

POLICY

ANTI-HARASSMENT AND BULLYING

(04.014)

POLICY

Northland Polytechnic is committed to ensuring that all employees, students and visitors are treated fairly, with dignity and respect by providing a work and learning environment that is free from harassment and bullying.

Northland Polytechnic considers any form of harassment and/or bullying to be totally unacceptable as this behaviour disregards the institutional values of Northland Polytechnic.

PURPOSE

The purpose of this policy is to provide an environment within Northland Polytechnic and all its facilities which is free from harassment and bullying.

APPLICATION AND SCOPE

This policy applies to all Northland Polytechnic Staff, Students and visitors at all sites.

DEFINITIONS

- *Bullying*
Bullying is persistent, offensive, abusive, intimidating, malicious or insulting behaviour (express or implied) which makes the recipient(s) feel threatened, vulnerable or humiliated, undermines their self-confidence and/or causes them to suffer stress.

- *Harassment*
Harassment is verbal or physical behaviour, including the misuse of visual or written materials, by one person towards another, which is perceived as offensive and / or discriminatory, and is of a serious or persistent nature, to the extent that it interferes with the individual's work or study.

- *Sexual Harassment*
 - a) asking for or suggesting:
 - i) Sexual intercourse;
 - ii) Sexual contact; or
 - iii) Any other form of sexual activity; which may be (but not necessarily accompanied by) a clear or suggested promise of preferential or detrimental treatment).

 - b) The use of unwelcome or offensive language, physical behaviour or visual material of a sexual nature, particularly if it is used in a repeated or severe manner (of such a significant nature that it has a detrimental effect on the person).

- *Racial Harassment*
The use of language (either written or spoken) or visual material or physical behaviour that either directly or indirectly:
 - expresses hostility against, or brings into contempt or ridicule, the person on the grounds of the race, colour, or ethnic or national origins of the person; and
 - is hurtful or offensive to the person (whether or not that is conveyed to the person or representative); and
 - has either by its nature or through repetition, a detrimental effect on the person's employment, job performance, job satisfaction or study.

Full legal descriptions of sexual and racial harassment are contained in sections 62 and 63 of the Human Rights Act 1993 and sections 108, 109, 116-118 of the Employment Relations Act 2000.

- *Anti-Harassment / Bullying Contact Person*
The Northland Polytechnic employee or Student who gives information and advice on the options and process involved and supports the complainant throughout the processes required by this policy.
- *Anti-Harassment / Bullying Coordinator*
The Northland Polytechnic employee who oversees the appointment, training and support of the Anti-Harassment and Bullying Contact People.
- *Mediator*
A trained Northland Polytechnic employee or Student who conducts mediation between parties if required or where it is deemed necessary an external mediator engaged on a case by case basis.
- *Mediation*
A process in which an impartial third party, called a mediator, intervenes in a conflict to assist the parties involved in the conflict, and help them to talk about the conflict and resolve it.

COMPLIANCE OBLIGATIONS

- *Human Rights Act 1993*
- *Employment Relations Act 2000*
- *Harassment Act 1997*

Responsibility Director Corporate Services
Approval dates February 2011
Next Review February 2014

OTHER RELATED DOCUMENTS

Policy: Equal Employment Opportunities (04.001)
 Policy: Disciplinary Processes (04.022)

PROCEDURES

- 1.0 Any person, staff member or student found to have harassed and/or bullied another staff member, student or visitor at Northland Polytechnic will be liable for disciplinary action in line with either the Northland Polytechnic Disciplinary Processes Policy (04.024) - staff members) or Student Complaints Policy (06.002) - (students).
- 2.0 Where a contractor is accused of harassment, Northland Polytechnic shall advise the alleged harasser's employer of the situation requesting that the matter be dealt with under that employer's policies and the results of their investigation be made known to Northland Polytechnic.
- 3.0 Where the alleged behaviour is in breach of New Zealand law (e.g. alleged sexual assault or criminal harassment) then the matter will be reported to the police for investigation and action.
- 4.0 Allegations of harassment/bullying are treated extremely seriously by Northland Polytechnic. For this reason, allegations of harassment/bullying made by a complainant that are shown to be false or vexatious shall be deemed as Serious Misconduct.
- 5.0 The roles of the Contact Person and Mediator must be undertaken by separate individuals in any one incident.

GUIDELINES

1.0 Encountering harassment/bullying

- 1.1 Any member of Northland Polytechnic who is being harassed or bullied shall seek the assistance of an anti-harassment/bullying contact person. The contact person shall listen and explain the various options available for dealing with the behaviour.

2.0 Anti-Harassment/Bullying Coordinator

- 2.1 The role of the Anti-Harassment/Bullying Coordinator is to:
 - 2.1.1 Establish mediators and appropriate training;
 - 2.1.2 Arrange mediation between the parties if necessary;
 - 2.1.3 Select and train contact people;
 - 2.1.4 Publish and distribute organisation wide, a list of current anti-bullying and mediators;
 - 2.1.5 Coordinate publicity and staff education around Anti-Harassment/Bullying policy and procedures;
 - 2.1.6 Keep a written record of all complaints. This shall *only include names if it goes to mediation or results in a formal complaint being made*. The records are to be kept in a locked file and once the process has been completed the records sent to Human Resources to be archived.

3.0 The Role of Contact People

3.1 Contact people shall:

- 3.1.1 Listen sensitively to the complaint or concerns;
- 3.1.2 Explain what harassment/bullying is and answer any questions; provide information on the options for dealing with harassment/bullying;
- 3.1.3 Discuss possible ways the individual can deal directly with the harasser/bully, but only if this is the individual's preferred course of action;
- 3.1.4 Provide general information on harassment/bullying and Northland Polytechnic's policy and procedures to any enquirer;
- 3.1.5 Advise the Complainant throughout the process on the courses of action available to them. The Contact person should not, at any time, act as an advocate for the complainant;
- 3.1.6 Complete records of each contact made and forward to the coordinator, records are held anonymously except where the situation goes to mediation or to a formal complaint where the parties need to be named.

4.0 The Role of Mediators

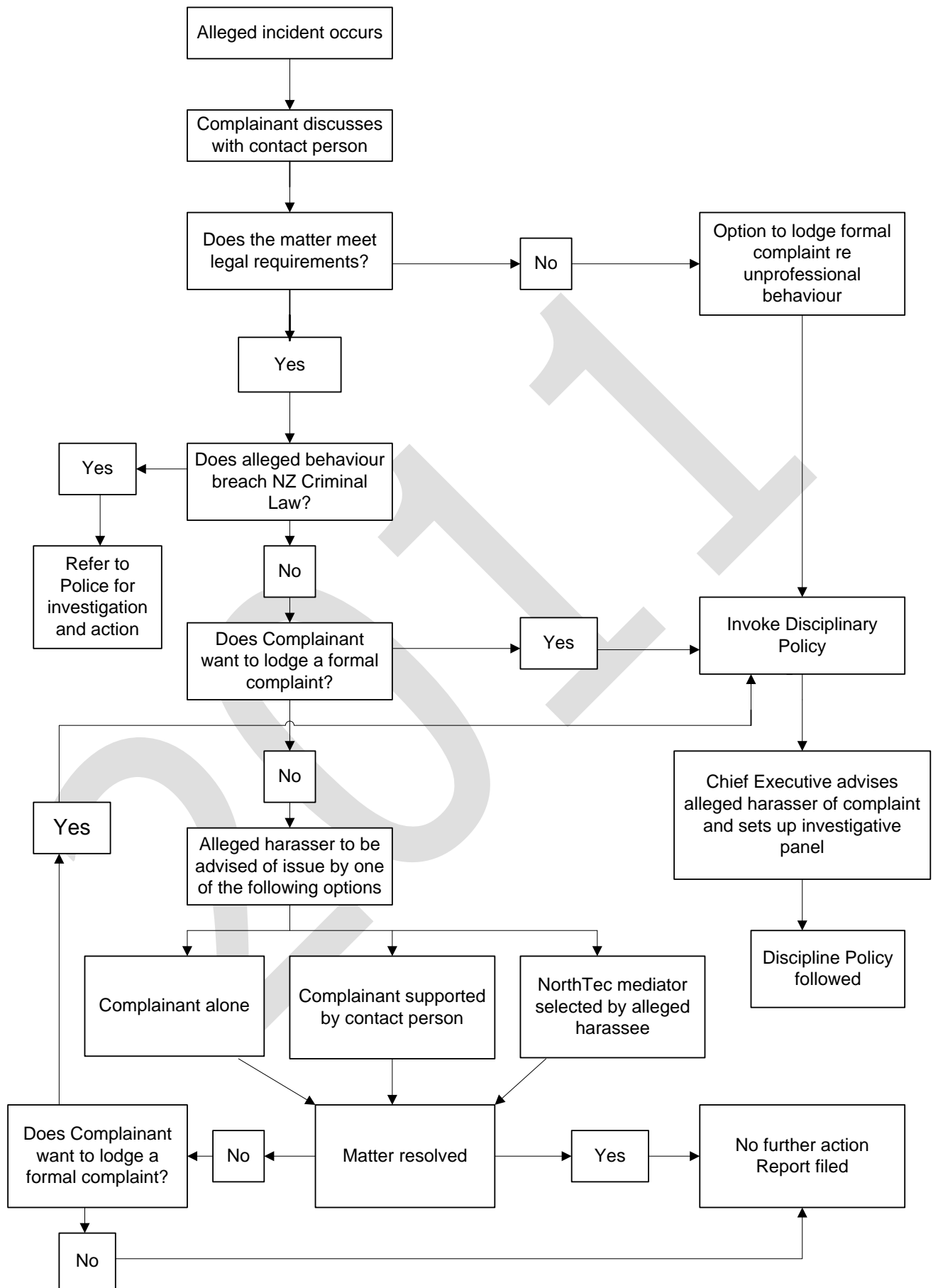
4.1 Mediators are trained Northland Polytechnic employees used to mediate between the complainant and the respondent if mediation is required. The role of the mediator is to:

- 4.1.1 Maintain confidentiality;
- 4.1.2 Inform the respondent of the complaint and give him/her time to prepare for mediation;
- 4.1.3 Inform the complainant and respondent of their options;
- 4.1.4 Mediate between the parties in order to resolve a dispute (in cases where the complainant is unwilling to face the alleged harasser it is expected that shuttle mediation will take place between the parties);
- 4.1.5 Provide a written report to the coordinator, which identifies both parties;
- 4.1.6 Explain the procedure for laying a formal complaint to both parties where mediation is unsuccessful.

KEYWORDS

Harassment
Bullying
Mediation
Mediator
Complainant
Anti-harassment

SIGNED: P Binney **Date:** 4.3.11
Chief Executive
Te Ahurei



**HUMAN RESOURCES
CONTACT PERSON INCIDENT FORM**

Details of Incident

Date of contact: ___/___/___

Name of Respondent (if applicable): _____

Persons involved: Student/Student Staff/Student Staff/Staff Staff/Visitor
(circle one)

Student / Visitor

Location / Department _____

Summary of allegations:

Option selected

- | | | | |
|---------------------------------|--------------------------|----------------------------------|--------------------------|
| Do nothing | <input type="checkbox"/> | Counselling | <input type="checkbox"/> |
| Direct approach to harasser | <input type="checkbox"/> | Personal grievance | <input type="checkbox"/> |
| Complaint – informal resolution | <input type="checkbox"/> | Complaint – formal investigation | <input type="checkbox"/> |
| Complaint to Police | <input type="checkbox"/> | Mediation | |

Meeting details

Date of follow-up meeting with complainant: ___/___/___

Outcome of meeting:

Signature of Interviewer:

Date: ___/___/___