

# **ST. MARY'S CANOSSIAN COLLEGE**

## **嘉諾撒聖瑪利書院**

### **Policy on Preventing Sexual Harassment**

#### **防止性騷擾政策**

This policy is set out in accordance with the requirement as stipulated in Circular No. EDBC002/2009 issued by the Education Bureau.

本政策是根據教育局通告編號 EDBC002/2009 的要求而制定。

#### **1. Introduction & Definition**

##### **引言及定義**

Sexual harassment in any form is unacceptable behaviour. It can give rise to civil and criminal liability and will not be tolerated in the school. The school would take reasonably practicable steps to prevent and eliminate sexual harassment. If it occurs, everyone in school can lodge complaints, and the school is committed to handling sexual harassment complaints seriously.

任何形式的性騷擾均是不能容忍的行為。性騷擾除會帶來民事法律責任外，亦會帶來刑事後果。學校會採取「合理可行的措施」以消除及防止性騷擾事件的發生。任何人如感到受「性騷擾」，可向校方提出投訴，以作跟進。

According to the Sex Discrimination Ordinance (SDO), the legal definition of “sexual harassment” includes the following situations:

根據《性別歧視條例》，「性騷擾」的法律定義包括以下情況：

##### **1.1 The person 任何人**

1.1.1 makes unwelcome sexual advances, or unwelcome request for sexual favors, to another person; or

對另一人提出不受歡迎的性要求或不受歡迎的獲取性方面好處的要求；或

1.1.2 engages in other unwelcome conduct of a sexual nature in relation to that person;

就另一人作出其他不受歡迎並涉及性的行徑；  
in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that that person would be offended, humiliated or intimidated; or

而在有關情況下，一名合理的人在顧及所有情況後，應會預期該另一人會感到受冒犯、侮辱或威嚇；或

1.2 The person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for that person.

任何人如自行或聯同其他人作出涉及性的行徑，而該行徑對另一人造成有敵意或具威嚇性的環境。

## 2. Examples of Sexual Harassment

### 性騷擾的例子

The following are some examples of sexual harassment acts and behaviors which may create a hostile or intimidating environment in the school:

以下是性騷擾行徑 及在學校造成「有敵意或具威嚇性的環境」的行為的一些例子：

2.1 Written Contact, such as sexually suggestive or obscene letters, faxes, e-mail messages, short message service (SMS) messages, notes, invitations, etc.;

以書面提出使人反感及涉及性的通信資料，如信件、電話、傳真、電郵、電話短訊、便條、邀請卡等；

2.2 Verbal Contact, such as sexually suggestive or obscene comments, questions, requests, threats, slurs, epithets, banter, jokes about gender-specific traits, sexual propositions, wolf whistling, etc.;

以言語方式提出，或暗示對性的要求，以淫穢的話語對異性評頭品足，追問或影射別人涉及性的私生活，涉及性的言論或笑話，吹口哨等；

2.3 Physical Contact, such as intentional touching, hugging, kissing, pinching, brushing against another's body, touching or fiddling with a person's clothing, impeding or blocking movement, assault, coercing sexual intercourse, etc.;

不受歡迎的身體接觸，如緊抱、強吻、擠捏；故意摩擦其身體；觸摸或撥弄別人的衣服，施暴或強逼性交；

2.4 Visual Contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters or magazines, as well as screen savers on the computer, etc.

盯著或色迷迷的看著別人或其身體部位；展示使人反感或色情的資料，如艷照、卡通、海報或雜誌月曆；或將有關資料以螢幕保護程式展示。

## 3. Measures to Prevent Sexual Harassment

### 防止性騷擾的措施

To raise the understanding and awareness of staff and students on sexual harassment, and to strengthen promotion, training and education on preventing sexual harassment, the school has taken/will take the following measures:

為提升對性騷擾的認知及意識，及預防性騷擾的宣傳、培訓及教育工作等，學校已/會採取以下措施：

3.1 Conduct awareness raising sessions for staff on sexual harassment issues and encourage the persons/teachers appointed for handling sexual harassment complaints to receive appropriate training;

為一般員工提供對性騷擾課題認知的培訓，及鼓勵獲委任處理性騷擾投訴的員工接受適當訓練；

- 3.2 Distribute the policy statement to staff for discussion/reinforcement at staff meetings at regular intervals;  
定期在會議上向員工分發政策聲明，以作討論及向員工強調有關政策；
- 3.3 Provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction;  
向新入職員工提供有關防止性騷擾的政策聲明及其他相關資料，作為入職簡介的標準項目；
- 3.4 Include the procedures and guidelines for reporting/receiving and filing of complaints in the Staff Handbook, Student Handbook and PTA Website; and  
有關舉報/接受和處理投訴的程序及指引載列於員工手冊,學生手冊及家長教師會網頁內；及
- 3.5 Notify service providers/agents, contract staff, voluntary helpers, etc. of the school policy on preventing sexual harassment.  
知會義務工作者、合約員工、服務供應商或代理人等，有關學校制定的防止性騷擾的政策。

#### **4. Mechanism for Handling Sexual Harassment Complaints**

##### **處理性騷擾投訴的機制**

- 4.1 The approaches/strategies a staff member/student may adopt if he/she is being sexually harassed:  
員工或學生如感覺受到性騷擾，可採取以下行動：
- 4.1.1 Speak up at the time. Tell the harasser that his/her behaviour is unwanted and has to stop;  
即時表明立場，告訴騷擾者他/她的行為是不受歡迎的，必須停止；
- 4.1.2 Tell someone he/she trusts, such as his/her teacher/the school social worker/colleagues/co-workers, for emotional support and advice;  
告訴信任的人，例如老師、同事、社工，以獲取情緒上的安慰和建議；
- 4.1.3 Keep a written record of the incidents, including the dates, time, location and witnesses and own response;  
書面記錄有關事件的詳情，包括日期、時間、地點、證人，以及投訴人當時作出的反應；
- 4.1.4 Lodge a written complaint to the Principal or his/her designate (in the case of staff), the Class Teacher/Co-class Teacher or the Discipline/Guidance Teachers (in the case of students);  
向校長或其指定人員作出書面投訴(教師個案適用);向正/副班主任老師或訓導/輔導老師作出書面投訴(學生個案適用)；

- 4.1.5 Lodge a complaint with Equal Opportunities Commission (EOC) and request investigation and conciliation within 12 months;  
在十二個月內向平等機會委員會投訴，要求調查及調解;
- 4.1.6 Report to the police and/or file a civil law suit against the harasser.  
報案及/或向個別騷擾者提出法律訴訟。
- 4.1.7 If a complaint is made against the Principal under these Procedures, the powers of the Principal shall be exercised by the Chairperson of the Incorporated Management Committee.  
若被指稱的騷擾者為校長，該個案應由法團校董會主席處理及行使原本由校長處理投訴的權力。
- 4.2 After receiving a complaint, the school would take the following major procedures to handle the complaint:  
在收到正式投訴後，校方將會採取以下主要步驟處理投訴：
- 4.2.1 Activate internal procedures for dealing with complaints of sexual harassment as stipulated in the Guidelines on Crisis Management;  
啟動內部處理性騷擾投訴的步驟載列於危機處理文件中；
- 4.2.2 Keep all information and records related to the complaint of sexual harassment confidential;  
必須將所有與該性騷擾投訴的相關資料和記錄保密；
- 4.2.3 Inform the alleged harasser of the details of the allegation(s);  
通知被指稱的騷擾者有關指控的詳情；
- 4.2.4 Tell the complainant and the alleged harasser how the investigation will be conducted and who is responsible for the investigation;  
告知投訴人和被指稱的騷擾者會如何進行調查，以及誰人負責處理有關調查；
- 4.2.5 If necessary, make arrangements to avoid contact between the complainant and the alleged harasser during the investigation;  
如有需要，可作出安排，避免投訴人和被指稱的騷擾者在調查期間接觸；
- 4.2.6 Provide support and counseling, where necessary, including providing students/parents/staff with information about sexual harassment and clarifying any questions or concerns they may have, e.g., what they should do when they are sexually harassed;  
如有需要，向學生/家長/員工提供支援及輔導，包括有關性騷擾的資料，解答問題或疑慮，例如被性騷擾時可採取的行動；

- 4.2.7 Interview the complainant; if it happens to be a student, she is entitled to be accompanied by her parents or guardians;  
接見投訴人，如投訴人是學生，可由家長或監護人陪同會面；
- 4.2.8 Interview the alleged harasser; if it happens to be a student, she is entitled to be accompanied by her parents or guardians;  
接見被指稱的騷擾者，如被指稱的騷擾者是學生，可由家長或監護人陪同會面；
- 4.2.9 Interview or obtain written statements from witnesses in relation to the complaint;  
接見有關投訴的證人，或向他們錄取書面陳述；
- 4.2.10 Study the evidence and make decisions;  
評估證據，並作出決定；
- 4.2.11 Prepare a written report and inform the relevant parties of the investigation results in writing;  
擬備書面報告，並把調查結果以書面形式告知有關人士；
- 4.2.12 Seek advice from Equal Opportunities Commission where necessary; and  
如有需要，諮詢平等機會委員會的意見；及
- 4.2.13 Decide whether or not disciplinary measures or other appropriate actions should be taken.  
決定是否需要採取處分措施或其他適當的行動。

## 5. Principle of “confidentiality”

### 保密原則

All information and records related to a complaint of sexual harassment must only be disclosed to relevant parties on a need-to-know basis. Premised on the principle of natural justice and the fact that the alleged harasser is a key person in the case, the school shall inform him/her of the details of the complaint.

有關性騷擾投訴的資料和記錄，只准按需要向有關人士透露。由於被指稱的騷擾者是投訴個案的關鍵人物及基於自然公正原則，學校必須通知他/她有關指控的詳情。

## 6. Time Limit for Sexual Harassment Complaint

### 提出性騷擾投訴的時限

There are time limits for lodging a complaint to EOC and instigating legal proceedings. If a person who has been sexually harassed wants to lodge a complaint with EOC, he/she should do it within **12 months** after the incident has taken place. Any decision to take legal proceedings to the District Court should be made **within 2 years** after the incident has taken place. Under this circumstance, staff/students should inform the school as soon as possible after he/she has been sexually harassed and the complaint should preferably be lodged within **3 months** after the incident has taken place.

向平機會提出投訴及提出法律訴訟均有時間限制。若被性騷擾者想向平機會提出投訴，須於事件發生後的 12 個月內提出。若決定在區域法院提出法律訴訟，須於事件發生後的 2 年內提出。如學校員工或學生受到性騷擾，應盡快知會校方負責人而有關投訴宜於事件發生後的 3 個月內提出。

## **7. Liabilities and Disciplinary actions**

### **責任及紀律層面的跟進**

#### **7.1 Liabilities 責任**

7.1.1 Sexual harassment, which is an unlawful act, would entail civil liability. Some behaviour (such as indecent assault, stalking, crank calling, etc.) would also bear criminal consequences at the same time.

性騷擾是違法行為，會帶來民事法律責任，有部分行為(例如非禮、跟蹤、電話騷擾等)更會同時帶來刑事後果。

7.1.2 The school will consult EOC or other relevant organizations (such as the Police) when they have doubt about the suspected cases.

學校在處理懷疑個案時如遇到任何困難，會諮詢平機會或其他相關機構(例如警方的)的意見。

7.1.3 For cases suspected to involve criminal offences, the school will report to the Police.

如情況顯示個案可能涉及刑事罪行，學校必定向警方舉報。

#### **7.2 Disciplinary Actions**

##### **紀律層面的跟進**

7.2.1 If any member of staff is found to have committed a sexual harassment act, he/she may be subject to receiving written warnings or dismissal by the Incorporated Management Committee depending on the nature of the case.

如有員工性騷擾的投訴被裁定成立，法團校董會將會視乎個案的性質而作出處分,包括向員工發出「書面警告」或即時解僱。

7.2.2 If any student is found to have committed a sexual harassment act, the school may take the following actions, depending on the nature of the case:

如有學生性騷擾的投訴被裁定成立,學校會視乎個案性質，作出以下處分：

7.2.2.1 issue a written note of misbehavior / warning letter , lower her conduct grade and/or give a black mark;

發出「書面警告」，調低操行等級及/或記大過；

7.2.2.2 impose suspension.

強制停學。

7.2.3 If any service provider/agent, contract staff, voluntary helper, etc. is found to have committed a sexual harassment act, the school may take the following actions, depending on the nature of the case:

如有服務供應商、合約員工或義務工作者性騷擾的投訴被裁定成立,學校會視乎個案性質,作出以下處分:

7.2.3.1 issue a written note of misbehavior / warning letter;  
發出「書面警告」;

7.2.3.2 restrict entry to the school ( for voluntary helper) ;  
禁止進入校園 (義務工作者適用)

7.2.3.3 report to the police;  
向警方舉報;

7.2.3.4 terminate the contract.  
終止合約。

## 8. Review & Amendment

### 檢討及修訂

The school shall review this statement of policy and procedures periodically, and at any other times as necessary and recommend necessary changes to the policy statement and the procedures.

學校會定期檢視本政策及程序,並因應實際需要作出合適的修訂。

(Adopted on the eleventh day of March 2010, revised in June 2015)

(於 2010 年 3 月 11 日通過採用, 2015 年 5 月修訂)

### Undertaking by staff / contract staff / service provider or agent / voluntary helper:

由 僱員/ 合約員工/ 服務供應商/ 義務工作者 填寫:

I have read and understood the contents of the above document.

本人已細閱學校就防止性騷擾所制定的政策, 並明白其內容。

Signature 簽名 : \_\_\_\_\_  
Name (in block letter) 姓名 : \_\_\_\_\_  
Post 職位 : \_\_\_\_\_  
Date 日期 : \_\_\_\_\_