

OUSA Affiliated Clubs and Societies Resolution (and Complaints) Policy

Category: Recreation
Version 1
First ratified: September 2022
Review date: September 2023

1. Purpose

- 1.1. The Otago University Students' Association (OUSA) expects Affiliated Clubs and Societies (Clubs) to operate in a safe, enjoyable, and inclusive manner.
- 1.2. In affiliating to OUSA, Club Executives agree to uphold particular obligations, as laid out in the OUSA Affiliation Policy, Clubs Code of Conduct and other club related policy.
- 1.3. General Club Members are expected to adhere to the Clubs Code of Conduct Policy.
- 1.4. The OUSA is committed to creating an environment in which obligations are upheld, and where they are not, having a processes in place for management.
- 1.5. OUSA recognises there is scope for conflict or grievance within Clubs, outside of the obligations set by OUSA. Clubs or Club members may have challenges resolving that conflict (or grievance) and seeking out support.
- 1.6. In the first instance, where conflict (or grievance) arises, but does not breach OUSA obligations, OUSA encourages Clubs and Club Members to resolve the matter internally.
- 1.7. Where breaches to OUSA obligations are alleged or otherwise brought to the attention of OUSA, OUSA will intervene, prioritising resolution and the welfare of Club Members. OUSA will also intervene where efforts to resolve conflict (or grievance) internally are unsuccessful or there is an imminent danger to the welfare of Club Members.
- 1.8. This policy is intended to:
 - 1.7.1 Encourage and provide guidance for clubs to resolve conflict and grievance internally;
 - 1.7.2 Establish thresholds where "external" intervention is advised or required when conflict or grievance arises;
 - 1.7.3 Clarify the process OUSA follows where alleged breaches to OUSA obligations have occurred, or are brought to the attention of OUSA;
 - 1.7.4 Educate clubs on the various support services available to them
 - 1.7.5 Ensure conflict and grievances are handled effectively, consistently and in a timely manner.

2. Scope

- 2.1. This policy covers conflict, grievance and complaints within or connected to OUSA Affiliated Clubs and Societies.
- 2.2. Anything sexual in nature is covered under the OUSA Affiliated Clubs and Societies Sexual Misconduct Policy.
- 2.3. Outside of 2.1 and 2.2, where it relates to the University of Otago, there is further scope to lodge a complaint via the University of Otago Grievance Procedures.
- 2.4. Outside of 2.1 and 2.2, personal Grievances or experience of Conflict can be raised with OUSA Student Support.

3. Interpretation

- 3.1. Unless the context otherwise states:
 - 3.1.1. 'Affected party' refers to an individual, club or club member who considers that they have been subject to conflict, hold a grievance or are reporting breaches to obligations laid out by OUSA;
 - 3.1.2. 'Affiliation' refers to a relationship between two parties;
 - 3.1.3. 'Associate Member' refers to an individual who is associated with a Club but does not hold an "active status";
 - 3.1.4. 'CDO' refers to the OUSA Clubs Development Officer;
 - 3.1.5. 'CEO' refers to the OUSA Chief Executive Officer;
 - 3.1.6. 'Club' refers to any entity Affiliated to OUSA, under the OUSA Affiliation Policy;
 - 3.1.7. 'Club Activity' refers to anything hosted or endorsed by the club. This does not include a promotion of attending other group's events and clubs are not permitted to promote the consumption of alcohol by any means;
 - 3.1.8. 'Club Executive' are the elected officers responsible for the operational running the Club and includes officers of an incorporated society;
 - 3.1.9. 'Club Member' refers to an individual who holds an "active status" within the club as categorised in the OUSA Clubs Portal;
 - 3.1.10. 'Conflict' refers to a disagreement or argument;
 - 3.1.11. 'External or externally' refers to people or agencies that are not Internal;
 - 3.1.12. 'Grievance' refers to a real or believed cause for complaint;
 - 3.1.13. 'Issues' may refer to conflict, grievance or breaches to obligations laid out by OUSA;
 - 3.1.14. 'Internal or internally' refers to within OUSA Clubs or Club members;
 - 3.1.15. 'OUSA' refers to the Otago University Students' Association;

- 3.1.16. 'OUSA Club Related Policy' refers to policy ratified by the OUSA Executive, categorised as "Recreation";
- 3.1.17. 'Privacy' refers to privacy as it is defined in the Privacy Act 2020
- 3.1.18. 'Reasonable Grounds' refers to information, facts or circumstantial information that gives OUSA cause for concern, beyond mere suspicion;
- 3.1.19. 'Resolution' refers to an outcome or decision satisfactory to OUSA;
- 3.1.20. 'Respondent' refers to an Individual, Club or Club Member alleged to have instigated conflict, influenced the grievance complaint or the subject of alleged breaches to obligations laid out by OUSA;
- 3.1.21. 'Retaliation' refers to any action intended to harm any person as retribution for issues reported under this policy. This extends to threatening behaviour in advance of reporting;
- 3.1.22. 'Sexual misconduct' refers to any kind of inappropriate or unwanted action of sexual nature, including sexual assault, sexual harassment, the unauthorised making or sharing of intimate recordings and retaliation.
- 3.1.23. 'Student/s' refers to any current University of Otago or Otago Polytechnic Student;
- 3.1.24. 'University' refers to the University of Otago;
- 3.1.25. 'Welfare' refers to the health and wellbeing of a Club Member.

4. Roles and Responsibilities

- 4.1. In affiliating to OUSA a minimum set of obligations must be met. Outside of this, OUSA Clubs retain governance and operational independence.
- 4.2. OUSA Clubs are separate entities from OUSA. Clubs do retain some discretion in how issues are responded to, or resolved, so long as OUSA's minimum obligations are met.
- 4.3. OUSA Clubs are responsible for familiarising themselves with Club Related Policy and upholding the obligations OUSA lay out. This includes but is not limited to:
 - 4.3.1. OUSA Club Conduct Policy and ensuring Club members are aware of their obligations to OUSA and their club. It is expected Clubs will respond to any issues in good faith, seeking resolution.
- 4.4. Club Members are responsible for adherence to the OUSA Club Conduct Policy and any other obligations (specifically assigned to Club Members) set out within Club or Club Related Policy. It is expected Club Members will respond to any issues in good faith, seeking resolution.
- 4.5. The CDO is the central point of contact for individuals, clubs and Club Members wanting to raise an issue that is connected to an OUSA Club, but not sexual in nature. The CDO will make students aware of the policy, make suggestions and promote the policy,

determine whether external intervention is required, advise on additional support services, provide guidance around internal resolution and see that matters are handled effectively. The CDO can facilitate meetings between affected parties and respondents and facilitate or mediate meetings as required. Protecting privacy the CDO will disclose information, if necessary, to the OUSA Clubs and Societies Centre Manager, or the OUSA CEO, both of whom can fulfil the CDO's duties in their absence. Protecting privacy the CDO may also disclose information on a needs basis to OUSA Student Support.

- 4.5.1. The CDO can facilitate pastoral support for alleged incidents of sexual misconduct, however, there are additional disclosure options for affected parties. This is detailed in the OUSA Affiliated Clubs and Societies Centre Sexual Misconduct Policy.
- 4.6. OUSA Student Support is available to provide support to affected parties or respondents who are University Students. Support specific to club operations best sits with the CDO, however, issues can influence the personal lives of affected parties and respondents. OUSA Student Support also provide a wrap-around, for the wider welfare of University of Otago Students. This includes support in the areas of academia, nutrition, finance, relationships, advocacy, safety, wellbeing and flatting. Here OUSA Student Support are best placed to provide personal support, as opposed to the CDO. Depending on the issue, there may benefit or need for OUSA Student Support and the CDO to collaborate. Collaboration will be done on a needs basis, protecting privacy, unless permission to disclose obtained, or there is a serious and immediate threat to safety, where emergency services will be contacted.
- 4.7. .
- 4.8. No OUSA staff member shall attempt to investigate illegal activity. The New Zealand Police, The University Proctor, Deputy Proctor, Provost or the Deputy Provost are appropriate avenues to formally investigating illegal behaviour.
- 4.9. Some relevant and additional support services can be found in Appendix 1

5. Prevention

- 5.1. OUSA will undertake steps to prevent issues in clubs by:
 - 5.1.1. Ensuring OUSA Clubs and Societies Centre staff and Clubs are informed of this policy and that Club Members are presented, and agree to the OUSA Club Conduct Policy in advance of signing up, and holding "active status". This requires Clubs to use the OUSA Clubs Portal to receive memberships;
 - 5.1.2. Holding and reviewing Club Related Policy on a regular basis, to serve as best practice guidance for clubs;

- 5.1.3. Ensuring clubs have access to information and training. This may be direct initiatives like a conflict resolution course, or indirect initiatives like governance training;
 - 5.1.4. Integrating conversations around conflict, grievance and resolution into key club activities including orientation, the Clubs Welcome and the Affiliated Clubs Council;
 - 5.1.5. Integrating conflict and resolution education and training into relevant employee induction processes and other training courses for staff.
- 5.2. Club Executives can undertake steps to prevent issues in Clubs by:
- 5.2.1. Ensuring Club registrations are received via the OUSA Clubs Portal, which ensures Club Members are presented and agree to the OUSA Club Conduct Policy;
 - 5.2.2. Ensure Club Executives are familiar with OUSA Club Related Policy, understanding the obligations expected of them;
 - 5.2.3. Adhere to their OUSA Club Constitution, which sets basic rules around club operations;
 - 5.2.4. Make available and promote OUSA Club Related Policy and internal policy to Club Members;
 - 5.2.5. Ensure regular club executive meetings are held in accordance with best practice and that minutes of the meeting are stored within the OUSA Clubs Portal;
 - 5.2.6. Maintain frequent communication with club members;
 - 5.2.7. Engage with the training and information OUSA provides;
 - 5.2.8. Address potential issues early to prevent issues occurring or escalating.

6. Rights of Affected Parties and Respondents

- 6.1. Affected parties have the right to:
 - 6.1.1. Be heard;
 - 6.1.2. Be treated with dignity and respect;
 - 6.1.3. Be free of discrimination;
 - 6.1.4. Be provided with support (may include third parties) and information.
- 6.2. Respondents have the right to:
 - 6.2.1. Be heard;
 - 6.2.2. Be treated with dignity and respect;
 - 6.2.3. Be free of discrimination;
 - 6.2.4. Be provided with support (may include third parties) and information;

- 6.2.5. The presumption that they have not instigated or influenced issues or breached OUSA Club Related Policy.

7. Reporting

- 7.1. OUSA encourages club members to report issues to the club secretary where:
 - 7.1.1. The issue is not related to the club secretary;
 - 7.1.2. Reporting the issue is deemed to be a conflict of interest for secretary or club executive to respond to;
 - 7.1.3. There is no threat of club member safety;
 - 7.1.4. There is no breach to OUSA Club Related Policy;
 - 7.1.5. There is no conflict of interest between the issue and Club Executive, for example, the respondent is not the same person charged with resolution;
 - 7.1.6. It does not compromise the wellbeing of the affected party or other Club Members;
 - 7.1.7. It is not sexual in nature. Note: OUSA support the choice of affected parties to disclose to whom they feel comfortable, however, OUSA Student Support and the CDO are better equipped to offer support, refer to OUSA Affiliated Clubs and Societies Sexual Misconduct Policy;
 - 7.1.8. The issue is not related to illegal activity.
- 7.2. Outside of clause 8.1, OUSA strongly encourages clubs and club members to report issues to the CDO.
- 7.3. Issues may be reported anonymously, however, this may limit the extent to which OUSA can respond.

8. Club Executive Response

- 8.1. When a report of an issue is received by the club executive, there is an expectation they will respond where appropriate. Clause 7 provides guidelines for clubs in determining whether internal or external responses are appropriate.
- 8.2. OUSA recommends that clubs respond as quickly as possible to more easily resolve issues.
- 8.3. Where appropriate (as prescribed in clause 7), OUSA advise the following:
 - 8.3.1. Define the issue. It is important to clarify and understand issues in advance of responding to them. Practice active listening, probing for or seeking out information to build a full picture. Be sure to take notes for future reference;
 - 8.3.2. Read the room. You need to couple defining the issue with other factors at play. Try not to respond too quickly or in a way that might further escalate the issue;

- 8.3.2. Plan the approach. The approach to issues should be that of resolution with positive intent. Anything that might compromise that position should be eliminated or mitigated;
- 8.3.3. Welcome a Korero. Be mindful around the communication channel you use, your choice of words (particularly the use of second person language and accusations verse allegations) and tone when proposing to meet. There should be clarity around the purpose of the meeting, without pre-determining outcomes or accidentally influencing escalation. Propose a time and environment that is going to be safe, neutral and convenient for timing;
- 8.3.4. Do the Mahi. Establish shared values (house rules) before commencing dialogue. Values should be underpinned by mutual trust and respect. Share information and perspectives recognising that perspectives may differ. Employ active listening skills;
- 8.3.5. Problem solving and/or re-affirming expectations. Work together to find a mutual understanding or solution. Empathise and consider the experiences of others, their intentions and motivations. If there's been an alleged breach of internal policy that is minor, education and clarification of expectations can be helpful. This may involve additional meetings while solutions are considered;
- 8.3.6. Membership reprimand. There are provisions for OUSA Clubs to reprimand Members as detailed in the Club constitution. This has a huge impact on all those involved. OUSA encourages Clubs to exhaust alternative options before that pathway is taken (depending on the issue and severity). OUSA Clubs considering Membership reprimand are encouraged to approach the CDO prior;
- 8.3.7. OUSA guidance and intervention. The CDO can provide additional support for clubs to resolve conflict internally. This includes but is not limited to information, third party support, templates and preparation and review meetings. Should resolution fail the CDO can take a more hands on role;
- 8.3.8. Employ self-care. Responding to issues can be overwhelming. Club Executive who are struggling with responding to issues are encouraged to reach out to the CDO;
- 8.3.9. Monitor and review. Make sure what has been agreed to is implemented and re-visit early where it is not. Look at the bigger picture to mitigate similar issues from reoccurring in the future. This puts influencing factors at the forefront as opposed to specific individuals. This could mean making systemic changes to the OUSA Club.

- 8.4. Post due diligence, the Club may decline intervention with an issue. This might occur when there is no apparent illegal activity or breaches to the OUSA Constitution or Policies, or the Club's Constitution and Policies and where one or more of the following apply:
- 8.4.1. There is no apparent connection to club activities;
 - 8.4.2. The issue appears frivolous, vexatious or malicious;
 - 8.4.3. The nature of the issue is one of person in-difference;
 - 8.4.4. The Club is satisfied with the handling of the issue by individual club members.

9. OUSA's Response

- 9.1. In the first instance, OUSA will respond to issues reported with appropriate support, ensuring rights identified in clause 6 are upheld and that this policy is adhered to.
- 9.2. Where safe, and appropriate to do so, OUSA will empower clubs to resolve conflict internally, retaining club autonomy and governance. Clear thresholds exist for issues requiring external intervention, see clause 7.
- 9.3. OUSA will not attempt to investigate illegal activity. OUSA will co-operate with any formal investigation lead by appropriate parties as identified in clause 3.8.
- 9.4. OUSA will act on reasonable grounds of concern as detailed in 9.5. Evident breaches to obligations laid out by OUSA (in Club Related Policy) are cause for reasonable grounds of concern. The level of response OUSA employs will differ from case to case, depending on a variety of factors. Ultimately, OUSA will prioritise the welfare of Club Members and the needs for the clubs to operate successfully.
- 9.5. OUSA will prioritise University of Otago Students' or Otago Polytechnic Students' (Students), who OUSA have a higher duty of care.
- 9.6. In order to establish reasonable grounds for concern OUSA may:
- 8.6.1. Request information from the parties involved;
 - 8.6.2. Seek out relevant, public information;
 - 8.6.3. Consider professional advice and information (for example those who may be formally investigating);
 - 8.6.4. Convene a general or special meeting for the relevant Club.
- 9.7. Should the CDO, Clubs and Societies Centre Manager or OUSA, conclude there are reasonable grounds for concern they may:
- 9.7.1. Withdraw a benefit or benefits of Club membership on a temporary basis;
 - 9.7.2. Impose a temporary suspension of Club Member;
 - 9.7.3. Withdraw a benefit or benefits of Club Affiliation;
 - 9.7.4. Request further involvement, supervision or monitoring of Club operations;

- 9.7.4. Impose temporary conditions on maintaining affiliation or impose temporary suspension of a Club's Affiliation;
- 9.7.4. Impose a short-term trespass notice to OUSA property (of 3 (three) to six (6) months).
- 9.8. Should the OUSA Executive conclude there are reasonable grounds for concern they may:
 - 9.8.1. Expel a club member;
 - 9.8.2. Disaffiliate a club, imposing further restrictions or conditions around re-affiliation where appropriate;
 - 9.8.3. Impose a longer-term trespass notices to OUSA property (of two (2) years or greater).
- 9.9. After investigating, OUSA may decline intervention with issues at either a club or club member level. This might occur when there is no apparent illegal activity or breaches to the OUSA Constitution or Policies, or the Club's constitution and policies and where one or more of the following apply:
 - 9.9.1. There is no apparent connection to club activities;
 - 9.9.2. The issue appears frivolous, vexatious or malicious;
 - 9.9.4. The nature of the issue is personal or not club-related
 - 9.9.5. OUSA is satisfied with the club's handling of the issue.

10. Response Review

- 10.1. A club, or club member, may request a review of any action or response taken under this policy.
- 10.2. The request must be submitted in writing and presented to the OUSA CDO or the OUSA Executive, where it relates to clause 8.7.
- 10.3. The OUSA CDO and OUSA executive will consider the request, notifying all parties involved.

Appendix 1 – Additional/Alternative Support for Resolving Conflict

The OUSA Clubs Development Officer is available to facilitate clubs with a variety of issues. Clubs however can employ preventative measures to mitigate issues arising, and are in a position to influence (good or bad) how issues unfold. This appendix serves to highlight a range of tools and support services available for Clubs.

OUSA Club Related Policy, the Club Constitution and Club Resources

OUSA has Club Related Policy, specified “rules” for Clubs (i.e. the constitution) and provides extensive resources, including in-person training for Clubs. These are all based around best practice Club operations and governance. The adoption of best practice will lessen both the likelihood and effects of issues.

More Information

ousa.org.nz/clubsandsocs/clubs

Contact Information

cdo@ousa.org.nz

022 233 2733

The CDO is the central point of contact for Individuals, Clubs and Club Members wanting to raise an issue that is connected to an OUSA Club, but not sexual in nature. The CDO can highlight relevant policies, determine whether external intervention is required, advise on additional support services, provide guidance around internal resolution and see that matters are handled effectively. The CDO can facilitate communication and meetings as required. Protecting privacy the CDO will disclose information, if necessary, to the OUSA Clubs and Societies Centre Manager, or the OUSA CEO, both of whom can fulfil the CDO’s duties in their absence. Protecting privacy, the CDO may also disclose information, if necessary, to OUSA Student Support.

Additional information and contact details as listed above.

OUSA Student Support is available to provide support to affected parties or respondents who are University Students. Support specific to club operations best sits with the CDO, however, issues can influence the personal lives of affected parties and respondents. OUSA Student Support also provide a wrap-around, for the wider welfare of University of Otago Students. This includes support in the areas of academia, nutrition, finance, relationships, advocacy, safety, wellbeing and flatting.

Here OUSA Student Support are best placed to provide personal support, as opposed to the CDO. Depending on the issue, there may benefit or need for OUSA Student Support and the CDO to collaborate. Collaboration will be done on a needs basis, protecting privacy, unless permission to disclose obtained, or there is a serious and immediate threat to safety, where emergency services will be contacted.

Additional Information

<https://ousasupporthub.org.nz/>

Contact Information

help@ousa.org.nz

0800 12 10 23

Otago Polytechnic Student Success and the Otago Polytechnic Students' Association

(OPSA) provide similar support to that of the OUSA Student Support but for Otago Polytechnic Students. In the first instance OUSA would recommend or facilitate this support where appropriate, or approach for general guidance, protecting the privacy of those involved (unless permission was sought).

Additional Information

<https://studentsupport.op.ac.nz/home/student-success/>

<https://opsa.org.nz/>

Contact Information

studentsuccessdn@op.ac.nz

0800 762 786 (OPSA)

lesley.scoullar@op.ac.nz

477-6974 (OPSA)

The University of Otago offer free Conflict Resolution and mediation services. They work to find ways of resolving difficulties and problems which work for all those involved and the service can be used by all students.

More Information

<https://www.otago.ac.nz/mediation/>

Contact Information

jennifer.anderson@otago.ac.nz

<https://www.otago.ac.nz/mediation/034795679>

The Sport and Recreation Complaints and Mediation Service is a free (and confidential) complaints and mediation service for sport and recreation across Aotearoa New Zealand. Its purpose is to ensure those with issues related to sport and recreation have a place to air their complaints and have them resolved fairly. The service is available to all levels of sport and recreation.

More Information

<https://www.sportsmediationservice.org.nz/>

Contact Information

0800 493 612

Student Health and the University Mental Health and Wellbeing Service

Student Health provide a range of services for the University of Otago Students. Services span medical, physiotherapy, nursing, psychiatry and short-term mental health support and counselling.

Further Information

<https://www.otago.ac.nz/studenthealth/services/otago020535.html>

Contact Information

student-health@otago.ac.nz

0800 479 821

University of Otago Campus Watch

Campus Watch is a diverse group of people readily available to offer near immediate assistance. Multiple team members work 24 hours a day, 7 days a week. You'll notice them by their distinctive blue and gold uniforms and high vest jackets. Essentially their role is pastoral, being able to immediately respond to instances and connecting people with more specialised support.

More Information

<https://www.otago.ac.nz/proctor/campuswatch/>

Contact Information

campus.watch@otago.ac.nz

0800 479 5000

Aotearoa's Free Counselling Service (1737)

This is Aotearoa's free counselling service and is available for matters big or small. Support is available 24/7, where callers are met with a trained counsellor or peer support worker. .

More Information

<https://1737.org.nz/>

Contact Information

[1737](tel:1737) (text or call)

Emergency Psychiatric Services (EPS)

The Emergency Psychiatric Service is a mobile 24-hour, 7-day a week service providing emergency services to people with acute mental health needs. This service is intended for urgent triage and crisis assessment for people experiencing critical mental health issues.

More Information

<https://www.healthpoint.co.nz/public/mental-health-specialty/southern-dhb-mental-health-emergency-services/>

Contact Information

Access to EPS is via referral from a medical professional or emergency services (111).

University Chaplains

The campus chaplains offer pastoral care and spiritual support for all students at the University of Otago and Otago Polytechnic. Support is provided for people of all faiths and none. The chaplains are associated with the University and Polytech, but are governed by independent bodies. Care is confidential and offered 24 hours a day, 7 days a week.

More Information

<https://www.otago.ac.nz/chaplain/index.html>

Contact Information

chaplains@otago.ac.nz

[034798497](tel:034798497)

Trusted Friends and Whānau

One's own trusted support network is invaluable. Depending on the scenario however you may need some more technical support. You may find comfort in blending support services.

Additional Support

This list is by no means exhaustive. We encourage you to approach the CDO in the first instance, to work through support options specific to your issue and needs. The Affiliated Clubs and Societies Sexual Misconduct Policy details support available for issues relating to sexual misconduct.

Affiliated Clubs and Societies Sexual Misconduct Policy (and other Club related policy)

<https://www.ousa.org.nz/clubsandsocs/policies-and-processes>