

Harmful Sexual Behaviour Policy

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Rā Arotake | Next Review Date
Mana Whakaae | Approval Authority
Āpiha Whakapā | Contact Officer

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Vice-Chancellor
Executive Director, People, Culture and Campus
Life

Introduction | Kupu Whakataki

1. All members of the University Community have the right to be treated with dignity and respect and to work or study in a safe environment.
2. Harmful Sexual Behaviour has a significant impact on the safety and wellbeing of individuals, friends, peers, whānau and communities. Harmful Sexual Behaviour constitutes behavioural misconduct and is unacceptable and prohibited by the University.
3. This Kaupapa | Policy should be read with the Harmful Sexual Behaviour Procedure.
4. This Kaupapa | Policy sets out:
 - 4.1. The responsibilities of the University and Members of the University Community;
 - 4.2. Harmful Sexual Behaviours which are prohibited by the University;
 - 4.3. The role of Consent in relation to those behaviours; and
 - 4.4. How reports of Harmful Sexual Behaviour can be made to the University.
5. Information regarding how Students and Staff affected by Harmful Sexual Behaviour can access support is set out in the Harmful Sexual Behaviour Procedure.
6. This Kaupapa | Policy gives effect to the attributes that underpin Ngā Uara | Our Values:
 - Tika - doing what is right, being professional and maintaining high standards
 - Pono - being honest, truthful and acting with integrity
 - Aroha - being respectful, responsive and empathetic.

Scope

7. This Kaupapa | Policy applies to Members of the University Community when engaged in University Activities or on University Premises, or in other situations where there is a sufficient nexus/connection to the legitimate interests or concerns of the University.
 - 7.1. **Halls of Residence:** The University acknowledges that Accommodation Partners have their own policies, processes (e.g. investigation) and outcomes in relation to Student conduct that occurs when engaging in Halls of Residence activities or on Halls of Residence premises. Accommodation Partners are independent from the University and as such the University cannot direct or require Accommodation Partners to take any action.
 - 7.1.1. The University may, however, also take action against and/or impose measures or penalties on Students or Staff in relation to conduct that has a sufficient nexus/connection to the legitimate interests or concerns of the University, where such conduct occurs when engaging in Halls of Residence activities or on Halls of Residence premises.
 - 7.2. **UCSA:** The University acknowledges that the UCSA has their own policies, processes (e.g. investigation) and outcomes in relation to Student conduct that occurs when engaging in UCSA activities or on UCSA premises. UCSA is independent from the University and as such the University cannot direct or require the UCSA to take any action.
 - 7.2.1. The University may, however, also take action against and/or impose measures or penalties on Students or Staff in relation to conduct that has a sufficient nexus/connection to the legitimate interests or concerns of the University, where such conduct occurs when engaging in UCSA activities or on UCSA premises.

Policy Statement | Kaupapa Here

University Responsibilities

8. The University is committed to providing a safe environment for all Students and Staff and does not tolerate any act of Harmful Sexual Behaviour.
9. The steps the University will take to create and maintain a safe environment, and to protect the safety and wellbeing of affected Students and Staff, include but are not limited to:
 - 9.1. implementing awareness, education, training and prevention programmes;
 - 9.2. making information about reporting processes and support services readily available for Students and Staff affected by Harmful Sexual Behaviour;
 - 9.3. enabling Students and Staff affected by Harmful Sexual Behaviour to obtain appropriate support, either from internal or external service providers;

- 9.4. providing disclosure and reporting procedures for Students and Staff who have experienced Harmful Sexual Behaviour;
- 9.5. responding to Formal Complaints of Harmful Sexual Behaviour, including where appropriate investigating such Complaints;
- 9.6. ensuring the needs of the University's diverse community members are acknowledged and provided for in the University's Harmful Sexual Behaviour Procedures and support systems;
- 9.7. working collaboratively with the Accommodation Partners to:
 - 9.7.1. support education and training related to Harmful Sexual Behaviour prevention and response (for example, training of Taurima | Residential Assistants);
 - 9.7.2. refer students who have experienced Harmful Sexual Behaviour to internal and external support services;
 - 9.7.3. provide Students with ways to report Harmful Sexual Behaviour to the University.
- 9.8. working collaboratively with the UCSA to:
 - 9.8.1. support education and training related to Harmful Sexual Behaviour prevention and response (for example, training of UCSA affiliated Club Executives);
 - 9.8.2. refer Students who have experienced Harmful Sexual Behaviour to internal and external support services;
 - 9.8.3. provide Students with ways to report Harmful Sexual Behaviour to the University.
- 10. The University will not tolerate any act of Victimisation or Retaliation. Any such act will be considered a breach of this Policy and the University will take appropriate action when such behaviour occurs.
- 11. The University will take appropriate action if a Harmful Sexual Behaviour report is assessed to be Vexatious or Malicious.

Responsibilities of All Members of the University Community

- 12. All Members of the University Community must not engage in Harmful Sexual Behaviour towards any other Members of the University Community.
- 13. Students and Staff may be asked to undertake education and training in relation to Harmful Sexual Behaviour prevention and response.

14. Staff are expected to handle Disclosures and/or Formal Complaints of Harmful Sexual Behaviour in a compassionate, empathetic and supportive way and refer to internal and external support services as appropriate.
15. No member of Staff or Student will attempt to investigate allegations of Harmful Sexual Behaviour unless they have the authority to do so under the Harmful Sexual Behaviour Procedures and relevant UC Regulations and Policies.
16. Students and Staff may be asked to participate in an investigation of a report of Harmful Sexual Behaviour.

Meaning of Harmful Sexual Behaviour and Consent

17. For the purposes of this Policy, Harmful Sexual Behaviour is an overarching term used to describe behaviour of a sexual nature that is not Consented to. The term is further defined in the **Definitions Section**.
18. The University recognises that:
 - 18.1. Every person has a right to choose whether or not to participate in a Sexual Act.
 - 18.2. Consent to a Sexual Act is not to be presumed.
 - 18.3. Consent involves ongoing and mutual communication, decision-making and free and voluntary agreement between the persons participating in a Sexual Act.
19. The requirements for Consent are explained in the **Definitions Section**.
20. If a person engages in Harmful Sexual Behaviour while they are intoxicated, they are still responsible for that Harmful Sexual Behaviour. Being intoxicated is not an excuse for engaging in Harmful Sexual Behaviour and therefore self-induced intoxication will not be considered as a mitigating factor in investigations.

Misconceptions about Harmful Sexual Behaviour

21. All Members of the University Community ought to be aware of misconceptions about Harmful Sexual Behaviour and their implications.
22. Misconceptions about Harmful Sexual Behaviour can reduce empathy for, and shift blame to the Affected Party.
23. Misconceptions relating to Harmful Sexual Behaviour include, but are not limited to, misconceptions:
 - 23.1. about the prevalence or features of false complaints;
 - 23.2. that an Affected Party, or a Respondent has, or does not have, particular stereotypical characteristics;
 - 23.3. that Harmful Sexual Behaviour is committed only by strangers, or is less serious when committed by a family member or acquaintance;

- 23.4. that Harmful Sexual Behaviour always involves force or the infliction of physical injuries;
- 23.5. that, in an investigation, an Affected Party is less credible or more likely to have consented, or a Respondent's belief in consent is reasonable, based solely on the Affected Party –
 - 23.5.1. dressing provocatively, acting flirtatiously, or drinking alcohol or taking drugs;
 - 23.5.2. being in a relationship with a Respondent, including a sexual relationship;
 - 23.5.3. maintaining contact with a Respondent, or showing a lack of visible distress, after the alleged Harmful Sexual Behaviour.

Disclosure of Harmful Sexual Behaviour

- 24. The University strongly encourages Students and Staff who have been subject to or know of Harmful Sexual Behaviour to disclose this to the University and seek support. A **Disclosure** involves the sharing of information of Harmful Sexual Behaviour with a University Staff Member, without raising a Formal Complaint.
- 25. The manner in which a Disclosure can be made is set out in the Harmful Sexual Behaviour Procedures.
- 26. The University will take a survivor-led approach when responding to a Disclosure and will provide support and assistance to that person. The University will also respect the rights of the Respondent, as required by law, and will provide support and assistance to the Respondent. The support and assistance available are described in the Harmful Sexual Behaviour Procedures.
- 27. If an Affected Party and/or Disclosing Party makes a Disclosure of Harmful Sexual Behaviour, it may be necessary for the University to formally investigate the behaviour. If an investigation is necessary, the Affected Party and/or Disclosing Party who made the Disclosure will not be required to participate in the investigation unless they wish to do so.
- 28. There are no time limits on Students or Staff disclosing and seeking support or advice regarding an incident of Harmful Sexual Behaviour.

Formal Complaint

- 29. A **Formal Complaint** involves providing a formal account or statement about Harmful Sexual Behaviour to the University for the purposes of the University determining whether to investigate the complaint.
- 30. The manner in which a Formal Complaint can be made is set out in the Harmful Sexual Behaviour Procedures.

31. There is no time limit for the making of a Formal Complaint.
32. Support and assistance will be provided to the Student or Staff Member who has made the Formal Complaint. The support and assistance available are described in the Harmful Sexual Behaviour Procedures.
33. An Affected Party may choose to withdraw their Formal Complaint for various reasons. The act of withdrawal shall not, in itself, be construed as indicative of a vexatious or malicious intent.
34. For Formal Complaints that could amount to Harmful Sexual Behaviour, the University may choose to formally investigate. If the University chooses to investigate, the investigation will be conducted following the principles of natural justice, in a manner that is respectful to all parties.
35. The Respondent in the Formal Complaint process will be informed of the support options available to them during the investigation process. The support options available to a Respondent are described in the Harmful Sexual Behaviour Procedures.

Rights of Affected Parties and Respondents in relation to Harmful Sexual Behaviour

36. Affected Parties have the right to:
 - 36.1. Be treated in a manner that empowers them to determine their own needs and how to meet those needs.
 - 36.2. Be heard.
 - 36.3. Be treated with dignity and respect.
 - 36.4. Be free of blame or judgement, no matter the situation they were in at the time of the alleged Harmful Sexual Behaviour.
 - 36.5. Not be exposed to prejudice based upon age, disability, employment status, ethnic or national origins, family status, gender, marital status, religious belief, sex, and sexual orientation.
 - 36.6. Be provided with information about options for action and determine whether or not they wish to report to Police.
 - 36.7. In the case of Students and Staff, have access to Internal Support Services to support them in accessing individual accommodations (see Harmful Sexual Behaviour Procedures).
37. Respondents to allegations of Harmful Sexual Behaviour have the following rights:
 - 37.1. To be heard.
 - 37.2. Not to be presumed to have engaged in behaviour that breaches the Harmful Sexual Behaviour Policy ahead of a proper investigative process.
 - 37.3. To be treated with dignity and respect.
 - 37.4. To be dealt with in good faith in accordance with their employment agreement, where relevant for Staff.
 - 37.5. To access confidential support (see Harmful Sexual Behaviour Procedures).

- 37.6. To choose whether or not, and to what extent, they are willing to participate in any investigation.
- 37.7. Not to be exposed to prejudice based upon age, disability, employment status, ethnic or national origins, family status, gender, marital status, religious belief, sex, and sexual orientation.

Involvement of the Police / Other Regulatory Bodies

- 38. Students and Staff are encouraged to report their experience of Harmful Sexual Behaviour to the Police or any other relevant regulatory body at any time.
- 39. Making a Disclosure or Formal Complaint to the University does not prevent the matter being subject to Police investigation and subsequent prosecution, or other investigation and action by a relevant regulatory body.
- 40. Where the alleged conduct is the subject of an active criminal investigation or other investigation by an external regulatory body, the University investigation may be deferred. Interim safety measures may be imposed while the investigation is deferred.

Tautuhinga | Definitions

For the purposes of this Kaupapa | Policy and the Harmful Sexual Behaviour Procedure, the following definitions apply:

Accommodation Partner/s – A provider of accommodation (Halls of Residence) that is affiliated to the University by written agreement.

Affected Party – An individual who states they have been subject to Harmful Sexual Behaviour.

Consent – Consent to a Sexual Act must be clear and obvious and must be given freely and voluntarily at the time of the Sexual Act.

Consent can be withdrawn at any time, by words or conduct. A Sexual Act that occurs after Consent has been withdrawn occurs without Consent.

The fact that a person does not offer physical or verbal resistance to a Sexual Act does not of itself mean that they consent to it.

A person who Consents to a particular Sexual Act is not, by reason only of that fact, to be taken to Consent to any other Sexual Act. For example, a person who Consents to a Sexual Act using a condom is not, by reason only of that fact, to be taken to Consent to a Sexual Act without using a condom.

A person does not Consent to a Sexual Act when they:

- (a) are asleep or unconscious;
- (b) are substantially intoxicated by alcohol or any drug;

- (c) do not have capacity to consent because of their age, physical disability or cognitive capacity;
- (d) are intimidated, coerced or threatened;
- (e) participate in the Sexual Act because the person is overborne by physical force;
- (f) participate in the Sexual Act because the person is overborne by the abuse of a relationship of power, authority, trust or dependence;
- (g) are unlawfully detained;
- (h) are pressured to engage in the Sexual Act by another person who is in a position of power, authority, trust or dependence (either actual or perceived);
- (i) are misled (expressly or impliedly) or mistaken about the identity of any person involved; or
- (j) are misled (expressly or impliedly) or mistaken about the situation; or
- (k) participate in the Sexual Act because of a fraudulent inducement.

Disclosing Party – Any person who discloses alleged Harmful Sexual Behaviour under the Harmful Sexual Behaviour Policy.

Harmful Sexual Behaviour – For the purposes of this Policy, a person will be considered to have engaged in Harmful Sexual Behaviour if they engage in a Non-Consensual Sexual Act, Sexual Harassment or Voyeurism as defined in this Policy. Threatening to engage in any of these behaviours will also be considered Harmful Sexual Behaviour.

Where a person complains of Harmful Sexual Behaviour, no account shall be taken of any evidence of the complainant's sexual experience or reputation.

Members of the University Community – This means any of the following:

- (a) Members of the University Council;
- (b) Staff (see Definition below);
- (c) Students (see Definition below);
- (d) Members of student organisations including student groups, clubs and societies;
- (e) Contractors, sub-contractors and their employees working on University Premises;
- (f) Consultants;
- (g) Tenants and licensees of University Premises or taking part in University Activities;
- (h) Members of the public who are visiting University Premises or taking part in University Activities; and
- (i) People external to the University with whom Students or Staff interact as part of their University study or University work.

NOTE: Per Clause 7, the Kaupapa | Policy applies to Members of the University Community when engaged in University Activities or on University Premises, or in other situations where there is a sufficient nexus/connection to the legitimate interests or concerns of the University.

Non-Consensual Sexual Act: For the purposes of this Policy, a person will be considered to have engaged in a Non-Consensual Sexual Act if:

- (1) Person A engages in a Sexual Act with Person B; and
- (2) The Person B did not Consent to the Sexual Act; and
- (3) Person A should reasonably have known that Person B did not Consent to the Sexual Act.

Respondent – An individual alleged to have breached the Harmful Sexual Behaviour Policy.

Retaliation – Any action intended to harm any person, or any threat to cause harm to any person, as retribution for a disclosure, report or complaint made under this Policy, or to dissuade a person from making such a disclosure, report or complaint.

Sexual Act - a Sexual Act can include, but is not limited to:

- Sexual intercourse;
- The penetration (or attempted penetration) of one person by another person by genitals, fingers or objects.
- Oral sex given or received.
- Sexual touching – that is, touching or threatening to touch a person in a sexual way. This can include:
 - Touching of a person's breast, bottom or genitals;
 - Touching on top of or under clothing;
 - Kissing;
 - Person A making Person B touch Person A's breast, bottom or genitals; or
 - Person A making Person B touch Person B's own breast, bottom or genitals.
- Behaviour of a sexual nature with or towards another person, or when a person is made to do something of a sexual nature including:
 - Masturbating in front of another person;
 - A person showing another person their genitals;
 - A person sending another person an unwanted sexual image or an unwanted image of genitals, breasts or bottom; or
 - Making a person show another person their breasts, bottom or genitals.

Sexual Harassment– For the purposes of this Policy, Sexual Harassment means:

- (1) By the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that -
 - a. is unwelcome or offensive to that person (whether or not that is conveyed to the first-mentioned person); and

- b. is either repeated, or is serious enough to have a harmful or detrimental effect;¹ and/or
- (2) To request sexual intercourse, sexual contact or another form of Sexual Act with an implied or overt promise of a reward or preferential treatment if the Sexual Act is agreed to, or with an implied or overt threat of negative consequences or detrimental treatment if the Sexual Act is refused.²

Examples of behaviour which may amount to Sexual Harassment (where the requirements of 1a and b and/or 2 above are met) include but are not limited to:

- (a) Unwelcome or offensive sexual comments, jokes and innuendos, including comments, jokes and innuendo in emails and other forms of electronic communications;
- (b) Unwelcome touching, hugging or kissing;
- (c) Staring or leering;
- (d) Unwanted invitations to go out on dates;
- (e) Unwanted requests for sexual contact;
- (f) Being overlooked for work, research or study opportunities or promotion as a result of rejecting a person's advances; or receiving a work, research or study opportunity or promotion as a result of accepting those advances;
- (g) Receiving an unusually low mark or grade in a piece of assessment after rejecting a person's advances, or receiving an unusually high mark or grade in a piece of assessment after accepting a person's advances;
- (h) Intrusive questions about a person's private life or body;
- (i) Sexually explicit emails or messages;
- (j) Unwelcome touching or interfering with a person's clothing, such as lifting up a skirt or pulling down trousers;
- (k) Displaying sexually offensive images. For example, having screen savers or posters of a sexual nature;
- (l) Image based abuse (also known as image based sexual abuse, revenge porn or sextortion) being the non-consensual taking or sharing of intimate images or video.

Sexual Harassment does not require an intention to sexually harass the other person.

Staff and Staff Member – This means all persons working at, for, or on behalf of the University (whether paid or unpaid), including but not limited to employees, adjunct appointees, Erskine visitors, fellows, guest lecturers, interns and volunteers.

Student – A person who is enrolled as a student at the University, either directly or through official arrangements with another organisation.

UCSA – This means the University of Canterbury Students Association.

University – This means Te Whare Wānanga o Waitaha | University of Canterbury.

¹ This behaviour may also be unlawful under section 62(1) Human Rights Act 1993 or section 108(1) Employment Relations Act 2000.

² This behaviour may also be unlawful under section 62(1) Human Rights Act 1993 or section 108(1) Employment Relations Act 2000.

University Activities – This means the activities of the University and Members of the University Community including, but not limited to:

- (a) Teaching, study and research at the University;
- (b) The management or administration of the University;
- (c) Any clinical, professional or practical work, including workshops, camps or field trips or vocational placements, which is part of University study or work;
- (d) Any other activities arranged, sponsored, controlled or supervised by the University;
- (e) Activities on any University Premises and University Homestays;
- (f) Travelling for purposes relating to the University;
- (g) Activities using information or communication technologies associated with the University (whether officially or informally) such as email, online learning platforms and groups and/or pages on social media.

University Premises – This means any:

- (a) Premises or campus that is owned, operated, supervised, occupied or controlled by the University; and
- (b) Premises on which University Activities take place.

Vexatious or Malicious – A disclosure, report or complaint will be considered vexatious or malicious if:

- (a) It does not have a basis in fact; and/or
- (b) It is made for an improper purpose. For example, it is intentionally made to damage another person's or the University's reputation or standing.

Victimisation – Treating or threatening to treat other people less favourably than others because they have honestly and in good faith supported or participated in the disclosure, reporting, or investigation of Harmful Sexual Behaviour. This may include, but is not limited to:

- (a) dismissing a Staff Member;
- (b) offering a Staff Member different terms and conditions of employment;
- (c) failing to offer a Staff Member a promotion or other benefits otherwise due to them;
- (d) impacting, or threatening to impact, a Student's studies (e.g. giving poor marks, stopping the student getting into a programme and/or removing/withholding academic transcripts); or
- (e) making a false accusation of academic or behavioural misconduct against a Student.

Voyeurism – Surreptitiously watching or recording a person engaged in a private activity, on purpose and for sexual gratification, when the person being watched or recorded is in a place that would reasonably be expected to be private. Examples include but are not limited to watching or recording someone who is:

- Naked;
- Partly undressed or wearing underwear only;
- Using the toilet, showering or bathing; or
- Engaged in a Sexual Act.

Related Documents and Information | He kōrero anō

Legislation | Whakaturetanga

- [Crimes Act 1961](#)
- [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](#)

UC Policy Library | Te Pātaka Kaupapa Here

- [Prevention of Harassment and Bullying Policy](#)
- [Staff Code of Conduct](#)
- [Student Code of Conduct](#)

UC Website and Intranet | Te Pae Tukutuku me te Ipurangiroti o UC

- [Harmful Sexual Behaviour – UC Website Information](#)
- [Ākonga Māori | Māori Student Support](#)
- [Atawhai Ākonga | Student Care](#)
- [EAP Services \(Staff\)](#)
- [Pacific Development Team](#)
- [People and Culture Team \(Staff\)](#)
- [Rainbow Leads](#)
- [Raise a concern | Support services | University of Canterbury](#)
- [Support for Students | Support services | University of Canterbury](#)

This policy remains in force until it is updated.

Document History and Version Control			
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v 1.0	New Policy	Vice-Chancellor	19 May 2026