

Policy Title	ASA Harassment Policy
Last Review Date	September 2020
Next Review Date	September 2023
Effective Date	8/9/20

ASA Harassment Policy

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1. Purpose and Scope

The purpose of this policy is to confirm Albany Students' Association's commitment to zero tolerance of all forms of harassment. This policy will explain

- What is considered as Harassment
- What everyone's responsibilities are
- The procedures that will be used for dealing with Harassment if it occurs

This policy covers:

- Everyone who works at the Association, including staff, executive, and volunteers
- Visitors to the Association, including students

And is applied:

- At the Association offices and worksite
- At Association events
- Outside of the workplace when it is related to Association work

2. Definitions

Harassment is a form of discrimination and is unlawful under the Employment Relations Act 2000 and the Human Rights Act 1993. Examples of Harassment include, but are not limited to:

- Discrimination
- Bullying
- Personal harassment
- Sexual harassment
- Bullying
- Abuse of power
- Malicious complaints

Discrimination - Conduct which results in less favourable treatment/conditions due for example to:

- Disability
- Marital status
- Religious or ethical beliefs
- Race / ethnicity
- Political opinion
- Sex / gender

Bullying –behavior that makes the recipient feel upset, threatened, humiliated or vulnerable. Examples of bullying can include:

- Threats and intimidation
- Verbal abuse, use of inappropriate language, shouting, using an unpleasant tone
- Nit-picking and fault finding without justification
- Belittling remarks to the recipient or behind their backs

- Bullying can take place be in person or online

Personal harassment – repeated behavior that humiliates, undermines or dominates another person, for example:

- Use of abusive or threatening language
- Physical threats
- Physical assaults

Sexual harassment –repeated unwelcome or offensive sexual behaviour that is of a nature to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment. Some examples of sexual harassment could be:

- offensive verbal comments of a sexual nature
- sexual or smutty jokes
- repeated comments or teasing about someone’s alleged sexual activities or personal life
- persistent, unwelcomed message, social invitations, telephone calls, emails from colleagues at work or at home
- stalking or shadowing behaviours
- offensive hand or body gestures
- leering or ogling
- unwelcome physical contact, e.g. patting, pinching, touching, putting an arm around someone
- provocative visual material in either hardcopy or electronic media

Abuse of supervisory power – conduct of a manager or supervisor over another person, for example:

- Over loading with work and providing unreasonable deadlines
- Repeated criticism or undermining

Malicious complaints – false allegations constitute a form of harassment and may lead to disciplinary action against the complainant

Examples of what does NOT constitute Harassment – it is important that people try and view situations from another’s perspective as what one person deems “ok” maybe be offensive to another person. But, in general terms, the following would not be considered harassment.

- friendships, sexual or otherwise, where both parties consent to the relationship
- friendly repartee, light-hearted exchanges or occasional compliments
- words or actions that are directed at the advancement of knowledge and are not targeted at individuals
- expressing an opinion different to that of others
- free and frank discussions about issues without personal insults

3. Association Role and Responsibility

The **Association** will:

- **not** tolerate harassment

- eliminate the risks from harassment so far as is reasonably practicable and if the risks cannot be eliminated, they will be minimised so far as is reasonably practicable
- establish a work culture that is fair and free of harassment and that promotes positive behaviour and work values
- focus on behaviour rather than people, and aim to promote harmonious relationships across the Association
- openly discuss harassment in both formal and informal settings
- ensure that staff employment agreements contain information on:
 - the right to raise a personal grievance under the Employment Relations Act 2000 or submit a complaint under the Human Rights Act 1993 to the Human Rights Commission
 - how to report harassment and what supports, protection and advice is available
 - sexual assault leave entitlements
- make sure that staff, executive and volunteers have a range of ways to report harassment informally or formally
- treat all complaints seriously and take prompt action in response to any report of harassment
- provide a supportive environment to:
 - those who believe they have been harassed
 - those who have been accused
 - those who may be witnesses or support people
- record and investigate all complaints impartially and confidentially and treat all parties fairly/impartially while the allegations are dealt with and seek advice from both parties as to how they wish to deal with the situation
- find appropriate remedies and consequences for both confirmed and false harassment complaints. Depending on the situation:
 - informal solutions may be appropriate
 - formal solutions may be required
- seek advice from external specialists as required

4. Association Harassment Contacts

In order for individuals to feel confident to raise an harassment issue, the Association will appoint a minimum of 3 harassment contact people. These will usually be:

- General Manager
- Advocacy Coordinator
- Association President

The harassment contact person may not talk to anyone else about the issue without the permission of the complainant.

5. Prevention

Everyone involved with the Association has a role in preventing harassment and should be involved to:

- build a common understanding about what harassment is
- behave in a manner that does not harass others

- challenge inappropriate behaviour if they feel safe and comfortable to do so
- tell an Association Harassment contact person if they experience or see any harassment
- follow the Association's procedures when reporting sexual harassment
- look out for each other and provide a supportive environment

6. Experiencing Harassment

Since allegations of harassment are serious it is important to keep any information confidential to those directly involved.

What to do if experiencing harassment – options include

- Self-help - seeking advice and support
 - telling the person, or persons, in private, that their behaviour is offensive and request that it stops, (but you should only do so **if you feel safe and comfortable to do so**)
 - talking in confidence to a trusted person about what happened
 - talking in confidence to an Association harassment contact person
 - seeking advice from external agencies, e.g. Help Auckland, counsellors, lawyers etc
- Lodging a complaint to the Association; a complaint can result in either an informal resolution process or a formal complaint process.
- An **informal** resolution process will usually be a result of a discussion/mediation between the parties hosted by an Association harassment contact person
- A **formal** complaint should be in writing and should:
 - outline the event(s) that took place
 - when it took place
 - the impact the event had on the complainant
 - any action undertaken by the complainant
 - indication of desired outcome
 - The complaint should be lodged with an Association harassment contact person.
- If a sexual assault has occurred, consider reporting it to the police.

7. Witnessing Harassment

This policy promotes that everyone involved at the Association has a role to play in preventing sexual harassment. Things you can do if you are a witness to such a situation include the following, (but you should only do so **if you feel safe and comfortable to do so**).

- intervene in a non-threatening way, by making yourself a third party in the situation to prevent it from continuing/escalating
- speak in confidence to the person who is being harassed
- speak in confidence to the person who is demonstrating the harassment
- report what you have witnessed in confidence to an Association harassment contact person

8. Procedures

The Association commits to taking all complaints seriously and investigating them in a timely fashion to minimise the harm to the complainant and the Association environment. The internal complaints process is designed to be:

- **Accessible** – a minimum of 3 harassment contact people are appointed
- **Fair** – natural justice requires that a person against who an allegation is made, is told all of the substance of the allegation if a decision is made to formally investigate a matter, but does not necessarily require disclosure of the identity of the person raising the concern.
 - equal consideration of the rights of both the complainant and the respondent
 - the respondent will be informed of the allegations and will be given the opportunity to respond to the allegations
- **Confidential** – information about an allegation is only provided to those people who need to know about it. The complainant will be notified of this prior to the sharing of information about the allegation.
- **Efficient** – the complaint process is to be conducted without delay and dealt with impartially and without bias at the lowest appropriate level of intervention.

9. Outcomes

Whether allegations are admitted/substantiated or denied/found to be false, the resolution process could involve:

- An apology
- Counselling or training
- Warnings or dismissal

10. References

- Human Rights Act 1993
- Privacy Act 1993
- Employment Relations Act 2000
- Health and Safety at Work Act 2015
- Worksafe policy and procedures
- Massey University harassment and discrimination at work policy

11.Process Diagram

