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**LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES
VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

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Announcements

Victoria University of Wellington Student and Alumni Sub-Series Part 1: Sexual Violence and Harassment

Sexual Violence and Harassment is the first in 2020 of several issues of the Student/Alumni Sub-Series of the Victoria University of Wellington Legal Research Paper Series.

The Student/Alumni Sub-Series was launched in 2015. It distributes a selection of Honours and Postgraduate papers from Victoria University of Wellington Law School. The sub-series includes both general and thematic issues.

Table of Contents

Sexual Harassment in the Workplace: Is the Personal Grievance Process Adequate?

Liesbet Verduyssen, Victoria University of Wellington, Faculty of Law, Student/Alumni

Raising Sexual Harassment Claims Using the Personal Grievance Process: What Needs to Change?

Christy Alexander, Victoria University of Wellington, Faculty of Law, Student/Alumni

Rape Myths and the Effective Delivery of Judicial Directions

Miranda Smith, Victoria University of Wellington, Faculty of Law, Student/Alumni

Salvaging the Jury in Sexual Violence Trials: A Requirement for Reasoned Verdicts

Jessica Sutton, Victoria University of Wellington, Faculty of Law, Student/Alumni

[^top](#)

LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Sexual Harassment in the Workplace: Is the Personal Grievance Process Adequate?"

Victoria University of Wellington Legal Research Paper No. 1/2020

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Sexual harassment infiltrates many workplaces across New Zealand. In recent years, the issue has received growing media coverage and public discussion. Due to the destructive nature of sexual harassment, the New Zealand legal system needs to have strong protections in place for victims. The personal grievance process offers one avenue for an employee to seek recourse against their employer for sexual harassment they suffered during employment. This essay examines whether the current

personal grievance process under the Employment Relations Act is fit for dealing with instances of sexual harassment that occur in the workplace. Significant flaws in the process are identified and reform is proposed. The current dispute resolution options available to victims of workplace sexual harassment are also problematic. Mediation may be inappropriate for resolving many cases of sexual harassment in the workplace. The investigative role of the Employment Relations Authority has the potential to provide a better dispute resolution option for employees who suffer sexual harassment. In sum, the current personal grievance process, including dispute resolution options, are inadequate for dealing with cases of workplace sexual harassment in New Zealand and reform is needed.

"Raising Sexual Harassment Claims Using the Personal Grievance Process: What Needs to Change?"

Victoria University of Wellington Legal Research Paper No. 2/2020

CHRISTY ALEXANDER, Victoria University of Wellington, Faculty of Law, Student/Alumni
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The current procedures for reporting sexual harassment claims are failing those who need to use them. The systems do not reflect the true nature and effects sexual harassment in the workplace can have, nor are conducive to producing viable evidence and proof to back up these claims. This paper examines the current sexual harassment processes using the Employment Relations Act and the Human Rights Act, and the significant social, legislative and procedural barriers which inhibit people from coming forward. The paper also proposes several practical changes to the legislation governing these procedures, alternative ways of reporting what has occurred, and realistic improvements to be made in the workplace in order to best support those affected. In particular a focus is placed on a new mechanism, Vault, which allows a victim to securely upload and timestamp evidence and communicate with other affected colleagues.

"Rape Myths and the Effective Delivery of Judicial Directions"

Victoria University of Wellington Legal Research Paper No. 3/2020

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Myths and misconceptions about rape continue to be influential in rape trials despite reform in this area. In the Law Commission's recent review of the Evidence Act it recommended that judges be enabled to make directions on myths and misconceptions that might arise in sexual violence cases. In this paper I assess the Law Commission's recommendations and argue that they lack detail and are insufficient to ensure the effective delivery of judicial directions on rape myths. There needs to be more consideration given to the effect the timing of directions has on jury decision-making, judges need to be accountable for delivering the relevant directions where they are appropriate, and there needs to be stronger guidance on how to formulate effective directions. Judicial education is also needed to ensure judges have the competence and confidence to effectively deliver directions on rape myths. If this occurs, the influence of rape myths on decision-making throughout the criminal justice process might be reduced.

"Salvaging the Jury in Sexual Violence Trials: A Requirement for Reasoned Verdicts"

Victoria University of Wellington Legal Research Paper No. 4/2020

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Trial by jury remains an important expression of democracy and public participation in the New Zealand criminal justice system. However, it can be questioned whether the jury is the appropriate medium by which to ensure a just legal result in sexual violence trials, due to rape myths negatively impacting impartial decision-making. This debate regarding the utility of the jury in sexual violence trials has led several prominent commentators and political figures to advocate for its removal altogether. However, this paper argues that the challenges faced by the jury can be addressed by the introduction of a requirement to give reasons for jury verdicts in sexual violence trials. This would avoid the loss of a seminal symbol of democracy, while still ensuring that incorporation of rape myths in jury reasoning is able to be identified and remedied to avoid prejudice to the complainant.

[^top](#)

About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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