

粉嶺禮賢會中學
Fanling Rhenish Church Secondary School



Policy for the Prevention and Handling of
Sexual Harassment
防止及處理性騷擾政策

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1 Introduction

- 1.1 Sexual harassment is an unlawful act and would entail civil liability. Some behaviors (such as indecent assault, stalking, crank calling, etc.) would constitute criminal consequences at the same time. All members, including students, staff, voluntary helpers, contract workers, service providers or agents of a school, are personally liable under the law for their own acts of sexual harassment.
- 1.2 Fanling Rhenish Church Secondary School (hereafter “The school”) would ensure that every member is protected under the Sex Discrimination Ordinance (SDO). The school has zero tolerance for sexual harassment, and through education and training, would build up a happy environment for its members, which is free from sexual hostility.

2 Definition

- 2.1 According to the Sex Discrimination Ordinance (SDO), the legal definition of “sexual harassment” includes the following situations:
 - 2.1.1 any person who
 - 2.1.1.1 makes unwelcome sexual advances, or unwelcome requests for sexual favors, to another person; or
 - 2.1.1.2 engages in other unwelcome conduct of a sexual nature in relation to another person; 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
 - 2.1.2 any person, either alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for another person.
- 2.2 Two forms of “sexual harassment”:
 - 2.2.1 An abuse of authority (Quid Pro Quo): decisions are made contingent on the provision or rejection of sexual favors (e.g. requests for sexual favors in exchange for job promotion, salary increases, or passes in examinations).
 - 2.2.2 Hostile environment: verbal remarks or physical contact and behaviors which are sexually suggestive, the aim of which is to create a hostile or intimidating environment in the working/learning place.

1 前言

- 1.1 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。無論是學生、教職員、義務工作者、合約員工、服務供應商或代理人，均須對自己所作的性騷擾行為負上個人法律責任。
- 1.2 粉嶺禮賢會中學（以下簡稱「本校」）會確保每一位成員都在「防止《性別歧視條例》」的保障下工作和學習，本校無論如何都不會容忍性騷擾行為，亦會透過教育及培訓，建立一個沒有歧視和愉快的校園。

2 定義

- 2.1 根據《性別歧視條例》，「性騷擾」的法律定義指：
 - 2.1.1 任何人如
 - 2.1.1.1 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的好處的要求；或
 - 2.1.1.2 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
 - 2.1.2 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。
- 2.2 「性騷擾」有兩類含義：
 - 2.2.1 錯誤運用權力或交換（Quid Pro Quo）-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）。
 - 2.2.2 敵意的環境-言語上或身體上涉及性的行徑，目的在重大干預一個人的工作/學習表現，或營造一個冒犯、敵意或威嚇的工作/學習環境。

3 Persons Involved and Examples

- 3.1 All members, including students, staff, voluntary helpers, contract workers, service providers or agents, are personally liable under the law for their own acts of sexual harassment, regardless of intentions.
- 3.2 Personal liability may also be incurred if a person forces/ instructs/ seduces someone to sexually harass another, or knowingly aids another in sexual harassment.
- 3.3 Examples of sexual harassment (3.3.4-3.3.11 may constitute criminal consequences):
 - 3.3.1 Unwelcome requests for dating even after repeated refusals
 - 3.3.2 Sexually suggestive comments about a person's body, clothing or sexual activity
 - 3.3.3 Sexual jokes about gender-specific traits
 - 3.3.4 Obscene or insulting comments
 - 3.3.5 Unwelcome requests for sex
 - 3.3.6 Openly or privately threaten someone for sex
 - 3.3.7 Unwelcome physical contact such as touching, pinching, brushing against another's body
 - 3.3.8 Obscene physical gestures, communication of a sexual nature
 - 3.3.9 Displays of offensive or pornographic material
 - 3.3.10 Continued telephone calls or mails requesting a private/sexual relationship
 - 3.3.11 Intentional kissing or touching

4 Measures to Prevent Sexual Harassment

- 4.1 The school would formulate and promote a policy on preventing sexual harassment, and organizing seminars and training activities to raise the awareness of students, parents and staff. Leaflets, pamphlets and related material will be placed in the Library and other places for use.
- 4.2 The school would provide a policy statement and other relevant information on sexual harassment to new staff as a standard part of induction; we will distribute/restate the policy statement to staff for discussion/reinforcement at staff meetings at regular intervals.
- 4.3 The school will include the procedures and guidelines for reporting/receiving and filing of complaints in staff handbooks and contracts with service providers.

3 涉及人士及例子

- 3.1 本校的僱員、外判職員、服務提供者、義工及學生如對本校教職員、準教職員、學生及準學生作出性騷擾，不論任何動機、有意或無意、校內或校外、同性或異性，即屬違法。
- 3.2 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約提供任何利益，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 性騷擾的例子(3.4.4-3.3.11 有觸犯刑事條例的可能)：
 - 3.3.1 雖然每一次都被拒絕，但仍然不斷嘗試約會對方
 - 3.3.2 帶有性方面影射的評論，例如身體、衣著、或性的活動
 - 3.3.3 有關性或某一個性別的笑話
 - 3.3.4 帶有猥褻性或侮辱性的說話
 - 3.3.5 性方面的提議，或是給予對方壓力來達到性的要求
 - 3.3.6 暗示或公開威脅對方發生的性行為
 - 3.3.7 不恰當的觸摸〈例如：輕拍、觸摸、或擠捏〉
 - 3.3.8 猥褻姿勢、電話
 - 3.3.9 展示猥褻性或淫穢性的照片或文章
 - 3.3.10 持續的電話或信件，要求涉及私人或性的關係
 - 3.3.11 意圖強吻或愛撫對方

4 防止性騷擾的措施

- 4.1 本校透過不同的途徑來傳遞防止性別歧視的信息，途徑包括早會及周會、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及其他地方，以便索取及使用。
- 4.2 本校會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；並定期在員工會議上向員工分發政策聲明，以作討論/向員工強調有關政策。
- 4.3 有關防止性騷擾的政策及提出投訴的程序亦會載列於員工手冊及服務供應商的合約內。

4.4 The school will 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.

5 **Rights of victim and various actions to be taken**

If a person feels sexually harassed, he/ she may adopt the following informal or formal approaches:

- 5.1 Speak up at the time. Tell the harasser that his/her behavior is unwanted and has to stop.
- 5.2 Keep a written record of the incidents, including the dates, time, location and witnesses and own response.
- 5.3 Tell someone he/she trusts, such as his/her teacher/ colleague for emotional support and advice.
- 5.4 Lodge a formal complaint to the Principal or his/her designate or the teacher-in-charge. (The complaint handling procedure does not affect the complainant's lodging complaints with the EOC, reporting to the police or filing a lawsuit in the District Court.)
- 5.5 Lodge a complaint with EOC and request investigation and/or conciliation; in case conciliation fails, the complainant may request the EOC to provide legal assistance (Telephone number of the EOC: 2511-8211). For enquiries or complaints, please refer to the EOC website (www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx).
- 5.6 Lodge a complaint to the EDB.
- 5.7 Report to the police and/or file a civil law suit against the harasser.

6 **Mechanisms for Handling Complaints**

6.1 Principle

- 6.1.1 All information and records related to a complaint of sexual harassment will be kept confidential and only be circulated to relevant staff on a need-to-know basis. In the process of handling a complaint, the Complaints Committee may consult other parties for opinions (such as the counseling heads, social workers, EOC, etc.)
- 6.1.2 The Complaints Committee may report the details of the incidents to the Principal, the School Supervisor or any related persons.

4.4 本校亦會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人員/教師接受適當訓練，以便能敏銳地處理有關性騷擾的個案。

5 **受害人的權利及可以採取的行動**

遇上性騷擾，受害人可以採取以下行動：

- 5.1 即時表明立場，告訴騷擾者其行為不受歡迎及必須停止。
- 5.2 記錄性騷擾的日期、時間、地點、證人及性質（騷擾者的說話和做過的行為），以及受害人當時的反應。
- 5.3 告訴信任的人（例如家人、老師、社工、同事），讓他們給予情緒的支援和處理事件的建議。
- 5.4 向校長或其他負責老師作正式或非正式投訴。（校內投訴程序不影響投訴人向平機會投訴或警方報案，或提出訴訟的權利。）
- 5.5 向平等機會委員會查詢或投訴，要求展開調查或調停；若調停不成功，投訴人可向平機會要求給予法律協助（平機會電話：2511 8211）。其他向平機會查詢或投訴的方法，請參考平機會網頁(www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx)。
- 5.6 向教育局投訴。
- 5.7 向警方報案，或向區域法院提出法律訴訟程序。

6 **投訴處理機制**

6.1 原則

- 6.1.1 處理有關投訴時，本校持守資料保密原則。投訴委員會在處理投訴個案時，可能會徵詢其他人士意見（如輔導主任、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。
- 6.1.2 投訴委員會可向校長或校監匯報投訴事件的詳情及有關人士的資料。

- 6.1.3 In the process of handling a complaint, the school will avoid causing unnecessarily further distress and humiliation for the complainant.
- 6.2 Informal procedures
- 6.2.1 The complainant may make a verbal complaint to the School Supervisor, Principal, Vice-principals or the Complaints Committee appointed by the school.
- 6.2.2 The major concern of the complainant is to stop the sexual harassment as soon as possible (e.g. convey a clear message to the alleged harasser), rather than start the investigation of his/her case.
- 6.2.3 The complainant should describe the incident to the person who handles the case. The person will provide support and counseling and discuss possible solutions with the complainant.
- 6.2.4 An interview with the complainant will be conducted.
- 6.2.5 After the case is handled, the person-in-charge should complete "Form A" as a record.
- 6.3 Formal procedures
- 6.3.1 The complainant can complete and submit "Form B1" to the Complaints Committee. The Complaints Committee will contact the complainant and inform the person responsible for the investigation.
- 6.3.2 The Complaints Committee will inform the alleged harasser of the details of the allegation(s) and the alleged harasser can submit "Form B2" as a written response.
- 6.3.3 The Complaints Committee will inform the alleged harasser and the complainant of the results, advice and suggested solutions. All these will be documented in "Form B3".
- 6.3.4 In case of dissatisfaction with the investigation result, the complainant or the alleged harasser can appeal to the Principal/School Supervisor. They can lodge a complaint to the EOC or the police if they are still not satisfied.

7 Punishment

- 7.1 The harasser may receive disciplinary punishment such as making apologies, paying compensation, attending counseling sessions, being suspended and/or dismissed from school and termination of employment.
- 7.2 If the case involves criminal offences, the school will report it to the police.

- 6.1.3 投訴人會受保護，以免因投訴事件而受害及不必要地承受更多困擾和蒙受更大的羞辱。各當事人會得到公平對待，其他有關人士亦不會受到不必要的困擾。
- 6.2 非正式程序
- 6.2.1 可向校監、校長、副校長或本校所委任的投訴委員會作出口頭投訴。
- 6.2.2 投訴人的主要關注是希望儘快採取非正式行動來遏止騷擾行為（例如：向被投訴者發放清晰的信息），而不要就他/她的個案展開調查。
- 6.2.3 投訴人須向處理個案人員描述該事情，而處理個案人員會適當地回應投訴人的情緒及要求，並共同商議各種解決問題的辦法。
- 6.2.4 處理個案人員會與被投訴者傾談，了解事件，並表達投訴人的訴求。
- 6.2.5 個案完結時，處理個案人員填寫「表格 A」作統計記錄。
- 6.3 正式程序
- 6.3.1 可向本校投訴委員會遞交書面投訴〔表格 B-1〕，敘述事件經過及有關資料。投訴委員會接獲正式投訴後，會盡快與投訴人聯絡及知會處理個案人員的姓名。
- 6.3.2 處理個案人員會盡快聯絡被投訴者，深入瞭解事件情況，並給予被投訴者一個書面回應的機會〔表格 B-2〕。
- 6.3.3 處理個案人員就調查的結果、建議及解決方法通知投訴人及被投訴者，亦會將有關資料紀錄在案〔表格 B-3〕。
- 6.3.4 如投訴人或被投訴者不接納調查結果，可向校長或校監提出上訴。如仍然不滿其決定，則可向平機會或警方投訴。

7 處分

- 7.1 性騷擾他人可導致的具體紀律處分及最高懲罰包括：道歉、給予賠償、接受輔導、停職／停課及解僱等。
- 7.2 如事件涉及刑事罪行，本校會向警方舉報。

8 Time Limit for Sexual Harassment Complaints

- 8.1 If a person who has been sexually harassed wants to lodge a complaint with the 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.
- 8.2 Considering the individual circumstances and the difficulty in conducting an investigation and collecting evidence that may be caused by a delay in handling complaints, the school would only accept complaints made within 3 months after the incident has taken place.

9 Complaints Committee

- 9.1 A total of six members (3 male and 3 female) selected from the Vice-principals, Division Heads and Deputy Heads will be appointed by the IMC annually to form the Complaints Committee. One of the Vice-principals will be appointed Convener of the Committee.
- 9.2 The Complaints Committee will appoint at least 2 members to handle each case. The members cannot be acquainted with the complainant or the alleged harasser.
- 9.3 If the complainant is one of the members of the Complaints Committee, he/she will not be appointed as the person to handle the case.
- 9.4 The Committee will appoint a member of the same sex to interview the complainant so that the complainant will not be further distressed or humiliated.

10 Conclusion

- 10.1 All school members have the responsibility to prevent and eliminate sexual harassment. They should respect each other's feelings and take any appropriate action to stop sexual harassment. Sexual harassment should not be tolerated.
- 10.2 The school should continue to strengthen communications between all members and review this statement of policy and procedures periodically in order to cultivate a sexual-harassment-free working and learning environment and to safeguard the interest of staff and students.

8 投訴的時限

- 8.1 被性騷擾者想向平機會提出投訴，需於事件發生後的 12 個月內提出。決定在區域法院提出法律訴訟，需於事件發生後的 2 年內提出。
- 8.2 本校考慮到延遲處理投訴會對調查工作及舉證做成困難，在沒有合理原因或充分理由下，本校只接受事件發生後的 3 個月內提出的投訴。

9 投訴委員會

- 9.1 「投訴委員會」每年由法團校董會於副校長、部長或副部長中委任六人組成，成員包括三男三女，其中一位副校長被委任為召集人。
- 9.2 就每個投訴個案，投訴委員會最少委派其中兩位成員為處理個案人員，處理個案人員不能與投訴人或被投訴者有親屬關係或密切的工作關係。
- 9.3 如被投訴者是「投訴委員會」內的成員，他／她不會被委派為處理個案人員。
- 9.4 接見投訴人由同一性別的處理個案人員負責，以確保處理過程不會讓投訴人不必要地承受更多困擾和蒙受更大的羞辱。

10 結語

- 10.1 本校各成員有義務和責任協助防止和消除性騷擾，包括尊重他人的意願和感受，不姑息任何形式的性騷擾的行為，以及採取合理行動制止性騷擾。
- 10.2 本校亦會繼續加強與各成員的溝通，定期檢討本政策及措施，以確保各成員可以在一個沒有歧視、騷擾、中傷及針對的環境下工作和學習。