

# Westminster Christian School

est. 1981

*Educating for Time and Eternity*

## **Policy No. 30 Sexual Harassment Of Staff**

### **Biblical Worldview**

*Ephesians 5:3-4*

*“But among you there must not be even a hint of sexual immorality or any kind of impurity or of greed because these are improper for God’s holy temple, nor should there be obscenity, foolish talk or coarse joking which are out of place, but rather thanksgiving.”*

### **Rationale**

Westminster Christian School has a commitment to ensuring our school remains free from any form of harassment.

### **What is sexual harassment?**

It is unwelcome or offensive sexual behaviour that is repeated or is significant enough to have a harmful effect on an individual’s 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.

### **Examples of sexual harassment:**

- 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 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

#### **Our focus is to:**

- Create a safe work environment free from sexual harassment
- Expect leaders will role model appropriate behaviour and enforce their policy
- Ensure we have zero tolerance for incidents of sexual harassment
- Encourage reporting of behaviour that breaches this policy
- Treat everyone fairly when listening to any complaints raised
- Seek to resolve issues at the lowest appropriate level of intervention
- All matters to be treated confidentially, ensuring all information is kept confidential to all parties.

#### **Procedure for dealing with a complaint about sexual harassment**

Some serious sexual harassment may come under the Crimes Act and this should be investigated through STA as the complaint may be sent straight to the Police, without completing the below steps.

At any stage, the employee is welcome to approach the Principal or a member of the Board of Trustees.

#### **STAGE ONE - Self Help**

An employee lets the person know that their behaviour is unwelcome, inappropriate or offensive and needs to stop.

This may resolve this matter quickly at an early stage and be alright at a minor level.

The aggrieved employee could:

- tell the person about the behaviour they do not like and ask them to stop
- write a letter on a private/confidential basis to the person
- take a support person to tell the person that the behaviour needs to stop

An employee should not approach someone directly about their behaviour if by doing so they would feel unsafe or threatened.

Resolution may involve a verbal or written apology or agreement on how the parties will behave towards one another in the future.

If the employee is uncomfortable with this approach, or does not resolve the issue, they then proceed to Stage Two.

#### **STAGE TWO - Informal Intervention**

An employee asks for someone else to intervene on their behalf, e.g. Senior Manager or Principal.

This person will:

- discuss what happened and what is needed to resolve the situation
- listen impartially
- clarify the facts
- discover what appropriate action is needed
- discuss options (informal/formal)

Resolution - if there is agreement on what happened and what will resolve the situation, the issue can be resolved confidentially between the people concerned or Mediation - both parties need to agree to mediation. It is suitable where:

- both parties basically agree to the facts
- both parties agree to resolve the situation
- the harassment is low level.

Notes of the discussions will be kept confidentially stating what happened and what processes were followed.

### **STAGE THREE - Formal Complaint**

A formal complaint is made in writing to a Senior Manager or Principal. Make sure a written complaint has the following:

- Entitled "Complaint"
- Details of what happened and where it happened
- The name of any witnesses
- what outcome/resolution the Complainant expects

All complaints must be kept private and confidential.

The decision whether or not to proceed to a Formal Investigation will be made by the Principal in consultation with the Board Chair. If a Formal Investigation is to be undertaken, the Board of Trustees and Insurers must be notified.

An Investigator will be assigned by the Principal and Board Chair.

### **Formal Process to be followed by the Assigned Investigator:**

- The Respondent is formally advised a complaint has been made and informed of the allegations and potential outcome of the investigation.
- They are given the opportunity to reply in writing.
- The Complainant is interviewed and the allegations are formally documented.
- The Complainant may be accompanied by a support person.
- An accurate report of the incident will be obtained from the Complainant and the Complainant will sign the record of their account.
- A formal meeting is arranged with the Respondent to allow a response to the allegations.
- The Respondent is also allowed a support person present.

- The Respondent's formal response will be documented by the investigator and the Respondent will sign a record of their account.
- Consideration will be given to witness statements at this point.
- This information will be provided to the Complainant and Respondent who will be encouraged to comment.
- Consideration may be given as to whether the Respondent needs to be removed from the environment (or restrictions considered) should the ongoing safety and security of the Complainant, the Respondent and other staff be at risk.

### **Outcomes of the Investigation:**

- The investigator will collate all the information and prepare a draft report which will be given to the Complainant and the Respondent for their comment. A copy of the final report will then be given to both parties.
- Each party will be advised of the outcome of the investigation once a final decision is made. Whether or not the respondent is subject to disciplinary action as a result of the complaint is a confidential matter between the Employer and Respondent.
- The Complainant will be informed that the matter has been appropriately dealt with by the Employer.

Consideration may be given as to whether the Respondent needs to be removed from the environment (or restrictions considered) should the ongoing safety and security of the complainant, respondent and/or other staff be at risk.

A review of the investigation process can be instigated by either party.

### **Conclusion**

Our aim is to restore a person back into their role with all parties knowing the Grace of God does work if we can take responsibility for our actions.

**Original adoption date of policy:** April 2000

**Policy re-written:** July 2018

**Policy Reviewed:** November 2019  
December 2021

**Chairman:** \_\_\_\_\_