



Timaru Christian School Procedures

HS5 – Harrassment

Definitions of Harassment

Harassment is any unwanted comment, conduct or gesture directed toward an individual or a group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive, and is either repeated or an isolated incident which is so significant that it adversely affects someone's performance, contribution or work environment. Harassment is a form of discrimination.

Sexual Harassment

Sexual harassment is broadly defined as the unwanted imposition of sexual behaviour. Any verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- it is unsolicited, unwelcome or repeated
- submission to such conduct is implicitly or explicitly a term or condition of an individual's employment
- submission to such conduct is implicitly or explicitly a term or condition for decisions which would affect promotion, course completion, salary, or any other job, working or studying condition
- such behaviour creates an intimidating, hostile or offensive work environment for one or more employees or students.

Examples of sexual harassment:

- sexual jokes
- offensive telephone calls, texts, internet or social site postings
- displays of obscene or pornographic photographs, pictures, posters, reading material
- offensive email messages, screensavers or computer graphics
- sexual propositions or repeated requests for dates
- physical contact such as patting, pinching or touching in a sexual way
- unnecessary familiarity such as deliberately brushing against a person
- uninvited kisses or embraces
- unwelcome and uncalled for remarks or innuendo about a person's private life
- wolf whistles, cat calls, obscene gestures
- stalking
- indecent exposure.



Timaru Christian School Procedures

Racial Harassment

Racial harassment is behaviour and/or practices that exclude students, staff or parents from participating in the activities of the school on the basis of race. Racial harassment is broadly defined as the use of language (whether written or spoken) or visual material, or physical behaviour that:

- expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person
- is hurtful or offensive to that person
- is either repeated, or of such a significant nature, that it has a detrimental effect on that person.

Examples of racial harassment:

- racist jokes
- graffiti
- verbal abuse
- unwanted nicknames
- posters, cartoons, etc.
- violence
- comments or behaviour suggesting one race is inferior
- shunning a person because of their race
- wearing racist badges or insignia.

Harassment Complaints Procedure

Many harassment complaints can be resolved informally through confronting the person responsible, explaining that their behaviour is offensive and seeking an assurance that it will stop. It may be necessary to approach another staff member for support at this stage.

If the harassment is very serious, or continues after an initial confrontation about it, the person being harassed should report it to one of the following:

- the school management; as a formal complaint the police, if the harassment involves sexual or physical assault
- the Human Rights Commission, if the complainant doesn't want to complain to the school management, or is not satisfied with the result of an internal investigation.

Note: strict confidentiality must be maintained in both informal and formal management of a harassment complaint to avoid victimisation, humiliation, and defamation.



Timaru Christian School Procedures

Defamation

A complaint of harassment is potentially very damaging to a person's character or reputation. Anyone involved in a harassment complaint must maintain strict confidentiality and only discuss the complaint with those responsible for dealing with it.

One person can sue another for defamation if they believe that they made a false statement likely to expose them to contempt, hatred or ridicule and which injures their reputation. It only needs to be a statement made by one person to another.

Sometimes, the first reaction of a respondent accused of harassment is to threaten to sue for defamation. It is **not** defamatory for the complainant to confront the alleged harasser directly and in private, or to send them a private letter outlining the offensive behaviour. It is **not** defamation if the complaint is made honestly, and only to those responsible for dealing with it.

There may be a case for defamation if a complainant speaks to anyone other than the alleged harasser, or those with a genuine need to know.