

# **Ballinamore Community School**

## **Sexual Harassment Policy**

### **School Mission and Aims**

Our mission is the provision of a broad, relevant curriculum for our students, through which they can develop their full potential. We aim to prepare our students to participate as good Christians and as good citizens in society.

### **Rationale**

In the course of preparing students to participate as good Christians and good citizens it is important to offer them support and guidance. The support is primarily educational and is limited to the school context. Guidance, including that on sexual harassment, impacts on school life but as in most cases extends far beyond school and is preparation for life and part of life long learning.

### **What is Sexual Harassment?**

#### **Definition**

Sexual harassment is behaviour that is unwanted, unsolicited and offensive to the recipient. Such behaviour fails to respect the dignity of others and impacts upon the employee in the workplace or students in the school. It is a pattern of behaviour that is being imposed on any reasonable person who finds it hostile, intimidating or humiliating.

It is the impact of the conduct on the recipient and not the intent of the accused person that determines whether the behaviour is acceptable. It should not be confused with normal social interaction involving mutually acceptable behaviour. Sexual harassment may occur between men and women or between members of the same sex.

Following on this definition, sexual harassment in a school context can include the following.

- o Unwelcome physical or verbal advances.
- o Exposure of body parts
- o Unwelcome uses or display of sexually suggestive or pornographic pictures and calendars.
- o Leering or offensive gestures.
- o Written communications of a sexual nature.
- o Unwelcome comments about personal appearance.
- o Unwelcome sexual advances
- o Unwelcome pressure for social contact
- o Sexually suggestive jokes
- o Whistling
- o Unwelcome sexually offensive remarks or innuendo of a sexual nature based on a person's sexual orientation
- o Offensive telephone calls of a sexual nature

This list is not exhaustive

This policy is designed to deal with cases of sexual harassment coming within categories of non-verbal sexual harassment, verbal sexual harassment and physical sexual harassment as set out above. It is not designed to deal with those cases coming under the category of physical sexual assault which would, if proven, amount to criminal wrongdoing.

## **Context**

Sexual harassment is illegal under the Employment Equality Act 1998. The Labour Court has determined that 'freedom from sexual harassment is a condition of work which an employee of either sex is entitled to expect'.

The school recognises that all employees and students have the right to a workplace/place of learning free from sexual harassment and is fully committed to ensuring that all employees and students are able to enjoy that right and that sexual harassment will not be tolerated.

There is a responsibility on all employees and students to ensure a workplace free from sexual harassment for all other employees and students, and to be aware of this Policy.

Complaints of sexual harassment will always be treated seriously, confidentially and in a sensitive manner.

1. Sexual harassment of one staff member by another staff member will not be tolerated
2. Sexual harassment of one student by another student or of a staff member by a student(s) will not be tolerated and is contrary to school policy.
3. Sexual harassment of a student by a staff member will not be tolerated and constitutes a serious abuse of authority.

## **Making complaint of Sexual Harassment**

Complaints of sexual harassment will be taken seriously and if proven could constitute grounds for disciplinary action. Prompt action will be taken when incidents involving sexual harassment take place and come to the attention of management. Fair and equitable procedures will be used in dealing with such complaints both in relation to the complainant and the alleged harasser.

Malicious complaints by students will be treated as serious misconduct under disciplinary procedures.

The school authority will endeavour to protect all students and employees from intimidation, victimisation or discrimination in the event of a complaint being filed or while they may be involved in the process of an investigation of sexual harassment in the school.

Students subjected to sexual harassment should report the conduct to any of the following, Principal, Deputy Principal, Guidance counsellor, Chaplain, Year Head, Class Tutor, Parent/Guardian or any person they trust who will report the complaint to the Principal/Deputy Principal for investigation.

## **Procedures**

An attempt will be made to resolve the complaint informally in the first instance but if this is not possible, a formal procedure will be invoked. Confidentiality will be ensured, insofar as is possible, at all times during the investigation for all parties involved.

### **Informal Procedures**

A person who feels that he / she may have been sexually harassed should immediately ask the person harassing them to stop. It may be possible and sufficient for the person concerned to explain clearly to the person engaging in the unprovoked conduct that the behaviour in question is unwelcome, that it offends them, or makes them uncomfortable and that it interferes with their work. A person who wishes to make a complaint (hereinafter referred to as the complainant) should make an appointment and discuss the matter with the accused with a view to resolving the complaint. In circumstances where it is too difficult or embarrassing for an individual to do this on his/her own behalf, an alternative approach would be for an initial approach to be made by a sympathetic colleague or friend. Ideally this should result in a cessation of this unacceptable behaviour. It is very important for the recipient of sexual harassment to keep notes, detailing times and dates of incidents of sexual harassment and request eyewitnesses, if any, to note them also. If the matter is unresolved the complainant should approach the Deputy Principal who will endeavour to resolve the complaint through an informal process.

### **Formal Procedures**

If the issue is not resolved informally the complainant should lodge the signed complaint in writing with the Principal, Deputy Principal or other persons who may be designated.

1. Investigations of any complaint of sexual harassment will be handled with sensitivity and due respect to both the complainant and the subject of the complaint. It is understood that all complaints will be investigated with minimum delay. The Investigating Officer should acknowledge and note that the complaint has been received by dealing with the matter as follows:
  - o Supply the person complained of with a copy of the written complaint and invite his /her written response;
  - o Arrange meeting(s) with the parties to the complaint either separately or jointly with a view to resolving the complaint.
2. The complainant and the subject of the complaint may each be accompanied by a friend or colleague or another person (non-legal) of his/her choice and a record of these discussions / investigations made and retained.

3. The Principal / designated Person shall convey the outcome of these discussions/investigations in writing to the parties to the complaint and may:
  - o Indicate whether or not the matter has been resolved to the satisfaction of all parties or whether his/her findings are inconclusive.
  - o Where the findings are inconclusive then the school internal investigations end and the parties to the complaint shall be so advised.
  - o Uphold the complaint on the basis of the available evidence. Notification to both parties shall include reference to the right of the subject of the complaint to appeal the decision to uphold the complaint.
  - o Deem the complaint unfounded. Notification to both parties shall include reference to the right of the complainant to appeal the decision to reject the complaint.
4. Where the Principal/Designated Person deems a complaint of sexual harassment to be valid or to be unfounded and malicious, he/she shall furnish a report to the Chairperson of the Board of Management. The report may include a recommendation to the Board of Management that it may consider disciplinary action. Where either of the parties are concerned with the outcome they may appeal the matter to the Board of Management.
5. Where a complaint is found to be substantiated, the extent and nature of the sexual harassment will determine the form of the disciplinary action to be taken.
6. Where a complaint of sexual harassment is made by a staff member against a student, the complaint will be handled under the Code of Behaviour/Discipline for students of the school where appropriate.
7. Where a complaint of sexual harassment is made by one student against another student, the complaint will be handled under the Code of Behaviour/Discipline for students of the school. Complaints of sexual harassment made by a student(s) against a staff member will be dealt with under appropriate guidelines.
8. It is the opinion of the school that issues of sexual harassment are best dealt with within the school. However, no aspect of this Policy affects any employees or student's individual legal rights to take their complaint outside the school.

**THIS POLICY WILL BE SUBJECT TO PERIODIC REVIEW**