



Korean International School

55 Lei King Road, Sai Wan Ho, Hong Kong
(incorporated in Hong Kong with limited liability by guarantee)
Hong Kong Education Bureau Registration No-21621 since 17 Feb 1994
Find **PASSION**, Foster **VISION**, Encourage **ACTION**

KIS Anti-Harassment and Complaint Procedure Policy

The Korean International School (KIS) strives to create and maintain an environment in which staff are treated with dignity, decency and respect. The environment of the school should be characterised by diversity, respect, inclusion and mutual trust and the absence of intimidation, oppression and exploitation. KIS will not tolerate unlawful discrimination, bullying or harassment of any kind.

Through enforcement of this policy and by education of staff, KIS will seek to prevent, correct and discipline behavior that violates this policy.

All staff, including academic staff, support staff and contract service staff, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur between themselves or to their students. Appropriate disciplinary action will be taken against any staff who violates this policy. **Based on the seriousness of the offence, disciplinary action may include verbal or written reprimand, suspension, termination of employment.** Managers and Supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

Prohibited Conduct Under This Policy

KIS, in compliance with all the applicable anti-discrimination, anti-harassment laws and regulations in Hong Kong, enforces this policy in accordance with the following definitions and guidelines:



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Discrimination

It is a violation of KIS' policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or relationship status.

Discrimination of this kind is strictly prohibited by Hong Kong laws, including the Sex Discrimination Ordinance. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

KIS prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, any person working or studying in KIS.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy.

Verbal harassment includes :

- a course of conduct by a person, whether by words (slander) or action, directly, through third parties or online, sufficiently in nature as would cause, and which he/she/they ought reasonably to know would cause worry, emotional distress or annoyance to another person;
- comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, relationship status or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or



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shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, relationship status or other protected status.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under the Sex Discrimination Ordinance (SDO) and is prohibited under KIS's anti-harassment policy. The Sex Discrimination Ordinance provides protection against sexual harassment in both employment and educational sectors and it occurs when the staff feel intimidated in an environment that is hostile.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- It refers to any unwelcome conduct of a sexual nature that interferes with the performance or affects the enjoyment of staff or students in their working or learning environment. The behavior does not need to be directly or consciously targeted at an individual student. Examples of this form of sexual harassment include but not limited to the display of explicit or pornographic materials, sexual banter, crude conversation, and sexually offensive jokes or activities.



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- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Consensual Romantic or Sexual Relationships

KIS strongly discourages romantic or sexual relationships between a Manager or other Supervisory employee and an employee who reports directly or indirectly to that person, or between staff and students because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts or is in direct transgression of 124 of the Crimes Ordinance (Chapter 200 - Statutory Rape). In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment or academic decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work or school environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken.

If any employee of KIS enters into a consensual relationship that is romantic or sexual in nature with an employee who reports directly or indirectly to that



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employee, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the HR director or other appropriate corporate officer. Because of potential issues regarding quid pro quo harassment, KIS has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

Once the relationship is made known to KIS, the school will review the situation with human resources in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot come to a decision, or the party is not chosen for the position to which he/she/they applied, the HR Manager and Senior Leadership Team will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline including all or one of the following, depending on the severity of the actions. A counselling session from the direct supervisor, a warning letter from



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management, partial or total loss of work performance bonus or termination of employment.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR manager will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Complaint Procedure

KIS has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible. **Complaints should be submitted to HR as soon as possible after an incident has occurred, preferably in writing.** The HR Department may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR Department will dictate the verbal complaint. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR Department will notify Management and review the complaint with the company's legal counsel.

1. The HR Department will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
2. If necessary, the complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.
3. During the investigation, the HR Manager, together with legal counsel or



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other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.

4. Upon conclusion of an investigation, the HR Manager or other person conducting the investigation will submit a written report of his or her findings to the company. If it is determined that a violation of this policy has occurred, the HR Manager will recommend appropriate disciplinary action. The appropriate action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior complaints made by the complainant; c) prior complaints made against the respondent; and d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).
5. **Based on the seriousness of the offence, disciplinary action may range from a verbal warning, a written warning letter, suspension, a reduction or elimination of the performance bonus or termination of employment.**
6. **Termination of employment may result if the employee has engaged in harassing actions defined in this policy. It might result in the employee's summary dismissal (dismissal without warning) due to one severe incident or a maximum of three minor incidents, backed by written reprimands.**
7. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the HR Manager may recommend appropriate preventive action.
8. Senior management will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR Department and other management staff as appropriate, and decide what action, if any, will be taken.
9. Once a final decision is made by senior management, the HR Department will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed. Nothing in this policy may prevent the complainant or the



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respondent from pursuing formal legal remedies or resolution through the Hong Kong courts.

Written by Mrs Glenda Khoo on behalf of the Senior Leadership Team. Approved in Feb 2021, to be reviewed in Feb 2022.



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Annex 1:

Assessing Your Behaviour

A good rule to follow is as follows: if there is any question in your mind about whether your own behaviour or comments might constitute harassment, stop the behaviour and don't make the comments.

Could your behaviour be considered harassing? Consider the following:

o Would you change your behaviour if your spouse, son or daughter were within hearing distance?

o Would you feel uncomfortable if the same behaviour or comment were directed at you or someone in your family? If you answered "yes" to any of these questions, your behaviour or comments would be considered harassment