

Affiliated Clubs and Societies Sexual Misconduct Policy

Category: Recreation

Version 4

First ratified: October 2020

Last ratified: September 2022

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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. By affiliating to OUSA, the Club Executive committee agrees 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. Sexual misconduct is incompatible with the values of the OUSA, which extends to our expectations of Clubs.
- 1.5. OUSA is committed to creating an environment with zero tolerance for sexual misconduct within clubs, and to having processes in place that reduce the likelihood of incidences occurring.
- 1.6. Where incidents of alleged sexual misconduct are disclosed within Clubs, or brought to their attention, OUSA will support those making disclosures while recognising the importance of fair process. This includes the right to be heard for those alleged to have breached expectations or are the subject of complaint. OUSA will prioritise the welfare of current students of the University of Otago and Otago Polytechnic, to whom OUSA owes a higher duty of care.
- 1.7. OUSA will not attempt to investigate allegations of sexual misconduct, but will ascertain whether there are reasonable grounds for concern which require intervention.
- 1.8. This policy is intended to:
 - 1.8.1 Clarify the process OUSA follows where alleged sexual misconduct within clubs is disclosed, or brought to the attention of OUSA;
 - 1.8.2 Affirm the expectations of OUSA staff who receive disclosures of Sexual Misconduct;
 - 1.8.3 Clarify the options available for those disclosing sexual misconduct. Including, but not limited to;

- 1.8.3.1 Providing information on appropriate avenues for formal investigation;
- 1.8.3.2 Ensuring that support is available for Students who disclose sexual misconduct;
- 1.8.3.3 Providing continuity of advice for sexual misconduct connected to the University and making available the University of Otago Sexual Misconduct Policy;
- 1.8.3.4 Ensure that disclosed incidents of sexual misconduct are handled effectively, consistently and in a timely manner.

2. Scope

- 2.1. This policy covers sexual misconduct, alleged or otherwise:
 - 2.1.1. In connection with any OUSA Club;
 - 2.1.2. Will likely affect the operations of any OUSA Club.
- 2.2. Outside of clauses 2.1.1 and 2.1.2, there is further scope to support students under the University of Otago Sexual Misconduct Policy.
- 2.3. In determining whether there are reasonable grounds for concern, OUSA may also determine additional possible breaches to club-related policy, including the Clubs Code of Conduct. Should this occur, those specific breaches will be managed in accordance with the OUSA Affiliated Clubs and Societies Resolution (and Complaints) Policy.
- 2.4. OUSA's priorities will be to manage allegations of sexual misconduct and safety.

3. Interpretation

- 3.1 Unless the context otherwise states:
 - 3.1.1 'Accommodation' refers to any measure put in place following a disclosure, breach in policy or complaint, which involve the affected party, but not the respondent;
 - 3.1.2. 'Affected Party' refers to an individual who considers that they have been subject to sexual misconduct;
 - 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. 'CEO' refers to the OUSA Chief Executive Officer;
 - 3.1.5. 'Club Executive' refers to the elected or appointed officers responsible for running the Club;
 - 3.1.6. 'CDO' refers to the OUSA Clubs Development Officer;
 - 3.1.7. 'Club' refers to any entity affiliated to OUSA, under the OUSA Affiliation Policy;

- 3.1.8. '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;
- 3.1.9. 'Club Related Policy' refers to policy ratified by the OUSA Executive, categorised as "Recreation";
- 3.1.10. 'Disclosing Party' refers to anyone who discloses alleged sexual misconduct or breaches to club related policy;
- 3.1.11. 'Disclosure' refers to the sharing of information about an incident of alleged Sexual Misconduct;
- 3.1.12. 'Interim Measures' are protective measures put in place pending the completion of OUSA's processes around disclosures of alleged Sexual Misconduct or breaches to the Code of Conduct;
- 3.1.13. 'Member' refers to an individual who holds an "active status" within the club as categorised in the OUSA Clubs Portal;
- 3.1.14. 'OUSA' refers to Otago University Students' Association;
- 3.1.15. 'OUSA Clubs' refers to OUSA Affiliated Clubs;
- 3.1.16. 'Privacy' refers to privacy as it is defined in the Privacy Act 2020;
- 3.1.17. 'Protective Measures' are measures put in place following the disclosure of Sexual Misconduct or a breach to Club Policy to support and protect an Affected Party, including measures to manage potential interactions with the respondent. Protective measures may be agreed to between parties involved or imposed;
- 3.1.18. 'Reasonable Grounds' refers to information, facts or circumstantial that give cause to belief beyond mere suspicion;
- 3.1.19. 'Respondent' is an individual alleged to have breached the Sexual Misconduct Policy or the Club Related Policy;
- 3.1.20. 'Retaliation' refers to any action intended to harm any person as retribution for a complaint made under this Policy, or a threat to cause harm to any person as retribution for a complaint made under this policy or to dissuade a person from making such a complaint;
- 3.1.21. '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;
- 3.1.22. 'SMART' refers to the U's Sexual Misconduct Action Response Team;
- 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.

4. **Sexual Misconduct Roles and Responsibilities**

- 4.1. **The Clubs Development Officer (CDO)** is a central point of contact, acting in a facilitation capacity for pastoral support. The CDO holds a conjugate role between alleged incidents of sexual misconduct and club operations. Protecting privacy, the CDO will disclose information, on a need-to-know basis, to the OUSA Clubs and Societies 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 need-to-know basis, to OUSA Student Support.
- 4.2. **OUSA Clubs** should not hold their own Sexual Misconduct Policy. Club Members (including the Club Executive) who receive a disclosure of sexual misconduct are not expected to manage or investigate allegations. Where they feel safe and competent to do so they should remove affected parties from immediate danger, treat those involved with dignity and respect, respect the privacy of those involved, and make parties aware of this policy and the support services available to them (as outlined in this policy). Furthermore, they can encourage and facilitate connecting affected parties to support services, should the affected party wish to engage with them.
- 4.3. **OUSA Student Support** is available to provide support to students who are affected parties or respondents where Sexual Misconduct, under this policy, is alleged to have occurred. OUSA Student Support also provide holistic support, for the welfare of University of Otago Students. This includes support in the areas of academia, nutrition, finance, relationships, advocacy, safety, wellbeing and flatting. This can be helpful with disclosures of sexual misconduct, as it can impact wider wellbeing. OUSA Student Support is responsible for providing guidance and issuing advice to the CDO (as it relates to club incidents of sexual misconduct) to ensure alleged sexual misconduct under this policy is responded to appropriately. Protecting privacy, OUSA Student Support may disclose information on a need-to-know basis to the CDO.
- 4.4. No OUSA staff member shall attempt to investigate allegations of sexual misconduct.
- 4.5. The Proctor, Deputy Proctor, Provost, Deputy Provost or the New Zealand Police are appropriate avenues to formally investigating sexual misconduct, advising on interim and protective measures where sexual misconduct is alleged.
- 4.6. The details of some relevant and additional support services are provided in Appendix 1

5. **Prevention of Sexual Misconduct**

- 5.1 Working in collaboration with TWT, OUSA will undertake steps to prevent sexual misconduct in clubs by:

- 5.1.1 Ensuring OUSA Clubs and Societies Centre staff and clubs are informed of this policy;
- 5.1.2 Ensuring clubs have access to information and training to prevent sexual Misconduct through appropriate programmes that may include, but not be limited:
 - 5.1.2.1 Bystander Intervention;
 - 5.1.2.2 Resistance Education;
 - 5.1.2.3 Consent Education.
- 5.1.3 Integrating a diverse, inclusive and culturally-appropriate range of training and educational opportunities regarding sexual misconduct into key club activities including, but limited to:
 - 5.1.3.1 Orientation and Re:Orientation;
 - 5.1.3.2 Clubs Welcome;
 - 5.1.3.3 Affiliated Clubs Council.
- 5.1.4 Integrating prevention and disclosure training and education regarding sexual misconduct into relevant employee induction processes and other training and courses for staff.

6. Rights of Affected Parties

- 6.1 Affected Parties have the right to:
 - 6.1.1 Be treated in a manner that enables them to maintain control and empowers them to determine their own needs and how to meet those needs;
 - 6.1.2 Be heard;
 - 6.1.3 Be treated with dignity and respect;
 - 6.1.4 Be free of blame or judgment, no matter the situation they were in at the time of any alleged sexual misconduct;
 - 6.1.5 Not be exposed to prejudice based upon ethnicity, sexual orientation, gender, gender identity, age, ability, lifestyle, or experience;
 - 6.1.6 Choose whether or not, and to what extent, they wish to participate in OUSA and/or University support or disciplinary processes;
 - 6.1.7 Be provided with information about options for action and determine whether or not they wish to report to Police.

7. Rights of Respondents to Allegations

- 7.1 Respondents have the right to:
 - 7.1.1 Be treated with dignity and respect;
 - 7.1.2 Be heard;

- 7.1.3 Not to be exposed to prejudice based upon ethnicity, sexual orientation, gender, gender identity, age, ability, lifestyle or experience;
 - 7.1.4 The welfare of current University of Otago Students' or Otago Polytechnic Students' (Students), to whom OUSA owe a higher duty of care, is prioritised;
 - 7.1.5 Be provided with information about options for support;
 - 7.1.6 The presumption that they have not breached this policy unless there are reasonable grounds for concerns, as determined by OUSA;
- 7.2 OUSA is not an appropriate agency to investigate allegations of Sexual Misconduct. However, OUSA will act on reasonable grounds, where the welfare, particularly the safety of students' is believed to be compromised.

8. Disclosing Sexual Misconduct

8.1 OUSA will respect the choices of affected parties regarding whether to make disclosures of sexual misconduct and the method of disclosure.

8.2 OUSA strongly encourages any individual who has been subject to or knows of sexual misconduct within a club to disclose the circumstances to the OUSA Student Support Centre or the CDO, and to seek support.

8.3 OUSA staff are not permitted to advise any other party of information they receive regarding sexual misconduct, unless:

8.3.1 Outlined in clause 4;

8.3.2 Advice is sought, in a professional capacity around the handling of the situation in general terms (protecting privacy and identifying the affected party, only if they consent);

8.3.3 There is serious and immediate threat to safety and emergency services need to be contacted.

8.4 Staff receiving a disclosure of sexual misconduct are expected to:

8.4.1 Offer to facilitate contact with a support provider (see options listed in Appendix 1), and, where the affected party is a student, specifically advise the party from whom they received that information of the services available from OUSA Student Support and Te Whare Tāwharau and offer to facilitate contact with these parties;

8.4.2 Advise the party from whom they received that information of the right of an affected party to seek a formal investigation, which may be initiated through the Proctor, Deputy Proctor, Provost, Deputy Provost or the New Zealand Police.

8.4.3 Advise OUSA Student Support of the disclosure as detailed in clause 8.3.2 so that they can:

8.4.4 Maintain an overview of the disclosure;

8.4.5 Ensure, as far as consistent with the affected party's willingness to be identified, that adequate support is provided.

8.5 Club members who receive a disclosure of sexual misconduct are not expected to manage nor investigate allegations.

8.6 Where safe and capable to do so Club Members who receive a disclosure of sexual misconduct from another club member are encouraged to:

8.6.1 Facilitate the removal of affected parties away from immediate danger;

8.6.2 Treat the party with dignity and respect, employing active listening skills;

8.6.3 Maintain the privacy of all parties involved. This does not apply if there is a serious and immediate threat to any of the party's safety, where emergency services should be contacted;

8.6.4 Advise the disclosing party of this policy and the University of Otago Sexual Misconduct Policy;

8.6.5 Advise the disclosing party of the support services available to them, specifically OUSA Student Support, TWT and the CDO (who can all advise and facilitate further support if needed);

8.6.6 Protecting Privacy (identifying the affected party only if they consent), advise the CDO they have received such a disclosure, particularly when the safety of additional club members is believed to be compromised, or there may be accommodation requests around Club operations;

8.6.7 Employ self-care measures. The support services identified in Appendix 1 are also available to those supporting others. Club members who receive sexual misconduct disclosures are encouraged to make use of these.

9. OUSA's Response to Disclosures of Sexual Misconduct

9.1. In the first instance, OUSA will respond to all disclosures of sexual misconduct by ensuring the disclosing party has access to appropriate support, that their rights as identified in clause 6 are upheld and that this policy is adhered to.

9.2. OUSA will respect the choices and decisions of disclosing parties, such as but not limited to;

9.2.1 A disclosure without wanting to advise the University;

9.2.2 To raise a formal complaint or request investigation.

9.3. OUSA will co-operate with any formal investigation led by appropriate parties as identified in clause 4.8.

9.4. OUSA will ensure respondents are advised on appropriate support, and that their rights as identified in clause 6 are upheld and this policy adhered to.

- 9.5. OUSA will not attempt to investigate allegations of Sexual Misconduct, however, OUSA will act on reasonable grounds of concern, where the welfare and safety of Club Members is believed to be compromised. OUSA will prioritise University of Otago Students or Otago Polytechnic Students, to whom OUSA owes a higher duty of care.
- 9.6. In order to establish reasonable grounds for concern OUSA may:
- 9.6.1. Request information from the parties involved;
 - 9.6.2. Seek out relevant, public information;
 - 9.6.3. Consider professional advice and information (for example those who may be formally investigating);
 - 9.6.4. Convene a general or special meeting for the relevant Club.
- 9.7. Should the CDO, Clubs and Societies Centre Manager or the OUSA CEO 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;
 - 9.7.5. Impose temporary conditions on maintaining affiliation or impose temporary suspension of a Club's Affiliation;
 - 9.7.6. Impose a short-term trespass notice to OUSA property of three (3) 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 long-term trespass notices to OUSA property of two (2) years or more.

10. Review

- 10.1 A club or club member may request a review of the actions taken under 9.7 or 9.8
- 10.2. The request must be submitted in writing and presented to the OUSA CDO, where it relates to clause 9.7, or the OUSA Executive where it relates to clause 9.8.
- 10.3. The OUSA CDO and OUSA executive will consider the request, notifying the respective club or club member within 10 working days.

Appendix 1 – Additional and Alternative Support for Matters

OUSA encourages those who've been subject to or know of Sexual Misconduct (within Clubs) to disclose to the OUSA Student Support Centre or the CDO. Via this pathway OUSA can support individuals, providing a wrap-around service. The details around this have been prescribed in the *Affiliated Clubs and Societies Sexual Misconduct policy*.

However, OUSA support choice, and understand some individuals may not wish to disclose, or use the recommended avenues. This appendix serves to highlight a range of support services available. *Note some services, may be restricted to University of Otago Students. Please inquire with the relevant provider, using the contact details below.*

The Clubs Development Officer (CDO) is a central point of contact, acting in a facilitation capacity for pastoral support. The CDO holds a conjugate role between alleged incidents of sexual misconduct and club operations. Protecting privacy the CDO will disclose information on a needs basis 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.

Further Information

ousa.org.nz/clubsandsocs

Contact Details

cdo@ousa.org.nz

022 233 2733

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://ousasuppothub.org.nz/>

Contact Information

help@ousa.org.nz

0800 12 10 23

Te Whare Tāwharau (TWT) is responsible for general education and activities aimed at preventing Sexual Misconduct amongst the student population; and for providing support and guidance to affected parties where sexual misconduct is disclosed, and where those parties choose to engage with Te Whare Tāwharau. Te Whare Tāwharau can also guide affected parties to other support services.

Further Information

<https://www.otago.ac.nz/te-whare-tawharau/index.html>

Contact Details

tewharetawharau@otago.ac.nz

<tel:+64212783795>

Ōtepoti Collective Against Sexual Abuse (OCASA) is a community agency that can provide free and confidential services to survivors (of Sexual Misconduct, recent or historic) of any gender from the age of 16 years and over.

Further Information

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

Contact Details

support@ocasa.org.nz

1-474 92

Male Survivors Otago is a member organisation of Male Survivors Aotearoa, the national advocacy and policy organisation for male survivors in New Zealand. Male Survivors Otago offers peer support on a one-to-one basis or as a member of a peer support group.

Further Information

<https://www.malesurvivorsotago.nz/>

Contact Information

support@ocasa.org.nz

03-474 1592

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. You may find comfort in blending support services. Understood however, is the possible apprehension in telling loved ones. The support services above will be able to offer support for this.