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The King's School Linbro Park Harassment Policy

1. Introduction and Principles

The King's School Linbro Park management are required by law and by Christian conviction to ensure that all School employees and learners are fairly and equitably treated and that any form of harassment in relation to their employment or education is avoided or is dealt with accordingly.

All employees and learners have the right to be treated with dignity and to enjoy reasonable levels of personal safety and security at the School, and in relation to their employment/education.

Further to this, employees and learners have the right to lodge complaints should any incident occur that impacts negatively on their personal safety and welfare. All reports of harassment received by the Management of The King's School Linbro Park will be treated seriously and with the required level of confidentiality.

The School will take reasonable measures to ensure that complainants and witnesses to acts of alleged harassment are not victimised in any way.

2. Definitions

Definition of Harassment

Harassment occurs when a learner or an employee is subjected to repeated unwelcome and/or uninvited verbal or physical conduct because of race, religious beliefs, colour, place of origin, gender, mental or physical disability, ancestry, marital status, family status or source of income.

Examples of harassment which will not be tolerated in The King's School Linbro Park are verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about any learner or employee's appearance, religious beliefs, colour, place of origin, mental or physical disabilities, ancestry, marital status, family status, source of income or gender. The King's School Linbro Park also will not tolerate display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit, and are circumscribable under harassment if not dealt with elsewhere.

Definition of Sexual Harassment

Sexual harassment is offensive and in many cases it intimidates others. It will not be tolerated within The King's School Linbro Park. Sexual harassment includes repeated or coercive sexual advances toward another person contrary to his or her wishes.

This definition will encompass any unwelcome physical, verbal or non-verbal (see below) conduct or advances of unacceptable nature, and covers not only conduct of a sexual nature, but also "gender-based misconduct". This refers to conduct that denigrates, ridicules, is intimidating, or physically abusive of another learner or employee, because of his / her gender or appearance. This includes derogatory or degrading abuse, or insults which are gender-related, and offensive comments about appearance, physical attributes, disability or health status or dress.

Verbal: Includes, but is not limited to, unwelcome enquiries or discussions about a person's sex or love life, telephone calls, letters, notes, email or cellular phone text messages with sexual overtones, offensive, rude or sexist jokes, repeated unsolicited requests for dates despite discouragement, sexual requests or demands in exchange for actions or favours, or repeated graphic comments about any individual's body.

Non-verbal: Includes, but is not limited to, openly looking at someone in an unwelcome, overtly lewd way; display of sexually suggestive objects or pictures, persistent and unwelcome winking and flirting; forwarding of sexually explicit or insulting electronic images (internet, email or SMS); circulating or displaying pornographic or offensive, cruel or derogatory objects, images, pictures, cartoons, movies or slides.

Physical: Includes, but is not limited to, unwelcome and/or uninvited touching, patting, pinching, fondling, kissing, strip-searching, molestation or physical contact. Deliberate attempts to make "accidental" physical contact, contact that is nonetheless unwelcome and uninvited, may also be treated as sexual harassment.

This unwelcome physical, verbal or non-verbal conduct or advances may constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition or circumstance of instruction, employment, or participation in other School activity;
2. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating a discriminating, intimidating, hostile, or offensive school environment.

3. Undertaking and Responsibility

Harassment of any nature in relation to the workplace / school is both morally and legally prohibited. Appropriate disciplinary action will be taken against any employee or individual under the control or supervision of The King's School Linbro Park (including *in-loco parentis*) found guilty of harassing a staff member, learner, co-worker or co-learner, or any parent, client, associate or service provider. Harassment can therefore be construed as taking place at work, or elsewhere under the auspices of the school. Should the alleged act of harassment impact upon the School in any manner, the School reserves its right to take appropriate action against the alleged

perpetrator. The King's School Linbro Park will deal seriously with allegations of harassment, in accordance with relevant legislation, Codes of Good Practice and the principles highlighted in this policy and procedure.

All King's School Linbro Park employees and learners have a responsibility to ensure that they do not take part in behaviour classifiable as harassment, and to ensure that any such behaviour is discouraged and reported, whichever is appropriate. The King's School Linbro Park management are responsible for ensuring that employees and learners within their area of responsibility are aware of this policy and for urgently initiating corrective or other action if such conduct is observed by them, or reported to them. Justice requires that the rights and concerns of both complainant and respondent be fully assured. The King's School Linbro Park shall make every effort to assure and protect these rights, and shall undertake no action that threatens or compromises them.

4. Procedure for Dealing with Allegations

Reporting

On being subjected to harassment, learners / employees are requested to report such conduct to a Management member as soon as practicable. The affected employee or learner should where practicable also indicate CLEARLY to the other party that they consider their conduct as being unacceptable and offensive, but where intended or unintended intimidation precludes such indication the alleged victim's allegations shall not be disregarded.

Procedure

Employees and learners must be prepared to establish a written complaint. This written complaint will be kept on file during any attempt by the complainant to resolve the problem informally. Should these informal attempts fail to resolve the problem, the written complaint on file will form the basis for any level of investigation to be instituted.

1. Should there be no informal resolution of the allegation to the complainant's satisfaction then formal proceedings will then be instituted as a matter of urgency. Formal proceedings will necessitate that the complaint be submitted formally [in alternative writing if the original is not deemed suitable] to the Principal or another member of the Executive.
2. Any complaint will be investigated by the Principal or investigator so appointed. He / she must employ whatever reasonable methods of investigation are deemed necessary.
3. The investigation will be completed as soon as practicable. The investigator shall make a written report to the Principal upon completion of the investigation. If the complaint involves the Principal, the report may be filed directly with the Governing Body. The report shall include a determination as to the extent to which the allegations have been substantiated and whether they appear to be violations of this policy.
4. Should the investigation determine that there is a *prima facie* case to be made against the alleged perpetrator, the School is obliged to immediately institute disciplinary action against the employee(s) or learner(s) involved. The alleged offender(s) may be charged with (sexual) harassment, and suspended pending an internal disciplinary hearing. However, the Executive reserves the right of

immediate referral to the relevant police authority should members judge it appropriate.

5. Any employee or learner found to be guilty of having harassed another member of the school community or visitor would be subject to appropriate disciplinary action, including possible dismissal / expulsion. The incident will be documented in the harasser's file. No documentation will be placed on the complainant's file where the complaint is filed in good faith, whether the complaint is upheld or not. If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged perpetrator.
6. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant and to the alleged perpetrator.
7. Regardless of the outcome of a harassment complaint made in good faith, the employee or learner lodging the complaint, as well as anyone providing information, will be protected as far as possible from any form of retaliation by co-learners, educators, parents, co-workers or superiors. This includes dismissal, demotion, unwanted transfer, denial of opportunities within the school or harassment of an individual as a result of her/his having made a complaint or having provided evidence regarding the complaint.
8. Should an employee or learner wish to file criminal charges of alleged sexual harassment, the School should be empathetic and supportive, but not necessarily be party to such proceedings unless this is considered prudent and appropriate by the School's Executive. The School is generally not obliged to pursue or be enjoined in such proceedings if it believes that it has dealt with the allegations in a sufficient and fair manner.
9. The school is not bound by the findings or recommendations of any internal investigation, notwithstanding its appointment of that investigation and its investigator in the first place. The school reserves the right to take legal opinion as to its best moral and legal route ahead in the interests of alleged victim[s], alleged perpetrator[s] and the school itself.

5. Protection

- The School will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, conditional to such privacy neither preventing nor hindering full justice being served to all parties in the investigation.
- School management will ensure as far as possible that any victimisation which may result from an employee or learner lodging such a complaint or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment (so-called "secondary harassment") will be dealt with as seriously as the initial complaint. The School may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged harassment.
- Notwithstanding the above undertaking, School management will not tolerate false accusations of harassment being made against an employee or learner.
- A person not employed by the School, but who subjects an employee or learner to harassment at the workplace or elsewhere, will be contacted by the Principal,

and be informed of the allegation and the School's Policy. The alleged offender's employer will be formally advised of that person's conduct. Steps will be taken, if appropriate, to further impress upon the offender that his/her conduct is unacceptable. Contact and information and warning notwithstanding, alleged victims' right to seek legal recourse in such instance is reserved.

- Allegations of the harassment of a person not employed by the School by an employee or learner, or visa versa, will be treated with the same seriousness as harassment of a School employee or learner.

6. Acknowledgements

ISASA: *Policy and Procedure: Dealing with Sexual Harassment*

The Alberta Human Rights and Citizenship Commission: *Sample Harassment Policy*

Andover Newton Theological School: *Sexual Harassment Policy*

Minnesota State Bar Association: *MSBA/MABA Model Policy 413, Harassment and Violence*