

天主教鳴遠中學 防止性騷擾政策

天主教鳴遠中學（「本校」）承諾提供一個令女士和男士一起有效工作的舒適工作環境和令女學生和男學生能學習和獲益的學習環境，由本校提供全面的天主教教育，不會發生性騷擾。性騷擾玷污工作環境和學習環境，影響受害人的精神及心理健康、信心、士氣和表現，產生破壞性極大的後果。

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方式的性騷擾都是不能接受的。本校重申不會容忍性騷擾在校園發生的立場和保證所有學生、教職員、家長、義工、合約員工、服務提供者、代理人及訪客均享有不受性騷擾的權利。性騷擾可導致負上民事或刑事責任。任何人做出被認定為性騷擾行為，均會被紀律處分。

(A) 何謂性騷擾?

根據《性別歧視條例》（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環境。
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、迫使別人進行性行爲，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那些議題；和以與性有關的行爲去控制、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。

若果有足夠的嚴重性，單一事件也可以是性騷擾。

(C) 防止性騷擾 – 非正式階段

- (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爲，他/她可以嘗試自行解決這問題，向個別有關人士清楚解釋那些行爲是不受歡迎的，那會令他/她感到受冒犯，或令他/她感到不安和影響他/她的工作表現。
- (2) 任何人曾遭受性騷擾或欺凌，可以向由本校教職員擔任的輔助成員（「輔助成員」）尋求保密的協助。本校委任的輔助成員為高級學位教席人員、副校長或校長。
- (3) 除非得到受騷擾者的同意，所有跟他/她的非正式接觸，將會當作是絕對機密，不會在校內任何報告出現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，可要求輔助成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的面談，或得到受騷擾者的委托，輔助成員可代表受騷擾者跟有關的個別人士接觸。
- (5) 非正式階段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，無須在校內作出任何進一步的行動。
- (6) 如果受騷擾者考慮到他/她被侵犯的行爲屬刑事罪行（例如：性侵犯），他/她有權尋求輔助成員協助，陪伴他/她向警方或平機會作出正式投訴，或就他/她提出的需要提供任何援助。
- (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，尋求情感上的支援和建議。
- (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) 防止性騷擾 – 正式階段

- (1) 當非正式階段的解決方法是不恰當的，或未如受騷擾者要求的，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，輔助成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）最少要跟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的四星期內完成。
- (3) 調查進行時需要保持警覺，使投訴人和被指稱的騷擾者雙方的權利均會得到尊重和保障。
- (4) 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、同伴討論有關的投訴。違反保密原則將會被紀律處分。
- (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/她的家長或親戚陪同參與面談。
- (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的令人難堪或尷尬的詳情。
- (7) 當投訴調查進行期間，盡可能考慮安排投訴人和被指稱的騷擾者不會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和會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，並且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，可以考慮作出一些有效安排，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，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，須恰當地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，如果他/她不滿投訴調查的結果，可以向校董會提出書面上訴。

(E) 防止性騷擾 – 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，保證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本政策。

(F) 紀律行動

任何僱員或學生被發現違反這政策，查明屬實，會按情況採取適當的紀律處分，包括警告、記過、訓斥、停職/停課或開除。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這政策的建議。

(校董會於 2012 年 9 月 27 日通過)

**《防止性騷擾政策》中文版只作參考用途，如中、英文版有任何歧義，概以英文版為準。

CATHOLIC MING YUEN SECONDARY SCHOOL POLICY FOR THE PREVENTION OF SEXUAL HARASSMENT

CATHOLIC MING YUEN SECONDARY SCHOOL (“the School”) is committed to providing a work environment where women and men can work together comfortably and productively, and a learning environment where girls and boys can learn and benefit from the all-round Christian/Catholic education provided by the School, free from sexual harassment. Sexual harassment pollutes the work environment and the learning environment and can have a devastating effect on the mental and physical health, confidence, morale and performance of those affected by it.

Sexual harassment in any form is unacceptable behaviour for any student, staff, parent, voluntary helper, contract worker, service provider, agent or visitor of the School. The School reaffirms the principle that sexual harassment will not be tolerated in the school community and all students, staff, parents, voluntary helpers, contract workers, service providers, agents and visitors have the right to be free from sexual harassment. Sexual harassment can give rise to civil and criminal liability. Any behaviour determined to be sexual harassment will result in appropriate disciplinary action.

(H) What is sexual harassment?

According to Section 2(5) of the Sex Discrimination Ordinance (Chapter 480), the legal definition of “sexual harassment” includes the following situations:

- (1) the person
 - (a) makes unwelcome sexual advances or unwelcome request for sexual favours, to that person; or
 - (b) 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
- (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.

Any unwelcome sexual conduct that interferes with the performance of another person in his/her work environment or learning environment constitutes sexual harassment.

(I) Prohibited behaviour

Prohibited behaviour includes unsolicited and unwelcome contact that has sexual overtones. This includes:

- (1) written contact, such as sexually suggestive or obscene letters, faxes, e-mail messages, short message service (SMS) messages, notes, invitations
- (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

- (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, and
- (4) visual contact, such as leering or staring at another's body, gesturing displaying sexually suggestive objects or pictures, cartoons, posters or magazines.

Sexual harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome – and using sexual behaviour to control, influence or affect the career, salary or work environment of any person or to interfere with the performance or affect the enjoyment of a student in his/her learning environment.

A single incident can amount to harassment if sufficiently grave.

(J) Prevention of sexual harassment – Informal stage

- (1) It is entirely in order for a recipient ("the recipient") of unwanted conduct amounting to sexual harassment to try to resolve the problem, if he/she so prefers, by explaining to the individual concerned that the behaviour is not welcome, that it offends or makes the recipient uncomfortable and that it interferes with his/her work/performance.
- (2) Anyone who has been subjected to harassing or bullying behaviour may seek confidential assistance from Senior Graduate Masters/Mistresses, Vice-Principals and Principal.
- (3) An informal approach to an assisting staff member of the School will be treated as completely confidential and will not result in any report to anyone within the School unless the recipient agrees.
- (4) If the recipient prefers, where he/she finds it too difficult or embarrassing to take up the matter himself/herself, the assisting member of staff of the School will participate in an informal meeting between the recipient and the individual concerned or will, at the request of the recipient, approach the individual on behalf of the recipient.
- (5) The informal stage will not result in any formal internal investigation or disciplinary action but is intended to enable the recipient to resolve the matter himself/herself without it going any further in the School.
- (6) If the recipient considers that he/she may have been subjected to conduct amounting to criminal offence (such as a sexual assault), he/she is entitled to seek the assistance of the assisting member of staff of the School to accompany him/her to make a formal complaint to the police of the Equal Opportunities Commission or to provide him/her with any other assistance he/she may require.
- (7) The recipient may tell someone he/she trusts, such as his/her teacher/colleague/co-worker, for emotional support and advice.
- (8) The recipient shall keep record of the harassment incidents, including the dates, time, location and witnesses and own response.

(K) Prevention of sexual harassment – Formal stage

- (1) Where informal resolution is not appropriate, or not requested or where the outcome has been unsatisfactory, then the recipient may bring a formal complaint to Principal.**
- (2) If so desired, the assisting member of staff of the School will help the recipient to prepare his/her complaint as well as to accompany him/her to any meetings. All complaints will be thoroughly and expeditiously investigated. They will be conducted in an independent and objective manner by an investigation team appointed by the School Management Committee of the School comprising someone unconnected with the allegations and (in cases concerning employees of the School) at least of the equal grade/status with the alleged harasser. Wherever possible investigations will be completed within four weeks of the complaint being made.**
- (3) Investigations will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged harasser.**
- (4) The importance of confidentiality will be stressed to all those interviewed and everyone will be strictly required not to discuss the complaint with colleagues, friends or peers. Breach of confidentiality may give rise to disciplinary action.**
- (5) If the complainant or the alleged harasser is a student, he/she is entitled to be accompanied by their parents or relatives in an interview.**
- (6) The investigation will focus on the facts of the complaint. Notes will be kept of all stages of the investigation. Parties will not be required to repeat distressing or embarrassing details any more than is necessary.**
- (7) Wherever possible, consideration will be given to ensuring that the complainant and the alleged harasser are not required to work together or attend the same class whilst the complaint is under investigation.**
- (8) The complainant will be kept informed of the general process of investigation and will be informed whether the complaint has been upheld and is to result in disciplinary action.**
- (9) The School will seek to ensure that the complainant and any person assisting in investigating such a complaint are not in any way penalized whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped. Any complaint of retaliation will be promptly investigated and punished if established.**
- (10) Even where a complaint is not upheld, for example where the evidence is inconclusive, consideration will be given to effecting arrangements which will enable the parties not to continue to work together or to attend the same class against the wishes of either party.**
- (11) Any complaint that is unfounded and not made in good faith, for example a malicious complaint, will be treated as an offence liable to disciplinary action.**
- (12) Cases of suspected sexual harassment involving students or young children shall be handled discreetly. Whether the complaints are anonymous or not, investigation may need to be conducted.**
- (13) For complaints involving students, both the students and parents shall be properly apprised of the rules and disciplinary measures.**
- (14) A complainant or an alleged harasser may appeal to the School Management Committee of the School in writing in case he/she is not satisfied with the findings of the complaint investigation.**

(L) Prevention of sexual harassment – Monitoring

The School shall take all reasonable steps to see that this policy prohibiting sexual harassment is followed by all students, staff, parents, voluntary helpers, contract workers, service providers, agents and visitors. Details of all formal complaints of sexual harassment will be collated by the Principal of the School. These will be annually reviewed by the School Management Committee of the School with a view to ensuring that every effective step has been taken to prevent sexual harassment and to monitor the effectiveness of the complaints procedure. The prevention plan will also include provision of training sessions to the students and staff and circulation of this policy to the students and staff on an annual basis.

(M) Discipline

Any employee or student found to have violated this policy shall be subject to appropriate disciplinary action, including warnings, demerits, reprimand, suspension or discharge, according to the findings of the complaint investigation. If any investigation reveals that sexual harassment has occurred, the harasser may also be held legally liable for his or her actions under the anti-discrimination laws or in separate legal actions.

(N) Improvements

The School pledges to cultivate a sexual-harassment-free work and learning environment. The School shall take reasonably practicable steps to prevent unlawful acts as well as handle sexual harassment complaints properly to safeguard the interest of staff and students. The School welcomes all suggestions for improvements to this policy.

(Approved by SMC at 27th September,2012)