



Aidanfield

Christian School

Aidanfield Christian School Board

Personnel Policy Procedures

Sexual & Other Harassment

Definition of Sexual Abuse (which includes harassment, in which case removed the word *sexual* from the definition immediately below).

(Sexual) abuse is any act or acts, physical or verbal, including misuse of visual or written material, which is unwelcome, offensive, repeated or significant. It may be done by adults or other children or young persons. c.f. *Definition in the Human Rights Act 1995*

It may include, but is not restricted to:

- non-contact abuse (exhibitionism, voyeurism, suggestive behaviours or comments, dirty jokes, teasing about a person's gender or alleged sexual life; exposure to pornographic material)
- *According to the NZ legal code, these are not criminal offences if they take place in the home. The school's concern is therefore with such events in relation to school and school personnel.*
- a teacher making sexual approaches to a student
- (N.B. A teacher has a professional obligation not to accept sexual approaches from a student. If the student is under 16, it is a criminal offence.)
- contact abuse (genital/anal fondling, masturbation, oral sex, object or finger penetration of anus/vagina; penile penetration of anus/vagina; encouraging young person to perform such acts on the perpetrator.
- involvement of the child/young person in activities for the purposes of pornography or prostitution.
- (pp.11-12 *Breaking the Cycle* NZ Children and Young Persons Service)

Investigation Guidelines

The Board will select, train and advertise the names of at least two appropriate contact people to whom concerns about sexual harassment can be expressed.

Student Complaints

Student contacts staff:

- In the school situation students complaining of sexual harassment will take their complaints to a variety of people. It could be a fellow student, a Student Council member, their whanau teacher, the school Guidance Councillor, or a member of the senior management team.
- It is important to establish if the complaint is within the jurisdiction of the policy and whether it should be or needs to be handled through the sexual abuse/ harassment procedures.
- Serious incidents involving staff must be investigated by the Board of Trustees following the Complaints procedures.



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Student contacts Contact person:

- If a student goes directly to a Contact person, the Contact person must discuss with the coordinator (Guidance Councillor or Principal in the absence of the Guidance Counsellor) if the complaint is within the jurisdiction of the policy. Names need not be supplied at this stage unless the contact person has permission to do so from the complainant.
- It is recommended that the Contact person ensures a third person is present (it could be another student) when the student speaks with them.
- Serious incidents involving staff must be investigated by the Board of Trustees following the Complaints procedures.

Staff Complaints

- Staff making complaints should usually go directly to a Contact person or to the coordinator. It is recommended that a third person is present during these meetings.
- The contact person must discuss with the coordinator if the complaint is within the jurisdiction of the policy. Names need not be supplied at this stage unless the contact person has permission to do so from the complainant.
- Serious incidents involving staff must be investigated by the Board of Trustees following the Complaints procedures.

Record Keeping Guidelines

Contact People:

- Contact people should keep detailed records of their interviews with enquirers.
- These records must be non-identifying.
- These records must be passed on to the co-ordinator.

The keeping of non-identifying records is important for two reasons:

1. It provides information as to whether contact people are being used; and if they are:
2. What sort of concerns are being raised about abuse/ harassment.

Taking Notes:

- It is not suggested that contact people take notes at the first interview with the complainant. But straight after the interview they must write up notes as to how they remember the incident.
- These notes must be shown to the complainant for any corrections and then for signing as a true and correct record of what happened.

Co-ordinator:

- The coordinator will make sure that all notes are retained in the locked cabinet.
- No record relating to a personal harassment/ abuse complaint should be placed on the complainant's personal file.
- If a complaint is made, investigated and substantiated, then the harasser/abuser's personal file should contain a summary of the nature of the complaint, the outcome and the penalty if disciplinary action is taken.
- The full investigation file should be retained in the locked cabinet.
- If the complaint is found to have no substance or cannot be established then all records should be retained in the locked cabinet. The complainant or the respondent may wish to take the matter further and so the school may need to show that it handled it appropriately.



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Student-Student

Students have the right to attend a school where their wellbeing and educational progress are not affected by sexual abuse/ harassment.

1. The student contacts the contact person (the coordinator is informed) or the coordinator.
2. The co-ordinator establishes if the complaint is within the jurisdiction of the policy.
3. The student is advised by the contact person of the courses of action available to them.
4. The student is given the opportunity to confront the abuser/harasser.

This could be:

- alone (not recommended)
- with support
- through a support person of the student's choosing
- this may be in writing rather than in person

If there is a resolution the procedure stops.

5. If no resolution the Principal is informed and formal proceedings may be started. These could be:
 - disciplinary action
 - BOT informed/Concerns Policy activated
 - Human Rights Commission.
 - Referral to an external agency

In serious cases the student has the right to lay a complaint directly with the Principal / Board or to go directly to the Human Rights Commission, the Police or another external agency.

Staff-Student

Teachers need to be aware of their position as persons with responsible authority in the school. Teachers may place their employment at risk unless their relationship with students are kept purely professional.

1. The student makes contact with the contact person (the co-ordinator is informed) or the co-ordinator.
2. The coordinator establishes if the complaint is within the jurisdiction of the policy.
3. The student is advised by the contact person of the courses of action available to them.
4. The student confronts the abuser/harasser.

This could be:

- alone (not recommended in most cases)
- with support
- through a support person of the student's choosing
- this may be in writing rather than in person

If there is a resolution the procedure stops.

Where possible an effort is made to resolve it at school level.

5. If no resolution the Principal is informed and formal proceedings may be started.
6. Investigation procedures must be in accordance with the Concerns Policy.



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7. A proven complaint of a serious nature will result in disciplinary procedures being followed.
In serious cases the student has the right to lay a complaint directly with the Principal / Board or to go directly to the Human Rights Commission, the Police or another external agency.

Staff-Staff

Staff have the right to go about their job without being subject to sexual abuse/ harassment by other staff.

1. The staff member contacts the contact person (the co-ordinator is informed) or the co-ordinator.
2. The co-ordinator establishes if the complaint is within the jurisdiction of the policy.
3. The staff member is advised by the contact person of the courses of action available to them.
4. The staff member confronts the abuser/ harasser.

This could be:

- alone
- with support
- through a support person of the staff member's choosing
- this may be in writing rather than in person

If there is a resolution the procedure stops. Where possible an effort is made to resolve it at school level.

5. If no resolution the Principal/ Board is informed and formal proceedings may be started.
6. Investigation procedures must be in accordance with the Complaints policy.
7. A proven complaint of a serious nature will result in disciplinary procedures being followed.

In serious cases the staff member has the right to lay a complaint directly with the Principal / Board or to go directly to the Human Rights Commission, the Police or another external agency.

Student-Staff

Staff have the right to go about their job without being subject to sexual abuse/harassment by students.

1. The staff member contacts the contact person (the co-ordinator is informed) or the co-ordinator.
2. The complainant is advised by the contact person of the possible courses of action available to them.
3. The Principal is informed of the complaint.
4. The school's disciplinary procedures will be followed.
5. For minor breaches this may result in consequences within the school.
6. For major harassment formal disciplinary procedures may be followed and may include.
 - 3 day suspension
 - indefinite suspension

In serious cases the staff member has the right to lay a complaint directly with the Principal / Board or to go directly to the Human Rights Commission or to the Police.



Sexual Abuse/ Harassment Situation



Adopted On:

Date of Review: