The Path to Change

AUSA Report following the Zero Tolerance? Hui against Bullying, Harassment and Discrimination at the University of Auckland
Introduction

On Wednesday 1st May 2019, we, the Auckland University Students’ Association held Zero Tolerance? A Hui against Bullying, Harassment and Discrimination inviting all students and staff at the University of Auckland who wished to do so to share their experiences of bullying, harassment and discrimination at this University at Tane-nui-a-Rangi, Waipapa Marae. We held this Hui because we were greatly troubled about reports of white supremacy that had been made both to AUSA Advocacy and to the AUSA Executive and, more generally, because we knew there was a strong feeling among both students and staff, following the horrific Christchurch Terrorist Attacks, that there needed to be definitive and meaningful change both across the country and, indeed, within our University. We had over seventy people attend the Hui and we received several dozen anonymous submissions - some from people who wished to have their submissions read and included as evidence in this report, others who wished for their information to be kept strictly confidential. While there was an open invitation to all staff, we only extended specific invitations to Ms Trudie McNaughton, the Pro-Vice Chancellor (Equity) and Ms Anne-Marie Parsons, the Associate Director (Student Support and Wellbeing). Professor Stuart McCutcheon, the Vice-Chancellor, and other Senior University Leadership were not invited because we wanted to give students the space and freedom to be as open and candid as they wanted. This was an AUSA Hui for us to hear from our University Community.

Our students and staff, speaking at the Hui in person and anonymously, told us that racism, white supremacy, transphobia, homophobia and other hateful forms of discrimination were alive and well here at the University of Auckland. Our attendees and those who made anonymous submissions gave their raw, honest truth about what life is like studying, researching, teaching and working here for them. Many spoke about the emerging presence of white supremacists and what they considered to be the University’s implicit tolerance of white supremacy through their lack of action to intervene and to properly enforce the University’s stated mantle of zero tolerance to bullying, harassment and discrimination. We heard even more contributions about how discrimination in all its ugly forms currently exists - in seemingly innocent but pointed remarks, in everyday conversations on campus and systemically, through a lack of resources, training and education to identify, resist and confront discrimination and to effectively act against it. The true picture as we saw it from the Hui and from our anonymous submissions, was that discrimination was widespread across the University, in every faculty and in our Halls of Residence, and that as such, many of our students felt neither safe nor able to be themselves on campus. Our students
and the wider University community told us that there is a systemic and pervasive issue with hate – be it racism, white supremacy, transphobia, homophobia or other hateful forms of discrimination – at this University. We believe them, we stand with them and will be demanding change from the University’s leadership for them.

To those brave and resilient people who contributed their genuine experiences of bullying, harassment and discrimination and their thoughts and hopes for a better University, whether in person or anonymously at our Hui, we thank you. Your bravery in speaking up and speaking out is what will make genuine change for the students and staff who will study, research, teach and work here after you. We know that, in having this Hui, we have in many ways opened up a great wound - after all, we have asked you to speak about something so incredibly personal and to lay bare your fears and concerns. All we can do is promise to work our hardest to get rid of and keep away white supremacy, racism, sexism, islamophobia, homophobia, transphobia, ableism and all other awful forms of discrimination from this University, our second home.

The True Picture

The contributions made to us both in person and anonymously through the Hui were made in trust and on an understanding that they would be confidential to AUSA, those at the Hui and to University leadership as evidence of a more widespread problem. As such, this Public Report does not recount the contributions we heard either in person or anonymously at the Hui. A copy of this report has been given to the Vice-Chancellor and Senior University Leadership detailing the specific details of what we heard at the Hui. We hope that Senior University Leadership will realize, upon reading those accounts, that there truly is a problem here.

What needs to be changed

This Hui and the abundance of anonymous submissions we received has confirmed, as we are sure so many across this University Community have already known for such a long time, that there needs to be change at the University of Auckland. We asked our students to lay bare their fears and concerns - now,
we must move quickly for act for them. It is clear to us, AUSA, in hearing from our University community, that there needs to be serious change in the following areas:

- **the Complaints and Investigation System at the University** – we believe that this Hui has confirmed that there are serious issues with the workability and enforcement of the University’s policies in relation to bullying, harassment and discrimination, student discipline and the overall complaints and investigation system. We are particularly concerned about the inability for students to make anonymous formal complaints, the apparent unfettered discretion that senior University officials have to decide whether to refer and escalate cases to the University’s Discipline Committee and the lack of timeliness and transparency for those students who have made complaints and requested an investigation. Furthermore, we are concerned that the University’s complaints and investigation system is not orientated enough towards mediation and rehabilitation. After all, we have a duty not just to confront and call out awful behaviours but to do our part to change attitudes too. We believe it may also be in the best interests of students for there to be an independent complaints and investigation system so that students can have trust in the process and outcome of their complaints, which many currently lack.

- **Strengthening Zero Tolerance** - we believe that more needs to be done to promote the University as a safe, inclusive and equitable place for teaching, learning and research. It is not enough to simply state that racism, sexism, homophobia, transphobia, islamophobia, ableism and all other forms of discrimination under the Human Rights Act 1993 have no place at this University. There needs to be enforcement of that and the cultivation of a University environment that actively reminds our students and staff of this. We believe that all students and staff should be required to understand that there is a clear expectation of behaviour here and that any right to freedom of expression comes with shared responsibilities to maintain an environment that respects and empowers the rights of others. From the many anonymous submissions we received, it is clear that staff are in need, and want, guidance on this – both on how to set the right tone with their students and each other, but also on how to act when discriminatory behaviour emerges and disrupts the safety and welfare of other students and staff.
• **Training of all Staff and Students on how to recognize and respond to discrimination** – we are concerned that there is a lack of understanding about how contemporary racism and discrimination operates and manifests today in 2019, both by staff and students. We believe that all persons responding to complaints about discrimination must be appropriately trained and equipped on how to recognize, understand and assist those who have been confronted with discrimination and bigotry. Furthermore, we believe that staff and students need to better understand where, how and when to refer concerns about discrimination, bullying and harassment. Many students and staff will want to, and indeed do, assist their friends who have faced or are facing bullying, harassment or discrimination. However it is important that, for the wellbeing of all those involved – those directly affected, friends and family – that these cases are dealt with by trained professionals as quickly as possible. Broader training about what to do when confronted with bullying, harassment or discrimination, or when someone brings that to your attention, is essential.

• **Understanding and education of and about the importance of Te Tiriti** – we believe that the University should seriously consider how to properly educate and teach our students about Te Tiriti o Waitangi, especially as the University’s graduate profile states that all graduates should understand the principles of the Treaty of Waitangi. As such, we believe the University should look at whether it should change its General Education system to require all students to study either MĀORI 130, HISTORY 107, POLITICS 107 or any other courses that give comprehensive knowledge and understanding about Te Tiriti and New Zealand History.

• **Promoting a culture where our students can truly feel as though they can be themselves** – we heard from too many students that they felt that they could only truly be themselves in some, but not all, parts of the University. We believe that more needs to be done to actively encourage our students, especially those from our equity groups, to feel as though they can truly be themselves everywhere. After all, the strength of this University is in its diversity. Our students can only perform to their best abilities when they feel as though they truly belong here.
Call to the University

In the interests of working in good faith with University leadership and in the understanding that meaningful change can only be made with University leadership, we call on the Vice-Chancellor to do the following:

**Recommendation 1: To establish a Special Working Group on the Prevention of and Response to Discrimination at the University of Auckland**

We call on the Vice-Chancellor to establish a Special Working Group on the Prevention of and Response to Discrimination at the University of Auckland. We are calling on the University to establish this Special Working Group to review all areas at the University – policy, training, culture and much more – in order to recommend serious and genuine changes to the way this University prevents and responds to discrimination, and how to cultivate a truly safe, inclusive and equitable environment for all. This Special Working Group would report directly to the Vice-Chancellor.

This Working Group would convene as soon as possible, to submit a comprehensive report to the Vice-Chancellor by the end of this Academic Year (end of Semester Two, 2019).

The aim of this Working Group is to review all areas of the University by engaging with the various different areas of the University. As such, we would imagine the Working Group would engage with the Harassment Governance Group, with the Vice Chancellor, Deans and Directors Group, with Associate Deans (Teaching and Learning), with Equity Communities of Interest, Associate Deans (Equity), with General Counsel, with Campus Life, with AUSA, with our many student groups and in particular, AUSA Advocacy.

The Working Group would operate to seek and gather the information it needed from outside of the Group - interviewing and listening to different areas of the University (such as the Proctors, General Counsel, relevant Faculty Contacts and Students and Student Groups) rather than seeking to have that information within itself, as the usual Committee structure at the University relies on.
Composition of the Working Group

We call for the composition of this Special Working Group to be equal staff and students and to be co-Chaired by one student and one staff member.

The Special Working Group’s Student Members would be:

- The AUSA President or their delegate
- Co-Tumuaki of Ngā Tauira Māori
- President of the Auckland Pacific Island Students’ Association or their delegate
- Queer Rights Officer of AUSA
- Women’s Rights Officer of AUSA
- Representative from the Post - Graduate Students’ Association at the University
- International Students’ Officer at AUSA

The Working Group’s Staff Members would be:

- Deputy Vice-Chancellor (Academic) or their delegate
- Pro-Vice Chancellor (Equity)
- Pro-Vice Chancellor (Maori)
- Pro-Vice Chancellor (Pasifika)
- Associate Director (Student Engagement and Support), Campus Life
- Director of Human Resources
- Representative from the Tertiary Education Union, UoA Branch.

Funding of the Working Group

If the work of this Special Working Group is to be delivered by the end of this academic year, and to be genuinely meaningful, then we believe the University must hire an independent Project Manager to oversee the business of the Working Group, to conduct the necessary research and to support the work of the Working Group by drafting and developing the Working Group’s final Report to the Vice-Chancellor.
This Project Manager would ideally be someone from a background in Human Rights Law, Policy, Social Change and Anti-Discrimination and Project Management.

**Recommendation 2:** That the University affirm that it has zero tolerance for racism, white supremacy, sexism, islamophobia, homophobia, transphobia, ableism and all other awful forms of discrimination under the Human Rights Act 1993

This University is not responsible for the actions and statements of all its students and staff members. However, the University is responsible for the culture it has, for the tone it sets and for the action it takes to respond when students and staff bully, harass or discriminate others. We have heard from our students that there are seriously problems with discrimination of all forms at the University of Auckland. In light of this, we call on the Vice-Chancellor and University leadership to reaffirm that this University, our second home, has no place for racism, white supremacy, islamophobia, transphobia, ableism and all other awful forms of discrimination under the Human Rights Act 1993.

**Conclusion**

If we truly want a safe, inclusive and equitable University for everyone then it is incumbent upon all of us – as a collective, and individually – to build that culture. We must recognise that if this University isn’t safe, inclusive and equitable for some of us, then it isn’t for all of us. This is important mahi and we must all do our part. We hope you will join us.
Dear George,

Thank you for our meeting yesterday and for providing me with a copy of “The Path to Change”, the AUSA Report following the Zero Tolerance? Hui against Bullying, Harassment and Discrimination at the University of Auckland. I appreciate the considerable effort by you and other students that has gone into organising the hui and capturing its key outcomes and recommendations in the Report.

We, like all universities, are continually working to improve the prevention of and response to all forms of discrimination, harassment and bullying. We have made some great strides recently with the updating of the policy and other initiatives. However, we acknowledge that there are members of the University community who do not feel that it is yet a safe, inclusive and equitable environment. There is thus more work to do, and we will be pleased to partner with students to continue to do this work.

It will take a little time to digest all of the Report, but my initial reaction to the recommendations is as follows:

**Recommendation 1: To establish a Special Working Group on the Prevention of and Response to Discrimination at the University of Auckland**

I agree with this recommendation and, while your suggestions for membership of the Special Working Group seem generally appropriate, would like to consider membership a little more and get back to you. Among other things, I need to consider its relationship to the existing Harassment Governance Group which is already planning for the delivery of communications and training in this space.

**Recommendation 2: That the University affirm that it has zero tolerance for racism, white supremacy, sexism, islamophobia, homophobia, transphobia, ableism and all other awful forms of discrimination under the Human Rights Act 1993**

As you have noted elsewhere in the report, the University is a large and complex community for which no one individual can speak. However, as the Vice Chancellor and Chief Executive I can absolutely affirm, as I have done often before, that the University leadership is committed to ensuring that we have a safe, inclusive and equitable University. While the term “zero tolerance” has recently been the subject of some debate, I can also affirm that we do not condone any form of discrimination under the Human Rights Act 1993.

I would note that under the Education Act 1989, academic staff and students of the University have the right “within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions”. One of our challenges, and one that the Special Working Group might wish to consider, is how we protect the right of University staff and students to academic freedom and freedom of speech, while also emphasising that certain kinds of behaviour are unacceptable.

I look forward to our further discussions on these issues.

Sincerely,