

**Cheung Chuk Shan College**  
**Policy on Preventing Sexual Harassment**  
**(Revised Sept 2020)**  
**張祝珊英文中學**  
**防止性騷擾政策**  
**(二零二零年九月修訂)**

## **I. Introduction 引言**

According to the amended Sex Discrimination Ordinance, which took effect from 3 October 2008, conduct of a sexual nature which creates a hostile or intimidating environment in an educational establishment is also unlawful. Besides not tolerating any form of sexual harassment, the School would try to eliminate and prevent its occurrence on campus. The procedure and mechanism for dealing with allegations or complaints of sexual harassment will be outlined in the following sections, but the internal school policy does not affect the right of the complainant to lodge a complaint to the Equal Opportunities Commission (EOC) or the Police, or to take civil action in the District Court.

根據 2008 年 10 月 3 日生效的新修訂《性別歧視條例》，在教育機構內作出涉及性的行為，因而製造敵意或威嚇的環境，亦屬違法。除了不容忍任何形式的性騷擾，本校將嘗試消除及防止在校園內發生性騷擾的行為。本校處理性騷擾指控或投訴的內部程序及機制將在以下部份列出，但有關的政策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，亦不影響投訴人向區域法院提出民事訴訟的權利。

## **II. Definition 定義**

In accordance with the Sex Discrimination Ordinance, a person sexually harasses another person if the former makes an unwelcome sexual advance, or an unwelcome request for sexual favors, to the latter; or 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 the victim would be offended, humiliated or intimidated; or the person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for the victim. Even if the act of sexual harassment is not intentional or there is no evidence to prove the intention, it amounts to sexual harassment once the act meets the definition of sexual harassment. In addition, a single incident may also amount to sexual harassment.

根據《性別歧視條例》，任何人對另一人提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，應會預期該受害人會感到受冒犯、侮辱或威嚇；或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，該人即屬對他人作出性騷擾。即使性騷擾的行為不是故意的，或沒有證據證明意圖，只要符合性騷擾的定義，有關行為便屬於性騷擾。此外，單一事件也可能構成性騷擾。

### **III. Examples of Sexual Harassment 性騷擾的例子**

It should be noted that sexual harassment may occur to any persons, regardless of their gender, and sexual harassment may also occur to persons of the same sex. Sexual harassment takes two forms: unwelcome sexual behavior or conduct which is offensive, humiliating or intimidating or an environment where there are actions, languages or pictures of a sexual nature that make it hard for a person to concentrate. Different forms of contact – written, verbal, visual but not just physical – can result in sexual harassment, e.g. sending of sexually suggestive messages, making comments with sexual innuendoes, touching or fiddling with a person's clothing, staring or leering at a person or at parts of his/her body.

性騷擾的受害人不分性別，也可發生在同性之間。性騷擾分為兩種形式：任何具冒犯性、侮辱性、威嚇性的不受歡迎並涉及性的行為或行徑，或環境中充斥涉及性的行為、言語或圖片，使人難以專注。不同類型的接觸 – 書面、言語、視覺而只非肢體的 – 均可導致性騷擾，例如：發出涉及性的訊息、作出帶有性方面影射的評論、觸摸或撥弄別人的衣服或盯著或色迷迷地看著別人或其身體部位。

### **IV. Measures to Prevent Sexual Harassment 防止性騷擾的措施**

1. The policy on preventing sexual harassment is announced to all staff at the beginning of the school year. They are also reminded of common examples of sexual harassment and urged to refrain from such behavior.
  2. Form teachers are requested to announce the policy to the class at the beginning of the school year, remind students of common examples of sexual harassment and urge them to refrain from such behavior.
  3. Educational programmes such as talks or drama can be organized for students if available.
  4. The policy of sexual harassment will be included in the official website of our School.
1. 在學年初向全體教職員宣佈防止性騷擾的政策，並提醒他們常見的性騷擾例子及敦促他們避免該等行為。
  2. 班主任在學年初向學生宣佈防止性騷擾的政策，提醒他們常見的性騷擾例子，並敦促他們避免該等行為。
  3. 校方會適時透過講座或戲劇等活動教育學生。
  4. 校方會將有關性騷擾的政策會上載至學校網頁。

## **V. Mechanism for Handling Complaints of Sexual Harassment 處理性騷擾投訴的機制**

1. Any student or staff member suffering from sexual harassment can report the case to the School through any teacher, the Assistant Principals, the Vice Principals or teachers in charge of sex education.
2. Teachers coming across students' behavior of sexual harassment or receiving complaints against sexual harassment should stop the behavior and refer the case / complaint to the Discipline Board.
3. If any staff member of the School or course instructor is suspected to be involved in these complaints, an ad hoc group consisting of the Principal, the Vice Principals, the Assistant Principals and teachers in charge of sex education will be set up to handle the case. Other members whom the Incorporated Management Committee considers to be necessary can also be included.
4. The Discipline Board or the special ad hoc group will investigate the case and determine the follow-up action, e.g. arranging mediation, imposing punishment and assigning school personnel to provide counselling.
5. The principle of confidentiality shall be observed. All information and records related to a complaint of sexual harassment will only be disclosed to relevant parties on a need-to-know basis. Premised on the principle of natural justice and the fact that the alleged harasser is a key person in the case, the school shall inform him/her of the details of the complaint.

1. 受到性騷擾的學生或教職員可向任何一位教師、助理校長、副校長或負責性教育的教師舉報。
2. 教師如發現學生作出性騷擾行為或收到有關性騷擾的投訴，應制止該行為，並將個案或投訴轉介訓導處。
3. 如任何教職員或課程導師懷疑涉及性騷擾，校方將設立由校長、副校長、助理校長和負責性教育的教師所組成的專責小組處理事件。專責小組亦可包括任何法團校董會認為合適的人士。
4. 訓導處或專責小組將對案件展開調查，並確定後續行動，如安排調解、決定懲處和編配人手提供輔導。
5. 校方會緊守保密的原則。有關性騷擾投訴的資料和記錄，只會按需要向有關人士透露。由於被指稱的騷擾者是投訴個案的關鍵人物及基於自然公正原則，學校將通知他/她有關指控的詳情。

## **VI. Time Limit for Sexual Harassment Complaints 提出性騷擾投訴的時限**

If a victim of sexual harassment wants to file a complaint with the EOC, he/she should do so within a year 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. Under this circumstance, a staff member / student suffering from sexual harassment should

preferably complain to the School within 1 month after the incident has taken place.

若被性騷擾者想向平機會提出投訴，須於事件發生後的1年內提出。若決定在區域法院提出法律訴訟，須於事件發生後的2年內提出。在這情況下，如學校員工或學生受到性騷擾，宜於事件發生後的1個月內知會校方。

## **VI. Liabilities 責任**

1. Being unlawful, sexual harassment would entail civil liability and some acts would even bear criminal consequences.
  2. The School will consult the EOC or other external bodies when there is doubt about the suspected cases.
  3. For a harasser suspected to have committed criminal offences, the school will report the case to the Police.
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1. 性騷擾是違法的，會帶來民事法律責任，有部分行為更會同時導致刑事後果。
  2. 學校在處理懷疑個案時如遇到任何困難，將會諮詢平機會或其他外間機構的意見。
  3. 如懷疑性騷擾個案可能涉及刑事罪行，學校會向警方舉報。

## **VII. Disciplinary Actions 紀律處分**

1. If a student is found to have sexually harassed others, the School may impose such punishment as demerits and school suspension, depending on the nature of the case.
  2. If a service provider/agent, voluntary helper, etc. is found to have sexually harassed others, the School may take such actions as restricted entry to the campus and termination of contract, depending on the nature of the case.
  3. If a staff member is found to have sexually harassed others, he/she may be subject to such punishment as receiving written warnings or being dismissed, depending on the nature of the case.
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1. 如有學生被裁定性騷擾他人，學校會視乎個案性質，給與如記過及停課的處分。
  2. 如服務供應商、義工等被裁定性騷擾他人，學校會視乎個案性質，作出如禁止進入校園及終止合約的處分。
  3. 如有員工被裁定性騷擾他人，視乎個案性質，他可能須接受如書面警告或即時解僱的處分。

## **VIII. Review & Amendment 檢討及修訂**

The policy may be reviewed and modified by the Principal with reference to Hong Kong law and guidelines of the Education Bureau or other relevant bodies.

校長可按香港法律、教育局及其他有關組織的指引檢視及修訂本政策。