



Countering Harassment and Bullying Procedure

Purpose

The purpose of this procedure is to:

- Outline the implementation of the Inclusive Excellence policy with regards to bullying and harassment
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Scope

This procedure applies to all staff, students, and contractors. There are two process maps that provide further guidance of the process, one for students and one for staff.

Procedure

1. Any person who considers they have been harassed and/or bullied should act promptly.
2. In the first instance, a complainant should contact the appropriate Countering Harassment and Bullying Contact Person. The Countering Harassment Contact Person for students is a Student Issues Advocate and for staff the Equity and Inclusion Manager and/or a HR Business Partner
3. Where a complainant instead approaches someone who is not the appropriate Countering Harassment and Bullying Contact Person, the person contacted should provide the complainant with the name and location of the appointed Countering Harassment and Bullying Contact Person and encourage the complainant to contact them directly
4. In the first instance, a complainant should contact the appropriate Countering Harassment and Bullying Contact Person. The Countering Harassment Contact Person for students is a Student Issues Advocate and for staff the Equity and Inclusion Manager and/or a HR Business Partner
5. Both the complainant and the respondent are entitled to have a support person with them at any stage of the process provided under this policy.
6. At any stage the complainant may withdraw their complaint, whereupon the processes provided under this policy shall cease.
7. It is in the best interest of all parties for a complaint to be resolved promptly. The complainant will be advised of any alternative or additional internal processes that may be invoked, including whether or not the complaint may be dealt with under the Unitec Disciplinary Policy, where the respondent is a Unitec staff member, or under the Student Disciplinary Statute, where the respondent is a student.
8. Where it is determined that the complaint may be dealt with under the Unitec Disciplinary Policy (for staff) or the Student Disciplinary Statute, whichever is the relevant, and the complainant wishes their complaint to be dealt with in this manner, the procedures outlined in these documents shall be followed.
9. Outcomes of the initial contact may include, but are not limited to, any of the following:
 - The complainant choosing to take no further action;

- The complainant choosing to try and resolve the matter themselves (informal option: self help);
 - The complainant requesting that the complaint be taken further, and requesting mediation (informal option);
 - The complainant choosing to lodge a formal written complaint to be addressed through a formal disciplinary process (formal option);
 - The complainant choosing to progress with their complaint through external agencies, such as the Employment Relations Service or Human Rights Commission.
10. Where the complainant has identified formal disciplinary action as their chosen course of action, the Countering Harassment and Bullying Contact Person will initiate the complaint to be dealt with either under the Student Disciplinary Statute or Unitec’s Disciplinary Policy (for staff), whichever is the relevant.
11. Before formal disciplinary action may be initiated, the complainant shall provide to the appropriate Countering Harassment and Bullying Contact Person a formal written complaint, a copy of which shall be provided to the respondent by the appropriate HR Business Partner before formal disciplinary action is initiated.

Please see the relevant process maps in the Appendix section.

Responsibilities

Role	Responsibilities
<p>Countering Harassment and Bullying Contact Person</p>	<p>When first contacted by someone who considers that they have been harassed and/or bullied (the complainant), the Countering Harassment and Bullying Contact Person should provide assistance to the complainant. Such assistance may include, but is not limited to, any of the following actions:</p> <ul style="list-style-type: none"> • Clarification on whether the behaviour constitutes harassment and/or bullying; • Providing preliminary guidance to the complainant as to what courses of action are available to them for dealing with the matter, whether under the Inclusive Excellence Policy or New Zealand legislation; • Providing support and assistance in identifying the appropriate course of action to be taken, if any; • Completing a Harassment Information Collection Sheet. <p>Once contact has been made, the primary role of the Countering Harassment and Bullying Contact Person is to explore options with a view to resolving the matter and to offer appropriate support to the complainant. At this stage the objective is to encourage and assist the complainant to resolve the problem wherever possible, or to identify a suitable course of action appropriate to the circumstances.</p>
<p>HR Business Partner</p>	<p>Can be contacted as a Countering Harassment and Bullying Contact Person.</p>

	<p>Receive a formal written complaint directly or via another Countering Harassment and Bullying Contact Person and initiate the formal process.</p> <p>Where mediation is identified as a potential resolution, the HR Business Partner will organise a confidential mediation. shall appoint a mediator to intervene informally to facilitate the resolution of the complaint.</p> <p>Where the matter is resolved, the Mediator shall ensure that a report of the complaint and its resolution is forwarded to the HR Business Partner for such action as may be necessary.</p> <p>If the matter is not resolved, the Mediator shall inform the HR Business Partner and either party has the option of proceeding with the matter using any other process available to him/her under law.</p>
<p>Staff/student who consider they have been harassed and/or bullied</p>	<p>Contact a Countering Harassment and Bullying Contact Person</p>
<p>Staff/student who considers they have witnessed an incident of harassment and/or bullying</p>	<p>Contact a Countering Harassment and Bullying Contact Person. The options that may be considered include:</p> <ul style="list-style-type: none"> • The third person approaching the person they suspect is being harassed and/or bullied with a view to suggesting that the person approach the appropriate Countering Harassment and Bullying Contact Person directly; • The appropriate Countering Harassment and Bullying Contact Person discretely making contact with the person suspected of being harassed and/or bullied.

Definitions

Term	Means
Bullying	<p>Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.</p> <ul style="list-style-type: none"> • Repeated behaviour is persistent and can involve a range of actions over time. • Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, intimidating or threatening a person. <p>A single incident of unreasonable behaviour is not considered workplace bullying, but it could escalate and should not be ignored.</p> <p>Harassment and discrimination, which can be part of bullying, have their own legal remedies that are explained in the section on 'Other undesirable behaviour'.</p>
Complainant	<p>means the person who complains either formally or informally that he or she has experienced harassment and/or bullying as a result of the behaviour and/or actions of another person or persons</p>
Countering Harassment and Bullying Contact Person	<p>means a person appointed to act as the point of first contact for a complainant. The countering harassment and bullying contact person for students is a Student Issues Advocate and for staff is the Equity & Inclusion Manager and/or a HR Business Partner</p>
Mediation	<p>means the process whereby a Mediator (external or internal), is appointed by the GM HR and/or Countering Harassment and Bullying Contact Person to attempt to resolve a complaint of harassment and/or bullying</p>
Formal Disciplinary Action	<p>means the process whereby the and/or a HR Business Partner , following receipt of a formal written complaint from a complainant, initiates the complaint to be dealt with under either the Student Disciplinary Statute or Unitec's Disciplinary Policy (for staff), whichever is the relevant.</p>

Term	Means
Harassment	<p>(further description of sexual and racial harassment is defined below) is verbal, written, visual or physical conduct in relation to race, colour, ethnic or national origin, gender, age, disability, marital or family status, religion, ethical belief, political opinion, employment status, participation or the decision not to participate in the activities of an employees' association, sexual orientation or health status, and</p> <ul style="list-style-type: none"> • Is directed at an employee or student; <u>and</u> • Is offensive, intimidating or threatening in nature; <u>and</u> • Is unwelcome or offensive to the recipient; <u>and</u> • Is repeated or is of such a serious nature or persistent to the extent that it creates a hostile environment and/or has a detrimental effect on the individual's employment, job performance, opportunities of job satisfaction, or the student's ability to study. <p>Harassment does not include any review, counselling or disciplinary process or step undertaken on behalf of Unitec by an authorised person in accordance with Unitec's policies.</p>
Mediator	<p>means a person trained in mediation techniques and who is appointed by the GM HR and/or Countering Harassment and Bullying Contact Person to intervene, informally, to facilitate the resolution of a complaint of harassment and/or bullying.</p>
Harassment Information Collection Sheet	<p>means a confidential form on which A Countering Harassment and Bullying Contact Person confidentially (using no person identifying language) outlines the nature of the complaint and the course of action (if any) the complainant agreed to pursue.</p>
Racial Harassment	<p>is the use of spoken or written language, visual material or physical behaviour which:</p> <ul style="list-style-type: none"> • Expresses hostility, or brings into contempt or ridicule, any person on the basis of their race, colour, ethnic or national origins; and • Is hurtful or offensive to that person, whether or not that hurt or offence is conveyed; and • Is either repeated or so significant that it has a detrimental effect on a person's ability to study or engage in their normal work activities
Respondent	<p>means the person who has been named or identified by the complainant as the person who has allegedly harassed and/or bullied them.</p>

Term	Means
Sexual Harassment	<p>is to:</p> <ul style="list-style-type: none"> •make a request of any person for sexual intercourse, sexual contact or other sexual activity which contains an implied threat or promise of different treatment; or •use spoken or written language, visual material or engage in physical behaviour of a sexual nature to subject any person to behaviour that is unwelcome or offensive to that person, whether or not that is conveyed; <p>where such request or use is either repeated or of such a significant nature that it has a detrimental effect on that person’s ability to study or engage in their normal work activities.</p> <p>Sexual harassment may include, but is not limited to, the following behaviour:</p> <ul style="list-style-type: none"> •Sexually oriented visuals e.g. cartoons, posters, pin-ups, computer images; •Sexually offensive questions, comments, jokes, abuse, leering, wolf-whistles, innuendo; •Unwanted and deliberate sexual contact and touching; •Suggestive remarks, questions and comments that are sexual in nature; •Repeated unwanted e-mails or telephone calls that are sexual in nature.

Reference Documents

Related Legislation:

- Employment Contracts Act 1991
- Crimes Act 1961
- Human Rights Act 1993
- Privacy Act 1993
- Harassment Act 1997
- Employment Relations Act 2000
- Health and Safety in Employment Act 1992 and Amendment Act 2001
- Protected Disclosures Act 2001 Good Practice Guidelines: Preventing and Responding to Workplace Bullying (MBIE February 2014)
- Worksafe NZ

Related Unitec Policies:

- Towards Inclusive Excellence Strategy
- Unitec Disciplinary Policy
- Student Disciplinary Statute

Appendices

- Countering Harassment and Bullying Process Map – Staff
- Countering Harassment and Bullying Process Map - Student

Approval Details

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Contact Person	Equity & Inclusion Manager	Date of Next Review	May 2020