

# Bullying, Harassment and Discrimination Policy



**Responsibility for policy:** Director of People and Capability

**Approving authority:** Vice-Chancellor

**Last reviewed:** October 2022

**Next review:** October 2027

## Application

1. This policy applies to all staff of the University of Waikato.

## Scope

2. This policy applies to bullying, harassment and discrimination of staff by staff. (Concerns or complaints about bullying, harassment or discrimination by staff of students may be addressed under the University's [Student Complaints Procedures](#). Concerns or complaints about bullying, harassment or discrimination by students of staff may be addressed under the University's [Student Discipline Regulations](#).)

## Purpose

3. The purpose of this policy is to outline the principles and processes associated with the identification and prevention of bullying harassment and discrimination, and the resolution of complaints about bullying, harassment and discrimination.

## Related documents

4. The following documents set out further information relevant to this policy:
  - [Employee Assistance Programme](#)
  - [Equal Employment Opportunities Policy](#)
  - [Staff Code of Conduct](#)
  - [Staff Guidelines for Resolving Concerns and Complaints about Bullying and Harassment](#)

## Related legislation

5. This policy takes account of the following legislation:
  - [Crimes Act 1961](#)
  - [Employment Relations Act 2000](#)
  - [Harassment Act 1997](#)
  - [Harmful Digital Communications Act 2015](#)
  - [Health and Safety at Work Act 2015](#)
  - [Human Rights Act 1993](#)
  - [Privacy Act 2020](#)
  - [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)

## Definitions

6. In this policy:  
**bullying** means unreasonable behaviour, repeated over time, which is deliberate and intended to humiliate, undermine or otherwise have a detrimental effect on the

recipient(s) and/or pose a risk to their health and safety even though it may not be unlawful.

**cyberbullying** relates to any kind of bullying, harassment or abuse that is carried out online, for example through social media, email or a website.

**harassment** means any unwelcome comment, conduct or gesture that is insulting, intimidating, humiliating, malicious, degrading or offensive. It might be repeated or an isolated incident but it is so significant that it adversely affects someone's performance, contribution or work environment. It can include physical, degrading or threatening behaviour, abuse of power, isolation, discrimination, sexual harassment and racial harassment. (**Discrimination, sexual harassment and racial harassment** have the meanings defined in the [Employment Relations Act 2000](#)). It is behaviour that is unwanted by the recipient even if the recipient does not tell the perpetrator that the behaviour is unwanted. It may be unintentional.

**natural justice** means the right to a fair and transparent hearing and to have a decision made by an unbiased decision-maker who observes fair and impartial procedures.

### **Principles**

7. The University of Waikato values people and their wellbeing (ko te tangata) and all staff of the University have a right to be treated with dignity and respect and to be free from bullying, harassment or discrimination in the workplace.
8. The University does not tolerate bullying, harassment or discrimination.
9. Effective implementation of this policy is a collective responsibility that depends on all staff taking appropriate action to prevent and deal with bullying, harassment and discrimination.

### **Concerns and complaints**

10. Staff who believe that they have experienced bullying, harassment or discrimination should act promptly, and are encouraged to follow the University's internal processes for resolving concerns or making complaints, as described in the [Staff Guidelines for Resolving Concerns and Complaints about Bullying, Harassment and Discrimination](#).
11. The University's [Staff Guidelines for Resolving Concerns and Complaints about Bullying, Harassment and Discrimination](#) outline actions that may be taken at one or more of four levels
  - a. initial self-help by the affected individual
  - b. informally raising the behaviour as a concern with a line manager or neutral third party
  - c. making a formal complaint in writing using University processes, or
  - d. making a formal complaint to an external agency such as the Human Rights Commission, Ministry of Business Innovation and Employment or, where it is believed that a breach of the law is involved, the Police.

### **Investigation and resolution**

12. Any formal complaints under this policy must be in writing; the University will not investigate complaints that are anonymous.
13. Subject to section 12, any formal complaints under this policy will be investigated by the University as promptly as possible, in accordance with the processes and

authorities outlined in the University's [Staff Guidelines for Resolving Concerns and Complaints about Bullying, Harassment and Discrimination](#) and in accordance with the principles of natural justice.

14. A staff member making a formal complaint under this policy will be expected to provide written documentation of incidences of the behaviour, including evidence wherever possible.
15. A staff member making a formal complaint under this policy may request to be removed from the work situation while the investigation is being undertaken.
16. The Director of People and Capability has authority to remove the subject of a complaint from the work situation while the investigation is being undertaken.
17. If, as an outcome of an investigation, it is determined that bullying, harassment or discrimination has taken place, any of the remedies and/or penalties outlined in the [Staff Code of Conduct](#) may be applied.
18. If, as an outcome of an investigation, it is determined that a staff member has intentionally made a false complaint, the staff member may be subject to disciplinary action under the [Staff Code of Conduct](#).

### **Responsibilities**

19. Individual staff have a responsibility to
  - a. avoid behaviours which may be perceived by others as bullying, harassment or discrimination
  - b. raise concerns about any behaviours of other staff which they perceive as bullying, harassment or discrimination, in accordance with the [Staff Guidelines for Resolving Concerns and Complaints about Bullying, Harassment and Discrimination](#).
20. Line managers must take all reasonable steps to ensure that the work environment for their staff is free from bullying, harassment and discrimination and must act as promptly as practicable on any concerns raised with them.
21. An authority investigating a formal complaint under this policy must take all reasonable steps to ensure that
  - a. the complainant is protected from retaliation or unjustified disadvantage, and
  - b. appropriate levels of confidentiality are maintained.

### **Responsibility for monitoring compliance**

22. The Director of People and Capability is responsible for monitoring compliance with this policy and reporting any breaches to the Vice-Chancellor.
23. Breaches of this policy may result in disciplinary action under the [Staff Code of Conduct](#).