

Unacceptable Behaviour – Policy

Document Name	Unacceptable Behaviour
Document Number	QH142
Owner	Human Resources Director
Developer	Human Resources Advisor

Policy statement

Purpose	<p>EIT is opposed to any form of unacceptable behaviour. As an institution we accept responsibility for providing and maintaining a work and learning environment free from harassment, discrimination and objectionable behaviour.</p> <p>No member of the EIT community will unduly interfere with the living or working environment of any other member of the EIT community while on campus, on a field trip, a clinical placement or participating in an activity organised by EIT.</p> <p>Students and staff have an individual and collective responsibility for their behaviour. They must be sure they neither perpetrate nor tolerate unacceptable behaviour. Where unacceptable behaviour issues arise it is a shared responsibility to ensure they are dealt with effectively and fairly.</p> <p>EIT reserves the right to take immediate action to defuse or make safe a situation of unacceptable behaviour.</p> <p>Unacceptable behaviour can come to EIT’s attention either through an aggrieved party lodging a formal or an informal complaint; or an incident being reported; or where unacceptable behaviour is observed.</p> <p>The principles of natural justice will apply to the investigation of any complaint. Care will be taken during any investigation to take all reasonable steps to prevent any disadvantage to the complainant or respondent. Complaints or incidents of unacceptable behaviour will be addressed as quickly as possible.</p> <p>EIT is committed to maintaining confidentiality for the parties and staff involved. However, EIT may be required to disclose information to address a complaint, in order to comply with the principles of natural justice and its good faith obligations. EIT may choose not to share confidential information (including a complainant's or witness' identity) in certain situations, including circumstances involving a potential risk to the health or safety of any individual.</p> <p>Any complaint that is found to be false, vexatious or made for an ulterior motive, or any obstructive or otherwise inappropriate behaviour during a complaints process, may result in sanctions being applied through the appropriate disciplinary process.</p>
Scope	All members of the EIT community
Background	

Definitions

Term	Meaning
<p>Unacceptable behaviour includes but is not limited to:</p>	<p>3.1 Sexual Harassment</p> <p>Sexual harassment has the meaning given to it in section 62 of the Human Rights Act 1993, which defines sexual harassment as:</p> <ul style="list-style-type: none"> – the making of a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment; or – by the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that: <ul style="list-style-type: none"> – is unwelcome or offensive to that person (whether or not that is conveyed to the person complained about); and – is either repeated, or of such a significant nature, that it has a detrimental effect on that person. <p>Nothing in this section shall apply to the use or presentation of language or materials, which is reasonably required for bona fide educational purposes.</p> <p>3.2 Racial Harassment</p> <p>Racial harassment has the meaning given to it in section 63 of the Human Rights Act 1993, which defines racial harassment as the use of language (whether written or spoken), or visual material, or physical behaviour that:</p> <ul style="list-style-type: none"> – expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; and – is hurtful or offensive to that other person (whether or not that is conveyed to the person complained about); and – is either repeated, or of such a significant nature, that it has a detrimental effect on that other person. <p>Nothing in this section shall apply to the use or presentation of language or materials, which is reasonably required for bona fide educational purposes.</p> <p>3.3 Discrimination</p> <p>Discrimination means conduct which:</p> <ul style="list-style-type: none"> – results or is likely to result in less favourable treatment, or creates or is likely to create a less favourable environment, for any person or group of people than for another person or group of people in the same or similar circumstances by reason of any of the prohibited grounds set out in section 21 of the Human Rights Act 1993; and – does not fall within any of the relevant exceptions in Part II of the Human Rights

Act 1993. More information can be found on www.hrc.co.nz

Discrimination may arise from official statements, actions, omissions, decisions or policies as well as from informal or personal statements or conduct. It may also be indirect, that is, have the effect of treating someone differently even if the discrimination was not intended.

Actions by EIT constituting affirmative actions and policies to assist or advance a particular group are not discrimination. These actions and policies will be made public to the EIT community.

3.4 Personal Harassment and Bullying

Personal harassment means any objectionable or offensive behaviour (expressed or implied) by a member of the EIT community in relation to another member of the EIT community, which:

- intimidates, humiliates, undermines or dominates that other person; or
- involves the use of abusive and/or threatening language, verbal or physical threats or any form of physical assault.

Personal harassment may occur as a result of a significant one-time incident or as a result of more minor incidents occurring over a period.

Bullying is a form of personal harassment which is especially characterised by persistent and offensive, abusive, intimidating, malicious or insulting behaviour (express or implied) which is intended to make the recipient(s) feel upset, threatened, humiliated or vulnerable, undermines their self-confidence and/or causes them to suffer stress. It may include emotional abuse, isolation, economic abuse, abuse of authority, denying and blaming, coercion and threats that create a risk to an individual's health and safety. It may also include encouraging other people to engage in unacceptable behaviour.

Bullying in the workplace is not generally characterised by behaviours and actions such as:

- Friendly banter and light hearted exchanges that are mutually agreeable;
- Staff assertively expressing opinions that are different to those held by others without personal insults;
- Managers issuing reasonable instructions in a reasonable manner and expecting them to be carried out;
- Managers or colleagues raising legitimate concerns about performance or behaviour in the workplace or insisting on high standards of performance.

It is recognised that bullying and personal harassment may be perpetrated either directly (face to face), or indirectly using a range of means of communication (including written correspondence, electronic correspondence, text messaging, symbolic messages via the learning management system or internet by an individual or by a group of people).

Persons/Groups Affected

All staff
Students
Council members
Visitors
Contractors

Consultation Process

The policy was developed by the HR Director in consultation with managers, ASTE, TIASA, the Students Association and interested staff.

Quality Outcomes

- a) The Institute has an effective and timely procedure for dealing with complaints of unacceptable behaviour in fair manner
- b) The Institute protects staff and students from malicious or vexatious complaints of unacceptable behaviour.
- c) Staff and students do not tolerate unacceptable behaviour

Output Standards

- a) Parties involved in the complaints process consider the procedures were fairly and effectively implemented.
- b) Staff and students are made aware of the requirements of the Unacceptable Behaviour policy and the procedures for addressing unacceptable behaviour.

Compliance Standard

- a) All complaints concerning unacceptable behaviour follow correct procedures.
- b) Formal complaints are registered on the Faculty and Central Registers (for student complaints).
- c) Rights to natural justice and privacy are protected.

Reporting Requirements

The Director, Human Resource will review the complaints register and report any issues or trends to Executive Team annually.

Key Information	
Review Frequency	36
Last Review	1/06/2016
Next Review	1/06/2019
Related Items	