



6 September 2023

Elia Gibbons

By email: [fyi-request-23755-3b4c17c5@requests.fyi.org.nz](mailto:fyi-request-23755-3b4c17c5@requests.fyi.org.nz)

Tēnā koe Elia

I refer to your information request dated 9 August 2023 made under the Official Information Act 1982 (the Act). You have requested “information on sexual violence definitions, incidents, and responses at the University of Otago over the past five years”.

Please see below our response to your request.

- 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.**

Subject to the below comments, please see the below table which shows the total number of disclosures made to the University of Otago’s Sexual Misconduct Action Response Team (SMART) since 2019:

- The information we have provided below cannot be considered complete records of the number of “reported acts” or “disclosures” of sexual violence brought to the attention of the University. Confidential Staff (as defined in the [Sexual Misconduct Policy](#)) may advise the SMART Co-ordinators of information they receive regarding sexual misconduct, but are *not* required to (see clause 4(c)).
- While the University tracks data on whether affected parties and respondents reside in Residential Colleges, we do not necessarily track where the alleged incident took place (including in the Residential Colleges).
- Staff (non-confidential) are expected to advise the SMART Co-ordinators of any disclosures received, as per clause 4(d)(iii) of the Sexual Misconduct Policy. The total number of disclosures made to SMART each year are set out in the table below. These do not necessarily all relate to “sexual violence” (some may be sexual harassment or intimate visual recordings). As noted above, the table does not necessarily include all disclosures made to confidential staff.

Year	Total disclosures made to SMART
2019	13
2020	32
2021	39
2022	53
2023 (as at 31 August)	36

**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?**

All relevant definitions are provided in the University's [Sexual Misconduct Policy](#). The Policy provides definitions for Sexual Misconduct, Grievous Sexual Misconduct, and Sexual Harassment. While there is no specific definition for "Sexual Violence", it is encompassed within these other definitions.

**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.**

There are a number of responses set out within the [Sexual Misconduct Policy](#). Clause 6 of the Policy specifically sets out the University response to disclosures of sexual misconduct.

Affected parties may choose to:

- make a disclosure without making a formal complaint and seek support, accommodations, and/or protective measures.
- make a formal complaint (as well as seeking support, accommodations, and/or protective measures).
  - For grievous sexual misconduct, a university investigation is not possible – an affected party can follow a Police pathway.
  - For non-grievous sexual misconduct, a university investigation is possible – however, an affected party may also choose to follow a Police pathway.
  - If, following an investigation, there is a finding that there is a breach of the Sexual Misconduct Policy, the University's response can include any of the sanctions set out under the [Student Conduct Statute 2021](#) – including clauses 8, 9 and 10 (the Powers of Proctor, the Powers of Provost and the Powers of Vice-Chancellor), as well as a Tikanga-led process (clause 11) or a Restorative Justice process (clause 13).

The University of Otago response to sexual violence is also well articulated in the following article "A whole campus approach to sexual violence: the University of Otago Model", which is publicly available [online](#). The approach is one that includes staff and students, and addresses policy, support, and prevention.

Yours sincerely



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