

**SEXUAL HARRASSMENT PROCEDURE****RATIONALE**

Under the Human Relations Act 1993, the Employment Relations Act 2000 and the Code of Practice for the Pastoral Care of International Students every person has the right to be treated with dignity and respect and to be free from all forms of harassment in the workplace. Staff and students shall observe common courtesy and considerate behaviour towards each other regardless of position or status.

PURPOSE:

- To create a safe school and work environment that is free from sexual harassment
- To expect students and staff to role model appropriate behaviour
- To model appropriate standards of conduct at all times
- To encourage the reporting of behaviour
- To treat everyone fairly
- To ensure the well-being of the complainant and the respondent, and be respectful of their legal rights and natural justice
- To seek to resolve issues at the lowest appropriate level of intervention.

PRINCIPLES:

Accessible - the complaint process is readily available.

Information/advice is readily available from any member of the Pastoral Committee.

Students and staff may seek the support of the Chaplain, Pou Manaaki, Guidance Counsellor, School Nurse or any other person they may feel comfortable with when making a formal complaint.

Fair - natural justice requires that the person, against whom an allegation is made, is told of the substance of all allegations against them if a decision is made to formally investigate a matter. Putting an allegation does not necessarily require disclosing the identity of the person raising a concern.

Confidential - this means that information about a complaint is only provided to those people who need to know about it.

Efficient - the complaint process should be conducted without undue delay and dealt with at the lowest appropriate level of intervention. Procedures will observe the principles of natural justice.

PROCEDURE

1. A formal complaint should be made to the Principal.
2. If the complaint relates to the Principal, the complaint should be made to the Presiding Member of the School Board.
3. The complaint should detail what happened, what the complainant wants to happen, when and where it happened and the names of any witnesses. This should be detailed enough to enable the respondent to be informed of the conduct and to be able to respond to the complaint.
4. Complaints will be investigated as quickly as possible by the Principal or in the case of a complaint against the Principal by the School Board Presiding Member.
5. Complaints are dealt with impartially, without bias and in a timely and sensitive manner.
6. Information about a complaint is only provided to those people who need to know in order for the complaint to be actioned properly.
7. The respondent is formally advised that a complaint has been made and informed of the specific allegations and of the potential outcome of the investigation. They are given the opportunity to formally reply within a specified timeframe.

8. The Principal or the School Board Presiding Member will decide what outcomes are appropriate as a result of the report.
9. The complainant is interviewed and the allegations are formally documented. The complainant may be accompanied by a support person. An accurate account of the incident(s) will be obtained from the complainant and the complainant will sign a record of their account.
10. A formal meeting is arranged with the respondent to allow a response to the allegations. The respondent will be encouraged to have an appropriate support person in attendance. The respondent's formal response will be documented by the investigator and the respondent will sign a record of their account.
11. Consideration will be given to whether it is necessary, and appropriate, to obtain statements from any witnesses and other relevant information. That information will be provided to the complainant and respondent who will be given the opportunity to comment on that information.
12. Those involved are informed about the process for resolving complaints.
13. Consideration may be given as to whether the respondent needs to be removed from the environment (or restrictions considered), should the on-going safety and security of the complainant, the respondent and/or other staff be at risk.
14. Those involved are protected against any victimisation or reprisals and students and staff are assured that no action will be taken against them if they speak up.
15. There is a review process to ensure the resolution is working satisfactorily and to confirm that no victimisation has resulted from the complaint.
16. Issues are resolved at the most appropriate level of intervention, subject to the rights of the complainant.

OUTCOME OF PROCESS

Where allegations are admitted or substantiated, the outcomes for the respondent 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.

The outcomes for the complainant may include remedies under the Human Rights Act 1993, for example crediting of any leave taken. Outcomes may also include interventions such as supportive counselling, a change in the work environment, or participation in mediation.

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

This procedure was issued by the Principal on November 2021.

This procedure will be reviewed on / before November 2024.

PRINCIPAL

11 November 2021
DATE