

Policy on the Prevention and Handling of Sexual Harassment of the City One Baptist Church

1. Foreword

- (1) Sexual harassment is discriminatory and unlawful. Churches have an obligation to provide a sexual-harassment free environment for the employees and the congregation to serve, work, and participate in religious activities. The Equal Opportunities Commission (EOC) has provided for a guideline to encourage churches to formulate their own policy on the prevention of sexual harassment.
- (2) In the light of the suggestion of the EOC, the City One Baptist Church (COBC, this church) formulates this policy to illustrate its stance, policy, principles and procedures on the prevention and handling of sexual harassment, in order to protect the church, pastoral staff, the congregation and other members of the church from sexual harassment. All staff, brothers and sisters of this church should be aware of the content of this policy and strive to comply with it in order to prevent and eliminate any form of sexual harassment related to this church.

2. Religious principle and stance

- (1) As the body of Christ, this church is committed to upholding human dignity and value. We believe that everyone is created by the Lord in the image of God, regardless of gender and background. As believers, we must be vigilant against sin, be on guard at all times, and be responsible for protecting believers and those who participate in the church, especially the younger ones, from sexual harassment. We are committed to building this church into a community of love so that all believers and those who participate in the church can build up and serve one another.
- (2) This church will not tolerate any sexual harassment and is committed to preventing and eliminating any form of sexual harassment, so that this church will become a witness to the Lord's love and justice.
- (3) Sexual harassment is discriminatory and unlawful. Employees, believers or agents of the church who commit sexual harassment will not only be subject to disciplinary action of the church, but may also entail civil liability and criminal consequences. In the event of sexual harassment, anyone in this church

should point it out and stop it.

3. Objectives and responsibilities of this church

The objectives of this policy and responsibilities of this church are as below:

- (1) To ensure all relevant persons of the church, including pastoral staff members, lay church leaders with management duties (e.g. the deacons, ministry heads, church board members, fellowship leaders), ministry personnel (e.g. Sunday school tutors and cell group leaders), the congregation (including catechumens), employees (including contract workers/persons seeking to be employed by the church) and other persons who provide service to the church (including voluntary helpers, contract service providers/agents) are able to serve, work, participate in religious activities or provide/have access to services in an environment free of sexual harassment;
- (2) To set up effective means so that all relevant persons are aware of this policy and the channel to lodge complaints;
- (3) To provide appropriate training for pastoral staff members, lay church leaders with management duties, ministry personnel, the congregation, employees and other agents of the church, in order to raise their awareness on sexual harassment and to nurture the right and proper value of respecting others;
- (4) To set up an effective and user-friendly channel for lodging complaints, with due care to the feelings and needs of the complainants;
- (5) To pay attention to the physical, psychological and emotional needs of the concerned persons, and to provide necessary assistance and support as appropriate;
- (6) To handle complaints on the principles of fairness, impartiality and confidentiality, and in a serious and discrete manner; and
- (7) To ensure that nobody will be punished, injured or subject to unreasonable treatment because of lodging a complaint in good faith.

4. Responsibilities of all members of this church

- (1) All relevant persons (including pastoral staff members, lay church leaders with

management duties, ministry personnel, the congregation, employees and other agents of the church) should assist to prevent and eliminate sexual harassment, including respecting the will and feelings of others, refusing to condone any sexual harassment behaviors, and supporting others to take action to stop sexual harassment.

- (2) If anyone of this church witnesses or is aware of other persons committing any sexual harassment act or being sexually harassed, he/she can lodge a complaint to the Committee on the Prevention and Handling of Complaints of Sexual Harassment (the Handling Committee) or its members. Both the complainant and witness(es) are protected under the Sexual Discrimination Ordinance (SDO).

5. Definition of sexual harassment

Sexual harassment means a person makes an unwelcome conduct of a sexual nature to another person, including unwelcome sexual attention, unnecessary physical contact, talking about issues of a sexual nature, or making a sexual advance. It also amounts to sexual harassment if that other person finds the environment sexually hostile or intimidating.

6. Examples of sexual harassment

- (1) The following behavior can be regarded as sexual harassment:
 - (a) Making an unwelcome sexual advance – For example, provocative eye contact, act of obscenity, touching, grasping or deliberately rubbing other's body;
 - (b) Making an unwelcome request for sexual favours – For example, suggesting to the other person explicitly or implicitly that if he/she cooperates or tolerates his/her sexual requests, it may help the other's career development of the other person, or affect employment conditions;
 - (c) Unwelcome verbal, non-verbal or physical sexual acts – For example, making sexually degrading or prejudicial statements, repeatedly asking about a person's sexual life;
 - (d) Involving sexual acts to create a hostile or intimidating work environment – For example, talking about sex-related obscenity in the workplace, showing sex-discriminating or sex-related obscene articles, pictures or posters, involving indecent communication (letters, telephone, fax, email and SMS).

- (2) Examples of sexual harassment includes -

- (a) attempt to date the other person though being rejected repeatedly;
- (b) a sexually-insulted comment, and a defamatory or insulting statement;
- (c) a joke about sex or a particular gender;
- (d) a sexual proposal, or putting pressure on the other person to meet sexual requests;
- (e) implicitly or publicly threaten the other person for sexual activity;
- (f) an ongoing telephone or letter requesting a private or sexual relationship;
- (g) display sexual or obscene photos or articles.

(3) For more information on sexual harassment, please refer to the website of EOC (www.eoc.org.hk)

7. Rights of victim and various actions to be taken

- (1) The victim has a right to lodge a complaint against sexual harassment. When a person is sexually harassed, he/she may take the following actions :
- (a) Speak up at the time. Tell the harasser that his/her act is unwelcome and should be stopped immediately;
 - (b) Keep a written record of the incidents, including the dates, time, location, witnesses, nature (what the harasser has said or done) of the incidents and his/her response;
 - (c) Tell someone he/she trusts and ask for emotional support and advice to handle the incident;
 - (d) Lodge a complaint with the person-in-charge of the Handling Committee, specifying whether he/she would like the case to be handled through the formal or informal mechanism. The informal mechanism primarily enables the parties concerned to understand the issue from a different perspective in a communicative approach, and to settle the dispute between the two sides. If the complainant considers that the case is not appropriate to be handled by the informal mechanism, or he/she is not satisfied with the outcome of the informal mechanism, he/she may request the case be followed-up through the formal mechanism. Please refer to paragraph 8 below for more details.
 - (e) Make an enquiry or complaint with the EOC and request investigation or conciliation. In case conciliation fails, the complainant may seek legal assistance from the EOC. The number of the EOC: 2511 8211. For other means of making enquiries or filing complaints, please refer to the EOC website: <http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx>
 - (f) Consult a lawyer, report to the police (if the incident amounts to criminal offences) or file a civil law suit in the District Court.

- (2) The complaint lodging procedures of this church will not affect the complainant's right to lodge complaint to the EOC, to report the case to the police, or to file a civil law suit to the District Court.
- (3) In cases of sexual harassment, the victim should take appropriate actions as early as possible. The victim should note that there are different time bar for lodging a complaint with the EOC, filing a law suit in the District Court and regarding the police's criminal investigation and prosecution. Moreover, one should note that any delay could cause difficulty to the investigation and collection of evidence.

8. Handling of cases of sexual harassment

- (1) This church will set up a standing Committee on the Prevention and Handling of Complaints of Sexual Harassment (the Handling Committee), comprising two pastoral staff, two members of the Church Council and two members of the congregation to be appointed annually. The Handling Committee will strive to have balanced female and male representation, each taking up half of the membership of the Handling Committee. The Handling Committee is accountable to the Church Council, with roles and responsibilities as below:

- (a) To execute this policy concerning prevention and handling of sexual harassment;
- (b) To appoint an Investigation Team to conduct investigations in case of sexual harassment complaints or suspected serious problems, and to provide support during the investigation of the Investigation Team and follow-up after the investigation;
- (c) To assist in formulating guideline for pastoral staff and mentors who serve in the Children and Youth Ministry;
- (d) To introduce the relevant policy and guidelines to the congregation of this church, and to arrange regular revisit on them; and
- (e) To make suggestions on matters relating to relevant trainings provided to pastoral staff and other ministry personnel.

- (2) The Handling Committee should handle complaints on the principles of fairness, and impartiality, and in a serious and discrete manner. It should also ensure the confidentiality of all relevant information.

8.1 Handling arrangements

(1) Informal handling mechanism

- (a) This church encourages the complainant who is being sexually harassed to relay to the harasser directly that his/her acts are unwelcoming and requests him/her to stop such acts immediately.
- (b) The complainant may seek assistance from pastoral staff whom he/she trusts.
- (c) The responsible pastoral staff should enable the persons concerned to understand the issue in a different perspective in a communicative approach, through mediation and conciliation. He/she should then inform the complainant about the outcome.
- (d) If the case is resolved successfully, the responsible pastoral staff should record down the case, including the case summary, agreement of the two sides and submit such record to the Handling Committee in one month. That said, the personal particulars of the persons concerned in the case should remain confidential.

(2) Formal handling mechanism

- (a) If the case cannot be resolved through the above informal mechanism, or should the complainant opine or decide that the above informal mechanism is not appropriate, the complainant can lodge a formal complaint to the Handling Committee directly.
- (b) Formal complaint should be lodged in writing, with information such as the identity of the complainant, details of the alleged sexual harassment and the identity of the alleged harasser. The Handling Committee will set up a dedicated email account as a direct complaint-lodging channel. In case of anonymous complaints, if the content includes detailed information on the cause, happenings and result of the case, the Handling Committee, subject to the nature and content of the complainant, may follow-up the complaint as appropriate, including giving warning to the harasser.
- (c) If the complainant has substantial difficulty, he/she can contact any member of the Handling Committee to lodge a verbal complaint. Member of the Handling Committee may assist the complainant to make a written record on the complaint and ask the complainant to sign as a confirmation.
- (d) Upon receipt of a complaint, the Handling Committee will initiate the formal handling mechanism, and set up an Investigation Team as soon as practicable to investigate the case (except for those which have been referred to EOC and law enforcement agencies). The Investigation Team should:

- (i) comprise of no less than 3 persons;
 - (ii) must include pastoral staff, member of the Church Council and the congregation;
 - (iii) includes both male and female members; ;
 - (iv) must include at least one member of the Handling Committee in order to ensure that the Investigation Team are familiar with this policy;
 - (v) anyone who has direct relationship or conflict of interest with any persons involved in the case (e.g. spouse, relatives) should not take part in the investigation.
- (e) The Handling Committee and the Investigation Team should not disclose any information about the complaint. That said, in order to protect persons who participate in the church, upon the receipt of complaint, the Handling Committee will inform the following persons, taking into account the identity of the persons being complaint against:
- (i) Chief Pastor: to inform the Personnel Committee of the Church Council
 - (ii) Pastoral staff / office staff: to inform the Chief Pastor, Chairman of the Church Council, and the Chairman of the Personnel Committee
 - (iii) Member of the Church Council: to inform the Chief Pastor, Chairman of the Church Council, and the pastoral staff-in-charge of the pastoral group of such member
 - (iv) Member of the congregation: to inform the Chief Pastor, and the pastoral staff-in-charge of the pastoral group of such member

The Handling Committee should notify the Church Council on the complaint case. That said, personal data of the persons concerned shall remain confidential.

- (f) The complainant can also seek assistance from the EOC or other law enforcement agencies.
- (g) For serious cases, the Handling Committee shall seek assistance from law enforcement agencies upon a preliminary study.
- (h) Generally speaking, if the case has been referred to the EOC or law enforcement agencies, the Handling Committee will not initiate investigation in order not to affect the handling process of the relevant authorities.
- (i) If the complaints involve members of the Handling Committee or its

direct relative, the concerned member(s) will not involve in the handling and investigation process of such complaints.

(3) Investigation procedures

- (a) The Investigation Team shall conduct timely investigation, and may meet the complainant, respondent, witness or other relevant parties individually.
- (b) The respondent shall be given an opportunity to respond to the allegations of the complaint.
- (c) To ensure fairness to all parties, parties who attend meetings during the investigation should keep the content of the complaint and the meetings confidential.
- (d) Relevant parties involved in the complaint may provide evidence or relevant information, or suggest other relevant witness(es) of the case to the Investigation Team.
- (e) The Investigation team may seek legal advice as and when necessary.

(4) Transitional arrangement

During the investigation of the Investigation Team, or during the period when the case is referred to EOC or law enforcement agencies for handling, the Handling Committee may propose appropriate transitional arrangements, including suspension of all or part of the respondent's duties in this church.

8.2 Investigation reports

- (1) The Investigation Team shall complete the investigation as soon as possible. In any case, the Team shall complete and furnish a written investigation report to the Handling Committee within three months. The Report shall include:
 - (a) The allegation and evidence of the complainant;
 - (b) The response and evidence of the respondent;
 - (c) Details of the investigation and the decision; and
 - (d) Other suggestions.
- (2) The Handling Committee will consider the investigation report to ensure that the investigation procedures are in order, including all relevant information. The Committee should also ensure that the decision and suggestions in the report are in line with the findings of the investigation.
- (3) If the investigation results show that the case is a serious one, or it is found that

the allegation on sexual harassment is valid and it is suggested to impose disciplinary action on the respondent, the Handling Committee should submit the investigation report of such case to the Church Council for consideration and confirmation.

- (4) Upon the consideration and confirmation of the investigation report, the Handling Committee shall inform the complainant and respondent on the investigation results in writing within 14 days.

8.3 Appeal arrangements

- (1) If the complainant and the respondent are not satisfied with the investigation outcome, they may appeal to the Church Council in writing within 14 days through the Chairman of the Church Council. Appellant is required to provide detailed and specific information on the grounds of appeal in writing, such as the appearance of new evidence or improper handling procedures of the investigation.
- (2) The Church Council will consider the appeal application, including considering the grounds of appeal of the appellant, and the response of the other side.
- (3) If the Church Council does not accept the appeal application, the decision of the Council shall be final.
- (4) If the Church Council accepts the appeal application, it will appoint an Appeal Team, comprising of no less than three members of the Church Council who do not have any conflict of interest with the concerned parties of the case, and a balanced representation of both females and males. The Appeal Team shall complete a review of the case within three months upon the notification of the appeal, and submit a review report to the Church Council.
- (5) The Church Council shall then consider the review report, after which it shall inform the complainant and respondent on the review results in writing within 14 days.
- (6) Decision of the Church Council shall be final concerning the handling of the complaint by this church. If any of the parties disagrees with the decision, he/she may seek assistance from the EOC or other law enforcement agencies.

8.4 Disciplinary action

If the complaint on sexual harassment is found to be substantiated, the Church Council will consider appropriate disciplinary action against the respondent depending on the circumstances of the case, including its nature and seriousness. Such action may include suspension of service in the church ministry, and removal of church membership in accordance with the Article of Association of this church. If the respondent is a pastoral/office staff, such action may include giving oral or written warnings, transferring him/her to other post, requesting for resignation or dismissal etc.. It may also include referral of serious cases to law enforcement agencies

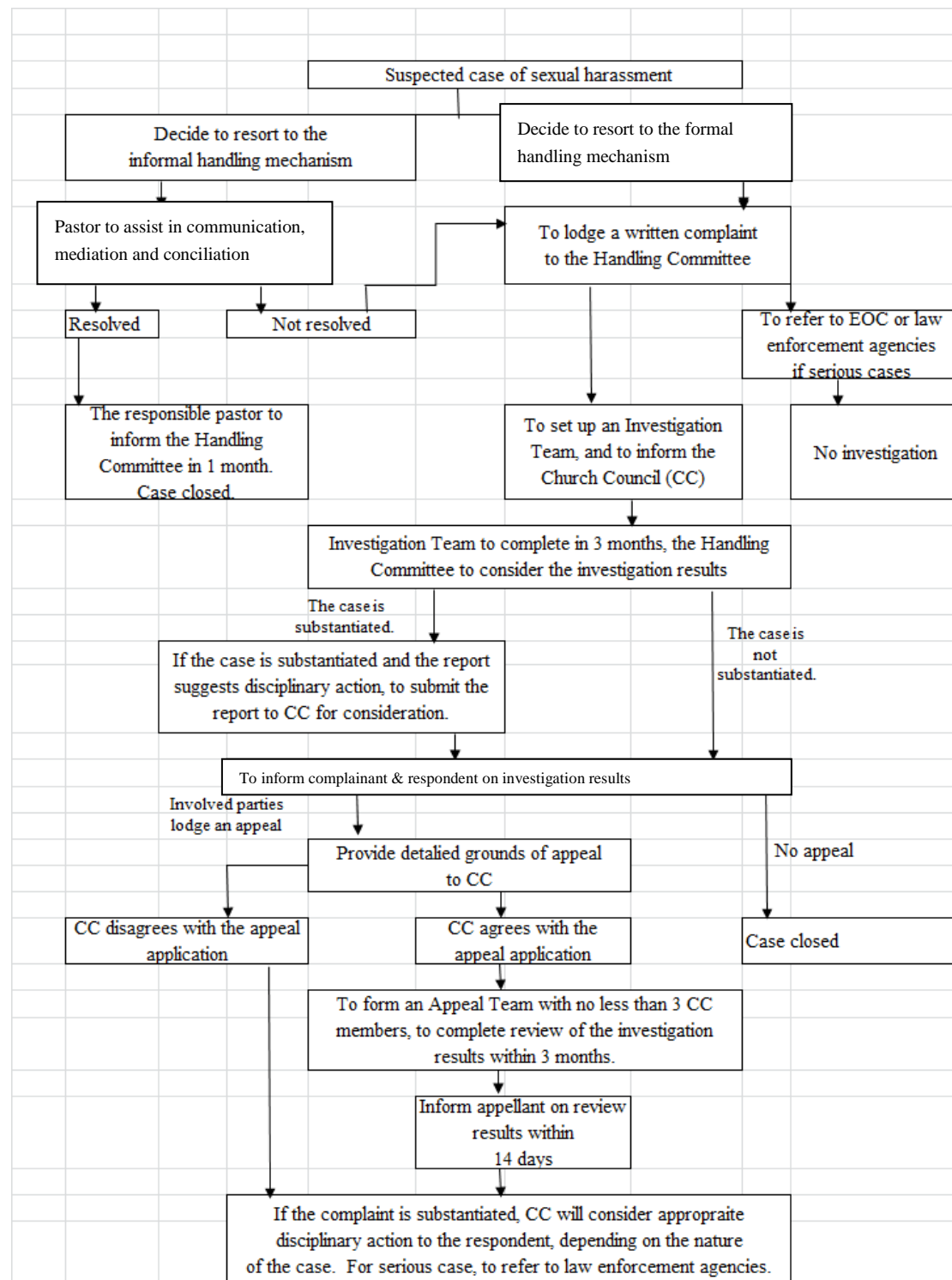
9. This policy on the prevention and handling of sexual harassment has been effective since 1st September 2019. This church will review the policy from time to time, and propose amendments as appropriate.

Annexes :

Annex 1 – Procedures of the handling of complaints on sexual harassment

Annex 2 – Form to lodge complaints

Annex 1 – Procedures of the handling of complaints on sexual harassment



Annex 2 - Form to lodge complaint

City One Baptist Church **Complaint-lodging Form on Sexual Harassment Cases**

Name of the complainant: _____ Gender: _____ Age: _____

Post / ministry : _____ Contact: _____

Category of the incident

- ☐ verbal statements ☐ act ☐ being insulted/harassed
☐ hostile environment ☐ involving discrimination
☐ others _____

Name of the person being complained: _____ Gender: _____

Post / ministry : _____

Date of the incident: _____

Description of the incident:

I declare that the above information is true and accurate.

Signature: _____ Date: _____

Personal Data Collection Statement

All personal data submitted may be transferred to the Church Council, pastoral staff, the Committee on the Prevention and Handling of Sexual Harassment, and the Investigation Team for use in the performance of their functions. The data subject has the right to request and correct the personal data submitted in lodging this complaint. Any person who wishes to obtain or correct personal data in accordance with the Personal Data (Privacy) Ordinance should make a request to the Handling Committee on the Prevention and Handling of Sexual Harassment. This church may transfer the personal data provided to parties that are relevant to the complaint, and may disclose such information to law enforcement agencies authorized to obtain the relevant information.