

# ***Affiliated Clubs Complaints and Sexual Misconduct Policy***

Category: Recreation

Version 2

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## **1. Purpose**

- 1.1. The Otago University Students' Association takes complaints seriously and shall follow a process to ensure the complaint is appropriately addressed.
- 1.2. This policy provides an outline of the process that shall be followed when sexual misconduct has been reported within Clubs affiliated to the Otago University Students' Association.
- 1.3. The Otago University Students' Association has zero tolerance for sexual misconduct of any kind and is committed to achieving a world free from sexual violence.

## **2. Interpretation**

- 2.1. Unless the context otherwise states:
  - 2.1.1. OUSA is the Otago University Students' Association.
  - 2.1.2. CEO is the OUSA Chief Executive Officer.
  - 2.1.3. CDO is the OUSA Clubs Development Officer.
  - 2.1.4. Club means any organisation, society or association affiliated to OUSA under the constitution.
  - 2.1.5. Club Executive are the elected or appointed officers responsible for running the Club.
  - 2.1.6. Member is an individual who is signed up and actively involved within the Club.
  - 2.1.7. Associate Member is an individual who is associated with a OUSA affiliated Club but is not an official Club Member. Association to a Club may be through, but is not limited to: engagement with Club social media, attendance at Club events, subscription to Club emailing lists.
  - 2.1.8. Event is anything hosted or endorsed by the Club:
    - 2.1.8.1. This does not include a promotion of attending other group's events.
  - 2.1.9. Complaint is a formal allegation of misconduct received by OUSA.
  - 2.1.10. Sexual misconduct is defined as a broad range of behaviour of a sexual nature that is unwelcome, unwanted or offensive.

## **3. Complaints Procedure**

- 3.1. In cases of complaints relating to Clubs regarding sexual misconduct, refer to Section 4 of this policy.
- 3.2. Where a person wishes to lay a complaint, they will contact the OUSA CDO or the OUSA CEO.
- 3.3. Where a OUSA affiliated Club Executive member receives or becomes aware of an issue within a Club, they shall contact the OUSA CDO or the OUSA CEO.
- 3.4. Where an OUSA Executive member receives or becomes aware of an issue within a Club, they shall refer the matter to the OUSA CEO.
- 3.5. Complaints include but are not limited to:
  - 3.5.1. Sexual misconduct;
  - 3.5.2. Voting Procedure;
  - 3.5.3. Finances;
  - 3.5.4. Membership;
  - 3.5.5. Health and Safety;

- 3.5.6. Executive;
- 3.5.7. Meetings;
- 3.5.8. Bullying;
- 3.5.9. Substance abuse;
- 3.5.10. Harassment.
- 3.6. With respect to any affiliated Club, OUSA shall take all complaints seriously and determine where there are reasonable grounds for concern or remedy.
- 3.7. OUSA is expected to effectively communicate with the person who lays a complaint.
- 3.8. As part of their complaint review, OUSA may:
  - 3.8.1. Request additional information from the Club or an individual;
  - 3.8.2. Offer every student involved in the process support available from OUSA Student Support;
  - 3.8.3. Convene a Special General Meeting of the Club; or;
  - 3.8.4. Temporarily suspend the benefit or benefits of affiliation of a Club;
  - 3.8.5. Temporarily suspend individual Club membership;
- 3.9. The Clubs and Societies Manager or the CEO may at their discretion recommend an action to the Executive including but not limited to:
  - 3.9.1.1. Suspension of Club affiliation for a duration to be specified;
  - 3.9.1.2. Disaffiliation of the Club;
  - 3.9.1.3. Withdrawal of benefit or benefits related to social events associated with being affiliated to OUSA;
  - 3.9.1.4. Suspend a Member or Members of the Club for a duration to be specified;
  - 3.9.1.5. Expel a Member or Member(s) and;
  - 3.9.1.6. Require the Club to make an apology, either a public apology and/or direct to an individual or entity.

#### **4. Sexual Misconduct**

- 4.1. The principles guiding the processes outlined in Section 4 are:
  - 4.1.1. This is a survivor led process;
  - 4.1.2. The safety and wellbeing of all involved must be considered;
  - 4.1.3. Every person involved in this process shall uphold appropriate confidentiality.
- 4.2. Within these processes, OUSA has a responsibility to prioritise at all times the safety and wellbeing of all persons involved.
  - 4.2.1. Where an OUSA Executive member receives a report regarding Sexual Misconduct within a Club, they shall refer the matter to the OUSA CEO.
  - 4.2.2. When a report is referred to the OUSA CEO, no identities will be disclosed without the permission of the survivor.
- 4.3. When a report regarding sexual misconduct in a Club is raised, all individuals involved in the process shall be made aware immediately of the support services available to them, and that it is a personal decision to contact them. The services include, but are not limited to:
  - 4.3.1. OUSA Student Support Centre;
  - 4.3.2. Te Whare Tāwharau;
  - 4.3.3. Ōtepoti Collective Against Sexual Abuse;
  - 4.3.4. Male Survivors of Sexual Abuse Trust.
- 4.4. OUSA is not able to investigate sexual misconduct within Clubs, however, OUSA can provide and recommend pastoral support to those involved.
  - 4.4.1. When a report regarding sexual misconduct in a Club is raised, all individuals involved in the process shall also immediately be made aware of relevant and legitimate investigative parties available to them, and that is their personal decision to contact them. The services include but are not limited to:
    - 4.4.1.1. Police; and;
    - 4.4.1.2. Proctors Office.

- 4.5. OUSA will cooperate in all investigations conducted by relevant and legitimate external parties into sexual misconduct within Clubs:
  - 4.5.1. During investigations the OUSA Executive can take the actions stipulated in section (4.6); in addition, the OUSA CEO is able to temporarily suspend a club member for a duration to be specified.
- 4.6. At the conclusion of any investigation by relevant and legitimate parties, the OUSA CEO, shall recommend an action to the Executive, including but not limited to:
  - 4.6.1.1. Suspension of Club affiliation for a duration to be specified;
  - 4.6.1.2. Disaffiliation of the Club;
  - 4.6.1.3. Withdrawal of benefit or benefits associated with being affiliated to OUSA;
  - 4.6.1.4. Suspend a Member or Members of the Club for a duration to be specified;
  - 4.6.1.5. Expel a Member or Member(s) and;
  - 4.6.1.6. Require the Club to make an apology, either direct to an individual and/or entity or a public apology.
  - 4.6.1.7. No action to be taken.

## **5. Action Process**

- 5.1 Where an action is to be taken by the OUSA Executive under Section 3 or 4, the person who laid the complaint is to be first notified of the intended action.
- 5.2 Where an action is to be taken by the OUSA Executive under Section 3 or 4, the relevant individual(s) or Club to whom the action is being imposed upon, shall be notified in writing. The notification may include but is not limited to:
  - 5.1.1.1. Details of the action taken;
  - 5.1.1.2. The process by which an individual or Club can request a review of the action taken.
- 5.2. A Club, Member or Associate Member may request a review of the actions taken under clause 3.6 or 4.6:
  - 5.2.1. A review request must be submitted to the Executive in writing or via email, to the OUSA President or CEO, within 10 working days of notification of actions taken.
  - 5.2.2. The Executive shall consider the review at the next Executive meeting. The Executive will notify the Club, Member or Associate member of the review outcome by following clauses 5.1.