

Culture Review Report
School of Physical Education, Sport and Exercise Sciences (SPESES)
6 February 2022

INTRODUCTION

The overall objective of the Review was to understand whether there are conduct or culture issues present in the School of Physical Education, Sport and Exercise Sciences (SPESES), which could be categorised as racism, discrimination or bullying according to the definitions in the Ethical Behaviour Policy (EBP).⁴

The University of Otago's Ethical Behaviour Policy sets out behavioural expectations for all members of its community and makes clear that there is no tolerance for racism, discrimination or bullying.

Relatedly, the Māori Strategic Framework (MSF) sets out the University's expectations of Māori advancement in carefully articulated goals and strategies.

While the EBP sets out 'what not to do' and the MSF's focus is on 'what we should do', the Review **Terms of Reference** (Appendix 1) notes that "... taken together they are two of the guiding documents that support the University's expectations regarding conduct and culture."

The Review was not an investigation into the conduct of any individual member of staff but an assessment of conduct and culture; to determine whether there are significant issues that could be affecting the safety and wellbeing of staff and students within SPESES.

Following consultation between the Pro-Vice-Chancellor (PVC) Sciences and the Director of Māori Development, and in dialogue with the Vice-Chancellor, Dr Darryn Russell was approached and commissioned to lead the independent Review. Ms Claire Porima provided support to this process.

FINDINGS

Allegations of systemic racism, discrimination and bullying within the School are upheld.

This finding is based on evidence of racism, discrimination and bullying being entrenched in a culture described as "toxic". This culture supports pejorative norms i.e. bullying, academic jealousy, undermining of leadership and its decisions. This has led to *mamae* (hurt) affecting the safety and well-being of under-represented communities, particularly Māori. The communication is disguised as "robust discussion" or "constructive analysis".

Māori issues and Māori ethnicity were a primary focus of the conversations and feedback that give rise to the allegations of racism. I also found examples of discrimination and bullying on the basis of gender, other ethnicity, physical ability, and age. These were brought up in almost all submissions.

⁴ SPESES Culture Review Terms of Reference, November 2021.

Similarly, communication in the School is a significant issue. It is challenging, both “in how information is delivered and in how the communication is received”. Communication was described as confrontational and aggressive, for example, people shouting, people walking out of meetings and people smashing clenched fists on to tables during meetings. Poor communication was a recurrent issue in descriptions of the culture of SPESES as “toxic”.

There has been an inherent failure of leadership over a long period of time to address these behaviours or establish parameters and measures for behavioural expectations that are in line with the Ethical Behaviour Policy. Communication and leadership failure in aspects of culture change were outlined by several staff and went back as far as two decades.

If this was not extreme enough, institutional structures of support - in particular Human Resources - have repeatedly failed to address allegations of racism, discrimination and bullying in SPESES. Staff who have brought forward such issues over a long period of time have been failed through inaction. This is a critical factor when considered alongside the aforementioned points.

These factors give rise to the finding that systemic racism, discrimination, and bullying are inherent and normalised in the culture of the School. This has had a detrimental effect on the health, safety and wellbeing of staff and students in SPESES.

Consistent across all interviews was exploring options for addressing the temporary withdrawal of Te Koronga from the School. Since the initial allegations and in the course of conducting this Review, advice was received that Te Koronga is unwilling and not prepared to entertain any form of return to the School. [REDACTED] articulated categorically this view. [REDACTED] went on to note “... that for Te Koronga, a return would signify complicity with a culture of systemic racism.”

This is contradictory to the desire for reintegration expressed by almost every participant outside Te Koronga. I note that those who fail to understand or who have not experienced systemic racism would be challenged to comprehend the nature and extent of these issues.

I strongly recommend the Sponsor and the institution to act urgently on this Report and to lead the way forward to address the findings of this Review. This Review could be a catalyst for change to issues that are gaining intensity, focus and challenge across the sector.⁵

It is important to note that not everyone is an active contributor to this determination. There are some who take individual action and who genuinely wish to be allies of their Māori colleagues, working together towards a bicultural Aotearoa. The power imbalance within the School means that there are members of staff - academic, and non-academic - who are unfortunately caught up in an environment that harbours racism, discrimination and bullying and who feel they are separated from the solutions. Many are hopeful that these issues can be resolved while acknowledging that their own apathy may have contributed to being complicit in these behaviours.

⁵ Parata/Gardiner Report, University of Waikato. 2020

BACKGROUND

On 6 August 2021, the Māori research group Te Koronga, as well as members of the new National Centre of Research Excellence Coastal People: Southern Skies (CPSS), left the School of Physical Education, Sport and Exercise Sciences (SPESES) in a protest against “systemic racism.” The PVC Sciences was notified of this as a “temporary physical, potentially final exit strategy” from SPESES⁶. Staff and students physically packed their offices and worked from home and around campus while alternative accommodation could be found. Temporary accommodation was found on Campus with a view to reintegrate CPSS and Te Koronga back into SPESES later, in a safe manner.

The PVC Sciences and the Acting Vice-Chancellor individually acknowledged this action.

Te Koronga: Indigenous Science Research Theme was formally recognised as a University of Otago Research theme in 2016 and was located in the SPESES. Research themes are an interdisciplinary grouping of university scholars engaged in related research activities in areas of developing or potential research topics. Themes are not cost centres and members of a research theme are line managed within the academic department in which they hold their substantive position.

The staff and students involved in Te Koronga are unofficially represented by [REDACTED] [REDACTED] who wrote in an email to the University Chancellor et al on 11 August:

“What we have done is taken a peaceful stand to maintain our own mana and that of the communities we represent through physically removing ourselves from an environment to seek a workplace that is safe and inclusive and free from racism, discrimination, and bullying.”

The physical withdrawal of those who contribute to the Te Koronga research theme and to CPSS from SPESES, described their decision as a “silent, dignified protest against systemic racism”. Some SPESES staff, however, on learning of the withdrawal described the action as a ‘surprise’ or being in “shock” at the “sudden” action. Others were not surprised at all and saw it as a result of cumulative experiences and examples of ‘isms’ toward Te Koronga and personally toward staff associated with the Research Theme - racism being key among them.

The action to physically withdraw from the School was conveyed to and supported by the PVC in view of the severity of the accusations.

On 12 August, the Acting Vice-Chancellor responded by email and said:

“I want to assure you that the University is taking these claims seriously ... I want to reassure you that we will be undertaking a separate review of the School of Physical Education, and Exercise Sciences. This will be done with an independent and suitably qualified advisor to ensure these alleged issues are discovered, confronted and used as a catalyst for change – both within (SPESES) and the wider University as necessary.”

⁶ [REDACTED] email, dated 11 August 2021

RESPONSE

The extended timeframe before commencement of a Review proper was to respect the desire by all parties for a meaningful and robust process to be put in place, to identify and agree on the appointment of a Reviewer, and to establish a Terms of Reference for the Review.

The nature of the claims and reason for this Review impact the staff and students of the School and the Division, and ultimately the whole institution.

The Terms of Reference describe the Ethical Behaviour Policy and Māori Strategic Framework, when read together, as the University's expectation regarding conduct and culture.

Following a Terms of Reference being drafted by the PVC Sciences as a response to the allegations, staff were notified of the intention to bring in an independent person to review the events. Staff were invited to contribute to this process through individual or collective interviews (in person or via Zoom) and/or written submissions.

Prior to the week of verbal submissions, the Reviewer and Review Adviser met with the PVC Sciences and Dean of SPESES for a briefing on the Review background and Terms of Reference.

Interviews took place from Monday 17 January through until Friday 21 January 2022.

All those who contributed to this process, were guaranteed anonymity. Given the importance of capturing participant input and feedback, the provenance of content included in this report is not attributable to any individual staff. The Reviewer acknowledges the full and frank nature of the feedback provided during the in-person interviews.

Eighteen individual and group interviews were held during the week involving 33 staff, students, and community representatives; eight written submissions were received some representing a collective position and others from individuals. Several participants provided both a written response and an oral submission.

ALLEGATION CONTEXT

Allegations such as those made, the actions taken, and the decision to investigate rarely eventuate outside any historical or contextual drivers. There is much published on the renaissance of Māori rights and Te Tiriti o Waitangi⁷ and it is not the intention of the Reviewer to cover extensively this material, rather ensure these important references are noted for the report. I have considered as well as heard references to the following in the course of this review.

Treaty settlements arising from Crown acknowledgement of breaches of the Treaty of Waitangi and the recognition of the impact of colonisation influence public sentiment and public policy. The rebalancing of rights and obligations of the Crown has seen an increased expectation of the Crown on Māori outcomes in education notably in the tertiary sector and its institutions.

⁷ Ballara, A. (1998), Durie, E. (1991), Durie, M. H. (1998), Joseph, R. (2012), Kawharu, I. H. (1989), King, M. (2003), Moon, P. (1994), Orange, C. (1987), Palmer, M. S. R. (2007 & 2008), Salmond, A. (1997), Walker, R. (1986), Ward, A. (1999), Wheen, N. R. and J. Hayward (2012)

Such responsiveness is seen in Māori participation and achievement in the tertiary sector⁸, Māori knowledge recognition and inclusion in curricula, and in research funding models i.e. Vision Mātauranga requirements, across the tertiary sector.⁹

Black Lives Matter and other global movements have highlighted racism and discrimination and provided frameworks on how to become anti-racist. Terms such as structural bias, unconscious bias and equity are now referenced in public policy changes. These expectations and responsibilities are, however, secondary to the rights embedded in Te Tiriti o Waitangi. For Māori, these policy drivers are linked to and must be read in conjunction with Te Tiriti, and in addition to the rights of Te Tiriti.

The University of Otago was established in 1869. Te Tiriti o Waitangi responsibilities and obligations of the University were not formalised until after the settlement of Ngāi Tahu with the Crown in 1998. These included a Memorandum of Understanding with Te Rūnanga o Ngāi Tahu, a Ngāi Tahu appointment to the University Council, the establishment of the Treaty of Waitangi Committee, and the first senior appointment in the Office of the Vice-Chancellor to lead this relationship. These responses were a direct implementation of recommendations from the 1998 Professor Ranginui Walker Report¹⁰ - one hundred and twenty-nine years after the establishment of the University.

The School of Physical Education, Sport and Exercise Sciences was established in 1948 and describes itself as "...the foremost institution for the study of physical education, sport and exercise sciences in New Zealand with an enviable international reputation for the high quality of our staff and facilities"¹¹.

Within the School, Te Koronga began as a research theme, supported by the University, located within SPESES, initially with no space, staff, or students. It signalled an area where there are research strengths in the University that might incubate interdisciplinary research directions with coordination.

Te Koronga has grown significantly over the last five years. This includes the appointment of staff, inclusion of te ao Māori in teaching and research, support for tauira, and growth of the postgraduate student cohort. Te Koronga also worked on community partnerships to support Māori aspirations, and a home for kaupapa Māori that advances hauora Māori within the academy. This moved the concept from what was initially a focus on growing Māori postgraduate students' research excellence, into a formal research theme with a kaupapa that provides a protected space for indigenous research.

The final contextual issue that gave rise to the current situation was a series of institutional review processes and the responses. These were the:

- change of name of the School in 2015;

⁸ "Reduce barriers to education for all, including for Māori and Pacific learners/ākonga, disabled learners/ākonga and those with learning support needs". Ministry of Education, Objective 2, The Statement of National Education and Learning Priorities (NELP) & Tertiary Education Strategy (TES)

⁹ The survival and expansion of Mātauranga Māori will be determined by our ability as Māori, whānau, hapū and iwi to contribute to its continuing development as a living, vibrant and dynamic knowledge system that shapes our lives. It is our right as Indigenous people to ensure that our living Indigenous knowledge systems survive and thrive in the throes of everyday colonisation; a right that is upheld in both the Declaration of Independence and Te Tiriti o Waitangi. Rauika Māngai. (2020). *A Guide to Vision Mātauranga: Lessons from Māori Voices in the New Zealand Science Sector*. Wellington, NZ: Rauika Māngai.

¹⁰ Walker, Prof. Ranginui. Treaty of Waitangi Review of the University of Otago, October 1998.

¹¹ SEPSES Website, visited 2022. <https://www.otago.ac.nz/sopeses/about/index.html>

- SPESES Management of Change process across 2016-2018;
- Quality Assurance Review (QAU) of SPESES October 2020; and subsequent staff meetings to discuss the QAU Review; and
- SPESES Cultural Survey of July 2021.

The remnants of the Management of Change implementation which saw staff layoffs cannot be underplayed in creating the cultural context which contributed to the expression of allegations and this Review.

Together, these have resulted in staff feeling stressed, anxious, and fearful for the future. Te Koronga's allegations of systemic racism and the subsequent exit of its staff and students from the School directly triggered this Review.

Terms of Reference Objectives

The following section represents a paraphrasing of personal or collective comments ensuring the anonymity guaranteed to participants. Some are observations about shared experiences referenced by several participants, whether recollection of the same event or same experiences across different events.

Some comments fall under more than one of the Terms of Reference objectives. In upholding the allegation of systemic racism discrimination and bullying, this section provides cumulative evidence that provenance the Review findings.

Objective #1

Identify and understand any reports of racism, discrimination and bullying at the School level

The Review heard:

- 1.1 Participants observed, experienced personally, and heard about behaviours that were described as being not desirable, not "overtly" racist, shaming, blaming, and "toxic"; behaviours that crossed the boundaries of what is acceptable, and contribute to a finding of casual racism.
- 1.2 A cross-section of staff reported that senior colleagues had bullied female colleagues to the point that they just learned to "put up with it".
- 1.3 Comments were reportedly made by senior staff that were interpreted by participants as "jealousy" of the success (i.e. grants, promotions, awards etc) of their junior Māori academic peers. Those comments were described as bullying, discriminatory and racist. Other references included derogatory comments being made about Māori success, "Māori money" being the only basis of success, and other such pejorative comments. Participants felt that there was no acknowledgement of the Māori academic or research success being a part of the SPESES.
- 1.4 Bullying, 'lambasting' of individuals, and discrimination were behaviours experienced, and described in most interviews.
- 1.5 Over the years, leaders had been made aware of these behaviours; some staff noted that leadership sought external support, but allegations led to no action or change of staff culture or behaviours.
- 1.6 Staff felt unsupported by Human Resources, with one evidencing active discouragement to take matters further (by means of a threat to discontinue the recording of experiences of racism).

- 1.7 Management of staff appointment processes was variously described as discriminatory and confrontational guised as 'robust discussion' or 'rigorous critique', effectively silencing some junior staff.
- 1.8 Leadership decisions in supporting new staffing proposals, Māori appointments as one example, were felt not always to be transparent or not understood in the wider strategic context, and staff felt frustrated by this.

Objective #2

Determine whether there are conduct and culture issues (i.e.: racism, discrimination and bullying) that could be affecting the safety and well-being of staff & students

The Review heard:

- 2.1 Communication is a key conduct issue for the School, "both in verbal communication and in the communication of listening". Participants reported intimidation, tone, manner, aggression, yelling, physical smashing of tables with clenched fists and storming out of meetings as regularly occurring examples of communication styles. How communication is moderated through the University and School's values and filters, along with how complaints relating to communication are built into accountability measures, is a concern for many staff.
- 2.2 Te Koronga's success, which should be celebrated and set up as a model for what the University aspires to achieve (i.e. CoRE, grants, teaching awards etc.), had led to "over-zealous scrutiny". Other successes and subsequent growth and/or resource allocation in the School were believed by some to receive less scrutiny.
- 2.3 Staff work hard, they are passionate about their work; but feel "worn down" and "exhausted" by how people talk about and/or past each other.
- 2.4 The MSF and things Māori are not centre place in the School. The bulk of the work falls to one or a few people and those implementing the MSF "do not have the mana or authority to do so". Responsibility for the MSF was referenced as stopping at best at the PVC level or was solely due to a very few individuals' dedication to the kaupapa. The Office of Māori Development had all of the responsibility yet none of the authority to implement Māori Strategy and goals.
- 2.5 A number of participants did not understand or accept the fiscal drivers of the Management of Change, nor accept that the University has a responsibility to act where it has such concerns. This lack of understanding of decision-making imperatives or transparency impacts peoples' sense of their job security.
- 2.6 A sense of the University being the 'sponsor' rather than the employer was raised during the Review. This remains a fundamental issue and could be tied almost to a disrespect for the University and its leadership.

Objective #3

Describe the current culture within SPESES

The Review heard:

- 3.1 There is a strong sense of pride in the School.
- 3.2 There was support for Te Koronga expressed by all participants.
- 3.3 The University has increased its numbers of undergraduate Māori scholarships, with the SPESES attracting a high number of taura or student enrolments. The School, through Te Koronga, has grown the Māori staff caucus, and other measures of success are similarly evidenced.
- 3.4 A culture of 'us' and 'them' has developed that arose from the growth of the School of Physical Education to become SPESES, with new papers and majors, the introduction of applied courses, and the increase of Māori curriculum content.

- 3.5 There remains a disconnect between ‘hard’ sciences i.e. biomechanics, and ‘soft’ sciences, i.e. psychology etc.
- 3.6 Responsibility for the implementation of the MSF is confusing. The Division and University are seen as needing to resource this work. This School is waiting for resources and guidance and feedback; the MSF is not a priority within the School.
- 3.7 Leadership has been undermined due to alleged lack of transparency in decision making. This has had a negative impact on the culture of the School evidenced by the behaviours described.
- 3.8 Administration and support staff feel they belong in and contribute to the School, however, any new processes and policies are not respected or adhered to by some staff who demonstrate poor interpersonal behaviours, and some staff feel “worn down” by these interactions.
- 3.9 Te Koronga’s open invitation to all staff to attend Māori cultural events and training is appreciated; a lack of time prohibits attendance, which contributes to frustration at things Māori not being valued, and lack of visibility of things Māori.

Objective #4

Identify any procedures/policies or practices, within SPESES, that may inadvertently enable or support conduct or culture issues

The Review heard:

- 4.1 Decisions not to prioritise QAU 2020 Review recommendations have contributed to the current situation.
- 4.2 Grade moderation and curriculum policy discussions were noted as being challenging. One example was that the ‘traditional’ norms of assessment challenged Te Koronga pedagogies of group activity and assessment, despite the model having a strong indigenous foundation and validity.
- 4.3 An explicit mandate for the appointment of Māori staff is not visible but “must be a priority of SPESES”.
- 4.4 A view that the University needs to change radically (“get blown up”) to achieve the aims and objectives being pursued by Te Koronga and in line with the MSF goals.
- 4.5 There is no leadership or reference point for Māori academic leadership and mediation. This leads to the definition, moderation, management, and response to things academically Māori being contestable and open to individual response.

Objective #5

Assess the current cultural competence¹² of SPESES in relation to university policies and frameworks, university values and Treaty obligations

The Review heard:

- 5.1 The burden on and cultural taxation of Māori staff and students to meet School bicultural outcomes is significant and is not commensurate with the expectations on other staff.
- 5.2 The Māori Strategic Framework makes clear the University’s commitment to Māori advancement, then it is left to the Departments to prioritise implementation.

¹² Cultural competence and confidence is the ability to interact confidently and appropriately with persons from a background that is different from one’s own. It goes beyond an awareness of, or sensitivity to, another culture to include the ability to use that knowledge in cross-cultural situations. At an institutional level, it includes the development and implementation of processes, procedures and practices that support culturally competent and appropriate services.

The aim of bicultural competence is not simply about ‘Māori’ or ‘culture’ or tied to ethnicity or current awareness of cultural safety. It includes the ability to understand oneself within the context of applying the chosen discipline in a bicultural Aotearoa and multicultural society.

- 5.3 Understanding and knowledge of things Māori is not prioritised. The MSF has not been front and centre of strategy and professional development, but this has been left to individual staff to pursue.
- 5.4 Cultural competency¹³ training is seriously lacking, and a very real need has been identified across all staff. Staff also acknowledge a sense of “apathy” in responding to bicultural training or supporting things Māori.
- 5.5 The School has not resourced cultural competency development which would help support meeting research, teaching and other University MSF obligations.
- 5.6 There’s a view that implementing things Māori come “on top” of or are additional to current workload, rather than them being an integral part of job expectations.
- 5.7 Māori and a few non-Maori staff who incorporate te ao Māori in their work are rewarded in seeing the success of many students and staff; this is not, however, deemed to be valued, supported, or adequately resourced.
- 5.8 Māori staff viewed the QAU School Review recommendations as a directive to the School for implementation; in subsequent staff feedback these were relegated to not being a high priority.
- 5.9 There are some perspectives that MSF deliverables are reliant on additional resources or are the University’s responsibility, not the School’s. A unified understanding, strategy and shared way forward is required.
- 5.10 The frequent replacement of Dean position means that there is no cohesive and cumulative management of Te Tiriti o Waitangi responsibilities.

Objective #6

Make recommendations for addressing identified issues that may be affecting the safety and wellbeing of staff and students

The Review heard:

- 6.1 Staff are taking mental health and hauora/well-being leave to recover from the exhaustion of these allegations and the culture/behaviours experienced.
- 6.2 There is a sense of bewilderment about recent events in the School and a desire for strong leadership to address the issues and find resolution to them.
- 6.3 Communication about and transparency on these matters is urgently needed and are key for staff and students’ engagement, safety, and wellbeing.
- 6.4 Junior academics are intimidated by senior academics whose behaviour is described as being ‘not desirable’.
- 6.5 Staff have raised incidents and concerns with the (previous) Dean and Management team, Human Resources, with the Office of Māori Development and within the Division of Sciences, and have recorded events¹⁴ where their health and safety and wellbeing have been compromised, and almost all have not resulted in any outcomes for those bringing forward such matters (whether by way of feedback or the same behaviours continuing to be present in School meetings and staff interactions).

Note: *These observations are captured in this objective, however, recommendations are left for the conclusion of the Report.*

¹⁴ The Reviewer has had privileged access to viewing a document recording experiences of racism by staff and students.

Objective #7

Make any other observations and/or recommendations that will assist any future efforts to improve the conduct and culture within SPESES

Ultimately, to respond effectively and recognise the serious and complex nature of such matters leading to the Review, the following are critical points for the Sponsor of this Review to note. In some ways these are repetitions of points raised above, but in respect of the decisions of 'how' to respond to this Report, it is my opinion that they are absolutely critical as they extend beyond SPESES and the Division of Sciences.

Promises

- The University has articulated a commitment to and espoused an environment that will support Te Tiriti o Waitangi responsiveness, and Māori success through enabling and recognising kaupapa Māori, mātauranga Māori and biculturalism. It has also articulated that all students (Māori and non-Māori alike) will have an experience that gives exposure to these guarantees. These commitments are not being fulfilled.

Similarly, staff are guaranteed an environment free of racism, discrimination and bullying as articulated in the Ethical Behaviour Policy. The University has failed on those commitments and guarantees.

This is not something the University can sweep under the mat, gloss over, bury nor deny - it must act or the risk of not doing so will be significant.

The resolution of this matter also goes beyond the remit of the School or of individuals who participated in this Review. This is a matter for the institution to address.

Māori Strategy

- The OMD was identified as the 'owner' of the Māori Strategic Framework, which becomes a default avenue for some staff and Schools and Departments to opt out of prioritising Māori responsiveness.

Further, the OMD has no authority, empowerment or resources to enact a Māori academic agenda. Similarly, in the defining of, mentoring through, leadership of and mediation of Māori aspirations (kaupapa Māori, Mātauranga Māori) there is no capacity, credibility or leadership with institutional authority to support the promises implied in the institutional strategy. For this to be the case, it would need to be by Māori for Māori and possibly not in the jurisdiction of the University or non-Māori to control.

Māori Academic Agenda

- The Māori academic agenda is a critical issue in the context of the allegations that have led to the current situation. While Māori staff follow the accountability measures and structure for University expectations, the accountability for things Māori (for non-Māori and Māori staff) on Māori academic issues has no leadership or reference point. This leads to a contested interpretation between Māori, between Māori and non-Māori and across the wider University structures. As a consequence of this systemic failure, Māori staff have been left to determine, contest and carry the burden of challenging the University.

Staff Health, Safety and Wellbeing

These points cumulatively lead to negative health and well-being outcomes for staff.

- HR have been aware of the issues associated with the allegations, and have failed the staff who brought these allegations forward. Trust and confidence in HR to support Māori staff are totally lost.
Te Koronga have offered insight and opportunities to support the School, signal

ways forward and grow responsiveness in the School, which have not been responded to in a significant way.

Te Koronga have brought forward issues of alleged unacceptable behaviour to HoDs, HR and PVC/VC, who have failed to respond substantively.

Te Koronga have participated in University processes such as the QAU Review, where the School endorsed the Panel and Terms of Reference and despite the recommendations coming from the independent Panel on bicultural opportunities to strengthen the School, these have been challenged by staff as not being a priority.

Te Koronga Location

- [REDACTED] of Te Koronga has advised that they are unwilling and not prepared to entertain any form of return to the SPESES. That is contradictory to what almost every other participant in this Review wants, including those who may or may not have been privy to events that have contributed to Te Koronga's allegations.

RECOMMENDATIONS

I recommend, therefore, that you:

- **Agree** to elevate this Report to the University Senior Leadership team so that macro issues will be responded to alongside specific School actions;
- **Define** who has access to and what is shared in this report following consideration of this by the University's Senior Leadership Team;
- **Consider** how the University will own and communicate the findings of this Report¹⁵;
- **Provide** strong support systems to the new Dean of SPESES. The School culture will require active and strong facilitation to ensure staff who made (and who expressed support of) allegations are not retraumatised and/or are not actively targeted 'for robust discussions' (in recognition of people's experiences of a toxic culture and clear evidence of bullying within the School);
- **Consider** a facilitated process to refresh and rewrite a Vision and strategy for SPESES;
- **Acknowledge** that staff have experienced racism, discrimination, and bullying;
- **Agree** to provide resources to support the cultural and individual safety of staff and students during this next period, post-Review;
- **Commence** active discussions with Te Koronga, recognising the strong sentiment of Te Koronga leadership that they will not return to the School;
- **Address** the absence of senior Māori academic leadership in the University: where it sits, its authority, its responsibilities, and its mandate for things Māori. This must include establishing capacity and a mechanism for Māori academic mediation;
- **Re-establish** that MSF responsibilities and implementation must be embedded across the institution, including at a School/Department level and that all staff are engaged in its prioritisation;
- **Review** the University Ethical Behaviour Policy, considering the findings of this Report.

¹⁵ I would recommend that the University has the right to claim space and time to formalise a meaningful response to the Review. I would note, again, this will mean management of risk, and time will be of the essence.

ACKNOWLEDGEMENT

The allegations are challenging: challenging to define and challenging to reveal. For those bringing such allegations forward, there is the challenge and risk of being re-traumatised in the telling of their experiences. This was a serious consideration for me during the course of the Review and I would, therefore, like to acknowledge and mihi to those who contributed to this process.

He waka eke noa

We are all in this waka together¹⁶

Dr Darryn Russell

¹⁶ This whakatauki emanates a sense of drawing strength in unity and collectivising a response or action as a whole of group.

Private & Confidential

TERMS OF REFERENCE: Culture Review: School of Physical Education, Sport and Exercise Sciences (SPESES).

Organisation: University of Otago (UoO)

Sponsor: Pro Vice Chancellor (PVC), Division of Sciences. Background:

On 6 August 2021 the Māori research group Te Koronga as well as members of the new national Centre of Research Excellence Coastal People: Southern Skies (CPSS) - left the School of Physical Education, Sport and Exercise Sciences (SPESES) in a protest against “systemic racism.” The PVC (Sciences) was notified of this as a “temporary physical, potentially final exit strategy” from SPESES. Staff and students physically packed their offices and were working from home and around campus while alternative accommodation could be found for them. There has been temporary accommodation found on Campus with a view to reintegrate CPSS and Te Koronga back into SPESES in a safe manner. They have the approvals and support from their PVC and Dean.

Te Koronga: Indigenous Science Research Theme is formally a University of Otago Research theme established in 2016. Research themes are an interdisciplinary grouping of University scholars engaged in related research activities in areas of developing or potential research topics. Themes are not cost centres and members of a theme are line managed within the academic department in which they hold their substantive position.

The staff and students involved, are unofficially represented by [REDACTED] who sent an email to the University Chancellor on 11 August, which said:

“What we have done is taken a peaceful stand to maintain our own mana and that of the communities we represent through physically removing ourselves from an environment to seek a workplace that is safe and inclusive and free from racism, discrimination, and bullying.”

On 12 August, the Acting Vice-Chancellor responded by email and said:

“I want to assure you that the University is taking these claims seriously I want to reassure you that we will be undertaking a separate review of the School of Physical Education, and Exercise Sciences. This will be done with an independent and suitably qualified advisor to ensure these alleged issues are discovered, confronted and used as a catalyst for change – both within (PESES) and the wider University as necessary.”

Purpose and Scope

The overall objective of this review is to understand whether there are conduct or culture issues present in the School of Physical Education, Sport and Exercise Sciences, which could be categorised as racism, discrimination or bullying according to the definitions in the Ethical Behaviour Policy (EBP).

The University’s Ethical Behaviour Policy (attached) sets out the behavioural expectations for all members of its community; and makes clear that there is no tolerance for racism, discrimination or bullying. Relatedly, the Māori Strategic Framework (MSF) makes clear the University’s commitment to Māori advancement through a set of carefully articulated goals and strategies. While the EBP sets out ‘what not to do,’ and the MSF’s focus is on ‘what we should do,’ taken together they are two of the guiding documents that support the University’s expectations regarding conduct and culture.

At the most basic level conduct is how people behave and culture refers to the shared behaviours, values and norms of the individuals within an organisation.

This review is not an investigation into the conduct of any individual member of staff but an assessment of conduct and culture; to determine whether there are significant issues that could be affecting the safety and wellbeing of staff and students within SPESES.

If the reviewer identifies concerns that relate to the behaviour of any individual member of staff, they will pass that information on to the Director of Human Resources.

Objectives

The reviewer will:


1. Identify and understand any reports of racism, discrimination and bullying at the School level.
2. Determine whether there are conduct and culture issues (i.e., racism, discrimination and bullying) that could be affecting the safety and wellbeing of staff and students within SPESES.
3. Describe the current culture within SPESES.
4. Identify any procedures/policies or practices, within SPESES, that may inadvertently enable or support conduct or culture issues.
5. Assess the cultural competence of SPESES in relation to University policies and frameworks, University values and Treaty obligations.
6. Make recommendations for addressing identified issues that may be affecting the safety and wellbeing of staff and students.
7. Make any other observations and/or recommendations that will assist any future efforts to improve the conduct and culture within SPESES.

Process

1. An external “Reviewer” will be appointed to conduct this review, instructed by these terms of reference. The “Reviewer” will:
2. Determine the appropriate method for undertaking this review.
3. Be mindful of ongoing working relationships and do what they can to safeguard those throughout this review.
4. Interview any person that they believe will assist them, to meet the objectives of this review.
5. Advise any interviewee of their right to confidentiality in this process.
6. Respect that people have the right to decline to participate.
7. Conduct the review impartially and objectively as is practicable in the circumstances.
8. Consult with the Pro-Vice-Chancellor (PVC) Division of Sciences to understand how SPESES operates.
9. Understand that the PVC may alter the scope of this review at any time, if it is deemed necessary.
10. Provide a draft written report with preliminary findings and recommendations, to the PVC for comment.
11. Send a final report to the PVC - Division of Sciences, Vice-Chancellor and Director of Human Resources.

Resources and Sources of Information:

- Emails appended to these terms of reference.
- Results from the Culture survey appended.
- The draft 6-month report to the review.
- Interviews with willing staff.
- University of Otago Ethical Behaviour Policy.
- Māori Strategic Framework
- University of Otago Values
- Transcription Service

Main Point of contact: 

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