

PREVENTING BULLYING & HARASSMENT PROCEDURES

1. PURPOSE

These procedures support the Preventing Bullying & Harassment Policy by providing for an accessible, fair, efficient and confidential process for receiving and responding to concerns or complaints of bullying or harassment.

All staff and students are expected to behave in ways that avoid bullying or harassment. If these behaviours occur, staff and students [and others] can seek assistance as outlined in these Procedures.

2. SCOPE

These Procedures apply to all employees, contractors, workers, students, volunteers, clients, visitors, or members of the public (where they engage with the University or University premises) who:

- have a concern, issue, or complaint involving bullying or harassment for which they want assistance or support; or
- seek education about the Policy and Procedures for preventing and addressing Bullying & Harassment.

3. DEFINITIONS

The definition of Harassment is set out in the Preventing Harassment Policy.

Complainant: refers to the person who raises a concern or makes or may wish to make a formal complaint.

Respondent: refers to the person who is alleged to have committed the bullying or harassment.

Supported Self-Help: is assistance and information about how to deal with the concerns personally, directly and effectively

Facilitated Conversation: refers to the process in which an acceptable third person assists participants with concerns or disagreements to reach a mutually acceptable solution.

Mediation: Refers to the process where an external, neutral, trained mediator assists the two parties to explore the concerns and decide on agreed solutions for the future

Complaint: is a request for a formal investigation.

Respect in Action Contact: is a preventing bullying & harassment contact who is trained to listen to any concerns, answer questions that people may have in relation to bullying & harassment and provide options for dealing with these concerns. There are Respect in Action Contacts available for staff, and this is a confidential process. Click for more information on the [Respect in Action programme](#) and the Contacts' details can be found at:

4. ACTIONS

The University is committed to providing a safe work and study environment for all staff, students, and visitors in order to prevent bullying & harassment from occurring. However, if a person believes they have been bullied or harassed or if a person has witnessed or has concerns about bullying or harassment, there are

rigorous procedures in place to ensure that any concern or query is treated confidentially, taken seriously, and acted on promptly.

What to do when it looks as if Bullying or Harassment has occurred

The diagrams below provide a pictorial overview of AUT's process and options available for responding to complaints that are explained in this part of the Procedures.

Staff

Any University employee who perceives themselves to be bullied or harassed or is the witness of a bullying or harassment concern is encouraged to reach out to a Respect in Action Contact. You can find the Contact details in Respect in Action, [Ask for Help](#)

Alternatively, employees may seek advice from another suitable support person such as a People and Culture staff member, the Union, the Human Rights Commission, or other University staff. These people may consult with and/or refer the complainant to a trained Respect in Action Contact so that they can more fully discuss their options, both informal (low level) and formal.

Anonymous concerns and complaints are managed by the Respect in Action Coordinator in consultation with other staff.

AUT may be obliged to investigate a concern even when this has not been requested by the enquirer, in order to take reasonable steps to provide a safe workplace, or when they have reason to believe that this is a repeated pattern of behaviour.

Students

Any student who perceives that he or she or another student is being bullied or harassed, is encouraged to seek out a Student Services Contact. Students may also seek advice from a lecturer, the student union (AUTSA), or another University representative. Options, both informal and formal, can be discussed more fully with Student Services.

Students who may not initially feel comfortable discussing their concerns in person can do so via the AUT website found here: <https://www.aut.ac.nz/student-life/student-feedback-compliments,-concerns-andcomplaints>

Where bullying or harassment makes you fear for your safety or the safety of others, you should not hesitate to contact the police.

What happens after contact has been made with the Respect in Action Contact or with Student Services?

The Respect in Action Contact or the Student Services Contact will talk with a complainant about the three different ways that the matter can be progressed, with the choice of path forward to be the complainant's decision. The three tiers are:

- **Option 1: Supported self-help:** The complainant may wish to use direct options with coaching re appropriate communication.
- **Option 2: Facilitated conversation:** The complainant may wish to have a conversation with the person who is the subject of their concern, facilitated by a relevant independent person.
- **Option 3: Formal complaint** (including to AUT and/or to an external investigator or to an external agency such as Police or the Human Rights Commission).

Option 1: Supported self-help

This option may be appropriate where a complainant:

- **Does not expect further harm or feel threatened by approaching the person, or**
- Feels that there may have been misunderstanding or unawareness of the impact of behaviour**
- **Wishes to resolve issues and conflicts directly through early intervention**

The Respect in Action Contact or the Student Services Contact will support the complainant in any informal steps they wish to take, including the complainant:

- Speaking to the person directly about the behaviour and asking them to stop.
- Writing a letter or email on a 'private and confidential' basis to the person.
- Taking a support person to tell the person that the behaviour needs to stop/ask for an apology/agreeing how they will behave to each other in the future.

Option 2: Facilitated Conversation

This option may be appropriate where the complainant agrees to be identified and wishes to try to resolve matters without making a formal complaint.

The person chosen to be the facilitator (e.g. Respect in Action Coordinator) would liaise with the respondent to see if the respondent was willing to participate in a facilitated conversation. Where there is agreement by both parties, arrangements will be made including confirmation of the facilitator, and time and place of the conversation, with both parties having the opportunity to bring a support person.

Outcomes may include an apology and/or an agreement on how the parties will behave to each other in the future and/or an agreement that the respondent will undertake suitable training.

Option 3: Mediation

Where both parties agree to seek external mediation, this will be arranged by the AUT Mediation Coordinator, the Director of Employment Relations. The mediation may be arranged through the MBIE Mediation Service, or by a private mediator.

Option 4: Making a formal complaint

This option may be appropriate where the complainant is not satisfied with the outcome of the Supported Self Help or Facilitated Conversation options or considers that a formal complaint is the appropriate procedure.

Your relationship with the University will determine the appropriate avenue for your formal complaint.

- (a) Students who wish to make a formal complaint against anyone in connection with the University should write a letter to the Associate Director Student Conduct. Where the respondent is a student, the process for hearing and investigating the complaint may run in accordance with Council Statute No: 3 Discipline Statute.
- (b) Staff who wish to make a formal complaint against another staff member should write a letter to the Group Director, People & Culture.
- (c) Staff who wish to make a formal complaint against a student should write a letter to the Administrative Secretary for the Vice-Chancellor. The process for hearing and investigating the complaint may run in accordance with Council Statute No: 3 Discipline Statute.
- (d) Non-staff/non-students who wish to make a complaint against a staff member or student may notify the Group Director, People & Culture (for staff respondents) or the Associate Director Student Conduct (for student respondents). Where the respondent is a student, the process for hearing and investigating the complaint may run in accordance with AUT's Discipline Statute.

You are encouraged to seek support from a Respect in Action Contact, Student Services representative, your manager, or another appropriate source, when drafting a formal letter of complaint.

Guidelines for making a formal complaint

When you have exhausted other possibilities and you consider a formal complaint is necessary, it is important to understand that formalizing a complaint is a serious step; it could lead to tense or stressful interactions with co-workers and supervisors. Following these guidelines can help you present your position effectively:

Step 1. Prepare a letter and submit your complaint

Draft a letter or a memo that details your complaint and address it to the appropriate person set out above. Please be courteous and direct in your writing and include:

- The relationship of the person to you;
- A description of the behaviour;
- Specific details including dates, times, places, and circumstances;
- Whether it was repeated and/or of a significant nature;
- Whether the interactions were public or private;
- The reasons you consider it unreasonable;
- The impact that these events have had on you e.g. health and/or work including any resulting disadvantage to you; and
- Early intervention responses that you have tried (if any), and the results of these.

You may submit your complaint as an attachment to an email and you may ask for an acknowledgement of receipt. If sending by email, with the exception of your lawful representative, you should not copy in other recipients.

Step 2. Consideration and investigation of the complaint

Once received, the relevant person will begin investigating the formal complaint. The investigator will be a suitably independent AUT person, or you may request an external investigator, including reasons why you think this is appropriate. The investigator may ask to schedule a meeting to discuss your complaint with you, your lecturer(s), your supervisor, or others involved in the complaint, for the purpose of obtaining clarification or additional information. You are allowed to bring a support person to any meeting called in relation to your complaint.

You will be advised about the process and expected timeframe. Normal processes of fairness and natural justice will be followed, including preserving your right to see and comment on responses and/or other information provided during the investigation.

You will have the opportunity to provide information about the people you think should be interviewed.

If it emerges that a criminal offence may have occurred, the University will discuss with you whether you wish to have the details of the complaint referred to the Police. In some circumstances the University may decide it is appropriate to refer the complaint to the police.

If at any time the respondent admits the allegations, then an investigation may be discontinued, and the decision-maker can proceed directly to determining what measures should be implemented to resolve the matter and prevent future occurrences.

Step 3. Resolution

When the investigation has been completed, you will be informed about the result.

The University will then decide what steps, if any, should be taken to address the results of the investigation. You may not be provided access to all the information concerning the outcome for the person complained

about if it relates to an employment matter that is private and confidential between the University and the employee.

Complaints regarding student respondents may result in the Vice-Chancellor taking any of the specified steps or actions identified in the Discipline Statute.

Complaints regarding staff respondents may result in the Group Director, People and Culture:

- (a) taking no action;
- (b) making an informal or formal warning;
- (c) requiring the respondent to undertake training;
- (d) taking disciplinary action;
- (e) dismissing the respondent;
- (f) implementing other options which are appropriate in the circumstances.

Staff and students who have raised a formal complaint are entitled to know about the process of the investigation. However due to confidentiality only limited information may be provided to you in regard to the outcome. If you are unhappy or dissatisfied with the outcome you should enquire to the Group Director People and Culture for staff and Group Director of Student Services and Administration for students of what information can be provided to you and how we might be able to further assist you.

Step 4. Additional support services

During or after your investigation, there are avenues which you can take to seek support. The following are for your consideration:

Staff

- [Employee Assistance Programme](#) is available to all staff to access confidential counselling services that is delivered by qualified professionals
- Beating the Blues is an interactive treatment session you can access via your GP
 - employee may be able to conduct all their work or parts of their work away from the office i.e. home, if working in the office environment during the investigation causes distress and/or anxiety; providing this meets operational requirements
 - Everyone has a role to play in making AUT a safe environment. If you feel you are unsafe, please contact the AUT Security and Emergency Management Team
- Support is available from the [People and Culture team](#)

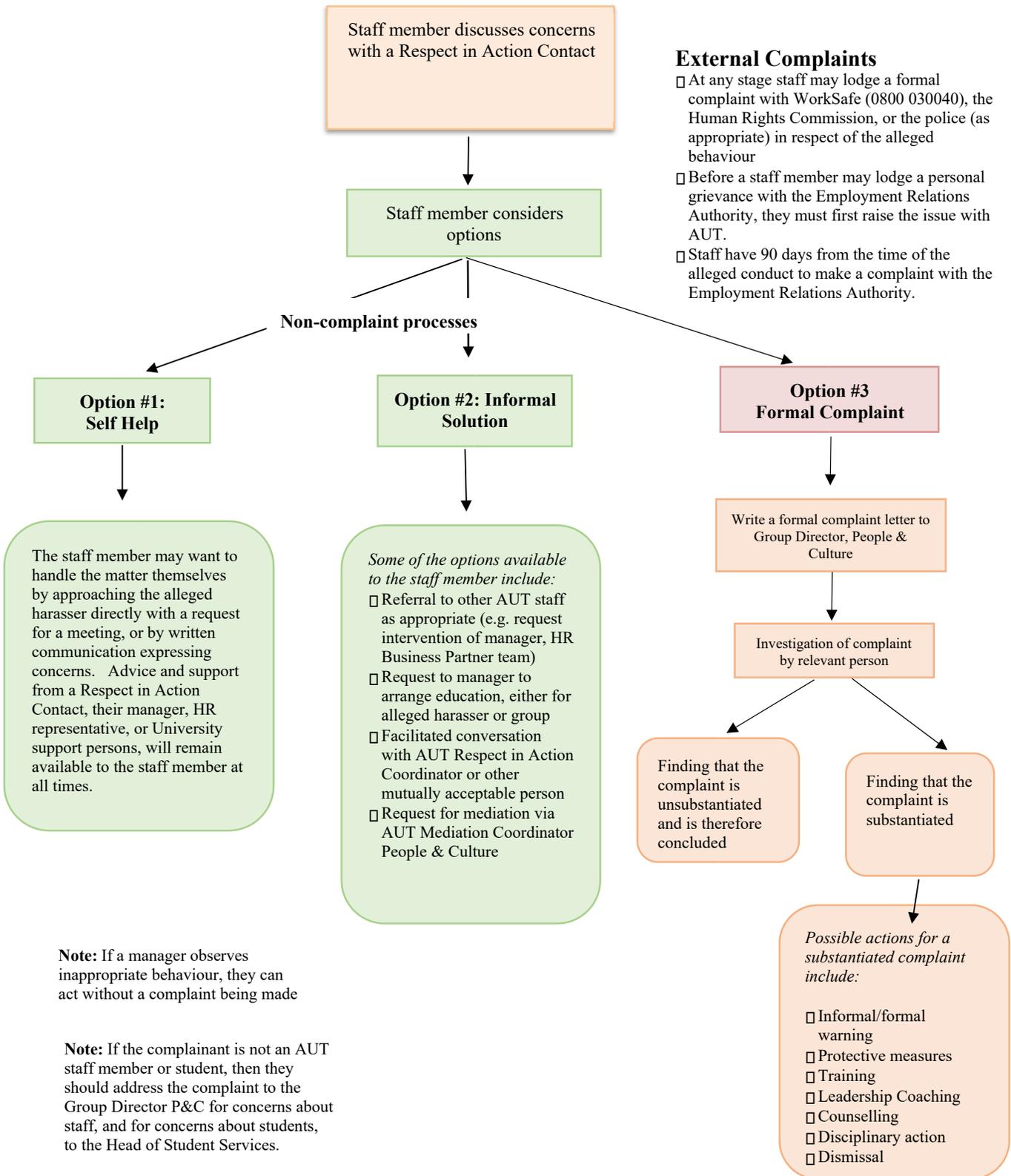
Student

- A support person within the university can be designated to the student during or after the investigation to check in with the affected person.
- Beating the Blues is an interactive treatment session a student can access via their GP.
 - AUT students can get free access to Counselling and Mental Health Services. Sessions are confidential and are delivered by professional counsellors and Mental Health Advisors.
 - There are plenty of community providers within Auckland to help support with various issues. You can access these facilities through AUT's Community Support Services.
 - Everyone has a role to play in making AUT a safe environment, if you feel you are unsafe, please contact safety and security.

Student Health and Wellbeing information is available on Student Hub Online:

<https://student.aut.ac.nz/support-services>

Staff Flow Chart



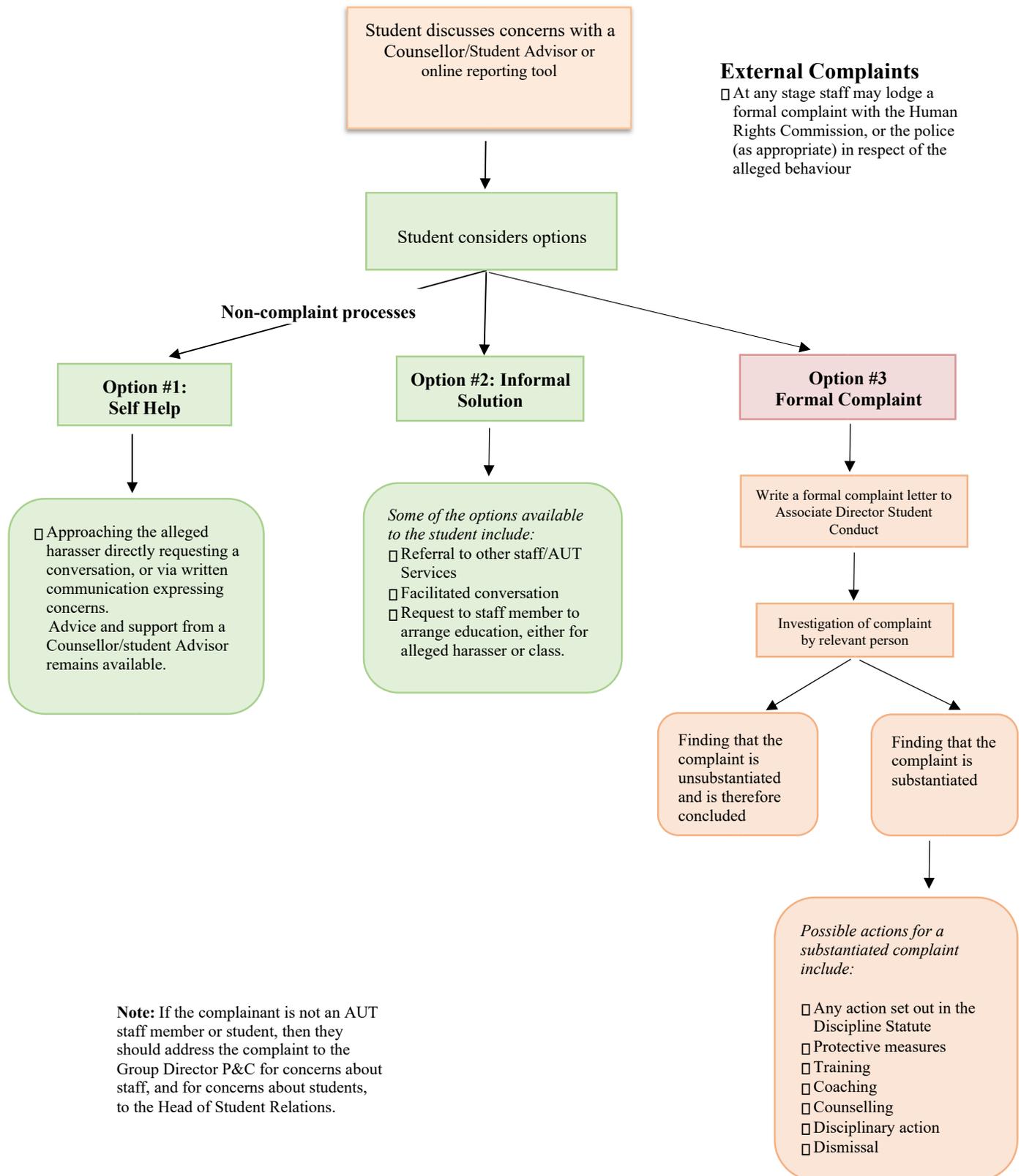
External Complaints

- At any stage staff may lodge a formal complaint with WorkSafe (0800 030040), the Human Rights Commission, or the police (as appropriate) in respect of the alleged behaviour
- Before a staff member may lodge a personal grievance with the Employment Relations Authority, they must first raise the issue with AUT.
- Staff have 90 days from the time of the alleged conduct to make a complaint with the Employment Relations Authority.

Note: If a manager observes inappropriate behaviour, they can act without a complaint being made

Note: If the complainant is not an AUT staff member or student, then they should address the complaint to the Group Director P&C for concerns about staff, and for concerns about students, to the Head of Student Services.

Student Flow Chart



5. RESPONSIBILITIES

Group Director, People & Culture has overall accountability for the Respect in Action Programme.

Respect in Action Co-ordinator is responsible for providing education programmes for prevention and response and maintaining a Contact Network for staff

Respect in Action Contacts support and provide information to staff.

The Group Director Student Relations and Administration has overall responsibility for providing support and information to students through Student Services Contacts.

Employees / Students, all University staff / students are expected to behave in ways that avoid bullying & harassment, and if these behaviours do arise, to seek assistance as outlined in these procedures.

6. POLICY BASE

- Preventing Bullying & Harassment Policy
- Discipline Policy
- Discipline Procedures
- Early Resolution Policy
- Early Resolution Procedures

7. ASSOCIATED DOCUMENTS

Staff and students may find further information from:

- Staff Contacts in the [Respect in Action Programme, Ask for Help.](#)
- Respect in Action on AUTi: <https://auti.aut.ac.nz/peoplehealthsafety/hse/Wellbeing/Pages/Respect-in-Action.aspx>
- Student Health, Counselling and Mental Health information is available on Student Hub Online: <https://student.aut.ac.nz/support-services>
- University notices are used to inform University staff and students of the Respect in Action procedures and the assistance available.

8. FORMS/RECORD KEEPING

Confidential reports are maintained where a complaint is formally investigated only. General statistics are maintained for the purposes of monitoring the Respect in Action Programme within AUT.

9. IMPLEMENTATION

These procedures will be implemented once they appear on the Policies and Procedures webpage.