

*Stewards Pooi Kei College*

*2020–2021*

# OPERATIONS MANUAL

**BOOK V**

**Policy on Preventing Sexual Harassment**

**Stewards Pooi Kei College**  
**Policy on Preventing Sexual Harassment**

I. Introduction

Sexual harassment is an unlawful act which is not allowed to occur in this school. If it occurs, everyone in school can lodge complaints, and the school is committed to eliminating and preventing sexual harassment.

II. Definition and Examples of Sexual Harassment

1. Legal definition of sexual harassment –

- 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 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 intimidation 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

- 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 to Prevent Sexual Harassment

1. To raise the understanding and awareness of staff on sexual harassment, schools should:
  - distribute the policy statement to staff for discussion/ reinforcement at staff meetings;
  - 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.
2. The topic of sexual harassment will be incorporated into sex education programmes, class teacher periods and life education lessons/personal growth education, so as to help students develop positive values and attitudes (such as respect and care for others), teach them proper behaviour for coping with interpersonal relationships, arouse their awareness on sexual harassment.
3. The school policy, the handling procedures and the related discipline actions on sexual harassment will be promulgated to students and their parents.
4. Counselling activities will be arranged according to the personal and social developmental needs of students to develop students' positive values and attitudes, such as messages about gender equity and respect for others. When students have developed a certain level of awareness and understanding of these values and messages cognitively and emotionally, they will be able to think critically, analyze challenging situations, solve problems, make appropriate reactions and build equal and mutually respecting

relationship with others.

#### IV. Mechanism for 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.
  - **Lodge a formal complaint** to the school principal or his/her designate or the teacher-in-charge.
2. To lodge a complaint to the school, a person may approach either of the Vice-principals with a written record of the incidents, including the name of the person involved, the dates, time, location and witnesses and own response.
3. In general, the complaint should be lodged within 90 days after the incident.
4. The investigation procedure will be carried out by the Vice-principal(s) or a committee designated by the Principal, including interviewing related person and witnesses and recording the findings. The procedure is carried out under the principle of confidentiality.
5. No staff member or student of the school shall be subject to victimization or reprisal for initiating a good faith complaint, for participating in mediation, for providing information in the complaint investigation processes, or for participating in the formal disciplinary procedures. However, the school reserves the right to take disciplinary action against any staff member or student making a false complaint or intentionally providing false information in any mediation or complaint process
6. The investigated case will be brought to the Principal and appropriate disciplinary action will be carried out depending on the findings. Further investigation by the Principal will be carried out in need.

7. If the person being complained involves the Vice-principal(s), complaint can be lodged to the Principal directly. If the person being complained involves the Principal, complaint can be lodged to the School Supervisor directly.
8. All investigated cases and the action taken will be brought to the notice of the School Management Council (SMC).
9. The internal school procedures do not affect the right to lodge a complaint directly with the Equal Opportunities Commission (EOC) or to take civil action in the District Court of Hong Kong or to make a complaint to the police or other investigating agency.

## 香港神託會培基書院 防止性騷擾中文撮要

### 1. 甚麼是性騷擾?

性騷擾分為兩類。第一類是指任何具冒犯性、侮辱性及威嚇性的不受歡迎並涉及性行為或行徑。第二類是指工作或學習環境中充斥涉及性的行為、言語或圖片，使人難以安然地工作或學習，稱為「與性有關具有敵意的工作或學習環境」。

### 2. 甚麼行為可以構成性騷擾?

任何涉及性的語言、行為或身體接觸均可以構成性騷擾，性騷擾也可以透過言語、電郵、信件和電話等途徑出現。性騷擾的例子包括：講述不受歡迎的不文笑話、發出令人感到冒犯的色情電子郵件，以及以不受歡迎的並涉及性的眼光凝視等。

### 3. 事件是否要出現多於一次才可以構成性騷擾?

不是。單一事件已足以構成性騷擾。

### 4. 是否有意圖才可構成性騷擾?

不是。性騷擾可以是有意或無意的，沒有意圖並不構成辯護理由。

### 5. 一個人可能被同性的人性騷擾嗎?

可能。性騷擾是不分有關人等之性別的。

### 6. 本校教職員或學生應如何應付性騷擾?

可用以下任何一種或多種方式回應：

- 即時拒絕，並向騷擾者表明立場，告訴他/她的行為是不受歡迎和必須立刻停止。
- 告訴你/妳信任的人
- 記錄所有發生過的事情，包括日期、時間、地點、涉及事件人仕的姓名、事件經過、你/妳的反應、證人(如有)。
- 向校方作出正式投訴

### 7. 怎樣作出投訴?

任何教職員或學生如要求學校對性騷擾事件展開調查，應向副校長作出書面投訴。在一般情況下，欲通過調停方法解決問題，不須作出書面投訴。校長會委任副校長或指定人仕作出調查，若投訴成立，將作紀律處分。(如事件涉及副校長，投訴可向校長提出；如事件涉及校長，投訴可向校監提出。)

## 8. 如要投訴，需提供甚麼資料？

投訴人需提供以下資料：

- 事件詳情及有關日期；
- 個人資料(姓名、所屬學系或部門、聯絡資料)；
- 被投訴人的姓名及聯絡資料；
- 支持受性騷擾指稱的資料；
- 因受性騷擾而蒙受任何不利或情緒困擾的詳情；及
- 證人(如有的話) 的資料。

## 9. 提出投訴有沒有時間的限制？

在一般情況下，書面投訴須於事件發生後九十日內提出。如校長/副校長認為考慮接受逾時處理的投訴是公平合理的，亦可以考慮接受投訴。

## 10. 向校方所提供的資料是否保密？

是。在進行調停、調查投訴及上訴的過程中，校方必須依據現行政策及適用法例，盡一切合理的努力，確保過程保密，及保障各有關人士的私隱。

## 11. 如因發起或參與調停或調查工作而受到不公平對待，可以怎樣做？

任何本校教職員或學生提出真誠的投訴、參與調停、在調查投訴過程中提供資料，或參與正式紀律程序，均不應因此而遭到逼害或報復。法律保障任何人免受逼害，如遇此情況，可向校長或校監作出投訴。

## 12. 如已向校方作出投訴，是否不能向校外求助？

學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，亦不影響投訴人向區域法院提出民事訴訟的權利。