SMCs/IMCs of aided schools are reminded by the EDB through different channels that as employers of all teaching staff in schools, they must comply with the Education Ordinance, Education Regulations, Codes of Aid, Employment Ordinance and relevant legislations, as well as guidelines issued by the EDB from time to time for the appointment, termination of appointment, dismissal and any other staffing matters of the school. Besides, they should take effective measures to ensure the safety of students. If a teacher is suspected to have committed a sexual offence, taking into account the nature of the case, schools may reshuffle the duties of the teacher concerned as appropriate when criminal proceedings or investigations are instituted against him/her. For cases of a serious nature, schools may consider suspending the teacher concerned from his/her teaching duties or duties that may involve contacting students in private, with a view to taking care of students' emotional needs and safeguarding their safety. If it is fully proven and substantiated that the teacher has committed an act of serious misconduct or gross negligence, the school may dismiss him/her summarily after going through appropriate procedures, including obtaining approval by the majority of the managers of the school at a SMC or IMC meeting. Besides, when the teacher leaves the employment, the school should set out in the certificate of services the reasons, e.g. resignation, retirement, expiration of employment contract, dismissal or summary dismissal, for the reference of other schools when considering the suitability for appointment of the teacher concerned to safeguard the interests of students.

21. The EDB attaches great importance to the professional conduct of teachers and will closely follow up any cases involving teachers suspected of committing a criminal offence or an act of misconduct (including reviewing the

registration status of the teacher concerned). To ensure the safety of students, under the existing procedures, even if the teacher is not convicted, the EDB can still examine whether he/she has committed any acts of misconduct and review his/her teacher registration status by making reference to court documents and information available. In general, if the teacher is convicted of a serious offence (including sexual offence, especially if the victim is a child or his/her student) or commits an act of serious misconduct (for instance his/her conduct poses serious risks to the safety and well-being of students), the EDB will cancel or refuse his/her teacher registration. Unless with the permission in writing of the Permanent Secretary for Education, he/she shall not enter or remain in any school.

Support offered to students involved

22. For students involved in sexual harassment cases in schools, professional staff in schools, including student guidance personnel, school social workers, and school-based educational psychologists, will provide support, follow-up and referral services in their profession as appropriate. If a student is suspected of being abused, schools may contact the Family and Child Protective Services Units of the SWD in their district for consultation, referral, counselling and group service, etc.

Concluding remarks

23. The EDB will continue to remind schools to adopt reasonably practicable measures to prevent sexual harassment, raise the awareness and understanding of teaching staff, parents and students on sexual harassment and establish school-based mechanism and procedures to handle sexual harassment complaints. The EDB will also continue to disseminate the message of preventing sexual harassment in schools to schools, teachers, students and parents. The EDB also expects that sex education in schools will foster students' positive values and attitudes towards sex-related issues, enhance students' self-protection awareness, encourage students to build healthy interpersonal relationships, and make reasoned judgement and responsible choices based on rational and objective analyses. The EDB will also continue to support schools to implement sex education, keep abreast of the latest topics and update the related curriculum on an ongoing basis.

Education Bureau
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