



Cook Islands Sports & National Olympic Committee

SEXUAL HARRASSMENT POLICY

1. POLICY

Sexual harassment is violation of human rights and will not be tolerated in the workplace. It may result in dismissal from employment. All efforts will be made to conduct fair and impartial investigations of complaints.

2. SCOPE

This policy sets out definition of sexual harassment, options for addressing sexual harassment and internal processes for investigating complaints of sexual harassment.

3. PRINCIPLES

- 3.1. Sexual harassment affects work effectiveness and staff morale.
- 3.2. Sexual harassment violates the right to enjoy a safe working environment.
- 3.3. Staff need to have clear understanding of definitions, expectations and boundaries around sexual harassment.

4. DEFINITIONS

Sexual harassment is defined as verbal or physical behaviour of a sexual nature, which is unwelcome to the receiver and is intrusive or embarrassing. Sexual harassment may include:

- 4.1. Sex oriented jokes.
- 4.2. Unwanted physical contact.
- 4.3. Offensive comments, gestures, materials or e-mails, requests for sexual intercourse including an implied or overt promise for preferential treatment, or threats concerning present or future employment status.

5. PROCEDURES

If any person or groups of people feel they have suffered some kind of harm due to harassment, that person will have access to a complaint review process. The complainant can follow one of the two complaint review processes, a) in house review, b) formal complaint by either lodging a personal grievance or a complaint to the Human Rights Commissioner.

6. IN HOUSE REVIEW

- 6.1. The complainant should report the circumstances of harassment as soon as possible to the Secretary General / Chief Executive Officer.
- 6.2. Throughout the process of investigation of the complaint, the rights of all individuals should be respected and confidentiality maintained wherever possible.
- 6.3. On receipt of a complaint the Secretary General / Chief Executive Officer should make an immediate formal record of the allegation and include the following details:
 - 6.3.1. Name of person registering the complaint.
 - 6.3.2. Name of person (or persons) alleged to have harassed the complainant.
 - 6.3.3. Details of the specific incident and any related incidents, including the date and place incidents are alleged to have taken place.
 - 6.3.4. The names of any staff members who witnessed the event or related events.
 - 6.3.5. Any request or suggestions raised by the complainant about the matter.

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- 6.3.6. The Secretary General / Chief Executive Officer and President of the Board will instigate an investigation within 5 working days of the receipt of the complaint.
- 6.3.7. The Secretary General / Chief Executive Officer and President of the Board need to provide the person accused of harassment with an opportunity to respond to the complaint. The discussion will include the following issues.
- 6.3.7.1. Explanation of the nature of the complaint.
- 6.3.7.2. A definition of what constitutes sexual harassment and clarification of the organisation's policies and procedures in regard to sexual harassment and sexual harassment complaints.
- 6.3.7.3. A written record of response to the allegations should be made.
- 6.3.7.4. The names of any witnesses the person identifies should be made.
- 6.3.8. Witnesses are then interviewed by the Secretary General / Chief Executive Officer and the President of the Board. These interviews need to be noted in writing and signed by the witness.
- 6.3.9. The Secretary General / Chief Executive Officer and President of the Board need to decide how to deal with the complaint based on the information available. It may be necessary to find additional information. Issues to be resolved include the following:
- 6.3.9.1. Did the events actually take place?
- 6.3.9.2. Was the alleged harasser or harassers aware of the organisation's policy on sexual harassment? To what extent might the failure by the organisation to make its policy known to the alleged harasser limit the harasser's understanding of what constitutes harassment?
- 6.3.9.3. To what extent could the alleged harasser knowing the organisation's policy and definitions of sexual harassment be expected to anticipate that their behaviour would offend, humiliate, or intimidate the complainant?
- 6.3.9.4. Had the complainant or others previously advised the alleged harasser that such behaviour or similar behaviour might constitute harassment or that such behaviour was unwelcome?
- 6.3.10. The Secretary General / Chief Executive Officer and President of the Board must decide if the action has proven to have taken place then there is the need to determine the extent to which the alleged harasser knowingly or deliberately offended, humiliated, or intimidated the complainant through sexually harassing behaviour.
- 6.3.11. A course of disciplinary steps needs to be determined. This could include compulsory training through to dismissal.
- 6.3.12. Where the action is proven not to have taken place, reconciliation of the parties involved needs to occur.
- 6.3.13. A written explanation of the findings, results and actions of the investigation should be provided to all those involved, including witnesses.
- 6.3.14. If the complainant is not happy with the outcome, a formal complaint can be made to the Human Rights Commission or a personal grievance lodged.
- 6.3.15. All records generated during the in-house investigation will be kept solely in a confidential "sexual harassment complaints" file.

Other Relevant Documents:

Employee's Code of Conduct
Anti-Bullying Policy

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