**PREVENTING BULLYING & HARASSMENT POLICY**

**1. PURPOSE**

To prevent and respond appropriately to bullying & harassment in all forms within AUT in order to create an environment of safety, respect and dignity.

This Policy should be read together with the Preventing 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 creating and maintaining a positive working and learning environment where bullying and harassment are unacceptable and where all members of its community treat each other with dignity and respect.(aligned with AUT Values of Tika, Pono and Aroha).

The University engages in a range of activities to reduce the risk of bullying and harassment, including:

* providing education to raise awareness of bullying & harassment prevention
* providing a robust system for receiving, investigating, and resolving concerns or complaints of bullying or harassment
* providing information about the processes to follow from low-level support to formal complaints
* 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
* encouraging staff and students to seek early assistance and intervention where appropriate and they so choose
* supporting and empowering those who may experience bullying or harassment to find a suitable solution
* ensuring an appropriate level of confidentiality
* fostering respect for, and tolerance of, differences
* ensuring the safety of those who raise concerns.

Staff or students who raise concerns or make complaints or who participate in good faith in any investigation will not suffer any form of retaliation or victimisation from AUT as a result. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under the University discipline procedures.

Participating in the Preventing Bullying & Harassment Procedures does not prevent a person from making a complaint in any other context outside the University (whether to the police, under the Employment Relations Act, or the Human Rights Act, for example).

**3. DEFINITIONS:**

**Bullying** is behaviour directed towards another person that is repeated, unreasonable, and of such a significant nature that it can lead to physical or psychological harm. It can be physical, verbal or relational/social (excluding someone or spreading rumours), or practised by other means of communication including phone, email, or social media. It includesoffensive, abusive, intimidating, threatening, belittling, demeaning, or excluding behaviour.

**Harrasment** may involve a prohibited ground of discrimination under the Human Rights Act 1993 (those grounds being gender, marital status, religious belief, ethical belief, colour, race, ethnic or national orgins, disability, age, political opinion, employment status, family status, or sexual orientation). It may be a single but significant event, or repeated instances of such behaviour.

Harassment may be expressed through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying.

The intentions of the alleged harasser are not always determinative of whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant.

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| **Examples of Harassment include:**1. offensive sexual remarks or jokes
2. implied or actual threats of being overlooked for work opportunities or promotion if a person declines their advances
3. unwelcome touching, patting, or pinching
4. unwelcome sexual advances
5. unusually low marks or grades after rejecting a lecturer’s advances
6. sexually offensive images in the workplace
7. intrusive questions about a person's sex life
8. humiliation or ridicule (in a sexual way, in connection with the person's race, or generally)
9. stalking by physically following or excessively monitoring or inappropriately using the internet
10. demeaning references to a person’s age
11. using insulting terminology when referring to a disabled colleague
12. discrimination on grounds applying to a person’s past, present or assumed circumstances.

**Examples of bullying include**1. undermining a worker or student by overloading or constant criticism
2. setting of unrealistic targets which are unreasonable and/or changed with limited notice or consultation
3. spreading of malicious rumours
4. unfair and destructive criticism
5. being singled out for unfair treatment
6. unjustified threats about job security
7. social exclusion
 | **The following may not constitute Harassment:** 1. friendly, light-hearted exchanges, mutually acceptable jokes and compliments
2. friendships, sexual or otherwise, where both people consent to the relationship

**The following may not constitute bullying**1. free and frank discussions about issues or concerns in the workplace, without personal insults
2. issuing lawful instructions within delegated authority and expecting them to be carried out
3. insisting on high standards of performance in terms of quality and timeliness of work
4. giving constructive feedback, including a performance appraisal, and requiring justified performance improvement, or legitimate criticisms about work performance
5. warning of disciplinary action in accordance with University policy
6. making comment on, or requiring an appropriate and professional standard of dress.
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**4. SCOPE**

This policy applies to all employees, contractors, workers, students, volunteers, clients, visitors, or members of the public (where they engage with the University or others on University premises).

**5. RELEVANT LEGISLATION**

Human Rights Act 1993

Harassment Act 1997

Employment Relations Act 2000

Health and Safety at Work Act 2015

**6. LEGAL COMPLIANCE**

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

**7. RELATED PROCEDURES/DOCUMENTS**

Preventing Bullying and Harassment Procedures.
Disciplinary Policy and Procedures.
Early Resolution Policy and Procedures.

Ethical Guidelines
Council Statute No:3 Discipline Statute.

**8. RESPONSIBILITY**

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 bullying or harassment.

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

**The Group Director, Student Services and Administration** has responsibility 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.

**9. DOCUMENT MANAGEMENT AND CONTROL**

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This Policy is the property of AUT University.