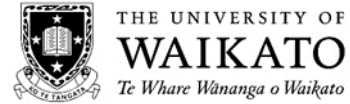


Interpersonal Violence Policy



Responsibility for policy: Director of Student Services and Pastoral Care and Director of People and Capability

Approving authority: Vice-Chancellor

Last reviewed: June 2023

Next review: June 2024

Application

1. This policy applies to all students, staff and contractors at the University of Waikato.

Scope

2. This policy applies to the conduct of students, staff and contractors:
 - a. where a party is, at the time the disclosure or complaint is made, a student, staff member or contractor at the University
 - b. on any property or in any facility owned or managed by the University (including the Halls of Residence and other University accommodation)
 - c. in the context of any University activity regardless of geographic location such as Work Integrated Learning
 - d. where the conduct is related directly to the person's status as a student, staff member or contractor
 - e. where the conduct has harmed or has the potential to harm another member of the University community, or
 - f. where the conduct has harmed or has the potential to harm the reputation of the University.

Purpose

3. The purpose of this policy is to:
 - a. make explicit that the University of Waikato does not tolerate any form of interpersonal violence - such as violence within family or community relationships- by promoting an environment in which diversity is celebrated and all members of the University community feel safe to study and work at the University of Waikato
 - b. promote an environment where individuals have the confidence to make a complaint about such behaviour should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly, with their safety and wellbeing prioritised
 - c. support students, staff and contractors to access help and support in a timely manner
 - d. promote an environment where individuals have the confidence to seek support regarding interpersonal violence, without judgement, in the knowledge that they will be provided with options for internal and external support
 - e. make explicit the University's commitment to preventing interpersonal violence from occurring and to protecting the rights of all members of the University

- community to work, learn, study and participate in all aspects of the University in an environment of safety and respect, and
- f. promote an environment where members of the University community are able to enact safe prosocial bystander intervention.
4. This policy is not to be interpreted, administered, or applied in such a way as to discourage or prevent any person from exercising their right to make a complaint of interpersonal violence to any external body, such as the Police.
 5. The [Interpersonal Violence Procedures](#) set out the actions that the University will employ regarding interpersonal violence, which may include education, training and prevention programmes; the provision of support; reporting and complaints procedures; and fostering and promoting a culture of prosocial bystander intervention, respect for diversity, consent and healthy relationships.

Related documents

6. The following documents set out further information relevant to this policy:
 - [Bullying, Harassment and Discrimination Policy](#)
 - [Child Protection Policy](#)
 - [Code of Student Conduct](#)
 - [Crimes Act 1961](#)
 - [Education \(Pastoral Care of Tertiary and International learners\) Code of Practice 2021](#)
 - [Employment Relations Act 2000](#)
 - [Family Violence Act 2018](#)
 - [Flexible Working Arrangements Policy](#)
 - [Health Information Privacy Code 2020](#)
 - [Health & Safety at Work Act 2015](#)
 - [Interpersonal Violence Procedures](#)
 - [Oranga Tamariki Act 1989](#)
 - [Personal Information and Privacy Policy](#)
 - [Privacy Act 2020](#)
 - [Safety and Wellness Policy](#)
 - [Sexual Violence Policy](#)
 - [Sexual Violence Procedures](#)
 - [Special Consideration](#)
 - [Staff Code of Conduct](#)
 - [Student Complaints Procedures](#)
 - [Student Discipline Regulations](#)
 - [Te Tiriti o Waitangi](#)
 - [The University of Waikato Halls of Residence Rules and Regulations - Hamilton](#)
 - [University of Waikato Safety and Wellness Management System - Principles and Requirements](#)
 - [The University of Waikato Selwyn Street Studios Halls of Residence Rules and Regulations](#)

- [University of Waikato Safety and Wellness Management System - Principles and Requirements](#)
- [University of Waikato Treaty Statement](#)

Definitions

7. In this policy:

ableism means stereotyping, discrimination, and prejudice against people with disabilities.

ageism means stereotyping, discrimination, and prejudice against people on the basis of their age.

biphobia means stereotyping, discrimination and prejudice against people who identify as bisexual.

bullying means deliberate and repeated (or has the potential to be repeated) physical, verbal, and/or social behaviour that can cause harm. It often involves the misuse of power in a relationship. Bullying may include hitting, insults, or spreading gossip.

community violence means violence - physical, sexual, psychological - between people who are not related and who may or may not know each other (acquaintances and strangers). This includes bullying, cyberbullying or online bullying, sexual violence, stalking, and harassment. Community violence can be motivated by ageism, biphobia, homophobia, transphobia, sexism, racism, ableism, and xenophobia.

complainant means a person who has made a complaint of an experience of interpersonal violence.

complaint means an allegation of interpersonal violence.

consent means the active, ongoing, informed, specific and freely given agreement in response to a request to engage in physical contact, sharing media or sexual activity. Consent cannot be given by someone who is coerced, incapacitated by drugs or alcohol or is so affected by drugs or alcohol that they cannot consent or refuse to consent to the activity. Consent cannot be given by someone who is unconscious or who has a diminished level of consciousness, or otherwise unable to understand and voluntarily give consent.

disabled people is a term that recognises that disabling barriers exist within society rather than with individuals. It is society that disables a person, not the impairment. Not everyone identifies with disability-focussed language, so it is important to use the language that a person uses to refer to themselves. *Source: New Zealand Disability Strategy 2016–2026.*

disclosure means the sharing of an experience of interpersonal violence.

discrimination means when a person is treated unfairly based on their membership of a particular group e.g., race, gender, religion, disability, sexual orientation.

family violence means physical, sexual, psychological, emotional, spiritual, and economic abuse that is inflicted by a person with whom that person has been or is in a family relationship. Family violence often includes a pattern of behaviours that may be coercive or controlling that enable the formation of an unequal power dynamic in a relationship through the use of power and control.

A family relationship can be a current or former spouse/partner, whānau, family

member, someone a person shares a household with and also has a close personal relationship with, or someone a person shares a close relationship with but may not reside with. Family violence includes intimate partner violence, elder abuse, child abuse, and violence towards another family or whānau member. Some of the behaviours are:

- Physical violence such as pushing, grabbing, tripping, shoving, poking, or prodding, slapping, hitting, punching, kicking, shaking, throwing to the ground, pulling hair, scratching, biting, burning, choking or strangling, harming pets, using a weapon
- Using children - threatening to take children away, using contact to harass the person
- Isolation such as controlling what they wear, who they talk to, where they can go, going through messages, social media, email, checking up on a person
- Emotional abuse such as putting someone down, calling a person names, making someone feel bad about themselves, humiliating a person, gaslighting: playing mind games, making a person question their reality
- Financial abuse such as preventing a person from keeping a job, giving a person an allowance (particularly in an intimate relationship), not giving a person a say in financial decisions
- Intimidation such as using intimidating looks or gestures, screaming, yelling, smashing or throwing things, punching walls, destroying personal property
- Coercion and threats such as threatening to leave, to die by suicide, to hurt a person, to do illegal things, using court orders or Police to threaten the person
- Sexual violence such as demanding to have sex, forcing a person to have sex, forcing a person to have sex in a way they didn't want, having sex with a person while they were asleep, making a person watch pornography
- Making someone take drugs or drink alcohol
- Treating someone like a servant
- Making light of the abuse or saying it didn't happen
- In LGBTQIA+ and takatāpui communities, family violence could also include (but is not limited to) a partner or family member hiding hormones, clothing, and other gender affirming items; using a past name; using pronouns not preferred by a person
- For disabled people, family violence could also include (but is not limited to) a partner or family member withholding their aids, medication, or devices.

gender-based violence (GBV) means violence that is directed at someone based on their gender or sex. GBV is rooted in gender inequality and harmful societal norms. Examples of gender-based violence are intimate partner violence and sexual violence.

hate crime means a crime is committed, and the motivation is towards a person's race, religion, sexual orientation, gender identity, disability, or age.

hate incident means an incident or behaviour is motivated by prejudice toward a person's race, religion, sexual orientation, gender identity, disability, or age, but does not cross the criminal threshold.

homophobia means stereotyping, discrimination and prejudice against people who identify as homosexual.

impairment means a temporary or long-term condition, medical condition, illness, or injury that affects a student’s learning, communication, concentration, memory, hearing, mobility, movement, speech and/or vision. An impairment can be physical, psychiatric or a combination of both and includes both “seen” and “unseen” forms of impairment that has been or can be recognised, verified, or diagnosed by an appropriate person qualified to make such a determination. It does not include states brought on by polysubstance use or stress without such a determination.

interpersonal violence means violence (physical, sexual, psychological, emotional, spiritual, and economic) used against another person, group or community that has the potential to cause harm. Interpersonal violence is an umbrella term that is divided into Family & Intimate Partner (close personal relationships) and Community (people known and strangers). Ableism, ageism, biphobia, homophobia, racism, sexism, transphobia, and xenophobia can contribute to interpersonal violence.

intimate relationship means an interpersonal relationship that includes intimacy. This may include physical, mental, spiritual, and/or emotional intimacy.

LGBTQIA+ stands for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and other sexual or gender minorities. The term ‘Rainbow’ or other letter combinations are also used to describe this community.

online bullying or cyberbullying is when a person uses digital technology to send, post or publish content with the intention to harm another person or a group. This behaviour is often aggressive, is repeated and involves some kind of power imbalance between the people involved. Online bullying can take many forms like:

- name calling
- repeated unwanted messages
- spreading rumours or lies
- fake accounts used to harass people
- excluding people from social activities
- embarrassing pictures, videos, websites, or fake profiles (*Source: Netsafe*)

person using violence also known as perpetrator a person who has used/perpetrated interpersonal violence on another person.

personal record of information means documented information about an incident or incidents of interpersonal violence; a personal record of information does not initiate a complaint, but it may be used by the person creating the record as evidence towards a complaint or making a criminal report at a future time.

person with an experience of interpersonal violence means a member of the University Community who has been a victim or perpetrator of interpersonal violence, an active bystander, or a whānau member or friend of a victim or perpetrator.

power imbalance the imbalance that exists within relationships due to the status given by society to different genders, races, classes, abilities, ages, and position within the workplace/education system/household. An abuse of power is at the centre of instances of violence.

prosocial bystander intervention means noticing when a person’s behaviour, comments, jokes, and/or actions are harmful or inappropriate and choosing to intervene.

racism is stereotyping, discrimination and prejudice against a person based on their membership of a particular racial or ethnic group.

respondent means a person who has had a complaint of interpersonal violence made against them.

sexism is stereotyping, discrimination and prejudice against a person based on their sex or gender. It is also linked to the beliefs around strict gender roles.

sexual violence means sexual activity or behaviour that a person does not or cannot give consent to as defined by the [Sexual Violence Policy](#). Other terms used include sexual abuse, sexual harassment, sexual assault, sexual harm and harmful sexual behaviour.

staff member means “worker” as defined by the [Health and Safety at Work Act 2015](#), including employees of the University, employees of a controlled entity of the University, Council members, independent contractors or consultants engaged by or working at the University, volunteers and any other person providing services to or at the University.

student means a person enrolled at the University of Waikato. For the purpose of this policy, the period during which a student is deemed to be enrolled as a student is defined as

- i. the period in a given year from (inclusively) the Monday of the start week of the paper in the student's programme of study that starts earliest in that year, to the Sunday of the end week of the paper that ends last
- ii. any orientation period immediately prior to the start week of the student's programme of study in a given year, and
- iii. any period in which the student is a resident of University of Waikato student accommodation.

The processes for dealing with complaints of misconduct may extend beyond the periods defined in subsection (i), (ii) and (iii).

takatāpui is a traditional Māori term meaning ‘intimate companion of the same sex.’ It has been reclaimed to embrace all Māori who identify with diverse sexes, genders, and sexualities such as whakawāhine (trans women), tangata ira tāne (trans men), lesbian, gay, bisexual, transgender, non-binary, intersex and queer (*Kerekere, E. (2015) Takatāpui: Part of the Whānau. Third Edition 2021*).

transphobia is stereotyping, discrimination and prejudice against people who identify as transgender.

university community means staff, students, and visitors to the University of Waikato.

victim/survivor A person who has had interpersonal violence perpetrated on them. These terms are used interchangeably in this document. “Victim” is a legal term and acknowledges that those who experience violence have been subjected to a crime; “Survivor” acknowledges that a person who has experienced interpersonal violence - particularly family violence and sexual violence - has begun healing and survived something that can be life altering. It is important to be aware that a person is not defined by the terminology used.

xenophobia means dislike of or prejudice against people from other countries.

Principles

8. Interpersonal violence is prohibited at the University of Waikato and will not be tolerated.
9. Students of the University may be subject to disciplinary sanction or other appropriate action, in accordance with this policy, the [Code of Student Conduct](#), [Student Discipline Regulations](#) and [Sexual Violence Policy](#) in the event that they commit an act or acts of interpersonal violence.
10. Staff of the University may be subject to disciplinary sanction or other appropriate action, in accordance with this policy and the [Staff Code of Conduct](#) in the event that they commit an act or acts of interpersonal violence
11. The University recognises the agency of individuals with respect to addressing interpersonal violence; options include but are not limited to:
 - a. making a disclosure without making a complaint
 - b. making a complaint to the University
 - c. making a complaint to an external body
 - d. sourcing internal support
 - e. sourcing external support
 - f. the choice to not make a complaint.
 - g. the choice to make a complaint at a later date (subject to clause 35 limitations)
12. All authority under this policy must be exercised in accordance with the principles of natural justice.
13. All authority under this policy must be exercised in accordance with the articles and intent of Te Tiriti o Waitangi, including a commitment to eliminating inequities and violence experienced by tangata whenua.
14. The University is committed to the ongoing support of students with experience of interpersonal violence; contact details for agencies able to provide assistance are set out in the [Interpersonal Violence Procedures](#) and the [Sexual Violence Procedures](#).

Disclosures

15. A member of the University community may make a disclosure of interpersonal violence to another member of the University community or any trusted person, such as a friend, whānau member.
16. If a member of the University community who has made a disclosure does not wish to make a complaint, they may choose to make a personal record of information to document the experience in order to assist in recalling details should a complaint be made at a later date.
17. If a member of the University community who has made a disclosure wishes to make a complaint but is not willing or able to do so themselves, they may do so through a third party, however they should be aware that the University may be limited as to the investigation and action that may be taken in such cases.
18. Members of the University community who choose to disclose an experience of interpersonal violence must not be treated adversely.
19. In the event that a disclosure is received, guidance is available in the [Interpersonal Violence Procedures](#): “Supporting members of the University community.”

Complaints

20. A member of the University community may make a complaint of interpersonal violence about another student, staff member or contractor in accordance with this policy and related [Procedures](#).
21. A complaint by any person about a student must be made in accordance with the [Student Discipline Regulations](#).
22. A complaint by a student about a staff member must be made in accordance with the [Student Complaint Procedures](#).
23. A complaint related to sexual violence must be made in accordance with the [Sexual Violence Policy](#) and related [Procedures](#).
24. A complaint by a staff member about a staff member must be made in accordance with the [Bullying, Harassment and Discrimination Policy](#).
25. A notification related to an injury or 'near hit' must be made in accordance with the [Safety and Wellness Policy](#).
26. A victim/survivor of interpersonal violence may refer a complaint to the Police at any time.
27. A complainant has the right to subsequently withdraw a complaint at any time; regardless of whether a complaint is withdrawn, the University will continue to provide support.
28. The University may act at its own discretion in the absence of a complaint or if a complaint is withdrawn once it is made aware of alleged misconduct; the University may choose to complete an investigation and/or report the matter to the Police in circumstances of imminent risk of harm to the victim and/or public safety.
29. A complaint of interpersonal violence found to be malicious or vexatious or untrue may be considered a breach of this policy, the [Code of Student Conduct](#) or the [Staff Code of Conduct](#); a lack of sufficient evidence to result in the finding of a breach of policy does not imply that a complaint is malicious or vexatious or untrue.
30. A disclosure or complaint will be considered to be malicious or vexatious or untrue if a person makes it knowing it to be false.
31. The University will not tolerate any retaliation or the threat of retaliation against any person on account of a disclosure or complaint of interpersonal violence or on account of evidence or assistance given with respect to a disclosure or complaint of interpersonal violence; such action is considered to be a serious offence and may constitute grounds for disciplinary action.

Interim safety measures

32. The Vice-Chancellor may put in place appropriate interim safety measures and make appropriate accommodations to protect against possible harm to the complainant, the respondent, and University community while a complaint is investigated, and to support, where possible, the continued living or learning needs of all parties until such time as a complaint has been resolved.
33. Interim measures may include but are not limited to suspension:
 - a. from any University building, premises grounds or University of Waikato student accommodation

- b. from any class
 - c. from any event organised by the University
 - d. from use of any resource of the University.
34. When considering any interim measures, the Vice-Chancellor, shall take into account the following:
- a. the best interest of the students, staff, and other members of the University community
 - b. the safety of the students, staff, and other members of the University community
 - c. the orderly conduct of teaching, research, and administration of the University
 - d. the protection of the property or resources of the University
 - e. any other matters raised by the complainant and respondent
 - f. any other matters the Vice-Chancellor considers appropriate in the circumstances.
35. Compliance with interim safety measures by a respondent is not to be viewed as an admission of the alleged misconduct.
36. In situations where a Protection Order or Restraining Order has been made between two members of the University community, the University will ensure support is provided to the applicant so that the conditions of the agreement can be adhered to by the respondent.

Family Violence Leave and short-term flexible study and working arrangements

37. Employees who have been affected by family violence can take paid Family Violence leave if:
- a. they have six months' current continuous employment with the University of Waikato, or
 - b. they have worked for the University of Waikato for six months for:
 - i. an average of 10 hours per week, and
 - ii. at least one hour in every week or 40 hours in every month.
38. Staff can access Family Violence Leave to attend any related appointments including but not limited to attendance of family violence programmes.
39. Staff can access Family Violence Leave through consultation with their line manager. The line manager may ask for proof to grant the leave or short-term flexible working arrangements.
40. Flexible working arrangements for Interpersonal Violence not related to a family member, must be made in accordance with the [Flexible Working Arrangements Policy](#).
41. Students may be permitted academic accommodations through consultation with an appropriate professional as outlined in the [Interpersonal Violence Procedures](#).
42. For examination purposes, students must follow the process outlined in the [Special Consideration for Impaired Performance or Missed Examination](#).

Limitations

43. While all reasonable steps will be taken to support a member of the University community who has made a disclosure or complaint of interpersonal violence, the University of Waikato does not have jurisdiction to provide sanctions in situations where interpersonal violence is perpetrated by a person who is not a student, staff

member or contractor or where the incident preceded or followed the enrolment or employment of the member of the University community at the University of Waikato.

Confidentiality and privacy

44. Staff are reminded of their responsibilities under the Personal Information and Privacy Policy.
45. The Family Violence Act 2018, Privacy Act 2020, Health Information Privacy Code and the Oranga Tamariki Act 1989 allow information to be shared only where there is good reason to do so, such as where there is a serious risk to individual health and safety.
46. A disclosure of interpersonal violence must be treated in confidence unless:
 - a. the person who receives a disclosure of interpersonal violence believes any party is at serious risk of harming themselves or others
 - b. there is a legal obligation to report a disclosure to authorities (for example where the violence was committed against a child)
 - c. staff require information to carry out their responsibilities in relation to the imposition of interim measures
 - d. a complaint is made under the [Student Discipline Regulations](#), [Student Complaints Procedures](#), Sexual Violence Policy, Bullying, Harassment and Discrimination Policy and the relevant authority requires all available information to undertake their duties as part of a disciplinary process.

Documentation and record keeping

47. The [Student Health Service](#) will maintain appropriate records of disclosures of interpersonal violence made through the Service through the Practice Management System.
48. Disclosures within the [Student Health Service](#) will be coded to provide for anonymity and allow data to be collected for the purpose of observing trends to develop and implement appropriate responses to interpersonal violence.
49. Information in the Practice Management System will be restricted to authorised [Student Health Service](#) staff with access to the Practice Management System.
50. The Violence Prevention Coordinator will work with key groups throughout the University to ensure safe data collection regarding disclosures of interpersonal violence.
51. In order to support a staff member's or student's application for Family Violence Leave, flexible work arrangements or special considerations, the University may need to request appropriate documentation.
52. Documentation will only be requested with the full knowledge and permission of the person involved.
53. Where records of safety plans, details of unwanted calls, security procedures etc., have been made, they will be stored confidentially.
54. Documentation will not be put on student or staff records unless requested by the affected person.

Responsibilities

55. The Violence Prevention Coordinator is responsible for:

- a. supporting the development of procedures to guide the handling of disclosures and complaints of interpersonal violence
- b. the provision of training to staff and students who have responsibility for applying procedures related to the prevention, disclosure and complaint of cases of interpersonal violence, and
- c. the provision of educational programs and initiatives designed to cultivate a safe living and learning environment free from interpersonal violence and to bring awareness of this policy and the related procedures to the University community.

Responsibility for monitoring compliance

56. The Director of Student Services and Pastoral Care and the Director of People and Capability are responsible for monitoring compliance with this policy and reporting any breaches to the Vice-Chancellor.

57. Breaches of this policy by staff may result in disciplinary action under the [Staff Code of Conduct](#).

58. Breaches of this policy by students may result in disciplinary action under the [Code of Student Conduct](#).