

香港李寶椿聯合世界書院



POLICY ON
STUDENT PROTECTION

APPROVED BY
THE BOARD

30 OCTOBER 2008

1. RATIONALE

- a. Any human society is under an obligation to protect its more vulnerable members, among whom are students in schools. This document focuses on the students in the care of the College, and the standards of conduct required to offer the protection they deserve. The sad facts of abuse of young people are now quite well known, and any institution which accommodates young people must take special care to ensure that such tragedies might not occur.
- b. The relationship between student and teacher is a special one, and teachers must always be conscious of the trust that parents have placed in the teacher by allowing their sons or daughters into their care. What must be avoided as poisonous to the good atmosphere of the College is an attitude of mind that destroys trust. One's presumption must be that people act well, and teachers are people who have committed their lives to the care of their students. They would be among the last categories of those who would seek to hurt a young person, and this positive presumption should characterise the College. But it would be the height of folly to ignore the possibility that people may offend and breach proper standards of conduct. The teacher is a person of authority in the eyes of students, and students must be protected from abuses of that authority.
- c. In order that all relationships in the College can be encouraged and celebrated, every member of the College community must demonstrate respect for all other members of the community. It follows from this that no member of the College community should ever feel threatened or harassed by any other member of the College community. Consequently, this policy should be read in conjunction with the College's Harassment Policy.
- d. Because they live in a residential environment, staff of Li Po Chun United World College share a special responsibility to help protect the physical and emotional welfare of their students. In that context, this policy on student protection also constitutes a Code of Practice for staff which is the basis for behaviour that is appropriate, professional and necessary when dealing with students at the College.
- e. Where physical contact is concerned, teachers and support staff as a group are in a high risk occupation. This is especially so in the international setting of the College where students come from a variety of backgrounds, and cultural awareness demands that the sensitivities of all backgrounds are respected. Having made this point, the College has established an atmosphere of easy informality, which is universally appreciated and celebrated. Therefore, this policy aims to preserve the high quality of personal relationships while at the same time setting professional limits to protect the integrity of those relationships. This policy thus highlights areas where staff are particularly at risk and also what is considered to be appropriate behaviour within the boundaries of common sense and safe practice.
- f. Over recent years communities have increased their awareness and understanding of abuse of adolescents. Students' rights are becoming more defined as are teachers' roles and responsibilities. The safety and well-being of students in the care of the College are paramount, regardless of whether the students are over or under 18 years of age. Any physical contact with students presents a potential risk to the teacher because:
 - i. Contact could be misinterpreted by the student, other students, and adults (staff, parents);
 - ii. Misinterpretation could lead to unease, rumours, formal complaint, community action, and even criminal charges;
 - iii. If found guilty of complaints or charges, whether made by the "victim" or others, then employment can be terminated.

2. COMMON OCCURRENCES OF PHYSICAL CONTACT

- a. There are some requirements of the UWC program or emergency procedures which may require physical contact between staff member and student. These include:
 - i. sports training and outdoor education activities;
 - ii. giving comfort and first aid;
 - iii. restraint in the interests of safety;
 - iv. lifting and caring for students with disabilities; and
 - v. giving encouragement or emotional support (e.g. with hugs) of a non-sexual nature.
- b. Although for many cultures, physical contact is encouraged and celebrated, there is also an inherent risk that physical contact between a staff member and student may be misconstrued as assault or harassment. The risk will be reduced by restricting physical contact to those times where common sense says that the safety and well-being of the student clearly require physical contact, and in public places.
- c. It is important to recognise the differences in individual personalities as well as cultural traditions and values regarding appropriate touching, and to consult and discuss widely among all cultural groups.

3. POLICY SUMMARY

1. This policy should be available in a public place, including the College's website. The key points of this policy are:
 - i. members of staff must not have sexual relations or physical contact of a sexual nature with students, whether or not by consent;
 - ii. teaching and residential practices must minimize the vulnerability of staff to allegations of indecency or abuse;
 - iii. visibility in the workplace should protect both staff and students;
 - iv. teachers should be alone with students only in appropriate and professional circumstances;
 - v. romantic relationships between students and College staff are prohibited;
 - vi. all non-teaching staff, temporary teachers and helpers who are involved with students, as well as visitors who stay overnight, must be informed of and adhere to this policy.

4. SUPPORT FOR STUDENTS

- a. All staff must present good examples and practices in their dealings with students. Some students have a very affectionate nature and express themselves freely, seeking close physical contact such as hand holding, hugging, putting their arms around teachers and other students. This is usually quite appropriate behaviour when in an open or public place, but it is more acceptable in some cultures than others, and thus may lead to embarrassment or discomfort with certain individuals. No person should be made to feel uncomfortable by being forced into or exposed to a close level of intimacy.
- b. Given that the safety and well-being of the students are paramount, there needs to be at all times a balance between protecting staff and also preserving the dignity of the student. For example, in the residential environment, staff need to respect students' need for privacy while at the same time ensuring that conduct in the residences conforms with College requirements and protocols.
- c. Staff must be supportive and non-abusive in their management of students. Because the safety and security of students are primary concerns, staff have a professional responsibility to report allegations of indecency or abuse and any other unprofessional conduct by another staff member. This report should be made to senior staff, the Principal or, in extreme cases, to the Supervisor.

5. SUPPORT FOR STAFF

- a. Staff can support one another in preventing situations where physical abuse could occur through discussing and knowing this policy. They can also work in pairs or groups when necessary. Other support is available from the Principal or counselling staff.
- b. Professional development supports staff by increasing their skills and knowledge about effective classroom management, anger management, safe professional practice, and prevention of adolescent abuse. The College accepts a responsibility to provide this.

6. PROFESSIONAL PRACTICES

- a. Teachers are vulnerable to accusations of improper or unprofessional behaviour when they allow themselves to be alone with a student without being able to be observed. This applies especially in teachers' residences. For this reason, and to protect staff from excessive demands on their time, students must never be in staff residences between 10pm and 10am unless accompanied by a second member of staff. However, in their role as tutors, there may be occasions when it is necessary for teachers to speak to students confidentially. If students visit teachers when they are alone in their residence, then for the protection of everyone involved one of the following options should be followed: (a) a door should be left open; or (b) if this is not possible and it is established that the conversation is not strictly confidential, the student could be encouraged to bring a friend; or (c) if this is not possible, the teacher should meet the student elsewhere, such as in the corridor or the day room; or (d) if this is not possible, the teacher should avoid any suggestion of secrecy by advising a colleague (e.g. by phone) or the guards that they are in their residence alone with a student.

- b. Provided one or more of these provisions is in place, then depending on the cultural backgrounds of the student and teacher involved, physical comfort of a non-sexual nature may not be objectionable and indeed may be necessary to deal with distress effectively.
- c. Notwithstanding the preceding points, the door(s) must be left unlocked whenever a teacher is in the residence with a student. Furthermore, teachers must ensure there is no physical contact whatsoever if they are alone with a student in a closed place without the knowledge of anyone else.
- d. When away from the campus, such as on an outdoors expedition, teachers should attend to minor injuries or abrasions suffered by students immediately in the same way that a responsible parent or caregiver would do, and in the presence of other students or another staff member if possible.
- e. Wherever possible, teachers should ensure that another staff member or witnesses are present when assisting or comforting a student who is seriously injured. It is recognized that teachers may have to be alone with an injured student in an emergency when someone has gone for help.
- f. Staff must not body search students as this could lead to allegations of physical or indecent assault.
- g. If a teacher is physically attacked by a student, he/she should try to protect him/herself fully using whatever means are available while at the same time seeking to minimize any injury to the student involved. If others are present, they should move away or restrain the student if this is possible. Staff should get assistance immediately and report any incident to the Principal. If injuries occur, these should be dealt with through the Nurse or emergency services.
- h. If a teacher must transport a student alone, such as to the hospital, a colleague should be advised beforehand and both the departure and return must be registered with the guards.
- i. Physical punishment is unacceptable and unlawful. Students must never be disciplined in anger as this can lead to unprofessional and unlawful actions.

7. REPORTING VIOLATIONS OF THIS POLICY

- a. Whilst healthy community relationships are encouraged, the College has a responsibility to have in place effective systems to prevent (as far as possible) any instances of physical, sexual or emotional abuse on campus, and to provide appropriate support and recourse if a member of the community feels threatened or abused by another person. Supporting one another is the responsibility of every member of the College community; it is not restricted to 'professional carers' such as tutors, the nurse, the visiting doctor and the counselor.
- b. All members of the College community must be vigilant, proactive and responsive if they have reason to believe that the physical, sexual or emotional welfare of any member of the College community is being damaged. In such cases, the Complaint and Resolution Process outlined in section 8(c) should be followed.
- c. It is possible that some students who have been the victim of abuse may not report the incident for a variety of reasons, the main ones being embarrassment and fear. The College wishes to protect all its student, but if students choose not to report that they have been abused, they must be aware that the College may not be able to offer the protection it wishes. It is also important that teachers are protected against false allegations or malicious rumours.

- d. Malicious false allegations will be regarded as harassment and will be dealt with under the procedures of the College's Policy on Harassment.
- e. Unprofessional behaviour towards students by staff may involve action being taken via the College's complaints and disciplinary procedures. Under these procedures, serious misconduct will lead to suspension and/or dismissal and/or police investigation.

8. COMPLAINT AND RESOLUTION PROCESS

- a. The resolution of minor disagreements between relevant parties is encouraged whenever possible, with a mediator as necessary. Any report or accusation regarding sexual relations between a staff member and a student (whether or not by consent) is not 'minor' in this context, and any such report or accusation must be investigated formally whilst the teacher is still a member of the College staff. Allegations against former teachers are not covered by this policy and should be referred directly to the Police.
- b. Situations where a formal report or complaint has not been made*
 - i. Accusations or concerns sometimes arise through unofficial channels, such as approaches made by concerned parents to the Board or the Principal, reports of rumours received from National Committees, or informal or anonymous reports received by the College. Although such reports may not represent a complaint in the formal sense, they must be investigated seriously to discern if there is any risk that students may be in danger.
 - ii. If the identity of the person making the report is known, and that person believes there may be a risk to students, he/she should be encouraged to make a formal report, in which case the process outlined in section (c) must be followed.
 - iii. If an anonymous report is received, then the person receiving the report has the responsibility to inform the person who is 'accused' that the rumour is circulating so that the person has an opportunity to take whatever action is appropriate to remedy the situation, *and/or* to inform one of the following people (either directly or indirectly): the Head of House, the Head of Residences, the Head of Quan Cai, the Director of University Guidance, the Director of Studies, the Head of Administration, the Principal or the Supervisor. When any of these people have received a report, he/she will inform the Principal, who will investigate and advise whether the Standing Sub-Committee (described in section (c) below) should be convened.
 - iv. If the Standing Sub-Committee concludes that students in the College may be at risk, the Committee must:
 1. Seek a written statement from the accused person on the matters raised in the report(s) received;
 2. Decide whether the person accused should be permitted to remain in contact with students during the period of the investigation;
 3. Decide whether the person accused should be permitted to remain on campus during the period of the investigation; and
 4. Establish a timeframe for the preliminary investigation that reflects the urgency of the procedure without compromising transparency or fairness.

- v. The Standing Sub-Committee shall make a recommendation to the Board based upon the evidence it has received that seeks above all to protect the welfare of the students of the College as well as ensuring procedural fairness for everyone involved. If the Sub-Committee considers that there appears to be a breach of the law, it shall recommend referral to an outside authority (e.g. the police, ICAC, etc).

c. Situations where a formal report or complaint is made

- i. It is the responsibility of anyone in the College community with reliable information about instances of physical, sexual or emotional abuse by a teacher, including the “victim”¹, to make a formal report. A written or verbal report may be made to any responsible person in the College, but in the case of a verbal report, a written record must be made of the meeting that includes:
 1. The date, time and place of the meeting;
 2. The people present at the meeting;
 3. The incident(s) described during the meeting, using as much original wording as possible.
- ii. Any report or accusation that involves allegations of inappropriate physical or sexual contact must be brought to the attention of one of the following people: the Head of House, the Head of Residences, the Head of Quan Cai, the Director of Studies, the Head of Administration, the Principal or the Supervisor. Where reports have been made by someone other than the ‘victim’, he/she may request that their identity not be revealed to the accused person.
- iii. When a formal report has been received alleging abuse of a student by a teacher, the allegations must be investigated according to the following procedure:

Principles for Handling a Complaint Against a Teacher

The investigation of complaints should be governed by certain basic principles as follows:

1. The timeframe of the investigation should reflect the urgency of the procedure without compromising transparency or fairness.
2. Fairness may in some cases require representation and advocacy (the consideration of language issues is important).
3. Proceedings should be seen to be transparent and inclusive as far as possible.

Procedure For Handling a Complaint Against a Teacher

The Board has set up a Standing Sub-committee (“the Committee”) to handle complaints against a teacher comprising:

- The Chairman of the Board of Directors of the College (“the Board”)
- The Vice-chairman of the Board
- The Supervisor
- The Convener of the Staffing Sub-committee
- Two members of the Board (who at present are Sister Margaret Wong and Ms Francine Kwong)

¹ Although this policy states that the ‘victim’ has a responsibility to report instances of abuse, it is recognised that most victims do not make reports or complaints. It is for this reason that victims are only really protected when others are prepared to make a report about the situation, even if the victim prefers not to have a report made for reasons such as fear or embarrassment.

Four members of the Committee will form a quorum.

The Principal will conduct a preliminary investigation and determine whether the matter needs to be referred to the Committee. Where the Principal considers that referral to the Committee is necessary, he will recommend to the Committee whether the matter should be referred to an outside authority (for example, the Police, the ICAC, etc.) if there appears to be a breach of the law or should be dealt with internally if there does not appear to be a breach of law.

The Committee will then determine whether the incident should be reported to outside authorities or handled internally.

The following procedure applies to the case where the complaint is determined by the Committee to be handled internally.

In the event of the incident being determined by the Committee to be handled internally:

- Written statements will be requested from both parties concerned who may also be interviewed if the Committee considers this necessary.
- The Committee will review the statements, seek further clarification and get more evidence where necessary, and make a determination as to whether the case should receive a full hearing.

If the Committee determines that the case may be decided summarily, i.e. without the need to have a full hearing, the Committee will proceed to draw conclusion.

If a full hearing is decided:

- The parties concerned will be given notice thereof, and be required to submit detailed statements and evidence and present their cases at a hearing of the Committee.
- The Committee will review all evidence presented and determine the case.

Any legal issues that may arise in the process will be referred to the College's lawyers for advice.

The Committee may require the Principal and any other persons including the College's lawyers to attend its meetings to assist in its deliberations.

All conclusions drawn by the Committee shall be referred to the Board for decision.

9. EFFECTIVE DATE

- a. This policy was approved by the Board on 30th October 2008 and is effective immediately.
- b. This policy will be reviewed within two years or as necessary.