

**VALTORTA COLLEGE**  
**POLICY FOR THE PREVENTION OF SEXUAL HARASSMENT**

Valtorta College (“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. **All staff and students have the responsibility to prevent and eliminate sexual harassment. All individual witnessing sexual harassment should report to the school.**

**(A) 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.

**(B) 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 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. **Having no intention to harass is not a defence in sexual harassment cases.**

#### (C) 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
  - (a) The Principal
  - (b) The Vice Principals
  - (c) The Teacher representatives
- (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 (**of the same sex**) 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) To have a case consultation with FCPSU (保護家庭及兒童服務) of Social Welfare Department (SWD) in order to know whether it is

necessary to call police or require hospitalization.

If the case is valid, then there should be a Multi-disciplinary Case Conference on Protection of Child with Suspected Abuse” (MDCC) within 14 days after case opened. People like social workers, teachers, doctors, EP/CP, police officers and his/her family should attend in the conference.

- (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.

#### (D) 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 the Principal. If the complaint is about the Principal, the recipient may bring the complaint directly to the Supervisor or CEO.
- (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, which consists of **at most 6 members, (but kept minimum whenever possible) with roughly the same number of members of opposite sex appointed by the Principal or Supervisor** 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 **and alleged harasser** 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 IMC of the School in writing within 2 weeks in case he/she is not satisfied with the findings of the complaint investigation.

#### (E) 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 IMC 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 complaint's 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. This policy should be uploaded to the school homepage and disseminated to the students, parents and staff at the beginning of the school term. The Pastoral Care Committee and the Crisis Management Team are responsible for the sex harassment prevention. The PC and RMC are responsible in promoting sex education to all students every year.

#### (F) 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.

**(G) Complaint period**

The period of complaint of sexual harassment is 12 months from the incident. Delayed complaints may also be handled if appropriate reasons can be provided by the complainant. The procedure of handling sexual harassment in school does not affect the right of the complainant to report to the police or the Equal Opportunities Commission. In case needed, the complainant should report to the Equal Opportunities Commission within 12 months. Prosecution should be raised court within 24 months.

**(H) 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. This policy will normally be revealed bi-annually.

**(J) Reference**

<https://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=preventing%20sexual%20harassment>



恩主教書院  
防止及處理性騷擾政策  
(2021 更新版)

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## A/引言

1. 性別歧視條例》經修訂後於 2008 年 10 月 3 日生效，其範圍包括教育環境，並給予性騷擾清晰的定義。
2. 本校防止及處理性騷擾的政策建基於《性別歧視條例》、《制定校園性騷擾政策》(平等機會委員會)、防止校園性騷擾的問與答》(教育局)及《防止性騷擾政策》(天主教香港教區)。

## B/聲明

1. 本校會確保所有人(包括全體學生、教職員、義務工作者、合約員工/服務供應商/代理人)都在政策的保障下工作，並要求全體僱員嚴格恪守政策。
2. 校內任何人性騷擾，都有權投訴。
3. 本校按照平等機會委員會建議，採取合理可行的措施，包括
  - i/以書面形式制定學校政策及
  - ii/設立處理性騷擾投訴的機制。

## C/「性騷擾」定義

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：

(i)任何人如 —

\*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

\*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

(ii) 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。



#### D/「性騷擾」例子

1. 不受歡迎行為不一定要多次發生或連續出現，一次事件足以構成性騷擾。以下是性騷擾的行徑的一些例子：
  - \*主動作出的身體接觸或動作。
  - \*不受歡迎的性要求。
  - \*涉及性的言論或笑話。
  - \*追問或影射別人涉及性的私生活。
  - \*展示使人反感或色情的資料如海報、艷照、卡通、塗鴉或月曆。
  - \*不受歡迎的邀請。
  - \*使人反感的涉及性的通信資料（信件、電話、傳真、電郵等）。
  - \*盯著或色迷迷的看著別人或其身體部位。
  - \*不受歡迎的身體接觸，例如未經邀請為某人按摩或故意摩擦其身體。
  - \*觸摸或撥弄別人的衣服，例如掀起裙子或襯衫或把手放進其口袋。
2. 受歡迎、雙向、雙方同意及互有往來的涉及性的行動、調情、吸引或友情便不算性騷擾。

#### E/教育環境中的性騷擾

1. 這是指在教育環境中任何不受歡迎的涉及性的行徑，而該行徑會妨礙其他學生的學習表現或影響他們愉快學習的環境。有關行為不一定是直接或故意針對個別學生。這類性騷擾的例子包括但不限於：展示露骨或色情的資料、說黃色笑話、談話粗鄙，以及使人反感的涉及性的笑話或行為。
2. 以下是一些在學校造成「有敵意或具威嚇性的環境」的情景：
  - \*任何人用帶有性含意的漫畫教授與性無關的課題。
  - \*一群學生在小息及/或午膳期間在操場聚集，並對在場正在玩耍、聊天或逗留的女同學評頭品足，部分女生因此不敢在操場逗留。
  - \*在男女同事共處一個教員室的情況下，有些同事將裸體照片用作螢幕保護程式，或喜歡當異性同事在場時講色情笑話。
  - \*教職員在校舍內其他教職員/學生聽到的範圍內講色情笑話或討論自己的性生活。
  - \*一班學生在課堂討論時，強行把討論內容轉為與性有關的話題。不同性別的學生因此感到冒犯，不想參與討論。

## F/性騷擾涉及的各种責任

1. 當一個人(無論是學生、教職員、義務工作者、合約員工/服務供應商/代理人)作出性騷擾行為後，他/她要負上法律責任。任何人如向他人施壓去性騷擾另一人；指示他人性騷擾另一人；或明知而協助另一人作出性騷擾行為(例如和他人一起說色情笑話)，亦可能要負上個人法律責任。性騷擾是違法行為，會帶來民事法律責任，有部分行為(例如非禮、跟蹤、電話騷擾等)更會同時帶來刑事後果。
2. 學校必須採取「合理可行的措施」防範性騷擾事件的發生，否則無論學校對僱員作出性騷擾的行徑是否知情，亦可能要負上轉承責任。
3. 《性別歧視條例》沒有為「合理可行的措施」作定義，這須視乎不同個案而定。每所學校的情況(包括規模、資源、人事管理模式)都不同，因此，在某所學校來說是合理的措施，對另一所學校未必適用。原則上，合理可行的措施應包括制定和推廣防止性騷擾的政策，並透過宣傳、講座及培訓等活動，提高學生、家長、教職員、義務工作者、合約員工/服務供應商/代理人等對防止性騷擾行為的意識。一旦發生性騷擾事件，學校有責任證明已積極實施預防措施，以避免可能要負上的法律責任。
4. 由於學生不是學校的僱員或代理人，學校一般不必為學生的違法行為負上轉承責任。然而，學校在某些情況下或會招致直接法律責任。例如，若學校收到學生舉辦/參與課外活動時受到性騷擾的投訴，卻沒有採取補救行動，繼續容許學生在學校處所做出所指稱的違法活動，那麼學校可被視為聯同有關學生作出涉及性的行徑，而該行徑會對其他學生造成一個有敵意或具威嚇性的環境。這類性騷擾是《性別歧視條例》所禁止的。
5. 若學生被校外團體或人士性騷擾(例如課外活動教練)，學校須負上轉承責任。若教練是由學校聘用或安排聘用，以「代理人」身份進行課外活動，那麼學校在這情況下就是「主事人」。若學校未有採取合理可行的措施防範性騷擾(例如書面或口頭通知教練，學校禁止及不容忍性騷擾行為)，學校有可能因主事人身份，而須為該違法行為負上轉承責任。因此，一旦確立了代理人與主事人的關係，學校便須採取合理可行措施防範性騷擾。

## G/防止性騷擾的措施

1. 學校應提高教職員對性騷擾行為的認知和意識:
  - \*向新入職員工提供有關防止性騷擾的政策聲明及其他相關資料，作為入職簡介的標準項目；
  - \*定期在員工會議上向員工分發政策聲明，以作討論/向員工強調有關政策；
  - \*將有關舉報/接受和提出投訴的程序及指引載列於員工手冊及服務供應商的合約內；
  - \*張貼通告以發放有關資料；
  - \*為一般員工提供對性騷擾課題認知的培訓，及鼓勵獲委任處理性騷擾投訴的人員/教師接受適當訓練，以便能敏銳地處理有關性騷擾的個案。
2. 學校應提高學生和家長對性騷擾行為的認知和意識:
  - \*學校應透過學生迎新會、學校集會、簡介會、家教會、公布、通告、學生手冊、內聯網、研討會等，讓家長和學生知悉學校對性騷擾的政策和相關的處理程序及處分措施。
  - \*我們鼓勵學校在性教育課程、班主任課、生命教育課/個人成長教育內加入「性騷擾」課題，以培養學生正面的價值觀及態度(如尊重和關愛他人)和教導學生恰當的人際相處技巧，亦可提高他們對性騷擾行為的意識，以及提醒他們在有需要時向別人尋求協助。

## H/處理性騷擾投訴

1. 任何人如感覺受到性騷擾，他/她可採納以下處理方法：
  - \*即時表明立場，告訴騷擾者他/她的行為是不受歡迎的，必須停止。
  - \*告訴信任的人，例如老師/同事，讓他們給予情緒上的安慰和建議。
  - \*以書面記錄有關事件的詳情，包括日期、時間、地點、證人，以及投訴人的反應。
  - \*向本校以下人士作出投訴：
    - 投訴學生：可向指定人員/訓導老師/副校長/校長作出投訴。
    - 投訴老師或職員：可向校長作出投訴。
    - 投訴校長：可向校監作出投訴。
  - \*向平機會投訴，要求調查及調解。(平機會電話：25118211)
  - \*報案及/或向個別騷擾者提出法律訴訟。
2. 學校處理有關性騷擾的投訴時，應注意以下的基本原則：
  - \*處理投訴的方法應在學校政策中列明。
  - \*所有與性騷擾投訴相關的資料和記錄必須保密，只准按需要向有關職員披露。
  - \*立刻處理投訴，務求迅速解決事件。
  - \*投訴人應受保護，以免因投訴事件而受害(根據有關條例第9條，使人受害已是違法的歧視行為)，以及各當事人均應得到公平對待。
  - \*無論投訴是否匿名，學校都可能需要就有關投訴進行調查。

#### I/學校收到投訴後，可進行調解(非正式程序)

1. 視乎個別投訴的情況，學校應先考慮安排調解。校長/校董會委派調解小組(兩位成員)處理，並向投訴雙方披露專責調解人員的身分。
2. 調解完全是自願性質，必須徵得投訴者及被投訴者同意才進行調解處理投訴。調解的作用是透過不偏不倚中立的調停，讓有關人士共同謀求一個雙方都可接受的方案、消除誤會及解決爭端。調解不會涉及任何紀律行動。
3. 一般情況下，調解小組在組成後兩星期內完成調解。
4. 如調解未能解決事件，投訴人可以書面或口頭方式要求校方作「正式程序」處理，或向平等機會委員會投訴，或向教育局投訴，或向警方報案。

#### J/由「調查小組」處理(正式程序)

1. 投訴人可以書面或口頭方式作出投訴，敘述事件經過及有關資料。
2. 由校董會/校長委派調查小組獨立和客觀地進行，小組成員共三位，由不牽涉該次事件的人出任。當投訴牽涉學校僱員時，小組成員在學校的職級最少要與被訴人相同，並包括不同性別的人士。
3. 通知被指稱的騷擾者有關指控的詳情；告知投訴人和被指稱的騷擾者會如何進行調查，以及誰人負責處理有關調查。被投訴人有權獲告知投訴內容，並可以書面或親身向調查小組回應投訴。如果投訴人或被投訴人是學生，學校會通知該學生家長，而家長或親屬有權陪同參與面談。調查小組進行調查期間會考慮投訴雙方意願。如有需要，及在情況許可下，學校會減少雙方工作上或教學上的接觸。
4. 一般情況下，調查小組在組成後兩個月內完成調查，並以書面或透過會面通知投訴人調查結果。調查小組須向學校呈交書面調查結果，內容包括調查事項及重點，經調查發現的事實、調查結果、建議及解決方法。如個案性質嚴重(如：可能涉及刑事罪行)，學校會建議投訴人把個案轉交警方處理。
5. 投訴人或被投訴人可以就投訴調查的結果，以書面向校董會提出上訴，投訴人或被投訴人亦有權向平等機會委員會投訴，或向教育局投訴，或向警方報案。

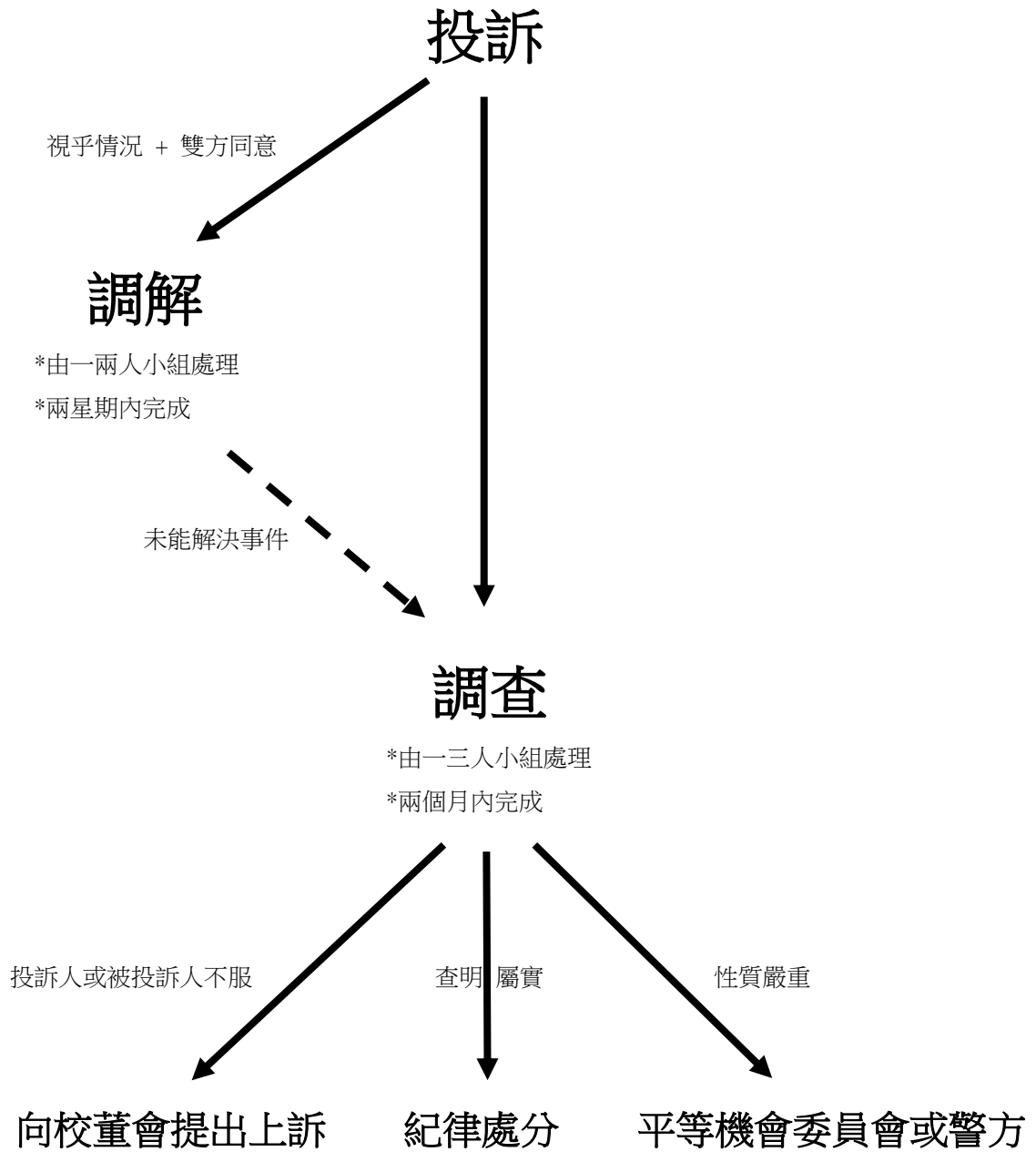
### K/處分

1. 任何學生被發現違反防止性騷擾政策，查明屬實，學校會按情況採取適當的紀律處分，包括訓斥、記過或停課。學校亦有權把個案轉交平等機會委員會或警方處理。
2. 任何員工被發現違反防止性騷擾政策，查明屬實，學校會按情況採取適當的紀律處分，包括口頭或書面警告、停職或解僱。學校亦有權把個案轉交平等機會委員會或警方處理。

### L/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本政策的建議。

## 恩主教書院處理性騷擾投訴流程圖



註:投訴人可隨時向平等機會委員會投訴，或向教育局投訴，或向警方報案。

恩主教書院  
性騷擾調解/調查記錄表(一)

	投訴人	被投訴人
姓名		
性別		
職位/班別		

投訴內容： \_\_\_\_\_

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本人(投訴人)\_\_\_\_\_作出以下聲明:

- i. 上述填寫資料正確無誤;
- ii. 接受調解/要求展開調查;
- iii. 知悉調解/調查小組成員身分; 並
- iv. 調解/調查小組已講解我享有的權利。

簽名： \_\_\_\_\_

日期： \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

恩主教書院  
性騷擾調解/調查記錄表(二)

調解/調查小組成員\_\_\_\_\_向被投訴人\_\_\_\_\_

講述以下投訴內容:

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本人(被投訴人)\_\_\_\_\_就投訴作出以下回應:\_\_\_\_\_

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本人(被投訴人)\_\_\_\_\_作出以下聲明:

- i. 上述填寫資料正確無誤;
- ii. 接受調解/知悉調查即將展開;
- iii. 調解/調查小組成員身分; 並
- iv. 調解/調查小組已講解我享有的權利。

簽名: \_\_\_\_\_

日期: \_\_\_\_/\_\_\_\_/\_\_\_\_



調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

恩主教書院  
性騷擾調解/調查記錄表(三)

調解/調查小組成員 \_\_\_\_\_ 向投訴人 \_\_\_\_\_

講述調解/調查過程和結果：

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本人(投訴人) \_\_\_\_\_ 對調解/調查過程和結果的回應: \_\_\_\_\_

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本人(投訴人)姓名及簽名： \_\_\_\_\_ / \_\_\_\_\_

日期： \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

恩主教書院  
性騷擾調解/調查記錄表(四)

調解/調查小組成員\_\_\_\_\_向被投訴人\_\_\_\_\_

講述調解/調查過程和結果：

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本人(被投訴人)\_\_\_\_\_對調解/調查過程和結果的回應:\_\_\_\_\_

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本人(被投訴人)姓名及簽名：\_\_\_\_\_ / \_\_\_\_\_

日期：\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

調解/調查小組成員姓名及簽名: \_\_\_\_\_ / \_\_\_\_\_

日期: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_