

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 see below. A contact person may also provide support and information to anyone accused of unacceptable behaviour. Contact persons have been trained to provide support and advice in a non-biased and non-judgmental way. They will listen carefully and respond in strict confidence.

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

CONTACT PERSONS

Support and information may be obtained from the contact persons. A list of names can be obtained from Human Resources or from the Human Resources intranet page. 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. While these options may be taken in any order, both complainants and respondents are encouraged to first seek to resolve matters informally, using options 1, 2 or 3, before proceeding to the more formal processes of option 4 and the other options set out below.

OPTION 1 PRIVATE RESOLUTION

A complainant may self-manage incidents of unacceptable behaviour without any assistance from contact persons or managers of EIT. This could include:

- Telling the person or persons, in private, that their behaviour is seen by the complainant as unacceptable and requesting that it stop.

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. In addition to the suggestion above, this could include:

- 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 persons.

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 role of the Manager is to discuss the complaint with the complainant, explain the procedure for informal intervention 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 has 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 or the Human Resources Director who will investigate the complaint or appoint someone to do so.

The formal complaint can be made in writing or verbally. Where the complaint is verbal, the Senior Manager must record the complaint and then ensure that the complainant has signed and dated 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, to the extent possible, the time, date, place, and what was said and done); and
- How the complainant responded and what impact the behaviour had on her/him; and
- Whether anyone else witnessed the behaviour and, if so, who.

Formal complaints should be submitted as soon as practicable after the unacceptable behaviour occurred.

The Senior Manager will follow the student or staff procedure as appropriate:

Student complaints and concerns procedure Q1 108

Staff disciplinary procedure HG 115

A complaint of unacceptable behaviour made by a student against a staff member 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, although they will usually be given general information about the process to demonstrate that the matter has been considered and addressed appropriately. For complaints by staff about other staff, EIT will determine the nature and extent of the information it will provide about the outcome, having regard to the interests of all of the staff involved.

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

OTHER OPTIONS

Either party may also consider the following options before, during or after the formal investigation is concluded if they wish.

Sexual or racial harassment, inciting racial disharmony, and certain forms of discrimination are 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 Resources or their employee organisation about this process.

A complaint about 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 Ministry of Business, Innovation and Employment.

Appendix One: Contact Persons

APPOINTMENT

Being a Contact Person is a voluntary role. Appointments are usually 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 is to provide immediate support to complainants, respondents, 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 or response to 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 to provide information and support to assist a party in reaching an acceptable resolution.

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 other party, 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.

The Contact person's role is not to decide whether unacceptable behaviour has occurred in a particular instance.

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 unacceptable behaviour. The Director, Human Resources, will hold these records in order that the operation of this 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 unacceptable behaviour 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 at EIT. They will have undergone training in offering support and in EIT policy and procedures before taking up their role.

Contact persons will be appointed by the Director, Human Resources for a two year period (which may be renewed or shortened where the Director, Human Resources considers that to be appropriate).

In appointing contact persons 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 EIT.

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.

Document information – Office use only	
Document Name	Unacceptable Behaviour
Document Number	HG142
Executive	Human Resources Director
Owner	Human Resources Director
Developer	Human Resources Advisor
Review Frequency	36
Last Review	1/06/2016
Next Review	1/06/2019
Related Items	Click here for Related Documents (available only on Staffnet)
Version history	New format May 2018