

# Kimbolton School

## SEXUAL HARASSMENT POLICY

### **INTRODUCTION:**

Sexual harassment "takes away from the employee equal employment opportunities, by creating a working environment in which that employee's ability to perform is impaired". (Section 15 of the Human Rights Commission Act.)

Sexual harassment is not acceptable in the school and the Principal and/or the Board of Trustees must consider complaints of sexual harassment sympathetically and seriously, and ensure the person making the complaint is not subjected to victimisation.

Sexually harassment can be defined as any behaviour which:

- takes place without the willing consent of all individuals involved.
- is coercive or violent in nature and involves exploitation of power in any way.

No form of physical, sexual or verbal harassment or violence is sanctioned or minimised in any way.

### **OBJECTIVES:**

1. In the event of sexual harassment the complainant may approach:
  - A staff member they trust.
  - An NZEI staff liaison officer, counselor, field officer or police.
2. The case should be documented by the complainant with the assistance of the supporting person or persons.
3. 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 that an apology will be made.
4. If it is decided that further action should be taken, the harasser should be informed and a decision made to lay a complaint through one of the following avenues:
  - The Principal and/or the Board of Trustees (Primary Teachers Collective Agreement– section 10)
  - Personal Grievance through an Industrial Advocate or an NZEI Field Officer (Primary Teachers Collective Agreement Part 11)
  - Human Rights Commission through a NZEI Field Officer

### **GUIDELINES:**

A school staff member has been sexually harassed in the school if a Board of Trustees member, another staff member or parent:

- a.) Makes a request of the staff member for sexual intercourse, sexual contact, or other form of sexual activity which:
  - implies or overtly promises preferential treatment in the school: or
  - implies or overtly threatens detrimental treatment in the school: or
  - implies or overtly threatens the present or future status of the staff member:
- Or b.) by
  - the written, digital or spoken word of a sexual nature: or
  - physical behaviour of a sexual nature.

### **Responding to Allegations of Peer Sexual harassment:**

#### **1. Take action when harassment is identified.**

As with any situation involving child abuse it is never sufficient for the school, to attempt to manage the situation alone. We do not have the statutory powers and expertise to carry out the necessary investigations or interventions. In all cases referrals to the Ministry for Vulnerable Children (Oranga Tamariki), Public Health Nurse, and/or Police should take place and their advice and intervention should be sought. School Board of Trustee members will be informed and will be required to confirm actions taken by the Principal.

In many cases of abuse the identified situation is just the tip of the iceberg and other children and adults may be involved in some way.

The nature and breadth of the investigation will need to be discussed and decided on by the statutory authorities in consultation with school and families.

#### **2. Ensure that support is provided for all involved**

It is important to remember that both the victims and offenders in this situation are children and need assistance and care. It is easy to become punitive towards the alleged offender and concentrate solely on the victim's needs neglecting the needs of the abusing children.

Teachers and Boards of Trustees will take the matter seriously, supporting intervention and in dealing with their own feelings and reactions.

#### **3. Separate the children**

While the situation is being evaluated the children concerned need to be separated. There are two issues to be considered. One is safety and the other is reducing further emotional trauma for the victims who may be fearful and distressed if they are in contact with the alleged abuser.

In some cases it may be sufficient to ensure the alleged perpetrating child is kept out of contact with the victim and carefully supervised. Specific plans for supervision must be made.

However in some cases, suspension will be necessary. When an abusing child is enrolled at a new school, there should be communication with this school about risks involved. Hopefully it will be possible to gain the co-operation of the family in doing this.

#### **4. Repress adverse publicity**

Every effort should be made to keep specific and identifying information as private as possible.

The school should be clear that nothing should be passed on to the media and all parents asked to keep information as private as possible.

Children's rights are infringed if they are prejudged and identified by the media.

#### **5. Establish procedures for communicating and supporting other parents**

Destructive publicity may be reduced if all parents are informed that an investigation is underway, that the school and statutory authorities are handling the situation and that a staff member has been authorised to discuss concerns, at the Board's discretion.

The timing and delivery of the communication with parents is a vital importance. Consulting with the other agencies involved including the Ministry of Education, planning how information will be conveyed and delivering the information to the parents are matters which should be attended to as soon as possible.

**6. Review and promote personal safety information programmes**

Through the use of the Police "Keeping Ourselves Safe" programme the school may help prevent incidents, or may lead to disclosures being made.

**EXPECTED OUTCOMES:**

With peer sexual harassment, support must be given to victims, offenders and their families. By following the above guidelines, the Board of Trustees will attempt to ensure that the causes and effects of unwelcome behaviour are minimised.

Staff must have support if they are subjected to offensive or unwelcome behaviour of a sexual nature which is of such significance that it detrimentally effects their employment, job performance, or job satisfaction.

**Approved:** \_\_\_\_\_

**Date:** \_\_\_\_\_