

POLICY

ANTI-BULLYING AND HARASSMENT

(04.014)

POLICY

Northland Polytechnic Ltd 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 bullying and harassment.

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

PURPOSE

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

APPLICATION AND SCOPE

This policy applies to all Northland Polytechnic Ltd staff, students, Council members, contractors and visitors at all sites.

DEFINITIONS

- *Bullying*
Unreasonable and repeated behaviour towards a person or group that can lead to physical or psychological harm. Repeated behaviour is persistent and can include a range of actions. Unreasonable behaviour covers actions which a reasonable person wouldn't do in similar circumstances, including victimising, humiliating or threatening a person. A single incident isn't defined as bullying but can may be significant enough to warrant disciplinary action. Managing performance in line with business policies and processes is not bullying.
- *Harassment*
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, and 116-118 of the Employment Relations Act 2000.

- *Anti-Bullying / Harassment Contact Person*

The Northland Polytechnic Ltd employee or student who gives information and advice on the options and processes involved and supports the complainant throughout the processes required by this policy.

- *Anti-Bullying / Harassment Coordinator*

The Northland Polytechnic Ltd employee who oversees the appointment, training and support of the anti-bullying and harassment contact people and mediators.

- *Mediator*

A trained Northland Polytechnic Ltd 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*
- *Health and Safety at Work Act 2015 (HSWA), its amendments, Codes of Practice, guidelines and associated legislation*

Responsibility Executive manager responsible for human resources
Approval dates November 2018
Next Review November 2021

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OTHER RELATED DOCUMENTS

Procedures and Guidelines appended to this policy

Policy: *Equal Employment Opportunities* (04.001)

Policy: *Disciplinary Processes* (04.022)

Policy: *Code of Conduct* (04.006)

Policy: *Health & Safety* (03.003)

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PROCEDURES AND GUIDELINES

1.0 Northland Polytechnic Ltd Values:

All persons are expected to reflect the Northland Polytechnic Ltd Values:

Whakaea / Ambition: We demonstrate and role model behaviours that encourage fairness, dignity and respect;

Arotahi / Focus: Our relationships with our people, ākongā and our team are at the centre of all we do;

Hiranga / Excellence: We take pride in those relationships that we do build;

Tutika / Accountability: We each have a duty to create a work and learning environment that is free from bullying and harassment.

2.0 Northland Polytechnic Ltd Goals

Our commitment to Anti-Bullying and Harassment will assist Northland Polytechnic Ltd in achieving our goals:

- *Measurably great ākongā outcomes*
- *Clear commitment to Te Tiriti o Waitangi*
- *High quality, supported and accountable staff*
- *Effective and respected systems and processes*
- *Valued communication*

3.0 To achieve this Northland Polytechnic Ltd will:

- Adopt a zero tolerance approach toward bullying and harassment;
- Establish respect for the broad range of human values and character strengths required for this organisation to thrive;
- Actively look for ways to create a positive workplace ('healthy work') that workers feel is pleasant, fair, rewarding and positively challenging;
- Encourage positive leadership styles and invest in our managers to achieve this;
- Train key workers as [Contact People](#) to receive bullying/harassment concerns and give support and advice;
- Train key workers as [Mediators](#) to provide mediation between the complainant and the respondent when requested;
- Assign an [Anti-Bullying/Harassment Coordinator](#);
- Direct attention towards behaviour rather than people, and aim to promote harmonious relationships across the organisation;
- Provide workers who believe they've been bullied/harassed with a [range of options](#) to resolve the issue;
- Promote low-key solutions before formal actions where appropriate;
- Aim to repair the working relationship and promote positive work values;

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- Encourage open discussion about bullying/harassment, in both formal and informal settings, and provide information and training about it;
- Identify factors that contribute to bullying/harassment, and put effective control measures in place;
- Ensure our processes and systems are fit for purpose and regularly reviewed;
- Have regular worker surveys on our work culture.

4.0 Responsibility of those who supervise others (Managers and Tutors)

All those who supervise others have the following obligations to those under their control. They will:

- Ensure workers have clarity on what their roles entail;
- Intervene early to call out and deal with any [unreasonable behaviour](#) before it escalates;
- Record and investigate complaints fairly and in line with Northland Polytechnic Ltd's policies and processes;
- Look for [informal solutions](#) before escalating an issue to higher levels (e.g. mediation or investigation) where appropriate.

5.0 Responsibilities of all Staff / Students (Workers)

All workers and students at Northland Polytechnic Ltd must:

- Report if they experience or see any bullying/harassment behaviours through their manager, a [contact person](#) or [reporting form](#);
- Try [low-key solutions](#), e.g. talking to the person initially (if safe to do so);
- Follow the Northland Polytechnic Ltd's [informal or formal processes](#) when making a complaint;
- Keep an eye out for other people, providing support when seeing a person being isolated or experiencing reprisals;
- Accept that [perceptions](#) of bullying/harassment may need to be negotiated.

6.0 When dealing with an allegation of bullying/harassment Northland Polytechnic Ltd will

- Treat all matters seriously and investigate promptly and impartially;
- Ensure neither the person who complained nor the alleged bully are victimised;
- Support all parties involved;
- Find appropriate remedies and consequences for confirmed bullying/harassment in line with either the Northland Polytechnic Ltd policies: *Disciplinary Processes* (04.022) – (staff members) or *Student Concerns and Complaints* (06.001) - (students) as well as false reports;

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- Report alleged behaviour by a contractor to their employer requesting that the matter be dealt with under that employer’s policies and the results of their investigation be made known to Northland Polytechnic Ltd.
- Report alleged behaviour that is in breach of New Zealand law (e.g. alleged sexual assault or criminal harassment) to the police for investigation and action.
- Communicate the process and its outcome;
- Ensure confidentiality;
- Use the principles of natural justice;
- Keep good documentation;
- Have specialist external advisors available to help.

KEYWORDS

Harassment
 Bullying
 Mediation
 Mediator
 Complainant
 Anti-harassment

ROLES AND RESPONSIBILITIES

1.0 Anti-Bullying / Harassment Coordinator

1.1 The role of the Anti-bullying/Harassment/ Coordinator is to:

- Establish mediators and appropriate training;
- Arrange mediation between the parties if necessary;
- Select and train contact people;
- Publish and distribute organisation wide, a list of current anti-bullying contact people and mediators;
- Coordinate publicity and staff education around anti-bullying harassment/ policy and procedures;
- 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*. If the Coordinator is a non-People Operations member the records are to be kept in a locked file and once the process has been completed the records are sent to People Operations to be archived.

2.0 The Role of Contact People

2.1 Contact people shall:

- Listen sensitively to the complaint or concerns;

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- Explain what bullying/harassment is and answer any questions; provide information on the options for dealing with bullying/harassment;
- Discuss possible ways the individual can deal directly with the bully/harasser, but only if this is the individual’s preferred course of action;
- Provide general information on bullying/harassment and Northland Polytechnic Ltd’s policy and procedures to any enquirer;
- 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;
- 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.

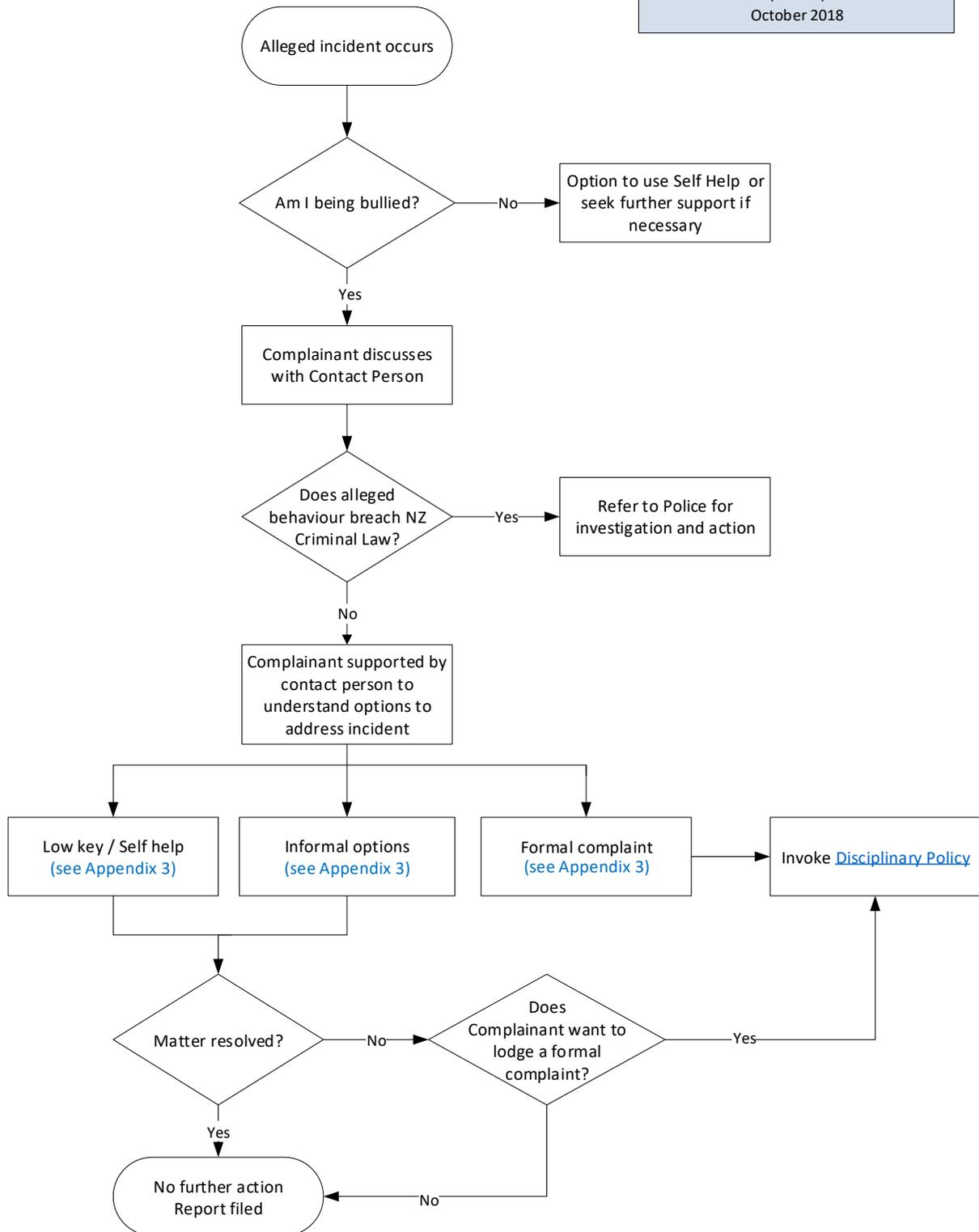
3.0 The Role of Mediators

3.1 Mediators are trained Northland Polytechnic Ltd employees used to mediate between the complainant and the respondent if mediation is required. The role of the contact person and mediator must be undertaken by separate individuals in any one incident. The role of the mediator is to:

- Maintain confidentiality;
- Inform the respondent of the complaint and give him/her time to prepare for mediation;
- Inform the complainant and respondent of their options;
- 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);
- Provide a written report to the coordinator, which identifies both parties;
- Explain the procedure for laying a formal complaint to both parties where mediation is unsuccessful.

REVISION HISTORY			
Version	Description of Change	Author	Effective date
1	New – replaced <i>HR98/02</i>	QMS Team	February 2009
2	Review – management structure changes	QMS Team	March 2011
3	Review	P Brimacombe	August 2015
4	Triennial review with significant changes	People Ops	November 2018
4.1	Add ‘Ltd’ to Northland Polytechnic	QMS Team	May 2020

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What to do about bullying - advantages and disadvantages of options

Area	Potential Advantages	Potential Disadvantages
LOW KEY / SELF HELP OPTIONS	Quick, private, effective	May not get good response and things become worse
Challenge perpetrator	Perpetrator may respond well since this is a dignified way of handling problems.	Danger of being too passive or overly aggressive and therefore getting a reactive response.
Talk to others at work	Others at work may be supportive and confirm you are being bullied.	It may be reported to the bully and the bully may charge you with bullying by spreading gossip or defaming them.
Avoid, ignore	In short term allows for person to assess situation and consider how to deal with it.	In long term, allows the behavior to continue and colludes with it.
Stress leave, counseling and Employee Assistance Programmes (EAP)	Relieve and possible assistance in working out how to respond effectively. Talking about it with a counselor may assist in dealing with impact.	Doesn't deal with the cause only the effects.
INFORMAL OPTIONS	May be an effective way to stop behavior of concern without getting into formal investigation	Manager may not be effective or supportive, or may create situation where your safety is compromised
Tell a Manager	If manager is empathetic and skilled then this will at least empower you and ensure your manager knows what is happening.	If manager is biased or doesn't show care you may feel less safe. You may wish you hadn't spoken up.
Mediation	If safe and effective, this may allow you to have your say and be listened to. An agreement about behaviour may result.	If unsafe, you may come out feeling your issues have not been heard properly, you may be victimized if mediator is not skilled enough. Also agreements may only hold weight for a short time.
Manager intervention	Manager may speak to person concerned and gain agreement for change of behaviour that is acceptable to you.	Manager may not handle an intervention effectively and fail to gain agreement. Your safety is put at risk. Mediation turns into a battle.
FORMAL OPTION	Complaint is formally investigated	Could result in further alienation or victimisation
Written Complaint	May result in disciplinary action against the perpetrator. You will not interact with the perpetrator in regards to the complaint.	May not find enough evidence to result in disciplinary action. Allegations are presented to perpetrator which is likely to identify you. May lead to further alienation and victimisation.



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Informal Bullying/Harassment Report *(for Pen and Paper)*



The purpose of this form is to submit an informal report of bullying or harassment.

This form can be emailed or delivered to a manager, contact person or a member of the People Operations team.

The person you have provided this form to will contact you to confirm a course of action if necessary to follow up on what you have identified you want to happen as a result of this report.

This report is confidential and will be held securely on file by the People Operations team.

Identifying your name on the form is optional. If you do not identify yourself you will not be contacted as a follow up.

Name:
What has happened? (Date, time, location, who was present? What happened, who did what?)
How did this behaviour make you feel?
How has this behaviour affected your work?
Have you taken any action? If so, what?
As a result of this report, what do you want to happen?