



NOVA PIONEER
SCHOOLS FOR INNOVATORS & LEADERS

SEXUAL HARASSMENT POLICY

South Africa

October 2018

1. Introduction

All individuals at Nova Pioneer uphold the six culture principles reflecting our philosophy and that define a Novaneer. We believe that you cannot have great learning or build a great community without a strong and positive culture.

Novaneers live these six culture principles in learning and behaviour

| High Expectations | Greater Together | Servant Leadership | Joy of Learning | Always Growing | Solutions First |
|---|--|--|---|--|--|
| <i>We sweat the small stuff and take pride in what we do. We set goals that others think are impossible and never stop until we achieve them.</i> | <i>We constantly support our teammates because we know we can achieve more together.</i> | <i>Great leaders always put others before themselves and engage their community with humility and generosity. We see leadership as a way of improving the world, not simply promoting ourselves.</i> | <i>We are lifelong learners and we are fuelled by curiosity and discovery</i> | <i>We constantly seek out difficult challenges, share and receive feedback as a gift, and see every failure as an opportunity to grow.</i> | <i>Everything is possible when we think creatively and critically about a problem. We are always thinking of new solutions when faced with difficult problems.</i> |

The objective of this policy is to eliminate sexual harassment. It provides appropriate procedures to deal with the problem and prevent its recurrence. The policy aims at developing a workplace that is free of sexual harassment where employees respect one another's integrity, dignity, privacy and right to equality in the workplace.

Nova Pioneer strives to provide a place of work and study free of sexual harassment, intimidation, or exploitation. It is expected that all persons covered by this policy will treat one another with respect.

Reports of sexual harassment will be taken seriously and will be dealt with promptly, and in a fair and objective manner. The nature and gravity of each instance will dictate the specific action to be taken, which may include intervention, mediation, investigation and the initiation of grievance or disciplinary processes.

Nova Pioneer views false claims as serious misconduct.

2. Policy Statement

In alignment with the Nova Pioneer Culture Principles, the following Policy Statement applies:

- All employees, job applicants and other persons who have dealings with Nova Pioneer have the right to be treated with dignity.
- Sexual harassment in the workplace will not be condoned.
- Persons who have been or are being subjected to sexual harassment in the workplace have the right to lodge a grievance about it and appropriate action will be taken.
- Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.
- Employees will be protected against victimisation and retaliation for lodging grievances and from false accusations.

3. Application

The perpetrators and victims of sexual harassment may include management, supervisors, employees, job applicants, clients/parents, suppliers, contractors (including their employees), students and others having dealings with Nova Pioneer.

A non-employee who is a victim of sexual harassment may lodge a grievance with management if the harassment has taken place in the workplace or in the course of the harasser's employment.

4. Definition of Sexual Harassment

Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

Sexual attention becomes sexual harassment if:

- the behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; 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 unacceptable.

5. Forms of Sexual Harassment

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the following examples:

- 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.
- Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or to them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling at a person or group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure and the unwelcome display of sexually explicit pictures and objects.
- *Quid pro quo* harassment occurs where a member of management or co-employee undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee in exchange for sexual favours.
- Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his or her sexual advances, while other deserving employees who do not submit to sexual advances are denied promotions, merit rating or salary increases.

Occasional compliments of a socially acceptable nature do not constitute sexual harassment, and nor do acceptable teaching methods aimed at eliciting debate and discussion. Mutual attraction between people also does not constitute sexual harassment and should be treated as a private concern.

6. Principles

- All acts of sexual harassment are prohibited.
- Management and employees should ensure that their conduct does not cause offence and they should discourage unacceptable behaviour on the part of others.

7. Procedures

7.1 Options

Although the process entails one of two possible options as determined by the Act (informal or formal), the employee should feel under no duress to accept one or the other option.

7.2 Informal procedure

- The employee concerned is given an opportunity to explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.
- If the informal approach does not resolve the matter satisfactorily, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure.

7.3 Formal procedure

- A grievance may be lodged with a representative from Talent.
- If the case is not resolved satisfactorily, it will be dealt with in terms of the dispute procedures (see below).

7.4 Investigation and disciplinary action

- Care will be taken during each investigation of a sexual harassment grievance to ensure that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be groundless.
- Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.

7.5 Criminal and civil charges

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by this policy.

7.6 Dispute resolution

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures set out above, either party may within 30 days of the dispute having arisen, refer the matter to the CCMA for conciliation in accordance with the provisions of section 135 of the Act. Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate issued by the commissioner in terms of section 135 (5).

8. Confidentiality

Employers and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.

In cases of sexual harassment, management, employees and the parties concerned must endeavour to ensure confidentiality at the disciplinary enquiry. Only appropriate members of management, and the aggrieved person, his or her representative, the alleged perpetrator, witnesses and an interpreter, if required, should be present at the disciplinary enquiry.

Employers are required to disclose to either party or to their representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of this policy.

9. Additional Sick Leave

Where an employee's existing sick leave entitlement has been exhausted, management will give due consideration to the granting of additional sick leave in cases of serious sexual harassment if the employee is deemed medically unfit to fulfil his/her duties.

10. Extension of the Application of the Policy

The policy also applies in the following instances, with the necessary changes in terms reporting and responsibility for investigation.

10.1 Sexual Harassment of an employee by a student

The employee reports the matter in writing to the School Leader, who instructs the Dean of Students to undertake an investigation.

10.2 Sexual Harassment of a student by an employee

The student reports the matter in writing to the School Leader, who instructs the Dean of Students to undertake an investigation.

10.3 Sexual Harassment of a non-employee by an employee

A non-employee reports the matter in writing to the Director of Talent, who instructs an appropriate person to undertake an investigation.

11. Romantic or Sexual Relationships

Nova Pioneer does not allow sexual or romantic relationships between employees and students, even if the relationships:

- a) are consensual;

- b) do not involve any position of authority (such as that of a teacher who is responsible for the supervision and evaluation of the student's work).

Any incidence of such relationships will be investigated by management and appropriate action may be taken.

12. Review of Policy

In order to remain relevant, this policy will be reviewed in terms of the Policy Management Policy.