

Prevention of Harassment and Bullying Policy

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Approval Authority	Executive Director, Human Resources
Contact Officer	HR Manager, Operations & Legal - Human Resources

Introduction

This policy, and the associated procedures and processes which support its application, aims to ensure all staff and students understand the University's commitment to a positive environment free of harassment and bullying, know where to access support, and how they can raise a concern.

Definitions

Bullying – repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to their mental or physical health and safety. Examples of actions that may be regarded as bullying can be found in [Appendix A](#).

Harassment – unwelcome, unsolicited and unreciprocated behaviour by a person or group that may reasonably be expected to offend, humiliate or intimidate another, and may interfere with a person's right to work or study in a non-threatening environment. Examples of actions that may be regarded as harassment can be found in [Appendix A](#).

Harassment includes, but is not limited to, the abuse of or the improper assumption of power and is aggravated by the abuse of authority by one person over another.

Harassment can be based on the personal characteristics or physical appearance of a person or group or on their beliefs, opinions or affiliations (such as age, disability, ethnic or national origins, race or colour, religious belief, political opinion, sexual orientation and gender).

Racial Harassment – unwelcome, unsolicited behaviour that denigrates, humiliates or intimidates a person or group on the basis of their race, colour, ethnic or national origins, culture or ethno-religious background.

It is unlawful for any person to use language (whether written or spoken), visual material, or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the grounds of the colour, race, or ethnic or national origins, of such a significant nature that it has a detrimental effect on that other person's ability to engage in work or study activities.¹

Sexual Harassment – any form of sexual or gender orientated attention or behaviour that is unwanted and offensive to the recipient, and would also be offensive to an ordinary reasonable person. Sexual harassment may be intentional or unintentional and is not confined by definition to any gender or sexuality.

It is unlawful for any person to make a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.²

It is also unlawful for any person to use language of a sexual nature (whether written or spoken), visual material of a sexual nature, or physical behaviour of a sexual nature to subject any other person to behaviour that is unwelcome or offensive to that person and is either repeated, or of such a significant nature, that it has a detrimental effect on that person's ability to engage in work or study activities.³

Staff or staff member – for the purposes of this policy, the definition of "staff" or "staff member" extends to cover all persons working at, for, or on behalf of, the University (whether paid or unpaid), including but not limited to, contractors, subcontractors and their employees, adjunct appointees, Erskine visitors, consultants, guest lecturers, interns and volunteers.

Victimisation – treating people worse than others, dismissing them, offering them different terms and conditions of employment, and failing to offer promotion or other benefits because they have honestly and in good faith supported or participated in a complaint of bullying or harassment.⁴

Policy Statement

The University regards harassment and bullying of any kind involving staff or students, whether on or off campus, as unacceptable. The University is committed to providing an environment free from all forms of harassment and bullying and will address complaints in a timely manner.

¹ Section 63(1) Human Rights Act 1993; Section 109 Employment Relations Act 2000

² Section 62(1) Human Rights Act 1993; Section 108(1)(a) Employment Relations Act 2000

³ Section 62(2) Human Rights Act 1993; Section 108(1)(b) Employment Relations Act 2000

⁴ See Section 66 of the Human Rights Act 1993

Harassment and bullying can take different forms, including oral, written, physical, online or other non-verbal forms. The behaviours can be obvious or subtle, direct or indirect. The University is committed to providing a harassment-free and bullying-free environment where all people are treated with respect and dignity, and can contribute and participate to their full potential.

Harassment of any kind is harmful to the members of the organisation and can damage social and working conditions for staff, students, visitors and others. It also has the potential to damage the reputation of the University.

Staff and students are encouraged to promote and maintain a respectful and inclusive culture, recognising that University students and staff are from diverse backgrounds. All staff and students have a responsibility to ensure their behaviour is not offensive or harmful to others.

More specifically, all staff and students are responsible for helping to ensure that individuals do not experience any form of harassment or bullying. Any bystander who believes someone else affiliated with the University has been harassed or bullied is encouraged to take immediate steps to raise it with the appropriate person (as outlined in the Complaints and Support Section below). In such cases the University will make the alleged victim aware of the complaint and that person will be invited to comment should they wish to do so.

We will do our best to prevent harassment and bullying by making staff and students aware of this policy.

We will respond promptly, appropriately and fairly to any complaints that are brought to our attention. The University reserves the right to take such actions as are necessary to prevent the occurrence or recurrence of harassment and bullying situations.

Complaints and Support

The University's [Sexual Harassment and Sexual Assault webpages \(University Support Services website\)](#) provide details of the support available for staff and students who are victims of sexual harassment and sexual assault.

It is recognised that a student or staff member may find it difficult or embarrassing to instigate a complaint of bullying/harassment. Where an approach has been made to the University by someone who believes that they or someone they know, has been harassed/bullied then appropriate support will be offered by the University. The complaints process and support available may be different for students than it is for staff, as set out below.

All allegations of bullying or harassment will be taken seriously and will be dealt with in a sensitive and objective manner, respecting the rights of all parties involved. There will be no presumption ahead of a proper investigative process that the person accused of bullying/harassment has engaged in such behaviour.

Students and staff will be protected from intimidation, victimisation and discrimination when making a complaint or assisting with an investigation under this policy. Where the University considers it appropriate and practicable, it may make arrangements to separate the complainant and the person accused of harassment or bullying whilst an investigation or resolution process is underway.

On receipt of a formal complaint, the complainant will be informed of how the investigation will proceed. The complainant will be kept informed of the general process during the course of the investigation.

All information relating to complaints will be treated in accordance with the [Privacy Act 1993 \(New Zealand Legislation website\)](#).

Where an independent investigator prepares a report, both the complainant and the respondent will be provided with a copy and given an opportunity to provide a written response before a decision is made.

Students

The [Student Care webpage \(University Support Services website\)](#) provides details of the support available for students.

If a student wishes to discuss a matter informally (without formalising the complaint), the University's Grievance and Academic Process Coordinator can offer advice on options available for an informal resolution.

Students wishing to make a formal allegation of harassment or bullying should visit the [Raise a Concern webpage \(University Support Services website\)](#) and contact the University's [Grievance and Academic Process Coordinator](#).

Staff

If comfortable in doing so, a staff member who is concerned about another staff member's behaviour or conduct can choose to manage or address the issue themselves by approaching the other party privately to talk about those concerns and making it clear that they want the concerning behaviour to stop. Staff wishing to seek advice about options and/or deal with the matter informally should raise the issue with their Head, Manager or HR Advisor to discuss options for informal resolution.

Staff wishing to make a formal allegation of harassment or bullying about another staff member should visit [Raise a Complaint about a Staff Member \(by another Staff Member\) \(HR Toolkit\) \(Staff Only\)](#) and complete the [Notice of Complaint form \(Human Resources intranet\) \(Staff Only\)](#).

The University funded [Employee Assistance Programme \(EAP Services website\)](#) offers staff access to voluntary, confidential, safe and professional counselling services.

Staff may also wish to contact their [Union \(University HR Toolkit\) \(Staff Only\)](#) for independent advice.

Related Documents and Information

New Zealand Legislation

- [Employment Relations Act 2000 \(New Zealand Legislation website\)](#)
- [Harassment Act 1997 \(New Zealand Legislation website\)](#)
- [Harmful Digital Communication Act 2015 \(New Zealand Legislation website\)](#)
- [Human Rights Act 1993 \(New Zealand Legislation website\)](#)
- [Privacy Act 1993 \(New Zealand Legislation website\)](#)

UC Policy Library

- [Conflict of Interest Policy Principles and Guidelines \(PDF, 425KB\)](#)
- [Employee Disciplinary Policy \(PDF, 211KB\)](#)
- [Equity and Diversity Policy \(PDF, 224KB\)](#)
- [Staff Code of Conduct \(PDF, 289KB\)](#)
- [Student Code of Conduct \(PDF, 220KB\)](#)

UC Website and Intranet

- [Who can help me with my Concern? \(University Support Services website\)](#)
- [Raise a Concern \(University Support Services website\)](#)
- [Raise a Complaint about a Staff Member \(by another Staff Member\) \(HR Toolkit\) \(Staff Only\)](#)
- [Know the Code – Student Code of Conduct \(University Support Services website\)](#)
- [Student Emergency Response \(SERP\) Plan \(August 2017\) \(University Support Services website\)](#)
- [Sexual Harassment and Sexual Assault \(University Support Services website\)](#)

External

- [Netsafe \(Netsafe website\)](#)
- [Worksafe New Zealand \(Worksafe NZ website\)](#)

Appendices[Appendix A: Examples of Harassment and Bullying](#)

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
<i>For document history and versioning prior to 2013 contact ucpolicy@canterbury.ac.nz</i>			
1.00	Converted document to new template & updated hyperlinks	Policy Unit	Oct 2013
1.01	Hyperlinks updated	Policy Unit	Jul 2014
1.02	Unscheduled minor review by Contact Officer	Policy Unit	Dec 2014
2.00	Scheduled review by Contact Officer	Policy Unit	Dec 2015
3.00	Scheduled review by Contact Officer, major changes to content.	Executive Director, Human Resources	Sep 2018
3.01	Correction of minor mistakes, and references left out of previous version	Policy Unit	Sep 2018
3.02	Updated links to <i>Staff Disciplinary Policy</i> renamed <i>Employee Disciplinary Policy</i> .	Policy Unit	April 2019

This document remains in force until it is updated.

Appendix A: Examples of Harassment and Bullying

The examples listed below are not exhaustive but serve as an educational list.

These are examples of behaviours that **may** amount to harassment or bullying:

- Mimicking the way a person speaks, for example if the person has an accent;
- Making jokes or offensive remarks about a person's race, colour, ethnicity or nationality;
- Unnecessary and unwanted touching, patting, hugging or brushing against another person's body;
- Questioning or commenting on a person's sexual activities or history;
- Belittling remarks;
- Ignoring, excluding or isolating behaviours;
- Sharing intimate images online;
- Making repeated comments about a person's body or appearance;
- Abuse of the intrinsic trust, power and status differential that staff have with their students (as set out in Section 3 of the [Staff Code of Conduct \(PDF,289KB\)](#)).

These are examples of behaviours that **may not** be considered to be harassment or bullying:

- Friendly, light-hearted exchanges, non-sexual and non-racial mutually acceptable jokes and compliments;
- Healthy relationships between students, sexual or otherwise, where both people consent (as set out in UC Support Service's [Sexual Harassment and Sexual Assault webpages](#));
- Words or actions that are directed at the advancement of knowledge; add to critical debate; or which serve as a pedagogical framework and which are not targeted at individuals;
- A line manager issuing lawful and reasonable work-related instructions to a staff member and expecting them to be carried out;
- Warning or disciplining a member of staff in line with University policy, including giving negative feedback and requiring improvement.