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# The British School of Gran Canaria

## **BSGC Staff Sexual Harassment**

### Policy Document

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# THE BRITISH SCHOOL OF GRAN CANARIA

## BSGC STAFF SEXUAL HARASSMENT POLICY

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### A. Rationale

Sexual harassment of, or by, all persons within BSGC is unacceptable and is not tolerated. The British School considers sexual harassment in the work and the educational environment to be inappropriate and offensive. It will not be tolerated under any circumstances.

This policy clarifies and helps personnel to recognise, understand, prevent and take corrective action to address sexual harassment and other inappropriate behaviour of a sexual nature.

### B. Definition of Sexual Harassment

Sexual harassment is unwanted and unwelcome behaviour of a sexual nature which interferes with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working environment or of adversely affecting the employee's performance, advancement, assigned duties or any other condition of educational programs, employment or career development.

Sexual Harassment can occur between those of all sexual orientations and between those of any gender.

#### Conduct Which May Constitute Sexual Harassment

The following examples provide an illustration of the type of conduct proscribed by this policy; the list is not exhaustive.

- Unwelcome leering, staring, sexual flirtations or propositions.
- Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- Unwelcome graphic verbal comments about an individual's body or overly personal conversation.
- Unwelcome sexual jokes, stories, drawings, pictures, or gestures.
- Spreading of sexual rumours.
- Unwelcome touching of an individual's body or clothes in a sexual way.
- Cornering or blocking of a sexual nature of normal movements.
- Displaying objects in a sexually suggestive manner in the educational or work environment.

### C. Legal Protection

In addition to the school's policy, there are several laws and measures that protect individuals from sexual harassment and against acts of discrimination or other unlawful conduct.

Any person who has been sexually harassed has the right to file a complaint with national or provincial regulatory agencies. The following websites provide specific instructions for filing a complaint.

Below are links to related laws and other associated information:

- Spanish Law related to sexual harassment or harassment due to gender - <https://www.boe.es/eli/es-cn/l/2021/06/07/2/dof/spa/pdf>

- General guidance from Comunidad Autónoma de Canarias – <https://www.boe.es/boe/dias/2017/07/06/pdfs/BOE-A-2017-7819.pdf>
- Guidance on equality and non-discrimination towards gender identities, gender expression and sexual characteristics, especially with ‘harassment due to gender’ - [https://www.gobiernodecanarias.org/igualdad/violencia\\_genero/](https://www.gobiernodecanarias.org/igualdad/violencia_genero/)
- Document by Comisiones Obreras - <https://www.ccoo.es/2f7f86bfc8a8105e09b013342bbf9e0d000001.pdf>
- Short article and advice on sexual harassment and harassment due to gender in the workplace - <https://www.consultoriagenero.org/protocolo-de-acoso-sexual-y-por-razon-de-sexo-un-reto-para-las-empresas/>
- Another consulting agency and their article on the topic. <https://edutedisconsultoria.com/servicios/prevencion-del-acoso-sexual-y-por-razon-de-sexo/>  
<https://www.igualdadenaempresa.es/asesoramiento/acoso-sexual/home.htm>

## D. Steps To Be Taken to Report Sexual Harassment

Staff who have concerns or feel they are being sexually harassed can seek support from Human Resources, their line managers or *Comité de Empresa* representatives. Concerns about the Head or other senior leaders can, if necessary, be addressed directly to the Chair of the Board of Governors. A concern can be expressed informally or with a formal complaint, using the form in Appendix 1.

Additionally, if the internal school procedures do not resolve the concern, or do not deal with the concern in what is perceived as a satisfactory manner, then referral to the national and provincial law and/or outside agencies can be pursued.

### 1. Discipline/Consequences

BSGC will take all necessary steps to stop sexual harassment, and to prevent any future occurrences of such harassment. Any employee who permits or engages in such conduct may be subject to disciplinary action, up to and including dismissal.

Any employee who receives a complaint of sexual harassment from a student and who does not act promptly in forwarding the complaint to Safeguarding Lead could face disciplinary action.

An employee who retaliates against any individual who has made a complaint of sexual harassment, or against someone who has participated in an investigation of a complaint of sexual harassment, will be subject to disciplinary action, up to and including dismissal.

If appropriate, the school may refer the perpetrator of sexual harassment to any of the agencies listed above.

### 2. Reporting Procedure/Investigation

BSGC encourages and expects all incidents of sexual harassment to be reported to the Head or Human Resources, or the Chair of Governors in a concern about the Head.

- Any line manager who receives a report, verbally or in writing, from a person regarding sexual harassment of that person in the work setting, must notify the Head and Human Resources, or

the Chair of Governors in case against the Head, within 24 hours (or a reasonable extension of time thereafter for good cause).

- No person shall be required to report an allegation of sexual harassment to the individual who is accused of harassment.
- All complaints of sexual harassment will be investigated and promptly resolved.
- Upon receipt of an allegation of sexual harassment from a member of staff, the Head or Chair of Governors will identify an investigator who will initiate an investigation within 48 hours.
- During the investigation, the complainant and alleged harasser will have the opportunity to present witnesses or other evidence related to the complaint.
- The investigation will seek to respect the privacy of all parties concerned, to the extent permitted by law and as is practical and appropriate under the circumstances.
- Verbal reports of sexual harassment should be put in writing by the individual complaining or by the person who receives the complaints. The report should be signed by the person complaining. However, if a complaining person chooses not to sign a written complaint for any reason, a thorough and complete investigation must still be carried out.
- The assigned investigator will conclude their investigations as speedily as is reasonably possible and submit their findings, in a written report, to the Head or Chair of Governors, within one week after concluding the investigation. If an extension is required, this should be formally requested.
- The Head or Chair of Governors will communicate the investigation's findings to the complainant and the alleged harasser.
- The record of the investigation with findings and recommendation for discipline will be maintained in the Head's Serious Incidents file, separate and apart from any personnel files.
- Should an investigation suggest that the law has been broken, consultation with the school's lawyer and/or direct reporting to police will be considered.

## **E. Intimidatory or Retaliation Behaviour**

Retaliatory behaviour against a complainant or any participant in an investigation will not be tolerated. The good faith initiation of a complaint of sexual harassment will not reflect negatively on the person who initiates the complaint nor will it affect the person's job assignment, status, rights, privileges or benefits.

## **F. Penalty for Falsely Accusing a Person of Sexual Harassment**

Any alleged sexual harassment complaint made by a member of staff, which subsequent investigations reveals were made falsely, in that no sexual harassment occurred, shall be subject to disciplinary action.

## **G. Ensuring a Positive School Environment**

The Head and Governors have the responsibility of ensuring and maintaining a work/school environment that is free of sexual harassment. The Head, on behalf of the Governors, will take

appropriate action to reinforce and support the school's sexual harassment policy. These actions will include:

- Providing staff in-service training on sexual harassment and gender equality.
- Acquainting new employees with this policy.
- Taking prompt action to investigate complaints of sexual harassment.
- Taking appropriate disciplinary action as needed, including action to prevent reoccurrence of sexual harassment.
- Ensuring staff are aware of the procedures for reporting sexual harassment and the policy is easily available.