

# POLICY ON STUDENT PROTECTION

Approved at Board Meeting

25 APRIL 2013

Review Date: April 2020

*Internal and external circulation*

## 1. RATIONALE

- a. This document focuses on the students in the care of the College, and the standards of conduct required to offer the protection they deserve.
- b. Presumption must be that people act well, and teachers are people who have committed their lives to the care of their students.

The teacher is a person of authority in the eyes of students, and students must be protected from abuses of that authority.

- c. Every member of the College community must demonstrate respect for all other members of the community.
- d. Where physical contact is concerned, teachers and support staff as a group are in a high risk occupation. This is especially so in the international setting of the College where students come from a variety of backgrounds, and cultural awareness demands that the sensitivities of all backgrounds are respected. Having made this point, the College has established an atmosphere of easy informality, which is appreciated and celebrated. Therefore, this policy aims to preserve the high quality of personal relationships while at the same time setting professional limits to protect the integrity of those relationships.
- e. The safety and well-being of students in the care of the College are paramount, regardless of whether the students are over or under 18 years of age.
- f. Any physical contact with students presents a potential risk to the teacher because:
  - i. Contact could be misinterpreted by the student, other students, and adults (staff, parents);
  - ii. Misinterpretation could lead to unease, rumours, formal complaint, community action, and even criminal charges;
  - iii. If found guilty of complaints or charges, whether made by the “victim” or others, then employment can be terminated.
- g. It is possible that some students who have been the victim of abuse may not report the incident for a variety of reasons, the main ones being embarrassment and fear. The College wishes to protect all its students, but if students choose not to report that they have been abused, they must be aware that the College may not be able to offer the protection it wishes. It is also important that teachers are protected against false allegations or malicious rumours.
- h. This policy should be read in conjunction with the College’s Harassment Policy.

## **2. COMMON OCCURRENCES OF PHYSICAL CONTACT**

- a. Although for many cultures, physical contact is encouraged and celebrated, there is also an inherent risk that physical contact between a staff member and student may be misconstrued as inappropriate affection, assault or harassment. The risk will be reduced by restricting physical contact to those times where common sense says that public social ritual, or the safety and well-being of the student, clearly require physical contact.
- b. It is important to recognise the differences in individual personalities as well as cultural traditions and values regarding appropriate touching,
- c. There are some requirements of the UWC program or emergency procedures which may involve physical contact between staff member and student. These include:
  - i. sports training and outdoor education activities;
  - ii. giving comfort and first aid;
  - iii. restraint in the interests of safety;
  - iv. lifting and caring for students with disabilities; and
  - v. giving encouragement or emotional support (e.g. with hugs) of a non-sexual nature.

## **3. POLICY SUMMARY**

- a. Members of staff must not have sexual relations or physical contact of a sexual nature with students, whether or not by consent.
- b. Romantic relationships between students and College staff are prohibited.
- c. Teaching and residential practices must minimize the vulnerability of staff to allegations of indecency or abuse.
- d. Visibility in the workplace should protect both staff and students.
- e. Teachers should be alone with students only in appropriate and professional circumstances.
- f. All non-teaching staff, and temporary teachers who are involved with students, , must be informed of and adhere to this policy.
- g. Staff must normally knock, wait, and knock again prior to entering a student dorm. The exception to this is dorm checks and if there is concern that conduct in the residences does not conform with College requirements & protocols, or if there is a potential emergency.

- h. Staff have a professional responsibility to report allegations of indecency or abuse and any other conduct by another staff member that is potentially detrimental to student welfare to a trusted person such as their line manager, the accused person's line manager, the Principal and/or the Police, depending on the situation.
- i. Malicious false allegations will be regarded as harassment and will be dealt with under the procedures of the College's Policy on Harassment.
- j. Unprofessional behaviour towards students by staff may involve action being taken via the College's complaints and disciplinary procedures. Under these procedures, serious misconduct will lead to suspension and/or dismissal and/or police investigation.

#### **4. COLLEGE OBLIGATIONS**

- a. To go over the policy annually at an appropriate meeting (e.g. staff, tutor team) early in the year.
- b. To allocate a tutor group session to discuss the policy and cultural/individual understandings of appropriate levels of contact.
- c. To explore this further on Sex CoP day, including 'sexual harassment'.
- d. To provide professional development for staff in effective classroom management, anger management, safe professional practice, and prevention of adolescent abuse.
- e. To ensure students are aware of support opportunities via introduction (e.g. peer supporters, tutor, HOH, DoSW, counselor)

#### **5. PROFESSIONAL PRACTICES**

- a. Students should not normally be in staff residences between 10pm and 10am. However, in their role as tutors, there may be occasions when it is necessary for teachers to speak to students confidentially.
- b. If students visit teachers when they are alone in their residence, left open; or (i) the student could be encouraged to bring a friend; or (ii) the teacher should meet the student elsewhere, such as in the corridor or the day room; or (ii) the teacher inform a colleague that s/he alone with a student, giving the name of this student.
- c. If confidentiality is necessary then teacher should inform a colleague.
- d. Provided one or more of these provisions is in place, then depending on the cultural backgrounds of the student and teacher involved, physical comfort of a non-sexual nature may not be objectionable and indeed may be necessary to deal with distress effectively.

- e. Notwithstanding the preceding points, the door(s) must be left unlocked whenever a teacher is alone with a student. t d., teachers should attend to injuries or illness suffered by students immediately in the same way that a responsible parent or caregiver would do, and in the presence of other students or another staff member if possible.
- f. Wherever possible, teachers should ensure that another staff member or witnesses are present when assisting and comforting a student.
- g. Staff must not body search students as this could lead to allegations of physical or indecent assault.
- h. If a teacher is physically attacked by a student, he/she should try to protect him/herself fully using whatever means are available while at the same time seeking to minimize any injury to the student involved. If others are present, they should move away or restrain the student if this is possible. Staff should get assistance immediately and report any incident to the Principal. If injuries occur, these should be dealt with through the Nurse or emergency services.
- i. Physical punishment is unacceptable and unlawful. Students must never be disciplined in anger as this can lead to unprofessional and unlawful actions.

## **6. COMPLAINT AND RESOLUTION PROCESS**

Complaints under this Policy will be dealt with according to the Complaints Procedures that are approved by the Board and updated from time to time. Details are posted on the College's network and are published in the Staff Handbook.

## **7. EFFECTIVE DATE**

- a. This policy will be posted in a public place, such as on the College's website and the Network.
- b. This policy was reviewed in April 2013 and the revision was approved by the Board on 23 April 2013, replacing the previous policies dated 17 December 2009 and is effective immediately.
- c. This policy will be reviewed by the end of April 2020 or beforehand if necessary.

# 保護學生政策

2013 年 4 月 25 日

經校董會通過

下次審閱日期: 2020 年 4 月

*內部及對外發行文件*

## 1. 本政策的理念

- a. 本文件主要按本書院關顧學生的實際情況和需要而擬備，並指出保護學生時應有的行為準則;
- b. 相信人皆為善，教師承諾付出他們的人生來教導學生;由於學生視教師為權威，為免權威被濫用，學生均須受到保護;
- c. 本書院各成員均須互相尊重;
- d. 無論身為教師或非教職員，一旦與學生有身體接觸，職員均須面對甚高的風險。由於本書院為一所國際學校，學生背景有別，同時本書院注重多元文化，須尊重各成員因背景不同導致的不同反應，因此職員與學生身體接觸時，更須加倍注意。本書院的多元文化環境營造了一種無甚拘束的校園生活氣氛，此被一致認同及肯定；在此氣氛下，本政策既為確保校內人際關係不會受損，亦為保護人際關係設下專業規限。
- e. 不論學生是否已屆 18 歲，學生受本書院關顧時，首要之務應為確保其安全及身心健康。
- f. 教師或職員如與學生有身體接觸，會為教師或職員帶來潛在風險，原因如下：
  - i. 學生本人、其他學生及成年人（職員及家長）可能誤解有關的身體接觸；
  - ii. 如有關的身體接觸被誤解，可令人不安，亦可構成謠言、正式投訴、群體行動，或甚至刑事起訴；
  - iii. 不論有關投訴或指控由「受害人」或其他人作出，一旦確認職員犯錯，職員可被革職。
- g. 某些受侵犯的學生，可能不會舉報侵犯事件。不舉報的原因繁多,主要為尷尬及恐懼。本書院希望能盡量保護學生,但學生如選擇不舉報,學生必須明白校方未必如校方所願，提供保護。教師亦免除被不實指控或不懷好意的謠言中傷，此項亦同樣重要；
- h. 本政策亦須與本書院的防止騷擾政策一併閱覽。

## 2. 通常有身體接觸的情況

- a. 雖然不少文化鼓勵並肯定身體接觸，但職員與學生的身體接觸，可被誤解為騷擾或襲擊因此亦隱藏風險。如職員依據常理，以學生的安全及身心健康為首要，只於公眾場所與學生有身體接觸，將可減少因此而帶來的風險。
- b. 基於不同人種、不同文化傳統及文化價值對恰當身體接觸的定義有異同；
- c. 因聯合世界書院課程的安排或緊急情況使然，職員有時須與學生有身體接觸。導致此類身體接觸的情況包括：
  - i. 體育訓練及戶外教學活動；
  - ii. 對受傷的學生予以安慰，及對受傷的學生進行急救；
  - iii. 在任場合須兼顧學生安全；
  - iv. 接送及照顧傷健學生；及
  - v. 鼓勵學生，或對學生予以情感支持（如擁抱），但兩者不得與性有關。

## 3. 本政策概要

- a. 不論雙方是否同意，職員絕對不得與學生有性關係，或任何與性有關的身體接觸；
- b. 職員與學生雙方不得談戀愛；
- c. 職員於教學、工作或留宿時，其行為必須盡量減低會導致非禮或侵犯指控的可能；
- d. 工作場所應為其他人所見，職員及學生均可藉此獲得保障；
- e. 除非情況合適，並為專業要求使然，教師或職員應避免與學生獨處；
- f. 全體非教學職員、代課教師，與學生接觸的助理及教職員配偶，以及留宿的本書院訪客，均須得悉本政策，並按本政策的要求行事；
- g. 除非潛在的緊急情況，或宿舍突擊檢查或校方合理地懷疑有違校規之事故，職員於進入某一學生宿舍時正常地必須敲門，等候及再次敲門才可進入；
- h. 職員有專業責任舉報任何其他職員之非禮、侵犯及其他專業失當行為，以避免有機會損害學生，並視乎情況，通知其可信任之人士，如直屬上司，被指控者之直屬上司、校長及 / 或警方；
- i. 不懷好意和不實的指控會被視為騷擾，並會按本書院防止騷擾政策的程序處理；
- j. 對於職員對學生的不專業行為，本書院可按投訴及紀律程度對有關職員予以處分。按照有關程序，嚴重違規行為可導致停職、革職，或 / 和警方調查。

#### 4. 校方的責任

- a. 每學年初, 需向職員檢閱本政策;
- b. 分配及安排師生小組以能討論本政策, 並使其個人或從不同文化層面上去理解;
- c. 在 SEX COP 日探討本政策, 包括性騷擾議題;
- d. 提供職員培訓之專業發展包括有效課室管理, 情緒管理, 安全專業實習及防止青少年被侵犯;
- e. 令學生明白本書院提供的支援如朋輩支援, 導師, 舍監, 總舍監及心理輔導員。

#### 5. 專業行為

- a. 於晚上 10 時至翌日早上 10 時, 在正常情況下, 學生不應該於教職員宿舍逗留。但基於教教師作為導師角色, 教師或有需要與學生密談;
- b. 如學生到訪該教師的住所, 並與教師獨處時, 應採取以下其中一項措施以保障雙方: (i) 不應閉門; 或(ii)應鼓勵學生帶學同朋友到其住所; 或(iii)教師應在其他地方, 如走廊或休息室等與學生會面; 或 (iv) 教師須通知另一職員與學生會面安排並提供該學生之姓名;
- c. 如情況必須保密, 教師必須通知另一職員;
- d. 採取以上一項或多措拖後, 教師應按自己和學生的文化背景, 透過與性無關的身體接觸, 給予學生安慰, 可能有效消除學生的負面情緒;
- e. 在留意以上的同時, 教師與學生會面, 門絕對不可上鎖。教師應即時處理學生的損傷或創傷, 處理方式應如家長或其他照料者所為。而教師處理學生的損傷時, 應盡可能有其他學生或職員在場;
- f. 如果可能, 教師協助或安慰學生時, 應確保有其他人或職員在場;
- g. 職員不得向學生搜身, 因為搜身可構成襲擊或非禮的指控;
- h. 如教師受到學生襲擊, 教師應以任何方式保護自己, 同時應盡量減低對該學生的傷害。如有其他人在場, 在情況許可下, 他們應阻止或帶走該學生。該教師或職員應馬上尋求該教師或職員應馬上尋求協助, 並將所有發生的事故向校長報告。如有人受傷, 應由本校護士照料傷者或送至急症室;
- i. 體罰不可接受, 並屬違法。教師憤怒時, 絕對不應體罰學生, 以免發生專業失當及違法的行為。

## 6. 投訴及調解機制

投訴及調解機制是經由本校董局審批之投訴程序處理,詳情可於校方網頁下載或於員工手冊閱覽。

## 7. 本政策生效日期

- a. 本政策可於校方網頁下載，並可向校務處索取。
- b. 本政策於 2013 年 4 月 23 日為校董會通過，取替 2009 年 12 月 17 日之版本，並即時生效。
- c. 本政策將於 2020 年 4 月底檢討，或於有需要時，提前檢討。

備註：

1. 文中泛指「教職員」或「教師」一詞亦代表着所有職員包括全職或兼職之非教職員。
2. 此文乃中文譯本，一切以英文原文為準則。