

PL_MGT_012 Sexual Harassment and Sexual Assault Prevention Policy

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Document Owner		General Manager		
Responsible Officer		Director of Student Administration and Campus Operations (for students) Vice President, People & Culture (for staff)		
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Related Documents		Procedure for disclosing sexual harassment and sexual assault		
Version	Endorsed by	Authorised by	Approved	Effective date
1.0	Academic Policy and Appeals Committee Executive Group Academic Board	Chief Executive Officer	14 January 2020	02 March 2020

1. Context

Media Design School (MDS) is committed to creating an environment that is safe for all members of our community to work and study in, where everyone is treated with courtesy, respect and dignity. MDS recognises that sexual assault and sexual harassment sit within a broader social context of gender inequality, and is also committed to ensuring gender equality and inclusion.

2. Definitions

Exclusion: the cancellation of a student's enrolment and the termination of rights and privileges as a student of MDS, including the right to re-enrol in their programme or be admitted to another programme, for a defined period (two years). The student may re-apply for admission to any MDS programme/s at the end of the period of exclusion.

Expulsion: the permanent exclusion of a student with no right to re-apply for admission.

Procedural fairness: a fair and proper procedure appropriate to the circumstances, where decisions are made without bias and are supported by evidence and communicated with reasoned argument.

Sexual assault: when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 is exposed to sexual activities. Sexual assault is a form of sexual activity without explicit consent. Sexual assault is attempted or actual sexual contact performed without the active, verbal consent and positive physical cooperation of another individual.

Sexual harassment:

- *Physical behaviour, language or visual material of a sexual nature, which is unwelcome or offensive, and either repeated or significant enough to have a detrimental effect on the person subjected to it.*
- *A request for sexual activity together with an implied or overt promise of preferential treatment or a threat of detrimental treatment.*

(Human Rights Commission citing the Human Rights Act 1993)

Note: sexual harassment is a form of sex discrimination, can be obvious or indirect, can be physical or verbal, can be repeated or one-off and can be perpetrated by any gender towards any gender.

Suspension: the cancellation of a student's enrolment and the withdrawal for a specified time of the rights and privileges of a student, including the right to re-enrol as a student. Unless otherwise advised, the student has the right to recommence their studies at the end of the suspension.

Media Design School community: students, staff, agents, titleholders, alumni, officers, contractors, volunteers, and other people who are formally involved in a MDS-related activity, regardless of the location of that activity.

3. Scope

This policy applies to all members of the MDS community and visitors engaged or appointed by MDS while on campus or engaged in a MDS-related activity.

4. Principles

Sexual harassment and sexual assault are unacceptable and not be tolerated under any circumstances. In responding to sexual harassment and sexual assault, MDS will be guided by compassion, cultural competence and natural justice, and will provide support and protect confidentiality and privacy.

Prevention

MDS will maintain an environment that minimises the likelihood of sexual assault or sexual harassment occurring.

- Expectations of appropriate conduct for staff and students will be clearly described in the *Student Conduct Policy* and *Staff Fair Treatment and Equal Opportunity Policy* or agreement.
- Educative programmes and activities will address specific issues around consent alongside the broader social context of gender inequality, ensuring that all members of the MDS community are aware of appropriate standards of conduct and know their rights and responsibilities.

Preparedness

MDS will train staff to manage disclosures of sexual assault or sexual harassment, including where these lead to formal reports, creating a safe environment for students and staff to disclose.

- Written procedural guidelines will provide clarity and transparency for management of sexual harassment or sexual assault disclosures in a timely and sensitive manner.
- Staff who are likely to play the role of a 'first responder' will be trained and supported, understanding principles of compassion, cultural competency, natural justice and confidentiality and privacy.

Response

MDS will respond with care and compassion to disclosures of sexual assault and sexual harassment, prioritising the needs of the person who has experienced the assault or harassment.

- The safety and wellbeing of the person making a disclosure will be a priority in any response.
- People making a disclosure will be provided with support in the form of culturally appropriate and accessible resources and services, both within MDS and within the local community.
 - MDS will ensure that free and confidential counselling services are available for students and staff, provided by a qualified professional.
- People making a disclosure will also be supported to decide whether to make a formal complaint (internally) or a formal report to the police.
 - This decision will remain with the person making the disclosure unless required by legislation.
 - Making a formal report to an external organisation such as the police will not preclude MDS from taking internal action as required.

Recovery

MDS will support the person who has experienced the assault or harassment to continue to meet their work or study goals, making the necessary arrangements for changes to deadlines or schedules as required.

- First responders will provide access to a range of options designed to minimise further disruption to study or work goals, such as changes to assessment deadlines, enrolment records, timetabled classes or campus location.
- Disclosure of sexual assault or sexual harassment will be considered as grounds for special circumstances or special consideration allowed elsewhere in policy, facilitated by the responder to minimise the need for further disclosure.

MDS will not tolerate victimisation or reprisal following disclosure of sexual assault or sexual harassment.

MDS will conduct systematic reviews of the effectiveness of this policy to inform future improvements directed at preventing sexual assault and sexual harassment.

5. Relationships between staff and students

- **Research candidates and supervisors**
- **Students and learning facilitators, lecturers or tutors**

It is never appropriate for a relationship to develop between a student and their lecturer/supervisor without declaring a conflict of interest and changing the teaching or supervisory arrangements.

A relationship which has not been declared as a conflict of interest may constitute sexual harassment or sexual assault under this policy.

Note: relationships between other members of staff and students or research candidates may also need to be declared as a conflict of interest – see the Conflict of Interest Policy.

6. Disclosures of sexual harassment and/or sexual assault

Any member of the MDS community who experiences sexual harassment and/or sexual assault is encouraged to come forward and make a disclosure to MDS. Refer to the Procedure for disclosing sexual assault and sexual harassment.

7. Relevant legislation

[Children's and Young People's Well-being Act 1989](#)

[Employment Relations Act 2000](#)

[Harmful Digital Communications Act 2015](#)

[Harassment Act 1997](#)

[Health and Safety at Work Act 2015](#)

[Human Rights Act 1993](#)

[New Zealand Bill of Rights Act 1990](#)

[Privacy Act 1993](#)

[Worksafe New Zealand Guidelines](#)

8. References

Children's and Young People's Well-being Act (1989). Retrieved from:

http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM149466.html?search=sw_096be8ed818a515c_report_25_se&p=1&sr=3

Human Rights Act (1993). Retrieved from

http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html?search=qs_act%40bill%40regulation%40deemedreg_human+rights+act_resel_25_h&p=1&sr=1

Human Rights Commission (n.d.). *Sexual Harassment*. Retrieved from <https://www.hrc.co.nz/our-work/women/sexual-harrasment/>