



2 October 2023

By email: fyi-request-23481-829c7fd1@requests.fyi.org.nz

Tēnā koe M Sinclair

I refer to your follow up request for information dated 24 August 2023 made under the Official Information Act 1982 (the Act). The University of Otago responded to your initial request of 13 July 2023 on 11 and 23 August 2023. You have subsequently requested the following information:

You state that there was a council only session held on 11 July 2023...I am requesting any notes from that meeting, and if they do not exist, a record of participants' recollections of the discussion and/or briefing.

From the list you have provided on page 3 of your letter, I am therefore specifically challenging and asking for documents, presentations, notes and correspondence which are in any of the following categories:

- *discovery research insights*
- *brand audit*
- *decision criteria*
- *feedback from key stakeholders*
- *survey feedback analysis*
- *market research briefings*

Please see below our response to your follow up request.

Notes from the Council-only session held on 11 July 2023

As noted in our response of 11 August 2023, the rebranding decision was confirmed during Part 1 of the 11 July 2023 meeting of the University of Otago Council. A copy of the minutes relating to the confirmation of the decision was provided to you in our response.

In the same response, we also noted that the University Council met earlier on 11 July 2023 for a Council-only session to consider the decision. On grounds of effective conduct of public affairs through the free and frank expression of individuals (pursuant to section 9(2)(g)(i) of the Act), and to enable the University to carry out, without prejudice, commercial activities, we determined that it was appropriate to withhold the minutes from the Council-only session. We note that typically we would continue to withhold this type of information under the free and frank withholding ground, as we consider that it remains imperative that the University is able to maintain the effective conduct of public affairs through the free and frank expression of opinions between its Council members. It is important that our Council members are able to freely express their opinions, ideas, and concerns in an open and candid manner. However, taking into account the strong public interest on this topic which you have noted in your email and in the interests of transparency, we have reconsidered our original decision and decided in this particular instance to share this information with you. Please see attached a copy of the minutes from the Council-only session.

Briefing documents provided to decision-makers

We reiterate that no briefing documents or memos were provided to the decision-makers (University of Otago Council) at the time the decision to approve the University's new brand was confirmed (11 July). However, we noted in our response of 23 August 2023 that University Council members were briefed in a series of meetings on the brand proposal, the first of these briefings being in July 2022. The documents provided during these briefing meetings were reviewed by Council members during the non-public parts of Council meetings.

In our response of 23 August 2023, we declined providing you with copies of these briefing documents pursuant to section 9(2)(i) of the Act, as we considered that withholding this information was necessary to enable the University to carry out commercial activities without prejudice or disadvantage. We also noted that the documents we withheld included information that was subject to obligations of confidence, was legally privileged, was private, and contained free and frank expressions of opinion. At the time, we provided a summary of the documents we withheld.

You have specifically requested that the University reconsiders its decision to withhold information in relation to the following categories: discovery research insights, brand audit, decision criteria, feedback from key stakeholders, survey feedback analysis, and market research briefings. Having collated and reassessed the material, we have concluded that the appropriate way in which to make the information in relevant documents available to you is by providing you a partial summary of their contents in accordance with section 16(1)(e) of the Act.

Discovery research insights:

Please see attached two power-point presentations and a memo dated 7 July 2022, that were provided to Council members in their July 2022 meeting. Material has been withheld or redacted:

- pursuant to section 9(2)(a) of the Act, to protect the privacy of natural persons. This includes the names of individuals who were interviewed during the discovery process and the names of individuals who served on the executive steering group and collaborated with the University on design and language.
- pursuant to section 9(2)(i) of the Act, to enable the University to carry out commercial activities without prejudice or disadvantage. The University's brand is an important commercial aspect of its operations, and we are operating in a highly competitive commercial environment with other tertiary institutions. The University's brand is a core component of what sets it apart from its competitors.

Brand audit:

Information on the University's brand audit was provided to Council members in their July 2022 meeting. We consider that it is necessary to continue to withhold this information pursuant to section 9(2)(i) of the Act, to enable the University to carry out commercial activities without prejudice or disadvantage. Providing the information we have decided to continue to withhold (including the information we have withheld above) has the potential to reveal specific information about the University's brand, and would allow our competitors to divert their own resources and funding to compete directly, or target areas where the University may be placing less emphasis, in an intensely competitive market.

Decision criteria:

A set of decision criteria was developed to support the University's Senior Leadership Team and Council with key decisions throughout the project. These criteria considered:

- Strategic alignment
- Potential achievability
- Potential affordability
- Potential value for money
- Engagement with future students and influencers
- Engagement with current students
- Engagement with staff
- Engagement with Alumni

Please see the attached power-point slide, which outlines the decision criteria. This formed part of a presentation to Council members during their October 2022 meeting.

Feedback from key stakeholders:

Survey feedback analysis:

Market research briefings:

Direct feedback on the rebranding proposal was received from key stakeholders (external, internal and Alumni) as part of confidential briefings on the brand. Having given careful attention to public interest considerations in accordance with section 9(1) of the Act, we have decided that it is necessary to continue to withhold this information pursuant to section 9(2)(ba) of the Act, to protect information which is subject to an obligation of confidence.

All submissions and/or discussions were received on the shared understanding that they would be treated in the strictest of confidence and would only be shared with University Council members. Assurances of confidentiality are necessary, as the information provided expresses the personal views and opinions of the submitter and are often of a highly personal nature. We believe that if we were to breach this obligation of confidence, we would struggle with engagement in any future consultation processes, as it would impact on the relationship of trust and confidence that exists between the University and submitters. Such disclosure would impact on submitters' willingness to express themselves openly and honestly in the future. Future supply of such information is in the public interest, as these submissions are used to inform the University's services and enhance the University's ability to make decisions.

We note that the Tuakiritaka Consultation Findings Report (publicly available [online](#) and provided to you in our response of 23 August 2023) summarises the background to the consultation process and notes that 50 individual and group briefings were held with key Alumni, community stakeholders, senior staff and student representatives between December 2022 and March 2023.

The Tuakiritaka Consultation Findings Report also contains the University's analysis into the feedback received via the survey. However, we also note that a recommendation paper provided to Council members in their May 2023 meeting includes an analysis of the survey feedback, as well as information on market research briefings and stakeholder feedback. Please see attached a copy of this document. Information has been withheld or redacted on the following grounds:

- It is outside the scope of your request. This applies to most of the redactions that have been made.

- Under section 9(2)(i) of the Act, to enable the University to carry out commercial activities without prejudice or disadvantage.
- Under section 9(2)(ba) of the Act, to protect information which is subject to an obligation of confidence.

We note that this document also outlined the key concerns that were raised as part of stakeholder consultation and feedback. These include:

- Concerns about the Tohu: not recognisable as a symbol of a university, or a place of higher learning; similar to other brand marks, such as Otago Rugby, Whittaker's Pods and Otago Polytechnic; is an abstract symbol that does not reflect the Ōtākou narrative.
- Loss of heritage: Coat of Arms is a prestigious symbol that distinguishes the University, and replacing this with the Tohu risks this standing; the Tohu does not reflect the traditions and history of the Scottish founders of the University.
- Te Reo vs. English name: Te Reo Māori version of the wordmark will not be widely recognised; the nomenclature of Ōtākou is disputed.
- Loss of international recognition: there is a lack of understanding of Te Reo Māori in international markets; replacing the Coat of Arms removes an international symbol of academic excellence; recognition and value of degrees would be compromised, impacting employment prospects.
- Affordability and cost of the proposal: the University cannot afford this project, and the investment would be better spent on other priorities.
- Implementation: given the financial climate, timing for implementing the project is not right; a phased roll out of a new identity will be confusing; the timeframe for implementation is unclear; more clarity is needed on when to use the wordmark versions, and Coat of Arms; the exercise is tokenistic and will be viewed as window dressing; efforts should be focussed in other areas first to improve Tiriti responsiveness.
- Cultural impact: the University is not ready to adopt a Māori identity; the new design excludes multicultural perspectives of identity; the proposed visual identity and the Ōtākou narrative is not relevant to other campuses/hubs.
- Consultation process: the nature of the survey indicates the decision has been predetermined; the survey questions are worded in a biased way to elicit a positive response.
- Vision 2040: the University is changing too far towards woke-ism and a Māori agenda.
- Font and colour: Some glyphs used in the wordmark are not accessible; the use of some colours will be impractical for the wordmark, particularly background gradients.

I trust that this information will be helpful.

In the above cases, we consider that good reasons exist for withholding information, and this is not outweighed by other considerations which would make it desirable, in the public interest, to make the information available. If you are not satisfied with our response to your information request, section

28(3) of the Act provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kelsey Kennard', with a stylized flourish at the end.

Kelsey Kennard
Official Information and Compliance Coordinator
Office of the Registrar