

# Harassment

## Procedure

1. This procedure is consistent with the school's 'Concerns and Complaints' policy and procedure.
2. Anyone experiencing harassment should make it immediately clear to the person responsible, either directly or through an advocate, that such behaviour is unwanted and unacceptable.
3. If the behaviour complained of persists, or the matter is serious, then the recipient of the harassment or their advocate may bring it to the notice of the Principal who will take up the matter on behalf of the recipient of the harassment. Where the Principal is involved in the harassment, the matter will be taken up by the Board Chairperson.
4. If the above processes do not resolve the situation or if it is sufficiently serious to warrant, the event may be escalated and documented as a formal complaint to be thoroughly investigated by a grievance committee, in terms of the Employment Relations Act 2000. This process will include:
  - a. An interview with the complainant seeking factual content of the allegations. Any advocate or independent witness might also be present. A record of events, as described during the interview will be documented and signed by all present. (Should the complainant be a student, then the parent(s) must be present). Should there be more than one complainant they must be interviewed separately. Suggestions made by the complainant regarding witnesses or others who have suffered similarly should be investigated and documented by the Principal (or BOT Chairperson). The complainant should be supported and notified of the availability of guidance and counselling.
  - b. The defendant will be asked to answer the allegation, using the same format as above, during which time a full summary of the complaint will be outlined and given in writing. An explanation of the school policy and procedure, and the Human Rights Commission Act will be given and made clear.
  - c. It may be necessary to conduct further interviews with either the complainant, witness or defendant.
5. A report will be submitted to the Board of Trustees accompanied by the signed notes and a recommended course of action.
6. The decision will be communicated to both parties in writing.

7. If the complaint of harassment is established, disciplinary action may be taken, including but not limited to:
  - a. counselling;
  - b. warning and reprimand;
  - c. suspension;
  - d. dismissal;
  - e. referral to Police, Teachers Council and/or other agencies.
8. Where either the complainant or defendant believe they need to appeal against the outcome of the process the appeal shall be made known to the Chairperson and Principal.
  - a. If the appeal can be settled by the use of an approved intermediary such a person as is acceptable to all parties may be used to try and resolve the situation. If the appeal is beyond the ability of the Board and intermediary to settle then the appeal will be referred to the most appropriate agency: This could be: NZEI, Teachers Council, The Employment Tribunal or the NZ Police.
  - b. The complainant can lay a personal grievance against the employer (The Board) under the terms of their employment agreement, or appropriate sections of the Labour Relations Act or Human Rights Act.
9. The Principal and/or Board may seek advice from the School Trustees' Association at any time throughout this process.
10. An employee who belongs to the union may seek the support of their union's field officer or counsellor. In the case of students, any staff member may provide immediate support and/or guidance.
11. If a complaint is about a member of the school community who is not an employee of the school, the parties will be referred to the appropriate agency for support and guidance (e.g. Human Rights Commissioner, Race Relations Conciliator)

**Related Documents:**

<ul style="list-style-type: none"> <li>● 3.9 Harassment Policy</li> </ul>	<ul style="list-style-type: none"> <li>● Collective Employment Agreements</li> </ul>
<ul style="list-style-type: none"> <li>● 1.3 Maori Achievement Policy</li> </ul>	<ul style="list-style-type: none"> <li>● 3.2 Valuing Diversity (EEO) Policy</li> </ul>
<ul style="list-style-type: none"> <li>● 3.2i Valuing Diversity (EEO) Procedure</li> </ul>	

**Relevant Legislation:**

<ul style="list-style-type: none"><li>• Employment Relations Act 2000</li></ul>	<ul style="list-style-type: none"><li>• Human Rights Act 1993</li></ul>
<ul style="list-style-type: none"><li>• Labour Relations Act</li></ul>	<ul style="list-style-type: none"><li>• Human Rights Amendment Act 2001</li></ul>