

POLICY

NAG 3

BLOMFIELD SPECIAL SCHOOL AND RESOURCE CENTRE SEXUAL HARASSMENT POLICY
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RATIONALE

As defined in relevant Collective Employment Agreement (CEA), these procedures deal with sexual harassment of staff. Procedures for harassment and abuse of students are contained in the School's Health & Safety Policies.

Sexual harassment can impair the personal development and performance of an individual. Staff should be free from any form of sexual harassment at school or in the school-related environment (such as school trips, camps, etc.)

PURPOSE

To create a work environment free from sexual harassment.

GUIDELINES

Sexual harassment may include:

(Note: 'employer's representative' includes any employee of Blomfield School)

An employer or employer's representative a request, directly or indirectly, of an employee for sexual intercourse, sexual contact, or other form of sexual activity that contains:

an implied or overt promise of preferential treatment in that employee's employment,
or

an implied or overt threat of detrimental treatment in that employee's employment,
or

an implied or overt threat about the employee's present or future employment status
An employer or employer's representative using language (written or spoken), visual material or physical behaviour of a sexual nature:

that is unwelcome or offensive to that employee (whether or not this is conveyed to the employer or representative), and

that is either repeated or is so significant that it has a detrimental effect on the employee's employment, job performance, or job satisfaction

(Definition from website of Ministry of Business, Innovation and Employment, New Zealand)

Any action taken regarding complaints of sexual harassment must be based on the principles outlined in the relevant section of the Human Rights Act 1993 or the Employment Relations Act 2000. All complaints are to be handled promptly, with confidentiality and in a procedurally fair manner, which complies with the relevant Awards and Acts and follows the procedures listed here.

- The complainant must approach the Principal, or member of Senior Blomfield Leadership Team, who will inform the Principal promptly of the complaint.
- The complaint must be documented and this may occur with the

- assistance of supporting person/s.
- The Principal will advise the Board Chairperson of the complaint, and commence a full investigation of the relevant facts of the complaint.
 - As part of this investigation the person about whom the complaint has been made will be required by written notice to attend a meeting to investigate their alleged conduct and advise them fully of the allegations
 - The complainant and the person being complained about will be advised of their right to seek support from an appropriate outside agency.
 - Following a full investigation a determination will be made as to whether sexual harassment has occurred. If it is so determined the Principal will take any steps practicable to prevent repetition of that behaviour.
 - All action will be documented and copies, marked confidential, sent to all involved parties. A copy to be kept in individual Staff files.
 - At any time in the above process or following this process the Principal or other involved parties may request that the complaint be determined at a special Board meeting.
 - At this meeting, both parties may have other support personnel and will be accorded speaking rights as necessary. The Board Chairperson will be responsible for chairing this meeting.
 - Should the Principal be either the complainant or the person about whom a complaint is made, the Principal's role will become the responsibility of a member of the Leadership Team.
 - The Chairperson of the above committee/meeting will ensure that all parties know the resolution and what action will be taken from here.
 - In accordance with the Education Act 1989, the employer must report to the Education Council if it has reason to believe a teacher has been involved in serious misconduct.

Approved by Board of Trustees 16 August 2015

Reviewed by Board of Trustees 23 August 2018

Adopted: 23 August 2018