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HARRASSMENT

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PURPOSE	This policy outlines the Institutes' stance on harassment and the requirements of staff and how to handle situations of harassment.		

1 PURPOSE

Bethlehem Tertiary Institute seeks and affirms the worth, dignity and vocation of each staff member and student. Harassment strikes at the basis of these values and prevents staff and students reaching for excellence in every dimension of life. Harassment affects everyone: not only the offender(s) and victims, but also those other people who may witness the distress, intimidation or even violence towards a victim. The harassment of an individual or group can also damage the otherwise positive and happy ethos of a staff or student group or the Institute as a whole. Harassment is the misuse of power, position or privilege. It can be used to intimidate, coerce, and engender fear and to control. It can take a number of forms: physical, sexual, verbal, gesture, extortion and exclusion. The harassing of others is unacceptable not only in the campus environs, but also when working in practicum situations or in activities in the wider community.

2 POLICY

1. Staff and students should model behaviour that:
 - a. Emphasises the equal rights of all colleagues/students/children to be free of harassment in any form; and
 - b. Encourages sensitivity towards diversity of people, cultures and ideas.
2. Staff and students should watch for any signs in others that indicate that they might be experiencing harassment (e.g. withdrawn, upset, uncharacteristic behaviour). If such signs persist, an informal verbal report should be made to a member of the SLT who, in turn, will share such information on a confidential basis with the appropriate Year Group Coordinator or Cohort Mentor (in the case of a student possibly being harassed), or the SLT (in the case of a staff member possibly being harassed). The possibility of harassment will be monitored in an unobtrusive manner and the guidelines in #3 below followed if felt necessary.

3 PROCEDURE

1. Should a staff member or student personally experience or witness what is deemed by them to be harassment, or should a staff member be approached directly with a staff complaint about harassment, they should report this in writing to the Dean or a member of the SLT.
2. Upon receiving notice of alleged harassment, the contacted person shall conduct unobtrusive, confidential and comforting follow-up discussion(s) with the allegedly harassed victim(s). Such discussion(s) should occur also with the alleged offender(s). Any notes on follow-up discussions shall be maintained in a secure, confidential file. Discussion(s) should be in the presence of a witness:
 - a. An SLT member, or delegated person; or

- b. If the Dean is involved as an alleged victim or offender, a member of the BTI Board of Directors.
3. Follow-up activities may be short or lengthy in duration, and are directed towards fair resolution of an alleged harassment situation. In addition to establishing evidence or not of harassment, the Dean will arrange for the assistance of a professional counsellor, if deemed necessary.
4. All persons involved in an incident of harassment shall be required to participate in the fair resolution process alluded to above. If harassment is shown to have occurred the resolution process shall involve a verbal and/or written apology given by the harasser to the victim. A written undertaking must be given also by the harasser that s/he will desist from any further incidents of harassment. The SLT shall monitor the situation to ensure that harassment does cease.
5. Notwithstanding [4 above](#), if the harasser(s) continue to harass, or, if a harassment situation is seen by the Dean to necessitate investigation at a higher level, it might be necessary for that situation to be examined and assessed further by the Dean or the Board of Directors. Such investigation might lead to the termination of the student or staff member's position at the Institute.
6. Students and staff should note that practicum placements (schools, ECE centres, agencies) may well have their own harassment policies which should be adhered to when a student is on placement.
7. Information on sexual harassment is included as [an appendix \(Section 4\)](#) to this policy statement.

4 APPENDIX | SEXUAL HARRASSMENT

4.1 WHAT IS SEXUAL HARASSMENT?

Sexual harassment is verbal or physical conduct that is unwelcome, uninvited and unwarranted. It may include:

- leering, patting, pinching, touching;
- persistent invitations for outings or requests for sexual favours;
- displays of offensive pictures, posters and graffiti;
- dirty jokes, derogatory comments;
- offensive written messages and offensive telephone calls, and;
- groups of people ridiculing, leering, wolf-whistling or making sexual comments at a person or group of people.

If such behaviour makes you feel offended and humiliated, intimidated and frightened, or uncomfortable, then it is UNLAWFUL.

4.2 WHAT IS INVOLVED IN SEXUAL HARASSMENT?

Sexual harassment can involve student and student, or student and staff member, or staff member and staff member. Staff and students have a basic right to work or study in an environment free from sexual harassment. Bethlehem Tertiary Institute is committed to providing such an environment.

Because of the inherent power imbalance between teaching staff and students, the development of any romantic relationship between a member of the teaching staff and a student is strongly discouraged, particularly where there is a direct teaching relationship. A sexual relationship between a teaching staff member and a student should not occur. Similar considerations about power imbalance apply to romantic and sexual relationships between senior controlling staff and members of their teaching staff.

4.3 SOME MYTHS AND FACTS

Sexual harassment is humiliating and degrading. It undermines a person's job performance or studies. Those victimised by sexual harassment suffer emotionally and physically, and should not be expected to endure it. Sexual harassment is unwanted attention.

There are some common myths about sexual harassment that need to be offset by the facts:

Myth Nice girls don't get harassed.

Fact Women of all types, ages and races **get** sexually harassed.

Myth If you ignore it, there's no problem.

Fact Surveys indicate that in most **cases** ignoring it makes it worse.

Myth Those who complain are uptight - they can't take a joke.

Fact It's not funny to be harassed, especially after explaining that you do not like the behaviour.

Myth Women use charges of sexual harassment to "get at" men.

Fact Women are most often afraid about complaining. Studies show that (like rape) most sexual harassment is never reported for fear of the consequences (being disbelieved, ridiculed, branded a trouble-maker).

Myth The way some women dress, they're asking for it.

Fact Clothes are no excuse for unwanted sexual harassment. This misconception is based on the false notion that men have no control over their sexual behaviour and are not responsible for their actions.

Myth A firm "No" is enough to discourage any man's advances.

Fact Believing that when women say "No", they mean "Yes", some men dismiss women's resistance. Silence should not be regarded as consent.

4.4 WHAT DOES THE LAW SAY?

1. Section 2, 212 of the Labour Relations Act 1987 says that a person is sexually harassed in his or her employment or course of academic study if he or she is subjected to behaviour of a sexual nature which is unwelcome or offensive to him or her (whether or not that is conveyed to the harasser) and which is repeated or is of such a significant nature that it has a detrimental effect on the performance of the employee or the student and/or the satisfaction which the employee or student derives from his or her work or course of study. Sexual harassment includes:
 - a. the use of words (whether written or spoken) or images of a sexual nature, or;
 - b. physical behaviour of a sexual nature.
2. Without limiting the generality of the foregoing, a person is sexually harassed if he or she is the recipient of a request for sexual intercourse, sexual contact or other form of sexual activity which contains:
 - a. an implied or overt promise of preferential treatment in that person's employment or course of academic study, or;
 - b. an implied or overt threat of detrimental treatment in that person's employment or course of academic study, or;

- c. an implied or overt threat about the present or future employment or academic status of that person.

4.5 DEALING WITH SEXUAL HARASSMENT

Sexual harassment is dealt with by using the policy and complaints procedures established in the Bethlehem Tertiary Institute policy on Harassment. As this policy indicates, there is an Harassment Contact Person (Mrs Marion Sanders) who will respond to complaints promptly with sensitivity and with confidentiality, who will provide support and general advice; and who will give information on the courses of action that might be taken. If a student wishes, contact may also be made with the Dean.

Acknowledgment: This appendix is based on the current policy statement developed at the University of Waikato.