

## SEXUAL HARASSMENT POLICY

<b>Category</b>	Employment
<b>Policy Owner</b>	Group Director – People and Culture
<b>Last review</b>	1 November 2023
<b>Next review</b>	1 November 2028
<b>Approved by</b>	Group Director – People and Culture
<b>Effective Date</b>	1 November 2023

### 1. PURPOSE

The University does not tolerate any form of sexual harassment and is committed to eliminating, preventing, and responding to sexual harassment in all forms within AUT in order to cultivate an environment of safety, respect, and dignity.

All complaints of any form of sexual harassment will be treated seriously.

This Policy should be read together with the Bullying & Harassment Procedures, which set out the process for raising concerns or making complaints and how such concerns or complaints are responded to.

### 2. POLICY

The University is committed to cultivating a psychologically and physically safe and healthy environment and maintaining AUT as a great place to teach, learn and work. This commitment includes eliminating, preventing and responding to sexual harassment in all forms within AUT.

Members of the AUT community have the right to a safe workplace. Everyone is expected to contribute positively towards our culture of psychological safety and inclusion. Any form of sexual harassment is unacceptable, and we treat each other with dignity and respect, which is aligned with AUT Values of Tika, Pono and Aroha).

When sexual harassment in any form occurs within the university, the University cannot operate as a vibrant community and, therefore, engages in a range of activities to counteract the risk of sexual harassment, including:

- a. providing education to raise awareness of sexual harassment prevention and the cultivation of psychological safety.
- b. providing an impartial and robust system for receiving, investigating, and resolving concerns or complaints of sexual harassment
- c. ensuring the psychological and physical safety of those who raise concerns by providing structures, processes and support services.
- d. providing information about the processes to follow for obtaining tier one support through to making a formal complaint (tier three).
- e. maintaining a University-wide "Respect in Action Network" which supports staff and students and provides a safe place to explore concerns or complaints at first instance
- f. encouraging staff and students to seek early assistance and intervention where appropriate and if they so choose

- g. supporting and empowering those who may experience sexual harassment to find a suitable solution
- h. ensuring an appropriate level of confidentiality
- i. fostering respect for diversity and acceptance of difference
- j. identifying and addressing power imbalances.

**3. DEFINITION:**

**Sexual harassment** is behaviour that is unwanted, unwelcome and/or offensive sexual behaviour that is repeated or is significant enough to have a negative effect on an individual's wellbeing. Unwanted or unwelcome refers to behaviours that are not solicited or invited and are regarded by a person (the recipient) as undesirable or offensive at the time. **Psychological safety** is a person's belief that they will not suffer undue negative consequences through taking reasonable interpersonal risks. This may include speaking up with an idea in a meeting, challenging the status quo, making change, discussing identity transition, or admitting a mistake.

**Sexual harassment** includes:

- (a) requests for sexual activity that contain an implied or overt promise of preferential or detrimental treatment.
- (b) sexual assault, which is any unwanted or forced sex act or behaviour that has occurred without a person's consent and includes indecent assault, sexual violation, unwanted sexual touching or exposure.

<p><b>Examples of Sexual Harassment include (but are not limited to):</b></p> <ol style="list-style-type: none"> <li>1. offensive sexual remarks or jokes</li> <li>2. unwelcome touching, patting, or pinching</li> <li>3. unwelcome sexual advances</li> <li>4. sexually offensive images, emails, or texts in the workplace</li> <li>5. intrusive questions about a person's sex life</li> <li>6. humiliation or ridicule (in a sexual way)</li> <li>7. stalking, including being followed home by a co-worker or student</li> <li>8. Implied that rejection of sexual advances will lead to being overlooked for work opportunities</li> <li>9. Repeated requests for a date</li> <li>10. Comments on appearance, body, or gender</li> <li>11. sexual assault</li> </ol>	<p><b>The following may not constitute Sexual Harassment:</b></p> <ol style="list-style-type: none"> <li>1. friendly, light-hearted exchanges, mutually acceptable jokes, and compliments</li> <li>2. friendships, sexual or otherwise, where both people consent to the relationship</li> </ol> <p>Note: Relationships between staff and students must be declared by the staff member – see Conflicts of Interest Policy</p> <p>Note: Relationships may start out as consensual but move into harassment</p>
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#### 4. SCOPE

This policy applies to all employees, contractors, workers, students, volunteers, clients and/or visitors.

#### 5. EDUCATION

AUT will provide compulsory training and education, including refresher courses, on harassment and sexual harassment.

#### 6. CONSEQUENCES OF BREACH

Following a finding of sexual harassment has occurred as an outcome of a disciplinary process perpetrator will:

- Have a formal notation on their personnel file
- Be required to attend compulsory education on sexual harassment,
- Face disciplinary action up to and including suspension, warnings and/or dismissal.

#### 7. EMERGENCY AND ONGOING SUPPORT AND ASSISTANCE

1) If Students or Staff Members are concerned for their immediate safety or the immediate safety of someone else they should contact the Police on 111.

2) Campus Security also maintain a 24 hour presence on campus to ensure safety and security. To report an emergency, Campus Security can be contacted on 0800 AUTSAFE or 921 9997.

3) Students and Staff Members who have experienced sexual harassment may seek assistance and support from a Member of the University's Community that they trust and/or the Respect in Action Coordinator. Students may seek assistance and support from the Manager, Student Conduct.

#### 8. RESPONSIBILITY

All members of the university community have a responsibility to ensure that they:

- do not bully, sexually harass, or discriminate against or victimise any person
- discourage any form of harassment, bullying or discrimination by making it clear that such behaviour is unacceptable
- support any member of the University that feels they have been subject to harassment, bullying or discrimination, including supporting them to follow any pathways for resolution, including making a formal complaint if appropriate

All University staff and students are expected to behave in accordance with this policy and to avoid behaviours and actions that may be perceived as sexual harassment.

**Bystanders** are responsible for noticing, intervening and preventing any form of sexual harassment.

**The Group Director, People and Culture** has responsibility for implementing this Policy and Procedures for staff.

**The Manager, Student Conduct** is responsible for assisting the Group Director, Student Services and Administration for implementing this Policy and Procedures for students.

**Respect in Action Coordinator** has responsibility for assisting the Group Director People and Culture in implementing this Policy and Procedure.

Staff or students who raise concerns or make complaints or who participate in good faith in any

investigation can expect they:-

- will be listened to
- will be supported
- Will be treated with dignity and
- Will not suffer any form of retaliation or victimisation from AUT as a result.

## 9. RELEVANT LEGISLATION

[Human Rights Act 1993](#)

[Harassment Act 1997](#)

[Employment Relations Act 2000](#)

[Health and Safety at Work Act 2015](#)

[Crimes Act 1961](#)

Please note that depending on the nature of the Employee's grievance with the University, different timeframes may apply. For further information, please refer to the Employment Relations Act 2000.

## 10. LEGAL COMPLIANCE

The University will comply with all relevant legislation and the terms of any relevant employment agreements.

## 11. RELATED PROCEDURES/DOCUMENTS

Sexual Harassment Procedures  
Bullying and Harassment Procedures  
Conflict of Interest Policy and Procedures  
Disciplinary Policy and Procedures  
Early Resolution Policy and Procedures  
Ethical Guidelines  
Council Statute No:3 Discipline Statute.  
Code of Conduct

**Note:** [Policies](#) and [Procedures](#) can be found on TUIA.

## 12. DOCUMENT MANAGEMENT AND CONTROL

Policy Owner: Group Director, People and Culture

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