

TIRIMOANA SCHOOL **SEXUAL HARASSMENT POLICY**

RATIONALE:

Sexual harassment is not acceptable in the school. The Principal and Board of Trustees are committed to creating a safe work environment that is free from sexual harassment.

Sexual harassment can lead to people leaving a job and affect morale. Even for those who are not directly involved, sexual harassment can create stress in the workplace and can impact negatively on the school's productivity, damage its reputation and leave it open to employment disputes and litigation. Complaints of harassment must be considered sympathetically and seriously.

PURPOSE:

All school employees, are covered by the policy, whether they experience harassment by another employee, contractor, visitor, or member of the public.

Visitors to the school are covered by this sexual harassment policy and the laws covering sexual harassment.

GUIDELINES:

- As an employer, Tirimoana School meets its equal obligation to both the complainant and the respondent to uphold their rights and provide support
- complaints are dealt with impartially, without bias and in a timely and sensitive manner
- information about a complaint is only provided to those people who need to know in order for the complaint to be actioned properly
- the respondent is informed about any allegations made against them and is given the opportunity to respond to those allegations
- those involved are informed about the process for resolving complaints
- those involved are protected against any victimisation or reprisals and employees are assured that no action will be taken against them if they speak up

PROCEDURES:

Where a person believes that they have been sexually harassed, or witnessed sexual harassment, they should in the first instance consider what level of resolution is appropriate. Trying to resolve issues at the lowest appropriate level may be the most effective and satisfactory way of dealing with unacceptable behaviour.

The complainant may approach any of the following for support: The school's Equal Employment Opportunities (EEO) Officer, an NZEI staff liaison officer, counsellor or field officer.

The case should be documented by the complainant with the assistance of the supporting person/s.

The person responsible for the harassment should be confronted and informed that the behaviour is unacceptable and must stop. Assurances should be sought that the behaviour will stop and an apology will be made.

If further action is required the complainant is entitled to lay a formal complaint through one of the following channels:

- The Principal and/or the Board of Trustees
- Personal grievance through an industrial advocate or an NZEI field officer
- Human Rights Commission through the NZEI field officer.

Outcomes of the complaint may range from an apology, counselling and training, to warnings and dismissal. Disciplinary action will match the seriousness of the breach. Factors taken into account in determining the level of seriousness include the nature of the conduct and whether or not the person breaching the policy was in a position of trust or authority in relation to the complainant.

Where allegations are not substantiated it may still be appropriate to undertake some action, for example, refresher training or communications training. This ought not to single out or punish the respondent if there has been no finding.

CONCLUSION:

Complaints of sexual harassment require sensitive and supportive investigation and resolution. When clear definitions and examples of sexual harassment are well understood then there is a greater likelihood of both prevention, and successful resolution of complaints.

Appendix 1:

DEFINITION:

Sexual harassment is unwelcome or offensive sexual behaviour that is repeated or is significant enough to have a harmful effect on an individual's employment, job performance or job satisfaction. Unwelcome means behaviours that are not solicited or invited and are regarded by a person as undesirable or offensive at the time.

Sexual harassment can be a form of discrimination, and has the potential for serious consequences for individuals and agencies. One of the challenges about identifying and dealing with sexual harassment is that the inappropriate behaviours involved can be subtle, context dependent and may include different cultural understandings of what is considered appropriate behaviour.

Examples of Sexual Harassment:

Below are some examples of behaviours that can constitute sexual harassment if they meet the definition of harassment included in the policy:

- touching, hugging, encroaching on someone's personal space or kissing
- staring or leering
- insults or taunts of a sexual nature
- unwanted invitations to go out on dates
- requests for sexual favours, or pressure for sex or other sexual acts
- repeated or inappropriate advances on email or social networking websites
- intrusive questions or comments about a person's private life, clothing or physical appearance
- sexually explicit pictures, posters, gifts, emails or text messages
- sexual gestures, indecent exposure, or inappropriate display of the body
- sexually suggestive comments or jokes, or other forms of inappropriate language
- stalking or sexual assault.

Examples of what may not be sexual harassment:

- friendly banter, mutually acceptable jokes
- occasional appropriate compliments
- behaviour based on mutual attraction.

Where an imbalance of power exists between parties, for example positional power due to job role the sexual harassment should be considered more serious.

Further information: The New Zealand Government State Services Commission has produced a number of resources to support organisations to protect the wellbeing of their employees. A comprehensive sexual harassment policy toolkit is available on their website:

<http://www.ssc.govt.nz/sexual-harassment-policy-guideline>

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