

## BULLYING AND 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 bullying and harassment and is committed to eliminating, preventing and responding to bullying and harassment in all forms within AUT in order to cultivate 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 cultivating and maintaining a psychologically, physically and culturally safe and healthy environment and maintaining AUT as a great place to teach, learn, and work.

Everyone is expected to contribute positively towards our culture of psychological safety and inclusion. Bullying and harassment are unacceptable, and we treat each other with dignity and respect, aligned with AUT Values of Tika, Pono, and Aroha.

This is a primary commitment of all levels of management and

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

- a) providing education to raise awareness of bullying & harassment prevention and the cultivation of psychological safety
- b) providing an impartial and robust system for receiving, investigating, and resolving concerns or complaints of bullying or harassment
- c) ensuring the psychological safety of those who raise concerns by providing structures, processes, and support services
- d) providing information about the processes to follow for obtaining informal support through to making a formal complaint
- 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) enabling staff and students to seek early assistance and intervention where appropriate and if they so choose
- g) supporting and empowering those who may experience bullying or harassment to find a

suitable solution ensuring an appropriate level of confidentiality

- h) fostering respect for diversity and acceptance of difference
- i) ensuring the psychological and physical 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, e.g., the police, under the Employment Relations Act, or the Human Rights Act.

### **3. DEFINITIONS:**

**Harassment:** 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 origin, disability, age, political opinion, employment status, family status, or sexual orientation. 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 includes offensive, abusive, intimidating, threatening, belittling, demeaning, or excluding behaviour. It may be a single but significant event or repeated instances of such behaviour.

**Bullying:** is harassment with an element of intention. It is behaviour directed towards another person that may be repeated, is unreasonable, and is of such a significant nature that it can lead to physical or psychological harm.

Bullying & harassment may be expressed through a prevailing workplace or study environment, which creates a culture of low psychological safety that tolerates bullying or harassment.

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

**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 a change, discussing identity transition, or admitting a mistake.

**Examples of Harassment include:**

1. offensive remarks or jokes
2. implied or actual threats of being overlooked for work opportunities or promotion if a person declines their requests
3. unwelcome touching, patting, or pinching
4. unusually low marks or grades after rejecting a lecturer's social invitation
5. offensive images in the workplace
6. intrusive questions about a person's personal life
7. humiliation or ridicule
8. stalking by physically following or excessively monitoring or inappropriately using the internet
9. demeaning references to a person's age or generation
10. using inappropriate terminology when referring to disability
11. unlawful discrimination on grounds applying to a person's past, present, or assumed circumstances.

**The following may not constitute Harassment:**

1. friendly, light-hearted exchanges, mutually acceptable jokes and compliments
2. friendships, sexual or otherwise, where both adults consent to the relationship

<p><b>Examples of bullying include</b></p> <ol style="list-style-type: none"> <li>1. undermining a worker or student by overloading or constant criticism</li> <li>2. setting of unrealistic targets which are unreasonable and/or changed with limited notice or consultation</li> <li>3. spreading of malicious rumors</li> <li>4. unfair and destructive criticism</li> <li>5. being singled out for unfair treatment</li> <li>6. unjustified threats about job security</li> <li>7. social exclusion</li> </ol>	<p><b>The following may not constitute bullying</b></p> <ol style="list-style-type: none"> <li>1. free and frank discussions about issues or concerns in the workplace, without personal insults</li> <li>2. issuing lawful instructions within delegated authority and expecting them to be carried out</li> <li>3. insisting on high standards of performance in terms of quality and timeliness of work</li> <li>4. giving constructive feedback, including a performance appraisal, and requiring justified performance improvement or legitimate criticisms about work performance</li> <li>5. warning of disciplinary action in accordance with University policy</li> <li>6. making comments on or requiring an appropriate standard of dress</li> </ol>
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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. LEGISLATION AND COMPLIANCE

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

[Human Rights Act 1993](#)

[Harassment Act 1997](#)

[Employment Relations Act 2000](#)

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

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.

#### 6. RELATED PROCEDURES/DOCUMENTS

Preventing Bullying and Harassment Procedures  
Sexual Harassment Policy and Procedures  
Disciplinary Policy and Procedures  
EARS AUT Service Charter  
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.

## **7. 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.

**The head of EARS** has a responsibility to assist staff to consider options as to how they may approach issues relating to this policy.

## **8. DOCUMENT MANAGEMENT AND CONTROL**

Policy Owner: Group Director, People and Culture

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