

保良局羅氏基金中學
「防止及處理性騷擾」政策

(I) 政策聲明

本校非常重視《性別歧視條例》。性騷擾是歧視及違法行為，不但校內會有紀律處分、並會帶來民事法律責任，更可能有刑事後果；性騷擾一旦發生，校內任何人都有權投訴。本校着重品德教育，絕不容許性騷擾事件發生。

學校已制定「防止及處理性騷擾」政策，確保全體學生和教職員，以及其他為學校服務的人士能夠在一個沒有性騷擾的環境下學習、工作、進行課外活動、提供及享用服務。

本校會透過教育及培訓，並設立投訴機制，為求建立一個沒有歧視和愉快的校園。

(II) 性騷擾的法律定義

《性別歧視條例》中第 2(5)條界定性騷擾。另外，第 2(7)、2(8)、9、23 及 39 條亦與性騷擾有關。根據《性別歧視條例》，「性騷擾」的法律定義是：

- (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。

(以上資料來源：平等機會委員會提供的《防止校園性騷擾 參考資料：制定校園性騷擾政策》)

澄清常見的誤解：

- 不分性別：表明性騷擾是不分有關人等的性別，可在任何人身上發生；與性騷擾相關的法例條文及校園性騷擾政策適用於男和女，以及同性之間的性騷擾。
- 有否意圖並不相干：表明即使沒有性騷擾的意圖，或不能證明意圖，只要行為本身符合性騷擾的定義，亦會構成性騷擾。因此，無論有心抑或

無意，甚至只是嬉戲性質的行為，也有可能構成性騷擾。

- 單一事件：表明單一事件亦有可能構成性騷擾。
- 權力關係：雖然性騷擾事件通常牽涉權力關係，較強的一方騷擾較弱的一方，但在校園環境中，權力關係未必是最重要的考慮因素，學生亦有可能騷擾學生，甚至騷擾老師。如有此情況出現，這亦屬違法的性騷擾行為，校方亦須正視及作出適當處理。

(以上資料來源：平等機會委員會提供的《防止校園性騷擾 參考資料：制定校園性騷擾政策》)

性騷擾的例子：

有關性方面「有敵意或具威嚇性的教育環境」和「性騷擾的行徑」的例子，可參考平機會或教育局網頁的「防止校園性騷擾的問與答」。

(III) 受害人的權利及可以採取的行動

校內任何人都有權投訴性騷擾行為。

遇上性騷擾，受害人可以採取以下行動：

- 即時表明立場，告訴騷擾者其行為不受歡迎及必須停止。
- 記錄性騷擾的日期、時間、地點、証人及性質（騷擾者的說話和做過的行為），以及受害人當時的反應。
- 告訴信任的人／輔導人員，讓他們給予情緒的支援和處理事件的建議。
- 向校長或其他負責老師作投訴。投訴及處理投訴將按學校處理投訴機制進行。
- 向平等機會委員會查詢或投訴，要求展開調查或調停；若調停不成功，投訴人可向平機會要求給予法律協助。平機會電話：25118211。其他向平機會查詢或投訴的方法，請參考平機會網頁：<http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx>
- 向教育局投訴。
- 可以找律師商量、向警方報案，或向區域法院提出法律訴訟程序。

校內的投訴程序不會影響投訴人向平機會投訴或警方報案，或向區域法院提出訴訟的權利。

投訴的時限：

向平機會提出投訴及提出法律訴訟均有時間限制。若被性騷擾者有意向平機會提出投訴，需於事件發生後的 12 個月內提出；否則，除非有充

分的理由引致延誤投訴，平機會可不受理。若打算在區域法院提出法律訴訟，需於事發後 2 年內提出。

(以上資料來源：平等機會委員會提供的《防止校園性騷擾 參考資料：制定校園性騷擾政策》)

(IV) 防止性騷擾的措施

- 定期檢討有關政策及措施。
- 定期向學生、家長和教職員重申校園性騷擾政策。
- 於學校網頁上載有關政策，方便有需要者隨時查閱。
- 培訓和教育學生和教職員有關兩性平等、尊重他人和提高對防止性騷擾的意識。
- 除校內可能涉及性騷擾的物品，並禁止把這些物品帶入學校，以及防止不適當使用電腦科技，引致性騷擾。

(2023 年 10 月 27 日)

Po Leung Kuk Laws Foundation College

"Prevention and Handling of Sexual Harassment" Policy

(I) Policy Statement

Our school treats the "Sex Discrimination Ordinance" extremely seriously. It should be pointed out that sexual harassment is discriminatory and unlawful. As such, sexual harassment not only leads to disciplinary measures of schools, it may also entail civil liability and even criminal consequences. Once sexual harassment occurs, any person in the school has a right to lodge a complaint. Our school emphasizes moral education and therefore has zero tolerance for the occurrence of sexual harassment.

The school has developed a "Prevention and Handling of Sexual Harassment" policy to ensure that all students, staff, and other individuals serving the school can learn, work, engage in extracurricular activities, provide and enjoy our services in an environment free from sexual harassment.

The school aims to establish a campus free from discrimination and create a pleasant environment through education, training, and the establishment of a complaint mechanism.

(II) Legal Definition of Sexual Harassment

Section 2(5) of the Sex Discrimination Ordinance (SDO) provides the definition of sexual harassment. In addition, sections 2(7), 2(8), 9, 23 and 39 are provisions in relation to sexual harassment. Under the SDO, the legal definition of sexual harassment is:

(a) If any person

(i) makes an unwelcome sexual advance, or an unwelcome request for sexual favors, to another person; or

(ii) engages in other unwelcome conduct of a sexual nature in relation to another 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

(b) any person, alone or together with other persons, engages in conduct of a sexual nature with creates a hostile or intimidating environment for another person.

(The above information is sourced from the Equal Opportunities Commission's reference material "Formulating Sexual Harassment Policies in Schools")

Clarification of common myths:

- Regardless of gender: the policy should state that sexual harassment may occur to any persons, regardless of their gender; all provisions in the SDO and the school policy related to sexual harassment are applicable to both men and women as well as sexual harassment to persons of the same sex.
- Intention is irrelevant: the policy should state that 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. Hence, no matter whether the act is intentional or not, or even if the act is of a playful nature, it may amount to sexual harassment.

- Single incident: the policy should state that a single incident may also amount to sexual harassment.
- Power relationship: Although sexual harassment incidents are always related to a power relationship, i.e. the powerful harass the weak, the power relationship may not be the most important factor taken into account in determining whether an act of sexual harassment has occurred on campus. In schools, a student may harass a fellow student, or even harass a teacher. If such incidents happened, they are also acts of sexual harassment which the schools should face up to the issue and handled it in an appropriate manner.

(The above information is sourced from the Equal Opportunities Commission's reference material "Formulating Sexual Harassment Policies in Schools")

Examples of Sexual Harassment:

In respect of the examples on "sexually hostile or intimidating environment in the educational setting" and "sexual harassment acts", please refer to Questions and Answers on Preventing Sexual Harassment in Schools on the website of the EOC or the Education Bureau (EDB).

(III) Rights of the Victim and Various Actions to Be Taken

Every person has a right to lodge a complaint on sexual harassment.

When a person is sexually harassed, he/she may take the following actions:

- Speak up at the time. Tell the harasser that his/her act is unwelcome and should be stopped immediately.
- Keep a written record of the incidents, including the dates, time, location, witnesses and nature (what the harasser has said or done) and his/her own response.
- Tell someone he/she trusts or a counselor, and ask for emotional support and advice.
- Lodge a complaint to the school principal or the teacher-in-charge. The complaint will be handled in accordance to the school complaint policy.
- Lodge a complaint with the EOC and request investigation or conciliation. In case conciliation fails, the complainant may request the EOC to provide legal assistance. Telephone number of the EOC: 25118211. For enquiries or complaints, please refer to the EOC website: <http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx>
- Lodge a complaint with the EDB.
- Consult a lawyer, report to the police or file a civil law suit against the harasser to the District Court of the HKSAR.

It should be clearly stated that the complaint handling procedure within school does not affect the complainant's lodging complaints with the EOC, reporting to the police or filing a lawsuit in the District Court.

Time bar for lodging a complaint:

There is a time bar for lodging a complaint with the EOC or to take legal action. If the person who is sexually harassed intends to lodge a complaint with the EOC, he/she should take action

within 12 months after the incident occurred. Otherwise, the EOC will not handle the case unless there are justifiable reasons for the delay. Any decision to take legal proceedings to the District Court should be made within 2 years after the incident occurred.

(The above information is sourced from the Equal Opportunities Commission's reference material "Formulating Sexual Harassment Policies in Schools")

(IV) Measures for prevention of sexual harassment

- The policy and measures are reviewed at a regular interval.
- The policy is promulgated to all students, parents and staff members on a regular basis.
- The policy is uploaded to the school intranet and school website (contract service providers and external parties may not be authorized to have access to the school intranet) so that students and staff members can have access to the policy at any time.
- Regular training with regards to gender equality, respecting others and enhancing awareness on the prevention of sexual harassment for students and staff members is offered.
- All articles that may possibly lead to sexual harassment and preventing any improper use of computer technology are cleared in order to prevent sexual harassment.

(27 October 2023)