

Prevention of Bullying Harassment Policy

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Manager:	Executive Director, People, Culture & Wellbeing
Approval Authority:	Vice-Chancellor

1. BACKGROUND

The University is committed to protecting the rights and dignity of members of the University community. The University expects all members of the University community to treat each other with respect, courtesy and consideration at all times.

The University does not tolerate any form of harassment, bullying or discrimination.

The University will ensure compliance with the Health and Safety at Work Act 2015.

2. PURPOSE

The purpose of this policy is to promote ethical interactions between members of the University community and to support a safe, inclusive and equitable environment in which all members of the University community are treated with dignity and respect.

3. APPLICATION

This policy applies to all members of the University community – staff, students, contractors and visitors to Lincoln University and its' subsidiaries.

4. PRINCIPLES

4.1. Responsibilities

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

- do not bully, harass, 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 who feels they have been subjected to harassment, bullying or discrimination, including supporting them to make a formal complaint if appropriate.

4.2. The SLT and all other managers are to take all reasonable steps to:

- ensure that the environment is free from harassment, bullying and discrimination
- ensure that all staff members reporting to them are familiar with and understand their obligations under this policy
- treat all complaints seriously and take prompt steps to resolve any complaints

- made under this policy
- protect and support the right of all members of the University Community to use the resolution procedure in this policy and the supporting guidelines.

5. PROCEDURE

5.1. Concerns and Complaints

There are a number of different options for dealing with complaints of bullying, harassment and discrimination:

- initial self-help by the affected individual
- informally raising the behaviour as a concern with an academic head, line manager or neutral third party
- making a formal complaint in writing using University processes, or
- making a protected disclosure if employees wish to disclose information about serious wrongdoing in or by the University
- making a formal complaint to an external agency such as the Human Rights Commission, Worksafe NZ, Ministry of Business Innovation and Employment or, where it is believed that a criminal offence is involved, the Police.

For further information, see the associated [guidelines](#).

5.2. Self-Resolution and Informal Resolution

An individual may consider approaching the person or people involved to resolve the concern, by means of direct discussion or by a written communication.

If a complaint cannot be resolved by direct discussion, or an individual does not feel comfortable addressing the issue face to face or in writing, they may make an informal approach where they discuss the matter with, and seek guidance from, an appropriate person e.g. Proctor, Dean, Manager, HR (refer to pg 3 of the Guidelines for a full list) who will provide information on the process and discuss options.

If the informal approaches are not successful, the individual may make a formal complaint to the Executive Director, People, Culture & Wellbeing (where the respondent is a staff member) or the University Proctor (where the respondent is a student), as listed in the guidelines (page 4).

5.3. Investigation and Resolution

- i. An individual making a complaint should do so as soon as possible after the conduct they are concerned about occurs. There is however no time limit for the making of a formal complaint, although long delays may inhibit the ability of people to recall facts accurately and may limit the ability of the investigator to reach any conclusions.
- ii. Any formal complaints under this policy must be in writing, documenting incidences of the behaviour and including evidence wherever possible.

- iii. To manage complaints in a transparent manner, in compliance with the rules of procedural fairness and natural justice, an individual against whom a complaint is made must not only be aware of the allegations but also who has made them.
- iv. Formal complaints will be investigated by the University as promptly as possible, in accordance with the relevant processes and authorities outlined in the Guidelines, the Student Discipline Regulations, the Protected Disclosures Policy and Procedure and in accordance with the principles of natural justice.
- v. An individual making a formal complaint under this policy may request to be removed from the study/supervisory or work situation while the investigation is being undertaken.
- vi. If, as an outcome of an investigation, it is determined that harassment, bullying or discrimination has taken place, the processes outlined in the Disciplinary Policy and Procedure (Staff) or Student Discipline Regulations will be applied, which may result in penalties described in those processes.
- vii. If, as an outcome of an investigation and based on clear evidence, it is determined that an individual has intentionally made a false or vexatious complaint, the staff member or student may be subject to disciplinary action under the Disciplinary Policy and Procedure (Staff) or Student Discipline Regulations.
- viii. Bullying, harassment or discrimination present a risk to health and safety. Where such behaviour is alleged, the University will, where considered necessary, take steps to investigate and address the risk as required by the Health and Safety at Work Act 2015.

6. RESPONSIBILITIES

- 6.1. All staff and students have an individual responsibility to:
 - Avoid behaviours which may be perceived by others as bullying, harassment or discrimination;
 - Raise concerns about any behaviours of other staff or students which they perceive as bullying, harassment or discrimination, in accordance with the guidelines.
- 6.2. The Executive Director, People, Culture & Wellbeing is responsible for monitoring compliance with this policy and reporting any breaches to the Vice-Chancellor.
- 6.3. Breaches of this policy may result in disciplinary action under the Disciplinary Policy and Procedure (Staff) or the Student Discipline Regulations.
- 6.4. Line managers must take all reasonable steps to ensure that the work environment for their staff is free from bullying, harassment and discrimination and must act as promptly as practicable on any concerns raised with them.
- 6.5. Deans, Directors, Heads of Department and academic staff must take all reasonable steps to ensure that the study/supervisory environment for students is free from bullying, harassment and discrimination and must act as promptly as practicable on any concerns raised with them.
- 6.6. An authority investigating a formal complaint under this policy must take all reasonable steps to ensure that:
 - the principles of natural justice are adhered to,
 - the complainant is protected from retaliation or unjustified disadvantage, and
 - appropriate levels of confidentiality are maintained.

- 6.7. Line managers are responsible for ensuring that all practices and procedures that apply to staff for whom they are responsible are consistent with this policy.

7. DEFINITIONS

In this policy:

Bullying	Means unreasonable behaviour, repeated over time, which can be reasonably expected to humiliate, exclude, undermine or otherwise have a detrimental effect on the recipient(s) and/or pose a risk to their health and safety even though it may not be unlawful.
Harassment	Means any unwelcome comment, conduct or gesture that is insulting, intimidating, humiliating, malicious, degrading or offensive. It might be an isolated incident or repeated but it is so significant that it adversely affects someone's performance, contribution or work environment. It can include physical, psychological, degrading or threatening behaviour, abuse of power, isolation, discrimination, sexual harassment and racial harassment.
Discrimination	<p>Direct discrimination occurs when a person is treated less favourably than another person, in the same or similar circumstances, because of a prohibited ground such as their gender, colour, religious belief, race, marital status, ethnic or national origin, family status, ethical belief, gender identity, sexual orientation, political opinion, age, employment status or disability.</p> <p>Indirect discrimination occurs when there is a requirement, rule, policy, practice or procedure that is the same for everyone, but has an unequal effect on groups. This type of requirement is likely to be indirect discrimination unless the requirement is reasonable in all the circumstances.</p> <p>Unlawful discrimination occurs when one person is treated less favourably than someone else is treated, or would be treated, in the same or similar circumstances, because that person has a particular attribute, such as gender, colour, religious belief, race, marital status, ethnic or national origin, family status, gender identity, ethical belief, sexual orientation, political opinion, age, employment status or disability that is specifically listed in Human Rights legislation.</p>
Racial harassment	Is the use of language, or visual material or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the grounds of their colour, race, or ethnic or national origins; is hurtful or offensive to the person; and is either repeated or serious enough to have a detrimental effect on a person in one of the areas specified by the Human Rights Act 1993.
Sexual harassment	Is the use of language, or visual material or physical behaviour of a sexual nature that is offensive, humiliating or intimidating to any other person and is either repeated, or of such a significant nature, that it has a detrimental effect on the person, their performance or their work and study environment?
University	Means Lincoln University and includes all subsidiaries.

University community	Includes all staff members (whether permanent, temporary or part time), honorary staff, students (whether full time or part time), contractors, subcontractors, consultants, alumni, associates, business partners or official visitors or guests of members of Lincoln University.
Unreasonable Behaviour	Means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating or threatening a person.
Victimisation	Occurs if someone suffers detrimental treatment because they have made, or propose to make, in good faith, an allegation of harassment, or appear as a support, or a witness, or provide information about such an allegation

8. LINKS TO RELATED LEGISLATION/DOCUMENTATION

- [The Health and Safety at Work Act 2015 \(HSWA\)](#)
- [Employment Relations Act 2000 \(ERA\)](#)
- [The Human Rights Act 1993 \(HRA\)](#)
- [Public Service Act 2020](#)
- Te Tiriti o Waitangi
- [Harassment Act 1997 \(HA\)](#)
- [Privacy Act 1993](#)
- [Crimes Act 1961](#)
- [Protected Disclosures Act 2000](#)
- [The Harmful Digital Communications Act 2015 \(HCDA\)](#)
- Work Safe New Zealand Guidelines
- [New Zealand Bill of Rights Act 1990](#)

9. LINKS TO RELATED DOCUMENTS

- [Equal Employment Opportunities Policy](#)
- [Code of Conduct](#)
- [Prevention of Bullying, Harassment and Discrimination: Guidelines](#)
- [Disciplinary Policy and Procedure](#) (Staff)
- [Student Discipline Regulations](#)
- Lincoln University Calendar
- Protected Disclosures Policy and Procedure