

Policy and Measures to Deal with Harassment:

An Interview with Erica Schouten, the Victoria University of
Wellington Students' Association

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要 旨

本研究ノートは、2018年9月6日にニュージーランドのウエリントン市、ビクトリア大学で行われたハラスメント対策の実施に関して本大学の学生支援協会の代表であるシューテン・エリカ氏とのインタビュー調査のやり取りである。インタビュー調査の過程を通し、シューテン氏はビクトリア大学がハラスメントに対して、非常に真摯に取り組もうとしていることを簡潔に概説した。シューテン氏によると大学はハラスメントに対する適切な方針と措置を実行していることが明らかであった。ビクトリア大学はハラスメントに対するガイドラインが設置されており、そのガイドラインでは、学生の取るべき行動が明らかに記載され、またハラスメントという概念も明確に定義されている。さらに、学生行動に関して明確な指針を確立するとともにサポートすることを教職員にもガイドラインを提供することで、学生が孤立しないように、前向きな関係を奨励することが主張されている。つまり、ハラスメント問題を解決するためには教職員が積極的にサポート出来るようにし教職員を励ますことが重要だと主張している。それらのサポートを求めるためのネットワークやサービスに関する情報も設置されている。シューテン氏は関係当事者全員のために問題を友好的に解決することを目的とする和解会議を通じて、ハラスメントの加害者（職員と学生の両方）の更正に焦点を当てた修復的正義の制度についても概説している。また、ビクトリア大学は学生代表を含む懲戒委員会を含むハラスメントを扱う多くの委員会を設置していることを指摘していた。最後に、現在のビクトリア大学でのハラスメントに対処するシステムには欠陥もあると思われるが、それでもなお、インタビュー調査に含まれる情報は、必要なインフラの実装に努めているため、特に日本の高等教育機関にも参考になるのではないかと思われる。大学などのキャンパス環境は学生、また教職員が快適に活躍することができることが重要である。無論、ハラスメントのない環境が望ましいのは明らかだが、万が一、ハラスメントの被害者になる、または遭遇した場合、サポート対策がなされていることが理想であろう。

The following is a transcription of an interview regarding the implementation of harassment policy measures by a major New Zealand tertiary institution. The interview was carried out with Ms. Erica Schouten, the Student Advocate of the Victoria University of Wellington Students' Association (VUWSA). As one of numerous avenues of support, students are also encouraged to come to her for advice regarding possible cases of harassment, by either fellow students, or by members of faculty or staff.

VUW takes all cases of harassment extremely seriously and Ms. Schouten outlines a number of policies and measures that the University has in place. Firstly, the University has a publicly available student misconduct statute available that outlines the expected behaviour of students as well as clearly defining harassment. Staff are also issued with a support guide that encourages them to assist their students through establishing clear guidelines on behaviour and conduct; to encourage positive relationships to help prevent them from becoming isolated; to encourage them to be proactive in resolving their own issues, and to provide information about networks and services for seeking support. Ms. Schouten also mentions how the University utilizes the process of restorative justice to focus on the rehabilitation of perpetrators of harassment (both staff and students) through reconciliation meetings that aim to amicably resolve the issue for all concerned. VUW also has a number of committees that deal with harassment, including the Disciplinary Committee, which includes a student representative. Ms. Schouten points out that it is important that students have a say, as this ensures the process is as transparent as possible.

Finally, it is hoped that the information contained in the interview will serve of practical use to Japanese tertiary institutions, as they strive to implement infrastructure and measures to more effectively deal with cases of harassment and ensure that campuses are environments in which students, academics and staff are all able to flourish, harassment free.

Note: The unstructured interview was conducted by the author with Ms. Schouten at the VUWSA building at the University of Victoria Wellington (VUW)'s Kelburn Campus on September 6, 2018 and was 37-minutes long.

Zane: Thank you very much for having me. I would be delighted if you could outline how you deal with harassment.

Erica: Students can come and see me if they are being harassed, or if they are harassing somebody else. And I try and support them through the university's processes. What the University's line currently is that harassment of any kind, including sexual harassment is covered by the Staff Statute and Student Conduct Statute. Now, you can find those on the University website. They're not secret documents. The Student Conduct Statute is a really broad proxy and it covers all kinds of misconduct. It is a fourteen-page document and what it does is says that that general misconduct is all of these things. I guess the one that is most relevant to a harassment is: 5.2.3 (d) Conduct that is detrimental to the safety or well-being of other people. You could argue that (c) Conduct that impedes or prejudices teaching, research or study within the University community, or that infringes the ability of others to participate in the life of the University. So, those kinds of things. Things like plagiarism. So, it is really broad. What happens is if there is a complaint about student conduct, then that complaint would most likely go to Emma Mossman or Kirstin White. Then the university has to investi-

gate.

Zane: So that could cover anything. It's just the two of them, then?

Erica: Yes, but people can make decisions, at a school level. If for example you are a first-year student, and you plagiarize an essay, the course coordinator for your course can deal with that. But if they want help, they could ring Emma or Kirstin and say, "I don't know how to deal with this, what shall I do?" And there are a series of flow charts which I will copy for you before you go, because I don't think those are on the University website.

Zane: Is there is a reason for that not being on the website?

Erica: There might be, but I am not sure. So, this is Academic Misconduct [*Points at the flow chart*]. So, it is not that relevant to you but, so for example, if it is Level 1, a course coordinator can deal with it. But if it is Level 2, the head of school has to deal with it, and if it is Level 3, a head of school can still deal with it.

Zane: It is really complicated, isn't it?

Erica: Yeah, things like general misconduct. So that would be things like harassment that would fall under General Misconduct. The head of school can deal with it if it's Level 1 or Level 2 but once you get up to Level 3 kind of harassment, the disciplinary committee can deal with it. So if a student comes to me and they want to make a complaint about someone else harassing them, one of the things I can do is write it up as a formal complaint. It will go to Emma or Kirstin, and they would send that letter to the student concerned who has been doing the harassment or they will invite them in to a meeting, and there are formal and informal ways in which it can be handled, depending on the students and all of the complicating factors like mental health issues, or autistic students might not understand what they have done wrong. So, the university can get the student in and talk to Emma or Kirstin and maybe one of the counsellors. Sometimes the Security Manager gets involved and sometimes it's a whole formal disciplinary process. And if it is a formal disciplinary process they can be in the Disciplinary Committee, but the Disciplinary Committee tries to follow restorative principles. So, these posters behind us, this one, this is what the university is aiming to do with student conduct. So sometimes, and for example, I had this student who had been sexually harassed by a friend. He had clearly overstepped the boundaries of a relationship at a party. He was drunk. She didn't want to take the formal action, because he was her friend, but she felt that he needed to learn that this behaviour was wrong and the effect that it had had on her. So in that circumstance, we had a facilitative restorative meeting in which she got to tell him about the harm she had experienced as a result of his harassment. And he apologised, and he committed to going to see a counsellor and get some education about consent and about alcohol as well. So, it was kind of an attempt to repair the relationship. In other circumstances, that is completely not an option. So I had one where a student had attacked another student, and the student who was the victim wanted nothing to do with any kind of restorative process. So the student who had done the attack, we went to talk to the Disciplinary Committee, and she explained the kinds of things that had led to her making the attack which was that she

had actually been bullied by this other girl. She agreed to go and see a counsellor and get some help with anger management stuff, and she agreed to stay away from the other student and they put a plan for when she was on campus about which bits of the campus she needed to avoid.

Zane: So, you talk about this disciplinary committee. So, who is that comprised of?

Erica: So, usually there's a student representative. In fact, there is always a student representative there because we feel that it is very important that students have a say on student behaviour. So the way that works is that there has to be a student that sits on one of the academic boards, so it is quite often one of the VUSWA executives. Most often it is the president of the Student's Association who sits on that committee. Then there is another senior staff member, usually the director of Student Academic Services. And it is usually shared by Chris Marshall who is the chair of Restorative Justice at the University. They have also used other senior people from the University to chair the committee. They quite often use Chris Eichbaum who used to be a Vice-Provost. So, it says officially in the policy exactly who can make up the committee.

Zane: So, you have say four to five people on this committee?

Erica: Three. There are only three people on the committee. It's a really scary process for a student to go through but it is one where the university tries to be very careful about how it does it. For example, say you were accused of misconduct, they would send you all the information, but they would also suggest you get in touch with me and you could get in touch with counselling if you needed some support. And they try to make the committee meeting as close as possible to when they send out the letter. So, they have to show the student all the evidence they have against them because that's the principle of natural justice. That can sometimes be a bit upsetting or overwhelming for a student but there are no surprises which, is the general idea. The Disciplinary Committee can't go, "We also have this piece of evidence." So, it's not supposed to be a cross examination. It's supposed to be, "We want to find out what your perspective is on what happened and how we move forward to deal with this." Now, there are some major problems with some of this, because academic staff do not necessarily know how to handle misconduct, or where to refer it to.

Zane: You know, when I was going through the web page where you would turn to first, I found it to very ambiguous, and what I got out of it was that if I was a student and somebody harassed me in some way, there doesn't seem to be one place like a harassment centre or something you can go to. It's like they list all these outside agencies. It's like, "Go to the police, go to Women's Refuge."

Erica: That's on the sexual violence page. Yeah, they are currently working on that.

Zane: Anyway, I am going down to UC [The University of Canterbury] next week, actually. I thought I would like to see what they are doing by looking at their homepage and it says, "We are currently revising it." So, it is probably like a New Zealand wide phenomenon where things are extremely unclear.

Erica: Yesterday morning, there was ANZSSA, which is the Australia New Zealand Student Services Association. There was a meeting (hui) that was held here where a lot of Australian people who work in their academic services, were talking about what Australian universities have done in relation to specifically sexual harassment, and I would say they are several years ahead of us and that there's a lot that we need to do to catch up. There is specifically the Sexual Violence Prevention Network Committee that the University has that I am on as well as three student representatives from VUSWA, that's looking at some of these ideas. So, for example, a survey of students to work out prevalence and areas where there's a problem, is one idea. Australian universities were yesterday talking about having liaison officers specifically for sexual harassment related stuff. So, there are processes here and they are quite good processes I think when you get involved in them, but I think the issue is accessibility, it is quite hard for students to work out.

Zane: I couldn't work it out myself — I honestly couldn't. Emma and Kristen's names were there but they were right at the bottom though, kind of hidden among the other noise of the homepage. It was not specifically certain they were in charge of a specific area, and it's just general stuff, right?

Erica: And what the Students Association wants, what I believe they are developing, is some sort of flowchart where you just click, and you can go magically to where you need to go, you know. Or, an information sheet.

Zane: During orientation do students get some information on harassment, on who to approach if they are harassed?

Erica: I don't believe so. I mean students get a lot of information at orientation, so I don't know. That's a question you would have to ask the University. This is a useful document and that I wish was more widely used. And your university might have one of these or might want to develop one. This is a start guide for supporting students. For example, for sexual harassment and sexual violence, they have some things to say in response. They have a list of what you can do. And it includes things like suicidal behaviour, demanding, threatening or unreasonable behaviour. You can take that away with you. That is a document that kind of touches on those things. But that's a document for staff.

Zane: You would think there would be a student version, really.

Erica: There is a book that has all the student services in it. But I don't know how widely those are used or anything.

Zane: It can be overwhelming, I know what you're saying, and then they lose it anyway.

Erica: What we've been doing, because our executive is very passionate about sexual violence and it is something they feel that the University needs to take more seriously. The University needs to work on it together. We want the University to take more action and to do a whole lot of things and one of the things that the University is developing are simple flow charts for students or material that is very easy to follow. Because there is a very big difference between getting support and making a complaint and we think that needs to be really clear to a

student so they can look at the information and go, “I want to see a counsellor,” or, “I want to talk to the University about this.”

Zane: Do you have counsellors on campus?

Erica: Yes.

Zane: Does the University keep statistics on this, and are there any stats on complaints of harassment in general? Or in cases of harassment, how many per year come up? You must have something.

Erica: I am not sure. I think they have probably had quite a few official information requests about that kind of thing because there has been so much media interest in it. I imagine they keep some sorts of stats. My stats are very unreliable because I see hundreds of students each year.

Zane: Nobody’s collecting statistics from you?

Erica: They collect stats from me, but I don’t know if they have looked to see if there is a harassment trend there. Certainly, I think that in my next quarterly report I am going to mention there has been an upsurge in kinds of complaints, specifically about sexual harassment.

Zane: Do you think that is because it is more prevalent or because people are more aware this?

Erica: I think it is awareness. What we have done recently is ... [*points to a poster*]. Something we just started doing at VUWSA, and this is specifically for sexual harassment, is that we have asked students to write into us and tell us their stories. And we have a whole lot of stories from people about what has happened to them.

Zane: Is that publicly accessible?

Erica: metoostudents.org.nz. But if you click on *Net Support*, we have got the *Help Line* and we have got *Complaints*.

Zane: It is really interesting. You are independent of the University which is an interesting position, actually.

Erica: It’s really interesting actually.

Zane: I don’t think we have this in Japan.

Erica: It’s a great role, actually.

Zane: It’s interesting. So you said you get hundreds of students coming in every year, so how do they decide whether to come to you or go to the Hunter Building? I can’t distinguish that. Do you work together?

Erica: Yeah, we actually work together quite often, so I meet with Emma once a week.

Zane: You would think they could streamline it somehow

Erica: I think the distinction is that in my role I do not work for the University.

Zane: Independent, right.

Erica: That is really important. If, for example a student has a big complaint, and they want money from the University, Emma or Kirstin are in a really difficult position, where as I can go to the university and say, “Look, the student would like some financial compensation.” I

can also say from VUWSA, if I get a whole lot of students complaining about the standard of accommodation at a hall of residence, then I am there to help take a complaint about it and actually get some money refunded back to them.

Zane: Are you quite visible on the VUW homepage?

Erica: No, no. I'm not visible on the VUW homepage. I am in this awful position where my workload is at capacity and I don't want to advertise my services at the moment. And we are asking the University for more resources because they indirectly pay us for services.

Zane: It is very interesting. It is unique for the Japanese, anyway. So, we have a lot to learn from this actually.

Erica: Well, what I think is really nice about VUWSA is that all ten student executives are elected. The president is a full-time job and he is on lots of different committees and goes to lots of different meetings and he can be a real voice for students at the University, but other executive members are also on committees and they can influence policy.

Zane: I can find it on your homepage, the structure of VUWSA as well. So just ten members.

Erica: Yeah, they are all on there. Some of them are fifth-year law students.

Zane: So, they are all students.

Erica: They are all students apart from the president who is full time. But he was a student last year. So, we have ten students and staff here as well, but not that many. There are five of us.

Zane: It's very different to the Japanese structure. I am not too sure, myself. Actually, in my previous position, I was not involved much on the administrative side.

Erica: I just realized there is something I need to tell you about, in terms of harassment. That university has a committee called RAC, which is the Risk Assessment Advisory Committee. That committee discusses behaviour that is a risk.

Zane: For example?

Erica: So, we are talking about behaviour that is a risk. So, say a student is persistently harassing lots of other students. You talk about how high or low the risk is and what the University needs to do to manage it.

Zane: So that is also run through VUSWA?

Erica: It's not run through VUWSA. It's completely separate to the University. And I go along to that as well as the VUSWA person. So, the VUWA Executive students are on a lot of different committees like the academic committees or the Sexual Violence Prevention Committee but they are not on RAC. I am on RAC because it would be inappropriate for the VUWSA executive to know about some of the student behaviour. Here is some information for you. You can look up the Student Conduct Statute on the website and Staff Conduct Policy.

Zane: I may have downloaded it, actually.

Erica: It mentions the Legislative Compliance Act and the Human Rights Act

Zane: Are the students given a copy of that?

Erica: No, they're not. So, it's other misconduct and threatening behaviour. There's a list of stuff in here that counts as misconduct.

Zane: They have that on there, but the students don't get a copy. You'd expect them to get a copy of during orientation because they would have no idea what misconduct is or what is expected of them, you know.

Erica: I'm not sure. I don't know exactly what the university tells students. I think that it is a problem in that if you go to the VUW website and you put *complaints* into the search, the last time I did that nothing showed up. They might have changed it, but it's a problem, and students sometimes think they have made a complaint, and they haven't. They come and see me and they're like, "I made a complaint about something." And it's like, "Well who did you make the complaint to, because if you don't complain to the right person ..." Say, for example, you go to a class and the lecturer makes a whole lot of jokes that you consider inappropriate. Now, if you wanted to complain about that, the person you should probably complain to is probably the head of school, because the head of school is the lecturer's line manager. But students often don't know that.

Zane: You wouldn't know, no.

Erica: So, it's kind of like they might complain to the lecturer themselves or ...

Zane: So, they have the infrastructure in place but it's ad hoc if you like.

Erica: Yep. I think it's quite hard for students to work out how to use the system. Which is probably why my role exists to help students work out what to do. And I can say this complaint needs to go to the head of school or I can say this complaint needs to go to the Pro Vice-Chancellor for that area. But I guess if there is one thing that I can say about harassment stuff to finish, it would be that one thing that I think is good about this university is when someone has harassed someone else, the University does take care of that person too. They don't just go, "We will just support the victim." They also try and think how they can support the perpetrator and how they can make things better. You know, how things can be put right. So, the focus is not on punishment, it's on making things right. It's that stuff. So, I think that's about it.

Zane: Erica, it was a pleasure to have talked to you. Thank you so much for your time.