

## HG142 Guidelines for Responding to Unacceptable Behaviour

These guidelines are intended to assist complainants and managers in addressing concerns over unacceptable behaviour.

### INITIAL SUPPORT

If a student or staff member 'the complainant', feels she or he is subject to unacceptable behaviour, information on available options may be obtained from the designated contact persons below. A contact person may also provide support and information to anyone accused of harassment. They have been trained to provide support and advice. They will listen carefully and respond in strict confidence.

No one is required to make a complaint if they do not wish to.

### CONTACT PEOPLE

Support and information may be obtained from the contact persons available from Human Resources. The role of contact persons is contained in appendix one.

### OPTIONS

It is in the interests of all parties that action is taken as soon as possible after the alleged unacceptable behaviour occurred. The following options are available to complainants or respondents and may be taken in any order.

#### OPTION 1 PRIVATE RESOLUTION

A complainant may self manage incidents of unacceptable behaviour without any assistance from contact persons or managers of EIT.

#### OPTION 2 SELF HELP

A complainant who feels they have been subject to unacceptable behaviour may speak to a contact person to discuss options and, if appropriate, possible ways of dealing with the situation. Following this discussion the complainant may feel able to resolve the issue themselves. This could include:

- Telling the person, or persons, in private, that their behaviour is offensive and request that it stop.
- Writing to the person, or persons, about their behaviour, sealing and marking the letter *personal and confidential*.
- Speaking to the person, or persons, in private, in the presence of one of the contact people.

#### OPTION 3 INFORMAL INTERVENTION

The complainant may approach the respondent's Programme Coordinator or equivalent or Manager (referred to as 'Manager' for the purposes of these guidelines) to intervene.

The 'Manager' will explain the procedures to both parties and allow them to choose whether or not to proceed with this option.

The role of the 'Manager' is to discuss the complaint with the complainant, explain the procedure and seek to resolve the matter. If there is substance to the complaint possible resolutions might include but are not limited to:

- agreement from the respondent not to repeat the behaviour in question,
- an apology to the complainant,
- an agreement by the respondent to avoid future contact with the complainant where practical,
- other solutions appropriate to the circumstances and agreed by the parties.

All parties must maintain confidentiality outside any such discussions. As part of any agreed solution the 'Manager' may meet other specified people to achieve agreed outcomes.

If informal intervention is unsuccessful the procedures involved in laying a formal complaint should be discussed.

The "Manager" will record in a file held in the manager's office the nature of the complaint and the outcome of informal intervention. Both the complainant and respondent can request copies of the notes kept within a period of 3 months before they are destroyed.

#### **OPTION 4      FORMAL COMPLAINT**

If self help or informal intervention have not worked, or if in the complainant's view the allegation is serious and warrants formal investigation, the complainant should make a formal complaint to the relevant senior manager.

The formal complaint can be in writing or verbal. Where the complaint is verbal the senior manager must record the complaint and then ensure that the complainant has signed the document confirming that it is accurate and complete.

The complaint (whether it is written by the complainant or recorded by the senior manager) must state:

- Who or what the incident is about; and
- What happened (including time, date, place, what was said and done); and
- How s/he responded and what impact the behaviour had on her/him; and
- Whether anyone else witnessed the behaviour.

Formal complaints should be submitted as soon as practicable after the event.

The Senior Manager will follow the student or staff formal complaints procedure.

Student complaints and concerns procedure [Q1 108](#)

Staff disciplinary procedure [HG 115](#)

A student complaint may lead to the commencement of a formal staff disciplinary investigation. The complainant(s) will not normally be advised of the outcome of a disciplinary investigation.

EIT reserves the right to formally investigate an incident or concern irrespective of whether a formal complaint has been received.

#### **OTHER OPTIONS**

Either party still have the right to the following options either before, during or after the formal investigation is concluded if they wish.

Sexual harassment and discrimination is prohibited under the Human Rights Act 1993 and a complaint may be laid with the Human Rights Commission.

Unacceptable behaviour may provide grounds for a personal grievance under the Employment Relations Act 2000 and staff members may wish to contact the Director, Human Resource or their employee organisation about this process.

A complaint about sexual harassment or assault may be laid with the Police. In particular, complaints involving physical assault or rape should be laid with the Police.

International students may lay a complaint with the International Education Appeal Authority.

All students can lay a complaint with the Educational Ombudsman.

Occupational safety and health concerns can be taken to the Department of Labour.

### **Appendix One: Harassment Contact Persons**

A Harassment Contact Person is a voluntary role. Appointments are for a period of two years by the Director, Human Resources following consultation with Senior Managers.

Note: The student or staff member may choose someone else to support them when approaching a contact person, or to act as their support person throughout the process instead of one of the nominated contact people.

### **THE ROLE OF CONTACT PERSONS**

The role of the contact persons will be to provide immediate support to complainants and/or respondents and/or witnesses, advise them of their options and provide a connection with the Human Resources Director if appropriate. They will assist with writing a complaint if needed.

Both complainants and respondents are entitled to the support of a person who may be a contact person. A contact person may attend informal intervention and formal investigation meetings in a support role if asked, but will not have a formal role in presenting the complainant's or respondent's case.

Their role is not to resolve the issue, but provide information and support to assist an aggrieved party in reaching their ideal solution.

The contact person is expected to:

- Listen sensitively to the complaints or concerns; and
- If necessary explain what unacceptable behaviour is and answer any questions; and
- Provide information and options for dealing with unacceptable behaviour; and
- Discuss possible ways the individual can deal directly with the harasser, but only if this is the individual's preferred course of action; and
- Provide general information on EIT unacceptable behaviour policy and procedures to any enquirer.
- If necessary provide support after the complaints process has been concluded.

Contact persons must ensure total confidentiality.

Contact persons will record the number of people who have contacted them for advice, whether they were a student or staff member and the nature of the alleged harassment. These records will be held by the Director, Human Resources in order that the policy may be monitored. Contact persons will not record names, positions or other information which might identify individuals.

### **KEY COMPETENCIES**

Contact persons need to demonstrate competence in the following areas to undertake the role:

- Excellent interpersonal skills - active listening, empathy, verbal and written communication, interview skills.
- Analysis and judgement both about the nature of the issues and about appropriate next steps.
- An understanding of harassment issues.
- Knowledge of EIT unacceptable behaviour policy and procedures.

- Ability to maintain confidentiality.
- An understanding of the relevant legislation.

## **SELECTION**

Contact persons will be drawn from both faculty staff and staff holding welfare/support roles in the Institute. They will have undergone training in offering support and in EIT policy and procedures before taking up their role.

Contact persons will be made by the Director, Human Resources for a two year period (which may be renewed).

In appointing contact persons a consideration will be given to the need to have a mix of characteristics which is broadly representative of the EIT community.

Contact persons will be required to undergo training and meet the competencies above.

Contact persons may be vetted by the New Zealand Police, if deemed necessary by the Institute.

## **SUPPORT**

Case supervision will be arranged by the Director, Human Resources on request from a Contact person.

Contact persons can approach the Director, Human Resources if resources are required to perform their role.