

Harmful Sexual Behaviour Procedures

Nōnahea i Whakarerekē | Last Modified

May 2026

Rā Arotake | Review Date

May 2030

Mana Whakaae | Approval Authority

Vice Chancellor

Āpiha Whakapā | Contact Officer

Executive Director, People, Culture and Campus

Kupu Whakataki | Introduction

1. The Harmful Sexual Behaviour Procedures accompany the Harmful Sexual Behaviour Policy. It includes:
 - Information about seeking support for Harmful Sexual Behaviour;
 - Information about how to Disclose and/or make a Formal Complaint of Harmful Sexual Behaviour to the University;
 - Information about individual accommodations and protective safety measures;
 - Information about what happens when someone submits a Formal Complaint; and
 - Confidentiality, limits on confidentiality and requests for no action.
2. The University strongly encourages Students and Staff who are affected by Harmful Sexual Behaviour, or who know of Harmful Sexual Behaviour, to report and seek support for Harmful Sexual Behaviour. All reports of Harmful Sexual Behaviour will be treated seriously and will be handled respectfully and efficiently.
3. There are four key options for reporting and responding to Harmful Sexual Behaviour:
 - **Seeking immediate help** due to being unsafe, in immediate danger or requiring immediate medical attention;
 - **Disclosing** to understand available options and/or seek support;
 - **Seeking Informal Resolution;**
 - **Making a Formal Complaint.**

Seeking Immediate Help

4. If a person is in immediate danger or requires immediate medical attention, contact:

Ambulance

If you need immediate medical help, ring 111.

Ask for an ambulance and tell them where you are.

Police

If you are in danger and need help now, ring 111.
Ask for the police and tell them where you are.

Emergency Event on Campus

Call 0800 823 637 or ext. 92111 (from Campus landline); or
Press the red button on one of the 13 help point towers located across campus (See [Maps](#)).

5. For someone who is not in immediate danger, but an **incident has occurred in the last 7 days**, there are forensic assessment options available. This is where a specifically trained doctor tries to collect evidence which may be used in a criminal investigation (if an incident is reported to the Police). Health and Wellbeing Check-ups which include medical care are also available. See our [Immediate Need Pathway](#) for more information.

Incidents in Halls of Residence

6. The Accommodation Partners that provide Halls of Residence accommodation are independent from the University. The University cannot direct or require Accommodation Partners to take any action in respect of alleged Harmful Sexual Behaviour that has occurred in Halls of Residence premises or during Halls of Residence activities.
7. If an Affected Party is a Student who is resident in a Halls of Residence, they will be encouraged to disclose the incident to the relevant Accommodation Partner, so that appropriate measures can be put in place by the Accommodation Partner to protect their wellbeing and safety while they are present in Halls of Residence premises or engaged in Halls of Residence activities.
8. The University may also separately take action against and/or impose other measures or penalties in relation to conduct that has occurred on Halls of Residence premises or while a Student has been engaged in a Halls of Residence activity, where the conduct has a sufficient nexus/connection to the legitimate interests or concerns of the University.

Disclosing

9. Disclosing involves the sharing of information of Harmful Sexual Behaviour to a University staff member or support service/person, without raising a Formal Complaint. An Affected Party and/or Disclosing Party may disclose to understand the options available to them and/or to seek support. A person who makes a Disclosure may later choose to lodge a Formal Complaint or seek Informal Resolution.
10. Disclosures can be made by a third party (e.g. bystander, peer, colleague, friend). Third parties will be provided with advice and support.

Who to disclose to

11. The University recommends that Disclosures are made to the support teams referred to in the Support Services section below, as these people are best placed to provide appropriate support and referrals to external support organisations.

12. An Affected Party and/or Disclosing Party of Harmful Sexual Behaviour may also choose to disclose to a Staff member or Student that they trust who is not part of a specialist support team. These people are called First Responders. The role of a First Responder is to listen to a disclosure with empathy, ensure safety first and offer support options.

12.1 If the First Responder is a Staff member, they are expected to:

12.1.1. provide information about support options and offer to facilitate contact with a support service (for a list see paragraph 15 for Student support services or 19 for Staff support services). Where the Affected Party is an international Student or a Student under the age of 18 years, a referral to Student Care must be made as soon as practicably possible, to ensure compliance with the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021.

12.1.2. advise the person from whom they received the disclosure of the right of an Affected Party to seek a formal investigation (subject to the Scope of the Harmful Sexual Behaviour Policy as set out in paragraph 7 and Rights of Affected Parties as set out in paragraph 36). See paragraph 37 for what the University can provide where the incident does not come under the scope of the University's Harmful Sexual Behaviour Policy.

12.1.3. advise the Prevention & Response Lead – Harmful Sexual Behaviour of the disclosure (identifying the Affected Party only if they consent) for the purpose of:

- maintaining an overview of disclosed incidents across the University.
- ensuring, as far as consistent with the Affected Party's willingness to be identified, that appropriate support is offered.

12.1.4. refer and/or seek advice from People and Culture Business Partner(s) where the disclosure relates to potential misconduct by a Staff member (identifying the Affected Party only if they consent).

12.1.5. See First Responder Pathway (Staff only) for more information.

12.2 If the First Responder is a Student they are encouraged to:

12.2.1. advise the person who made the disclosure of the internal support services available to them (for a list see paragraph 15 and 19), and to offer to facilitate contact between the person and an appropriate internal support service.

12.2.2. contact internal support services (for a list see paragraph 15) for further information and support.

13. Disclosures can also be made anonymously using the Report It Tool (see [How to raise a concern](#)). The University is limited in the action it can take after receiving an anonymous disclosure. In accordance with principles of natural justice, the University cannot undertake an investigation based on information provided through an anonymous disclosure. Only a limited number of specialist staff have access to information provided in an anonymous disclosure. These people are responsible for identifying the actions to be taken in relation to the disclosure, which could include implementing education and training aimed at preventing further incidents occurring.

Support Following a Disclosure

14. There are services and people available to Staff and Students who can provide support and advice about available options to those affected by Harmful Sexual Behaviour.

University Support Services for Students

15. For Students affected by Harmful Sexual Behaviour, the following University primary support services can provide advice and support, safety planning and academic support and make referrals to community support services and financial assistance:

- Atawhai Ākonga | Student Care
- Te Whare Hauora | UC Health Centre

16. There are also community responsive teams that can provide support alongside the above primary support services.

- International Student Care
- Pacific Development Team
- Rainbow Leads
- UC Māori Student Support

17. See [Harmful Sexual Behaviour Support Options](#) and [Harmful Sexual Behaviour Reporting Options](#) for contact details and Student Support & Report Pathway for more information.

University Support Services for Staff

18. For Staff affected by Harmful Sexual Behaviour, the following University support services and people can provide advice and support, safety measures and employment support and make referrals to community support services:

- The line manager, with advice from the relevant People and Culture Business Partner;
- The University's Employee Assistance Programme, provided by Telus Health; or
- Te Whare Hauora | UC Health Centre (GP services for enrolled patients).

19. See [Harmful Sexual Behaviour Support and Reporting Options](#) (Intranet – Staff only) for contact details and Staff Support & Report Pathway for more information.

Community Support Services

20. There are also a range of support services available in the community. See [Harmful Sexual Behaviour Support Options](#) (Students) and [Harmful Sexual Behaviour Support and Reporting Options](#) (Intranet – Staff only) for more information.

Safety measures and accommodations

21. Upon disclosing to a support team, an Affected Party may seek to have individual accommodations and/or protective safety measures put in place to protect their wellbeing

and safety. The support team will discuss the options for individual accommodations or protective safety measures with the Affected Party.

22. Individual accommodations are services or supports that can be put in place to assist an Affected Party. Individual accommodations can be put in place without the Respondent being involved or notified.

23. Protective safety measures are intended to ensure that no Harmful Sexual Behaviour or Retaliation or Victimisation occurs. If protective safety measures are sought, the respondent will need to be identified and notified of the protective safety measures that are to be implemented.

24. Some examples of **individual accommodations** that may be available include:

- Access to counselling and medical services
- Withdrawal from course(s)
- Special consideration in examinations or tests and assessments where study or performance has been affected (See [Special Consideration](#)).
- Extensions of time to submit course work, assessments and essays
- Flexible class attendance or transfer to another lecture stream
- Provision of security escorts
- Voluntary leave of absence, including to attend appointments
- Flexible working arrangements for Staff, including changes to start and finish times, a change of work location or tasks
- Alternative job duties for Staff
- Leave for Staff.

25. Some examples of **protective safety measures** include:

- Non-contact orders
- Prohibition on attending University events or places, or otherwise limiting access to specified Campus places
- Other measures directed/ordered by the Proctor or Registrar under the Behavioural Misconduct Regulations
- Measures directed by a Staff Member's Executive Dean or Executive Director in accordance with the Staff Member's employment arrangements.
- Other measures mutually agreed to by the Affected Party and the Respondent.

Note: In some cases protective safety measures may only be put in place with the agreement of the Respondent, or may be imposed under relevant University regulations and policies, or under any relevant contractual arrangement. Any agreement to comply with protective safety measures by a Respondent in the absence of a formal investigation shall not be considered indicative of an acceptance that Harmful Sexual Behaviour has occurred.

26. If any other protections have been put in place by the Court, such as a Protection Order or a Restraining Order, the Respondent will need to comply with these Orders while on Campus as well as any other protective safety measures that are put in place by the University.

Informal Resolution

27. If safe and appropriate to do so, a Student or Staff Member affected by Harmful Sexual Behaviour may consider allowing the person or people involved in that behaviour to be approached with a view to resolving that matter in an informal way. This may be done by or with the support of a Line Manager or People and Culture Business Partner (for Staff) or another appropriate person (such as a Student Care advisor or UCSA advocate) for Students. If Informal Resolution is attempted but is unsuccessful, this does not prevent a Formal Complaint being made.

Making a Formal Complaint

28. Making 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.

29. There is no time limit for the making of a Formal Complaint. However, the University encourages Affected Parties to make a complaint as soon as possible, as a delay in reporting can affect the University's ability to investigate and may limit the steps that can be taken in response to the complaint.

30. For Formal Complaints that could amount to Harmful Sexual Behaviour, the University may decide to proceed with a formal investigation. This will usually require disclosure of the Affected Party's identity and the allegations to the Respondent so the matter can be investigated and natural justice requirements are met.

31. There will be no presumption ahead of a proper investigative process that the person accused of Harmful Sexual Behaviour has engaged in such behaviour.

32. During a formal investigation, consideration will be given to whether there is a need for any protective safety measures or individual accommodations to be put in place to protect the safety and wellbeing of all parties and to protect the integrity of any investigation. The support services referred to above will also be available to Students and Staff impacted by the investigation.

33. Before any investigation begins, the Respondent will be informed of their rights and obligations in relation to the investigation; and of the availability of support and advocacy services as appropriate to the circumstances.

34. Information about the Formal Complaint process is available at:

- [Student Complaints Procedures](#)
- [Personal Conduct](#) (Intranet – Staff only) and complete the [Notice of Complaint](#) form.

35. Where the incident does not come under the scope of the University's Harmful Sexual Behaviour Policy, the University will not investigate under the Policy but can still provide support and individual accommodations to affected Students and Staff. Affected Parties can also report the incident(s) to the Police if they choose to.

Investigation of Formal Complaint of Harmful Sexual Behaviour

36. The decision to commence a formal investigation will be made by:

- 36.1. The University Proctor in consultation with the University's Legal Team, in the case of an allegation concerning a Student.
- 36.2. People & Culture in consultation with the University's Legal Team, in the case of an allegation concerning a Staff Member.
- 36.3. In circumstances involving an allegation against a person who is both a Student and a Staff Member, the appropriate decision maker will be determined based on whether the alleged conduct was predominately carried out in the person's role as a Staff Member or as a Student.

37. Where the allegation is made against a person who is a Student, the investigation will be carried out in accordance with the requirements of the Behavioural Misconduct Regulations.

38. Where the allegation is made against a person who is a Staff Member, the investigation will be carried out in accordance with the requirements in the Employee Disciplinary Policy and any requirements of the Staff Member's employment agreement or independent contract with the University.

39. An appropriate decision maker will be appointed. For Student conduct, the decision maker will usually be a University Proctor. For serious behavioural misconduct the decision may be escalated to the Misconduct Committee. For complaints against Staff Members the decision maker will usually be the Executive Dean, Executive Director or another appropriate senior Staff Member.

40. The University may choose to appoint an external investigator to conduct the investigation and to provide a report of factual findings to the decision maker.

Timing

41. The University will seek to complete investigations in a timely manner, taking into consideration the complexities of the case. Expected timeframes will be communicated to the Affected Party and Respondent at the commencement of the investigation, and updates on the progress of the investigation (including any changes to estimated timeframes) will be provided regularly as reasonable.

42. If the behaviour has also been reported to the Police or another external regulatory body, the University investigation may be deferred pending the outcome of that process. Interim protective safety measures and/or individual accommodations may be imposed while the investigation is deferred.

Interim Safety Measures

43. The decision maker, or other person with appropriate authority, may impose interim protective safety measures while the investigation is carried out, to reduce the potential for harm to any Member of the University Community. This includes taking appropriate action towards any acts of Retaliation. Interim protective safety measures do not in any way signal or anticipate the outcome of any University process.

Investigation Process

44. The process for an investigation will be determined by the investigator, taking into account the circumstances of the Formal Complaint, the principles of natural justice and any applicable UC regulations and policies.
45. The investigator must ensure that all parties involved in the investigation are treated fairly and reasonably. No person involved in the investigation is to be exposed to prejudice or discrimination based on their age, disability, employment status, ethnic or national origins family status, gender, marital status, religious belief, sex, and sexual orientation.
46. In all cases, the investigator will provide the Respondent with:
 - 46.1. The allegations in sufficient detail to ensure they have a reasonable opportunity to respond; and
 - 46.2. A reasonable period of time in which to respond to the allegations.
47. The investigator will advise all parties to the investigation of the right to be supported by a support person(s) of their choosing, and/or whānau, if they wish.
48. The University cannot require the Respondent, the Affected Party, or any other person to participate in an investigation. However, the University may still choose to proceed with the investigation even if one or more parties do not wish to be involved.
49. The investigation will determine whether the Formal Complaint is substantiated or partially substantiated to the appropriate standard of proof in the circumstances, or if it is not upheld. If the complaint is substantiated or partially substantiated, the investigation will determine whether the behaviour constitutes a breach of the Harmful Sexual Behaviour Policy or other University policies, procedures, employment contracts or codes of conduct.
50. The outcome of the investigation will be provided in writing to the Affected Party and the Respondent. Ongoing support will be referred to/offered as appropriate in the circumstances.

Outcomes following investigation of Formal Complaint of Harmful Sexual Behaviour

51. The University decision-maker will consider the findings of the investigation and determine the appropriate next steps, including whether any penalties and/or other permanent protective safety measures should be imposed.
52. Depending on the particular circumstances, the penalties and protective safety measures may include, but are not limited to:
 - Exclusion from parts or all of University premises;
 - A non-contact order;
 - Suspension or cancellation of University enrolment for Students.
53. Disciplinary action, up to and including summary dismissal for Staff. The Student or Staff Member will be provided with information about any appeal or other process available to them if any penalties or permanent protective safety measures are imposed.

Withdrawal of a Formal Complaint

54. At any time throughout the process, before a decision is made, an Affected Party may choose to withdraw their Formal Complaint. They should communicate this decision in writing to the decision maker or investigator.
55. In some cases, including where there is a significant risk to Members of the University Community, the University may still continue its investigation of the Formal Complaint. This will be determined by the Vice-Chancellor in consultation with the Prevention and Response Lead – Harmful Sexual Behaviour.
56. If a complaint is withdrawn, both the Affected Party and the Respondent can still seek support through internal and external support services.

Protected Disclosures

57. A protected disclosure notification may be made in regard to Harmful Sexual Behaviour of a serious nature in accordance with the [Protected Disclosures Policy](#).

Confidentiality, limits on confidentiality and requests for no action

58. All information received by the University in relation to an incident of Harmful Sexual Behaviour will be managed in accordance with the requirements of the Privacy Act 2020 and the University's Privacy Policy.
59. If a formal investigation occurs, the Affected Party, the Respondent and other participants in the investigation will be asked to maintain confidentiality. This is necessary to ensure the investigation process is fair to all parties. The requirement to maintain confidentiality will not extend to a disclosure of information that is necessary for a person to seek support.
60. To the extent possible, the University will respect an Affected Party's right to confidentiality and any request for no action to be taken. However, there may be circumstances where an investigation will be required even if the Affected Party has not directly sought this. There may also be an obligation to pass information on to another Staff Member (for example, the University Registrar, a University Proctor or a Senior Leadership Team member), and/or to a Student's nominated next of kin, and/or to the Police or other external organisation. This could occur for example if there appears to be a significant risk to the safety of the person making the disclosure or to the safety of others, or if there are statutory or professional ethical obligations that require investigation and/or disclosure.
61. The University's statutory obligations include a requirement under the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 to contact the next of kin of domestic students who are aged under 18 years or students who are international students if there is concern regarding their wellbeing or safety.
62. If a decision is made to investigate an incident, or to disclose information to another person or organisation, the person making this decision in consultation with the Prevention and Response Lead – Harmful Sexual Behaviour will, prior to the relevant

step being taken, discuss with the Affected Party and/or Disclosing Party the reasons for this and the steps that will be taken to manage any potential risks that may arise.

Definitions

63. For the purposes of this Harmful Sexual Behaviour Procedure, the definitions referred to in the Harmful Sexual Behaviour Policy apply.