Guidelines to Assist with Addressing Bullying, Harassment and Discrimination

1 Appropriate people/person

a Any of the individuals listed below are appropriate contacts for raising concerns about bullying, harassment, or discrimination. They may help to determine whether the behaviour being experienced constitutes as bullying, harassment or discrimination, offer guidance on navigating Ara's policies on these issues, and help explore options for resolution.

b Students may approach –

i A class representative

ii A student advisor or student advocate

iii Their program leader

iv The relevant Portfolio Manager

v The Policy and Complaint Lead

c Staff may approach –

i Their program leader

ii Their manager

iii The relevant Portfolio/Faculty Operations Manager

iv A P&C Business Partner

v A union representative.

d Other support services available –

- For students: https://www.ara.ac.nz/student-services/health-and-wellbeing/counselling/
- For staff: https://tewaka.sharepoint.com/sites/Int_SaW/SitePages/OCP-EAP.aspx

2 Informal Resolution

a An individual may consider approaching the person or people involved to resolve the concern, by means of direct discussion or by written communication. In many cases, telling the person concerned that their behaviour is causing distress, explaining why it is unwelcomed and asking for it to stop will be sufficient. Often, the person is not aware that their behaviour is causing distress, and they will stop immediately once told.

b When self-resolution/direct discussion is not possible or does not work, initiating a discussion with an appropriate person (as in 1 above,) may help to determine whether the behaviour experienced constitutes bullying and/or harassment and/or discrimination and/or victimisation and will help to understand the process, and develop options for resolving the concerns.

c An informal process can resolve the concerns through dialogue and without a formal complaint. The informal process is not disciplinary.

3 Recieving a report of an incident

a If it is within your responsibility to handle a complaints process, then you should follow the prescribed procedures set out below. If this is not within your area, then follow the CPP208a Staff Complaint about a Staff member Flowchart, CPP208b Staff Complaint about a Student Flowchart or CPP117c Ara Institute of Canterbury Student Complaints Procedure, CPP117d Student Complaint Process Flowchart.

b Any reported incident should be dealt with using the following behaviours as a guideline –

- i Treat all complaints seriously
- ii Take prompt steps to resolve any complaints
- iii Treat all complaints with good faith
- iv Be non-judgmental, impartial, and empathetic; and
- v Aim to resolve complaints in a timely manner without undue delay

c Steps to take following receipt of complaint –

- i Ascertain the views of the complainant as to what outcome they want
- ii Advise on options available for resolution of complaints, e.g., self-resolution, anonymous complaint, formal complaint, report to police etc
- iii Advise the complainant that choosing to resolve the matter informally does not preclude them from pursuing a formal complaint if they are not satisfied with the outcome
- iv Respect the choice of the complainant
- v Advise the complainant that confidentiality does not mean secrecy. However, information is to be disclosed only to those people who Ara believes need to know about the complaint.
- vi Ensure the complainant knows who information will be disclosed to if any disclosure is to be made, and the purpose of that disclosure.
- vii Show any notes taken to the complainant.
- viii Identify and appropriately manage any conflict of interest in management of the complaint.
- ix Advise of any information which will be presented to the alleged perpetrator.
- x Ensure that complainant knows that they can lodge the complaint outside of the organisation through the relevant legal framework.

Note: *where there is concern that a crime may have been committed, staff members and students are advised to make a complaint to the police.*

4 Raising a formal complaint

a The complainant should first try self-resolution and/or informal resolution options.

b If the issue cannot be resolved by direct discussions and/or informal means, or if the complainant chooses, the complainant may make a formal complaint.

c While each investigation will be unique on its facts, all complaints should be resolved in a timely manner.

d All students should follow CPP117c Ara Institute of Canterbury Student Complaints Procedure.

e All Ara staff members should follow this procedure –

i The staff member advises that there is a problem and submit in writing the nature of the problem and what action they wish to be taken.

ii Specific allegations should include dates, times, how the situation has impacted on them, names of any witnesses, if/how they responded.

iii Staff member emails or delivers letter to Manager, Head of Department and/or P&C Business Partner)

f All Ara staff members should follow this procedure –

i Interim measures may be put in place following a complaint where they are considered necessary to protect one or both parties.

ii An appropriate Ara Staff Member (or, in some cases, an external investigator) will be assigned to investigate the complaint.

iii All parties can take a support person or representative with them to any meetings or interviews that may occur during the investigation.

iv Both the complainant and the respondent will be provided with a copy of the investigator's findings and/or report and given an opportunity to provide a response before a decision is made. Redactions may be made to the report/findings before it is provided to one or more parties if it contains information that is not relevant to the person receiving the report/findings.

v The investigator's findings and/or report will be provided to the relevant decision-maker.

vi The respondent will have an opportunity to meet with the decision maker before any decision is made.

vii The decision maker will decide and communicate their decision to the complainant and the alleged perpetrator.

viii If the decision is that the alleged conduct occurred and was misconduct and/or serious misconduct, the applicable disciplinary process will be followed to determine the appropriate disciplinary action.

Note: *In the event that the person complained about leaves Ara during the investigation period, Ara will complete its investigation based on the information available.*

g Ara reserves the right not to take action related to –

i Anonymous or malicious complaints, complaints based on hearsay or if the complainant does not provide sufficient information or does not respond within 30 calendar days.

ii Issues raised more than 30 calendar days after an alleged incident/problem occurred (if raised by a member of the general public) or more than 90 calendar days (if being raised by an Ara student).

5 What should you do if you witness an incident which concerns you?

a You can take action if you witness bullying, harassment or discrimination at Ara. Some ways that bystanders/witnesses can take action are –

i Notice harassment when it occurs – recognise the behaviour for what it is, name it and do not ignore it.

ii Talk to the person who is doing the harassment, asking him/her to stop the harassment.

iii Encourage the person experiencing the bullying, harassment or discrimination to speak to one of the contacts noted in section 1 above, on the CPP208a Staff Complaint about a Staff member Flowchart, CPP208b Staff Complaint about a Student Flowchart or CPP117c Ara Institute of Canterbury Student Complaints Procedure, CPP117d Student Complaint Process Flowchart to initiate action.

6 Privacy, Reporting and Record Keeping

a The responsible manager will provide the Policy and Complaint Lead with a copy of all documentation relevant to formal student and public complaints that do not relate to staff.

b All records collected, generated, or used as part of the resolution or determination of a complaint under these procedures will be stored confidentially in Ara's records management systems. Records will be kept in accordance with Ara's CPP114 Information and Records Management Policy, the Public Records Act 2005 and the CPP109 Disclosing Personal Information about Students and Staff Policy.

c Policy and Complaint Lead will provide a bi-annual written report to the Ara Executive Board. This will include –

i Quantitative and qualitative analysis of the formal complaints received, referred, resolved and withdrawn, and of performance in complaint handling; and

ii Recommendations for changes to policy and practice, including the management of complaints.

iii Ara will publish aggregate data relating to complaints on the Ara website. Care will be taken to ensure that no individual is identifiable based on the information made available https://www.ara.ac.nz/about-us/complaints/