

# Bullying, Sexual Violence and Harassment Policy



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**Review Date:** July 2027

**Approval Authority:** LUSA Executive

**Authority:** LUSA President

**Contact Officer:**

## Purpose

1. The purpose of this prevention policy is to make clear that **bullying, sexual violence and harassment is unacceptable. Bullying, sexual violence and harassment will not be tolerated** at Lincoln University Students' Association (LUSA), between executive members, employees, contractors or volunteers of LUSA, any members of the Lincoln University community, at LUSA events, or within LUSA clubs and societies whether on or off campus.
2. In addition to this, this policy will detail how LUSA will demonstrate our commitment to eliminating bullying, sexual violence and harassment, through the implementation of structural change and organisational initiatives to prevent sexual violence.
3. **Background**
4. This policy covers alleged or actual sexual violence or misconduct disclosed to LUSA which:
  - Has occurred at a LUSA activity or event
  - Involves a Lincoln University student or LUSA employee or there is a connection between the misconduct circumstances and LUSA

## Definitions:

**Affected person/party:** An individual who considers that they have been subject to sexual misconduct, harassment, or bullying.

**Consent:** The active, ongoing, informed, specific, and freely given agreement in response to a request to engage in sexual activity. Consent cannot be given by someone who is incapacitated by, or under the influence of, drugs or alcohol, unconscious, or otherwise unable to understand and voluntarily give consent.

**Disclosing person/party:** A person who discloses alleged sexual misconduct.

**Disclosure:** The sharing of information about an alleged sexual misconduct.

**Harassment:** is a form of discrimination and is unlawful under both the [Employment Relations Act 2000](#) and the [Human Rights Act 1993](#). Harassment of any kind is defined broadly as:

- Any behaviour directed towards an individual or group that a reasonable person, having regard to the circumstances
  - would expect to insult, intimidate, victimise or disadvantage the recipient, and which is:
    - unwelcome, hurtful or offensive to the recipient; and is
    - repeated, and/or is of such significance as to adversely affect the recipient's employment or wellbeing.

Harassment can include:

- Discrimination
- Sexual Harassment
- Personal Harassment
- Bullying

***Discrimination:***

LUSA is an inclusive workplace that welcomes diversity and will not tolerate discrimination or discriminatory behaviour as outlined under the Human Rights Act 1993.

***Sexual Violence:*** Any kind of sexual contact initiated without actively seeking and gaining mutual Consent. It includes, but is not limited to, kissing, touching of body areas, fondling, sex, or other forms of penetration.

***Sexual Misconduct:*** A non-consensual physical or psychological sexual act that targets a person's sexuality, gender, ethnicity, or identity. This includes, but is not limited to, sexual assault, Sexual Harassment, stalking, non-consensual taking or distribution of sexual images or videos, and cyber stalking.

***Sexual Harassment:***

Sexual harassment includes interaction(s) characterised by unwelcome sexual advances or propositions, requests for sexual favours, and other verbal, written, physical, or visual conduct of a sexual nature that creates, or has the potential to create, a hostile, intimidating, or offensive environment. This applies to behaviour in person as well as through online and digital platforms (including but not limited to email, messaging applications, video conferencing, social media, and other electronic communication). Sexual harassment also encompasses the use of jokes, remarks, or content of a sexual nature that demean or exclude individuals based on gender, sexual identity, or related attributes. Such conduct is detrimental to the mental, emotional, spiritual and physical well-being of individuals and will not be tolerated in any form at LUSA.

***Personal Harassment:***

Personal harassment means any behaviour by a member of staff, which explicitly or implicitly intimidates, humiliates, undermines, or dominates another person; or involves the use of abusive and/or threatening language, verbal or physical threats; or any form of physical assault.

***Bullying:***

Bullying is a form of harassment and a misuse of power, whether formal or informal, which is characterised by repeated and persistent, offensive, abusive, intimidating, malicious or insulting behaviour. It makes the recipient or target feel upset, threatened, humiliated, excluded, or vulnerable and undermines self-confidence. It has a detrimental effect on a person's dignity and well-being and may cause them to suffer stress. Bullying can be exercised by anyone in any position in an organisation and can occur at all levels. Bullying can include the following four defining characteristics:

1. It is directed at one or more specific individuals.
2. The behaviour is unreasonable or inappropriate given the context.
3. It occurs repeatedly over a period of time.
4. It is perceived to cause harm—whether physical, emotional, financial, or otherwise—or to endanger the person's health and safety.

The following do not constitute bullying or harassment when conducted respectfully and appropriately:

- Constructive feedback
- Reasonable performance management or disciplinary action
- Differences of opinion or interpersonal conflict not involving intimidation or harm

LUSA recognises that in a rapidly evolving digital landscape, Generative AI can be and is a tool for discrimination, bullying, and harassment (sexual or otherwise). The use of Generative AI tools to instigate and perpetuate discrimination, harassment, and bullying will not be tolerated by LUSA. Generative AI can include large language models (e.g., ChatGPT and CoPilot), language translation software (e.g. Lokalise, Quillbot), and image generating tools (e.g. DALL-E 2, Midjourney, and Leonardo).

## **LUSA recognises that**

6. Sexual violence can occur between individuals regardless of their gender, gender, sexuality, race/ethnicity, cultural identity, or disability status.
7. Sexual violence is most likely to occur between people who already know each other. Sexual violence can happen between partners, those in romantic relationships, spouses, or friends.
8. Learning how to address racism, language discrimination, colonisation, heterosexism, ableism, transphobia, queerphobia as fundamental issues that must be addressed to end sexual violence within student and tertiary communities
9. Addressing power dynamics internally and externally to the [Student Association] are fundamental to the changes in attitudes, behaviours and beliefs that perpetuate bullying and harassment within our communities.
10. Bullying and harassment of any nature can be a traumatic experience. LUSA recognises that some individuals' experiences of sexual violence may be considered by society as "low end" forms of sexual violence and therefore "not-as-serious". LUSA rejects this notion and considers all forms of sexual violence as serious.
11. Individuals who disclose experiences of sexual violence have had control taken from them. It is essential that they retain full decision making over their healing journey, including any decisions to report the incident and how any subsequent processes are handled.
12. That alleged perpetrators of harmful sexual behaviours have the right to be supported to grow their capacity to address harmful sexual behaviours and engage in safe relationships without condoning the alleged perpetrators actions.
13. All reports of sexual harassment will be treated with sensitivity and handled as confidentially as possible. Information will only be shared with those directly involved in managing the report or where required by law. Everyone involved in a complaint—including the person reporting, the respondent, and any witnesses—is expected to respect confidentiality. Breaching confidentiality may result in disciplinary action. In some cases, the matter may be referred to the university or external authorities if necessary for safety or legal reasons. Support is available through Lincoln University Support Services as outlined in 26.6 and the LUSA Student Advocacy and Voice employee.

### LUSA believes that:

14. Student communities without sexual violence, sexual harassment, harassment, and bullying are possible.
15. Everybody deserves the right to work and study free from all forms of sexual violence.
16. Ending sexual violence is a community responsibility.
17. When an executive member, student or LUSA employee **informally discloses** or **formally reports** an incident of sexual violence they should be supported and made aware of support services available to them.
18. No one should be pressured into formal reporting pathways.
19. Employees and executive members of LUSA should be knowledgeable about the issue of sexual violence and;
20. Employees and executive members should be confident in their ability to respond to disclosures of sexual violence.

### LUSA Office

21. Bullying, sexual violence and harassment will not be tolerated within the LUSA office. Staff, Executive members, students, and visitors to our office all have the right to feel safe and respected. Refusal to tolerate sexual harassment within our office is an important part of creating a safe and positive environment for our constituents and our staff. Such instances of sexual harassment will be dealt with under the conditions set out in paragraph 26.
22. Anyone caught breaching this policy within the LUSA Office shall be asked to leave and an investigation into the breach may occur

### LUSA Events

23. Events organised by or sponsored by LUSA should all endeavour to be free from bullying, sexual violence and harassment, and to have adequate sexual harassment prevention measures in place.
24. Merely stating the prohibition of sexual harassment at LUSA events is not enough, and as an organisation we must ensure that steps are taken to both prevent and deal with situations of sexual harassment.

### Sexual Harassment Awareness and Sexual Harassment Contact Training

25. Responsibility for organising annual Sexual Harassment Awareness and Contact training for the LUSA Executive, all staff and any appropriate volunteers should be that of the LUSA General Manager and/or the LUSA President. Training should be carried out as soon as possible at the beginning of each academic year.

### Dealing with bullying, sexual violence and harassment

26. In instances where allegations have been made, LUSA will follow the Lincoln University [Sexual Misconduct Policy and Procedure](#) and the [Prevention of Bullying Harassment Policy](#).

Concerns can be addressed through a range of approaches, depending on the circumstances and the wishes of the affected person. These may include:

- Approaching the person directly (with support if needed)

Using a restorative or mediated process The affected person may choose to raise the concern directly with the person involved, either through a respectful conversation or in writing.

If the affected party does not feel comfortable doing this, or if the issue is not resolved, they can make an informal approach by speaking with the Proctor in student related concerns.

This person will listen, provide guidance, explain the process, and outline possible options for next steps.

If the concern cannot be resolved informally, the student may then decide to make a formal complaint.

It is the responsibility of the affected party to document the incident/s with details of the date, time and what has been alleged to have occurred.

26.1. If you feel unsafe at any time, contact 111.

26.2. Complaints can be brought, through an official Sexual Harassment Contact if the affected person/party wishes, to either the LUSA President, the LUSA Student Advocacy and Voice employee, or the General Manager.

26.3. In the case of a complaint against staff, the issue may be brought to the General Manager. If the complaint is against the General Manager, the complaint is to be brought to the LUSA President. If the complaint is against a student, the complaint is to be brought to the Student President, Vice-President and/or Advocacy and Voice employee

26.4. Complaints can also be taken through legal avenues.

26.5. The ultimate decision for how to proceed is up to the affected person/party.

26.6. In regard to students, support for both the affected person/party are available through LUSA Student Advocacy and Voice Services and Lincoln University Support Services including the Counselling and Wellbeing Team, International Student Advisors, Te Manutaki, and Inclusive Education – students can go to key services listed under section LUSA and Lincoln University Support Services to report student behaviour.

## Appeals

27. Where Accommodations or Protective Measures have been imposed by the Proctor or Executive Director, People, Culture and Wellbeing (as appropriate), an appeal may be made by any party to the Deputy Vice Chancellor Student Life or Vice-Chancellor for these to be reviewed. Appeals against the findings of an investigation or penalty imposed are pursuant to the appeals process specified in the [Student Discipline Regulations](#). (for students) and the [Discipline Policy and Procedure](#) (for staff).

Any party to an offence may appeal a decision of the Proctor or the Vice-Chancellor to the Disciplinary Committee as outlined in the Lincoln University

## Freedom from Reprisal

28. Any affected person/party shall be protected from reprisals as a result of bringing a harassment charge. Witnesses are also protected from reprisals where they have testified honestly.

## Rights

### As per the Lincoln University Sexual Misconduct Policy and Procedure

**Affected parties** have the right to:

- Be treated in a manner that enables them to maintain control and empowers them to determine their own needs and how those needs are met.
- Be heard.
- Be treated with dignity and respect.
- Be free from prejudice based upon ethnicity, sexual orientation, gender, gender identity, age, ability, lifestyle, or experience.
- Be free of blame or judgement, no matter what the situation was at the time of the alleged sexual misconduct.
- Choose whether or not, and to what extent, they wish to participate in University support and/or disciplinary processes.

- Have access to support people within and/or outside of the University of their choosing.
- Be provided with options for action including whether they wish to report to Police.
- Request all relevant information held with regards to the complaint by the University. If information is withheld during the investigative stage due to safety concerns, or prejudicial concerns, it will be made available at the conclusion of the complaint except where safety concerns persist.

**Alleged perpetrators of sexual misconduct** have the right to:

- The presumption that they have not breached this policy unless an investigation where they have had the opportunity to be fully heard has determined otherwise, or they have admitted the breach.
- Choose whether or not, and to what extent, they are willing to participate in any investigation.
- Be treated with dignity and respect.
- Not be exposed to prejudice based on ethnicity, sexual orientation, gender, gender identity, age, ability, lifestyle, or experience.
- Be treated in accordance with their employment agreement where relevant.
- Have access to support.

Request all relevant information held with regards to the complaint by the University. If information is withheld during the investigative stage due to safety concerns, or prejudicial concerns, it will be made available at the conclusion of the complaint except where safety concerns persist.

LUSA and Lincoln University Support Services

Lincoln University Sexual Misconduct Response Team

[supportandreport@lincoln.ac.nz](mailto:supportandreport@lincoln.ac.nz)

Lincoln University Student Health and Wellbeing

Doctors, nurses, and counsellors

(03) 325 3835

LUSA [info@lusa.org.nz](mailto:info@lusa.org.nz)

(03) 423 0578

Te Awhioraki

[TeAwhioraki@lincolnuni.ac.nz](mailto:TeAwhioraki@lincolnuni.ac.nz)

Lincoln University Campus Security

0800 545 388

Lincoln University Chaplains [chaplains@lincoln.ac.nz](mailto:chaplains@lincoln.ac.nz)

Nationwide Support Services

The Police

111 for emergencies

(03) 363 7400 for non-emergencies [www.police.govt.nz/advice/sexual-assault](http://www.police.govt.nz/advice/sexual-assault)

Cambridge Clinic

A specialist medical service to support those who has been sexually assaulted or abused, either recently or in the past.

[www.cambridgeclinic.co.nz](http://www.cambridgeclinic.co.nz)

(03) 366 0067

Safe to Talk

24/7 sexual harm helpline

0800 044 334 or txt 4334 [www.safetotalk.nz](http://www.safetotalk.nz)