

Controlled Document – refer to Intranet for latest version

Category: Student Life

Date Created: August 2003

Responsibility: Deputy CE Academic

Date Last Reviewed: July 2015

Approval: Deputy CE Academic

Version: 15.1

Scope

This procedure applies to all students while on UCOL premises or taking part in UCOL activities.

Responsibility

UCOL as an organisation is responsible for providing a safe environment for students, staff and members of the public. Staff will endeavour to ensure the learning environment is a pleasant, friendly, safe and healthy place to study.

Procedure

Students will be made aware of the Student Harassment/Bullying Prevention Policy and this procedure during their induction period into UCOL. The message that harassment and/or bullying is considered inappropriate behaviour and will not be tolerated will be made clear during orientation. What happens outside of the UCOL environment is beyond the control of UCOL staff, however it is acknowledged that at times emotive issues may be brought to class or onto the campus because of the actions of others.

If any physical or verbal outburst occurs on UCOL premises, security will be called, and if the situation is unlikely to be contained, then staff will call the police.

UCOL provides a crisis management team, which, if and when required, will take charge of a situation to:

- a) Isolate the participants;
- b) Investigate the cause;
- c) Advise the perpetrator(s) of their rights, and when necessary enact the disciplinary procedures as set out in the Student Discipline Statute or, if the allegation is against a staff member, it will be dealt with under the Staff Disciplinary Procedure;
- d) Ensure the victim(s) is/are supported;
- e) Ensure other involved persons are enabled to continue their studies with as little disruption as possible.

UCOL may undertake a formal investigation at any time with a view to determining whether disciplinary action should be taken against a person, regardless as to whether they are a current student of UCOL or not. Such action may be taken by UCOL at its discretion irrespective of whether any formal complaint has been made and irrespective of whether the issues have been resolved informally (i.e. through mediation) or not. In extreme cases, person(s) may be trespassed from entering UCOL property.

If, in UCOL's view, the behaviour constitutes a breach of any Act as listed below, UCOL may refer the incident to the police.

Harassment or bullying will not be tolerated and if a student or staff member is subject to any form of this behaviour it will be dealt with. There are a number of choices a student can make to help themselves through a difficult situation, such as:

- Talk over the concern with someone trusted or trained to hear the complaint promptly and in strict confidence. This person can decide what action (if any) to take. The choices a person has are:
 - (i) Seek advice from counselling or other support persons on how to help yourself;
 - (ii) Setting up a facilitated meeting; or
 - (iii) Making a formal complaint.
- At UCOL, you can contact or approach any of the teaching staff, support services staff, the Student Relations Coordinator or the Campus Manager.
- You can lodge a formal complaint through the Student Relations Coordinator or the Campus Manager. Submission of a formal complaint will then initiate an investigation procedure as outlined under the Student's Concerns and Complaints Procedure.
- In serious cases, such as sexual harassment, the Human Rights Commission may become involved.
- Sexual assault is a crime and will be dealt with by the police.
- Any acts of physical violence will be reported to and, if necessary, dealt to by the police.

Definitions

Harassment

Harassment is physical, verbal or visual conduct that is

- Unwelcome,
- Uninvited,
- Unwarranted, or
- Offensive.

Harassment may include:

- Offensive language,
- Racist comments or ridicule,
- Suggestive remarks about a person's personal life,
- Leering, touching or pinching,
- Delivery or display of offensive printed material,
- Use of email, texting, or other electronic media to cause offense,
- Abuse of power to humiliate

Bullying

Bullying is repeated actions and/or practices that are directed against one or more persons, that is:

- Persistent exposure to negative and aggressive behaviours of a primarily psychological nature,
- Hostile and leads to stigmatisation and victimisation of the recipients.
- Unwanted by the victim(s),
- Deliberate and intentional by the perpetrator(s),

Harassment or bullying is not:

- Occasional compliments,
- Behaviour based on mutual attraction,
- Developing friendships, sexual or otherwise, between consenting adults.

Relevant Web Sites

Websites with more information:

Human Rights Commission:

<http://www.hrc.co.nz/home/hrc/search/search.php?q=harassment&Submit=Go>

Legal Services Agency:

www.lawaccess.govt.nz/Lrm_V2.aspx?BookId=50&ChapterId=1

Equal Opportunities Trust:

www.eeotrust.org.nz

Relevant Legislation

- [Harassment Act 1997](#)
- [Harmful Digital Communications Act 2015](#)
- [Employment Relations Act 2000](#)
- [Human Rights Act 1993](#)
- [Crimes Act 1961](#)
- [Privacy Act 1993](#)
- [Health and Safety in Employment Act 1992](#)

Related Documentation

- [Students' Concerns and Complaints Procedure](#)
- [Students' Concerns and Complaints Policy](#)
- [Disciplinary and Performance Management Guidelines](#)
- [Disciplinary Procedure](#)
- Student Discipline Statute (Non-Academic) 2003