



Whakatika Whanonga | Bullying, Harassment and Discrimination Policy

Purpose

The purpose of this policy is to support a safe learning environment for Students that is free of Bullying, Harassment and Discrimination. The aim is to inform Students of the resolution processes available to address any concerns of this nature.

The policy reinforces Unitec's commitment to be proactive and minimise the risk of Bullying, Harassment and Discrimination to all Students.

Scope

This policy applies to any Student who is experiencing Bullying, Harassment or Discrimination and is seeking support to resolve the matter.

Policy Statements

1. This policy reflects Unitec values of [Te Noho Kotahitanga](#).
2. This policy aligns with the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code) and Te Pūkenga Te Rito Outcomes Framework.
3. Every member of the Unitec community has an obligation to refrain from Bullying, Harassing or Discriminating against a Student.
4. Every member of the Unitec community has a shared responsibility to support each other in this area.
5. All Unitec Staff will:
 - provide Students with the information to identify, report and resolve incidents in accordance with the [Guidelines for resolving complaints informally](#); and
 - direct Students to the [Student Complaints Resolution Policy](#) and [Procedures](#) should they wish to make a formal complaint; and
 - undertake responsibility to understand the Unitec Policy in relation to these matters; and
 - commit to embracing an environment in which it is unacceptable to Bully, Harass or Discriminate against a Student.
6. All Students are encouraged to:
 - Read the definitions section to help identify the behaviour as bullying, harassment or discrimination.
 - Refer to the [Guidelines for resolving complaints informally](#).
 - Refer to the [Student Complaints Resolution Policy](#) and [Procedures](#) to make a formal complaint.
 - Seek guidance from any Staff member for advice on the resolution process as needed. This includes:

Lecturer	Unitec Student Council Representative
Academic Programme Manager	Class Representatives
Head of School	

MAIA Centre Māori Champions	Student Central Advisor Student Support Advisor International Student Support Advisor Student Advocate Access 4 Success Disability Services
Pacific Centre Pacific Champions	Te Puna Waiora Medical Centre Counsellors
Under 25 Champions	Ally Network
Multi-faith Chaplaincy	Unitec Pathways College

- Only make an allegation or complaint in good faith and refrain from making allegations that are malicious, frivolous or vexatious.
 - Genuine complaints, even where unsubstantiated, are not malicious, frivolous or vexatious.
- All parties to the resolution process are to maintain confidentiality in the essence of Ngākau Mahaki (Respect) and in accordance with the Privacy Act 2020.

Associated Procedures and Guidelines

- a) [Guidelines for resolving complaints informally](#)
- b) [Student Complaints Resolution Policy](#)
- c) [Student Complaints Resolution Procedures](#)
- d) [Student Charter](#)
- e) [Code of Conduct & Student Disciplinary Statute](#)

Responsibilities

Role	Responsibilities
Staff	<ul style="list-style-type: none"> • Read and understand this policy. • Provide Students with the information to identify, report and resolve incidents. • Commit to embracing an environment that it is unacceptable to bully, harass or discriminate against a Student. • Treat Students with Ngākau Mahaki (Respect).
Student	<ul style="list-style-type: none"> • Engage in the process in good faith. • Seek support from Staff for advice and information on the resolution process. • Treat Staff and other Students with Ngākau Mahaki (Respect).

Definitions

Term	Means
Bullying	<p>Bullying is unwelcome and unreasonable behaviour that is repeated. This includes cyber-bullying</p> <ul style="list-style-type: none"> • 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. • Repeated behaviour is persistent and can involve a range of actions over time. A single incident of unreasonable behaviour is not considered Bullying, but it could escalate if repeated and should not be ignored. • Cyber-bullying is the use of electronic communication to bully, harass or frighten a person, typically by sending messages of an intimidating, embarrassing or threatening nature. <p>Bullying includes, but is not limited to:</p> <ul style="list-style-type: none"> • verbal abuse; yelling, using profanities/foul language • spreading malicious rumour, gossip, or innuendo • belittling a person's opinions • excluding, isolating or ignoring someone • intimidating a person – using psychological, physical or emotional forms • undermining or deliberately impeding a person's work • overloading, or unreasonably denying, or starving a person of responsibility • establishing impossible deadlines that will set up the individual to fail • physically threatening abuse/aggressive body language • making jokes that are 'obviously offensive' • unjustifiably blocking applications for training, leave or promotion <p>Bullying is not:</p> <ul style="list-style-type: none"> • One-off or occasional instances of forgetfulness, rudeness or tactlessness. • Setting performance agreements because of academic performance or disciplinary outcome. • Constructive feedback and legitimate advice. • A lecturer requiring reasonable verbal or written academic instructions to be carried out. • Warning or disciplining a Student in line with the Student Disciplinary Statute. • A single incident of unreasonable behaviour (but could escalate if repeated) • Action undertaken in an appropriate manner to transfer, discipline, advise, manage, counsel or expel a Student.

Term	Means
Discrimination	<p>Discrimination is when a person is treated less favourably than another person in the same or similar circumstances because of any of the prohibited grounds and may be unlawful.</p> <p>The prohibited grounds are:</p> <ul style="list-style-type: none"> • sex, (which includes for example pregnancy and childbirth); • gender identification; • marital status; • religious belief; • ethical belief; • colour; • race; • ethnic or national origins, which includes nationality or citizenship; • disability; • age; • political opinion; • employment status; • family status; • sexual orientation; and • union involvement. <p>Both the Human Rights Act and the New Zealand Bill of Rights Act recognise that to overcome Discrimination positive actions may be needed to enable particular groups to achieve equal outcomes with other groups in society. They are not discriminatory if the purpose is to achieve equality.</p> <p>Groups of people that may be entitled to special measures are linked by one of the grounds of unlawful Discrimination in the Human Rights Act (e.g., sex, ethnicity, disability) e.g., programme entry quotas for Māori and Pacific Students.</p>
Frivolous or Vexatious	<p>It is plain and obvious to a reasonable person that the complaint amounts to an abuse of the right to make a complaint. It is important to note that the complaint, not the complainant, must be vexatious.</p> <p>The following factors may be relevant in determining whether the complaint is frivolous or vexatious. A complaint is more likely to be considered frivolous or vexatious if:</p> <ul style="list-style-type: none"> • It lacks any serious purpose or value. • If the complainant has explicitly stated that their intention is to cause disruption, irritation or distress to the organisation or its staff. • If it causes unreasonable harassment or distress, e.g., includes derogatory remarks about staff. The harassment or distress must be unreasonable. The organisation will have to deal with frustrated people from time to time, and they can expect to face a certain level of criticism. • The language and tone of the complaint are aggressive, offensive, or abusive, e.g., threats have been made against staff, or racist language is used.

Term	Means
Harassment	<p>Harassment is verbal, written, visual or physical conduct in relation to race, colour, ethnic or national origins, gender, age, disability, physical appearance, marital or family status, religion, ethical belief, participating or not participating in the activities of an employee union, political opinion or sexual orientation that is unwelcome or offensive to the recipient.</p> <p>Harassment may be one incident of a serious nature or behaviour that is persistent to the extent that it has a detrimental effect on the recipient's employment or learning, including course performance, learning opportunities or course satisfaction.</p> <p>Harassment includes, but is not limited to:</p> <ul style="list-style-type: none"> • displaying sexual or sexist material • disruptive behaviour which interferes with the rights and learning opportunities of others • language and imagery which is offensive and/or intimidating (may be verbal, written or electronic) • hand gestures of an offensive nature • any threatening or acts of aggression, Bullying or intimidatory behaviour • calling others offensive nicknames • belittling others' religious or cultural beliefs • looking at others in such a way that they feel uncomfortable • invading others' personal space • touching others in a way they find unwelcome • making racist or sexist jokes or comments • mimicking others' accents, stutters or mannerisms • spreading rumours • playing ill-natured practical jokes • venting work pressure by swearing or using abusive language • requesting dates or sexual contact with others who find the approach unwelcome and/or where a formal imbalance of power exists, such as a Staff member making such requests of another person • threatening or implying adverse treatment if requests for sexual contact is not agreed to <p>Harassment is not: any review, counselling or disciplinary process or step undertaken on behalf of Unitec by an authorised person in accordance with Unitec's statute, policies and procedures.</p>
Staff	Individual employed by Unitec on a full time or part time basis.
Student	Individual who is enrolled at Unitec New Zealand Limited.

Reference Documents

Legislation

[Education and Training Act 2020](#)

[Education \(Pastoral Care of Tertiary and International Learners\) Code of Practice 2021](#)

[Employment Relations Act 2000](#)

[Harassment Act 1997](#)

[Harmful Digital Communications Act 2015](#)

[Health and Safety at Work Act 2015](#)

[Human Rights Act 1993](#)

[New Zealand Bill of Rights Act 1990](#)

[Privacy Act 2020](#)

Approval Details

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Consultation Scope	<p>Key stakeholders consulted in the review of this policy:</p> <ul style="list-style-type: none"> • Priority group Unitec Staff members • Ally Network • Diversity and Inclusion Rōpū • Unitec Staff • Unitec Student Council <p>2-week consultation period</p>		
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Contact Person	Director Student Success	Date of Next Review	May 2025