

潮州會館中學

防止性騷擾政策

I. 引言

經修訂的《性別歧視條例》於2008年10月3日生效後，任何人因作出任何涉及性並造成「有敵意或威嚇性的環境」的行徑而構成的性騷擾，亦適用於教育環境。因此，學校有責任確保所有人（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）能夠在一個沒有性騷擾的安全環境下學習、進行課外活動、工作或提供服務。同時，除個別人士要對做出性騷擾的違法行為承擔個人責任外，學校作為僱主，亦可能要為僱員的性騷擾行為負上轉承責任。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。學校管理層有消除及防止性騷擾的決心，不容發生性騷擾事件，一旦發生，校內任何人都有權投訴。

II. 性騷擾的定義及例子

1. 根據《性別歧視條例》，「性騷擾」的法律定義包括以下情況：

(a) 任何人如 —

(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的好處的要求；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

(b) 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. 校園內性騷擾的例子

以下是性騷擾的行徑的一些例子：

- 主動作出的身體接觸或動作
- 不受歡迎的性要求
- 涉及性的言論或笑話
- 追問或影射別人涉及性的私生活
- 展示使人反感或色情的資料如海報、艷照、卡通、塗鴉或月曆
- 不受歡迎的邀請
- 使人反感的涉及性的通信資料(信件、電話、傳真、電郵等)
- 盯著或色迷迷的看著別人或其身體部位
- 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
- 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

以下是一些在學校造成「有敵意或具威嚇性的環境」的情景：

- 任何人用帶有性含意的漫畫教授與性無關的課題。
- 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。
- 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。
- 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。
- 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。

III. 防止性騷擾的措施

- (a) 為提高員工對性騷擾行為的認知和意識，學校會：
- 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；
 - 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；
 - 有關舉報/接受和提出投訴的程序及指引應載列於員工手冊及服務供應商的合約內；
 - 張貼通告以發放有關資料；
 - 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。
- (b) 學校會為學生提供防止性騷擾方面的教育及訓輔工作。
- (c) 學校透過家長教師會及各種途徑，讓家長和學生知悉學校對性騷擾的政策和相關的處理程序及處分措施。

IV. 處理性騷擾投訴的機制

1. 如員工/學生受到性騷擾，可採納以下非正式或正式處理方法：
- 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。
 - 告訴信任的人，例如老師/同事，讓他們給予情緒上的安慰和建議。
 - 以書面記錄有關事件的詳情，包括日期、時間、地點、證人，以及投訴人的反應。
 - 如員工受到性騷擾，員工可於事發日期起 3 個月內，直接向校長或副校長作出投訴。如學生受到性騷擾，學生可直接向老師或社工作出投訴，再由老師及社工轉交訓導主任及/或輔導主任處理。
 - 向平機會投訴，要求調查及調解。
 - 報案及/或向個別騷擾者提出法律訴訟。

2. 學校調查的方法

學校會參考平等機會委員會及教育局相關建議，依照學校的處理投訴機制公平處理性騷擾投訴，並確保投訴資料保密及投訴人不會被迫害或被懲處。

3. 校內處分措施

員工涉及確實性騷擾事件的處分措施，將交由法團校董會處理。
學生涉及確實性騷擾事件的處分措施，將按校規處理。

請參考下列網頁：

- (a) 教育局《防止校園性騷擾的問與答》
http://www.edb.gov.hk/FileManager/TC/Content_7131/edbc22009_qa_c.pdf
- (b) 平等機會委員會網頁

Chiu Chow Association Secondary School
The School Policy on Preventing Sexual Harassment

I) Background

Consequent to the amendment to the Sex Discrimination Ordinance (SDO) that came into effect on 3 October 2008, a sexual harassment act committed by any person that creates a hostile or intimidating environment also applies to educational settings. It is the responsibility of schools 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 or work or provide services in a safe and sexually hostile-free environment. At the same time, apart from the personal liability to be borne by individuals for unlawful acts of sexual harassment, the schools being employers of the staff concerned, may also be vicariously liable. Sexual harassment is an unlawful act which will make the offender liable to be prosecuted under the civic code. Some acts of sexual harassment (examples include indecent assault, following, and telephone harassment) will also bring about criminal case consequences). The school administration is determined to uproot and prevent sexual harassment. If it occurs, everyone in school can lodge complaints, and the school administration is committed to eliminating and preventing sexual harassment.

II) Interpretation and Examples of Sexual Harassment

1. According to Sex Discrimination Ordinance (SDO), the legal definition of “sexual harassment” includes the following situations:
 - (a) the person
 - (i) makes unwelcome sexual advances, or unwelcome request for sexual favors, to that person; or
 - (ii) engages in other unwelcome conduct of a sexual nature in relation to that 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
 - (b) 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.
2. Examples of Sexual Harassment in Schools

The following are some examples of sexual harassment acts:

- Uninvited physical contact or gestures
- Unwelcome requests for sex
- Sexual comments or jokes
- Intrusive questions or insinuations of a sexual nature about a person's private life
- Displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars
- Unwanted invitations
- Offensive communications of a sexual nature (letters, phone calls, faxes, e-mail messages, etc.)
- Staring or leering at a person or at parts of his/her body
- Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her
- Touching or fiddling with a person's clothing e.g. lifting up skirts or shirts, or putting hands in a person's pocket

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

- Anyone uses sexually suggestive cartoons in teaching a subject not related to sex.
- 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.
- 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.
- Staff members make sexual jokes or discuss their sex lives within earshot of other staff/ students on the school premises.
- 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.

III) Measures for Prevention of Sexual Harassment

- (a) To raise the understanding and awareness of staff on sexual harassment, the school will:
- provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction;
 - distribute the policy statement to staff for discussion / reinforcement at staff meetings at regular intervals;
 - include the procedures and guidelines for reporting / receiving and filing of complaints in the staff handbooks and contracts with service providers;
 - post notices to disseminate related information;
 - 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.
- (b) The school will provide students with education and counseling in prevention of sexual harassment.
- (c) The school will promulgate the school policy, the handling procedures and the related discipline actions on sexual harassment to students and their parents via parent-teacher association and other means.

VI) Handling Sexual Harassment Complaints

1. If a person feels being sexually harassed, he/she may adopt the following informal or formal approaches/ strategies:
 - Speak up at the time. Tell the harasser that his/her behaviour is unwanted and has to stop.
 - Tell someone he/she trusts, such as his/her teacher/ colleagues/ co-workers, for emotional support and advice.
 - Keep a written record of the incidents, including the dates, time, location and witnesses and own response.
 - If a staff member is sexually harassed, he/she can lodge a formal complaint to the school principal or the vice-principal, within 3 months from the time of the beginning of the case. If a student is sexually harassed, he/she should lodge a complaint to the teacher(s) and/or the school social worker. Then the teacher(s) and/or the school social worker should transfer the case to the discipline master and/or the guidance mistress for follow-up actions.

- Lodge a complaint with Equal Opportunity Commission (EOC) and request investigation and conciliation.
- Report to the police and/or file a civil law suit against the harasser.

2. The Method of Handling Sexual Harassment Complaint by the School

The school will refer to the advice of EOC and Education Bureau (EDB) and will handle fairly sexual harassment complaints according to the school complaint mechanism. We will ensure that all complaint information will be kept confidential and complainants will not be victimized or punished.

3. Measures of Punishment by the School

Confirmed sexual harassment offences by school staff members will be decided on by the school Incorporated Management Committee.

Students whose sexual harassment offences have been confirmed will be punished in accordance with the school regulations.

Please refer to the following WebPages:

(a) EDB [Questions & Answers on Preventing Sexual Harassment in Schools](http://www.edb.gov.hk/FileManager/EN/Content_7131/edbc22009_qa_e.pdf)

http://www.edb.gov.hk/FileManager/EN/Content_7131/edbc22009_qa_e.pdf

(b) EOC WebPage