

# Hauraki Primary School

## Policy Document

### Sexual Harassment

#### **Rationale:**

Sexual harassment impairs a person's ability to work or learn and such behaviour is unacceptable at Hauraki School and will be treated with the utmost seriousness (Human Rights Act 1993 section 62, Employment Relations Act 2000 and Health and Safety at Work Act 2015).

#### **Purpose:**

The purpose of this policy is to provide a safe working and learning environment at Hauraki School by:

- a) preventing sexual harassment and
- b) providing all parties (complainants, respondents, witnesses, interviewees) with a fair and transparent process to follow in order to achieve an appropriate resolution (refer to Human Rights Act 1993 sections 62 and 68).

#### **Guidelines:**

- a) Sexual harassment occurs where a person
    - 1) makes a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt:
      - 2) promise of preferential treatment in the school; or
      - 3) threat of detrimental treatment in the school; or
      - 4) threat to the present or future status of the person in the school;
    - 5) subjects any other person to behaviour that's (i) is unwelcome or offensive to that person; and (ii) is either repeated, or such of such a significant nature, that it has a detrimental effect on that person.
  - b) by way of:
    - 1) the written or spoken word e.g. sex-related jokes; or
    - 2) physical behaviour e.g. unwanted, deliberate physical contact; or
    - 3) visual material e.g. pornographic material (refer current Primary Teachers' Collective Agreement Appendix 2, 108, and Human Rights Act sections 62, 68)
1. In the event of an allegation of sexual harassment, the complaints procedure as detailed in the Complaints Policy will be followed but, in any event, the following points will be taken into account:
    - a) The feelings of the person claiming harassment should be respected.
    - b) All parties should be protected from victimisation and/or unfair accusation.
    - c) All parties can enlist the assistance of independent support person(s).
    - d) The person against whom the complaint is made must be fully informed of the nature of the complaint and be advised that the behaviour is unacceptable and must stop.
    - e) The investigation into the complaint will be handled confidentially and documentation relating to the case will be stored and used in compliance with the Privacy Act 1993.
    - f) The complaint will be made in writing.
    - g) Sexual harassment and procedures for making complaints will be explained to pupils via the 'Keeping Ourselves Safe' programme. (refer Health School Scheme).
  2. If further action is required a decision may be taken to lay a complaint through one of the following channels:
    - a) Human Rights Commission
    - b) Police
    - c) Employment Relations Authority

Signed:  \_\_\_\_\_

Brendon Clark

**Chairperson Board of Trustees**

**Date:** 25 August 2018

**Review Date:** Term 3 2021