



SEXUAL HARASSMENT POLICY¹

This policy is relevant to the Bible Institute of South Africa (BISA)

Date Issued: 30 September 2018

Date Effective: 01 October 2018

PURPOSE: The purpose of this policy is:

- To encourage employees/students to communicate any form of harassment including sexual, racial and any other form of harassment to management without fear of harassment, victimization or abuse;
- To ensure the resolution of such harassment as quickly and as closely to their origin as possible;
- To provide appropriate procedures to deal with sexual harassment on campus and to prevent its recurrence.

1. DEFINITION OF SEXUAL HARASSMENT

1.1 Sexual harassment is the unwanted conduct of a sexual nature which has been experienced by an employee or student, arising directly out of the work situation. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. Sexual harassment violates the rights of an employee/student and constitutes a barrier to equity in the workplace.

1.2 Sexual attention becomes sexual harassment if:

(i) the unwanted behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or

(ii) the recipient has made it clear that the behaviour is considered offensive; and/or

(iii) the perpetrator should have known that the behaviour would be regarded as unacceptable

2. FORMS OF SEXUAL HARASSMENT

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, and is not limited to the examples listed below:

¹ Written by Geoff Jacobs (BI Board Member)

2.1 Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex;

2.2 Verbal forms of sexual harassment include unwelcome innuendos, suggestions or hints, sexual advances, comments with sexual overtones, persistent rude or sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate inquiries about a person's sex life, unwelcome requests for dates and unwelcome whistling directed at a person or group of persons; sending sexually explicit text by electronic means or otherwise; showing pornographic material, writing letters or making telephone calls of an unwanted sexual nature.

2.3 Non-verbal forms of sexual harassment include unwelcome gestures, persistent and unwelcome winking and flirting, sexual advances, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.

2.4 Quid pro quo harassment occurs where a lecturer, manager or co-employee undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit, in exchange for sexual favours.

2.5 Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst others who do not submit themselves to any sexual advances are denied promotions, merit ratings, grades or salary increases.

3. POLICY STATEMENT

3.1 All employees, students, job applicants and other persons who have dealings with the college have the right to be treated with dignity.

3.2 Harassment of any kind on campus will not be permitted or condoned.

3.3 Persons who have been subjected to sexual harassment have a right to raise a grievance, in accordance with BISA's Grievance Procedure, and appropriate action will be taken by the college.

3.4 College management has a positive duty to implement the policy and take disciplinary action in accordance with its Disciplinary Procedures against those who do not comply with the policy, if such conduct has come to their notice.

3.5 Allegations will be dealt with seriously, expeditiously and sensitively.

3.6 No employee/student shall be victimized or prejudiced for proceeding in good faith with a claim of sexual harassment in accordance with this procedure. However, an employee/student who makes false accusations in terms of this procedure will be subjected to disciplinary action.

3.7 An employee or person who has been harassed, has the right to press separate criminal and or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

3.8 Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.

4. PROCEDURES

4.1 Advice and Assistance

4.1.1 The person who complains about sexual harassment should indicate clearly and immediately to the perpetrator that he/she does not approve of what is being said, done or suggested.

4.1.2 Due to the sensitivity of this issue, the complainant should contact the Dean of Students or any member of College Management, with whom they feel comfortable, for confidential advice. If the person approached does not know how to deal with the matter, he/she should ask for assistance from the Principal.

4.1.3 The employee has two options to resolve a problem relating to sexual harassment: one option is to deal with the matter informally; the other is to refer the matter into the formal grievance process;

4.1.4 An investigation into the complaint shall be initiated within two (2) days of the complaint officially being lodged. Management shall deal with the matter sensitively and confidentially as far as is practical and take steps to prevent any victimization of the complainant.

4.1.5 The concerned employee/student may request or be advised to attend counselling. It may also be advisable to move, transfer or suspend the perpetrator, to reduce tension and unpleasantness.

4.1.6 Where a complainant's existing sick leave entitlement has been exhausted, the College may give due consideration to the granting of additional sick leave in cases of serious sexual harassment, where the complainant on medical advice requires trauma counselling.

4.2 Informal procedure

4.2.1 The employee/student who has experienced or has been subjected to any form of sexual harassment and who chooses not to deal with the situation on a personal level, may refer the matter to a member of College Management for assistance on an informal basis.

4.2.2 He/she may also opt to refer the matter to College Management via a family member, co-employee, counsellor or friend.

4.2.3 Where this occurs, college management shall adopt the role of counsellor and/or mediator and will have five (5) working days to obtain a resolution or undertaking, which is acceptable to the aggrieved party. Should such process not have been concluded to the satisfaction of the complainant within the five-day period, he/she may elect to refer the matter via the formal grievance process. The employer retains the right to ensure that an adequate and relevant disciplinary process is followed regarding the harasser.

4.2.4 Any agreement or resolution obtained via the Informal Procedure will be sensitively managed and will be reduced to writing. Such resolution shall be placed on the personal file of the harasser indeterminately and the aggrieved party shall also receive a copy.

4.3 Formal procedure

4.3.1 In the event of the informal process failing to resolve the issue or where the aggrieved party so elects, the Formal Grievance procedure may be applied to assist the complainant in the resolution of the dispute.

4.3.2 During the Grievance process, an agreement, which is acceptable to the aggrieved employee, may be reached; where this occurs, such agreements shall be reduced to writing and a copy placed on the personal file of the harasser indeterminately and the aggrieved employee shall also receive a copy.

4.3.3 In the absence of any resolution during the Grievance process and where the aggrieved party has, prima facie, established a case of sexual harassment, the counsellor will invoke the Disciplinary procedure.

4.3.4 A proper disciplinary hearing will be instituted where the chairperson will be an independent party, of a designation more senior than the alleged harasser.

4.3.5 No disciplinary action will be imposed before a proper investigation into the facts has been made and before the person concerned has had an opportunity to state his/her case. Care will be taken during any investigation of a grievance of sexual harassment, that the aggrieved person is not disadvantaged and that the position of the other parties is not prejudiced if the grievance is found unwarranted.

4.3.6 In relation to sexual harassment, serious incidents and/or continued harassment after warnings, are dismissible offences.

4.3.7 The Chairperson should not only consider mitigation and aggravating circumstances, but also the question of Rehabilitation, Prevention and Deterrence, and should consider the interests of the College, other employees/students and the complainant himself/herself.

5. RESPONSIBILITY

5.1 It is the responsibility of BISA employees/students to ensure that they do not indulge in behaviour that could be classed as sexual harassment. Employees/students are expected to conduct themselves with dignity and respect.

5.2 All managers are responsible to ensure that those in their departments are aware of this policy and to ensure immediate action is taken when such a matter is reported.

5.3 It is also the responsibility of employees/students who feel that they have been sexually harassed to bring this to the immediate attention of college management.

5.4 Given the nature of sexual harassment, BISA recognizes that false accusations can have a serious effect on innocent individuals. Employees/students are therefore encouraged to raise any questions they may have about sexual harassment with college management.

6. CONFIDENTIALITY

6.1 Those investigating grievances about sexual harassment must ensure that it is done in a manner that ensures that the identities of the persons involved are kept confidential.

6.2 Only appropriate managers as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, must be present in the disciplinary hearing.

6.3 The College is required to disclose to either party or to their representatives, such information as may be reasonably necessary to enable the parties to prepare for any proceedings.

7. GENERAL

7.1 Any employee or student found by impartial investigation to have harassed another party will be subject to appropriate disciplinary procedures, which may lead to termination of employment or expulsion.

7.2 A non-employee who subjects an employee/student to sexual harassment on campus will be informed of the college's Sexual Harassment Policy. Other action, deemed appropriate, may be taken, for example informing the perpetrator's employer about the problem behaviour.

7.3 Sexual Harassment may arise through misunderstanding between individuals. Any person experiencing harassment or any unwelcome behaviour is advised to deal with the matter immediately, by making the perpetrator aware that the behaviour is unwelcome.

7.4 Sexual Harassment does not refer to behaviour that is acceptable to the recipient.

7.5 This policy applies equally to sexual harassment by a person of the opposite sex to the victim and by a person of the same sex as the victim.