

RONDEBOSCH BOYS' PREPARATORY SCHOOL – SGB POLICIES

POLICY: SEXUAL HARASSMENT POLICY

POLICY REF. NO. S1/08/2008 (Rev No. 0)

DATE: 7 AUGUST 2008

PREAMBLE

The Governing Body formulates this policy in realizing the core value of our institution, namely, the creation of a safe learning and working environment for both learners and staff alike.

OBJECTIVES

The objectives of this policy and these procedures are:

- To create a safe school environment, which is free of sexual harassment and where sexual harassment is not countenanced.
- To establish a common understanding of what constitutes sexual harassment.
- To formalise the designation and functions of the Sexual Harassment Advisor.
- To ensure that all staff and learners receive appropriate information about sexual harassment and the procedures which should be followed if such harassment does occur.
- To ensure that any staff member or learner who does experience sexual harassment will be offered the appropriate support.

STATEMENT OF POLICY:

Sexual harassment is inconsistent with the principles of non-discrimination contained in The South African Schools Act 84 of 1996, the Constitution of the Republic of South Africa and various pieces of legislation 1.

Such harassment undermines the dignity of an individual and erodes the atmosphere of trust and respect which is essential to academic and personal atmosphere of trust and respect which is essential to academic and personal well-being. The School commits itself to providing a safe environment which is free of sexual harassment and is conducive to learning and working, for all learners and staff.

The School accepts the following definition of sexual harassment:

Sexual harassment is unwanted conduct of a sexual nature, or other conduct based on gender or sexual orientation, affecting the dignity of women and men working and the boys studying at the school.

- 1 The Labour Relations Act 1995, The Employment Equity Act 1998, The Promotion of Equality and Prevention of Unfair Discrimination Act 2000.
- 2 This definition is based on the definitions used in the Labour Relations Act Code of Good Practice on the Handling of Sexual Harassment Cases S3, and The Promotion of Equality and Prevention of Unfair Discrimination Act, S1 (xiii).

This conduct can include physical, verbal or non-verbal conduct which is perceived as unwelcome. Sexual harassment covers a wide range of behaviour, from offensive staring, gestures or comments, to physical assault, rape, indecent assault and sodomy.

Not all sexual attention is harassment. Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any one or more of the following conditions are met:

- a) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic success;
- b) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals.
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or living environment;
- d) the recipient has made it clear that such conduct is considered offensive; however a single incident of harassment can constitute sexual harassment.
- e) such conduct is persistent, unwanted or abusive, intimidating or oppressive.

It should be noted that this definition emphasises the significance of the experience of the person being harassed. In other words, someone may experience behaviour as unwanted and offensive even if there is no intention to harass. In such a situation the behaviour becomes harassment if it is "persisted in...and/or the recipient has made it clear that the behaviour is considered offensive; and/or the perpetrator should have known that the behaviour is regarded as offensive" 3

PROCEDURES FOR IMPLEMENTATION OF THE POLICY ON SEXUAL HARASSMENT:

(1) THE SEXUAL HARASSMENT ADVISOR:

A Sexual Harassment Advisor will be appointed by the governing body.

The Sexual Harassment Advisor (SHA) will formalise and implement the sexual harassment complaint procedure, provide information to all staff and learners and assist with complaints.

3 LRA Code of Good Practice, S3 (b) &(c)

The most important facet of the SHA's work, however, will be the promotion, through education and awareness raising, of a safe environment which is free of sexual harassment and where sexual harassment is not tolerated.

The SHA will be a staff member and will have access to administrative support within the school. On issues of sexual harassment the SHA would also report to Principal, who in turn reports to the Governing Body. These reports would include notification of complaints, discussion of policy issues, alerting school management to trends and problem areas and proposing appropriate changes to procedures.

2) THE PROCEDURE:

- a) A complaint of sexual harassment may be made to:
the Sexual Harassment Advisor;
the Principal
the Chairperson of the Governing Body
an individual identified by the Principal as being responsible for receiving such complaints.
- b) If the initial complaint is made to anyone other than the SHA this individual must provide initial support and advice to the complainant.

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- c) The complaint will be referred to the SHA within 24 hours. SHA will provide initial support and counselling, as appropriate, and advise the complainant of options for counselling, mediation, initiating a disciplinary procedure, following a grievance procedure or other appropriate responses.
- d) A complaint form will be completed by the complainant.
- e) Depending on the complainant's needs/wishes, the SHA will allocate a psychologist/social worker, or an outside agency or a practitioner in private practice to support the complainant.
- f) If necessary, the SHA will liaise with the Principal or Chairperson of the Governing Body, in order to use one of the following procedures:
- Mediation procedure
 - Learner Disciplinary Procedure
 - Learner Grievance Procedure
 - Staff Disciplinary Procedures
 - Staff Grievance Procedures
- Note: Panels which hear learner disciplinary matters relating to sexual harassment, and individuals who hear staff disciplinary matters relating to sexual harassment, should be appointed in consultation with the Principal and the Governing body.
- g) The process will be driven/guided by the needs and wishes of the complainant. S/he may choose:
- not to pursue any process involving the alleged harasser.
 - to participate in counseling.
 - to follow a process of mediation.
 - to lay a formal internal complaint, resulting in a formal grievance and/or disciplinary process.
 - to take legal action outside of the School (in terms of criminal, civil or labour law).
- h) Confidentiality must be maintained at all stages of the process.
- i) The complainant must be reassured that any intimidatory behaviour or secondary harassment by the accused will be a disciplinary offence. The alleged perpetrator will be informed of this in the first communication that the Sexual Harassment Advisor initiates with him/her.
- j) If the complainant wishes to remain anonymous, the School is unable to institute formal or informal procedures although the complainant can be referred to counselling. The reason for this is that if the accused is to be challenged (formally or informally) he/she has to be told what he/she is accused of and by whom. He/she has to have an opportunity to answer to the complaint.
- k) In a case of rape, indecent assault, sodomy or sexual assault, the rape, indecent assault, sodomy or sexual assault protocol will be followed (annexure A).
- l) The Sexual Harassment Advisor will submit a report to the School on an annual basis, recording complaints received, activities of the office and general comments on implementation of the policy. The confidentiality of the complainant and the alleged perpetrator shall be kept confidential when making the report.

4. THE SCHOOL'S RESPONSE TO ALL COMPLAINTS:

The Code of Good Practice on the Handling of Sexual Harassment Cases is now part of our law. This code requires employers to show that they are taking steps to deal with all complaints of sexual harassment of staff. Thus, the School must be able to show that it has given consideration to all complaints. Once a complaint is laid, even if the complainant refuses to reveal his/her identity, a form must be completed and passed on to the sexual harassment advisor. The advisor must prepare a report on his/her assessment of the complaint and any steps taken.

In addition, the School as an institution, and every individual staff member has a duty of prevention. Even if individual complaints cannot be pursued, because the complainant wishes to remain anonymous, the person to whom the complaint has made shall implement preventive measures and training in the School.

ANNEXURE A

**RONDEBOSCH BOYS' PREPARATORY SCHOOL
RAPE/SEXUAL ASSAULT PROTOCOL –LEARNERS**

A person who has been raped, indecently assaulted or sodomised suffers acute physical, emotional and mental trauma. It is the School's responsibility to ensure that the best possible care and support are offered to a learner who is raped or sodomised. Every effort must be made to avoid the secondary traumatising which insensitive or inefficient treatment may cause. This protocol has been developed to guide the actions to be taken by those who receive a complaint of rape, indecent assault or sodomy.

PRINCIPLES:

Any learner who is raped, sodomised or indecently assaulted, whether on or off the school premises, will be offered assistance in accordance with these guidelines.

These services will be offered during "normal" school hours

Rape and indecent assault are criminal offences, which should be reported to the SAPS.

If you are approached by a learner who has been raped/sexually assaulted or sodomised, please take the following actions:

DURING HOURS

Notify the Principal or his deputy
Call the parent

AFTER HOURS/WEEKENDS/PUBLIC HOLIDAYS

Notify the Principal or his deputy.
Call the parent and/ or accompany the learner to a medical practitioner.

SEXUAL HARASSMENT ADVISOR – To record the complaint; to provide/facilitate counselling and coordinate internal services, to provide follow-up support.

SIGNED:

Chairman RBPS Governing Body