



Mr. Tam's Memo 124 – 13/14 (20140103)

Re : Prevention of sexual harassment on campus

1. The school does everything to prevent sexual harassment from happening on campus. However, if sexual harassment does occur, investigations and actions will be taken immediately.
2. The school has clear policies and procedures regarding the prevention of sexual harassment.
3. The school's internal policies and procedures on said matter will neither affect nor prevent the complainant from going to the police or the Equal Opportunities Commission directly with his/her case.
4. The school's procedures on sexual harassment:
 - 4.1 Every year the school publishes its anti-harassment policy to the students, teaching and non-teaching members of staff and parents. Informing all involved parties the school's stance on these topics.
 - 4.2 All the documents regarding the school's policy are uploaded to the school's website for everyone's perusal.
 - 4.3 Through sex education and moral education, we raise the awareness of gender equality and nurture a culture of mutual respect amongst the students. Furthermore through these channels we also inform students about identifying sexual harassment and protecting themselves from it.
 - 4.4 There will be regular inspections to see whether current policies and procedures are adequate and sufficient.
5. The official and legal definition of 'sexual harassment':

According to the legal definitions under the Sex Discrimination Ordinance (SDO), "sexual harassment" occurs when:

any person makes unwelcome sexual advances, or unwelcome request for sexual favours, to another person;

or engages in other unwelcome conduct of a sexual nature in relation to that other person; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that that other person would be offended, humiliated or intimidated;

or

any person, either alone or together with other persons, engages in a conduct of a sexual nature which creates a hostile or intimidating environment for another person. (Sexual Discrimination Ordinance: Sexual Harassment [Part I Section 2(5)])
6. Example of sexual harassment
 - 6.1 Inappropriate touching: Such as making unnecessary but deliberate bodily contact as by patting, putting hands on shoulders, rubbing, etc.
 - 6.2 Comments with sexual innuendoes and suggestive or insulting sounds: Such as relentless humour and jokes about sex or gender in general.

- 6.3 Inappropriate behaviour: Staring in a sexually suggestive or offensive manner, or whistling.
 - 6.4 Repeated attempts to make a date, despite being told "NO" each time or persistent phone calls or letters asking for a personal sexual relationship.
7. If sexual harassment takes place:
- 7.1 Inform the harasser that you feel uncomfortable by his/her actions, and request the other party to cease with his/her current behaviour.
 - 7.2 Record down the time and place of the incident and list down any possible witnesses to the incident, and describe the incident in detail (such as what the harasser said and did, and how you responded).
 - 7.3 Tell someone whom you trust of the incident.
 - 7.4 Seek the help of a counsellor or a friend, he/she might be able to give you the necessary support, and provide advice on the official or unofficial steps in reporting the incident.
 - 7.5 Write a document to the harasser and inform him/her that he/she should cease with his/her inappropriate behaviour.
 - 7.6 Ways to report sexual harassment:
 - 7.6.1 Internally:
 - 7.6.1.1 If the incident involves a member of staff, please report the incident to the principal in person or via a letter.
 - 7.6.1.2 If the incident involves the principal, please report the incident to the school supervisor in person or via a letter.
 - 7.6.2 Externally:
 - 7.6.2.1 The incident could be directly reported to the Equal Opportunities Commission. The address of the Equal Opportunities Commission is:

Equal Opportunities Commission
Unit 2002, 20/F, Office Tower, Convention Plaza
1 Harbour Road, Wan Chai, Hong Kong
Telephone : 25118211 Fax : 25118142
Website : <http://www.eoc.org.hk/eoc/GraphicsFolder/default.aspx>
 - 7.6.2.2 Report the incident to the police or take other legal actions
8. If the school receives a complaint about sexual harassment, the following steps will be taken.
- 8.1 Both parties will be given equal opportunities to present their cases. Only the people who are directly involved in the incident will be part of the proceedings.
 - 8.2 In the entire process the privacy of all parties will be protected. After the investigation a detailed report will be written with solutions and suggestions for the future.
 - 8.3 If the complainant is a student, the investigation will be carried out by the vice principal and the moral education officer. After the investigation, the moral education officer has to report the findings to the parents of the complainant.
 - 8.4 If the complainant is a member of staff, a committee of three or more staff members (principal, vice principal and officer) will be formed to investigate the incident.
 - 8.5 If the incident involves the principal, the school supervisor will form a committee of three or more members to investigate the incident. Member of this committee are selected from the senior management team of the school.
 - 8.6 All received complaints should be investigated and finalized within one month.

- 8.7 The principal should report the findings back to the school supervisor and other members of the senior management team.
 - 8.8 If either party is not satisfied with the procedures and/or results of the investigation, he/she is free to take his/her matter to another superior officer within the organisation or outside. The chain of command is as follows: principal > school supervisor > the board of directors. He/she is also free to go directly to an external organ (such as the Equal Opportunities Commission or the police).
 - 8.9 All the members who serve of an investigative committee (principal, school supervisor, members of the senior management team, etc.) are bound to confidentiality, as to protect the privacy of the involved parties.
9. The complainant will not be penalized for reporting the incident. However if the incident is ungrounded or fabricated, the school will take disciplinary and/or legal actions against him/her.
10. Disciplinary Measures:
- 10.1 If the harasser is a student, the principal and the disciplinary team of the school will take the necessary disciplinary actions to deal with the student.
 - 10.2 If the harasser is a member of staff (the principal included), the principal, the school supervisor and/or the board of the directors will decide what appropriate actions to take against him/her.
 - 10.3 If the offender is the school supervisor, the board of directors will decide on what appropriate steps to take against him/her.
11. If laws were broken in the incident, the school will report the incident to the police and have the police investigate the matter officially.
12. The school will reflect and devise new policies and procedures to prevent similar cases arising in the future, and ask all involved parties for their suggestions and opinions.

Reference :

Equal Opportunities Commission

< Preventing Sexual Harassment on Campus, Formulating Sexual Harassment Policies in Schools >

<http://www.eoc.org.hk/eoc/upload/2013116155023361433.pdf>



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Re : 防止校園性騷擾政策

- 1 校方會竭盡所能消除及防止性騷擾事件的發生，如接獲有關或懷疑性騷擾的個案，定必跟進。
- 2 本校防止性騷擾的政策及程序，列明處理性騷擾的指控或投訴的途徑。
- 3 本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。
- 4 本校防止性騷擾措施：
 - 4.1 每年向全體學生、家長、教師及員工發佈本校防止性騷擾政策，讓所有持份者知悉本校立場及有關政策；
 - 4.2 於本校網頁上載有關政策，供所有人查閱；
 - 4.3 持續透過性教育及德育課程，提高學生對兩性平等及相互尊重的意識，並加強提防性騷擾的認識；
 - 4.4 定期檢討及完善有關措施和政策。
- 5 性騷擾的法律定義
「一個人是性騷擾者，如果：他 / 她作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 他 / 她作出其他不受歡迎的涉及性的行徑，而這些行徑是一個合理的人應會預期該位受注視的人士會感到受冒犯，侮辱或威嚇的。」 <性別歧視條例第一部分，第二章 (五)>
- 6 性騷擾的行為定義及例子
 - 6.1 身體的接觸
不必要的接觸或撫摸他人的身體，如故意擦撞，強行搭肩膀或手臂，皆屬此例。
 - 6.2 言語的滋擾
不必要的故意談論有關性的話題，如詢問個人的性生活以及對別人的衣著、外表及身材給予有關性方面的評語等。
 - 6.3 行為的滋擾
故意吹口哨或發出接吻的聲調，身體或手的動作具有性的暗示等。
 - 6.4 不受歡迎的性要求
雖然被拒絕，但仍然不斷嘗試約會對方。
- 7 遇到性騷擾可採取下列處理程序：
 - 7.1 即時表明立場，告訴騷擾者他 / 她的行為是不受歡迎的，及必須即時停止。
 - 7.2 記錄性騷擾的日期、時間、地點、証人及性質（騷擾者所說的話和做過的行為）及你的反應。
 - 7.3 告訴你信任的人。
 - 7.4 尋找一個支持者或輔導員，因為他/她能夠給予你情緒上的支持，及提供機構中非正式或正式投訴程序的資料。
 - 7.5 寫信或字條給騷擾者表明立場，告訴騷擾者他 / 她的行為是不受歡迎的及必須即時停止。

7.6 投訴途徑。

7.6.1 校內投訴：

7.6.1.1 若投訴老師或職員，可書面或親身向校長投訴。

7.6.1.2 若投訴校長，可書面或親身向校監投訴。

7.6.2 校外投訴：

7.6.2.1 可向平等機會委員會投訴。

地址：香港灣仔港灣道一號會展廣場辦公大樓 20 樓 2002 室

電話：25118211

傳真：25118142

網頁：<http://www.eoc.org.hk>

7.6.2.2 聯絡警方及 / 或提出法律訴訟。

8 學校接獲投訴的處理

8.1 原則：尊重投訴者及被投訴者有同等的申訴機會、尊重私隱、客觀、非審判性、持平公正，且保持涉及的人數至最少。

8.2 過程：學校須盡一切努力，確保過程保密及保障各有關人士的私隱。調查完結後，須作出報告，並建議事件的改善程序和方法。

8.3 學生投訴：由副校長及德育主任負責調查工作。德育主任在調查結束後需將結果通知學生家長及校長。

8.4 員工投訴：由校長召開一個三人或以上的委員會（包括校長、副校長及一位主任）調查。

8.5 投訴校長：校監應即時召開一個三人或以上的委員會（包括校監及由老師以外的學校管理委員組成）負責調查工作。

8.6 所有接獲的投訴應在一個月內調查處理完成。

8.7 校長處理後需將結果盡快知會校監及學校管理層。

8.8 投訴者或被投訴者如對校內處理結果或過程不滿，可循下列架構上訴：校長 → 校監 → 校董會主席 → 外間投訴（如平等機會委員會、警方或自行提出法律訴訟）。

8.9 所有參與調查的委員會成員、校長、校監、學校管理委員會或校董會成員皆有責任將一切資料（特別是涉及個人的資料）保密，以保障投訴者及被投訴者的私隱和權利。

9 校方確保投訴人不會因合理投訴而受迫害、處分或影響其工作表現記錄。但若屬惡意或無理的誣衊投訴則會由校方作出跟進、處理及保留法律追究權利。

10 紀律處分

10.1 如校內同學涉及性騷擾及證明屬實，由德育組向校長建議處分。

10.2 如校內員工（包括校長）涉及性騷擾及證明屬實，將會接受校內紀律處分。處分情況由校監或校長或校董會決定。

10.3 若校監涉及性騷擾及證明屬實，則由校董會決定處分方式。

11 若事件涉及刑事，校方則交警方處理。

12 若事件涉及學校制度或程序，校方將盡速作出改善。而過程中亦可邀請當事人作出建議。