

# Sexual Harassment and Sexual Assault Prevention Policy

<b>Code and Category</b>	PL_MGT_012 Management	<b>Authorised by</b>	General Manager
<b>Document Owner</b>	General Manager	<b>Endorsed by</b>	n/a
<b>Responsible Officer</b>	Director of Customer Experience (students) Vice President, People & Talent (Staff)	<b>Effective Date</b>	01 May 2021
<b>Version</b>	1.1	<b>Review Date</b>	May 2024

## Related Documents

Sexual Harassment and Sexual Assault Disclosure Procedure (forthcoming)  
 Sexual Harassment and Sexual Assault Prevention Guidelines (forthcoming)  
[Student Charter](#)  
[Student Complaints Policy](#)

## 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 gender equality and inclusion.

## 2. Definitions

**Exclusion:** the cancellation of a student's enrolment and the termination of their 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.

**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.

**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.

### 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 will 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.

#### 4.1. 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 programs 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.

## 4.2. 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.

## 4.3. 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 mandatory reporting is 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.

## 4.4. 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**

From time to time, sexual or romantic relationships develop between a student or research candidate and their lecturer/supervisor. The role power differential between a lecturer/supervisor and their student or research candidate precludes consent for such a relationship forming.

Therefore, it is never appropriate for such a relationship to develop 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 *Sexual Assault and Sexual Harassment Disclosure Procedure*.

## 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).

[http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM149466.html?search=sw\\_096be8ed818a515c\\_report\\_25\\_se&p=1&sr=3](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).

[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](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*. <https://www.hrc.co.nz/our-work/women/sexual-harrasment/>