

# 保良局李城璧中學防止性騷擾政策

## 引言

1. 本校十分重視《性別歧視條例》及其政策推行；性騷擾仍違法行為，學校絕不容許有任何性騷擾及性侵犯行為在校內發生，若一旦發生，校方均以嚴肅態度跟進，而校內任何人亦應保護個人權益及正面作出投訴。
2. 本校致力保障教職員工及學生等推行平等機會政策，不會容許任何形式的歧視或騷擾行為。本校亦採取任一切可行及適切的行動，務使消除及防止在學校群體成員中受到任何歧視或騷擾。
3. 學校制定「防止性騷擾政策」，內容包括「性騷擾的定義及例子」、「防止性騷擾措施」及「處理性騷擾投訴的機制」，所有教職員須細閱及瞭解有關政策及按以執行。
4. 本校在「防止《性別歧視條例》」的保障下，會確保所有人（包括全體學生、教職員、義務工作者、合約員工、服務供應商／代理人等）都能在一個沒有歧視，免受騷擾、中傷及不應受到惡意針對（使人身心受傷害／歧視等）的安全環境下學習和工作。學校清楚表明對「防止性騷擾」的立場，會透過教育及培訓，並設立適當的處理程序等，目的務使教職員工和學生，均能夠培養有關性別平等及促進互相尊重方面的公義、公平及正確觀念；並能建立互相尊重，良好的校園氛圍。

## 性騷擾的定義：

### 1. 性騷擾的法律定義：

根據《性別歧視條例》，「性騷擾」的法律定義包括以下情況：

根據\*《性別歧視條例》（第480章）第2(5)條：「就本條例而言，任何人（不論如何描述其身分）-

(a) 如

(i) 對另一人提出不受歡迎的性要求，或提出不受歡迎的獲取性方面好處的要求；或

(ii) 就另一人作出其他不受歡迎並涉及性的行徑；

而在有關情況下，一個合理的人在顧及所有情況後，應會預期該另一人會感到冒犯、侮辱或威嚇；或

(b) 如自行或聯同其他人作出涉及性的行徑，而該行徑對另一人做成一個在性方面有敵意或具威嚇性的工作環境。」

（上文第(a) (i) 及 (ii) 段所述的「涉及性的行徑」，包括對另一人在其在場時作出性的陳述，不論該陳述是以口頭或書面作出。）

\*全文參照律政司網頁 ([www.legislation.gov.hk](http://www.legislation.gov.hk)) 《性別歧視條例》為依歸。

## 2. 性騷擾的含義：

- 2.1 錯誤運用權力或交換利益：決定是基於個人允許或拒絕獲取性方面好處的意願（例如：要求獲取性方面好處以換取升職、加薪、或考試合格）。
- 2.2 敵意的環境：言語上或身體上涉及性的行徑，目的在干預一個人的工作／學習表現，或營造一個冒犯、敵意或威嚇的工作／學習環境。

## 3. 性騷擾涉及人士：

- 3.1 根據《性別歧視條例》，僱員作出的行為，可能會令他個人負上責任。僱員如對上司、準上司、同事、準同事、下屬、準下屬作出性騷擾，不論出於任何動機，即屬違法。
- 3.2 根據《性別歧視條例》，任何人明知而協助另一人作出性騷擾，須視為本身作出同一行為。任何人如向另一人提供或要求提供任何利益，或使另一人遭受或威脅另一人遭受任何不利，以指示、誘使或企圖誘使該另一人對第三者作出性騷擾，即屬違法。
- 3.3 本校學生如對同學、準同學、僱員作出性騷擾，不論在校內或校外，同性或異性，本校會按照情況，作出輔導及跟進。
- 3.4 本校僱員／合約或外判職員如對學生及準學生作出性騷擾，不論在校內或校外，同性或異性，亦屬違法。

## 4. 性騷擾的例子：

性騷擾包括：不受歡迎的性要求，不受歡迎的獲取性方面的好處的要求，或其他涉及性的行徑，包括身體行動及口頭評論，而在一個合理的人的預期中，這些行徑的結果，會令該位受影響的人士受到冒犯、侮辱或威嚇。任何不受歡迎的涉及性的言語、行動或身體接觸都可以構成性騷擾。一個在性方面令人感到冒犯、敵意或具威嚇的工作或學習環境，亦可以構成性騷擾。性騷擾可以透過言語、電郵、信件和電話等途徑出現。性騷擾不一定要有意圖或針對任何特定對象，可以是明示或暗示的。性騷擾可在同性或異性之間發生。一次事件足以構成性騷擾。

- 4.1 性騷擾的行為涵蓋所有未經要求的、不受歡迎的和帶有性意味的接觸。
- 4.2 雖然每宗個案須根據有關事實評鑑，但下列的性騷擾常見事例可供參考：
  - (a) 提出不受歡迎的性要求-例如：拋媚眼和「淫褻」的動作，觸摸、捏抓或故意擦碰對方身體；
  - (b) 提出不受歡迎的要求以獲取性方面的好處-例如：向對方示意如在性方面予以合作或容忍其性要求，可助個人事業發展／學習／畢業；

- (c) 以言語、非語言或以身體作出的不受歡迎而涉及性的行徑-例如：發表在性方面有貶抑成份或有成見的言論、不斷追問對方的性生活；以及
  - (d) 涉及性的行徑，而該行徑會做成一個有敵意或具威嚇性的學習／工作環境-例如：在學習／工作地方說涉及性或淫褻的笑話、展示有性別歧視成份或其他與性有關的不雅圖片或海報。
- 4.3 一連串發生的事件可構成性騷擾。但視乎情況而定，性騷擾未必是一連串發生的事件所構成。有時，一宗事件也足以構成性騷擾。
- 4.4 另一方面，一名人員假如在一個環境下遇到一組事件，雖然就個別事件而言，可能不會令人感到受冒犯，但在綜合考慮時足以構成性騷擾，則該人員可能會成為敵意學習／工作環境的受害者。
- (資料來源：平等機會委員會)

4.5 可構成校園內性騷擾的例子：

4.5A. 以下是(任何人)可構成性騷擾的行徑的一些例子：

- (a) 主動作出的身體接觸或動作
- (b) 不受歡迎的性要求
- (c) 涉及性的言論或笑話
- (d) 追問或影射別人涉及性的私生活
- (e) 展示使人反感或色情的資料如海報、艷照、卡通、塗鴉或月曆
- (f) 不受歡迎的邀請
- (g) 使人反感的涉及性的通信資料(信件、電話、傳真、電郵等)
- (h) 盯著或「色迷迷」的看著別人或其身體部位
- (i) 不受歡迎的身體接觸，例如未經邀請為某人按摩或故意摩擦其身體
- (j) 觸摸或撥弄別人的衣服，例如掀起裙子或襯衫或把手放進其口袋

4.5B. 以下是一些在學校可造成「有敵意或具威嚇性的環境」的校園內性騷擾情景：

- (a) 任何人用帶有性含意的漫畫教授與性無關的課題。
- (b) 一群學生在小息及／或午膳期間，在操場聚集並對在場正在玩耍、聊天或逗留的女同學評頭品足，部分女生因此不敢在操場逗留。
- (c) 在男女同事共處一個教員室的情況下，有些同事將裸體照片用作螢幕保護程式，或喜歡當異性同事在場時講色情笑話。

- (d) 教職員在校舍內其他教職員／學生聽到的範圍內講色情笑話或討論自己的性生活。
- (e) 一班學生在課堂討論時，強行把討論內容轉為與性有關的話題。不同性別的學生因此感到冒犯，不想參與討論。

### 培訓及教育／提高對「防止性騷擾」的意識：

1. 本校透過不同的途徑，傳遞防止性別歧視的信息，務求建立一個平等及愉快的校園，包括：早會及週會、課堂、班主任課、課外活動等。而有關單張、小冊子及相關資料亦會擺放於圖書館、教師資源室及其他地方，以便索取及使用，提高對防止性騷擾的政策及預防措施的關注。
2. 在班主任課、生命教育課／個人成長教育內加入「防止性騷擾」課題，以培養學生正面的價值觀及態度(如尊重和關愛他人)和教導學生恰當的人際相處技巧，亦可提高他們對性騷擾行為的意識，以及提醒他們在有需要時向別人尋求協助。
3. 提高員工對性騷擾行為的認知和意識向員工提供有關學校的防止性騷擾政策及其他相關資料列於「政策及程序指引」、「工作指引」等，讓所有教職員清楚知道性騷擾的定義，明白自己的權益及有關投訴的程序及指引。
4. 校方必須將有關的性騷擾的條例及有關的學校政策，告知所有的合約導師、代課老師及臨時員工等。
5. 有關投訴的程序及指引必須讓服務供應商知悉及注意遵守。校方須提升一般員工對「防止性騷擾」的意識及認知，及鼓勵獲委任處理「防止性騷擾」的人員／教師接受適當培訓，以便能適切地處理有關「性騷擾」投訴個案。

### 防止性騷擾的措施：

1. 學校員工：  
為提高員工對防止性騷擾行為的認知和意識，學校推展措施如：
  - (a) 向新入職員工講解及提供有關「防止性騷擾政策」聲明及其他相關資料；
  - (b) 定期檢討「防止性騷擾政策」，並按實際需要作出修訂；
  - (c) 透過宣傳、講座及培訓等各類活動，以推廣「防止性騷擾政策」；
  - (d) 定期在員工會議上向員工強調及表明有關「防止性騷擾政策」聲明及其他相關資料；
  - (e) 張貼通告／擺設單張以發放有關資料
2. 學校教職員宜注意以下守則：
  - (a) 所有教職員應盡量避免與學生單獨於課室內進行任何活動，如有必要，亦宜打開門窗，讓其他人士能知悉室內情況。
  - (b) 如非以學校通告，並獲校長批准之校外活動，學生與教職員間的一切校外活動，校方將不負任何法律或保險責任。

### 「防止及處理性騷擾專責小組」：

防止及處理性騷擾專責小組由以下人士組成：

主席：校長

副主席：副校長 1 名

專責成員：

訓導主任 1 名

輔導主任 1 名

校務行政主任 1 名

（按需要）由校長委任的 1 至 2 位\*部門主任／社工

\*註：「專責小組」可由相等職級的不同性別老師（成員）組成

### 執行步驟概要：

- (1) 性騷擾是法律所禁止的。本校不會容許任何形式的性騷擾。
- (2) 「防止及處理性騷擾專責小組」負責處理學校員工及學生的性騷擾事件的調停及調查投訴等工作。小組成員包括主席、副主席、專責副校長、訓導主任、輔導主任、校務行政主任等。按需由校長委任的一至兩位\*部門主任／社工（\*註：「專責小組」可由相等職級的不同性別老師（成員）組成。
- (3) 「防止及處理性騷擾專責小組」主席須將有關指控的詳情通知被投訴人。小組須分別約見投訴人及被投訴人，筆錄投訴案件的日期、時間、地點、事發經過的內容等。而主席亦須將調查結果、建議及理由以書面報告通知校長，由校長作最後裁判，決定是否接納最後報告的建議，或採取其他適當行動。主席須盡快將調查結果及理由通知投訴人及被投訴人，如投訴人或被投訴人是學生，主席亦須將報告內容通知學生家長。
- (4) 如投訴人及被投訴人對調查結果有任何意見，可向「防止及處理性騷擾專責小組」主席作出回應或上訴。
- (5) 如證明涉事的學校員工或學生的行為應接受紀律處分，學校有權引用有關的紀律程序，採取適當的紀律行動，處分有關的學校員工或學生。如被投訴人是學生，學校亦會將處分的內容通知學生家長。
- (6) 學校內部的任何程序並不影響投訴人直接向平等機會委員會或警方投訴的權利，亦不影響投訴人向法院提出民事訴訟的權利。
- (7) 處理性騷擾投訴的流程圖（見附件一流程圖）。
- (8) 有關《性別歧視條例》的法律定義可參閱《平等機會委員會》網頁或相關資料。

## 處理性騷擾投訴的機制：

### 1. 處理投訴人可以採取的首要行動：

- (a) 根據機構所得經驗，及早要求性騷擾者停止有關行為，是有效的應付方法之首要。
- (b) 在某些情況下，如對於並不知道本身行為冒犯了別人的騷擾者而言，投訴人可能會希望採取間接的非正式行動，與校長或行政人員商討，由校長或行政人員向涉嫌的性騷擾者轉達信息，要求停止有關行為。
- (c) 投訴人有時可能希望正式投訴涉嫌的性騷擾者，但一旦某個教學／工作範疇看來出現與性騷擾有關的問題，校長或行政人員便有責任採取預防或補救措施，以處理問題，例如代投訴人向涉嫌性騷擾者指出，他／她對投訴人作出的性騷擾行為不受歡迎，應該停止。

### 2. 投訴途徑：

- (a) 如投訴人是學校教職員，可先透過面見、電話、電郵、信件等方法聯絡校長或副校長，反映有關事情，然後作出書面投訴，可啟動學校「防止及處理性騷擾專責小組」工作；如投訴人是學校學生，可先向班主任、級主任、級任輔導或級任訓導主任傾談，然後再向副校長匯報，視乎情況而處理。
- (b) 如被投訴的對象為校長，投訴人可將其投訴直接交由保良局教育事務部、校董會或法團校董會處理。
- (c) 投訴人如認為應將其投訴交由保良局教育事務部、校董會或法團校董會，可直接致函予相關人士。保良局將按既定程序跟進，並按事件之嚴重性作判斷，不排除在得到有關受害人或其家長同意下直接轉交司法部門處理。
- (d) 投訴人亦可向平等機會委員會尋求意見或作出有關性騷擾的投訴。這類投訴應於性騷擾事件發生後 12 個月內提出。
- (e) 根據《性別歧視條例》，由有關事件發生當日計 24 個月內，投訴人亦可在區域法院提出民事法律程序，對被指曾作性騷擾的人員提出申索。如有關投訴已向平機會提出並已由平機會處理，則計算限期時，可扣除平機會處理該宗投訴的時間。
- (f) 投訴人如認為有關的性騷擾行為構成刑事罪行，可向警方舉報。學校如獲悉有關投訴正由警方調查或由民事法律程序處理，便會停止有關調查。

3. 學校調查跟進程序：

- (a) 學校會成立特別調查小組瞭解有關投訴，如有需要，學校會尋求「保良局教育事務部」或／及「教育局」的意見，以作跟進。  
處理性騷擾投訴的表格：  
(見附件 A 表格非正式投訴紀錄表、B1 表格「正式投訴」紀錄表、投訴人申述表、B2 表格「正式投訴」紀錄表被投訴人回應表、C 表格「正式投訴」紀錄總結報告表)
- (b) 所有投訴資料會保密處理 (Confidential and Restricted)，調查小組成員亦須嚴格遵守保密原則。
- (c) 學校亦會遵守投訴人不會受到迫害或被懲處的原則。
- (d) 學校如獲悉有關投訴正由警方調查或由民事法律程序處理，便會暫停有關調查；並作備案處理，以便重啟後續跟進。
- (e) 匿名投訴-若本校收到匿名投訴，將列為無法跟進個案，而「防止及處理性騷擾專責小組」亦不會作出任何正式啟動程序或處理。

4. 校內處分措施：

如果被投訴者是學校學生：

- (a) 學校按調查結果，按情況可能採取適當的紀律處分，包括警告、操行分扣減、記過、停課等處分。
- (b) 如有需要，學校會交給保良局教育事務部、教育局、警方、司法機構等處理有關處分措施。

如果被投訴者是學校教職員：

- (a) 學校按調查結果，按情況可能給予被投訴人口頭警告、書面警告、停職或解僱等處分。
- (b) 如有需要，學校會交給保良局教育事務部、教育局、警方、司法機構等處理有關處分措施。

5. 保密原則：

- (a) 處理有關投訴時，本校會遵守資料保密原則\*，以保障有關人士的利益。「防止及處理性騷擾專責小組」在處理投訴個案時，可能會徵詢其他人士意見（如輔導主任、其他老師、社工、平等機會委員會等）。在描述事件時，仍會將有關人士的身份和資料保密。  
\*（備註：按照事件的情況，「防止及處理性騷擾專責小組」、保良局教育事務部、校董、校監等管方匯報投訴事件的詳情，包括有關人士的資料。）
- (b) 如在處理程序中，校內有任何人士違反上列保密原則，本校將會對有關人士作處分措施，例如書面警告或相關之紀律處分等。

## 相關參考／資源：

- 平機會製作有關性騷擾的網上教材套《防止校園性騷擾網上課程》：  
〔<http://www.eco.org.hk:8080/shoncampus/b5/tls/otm/index.jsp#>〕。該自學課程有助提升學生和教育工作者對性騷擾的認識。
- 平機會提供的免費講座及諮詢服務〔詳情可參閱以下網址：  
<http://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?content=Our%service#1>〕
- 教育局有關製訂《防止校園性騷擾政策》〔詳情可參閱以下網址：  
<http://www.edb.gov.hk/tc/sch-admin/admin/about-sch/sch-sexual-harassment-prevention/index.html>〕
- 平機會提供的免費講座及諮詢服務〔詳情可參閱以下網址：  
<http://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?content=Our%service#1>〕
- 平機會亦會應學校要求為教職員度身訂造收費工作坊，教導認識何謂性騷擾和如何防止性騷擾。查詢電話：Tel 21062155。
- 可瀏覽平機會的網頁：  
(<http://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?leaf=1&content=Sex%20Discrimination%20Ordinance%20and%20I>)。（如學校就上述活動需要進一步的資料或閱覽有關性別歧視條例的單張）
- 教育局 EDB，不時為現職校長及教師而設有關性教育的培訓課程詳情及報名辦法，將上載教育局的培訓行事曆網址，以增善或補充更新資料及政策：  
(<http://tcs.edb.gov.hk/main/tdu/publicwd/actlistCal.asp?languageFlat=2>)
- 律政司網頁：([www.legislation.gov.hk](http://www.legislation.gov.hk)) 瀏覽《性別歧視條例》相關法例

保良局李城璧中學 2020 年 1 月



**Po Leung Kuk Lee Shing Pik College**  
**Policy on Preventing Sexual Harassment**

**Introduction**

1. Our school attaches great importance to the "Sex Discrimination Ordinance" and the implementation of its policies; sexual harassment is unlawful, and we will not allow any sexual harassment and sexual offenses in the school. If it occurs, the school will adhere to the Ordinance and take whatever actions needed to handle the complaint. Any members of this school should also protect their own rights and lodge a complaint in person.
2. Our school is committed to protecting all staff and students to implement an equal opportunity policy and will not allow any form of discrimination or harassment. The school also takes all feasible and appropriate actions to eliminate and prevent any kind of discrimination or harassment among any member of this school.
3. Our school formulates "Sexual Harassment Prevention Policy", including "Definition and Examples of Sexual Harassment", "Measures on prevention of Sexual Harassment", and "Mechanism for Handling Sexual Harassment Complaints." All members must read and understand the relevant policies and act accordingly.
4. Under the protection of the "Sex Discrimination Ordinance", it is our responsibility to ensure that all individuals (including all students, staff members, voluntary helpers, contract workers/service providers/agents) are able to study, to conduct extra-curricular activities, to work or to provide / have access to services in a safe, discrimination free and sexual harassment-free environment.

In order to nurture all the relevant parties of this school the right and the proper value of gender equality and mutual respect, our school states its position clearly on "prevention of sexual harassment" with education and training, and with the setting up of complaint handling mechanism. It is hoped that a respectful and harmonious school would be created..

**Definition of Sexual Harassment**

**1. Legal Definition of Sexual Harassment**

According to "Sex Discrimination Ordinance" Cap. 480 Section 2(5)

For the purposes of this 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. (Amended 29 of 2008 s. 91)

(With reference to “Sex Discrimination Ordinance” for the most updated version)

## **2. Sexual Harassment coverage**

### **2.1 Power Abuse or Benefit exchanges:**

The decision is based on an individual's willingness to allow or deny access to sexual benefits (for example, asking for sexual benefits in exchange for a promotion, salary rise, or passing the examination).

### **2.2 Hostile environment:**

Physical or verbal behavior is intended to interfere with a person's work / learning performance or to create an offensive, hostile or intimidating work / learning environment.

## **3. Sexual Harassment:**

3.1 According to the “Sex Discrimination Ordinance”, an employee's behavior may cause him to take personal responsibility. When the employee sexually harasses a superior, a prospective superior, a colleague, a prospective colleague, a subordinate, a prospective subordinate, regardless of any motivation, it can be unlawful.

3.2 Under the “Sex Discrimination Ordinance”, anyone who knowingly assists another person in harassment must be deemed to have done the same. Any person who provides or requests any benefit for another person, or causes or threatens another person with any disadvantage, or directs, induces or attempts to induce that person to sexually harass a third party, can also amount to sexual harassment.

3.3 Any students of this school sexually harass any other classmates, prospective classmates, or employees, whether inside or outside the school, the same-sex or heterosexual, our school will provide counselling and follow-up actions according to the situation.

3.4 It is also unlawful for our employees / contracts or outsourced employees to sexually harass students and prospective students, whether on or off campus, of the same or opposite sex.

## **4. Examples of Sexual Harassment**

Sexual Harassment including: unwelcome requests for sex, offensive communications of a sexual nature (letters, phone calls, faxes, e-mail messages, etc.)...

4.1 Sexual harassment covers all unsolicited, unwanted and sexual contact.

4.2 The following are some examples of sexual harassment acts:

(a) Unwelcome requests for sex, unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her

(b) Make unwelcome requests for sexual benefits-for example: show the other person that cooperating or tolerating sexual requirements can help your career / learning /

graduation;

(c) Intrusive questions or insinuations of a sexual nature about a person's private life

(d) Displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars

4.3 Serial events can constitute sexual harassment. However, depending on the situation, sexual harassment may not be a series of events. Sometimes an incident is enough to constitute sexual harassment

4.4 When a person encounters a set of incidents in one situation. It may not be offensive in term of individual incidents. However, the person may become the victim of the study / work environment when considered the whole situation comprehensively.

4.5 Examples of Sexual Harassment in school

4.5A The following are some examples of sexual harassment acts:

(a) Uninvited physical contact or gestures

(b) Unwelcome requests for sex

(c) Sexual comments or jokes

(d) Intrusive questions or insinuations of a sexual nature about a person's private life

(e) Displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars

(f) Unwanted invitations

(g) Offensive communications of a sexual nature (letters, phone calls, faxes, e-mail messages, etc.)

(h) Staring or leering at a person or at parts of his/her body

(i) Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her

(j) Touching or fiddling with a person's clothing e.g. lifting up skirts or shirts, or putting hands in a person's pocket

4.5B The following are some scenarios of creating a hostile or intimidating environment in schools:

(a) Anyone uses sexually suggestive cartoons in teaching a subject not related to sex.

(b) During recess and/or lunch time, a group of students hanging out in the playground and rate female students who are playing/ chatting/ staying there. As a result, some of the female students avoid staying in the playground.

(c) In the staff room where there are both female and male colleagues, some colleagues display nude pictures as screen savers on the computer; or some like to exchange obscene jokes with each other in the presence of other colleagues of the opposite sex.

(d) Staff members make sexual jokes or discuss their sex lives within earshot of other staff/ students on the school premises.

(e) A group of students hijack classroom discussion and turn it to sexual topics. Students of the opposite sex feel offended and do not want to join the discussion.

### **Training and Promotion to increase the awareness of the Prevention of Sexual Harassment**

1. Through different channels, the school disseminates the message of preventing gender discrimination, and strives to establish an equal and harmonious campus, including morning assembly and assembly, classroom teaching, class teacher lessons and activities. Relevant leaflets, brochures and related materials are placed in libraries, teacher resource rooms and other places for easy access, and to raise awareness of policies and measures to prevent sexual harassment.
2. The topic of "Preventing Sexual Harassment" in the class teacher lessons, life education class, and personal growth lessons is to cultivate students' positive values and attitudes (respect and care for others) and teaches students appropriate interpersonal skills. All these aim to raise their awareness of sexual harassment and remind them to ask for help when needed.
3. Increase employees' awareness of sexual harassment  
Provide employees with the school's anti-sexual harassment policy and other relevant information listed in the "Guidelines for Policies and Procedures", "Working Guidelines", etc., so that all staff members understand the definition of sexual harassment, their rights, and procedures and guidelines for complaints.
4. The school must inform all contract tutors, substitute teachers and temporary employees of the regulations on sexual harassment and relevant school policies.
5. The complaint procedures and guidelines must be known and observed by service providers. Schools must raise awareness and consciousness of sexual harassment prevention among the staff members, and encourage teachers appointed to handle sexual harassment complaints to receive appropriate training to enable proper treatment of the sexual harassment cases.

### **Prevention of Sexual Harassment**

#### **1. Staff**

To raise the understanding and awareness of staff on sexual harassment, the school should:

- (a) Provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction;
- (b) Distribute/restate the policy statement to staff for discussion/ reinforcement at staff meetings at regular intervals;

- (c) Include the procedures and guidelines for reporting/ receiving and filing of complaints in the staff handbooks and contracts with service providers;
- (d) Post notices to disseminate related information;
- (e) Conduct awareness raising sessions for general staff on sexual harassment issues and encourage the persons/ teachers appointed for handling sexual harassment complaints to receive appropriate training to enable sensitive treatment of such cases.

**2. School staff should pay attention to the following rules:**

- (a) All members should try to avoid having any activities with students in a classroom without the presence of the third party. Open the door or the windows if necessary to allow the transparency of the situation inside the room.
- (b) The school will not bear any legal or insurance liability for any extra-school activities between the students and the service providers outside school unless it has notified and approved by the principal.

**Task Force on Preventing and Handling Sexual Harassment**

The Task Force on Preventing and Handling Sexual Harassment consists of:

Chairperson: the Principal

Vice-chairperson: one of the vice-principals

Members:

One of the Discipline Masters, one of the Guidance Masters, the Executive Officer, according to specific cases, the Principal can have the right to appoint 1 to 2 members from department heads or social workers.

**Procedures**

- (1) Sexual harassment is unlawful. The school will not tolerate any form of sexual harassment.
- (2) The Task Force on Preventing and Handling Sexual Harassment is responsible for handling harassment conciliation, investigation of complaints, etc. from school staff and students. The members of the group include the chairperson, the vice chairperson, the vice principal, Discipline Master, Guidance Master and school executive officer, Executive Officer, etc. Principal can appoint one or two department heads or social workers. (\*P.S. special group can include teachers of different gender and of different ranks)
- (3) The chairman of the Task Force on Prevention and Handling of Sexual Harassment should inform the alleged harasser of the details of the allegations. The Task Force should contact and arrange meeting with the complainant and the alleged harasser respectively. The date, time, venue, detailed content of the harassment complaint should be in

written record. The chairman should also inform the principal of the findings and recommendations with explanation in a written report. The chairman should also inform the complainant and the alleged harasser of the investigation results with explanation as soon as possible. If the complainant or the alleged is a student, the chairperson should also inform the parents of the report.

- (4) If the complainant and the alleged have any questions on the investigation results, they can respond or appeal to the chairman of the Task Force on Prevention and Handling of Sexual Harassment.
- (5) If there is any disciplinary action against the alleged harasser, the school has the right to take appropriate disciplinary action. If the alleged is a student, the school should notify student parents as well.
- (6) No procedure within the school can affect the complainant's right to directly file a complaint to the Equal Opportunities Commission or the police, nor does it affect the complainant's right to file a civil action in the Court.
- (7) For the flowchart of handling sexual harassment complaints, refer to Annex 1.
- (8) For the legal definition of "Sex Discrimination Ordinance", please refer to the Equal Opportunities Commission's website or related materials.

### **Mechanism for handling sexual harassment complaints**

#### **1. The major procedures for handling sexual harassment complaints**

- (a) Based on the experience, to stop the relevant behavior is the first effective step to handle the case
- (b) In some cases, the alleged harasser is not aware that their actions have offended others. The complainant may take an informal action to discuss with the principal or executive officer to convey the message to the alleged sexual harasser and ask him/her to stop the alleged behavior.
- (c) The complainant may sometimes wish to formally file a complaint. The principal or executive officer has the responsibility to take preventive or remedial measures once a teaching / work problem appears to be related to sexual harassment. For example, when the complainant tells the alleged that his/her behavior or words have her / him feel offensive, he/she has to stop.

#### **2. Complaint Channels**

- (a) If the complainant is a school staff, he/she may first contact the principal or deputy principal through interviews, phone calls, emails, letters, etc. to reflect the complaint, and then make a written complaint to the Task Force on Preventing and Handling Sexual Harassment. If the complainant is a student, he/she may first contact the class teacher, form coordinator, guidance master/mistress, discipline

master/mistress to reflect the complaint. The contacted teacher should report to the vice-principal for any further action.

- (b) If the alleged harasser is the principal, the complainant may submit his complaint directly to the Education Affairs Department of Po Leung Kuk, the School Board or the IMC.
- (c) If the complainant believes that his complaint should be referred to the Educational Affairs Department of the Po Leung Kuk, the School Management Committee or the IMC, he can write to the relevant person directly. Po Leung Kuk will follow up according to the established procedures and make judgments on the seriousness of the incident. It can be directly transferred to the judicial department for processing with the consent of the victims or their parents.
- (d) The complainant may also seek advice from or make a complaint to the Equal Opportunities Commission (EOC). Such complaints should be filed within 12 months of the incident occurred.
- (e) According to the Sex Discrimination Ordinance, within 24 months from the date of the relevant incident, the complainant may also file a civil legal proceeding in the District Court to make a claim against a person who has been accused of sexual harassment. If the complaint has been filed with and handled by the EOC, the time for the EOC to process the complaint may be reduced.
- (f) If the complainant considers that the sexual harassment is a criminal offence, he can report it to the police. The school will stop the investigation if the complaint is being investigated by the police or that it is being dealt with in the civil proceedings.

### **3. School follow-up procedures**

- (a) The school will set up a special investigation team to handle the relevant complaints. If necessary, the school will seek the advice of the Education Affairs Department of Po Leung Kuk or the Education Bureau for follow up actions.
- (b) The school will adhere to the principle of Confidentiality when handling sexual harassment complaints. (Confidential and restricted)
- (c) The school will also adhere to the principle that the complainant will not be coerced or punished.
- (d) If the school learns that the complaint is being investigated by the police or that it is being handled by civil law, it will suspend the investigation: and file it for future follow-up action.
- (e) Anonymous complaints will not be handled if an anonymous complaint is received by school. Task Force on Prevention and Handling of Sexual Harassment will not initiate any procedures or processing.

### **4. Principles of School Disciplinary Action**

If the alleged harasser is a student:

- (a) Based on the results of the investigation, the school may give the alleged harasser warnings, conduct mark deduction, issuing demerit, or suspension from lessons according to circumstances.
- (b) If necessary, the school will refer to measures of the Education Affairs Department, Education Bureau, Police and Judiciary.

If the alleged harasser is a school staff:

- (a) Based on the results of the investigation, the school may give the alleged harasser warnings, written warnings, suspension or dismissal according to circumstances.
- (b) If necessary, the school will refer to measures of the Education Affairs Department, Education Bureau, Police and Judiciary.

## **5. Principles of Confidentiality**

- (a) When dealing with related complaints, our school will observe the principle of confidentiality \* to protect the interests of the people involved. The Work Force on Prevention and Handling of Sexual Harassment may consult other people (such as counsellors, other teachers, social workers, equal opportunity committees, etc.) when handling complaints. In handling the incident, the identity and information of the person concerned will be protected.

\* (Note: According to the incident, the "Special Task Force on Prevention and Handling of Sexual Harassment", the School Board, the School Supervisor, etc. will report the details of the investment incident, including the information of relevant persons.)

- (b) In the course of processing, if any person in the school violates the confidentiality principles listed above, the school will take disciplinary measures, such as written warnings or relevant disciplinary actions, etc.

## **References**

- Online training modules of the EOC
- EOC's Sexual Harassment Online Resource Centre
- "School Sexual harassment prevention policy" from EDB
- Sex Discrimination Ordinance from the Department of Justice

January 2020 version