



6 September 2023

Elia Gibbons

By email: fyi-request-23752-cad8cac4@requests.fyi.org.nz

Tēnā koe Elia

Official information request for sexual violence statistics

I refer to your request for information under the Official Information Act 1982 (the Act) dated 9 August 2023:

“1. Reported Acts of Sexual Violence: We are hoping to understand the number of reported acts of sexual violence that have been brought to the university's attention within the last five years and the number of these that occurred in university premises (including halls of residence) and the number that occurred outside of university premises.

2. University Definition of Sexual Violence: We would also appreciate clarification on whether the university has an established definition for operationalizing sexual violence. If so, could this definition please be provided.

3. University Responses to Sexual Violence: In addition, we seek information on the existing responses that the university has implemented to address and combat sexual violence.”

Sexual Harassment Response Policy and Procedure

Te Herenga Waka - Victoria University of Wellington (the University) introduced its Sexual Harassment Response Policy in 2020. This policy defines sexual harassment as:

- a. *The making of a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment; or*
- b. *by the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that –*
 - i. *is unwelcome or offensive to that person (whether or not that is conveyed to the person complained about); and*
 - ii. *is either repeated, or of such a significant nature, that it has a detrimental effect on that person.*

Note: This definition of sexual harassment aligns with section 62 of the Human Rights Act 1993.

Under the **Sexual Harassment Response Policy**, the University does not define sexual violence or differentiate between sexual assault or sexual harassment when receiving reports of sexually harmful behaviour.

The **University's Sexual Harassment Response Procedure** sets out the procedures that apply to disclosures and/or complaints of sexual harassment. Under the Policy and Procedure, students and staff members may make a complaint or may choose to make a disclosure (rather than a complaint) about sexually harmful behaviour (including harassment or assault), if they do not want the University take any specific action in response to the incident. The University treats disclosures confidentially and will not investigate or consider taking formal action in relation to a disclosure, except in limited circumstances (as outlined in the policy), including if there appears to be a serious or imminent threat to the Complainant's life or health or that of another individual. The University expected that the greater flexibility of reporting options and pathways available under this policy would result in individuals feeling more confident about coming forward and therefore see an increase in the number of reports of sexual harassment.

The intention of the Sexual Harassment Response Policy is to help give effect to the University's values and promote an environment in which sexual harassment is unacceptable and where individuals and groups have the confidence to complain about such behaviour, in the knowledge that their concerns will be taken seriously and dealt with appropriately and fairly.

Further information about the University's response to sexually harmful behaviour can be found here: <https://www.wgtn.ac.nz/students/support/student-interest-and-conflict-resolution/sexually-harmful-behaviour>.

The information provided below only refers to formal complaints made under the policy. The University does not keep a centralised record of reports that may be made informally from time to time about staff or student conduct (which could potentially include allegations of sexual assault), and which may be resolved, in accordance with the complainants' wishes, without the need for a formal investigation or process.

Formal complaints received under the Sexual Harassment Response Policy

Year	Total reports received
2018	7
2019	3*
2020	15*+
2021	8
2022	18*
2023	3

+ includes historic allegations.

* includes multiple complaints regarding a particular incident or person.

Actions taken

Where a complaint is made under the Policy about alleged conduct of a student, the University's Student Interest and Conflict Resolution (SI&CR) team will be able to assist in discussing different options for the resolution of that complaint, and will provide

support throughout. There are options for alternative resolution which are set out in the [Student Conduct Statute](#) and the [General Misconduct Procedure](#). These include the ability to respond with a specialised sexual harassment response that is individually designed to reflect the specific circumstances. Where a formal process is necessary to address the Complaint, the Student Conduct Statute and the General Misconduct Procedure will be followed.

Complaints raising allegations regarding staff members are brought to the attention of the University's Human Resources (HR) department. The University will take the steps set out in the [Guidelines for Resolving Alleged Misconduct](#). This could potentially include steps under a formal process, an informal/alternative resolution process, or a Tikanga process.

In some instances involving allegations made about a staff member, a person who is the subject of a complaint may resign or conclude a contract before the investigation is completed. In these situations, the University may be limited in its ability to take further action.

Information relating to specific actions taken to respond to allegations of sexual harm cannot be made available without substantial collation or research. Therefore this aspect of your request is refused in accordance with s18(f) of the Act. However we can advise that no students have been dismissed or expelled from the University due to sexual misconduct complaints in the last five years.

You have the right to seek an investigation and review by the Ombudsman of the decisions made regarding this request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me at oiarequests@vuw.ac.nz.

Ngā mihi nui

Blair Doherty
Senior Advisor, Official Information and Privacy
Legal Services
Te Herenga Waka—Victoria University of Wellington