明愛胡振中書院

Caritas Wu Cheng-chung College

處理性騷擾政策

2024 年 9 月

目錄

內容	頁數
A. 何謂性騷擾?	3
B. 禁止的行為	3
C. 處理性騷擾 – 非正式階段	4
D. 處理性騷擾 – 正式階段	5
E. 處理性騷擾 – 監察	6
F. 紀律行動	6
G. 改善	6
H. 處理性騷擾流程圖	7

明愛胡振中書院
處理性騷擾政策

明愛胡振中書院（「本校」）承諾提供一個令男女共處工作的舒適環境及令所有學生均能獲益的學習環境。本校着重品德教育，絕不容許性騷擾事件發生。 性騷擾玷污工作和學習環境，對受害人的精神及心理健康、信心、士氣和表現，均會造成負面影響。

任何人對本校的任何學生、教職員、家長、義工、合約員工、服務提供者、代理人或訪客作出任何形式的性騷擾都是不能接受的。本校重申不會容忍在校園發生性騷擾事件的立場，以及保證所有學生、教職員、家長、義工、合約員工、服務提供者、代理人和訪客均享有不受性騷擾的權利。性騷擾可導致犯事人負上民事或刑事責任。任何人做出被認定為性騷擾的行為均須受紀律處分。

A. 何謂性騷擾？

根據《性別歧視條例》（香港法例第480章）第2（5）條，「性騷擾」的法律定義包括以下情況：

1. 任何人如
   （a）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
   （b）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. 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後果；或
3. 任何不受歡迎的與性有關的言行，影響別人在他/她的工作或學習環境的表現，均會構成性騷擾。

B. 禁止的行為

禁止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，包括：

1. **書面接觸**，例如：帶有性聯想的或猥褻的信件、傳真、電郵、短訊、筆記和邀請；

2. **口頭接觸**，例如：帶有性暗示的或猥褻的批評、提問、要求、恐嚇、誹謗、形容或描述、戲謔、笑話、要求和吹口哨；
3. **身體接觸**，例如：蓄意的接觸、擁抱、吻、捏、輕碰別人的身體、觸摸或撥弄別人的衣服、別人經過時作出阻擋動作、突襲、迫使別人進行性行為，和
4. **眼神接觸**，例如：色迷迷看著或盯著別人的身體展示與性有關的物品、圖片、漫畫、海報或雜誌。

性騷擾也包括在被別人直接告知某些有關性或時事議題是不受歡迎後，仍繼續向該人士談論有關議題，或以與性有關的行為去控制、影響教職員的職業、薪酬或工作環境，或干擾學生在學習環境的表現或樂趣。

若單一行為程度嚴重，也可以是性騷擾。

C. <u>處理性騷擾 – 非正式階段</u>

1. 這完全由受性騷擾者（「受騷擾者」）決定，如果他/她認為不能接受某些性騷擾行為，他/她可以嘗試自行解決有關問題，並向個別有關人士清楚解釋那些行為是不受歡迎的，會令他/她感到受冒犯，不安和影響他/她的工作表現。
2. 任何人若懷疑曾遭受性騷擾或欺凌，可以向因該事件而指派的「輔助人員」尋求保密的協助。本校委任的「輔助人員」為兩位副校長或校長特別委派人員。
3. 除非得到受騷擾者的同意，輔助人員跟他/她的非正式接觸將會視為絕對機密，除校長之外，不會紀錄在校內任何報告或告知校內任何人士。
4. 如果受騷擾者覺得由他/她自行處理性騷擾事件會太困難或尷尬，可要求輔助人員安排和列席一個包括受騷擾者和有關個別人士出席的非正式面談，或受騷擾者可委托輔助人員代其本人跟有關的個別人士接觸。
5. 非正式階段的處理不會導致任何正式內部調查或紀律行動，但希望能夠幫助受騷擾者自行解決問題，無須在校內作任何進一步的行動。
6. 如果受騷擾者考慮到他/她被侵犯的行為屬刑事罪行（例如：性侵犯），他/她有權尋求輔助人員協助，陪伴他/她向警方或平機會作出正式投訴，或就他/她提出的需要提供援助。

7. 受騷擾者可以告訴任何一位他/她信任的人士，例如他/她的老師、同事、工作夥伴，尋求情緒上的支援和建議。
8. 受騷擾者須以書面紀錄有關事件的詳情，包括日期、時間、地點、證人，以及自己當時的反應。

D. 處理性騷擾 – 正式階段

1. 當非正式階段的解決方法未能恰當地解決事件，或未達受騷擾者的要求，或處理的成效未能令受騷擾者滿意，受騷擾者可以向校長作出正式的投訴。如被投訴的對象是校長，受騷擾者可以向校董會作出投訴。
2. 如有確實需要，輔助人員會協助受騷擾者準備他/她的投訴，亦可陪伴他/她出席任何面談。所有投訴將會得到徹底和迅速的調查。調查由校董會委派的調查小組以獨立和客觀的態度進行，成員包括與該次事件無關和（當牽涉本校僱員的時候）最少要為被指稱的騷擾者同級/地位的人士。調查應盡可能在投訴者提出投訴後四星期內完成。
3. 調查小組進行調查時需要保持警覺，使投訴人和被指稱的騷擾者雙方的權利均得到尊重和保障。
4. 調查小組須向所有參與面談的人士重申保密的重要性，任何有關人士均嚴禁與同事、朋友、同伴討論有關投訴。違反保密原則將會受紀律處分。
5. 如果投訴人或被指稱的騷擾者是一位學生，他/她有權由他/她的家長或親屬陪同參與面談。
6. 調查只會聚焦在有關投訴的事實。每一個調查階段均要保存紀錄。有關人士不會被要求覆述超乎需要、令人難堪或尷尬的詳情。
7. 進行調查期間，盡可能考慮安排避免投訴人和被指稱的騷擾者一起工作或任教同一班級。
8. 投訴人會被告知一般的調查程序、被知會投訴是否被確認和是否需要採取紀律行動。
9. 本校會盡量保證投訴人和任何在調查期間提供協助處理投訴的人士，在任何情況下不會直接或間接因該事件而被處分。調查過程會被嚴密監察，以保證騷擾行為已被制止。如本校接到投訴人或協助處理投訴的人士遭受報復的投訴，會立刻進行調查，若查明屬實，會採取紀律行動。
10. 縱使投訴未能確立，例如：證據未能使人信服，為避免違背任何一方的意願，可以考慮作出適當安排，如雙方不會繼續一起工作或任教同一班級。

11. 任何投訴如果沒有事實根據和缺乏誠信的投訴，例如：中傷別人的投訴會被視為一項罪行，投訴者需要接受紀律處分。
12. 如果懷疑性騷擾的個案涉及學生或孩童，必須慎重處理。無論投訴是否匿名，仍須進行調查。
13. 如果投訴牽涉學生，須通知學生和家長有關的規則和可能採取的紀律行動。
14. 投訴人或被指稱的騷擾者如果不滿投訴調查的結果，可以向校董會提出書面上訴。

E. 處理性騷擾 – 監察

本校會採取一切合理步驟以保證防止性騷擾政策為所有學生、教職員、家長、義工、合約員工、服務提供者、代理人和訪客嚴格執行。所有正式性騷擾投訴的詳情會由本校校長核實。本政策會由校董會逐年檢視，確保每一項程序均被有效執行，以防止性騷擾在校園發生，此外，亦會監察投訴機制的效能。預防計劃包括為學生和教職員提供培訓和每年向學生和教職員傳閱此份文件。

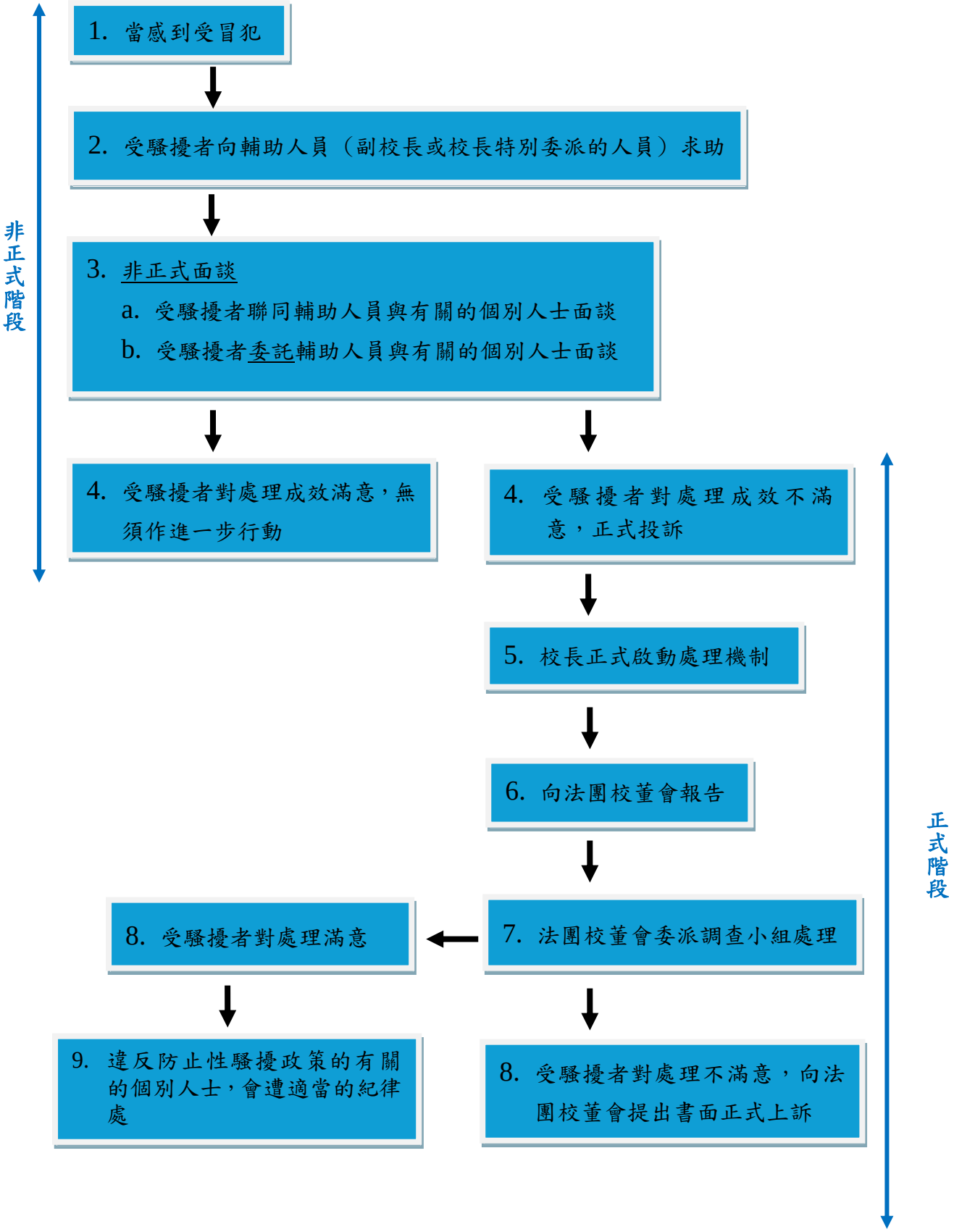
F. 紀律行動

任何僱員或學生被發現違反防止性騷擾政策，查明屬實，學校會按情況採取適當的紀律處分。如果調查證明性騷擾行為屬實，按反歧視法例或其他法例，騷擾者須為他/她的行為負上法律責任。

G. 改善

本校承諾盡力為教職員和學生營造一個沒有性騷擾的工作和學習環境。本校會採取一切合理可行的措施，禁止任何不合法的行為，並會適當地處理性騷擾投訴，以保障全體教職員和學生的利益。學校歡迎提供任何改善本政策的建議。

H. 處理性騷擾流程圖


非正式階段
1. 當感到受冒犯
2. 受騷擾者向輔助人員（副校長或校長特別委派的人員）求助
3. 非正式面談
a. 受騷擾者聯同輔助人員與有關的個別人士面談
b. 受騷擾者委託輔助人員與有關的個別人士面談
4. 受騷擾者對處理成效滿意，無須作進一步行動
4. 受騷擾者對處理成效不滿意，正式投訴
5. 校長正式啟動處理機制
6. 向法團校董會報告
7. 法團校董會委派調查小組處理
8. 受騷擾者對處理滿意
9. 違反防止性騷擾政策的有關的個別人士，會遭適當的紀律處
8. 受騷擾者對處理不滿意，向法團校董會提出書面正式上訴
正式階段

明愛胡振中書院

Caritas Wu Cheng-chung College

Policy on Handling Sexual Harassment

September 2024

Contents

A. What is sexual harassment?	**3**
B. Prohibited behaviors	**4**
C. Handling sexual harassment – Informal phase	**4**
D. Handling sexual harassment – Formal phase	**5**
E. Handling sexual harassment – Monitoring	**7**
F. Disciplinary actions	**7**
G. Improvement	**7**
H. Harassment Handling Flowchart	**8**

Caritas Wu Cheng-chung College
Policy on Handling Sexual Harassment

Caritas Wu Cheng-chung College (the "School") is committed to providing a comfortable environment for both male and female staff to work together and a learning environment that benefits all students. The School emphasizes moral education and will not tolerate incidents of sexual harassment. Sexual harassment tarnishes the work and learning environment and has negative effects on the mental and psychological health, confidence, morale, and performance of the victims.

Any form of sexual harassment towards any student, staff member, parent, volunteer, contractor, service provider, agent, or visitor at the School is unacceptable. The School reiterates its stance of zero tolerance towards sexual harassment incidents on campus and guarantees that all students, staff members, parents, volunteers, contractors, service providers, agents, and visitors have the right to be free from sexual harassment. Sexual harassment can lead to civil or criminal liability for the perpetrator. Any behavior deemed as sexual harassment will be subject to disciplinary action.

A. What is sexual harassment?

According to Section 2(5) of the Sex Discrimination Ordinance (Cap. 480 of Hong Kong), the legal definition of "sexual harassment" includes the following situations:

1. A person:
   （a） makes unwelcome sexual advances or requests for sexual favors to another person; or
   （b） engages in other unwelcome conduct of a sexual nature towards another person;

   in which case, a reasonable person would expect that the other person would feel offended, humiliated, or intimidated under the circumstances; or
2. A person acts alone or in concert with others in a manner of a sexual nature that creates a hostile or intimidating environment for another person; or
3. Any unwelcome sexual-related behavior that affects another person's performance in their work or learning environment constitutes sexual harassment.

B. Prohibited Behaviors

Prohibited behaviors encompass all unsolicited, unwelcome, and sexually suggestive contacts, including:：

1. **Written Contact:** Such as sexually suggestive or obscene letters, faxes, emails, text messages, notes, and invitations.
2. **Verbal Contact:** Such as sexually suggestive or obscene comments, questions, requests, threats, defamation, descriptions, teasing, jokes, demands, and whistling.
3. **Physical Contact:** Such as deliberate touching, hugging, kissing, pinching, lightly touching someone’s body, touching or adjusting someone’s clothing, blocking someone’s path, ambushing, forcing someone to engage in sexual behavior.
4. **Eye Contact:** Such as lewdly staring at someone or fixating on someone’s body, displaying sexually related items, pictures, cartoons, posters, or magazines.

Sexual harassment also includes continuing to discuss topics related to sex or current affairs with someone after being directly informed that such discussions are unwelcome, or using sexually related behaviors to control or influence the professional life, salary, or work environment of staff, or to disrupt students' performance or enjoyment in a learning environment.

Even a single act, if severe, can constitute sexual harassment.

C. Handling Sexual Harassment – Informal Phase

1. It is entirely up to the person experiencing sexual harassment (the "harassed") to decide. If he/she believes certain behaviors are unacceptable, he/she can try to resolve the issue personally by clearly explaining to the individual involved that such behaviors are unwelcome, make him/her feel offended, uncomfortable, and affect his/her work performance.
2. Anyone who suspects they have experienced sexual harassment or bullying can seek confidential assistance from the designated "support personnel" assigned for the incident. The "support personnel" appointed by the school are two vice principals or a specially appointed member by the principal.
3. Unless the harassed person consents, contact between the support

personnel and him/her will be considered absolutely confidential and will not be recorded in any internal report or disclosed to anyone within the school, except for the principal.

4. If the harassed feels that handling the harassment situation personally would be too difficult or awkward, he/she may request the support personnel to arrange and attend an informal meeting that includes the harassed and the individual involved, or the harassed can delegate the support personnel to contact the individual on his/her behalf.
5. Handling during the informal phase will not lead to any formal internal investigation or disciplinary action, but it aims to assist the harassed in resolving the issue independently without needing further action within the school.
6. If the harassed considers the behavior infringed upon constitutes a criminal offense (e.g., sexual assault), he/she has the right to seek assistance from the support personnel to accompany him/her in making a formal complaint to the police or the Equal Opportunities Commission or to request assistance regarding his/her needs.
7. The harassed can tell anyone he/she trusts, such as a teacher, colleague, or work partner, to seek emotional support and advice.
8. The harassed should document the details of the incident in writing, including the date, time, location, witnesses, and his/her response at the time.

D. <u>Handling Sexual Harassment – Formal Stage</u>

1. When the informal resolution does not adequately address the incident, does not meet the complainant's requests, or the outcome is unsatisfactory, the complainant may file a formal complaint with the principal. If the complaint is against the principal, the complainant may file it with the Board of Governors.
2. If necessary, the support staff will assist the complainant in preparing their complaint and can accompany them to any meetings. All complaints will be thoroughly and promptly investigated. The investigation will be conducted by an independent and objective panel appointed by the Board, consisting of members who are not involved in the incident, and (when involving school employees) at least at the same level/position as the alleged harasser. The investigation should be completed within four weeks after the complaint is lodged.
3. The investigation team must remain vigilant to ensure that the rights of

both the complainant and the alleged harasser are respected and protected.

4. The investigation team must emphasize the importance of confidentiality to all participants in the discussions, and any related individuals are strictly prohibited from discussing the complaint with colleagues, friends, or peers. Violating confidentiality will result in disciplinary action.
5. If the complainant or the alleged harasser is a student, they have the right to be accompanied by a parent or relative during meetings.
6. The investigation will focus solely on the facts related to the complaint. Records will be kept at every stage of the investigation. Individuals will not be asked to recount unnecessary, embarrassing, or distressing details.
7. During the investigation, efforts will be made to avoid having the complainant and the alleged harasser work together or teach the same class.
8. The complainant will be informed of the general investigation procedures, whether the complaint is substantiated, and whether disciplinary action is necessary.
9. The school will make every effort to ensure that the complainant and anyone assisting in handling the complaint will not face direct or indirect repercussions related to the incident. The investigation process will be closely monitored to ensure that the harassment behavior is addressed. If the school receives complaints of retaliation against the complainant or those assisting in the investigation, an immediate investigation will be conducted, and disciplinary action will be taken if substantiated.
10. Even if the complaint is not substantiated (e.g., evidence is inconclusive), appropriate arrangements may be considered to avoid violating the wishes of either party, such as ensuring they do not continue to work together or teach the same class.
11. Any complaint lacking factual basis and made in bad faith, such as defaming others, will be considered an offense, and the complainant will face disciplinary action.
12. Cases of suspected sexual harassment involving students or minors must be handled with caution. Investigations will proceed regardless of whether the complaint is anonymous.
13. If the complaint involves a student, the relevant rules and possible

disciplinary actions must be communicated to the student and their parents.

14. If the complainant or the alleged harasser is dissatisfied with the outcome of the investigation, they may appeal in writing to the Board of Governors.

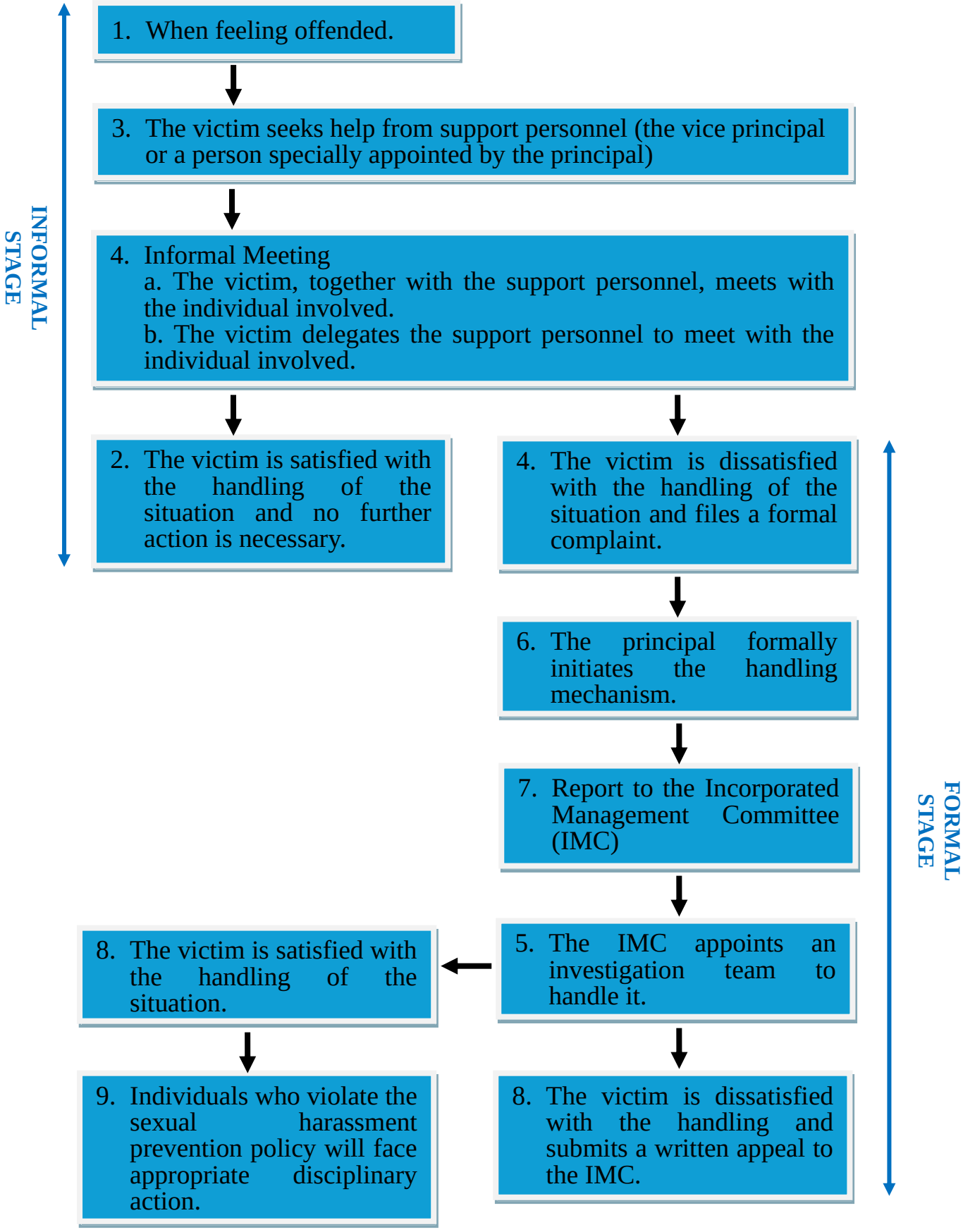
E. Handling Sexual Harassment – Monitoring

The school will take all reasonable steps to ensure that the sexual harassment prevention policy is strictly enforced for all students, staff, parents, volunteers, contract employees, service providers, agents, and visitors. All details of formal sexual harassment complaints will be verified by the school principal. This policy will be reviewed annually by the board of directors to ensure that every procedure is effectively implemented to prevent sexual harassment on campus. Additionally, the effectiveness of the complaint mechanism will be monitored. Preventive measures include providing training for students and staff and distributing this document annually to students and staff.

F. Disciplinary Actions

Any employee or student found to violate the sexual harassment prevention policy will face appropriate disciplinary action depending on the circumstances. If the investigation confirms that sexual harassment has occurred, the harasser will be held legally accountable for their actions under anti-discrimination laws or other relevant laws.

G. Improvement

The school is committed to creating a work and learning environment free from sexual harassment for both staff and students. The school will take all reasonable and feasible measures to prohibit any unlawful conduct and will appropriately address sexual harassment complaints to protect the interests of all staff and students. The school welcomes suggestions for improving this policy.

H. Harassment Handling Flowchart