

Harassment and Discrimination Claim Management Policy (Student Policy)

1. Overview

- 1.1 UC International College (UCIC) is committed to providing a teaching and learning environment that is free from harassment and or discrimination.
- 1.2 For any student who is subject to any form of harassment and or discrimination, UCIC will investigate and provide assistance in seeking support.

2. Scope

This policy applies to all students of UCIC. Staff should refer to Navitas Group policies.

3. Definitions

Term or Acronym	Definition
Appeal	In this context, an appeal relates to a request to review a decision or outcome resulting from lodgement of a bullying, harassment or discrimination claim.
Appeals and Grievance Committee	(AGC). The final appeals body at UC International College which considers appeals from students against any decision by UC International College.
Bullying	Refers to repeated, unreasonable behaviour directed towards an individual or group that creates a risk to physical or mental health and safety. <ul style="list-style-type: none"> • Bullying behaviour may occur in one-on-one interactions or it may take place in front of others. • Bullying may be direct or indirect – see Appendix A for examples.
Claim	For the purpose of this policy, claim refers to any assertion relating to bullying, harassment or discrimination.
Complainant	A person lodging a bullying, harassment or discrimination claim, complaint or appeal.
Cyber-bullying	A form of harassment or bullying using electronic forms of contact.

Discrimination	<p>Discrimination includes treating (or proposing to treat) another person unfavourably or in an offensive manner based on disability, impairment, age, gender, gender history, sexual orientation, marital status, race, colour, religion, culture, pregnancy, family or carer responsibilities, political opinion, national extraction, social origin and lawful associations.</p> <p>Discrimination may be direct or indirect – see Appendix A for examples.</p>
Harassment	<p>Harassment covers a wide range of behaviours including: intimidation, bullying, coercion, which may reasonably be expected to offend, humiliate, embarrass, disturb or in some way threaten the person at whom it is directed.</p> <p>Harassing conduct includes:</p> <ul style="list-style-type: none"> • Offensive, threatening, intimidating or demeaning behaviour directed at an individual or a group of people; • Any requirement that a person accept or engage in any form of sexual behaviour to gain benefit or avoid disadvantage; • Communication of a spoken or written nature, visual depictions and/or electronically transmitted material that demeans, shows hostility or aversion to individuals or groups in the community. • See Appendix A for examples.
Respondent	A person responding to a harassment or discrimination claim, complaint or appeal.
Sexual Harassment	Sexual harassment refers to repeated, unwelcome and/or inappropriate behaviour of a sexual nature, in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person being harassed would feel offended, humiliated or intimidated.
Victimisation	Victimisation refers to unfavourable treatment arising from a complaint. See Appendix A for examples.

4. Policy statement

- All students have the right to a safe and productive learning environment free from harassment or discrimination and to be treated with respect.
- UCIC will provide information and education around acceptable behaviours towards others in order to support the aims of this policy.
- UCIC is committed to treating all complaints in a sensitive, fair, timely and confidential manner.
- Persons alleging harassment or discrimination will be advised on the process in place for dealing with reported incidents.
- Persons alleging harassment or discrimination will not be discriminated against as a result of the claim.
- Making a claim in bad faith or with malicious intent is considered to be a form of misconduct and will be dealt with according to the relevant Student Code of Conduct policy.
- Attempts will be made to resolve matters informally where possible and appropriate.
- Staff members handling claims must be impartial.
- Any person against whom claims are made will be given the opportunity to be informed and respond to the allegations against them.
- Complainants and/or respondents have the right to receive a fair hearing in accordance with principles of natural justice.
- Parties involved have the right to be accompanied by a support person (such as family member, whanau, friend, counsellor or other support person).
- This harassment and discrimination claim process does not restrict a complainant's rights to take other action.

- UCIC reserves the right to report an incident to the relevant authorities at any point during the process of dealing with a claim of harassment or discrimination.
- Students found to have engaged in an act of harassment or discrimination against a member of staff or other student(s) may be subject to disciplinary action under the Student Code of Conduct policy.

5. Processes

5.1 Informal Reporting of Harassment or Discrimination

5.1.1 Informal action may be appropriate when:

- The parties agree to address the matter informally.
- There is a chance of stopping the problem before it escalates further.
- The parties involved will be required to have an ongoing working/study relationship.

5.1.2 Making an Informal Claim

- Students who believe that they are experiencing harassment or discrimination should contact the Student Welfare Officer or a trusted UCIC staff member in the first instance.
- The staff member receiving the complaint will clarify the claim and desired outcomes. They will explain UCIC processes for dealing with the claim and discuss options available to address the situation.
- The Complainant will be supported to identify and access avenues for coping with the situation, resolving the problem and/or preventing further inappropriate behaviour.
- Where the complainant has named the person responsible for the alleged harassment or discrimination, that person has the right to respond to the claim. The respondent will be informed of the claim in writing and is required to respond to the alleged claim within two working days.
- The staff member in receipt of the informal complaint may also discuss the case with the Academic Manager (or nominee).
- Further meetings may take place with either party or jointly. At all meetings either party may be accompanied by a support person.
- A resolution will be proposed to the parties involved and formally outlined in writing. The outcome will be monitored.

5.2 Making a Formal Claim:

- If a complainant does not feel the situation has been resolved after engaging in the informal resolution process, they may make a formal claim.
- To formally report inappropriate behaviour, the claim must be submitted in writing to the Quality and Compliance Coordinator detailing the incident(s) of inappropriate behaviour, the name of the person(s) responsible (if known), the impact of the behaviour, any supporting facts or evidence, efforts taken to address the situation and the desired outcome / resolution.
- Formal claims will be considered by the Academic Manager. The Academic Manager will organise a meeting with the complainant to gather further information on the nature of the claim and assess whether the complainant is in need of immediate support or assistance. The Academic Manager may be accompanied by another staff member. The complainant has the right to have a support person during this discussion.
- Where a claim is made against the Academic Manager, the claim will be considered by an alternative senior staff member.
- The person(s) accused of the inappropriate behaviour (respondent) will be informed of the claim made against him or her in writing and given five working days to respond to those claims.
- The Academic Manager will consider the claim, the respondent's reply and decide on the actions to be taken.
- Both complainant and respondent will be notified of the outcome and proposed resolution in writing within 10 working days of the respondent's reply.

5.3 Options for Resolving/Addressing a Claim of Harassment

Depending on the nature and seriousness of the claim, any of the following processes may be initiated as an outcome of an informal or formal claim:

- Apology
- Order to stop specified behaviour and/or comply with the policy
- Direction to keep parties apart, monitor behaviour, provide information, support or training
- Disciplinary action
- Mediation
- Counselling
- Independent investigation
- Student Misconduct Report and follow-up action
- Enrolment exclusion
- Report to Police – for criminal actions

This list is provided as a guide only and does not limit other processes or actions being taken as a result of a formal claim.

5.4 Internal Appeal

Either complainant or respondent may submit an appeal if they are not satisfied with the outcome of the formal claims process and believe that:

- There was insufficient opportunity to present their case to the decision-maker; or
- The process was not carried out in accordance with UCIC policy or procedures.

Appeals should be submitted on the official UC International College Appeal Form to the Quality and Compliance Coordinator. Appeals should be submitted within five (5) working days of the written outcome of the formal claims process.

5.5 External Appeal

Either complainant or respondent may appeal to an external body (New Zealand Qualifications Authority) if they believe that UCIC has not followed the correct processes as per this policy.

To find out further information, please see: <https://www.nzqa.govt.nz/about-us/make-a-complaint/make-a-complaint-about-a-provider/>

Prior to making an external complaint, students should first have followed UCIC's Internal Complaints process.

6 Administrative Procedures

This policy is accessible through the UCIC policy library on its website.

Records of claims of bullying, harassment or discrimination will be kept for an initial period of seven years. If no further claim has occurred during this period, the records will normally be destroyed. These records will be under the responsibility of Quality and Compliance Coordinator.

These records will be confidential and filed separately from student files. Internal disclosure and access should be limited strictly to those employees who need to have access for official purposes. UCIC reserves the right to share information with appropriate staff members if they have concerns regarding the welfare of the complainant or respondent.

Appendix A: Identifying Harassment and Discrimination

Bullying

Bullying behaviour relates to repeated, unreasonable behaviour which may cause a risk to the health, safety and wellbeing of another individual. Behaviour which may be considered to be bullying includes but is not limited to:

- Aggressive or intimidating conduct.
- Yelling, screaming, abusive or offensive language, insults, inappropriate comments about a person's appearance, personal life or lifestyle.
- Belittling or intimidating comments, constant belittling of another's opinions or unreasonable criticism of others.
- Spreading malicious rumours.
- Teasing, practical jokes or 'initiation' ceremonies.
- Isolating individuals from normal study interactions without justification or exclusion from events.
- Pressure to behave in a certain manner.

Harassment and Discrimination

Behaviour which may be considered to be as **Harassment** or **Discrimination** may include:

- Treating another unfavourably or in an offensive manner based on differences of disability, impairment, gender, sexual orientation, marital status, race, colour, religion, culture, pregnancy, political opinion, national extraction, social origin or lawful associations.
- Unwelcome verbal, written, social, physical or sexual behaviour which may reasonably be expected to cause embarrassment, offense, discomfort, upset, fear or intimidation.
- **Verbal and written** (includes via electronic medium) name calling, offensive language, disparaging remarks, unreasonable and continued criticism. Sending images which are unwelcome or inappropriate. Continual unjustified, unconstructive and/or unnecessary comments about a person's personal life, appearance or work performance.
- **Social:** bullying, disparaging comments in front of others or behind a person's back, threatening, exclusion, isolation, 'ganging up', offensive noises.
- **Physical:** fighting, pushing, gestures, invasion of personal space, following/stalking.
- **Sexual:** deliberate and unwelcome or inappropriate physical contact (patting, pinching, brushing against, hugging, touching, kissing, rubbing) considered sexual in nature; sexually orientated comments, messages, smutty jokes, images or gestures; unwelcome questions or comments about private or sexual life, sex-role stereotyping; staring or ogling or inappropriate phone calls/emails/texts.
- Interference with a person's work materials, equipment or property, apart from what would be considered necessary for ongoing work in the particular area or as part of normal student work.
- Persistent following (stalking).
- Requests for sexual favours or inappropriate personal attention.
- Offers of reward for sexual favours.
- Intimidation that suggests the victim will be disadvantaged in some way if an inappropriate request is not complied with.
- Hazing: is similar to bullying in that it involves peer pressure and intimidation. Both hazing and bullying relates to treating someone as inferior but bullying results in exclusion, whilst hazing forces someone to do something against their will in order to be included in the group.
- Victimisation - Unfavourable treatment arising after a complaint, including denied access to resources, or training; refusal to share information; ignoring the person; violence or biased evaluation of students' assessments.

Note: Conduct may be deemed to be Bullying or Harassment or Discrimination even if the person did not intend to offend, humiliate or intimidate.

Policy Title	Harassment and Discrimination Claim Management Policy (Student Policy)	
Policy Owners	College Director and Principal	
Contact Persons	Quality and Compliance Coordinator	
Key Stakeholders	UCIC Students	
Approval Authority	UCIC Executive Committee	Meeting date approved 15/7/2019
Relevant Legislation	The Education (Pastoral Care of International Students) Code of Practice 2016 and amendments and the Private Training Establishment Registration Rules 2013 under section 253 of the Education Act 1989.	
Related Policies	Student Code of Conduct, Student Complaints Policy	
Related Guidelines	N/A	
File information	File number N/A	Version number V.1.1
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