



Managing harassment and bullying at AUT

AUT is committed to being a safe, fair and inclusive community. Harassment and bullying behaviour are counterproductive to this commitment. It's up to all of us to eliminate the opportunity for negative acts to happen. This does not mean that we cannot engage in robust debate and discourse; it means that our interactions are expected to be respectful of others.

Our policies in this area include:

- [Bullying and Harassment Policy](#)
- [Bullying and Harassment Procedure](#)
- [Employee Early Resolution Policy](#)
- [Employee Early Resolution Procedures](#)

Here, we outline the main definitions covered in the policies and the face-to-face training you attended. It provides you with a reminder of the resources that are available to you.

Discrimination

Discrimination can occur when a person is treated differently from another person in the same circumstances. Unlawful discrimination is when someone is treated less favourably than someone else because of an attribute add listed in the [Human Rights Act 1993](#).

The grounds of unlawful discrimination are:

- Sex
- Colour
- Religious belief
- Ethical belief
- Race
- Marital status
- Ethnic or national origin
- Age
- Family status,
- Sexual orientation
- Political opinion,
- Disability
- Employment status

For full definitions of each of these see [section 21 of the Human Rights Act 1993](#) (HRA)

The areas of unlawful discrimination include:

- Employment (s 22 HRA)
- Education (s 57 HRA)
- Accommodation (s 53 HRA)
- Access to public places (s 42 HRA)
- Provision of goods and services (s 44S HRA)



Harassment defined

Behaviour that is unreasonable in the circumstances **and** is
Unwanted, offensive, humiliating or intimidating to the recipient; **and** is either
Repeated or of such a significant nature **that it** has a
Detrimental or negative effects on performance or work and study environment

Sexual harassment has the same key elements as harassment (BURD), with the first element being behaviour of a sexual nature that was not reasonable in the circumstances. A second definition of sexual harassment that is covered in the Human Rights Act (s.62) is where there has been a request for sexual activity of any sort that contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

Racial harassment has the same key elements as harassment (BURD), with unreasonable behaviour being defined as the use of language or visual material or physical behaviour that expresses hostility against or brings into contempt or ridicule any other person on the grounds of *race, colour, ethnic or national origins or that person*.

Bullying, like harassment, is any repeated unreasonable behaviour that is directed towards a person or group of people that can lead to physical or psychological harm. This includes **cyberbullying**.

What you can do if you have been harassed or bullied

Lots of things make a difference about how you might address an issue. These include considering:

- what is happening
- your relationship to the perpetrator;
- how important your relationship to the perpetrator is (e.g. is this someone you have to interact with daily, or someone you see rarely?)
- how safe it is to do something yourself without involving others or whether others need to be involved;
- the surrounding circumstances at the time;
- what you want the outcome to be.

Personal Safety

If it is safe and appropriate, you may work on resolving the issue yourself. Several actions could be taken in this '**self-help**' option such as:

- I. talking to the person directly (see **Clear Communication** below for a possible structure for such a discussion)
- II. writing a letter, email, or SMS to the person
- III. using some humour if the behaviour is low level, and you are comfortable using this way to address matters
- IV. walking away
- V. avoiding the person



- VI. changing your attitude (e.g. getting more information about a cultural practice,) or changing the environment (e.g. taking down an offensive poster)
- VII. analysing the offending behaviour to identify if there are triggers to it (e.g. alcohol, drugs, particular places or situations), and avoiding the triggers
- VIII. keeping a diary of the unreasonable behaviours, time place and circumstances when it occurred
- IX. getting guidance, support or feedback from a trusted friend or colleague

Note: All of these have potential advantages and disadvantages. There is no 'one-size-fits-all' solution.

Respect in Action Contact Network

AUT has a group of staff known as the Respect In Action [RIA] Contact Network who can help you decide on your chosen action. These staff have received training in active listening to people who may not want to go to a manager in the first instance. They help by coaching you to be able to take the action best suited to the situation.

The names of the Respect in Action contacts are available on TUIA at [Respect in Action Contacts](#), or on Ea's website at [Respect in Action | Ea Website](#).

Ea - AUT's Employee Advice and Resolutions Service

For additional assistance that is independent, neutral, informal and confidential you could contact **Wayne Marriott, [Organisational Ombuds for AUT] at Ea**.

The Ea team follows ethical standards set by the International Ombuds Association. While provided by AUT, Ea offers staff independent advice on managing workplace challenges through communication channels that are separate from the University's systems. Ea is impartial, helping individuals navigate challenges, make informed decisions, and understand University policies, without offering legal advice or making decisions for them. All information shared with Ea is confidential, with records kept for anonymised trend reporting but not disclosed to the University, meaning Ea does not accept formal complaints or grievances on behalf of AUT. Ea focuses on resolving conflicts, restoring relationships, and improving team communication rather than handling formal notices or complaints.

Formal Remedies

You may choose to lodge a formal complaint. You usually approach someone from People and Culture or your management line. A decision will be made about the most appropriate process for addressing the complaint. Things taken into account here include:

- whether a student or member made the complaint of staff
- whether the person complained about is a student or staff member
- the level of the behaviour complained about
- the outcome desired by the person complaining



If you see something happening to another person

When you:

1. **notice a behaviour** that you think is inappropriate. You then need to ...
2. **interpret the behaviour** – i.e. understand what is going on. You might talk to one of the parties or someone else to help you get the picture clearly
3. **decide** whether you will take any responsibility for addressing the issue. You need to consider your safety in this decision
4. **formulate** what strategy is the most appropriate
5. **take the action** you have settled on

Some ways to intervene

Immediacy HIGH			
Public involvement LOW	<ul style="list-style-type: none">reporting to someone else to intervene – e.g. security, police, lecturer, manager	<ul style="list-style-type: none">direct interventiondistraction	Public involvement HIGH
	<ul style="list-style-type: none">telling the recipient to avoid the bullyin private, telling person bullying to back offgiving target emotional supportdoing nothing	<ul style="list-style-type: none">bringing up issues in a workplace meetinggoing with the recipient to the manager or HR	
Immediacy LOW			

Clear communication:

If you wish to address a matter yourself, you may choose to follow an assertive communication pattern. There are several steps of 'muscle' in assertive communication, and starting at the lowest, **appropriate** level gives you room to take further action.



Step 1: Naming or identifying the behaviour – just calling it out sometimes stops the behaviour. Remember to focus on the behaviour, not on name-calling the person. If this doesn't work, then your next step is to ...

Step 2 Use step 1 plus add the impact it has on you. If this doesn't stop the behaviour, you can move to ...

Step 3: Restate step 2 and identify what you would like to happen. The next step would be ...

Step 4: Add emphasis to step 3. You have two more possible steps if this doesn't work ...

Step 5: Restate step 4 and add either a positive consequence (e.g. "if you do stop, then I won't take any further action") or a negative consequence (e.g. "If you don't stop, then I will make a formal complaint.")

Step 6: Carry out the consequence (don't offer a consequence you are not prepared to carry out!)

Note: You can choose to start at any step. The higher level you start at, the fewer steps are left open to you.

Respect and dignity

AUT is committed to maintaining as safe an environment as possible where all staff and students can work and study effectively. We're all a part of creating this by treating each other with respect and dignity.

Helpful links:

[Bullying and Harassment Policy](#)

[Bullying and Harassment Procedure](#)

[Employee Early Resolution Policy](#)

[Employee Early Resolution Procedures](#)

[Sexual Harassment Policy](#)

[Sexual Harassment Procedures](#)

[Bullying Prevention Toolbox | Worksafe](#)

[Staff Resolution Options Flow Chart](#)

[Ask for help | Respect in Action](#)

[Speak up | Respect in Action](#)

[Respect in Action Contacts | TUIA](#)

[Diagramatic Presentation of Definition - Bullying and Harassment](#)

[Human Rights Act 1993](#)

[Harassment Act 1997](#)

[Employment Relations Act 2000](#)

[Ea Service Charter](#)

[Contact us at Ea](#)

[Respect in Action | Ea Website](#)