

Moyle Park College

SEXUAL HARASSMENT POLICY

INTRODUCTION

- 1.1 What is **Sexual Harassment**? Sexual harassment means unwanted conduct of a sexual nature or other conduct based on a person's sex, which affects the dignity of men and women at work.
- 1.2 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".
- 1.3 The school recognises that all employees and students have the right to a workplace 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.
- 1.4 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.
- 1.5 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.
- 1.6 Examples of Sexual Harassment include:
 - (a) Unwanted physical or verbal advances.
 - (b) Unwanted touching or physical gestures.
 - (c) Comments and remarks of a sexual or discriminatory nature.
 - (d) Unwelcome comments about personal appearance.
 - (e) Demands of sexual favours.
 - (f) Displays of pin-ups and pornographic material.
 - (g) Innuendoes of a sexual nature or based on a person's sex.
 - i. This list is not exhaustive.

SCHOOL ENVIRONMENT & CULTURE

- 2.1 Management is required to implement this Policy and set a standard of behaviour by their own example. The school authority is committed to providing an environment free from sexual harassment and ensuring that such behaviour by employees or students is not tolerated.
- 2.2 Sexual harassment of one student by another student, or of one member of staff (teaching or non-teaching) by a student will not be tolerated and is contrary to school policy. The school authorities raise the issue of sexual harassment with students in the context of Relationships and Sexuality Education or other appropriate programmes.
- 2.3 Sexual Harassment may result in Disciplinary Action
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 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.

MAKING A COMPLAINT OF SEXUAL HARASSMENT

- 3.1 A written report should be made by the complainant or an authorised person to whom the complaint is made and signed by the complainant.
- 3.2 The complaint will be investigated with minimum delay as confidentially as possible by two individuals, one of who shall be the same sex as the complainant if so requested. Due respect shall be had for the rights of the complainant and the alleged perpetrator.
- 3.3 Both parties may be accompanied/represented at all interviews/meetings held and these shall be recorded.
- 3.4 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.
- 3.5 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.
- 3.6 In the cases of sexual harassment of an employee by a student (because of the severity or continuation of the harassment, for example) it should be raised through the normal discipline procedure.
- 3.7 Students subjected to sexual harassment shall report the conduct to any of the following, Principal, Deputy Principal, Guidance Counsellor, Chaplain, Year Head, Class Teacher, Parent / Guardian or any person they trust who will report the complaint to the Principal/Deputy Principal for investigation.
- 3.8 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.
- 3.9 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.

THIS POLICY WILL BE SUBJECT TO PERIODIC REVIEW