

## **HERIOT SCHOOL HUMAN RIGHTS POLICY**

### **RATIONALE**

The Human Rights Act 1993 makes it clear that the following are grounds of unlawful discrimination:

- Sex - including pregnancy, childbirth and sexual harassment
- Marital Status - meaning single, married, separated, divorced, widowed or de facto
- Religious or ethical belief
- Race or colour
- Ethnic and national origins - including nationality and citizenship
- Age - in employment and employment related activity
- Disability
- Political Opinion
- Employment Status
- Family Status
- Sexual Orientation

Heriot School does not support, encourage or condone any behaviour that could negatively impact on the emotional wellbeing of students / staff of the school, or could be construed as discrimination in any of these areas.

### **SEXUAL AND RACIAL HARASSMENT**

The Human rights Act 1993 makes it unlawful for any person to:

- Make a request of any other person for sexual intercourse, sexual contact or other form of sexual activity that is linked to a promise or threat or;
- Use language (whether written or spoken), visual material, or physical behaviour of a sexual nature that is unwelcome, offensive or has a detrimental effect.
- Use language (whether written or spoken), visual material or physical behaviour that expresses hostility, brings into contempt or ridicule, is hurtful or offensive or has a detrimental effect; on the grounds of colour, race or ethnic or national origin.

In a school sexual or racial harassment can occur between students, between students and staff, between staff, and between staff and their

employing Board. For this reason, all persons employed or enrolled at Heriot School are covered by this policy and the procedures outlined below.

## **PROCEDURES**

If an act of harassment occurs the person/s involved are to follow these procedures.

### **1. Self Help**

- a. Confidentiality and the rights of all parties involved are to be respected by all involved at all times
- b. The complainant immediately makes it clear to the offending person that their behaviour is unacceptable and offensive.
- c. The complainant may wish to address the offending person face to face to discuss the behaviour
- d. The complainant approaches a third party (chosen by the complainant) to be present as he/she addresses the issue with the offending person.

If self-help is not possible, or the behaviour persists

### **2. Informal Intervention**

- a. Confidentiality and the rights of all parties involved are to be respected by all involved at all times
- b. The complainant approaches a School Representative (eg member of staff or a member of the board of trustees, or a member of the community) of their choice. This person is now the "contact person".
- c. The contact person shall listen and note the allegations made by the complainant.
- d. The contact person must let the harasser(s) know about and give explanation to any allegations
- e. The contact person will inform either the Principal and/ or Board Chairperson of the complaint.
- f. The contact person will involve all parties in working on a solution
- g. The contact person will monitor progress to ensure the solution is working to everyone's satisfaction.

If self help and informal intervention have not worked or if the allegation is, in the complainants view, sufficiently serious to warrant formal disciplinary action, then a formal complaint is made.

### **3. Formal Complaint**

- a. Confidentiality and the rights of all parties involved are to be respected by all involved at all times
- b. The complainant submits a written detailed complaint to the employer or to a representative of the employer (i.e. to the Principal and/or the Chairperson of the Board, or any other Board member.)
- c. The representative shall inform the Principal and/or Chairperson of the written complaint
- d. A person agreed upon by all parties (complainant, harasser, board) shall be appointed as Coordinator
- e. The coordinator shall inquire into the facts
- f. The coordinator shall fulfil all legal requirements as are appropriate to this situation (refer section 33 Human Rights Act 1993, Labour Relations Act, Primary Teachers Collective Employment Contract, and all other legislation as are relevant ).
- g. The coordinator shall involve any other parties as are appropriate, (eg: Police, NZEI)
- h. The coordinator shall take whatever steps are practicable to prevent any repetition of this complaint.
- i. The coordinator shall advise the appropriate disciplinary action
- j. The coordinator shall ascertain the further needs of all affected parties and may advise the utilisation of counselling or other relevant services.
- k. The coordinator shall advise the Board when a resolution has been achieved.

#### **OTHER FORMS OF HARASSMENT**

While procedures for dealing with other forms of harassment are not specially prescribed here they will be similar to those specified above. As each case and each situation will be unique it must be dealt with according to the particular circumstances that apply.

*Review schedule: Triennially*