

PREVENTING HARASSMENT

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| Section | Problem Resolution | | |
| Approval Date | 29.08.08 | Approved by | Directorate |
| Next Review | As required | Responsibility | Chief Executive |
| Key Evaluation Question | 6 | ITPNZ Quality Standard | 6 |

POLICY

Nelson Marlborough Institute of Technology (NMIT) is committed to providing an environment where all students and staff can learn and work without harassment.

Harassment of any person will not be tolerated at NMIT as it is personally offensive, affects morale and interferes with the work of staff and students. Harassment may constitute serious misconduct and can be the grounds for dismissal either from a course (in the case of students) or from employment (in the case of staff). Refer to *Student Misconduct Procedure* and *Staff Misconduct Procedure*.

Harassment as a form of discrimination contravenes the principles of equal employment and equal education opportunity.

Sexual harassment is prohibited by sections 62 and 69 of the Human Rights Act 1993 and is grounds for a personal grievance under Part 9, section 103 and subsequent relevant sections of the Employment Relations Act 2000.

Racial harassment is prohibited by section 63 of the Human Rights Act 1993.

DEFINITION AND SCOPE

Harassment is unnecessary, unwanted behaviour that can be a series of repeated incidents or a significant isolated incident. Harassment is any unwelcome comment, conduct or gesture directed toward an individual or group of individuals. Harassment is insulting, intimidating, humiliating, malicious, degrading or offensive, which adversely affects someone's performance, contribution or work environment.

Harassment may be focused on an individual's or group's race, colour, gender, physical characteristics, sexual orientation, disability or any other characteristic.

Harassment occurs along a continuum that ranges from mild conduct such as gestures or comments, to conduct which may be physical, forceful and violent.

Sexual harassment is a particular kind of harassment involving unwanted behaviour of a sexual nature.

Examples of harassing behaviours include but are not limited to:

- written or verbal abuse or threats
- the display of visual materials which are offensive
- repeated comments or teasing about someone's alleged sexual activities or private life
- offensive hand or body gestures
- unwanted physical contact including touching, petting, pinching or kissing

- requests for sexual favours including implied or overt promises of preferential treatment, threats concerning present or future employment status (in the case of staff) or success in a course (in the case of students)
- sending offensive emails, text messages or faxes
- deliberately excluding or ignoring people with the intention of isolating or hurting them
- Bullying

RESPONSIBILITY

Managers are required to take affirmative action to maintain their areas free from harassment and intimidation and to educate students and staff of the nature, implications and prevention of harassment.

All staff have a similar responsibility within their classrooms and other work environments. This responsibility includes encouraging people who have been harassed to consider all options for resolution.

Management shall ensure prompt corrective action is taken upon becoming aware that incidents involving harassment have taken place. This responsibility includes ensuring parties involved in a complaint are not subjected to victimisation.

PROCEDURES

Due to the sensitive and personal nature in cases of harassment, individuals may choose whom they report the matter to. Harassment complaints should be dealt with quickly and confidentially, whilst adhering to the principles of natural justice and procedural fairness.

Options for resolving harassment include:

Initial steps

- Tell the harasser directly that the behaviour is not liked and ask the harasser to stop.
- Write a letter on a "private and confidential" basis to the harasser.
- Involve a third person to help resolve the situation.

FORMAL RESOLUTION PROCEDURES

- Make a written complaint under the NMIT *Complaint Procedure*.
- Complaint forms can be obtained from: The NMIT Student Advisor, NMIT School offices, NMIT Reception desks, and Staff in the Student Centre, the SANITI Office, and on the NMIT website.
- Report complaints of a criminal nature to the police.

Complainants may request support (for example from; The NMIT Student Advisor, SANITI, whanau, colleagues, the staff association).

REFERENCES

INTERNAL

Complaint Procedure
Staff Misconduct Procedure
Student Misconduct Procedure

EXTERNAL

Human Rights Act 1993
Employment Relations Act 2000