Review of The Australian National University’s sexual assault and sexual harassment policies and procedures

Final report: September 2017

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Executive Summary

The ANU has paid increased attention in recent years to addressing issues of sexual assault and sexual harassment on campus, with considerable efforts from ANU student bodies and activists committed to addressing shortfalls in institutional responses.

This review is contextualised in the recent seminal survey of the incidence of sexual assault and sexual harassment experienced by students in Australia. Its objective is to review:

1. How policies and procedures to support students, who are making allegations of sexual assault and/or harassment against staff or students, intersect with policies and procedures to support staff.
2. Ways to strengthen internal investigation and resolution mechanisms regarding sexual harassment, sexual assault and bullying.
3. The ‘Code of Practice for teaching and learning’ and the ‘Code of conduct for research’ to ensure they adequately reflect the University’s zero-tolerance position.
4. The existing support for survivors and whistle-blowers to ensure this is adequate and has appropriate enforcement mechanisms.
5. Matters the University should and should not progress through Student Complaint Resolution Procedures; identifying any deficiencies in how the University now handles matters and suggesting alternatives or initiatives to address those deficiencies.
6. What staff training is required to enable skilled implementation of the University’s policies, procedures and rules in this area and explore the options for making this training mandatory.
7. What can be learnt from other universities in Australia and overseas in terms of best practice around issues such as anonymous reporting, consent and bystander intervention training.

As we undertook a review into these specific matters we were informed of existing constraints on action. Specifically, we were advised by the ANU Deputy General Counsel that the Discipline Rule, the formal policy for inquiring into and addressing misconduct, cannot cover matters relating to sexual assault but only matters of sexual harassment. On this matter we were advised that criminal matters, like sexual assault, cannot be addressed under the Discipline Rule because the Discipline Rule is administrative law and therefore applies a civil, not criminal, burden of evidence. What this means in practice is that formal process for responding to reports of sexual assault are limited to attending to immediate safety concerns, providing access to support services and capturing data. While students may have access to pursue complaints through the Student Complaint Resolution Procedure, this is only a mechanism for resolution of complaints and not a mechanism which achieves disciplinary responses.

It is important to note these limitations from the outset and highlight them against criticisms that students have of existing reporting mechanisms as articulated in the Australian Human Rights Commission (AHRC) Report, Changing the Course:

‘In submissions to the Commission, students often referred to the importance of university leadership and highlighted a number of perceived leadership failures to respond to these issues. Some key concerns were that:

- University leaders do not call out sexual assault and sexual harassment.
- University leaders do not acknowledge that there is a problem with sexual assault and sexual harassment.
- University leaders do not hold perpetrators accountable for their behaviour.
- University leaders do not take sexual assault and sexual harassment seriously enough.
- University leaders don’t care about victims of sexual assault and sexual harassment.’ (2017, p.210)

It is also important to note that the advice provided by the ANU on its website is, at best, unclear on this matter. The Staff Protocol for Responding to an Allegation of Sexual Assault, for example, states that:

A report of misconduct can also be made by a student, or resident of a hall or lodge of the University, under the Discipline Rule 2015. However, where a report is made to the police any action under the Rule may be suspended, as the police are the appropriate body to deal with what would then be an allegation of criminal conduct.¹

It is outside the scope of our expertise to comment on the nature of applying administrative law in criminal matters such as sexual assault, though we do note that this understanding of the limits of the Discipline Rule in particular has been challenged elsewhere.\(^2\) We also note that On Safe Ground, the Good Practice Guide produced by the Australian Human Rights Centre following the release of the AHRC Report, draws a distinction between internal administrative processes and criminal justice processes:

> ‘A common response by universities to disclosures of student sexual violence is to frame the issue as a police matter. As mentioned above, in cases of sexual assault in particular, universities might advise students that only the police, and not the university, are competent to respond to a complaint, or that “only once a police complaint is made and/or a criminal conviction is secured” can a university take action.\(^{362}\) Irrespective of whether a student victim of sexual violence wishes to report the matter to the police – and many are reluctant to do so – this information tends to reflect confusion within university administrations about the dual nature of these complaints: that cases of sexual assault are “both a criminal matter, and a misconduct matter”. Although the outcome of a criminal investigation and hearing may be instructive in determining the approach of a university disciplinary procedure, the facts of, or circumstances surrounding, a report of sexual assault may require a university to put in place interim measures to support the students affected, and to make an expedited finding in accordance with its own policies and procedures prior to the outcome of a criminal investigation and potential hearing.

The university disciplinary process is an internal process distinct from that of the external criminal justice system. The former is an administrative matter involving breaches of university policy potentially leading to sanctions, including expulsion. Conversely, the criminal justice system – at least within Australia, the US, Canada and the UK – is an external adversarial process, where the guilt of an accused is established via a higher evidentiary burden of proof (allegations must be proven beyond reasonable doubt). Criminal law sanctions vary depending on the offences charged and may include a term of imprisonment’.\(^3\)

Our understanding of these matters is that while the Discipline Rule may not be the appropriate mechanism for pursuing reports of misconduct relating to sexual assault, the ANU, like all Australian Universities, does have the capacity to determine what constitutes appropriate conduct and to inquire into misconduct, including where that misconduct may relate to sexual assault. However, where a university holds an inquiry and makes a determination that determination would be a finding of misconduct and not of sexual assault. What this would mean in practice, however, remains unclear.

A major finding of our review on this point, therefore, is that there is significant confusion around whether the ANU has capacity to act in matters of sexual assault, what would inform and determine the parameters of its action, and what the action can entail. This confusion appears to exist at both the level of the staff and the student body and is exacerbated by information currently provided by the ANU on the issue of sexual harassment and sexual assault. This issue is discussed in more detail in addressing Term of Reference 2.

Addressing the issue of whether, how, and to what end, the ANU can and will act to address misconduct related to sexual assault is, in our view, a matter of urgency. This is a question of both law and principle and it is one that only the ANU leadership, in consultation with its community, can determine. We strongly recommend that the ANU address this question as a priority before further developing its policies and procedures as it is vital to the integrity of its processes that disciplinary responses are clearly communicated to the student body and consistent in type with support and disclosure responses.

Specifically, if the ANU decides that its approach to sexual assault is to seek formal, external mechanisms – in other words, police responses – then its disclosure and support responses need to have this same aim in mind. Currently the disclosure model, particularly in residences, involves a heavy reliance on students serving in peer support roles. This internal model does not have clear pathways for reports to external bodies, such as the police, or external support bodies like the Canberra Rape Crisis Centre. The support model, therefore, does not appear consistent with the disciplinary model.

Our review provides a series of further recommendations for the development of policy and procedure to closer align the ANU with best practice. The strength of these recommendations depends upon the ANU


first determining how it will address the issue of disciplinary responses to misconduct related to sexual assault and ensuring that its model of disclosure and support is consistent with, and reinforces, that model.

The findings from this review are significant and require ANU to holistically reconsider how it addresses sexual assault and sexual harassment. This will require:

1. **THE DEVELOPMENT OF AN OVERARCHING STRATEGY**

   - Findings in the review point to the need for an overarching ANU Strategy for addressing sexual assault and sexual harassment. This strategy needs to provide a clear statement of what ANU wants to look like in the future, including a series of objectives and an action plan to achieve them. This strategy should be measurable and underpinned by an evaluation framework. It should clarify the specific policies and procedures via which sexual assault and sexual harassment will be addressed and develop a policy position which clearly and explicitly clarifies whether and to what extent disciplinary measures can be taken in relation to reports of misconduct related to sexual assault. The strategy should ensure that disclosure and support responses are commensurate with and complement disciplinary approaches.

2. **SUPPORTED BY POLICIES & VALUES**

   - This strategy needs to be supported by the development of a series of connected policies that help people make decisions or assist and support a specific situation where a sexual assault or sexual harassment incident has occurred. These policies should assist staff and students in answering questions like ‘what do I do?’ in a particular situation.

   These policies should be supported by a clear statement of the University’s values regarding sexual violence, gender equality and the rights of people of diverse genders and sexualities and the actions that it will take when these values are transgressed.

3. **STRATEGICALLY COMMUNICATED TO STAKEHOLDERS**

   - ANU needs to develop a strategic communication plan which is nested and aligned to the overarching strategy and provides tailored messaging to different stakeholder groups and using multiple channels (e.g. social media, posters in bathrooms, smart phone applications). This communication needs to articulate the University’s position and values regarding sexual assault and sexual harassment.

   - Information needs to be provided to students and staff to enable them to recognise when a sexual assault or sexual harassment incident has occurred and directions on how to access the internal and external support services available.

4. **REINFORCED WITH A STRONG EDUCATION & TRAINING PLAN**

   - ANU needs to develop and implement an education and training plan which is nested in the broader, holistic organisational strategy on sexual harassment and sexual assault. This education and training plan needs to include:

     - Disclosure training for all students and staff in support roles as well as members of the broader ANU community.

     - Mandatory bystander training and modules for Higher Degree Research (HDR) supervisors and convenors who are the first point of contact for HDR students.

     - Diversity training for staff which includes awareness of the specific challenges experienced by, and needs of, different social cohorts in relation to sexual assault, including Aboriginal and Torres Strait Islander peoples, people of diverse genders and sexualities, people with disability and how these social and cultural characteristics intersect.

     - Improved access to appropriately trained experts so that any staff member involved in investigating, or making inquiries regarding, reports are trained, and have ongoing access to professional experts, in the area of sexual assault investigations.
• Enhancing the existing peer support pastoral care model in Residences with professional, expert support services.
• Evaluation of training to measure effectiveness and identify areas for continuous improvement.

5. SUPPORTED BY THE CREATION OF A ‘ONE STOP’ COORDINATION UNIT

• ANU needs to design and implement a ‘one stop’ unit for responding to sexual assaults on campus. This unit would need to be able to respond to crises (including after hours) as well as non-crisis related reports of sexual assault and harassment. It would need to have staff with knowledge of the University’s policies and procedures, for example what the university can and cannot do for survivors and how to connect them with relevant external support services.

The nature of this ‘one stop’ unit will largely depend on the nature of responses to the issue of sexual assault and sexual harassment that the university determines to undertake. If disciplinary responses become part of responses provided than the ‘one stop’ would most effectively serve as a coordinating unit where students can receive advice on support and disciplinary measures available to them.

Additionally, measures aimed at prevention and awareness raising could also be coordinated through a ‘one stop’ unit to ensure that the prevention measures in fact target the nature of complaints received and that resources are utilised in the most effective manner possible.

6. UNDERTIPPED BY EFFICIENT PROCESSES AND SYSTEMS

• Implement efficient reporting processes and systems that offer students a wide range of reporting options, including anonymous and confidential reporting.

Reporting processes need to clarify, explicitly, the nature and extent of disciplinary responses. If disciplinary measures are not part of the ANU response to reports of sexual assault but only in response to sexual harassment then this must be communicated clearly to students.

If students have false expectations of the reporting system this is likely to contribute to distrust in the reporting system and, at worst, risks re-traumatising students.

• Regular dissemination of de-identified disciplinary outcome reports, where disciplinary response are undertaken, to the wider University community.

Finally, it is recommended that survivors of sexual assault and harassment – a significant stakeholder group - are included in developing the next steps in the University’s response to this review. Authentic engagement and consultation will be critical to the success of the University’s ongoing efforts to reduce incidents and improve support, policies and procedures.
Below is a detailed summary of the recommendations from this report based on the terms of reference. Further considerations against each recommendation are included at the end of this report.

### Summary of recommendations

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<th>RECOMMENDATION</th>
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<td><strong>INTERNAL INVESTIGATION AND RESOLUTION MECHANISMS</strong></td>
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| 1. Improve communication | a) Produce a user-friendly version of relevant policies and locate them prominently on the ANU website.  
b) Clarify and publicise whether the ANU will investigate misconduct where it relates to sexual assault and under what mechanisms if it is to do so.  
c) Clarify and publicise whether the ANU will investigate misconduct where it relates to sexual harassment and under what mechanisms (e.g. Discipline Rule) it will do so.  
d) Where the ANU has separate processes in place for responding to reports of sexual assault and sexual harassment clarify this by developing separate communication models for sexual harassment and sexual assault. Responses to these issues should not be described together if different responses, including different disciplinary responses, are available to students.  
e) Revise the Discipline Rule to specify the time frame that will be taken between receiving a formal report of misconduct and making a determination as to whether to undertake an inquiry into the matter.  
f) Provide all complainants with advice regarding the outcome of their report. This commitment should be stated in relevant documentation (policies, procedures etc).  
g) Design a template for formal reports of misconduct made under the Discipline Rule. Consistent with the best practice recommendations set out in the On Safe Ground Report, the template should include definitions of sexual harassment and sexual assault in order to assist students in understanding how to characterise their experience.  
h) Undertake further research to determine what measures would be helpful to encourage international students to make use of existing reporting mechanisms available under the Discipline Rule.  
i) Review current process for providing information to students about formal reports to external authorities who investigate criminal offences, including adopting practices of warm referrals where they are appropriate.  
j) Provide a clearly articulated, and easily found, process for students to report sexual harassment and misconduct. |
| 2. Improve access to appropriately trained experts | a. Provide access for complainants to trauma-informed support by parties external to the ANU who are experts in the provision of sexual assault support services.  
b. Implement a process to ensure that any staff member involved in investigating reports of sexual harassment is trained, and has ongoing access to professional experts, in the area of sexual assault investigations.  
c. Provide post-case review opportunities for staff and students in order to evaluate effectiveness of training and identify gaps. |
| 3. Review mediation and restorative justice opportunities | a. Consider implementing an institutional restorative engagement program that provides survivors of sexual assault the opportunity to address representatives of the ANU and have their experience of assault, and of the reporting process, heard.  
b. Conduct further research to inform appropriate methods of mediation and restorative justice mechanisms, and associated policies and procedures. Specifically, review the efficacy of such procedures if no change to disciplinary responses to sexual assault is to be undertaken. |
| **RESEARCH AND TEACHING CODES** | |
| 4. Strategic communication | a. Develop an explicit, clear and detailed statement to specify the University’s values regarding sexual violence, gender equality and the rights of people of diverse genders and sexualities and the actions that it will take when these values are transgressed. |
5. Further research
   a. Conduct research into the specific experiences of HDR students at the ANU, the vulnerabilities that they experience, and the policies and procedures that may best address their needs.

6. Education and training
   a. Develop and implement preventive measures, such as campaigns and training, targeted at HDR convenors and supervisors that focus on code of conduct for staff and respectful relationships between students and supervisors.
   b. Develop and implement mandatory bystander training and modules for HDR supervisors and convenors who are the first point of contact for HDR students.
   c. Make disclosure training available for front-line and all academic staff.

7. Integrated and inclusive support services
   a. Design and implement a ‘one stop’ coordination unit for responding to sexual assaults on campus.
   b. Undertake a gap and capacity analysis of existing services to understand what will be remedied with extra staffing, and what will not.
   c. Implement access to a 24 hour crisis line that is available to support students who have been assaulted or harassed after hours and on weekends.

8. Improved visibility of services and support
   a. Design and implementation of visible statements or symbols (on service/support premises and websites) to demonstrate their inclusive approach to service provision.
   b. Creation of ‘First Responder’ members of ANU community among student leaders and faculty. The individuals who voluntarily undertake such positions receive additional training and support and are identifiable via an agreed insignia or symbol (e.g. a lanyard or badge).
   c. Develop a communication strategy for conveying information to students about support options within the university, making use of all communication channels.

9. Organisational culture reform and avenues for whistle-blowers
   a. Create policies and procedures (for example an anonymous online reporting tool that is not just ‘incident’ focused) for whistle blowers to anonymously report behaviours that are outside of the norms and values of the ANU.

10. Provision of training and support for supporters
    a. Increase the availability of training on the University’s policies and procedures regarding sexual assault and sexual harassment, and disclosure training, to all students and staff in support roles, and ideally extended to all members of the ANU community.
    b. Provide additional resources to support student representatives, including office holders in residences, who are involved in supporting survivors.
    c. Supplement the existing peer support pastoral care model in residences with professional, expert support services.

11. Revision of the Student Complaint Resolution Policy and the Student Complaint Resolution Procedure
    a. Revise the Student Complaint Resolution Policy and the Student Complaint Resolution Procedure to clarify, explicitly, when a matter of sexual assault or sexual harassment is appropriately addressed through the informal or formal process of the Student Complaint Resolution Procedure and when, and if, it is more appropriately reported as misconduct through the Discipline Rule.

12. Development of a policy framework on sexual assault and sexual harassment
    a. Develop and implement an overarching policy framework on sexual assault and, as part of that policy framework, develop a separate policy on sexual harassment.

13. Development of a training framework nested in a broader university strategy on sexual assault and sexual harassment
    a. Develop and implement a training framework to respond to sexual assault and harassment at the university, bringing together mutually-reinforcing strategies across all domains.

14. Improved communication regarding training
    a. Develop and implement a communication strategy for conveying information to students about training within the university, making use of all communication channels (e.g. social media, posters in bathrooms, smart phone applications).
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| **15. Revision of current training to ensure that it is culturally sensitive** | a. | Review all training modules to assess cultural sensitivity.  
b. Tailor, where needed, numerous versions of training so that they are applicable to different cohorts and groups, including to HDR students and supervisors. |
| **16. Evaluation of training** | a. | Develop and implement an evaluation framework for all training related to sexual assault and harassment across the university. |
| **17. Implementation of a robust reporting and recording mechanism** | a. | Implement a centralised reporting mechanism that offers students a wide range of reporting options, including anonymous and confidential reporting.  
b. Consider regularly disseminating de-identified disciplinary outcomes reports to the wider university community. |
| **18. Implementation of preventative measures focused on long-term approaches to changing gender norms and attitudes** | a. | Development of a comprehensive framework – a strategy - for addressing sexual assault and sexual harassment at the ANU. |
| **19. Development of a centralised data collection and recording system.** | b. | Develop a comprehensive, centralised data collection and recording system for sexual assault and harassment. |
| **20. Development of an overarching implementation and evaluation framework** | a. | Develop clear timeframes for implementing review recommendations and ways to evaluate effectiveness of changes. |
Definitions

We acknowledge that there is debate around whether sexual assault and sexual harassment should be seen as part of a continuum of sexual violence.

This report follows the definitions of sexual assault and sexual harassment used in the Australian Human Rights Commission Change the Course Report and the accompanying On Safe Ground Good Practice Guide written by the Australian Human Rights Centre.

"The term sexual assault is used to cover a range of unacceptable physical behaviours, which are criminal offences. The Commission’s report refers to both the legal definition of 'sexual assault' and also the community understanding of the term, with the terms 'rape', 'sexual assault' and 'sexual abuse' being used interchangeably.

[...]

Unlawful sexual harassment is defined under the Sex Discrimination Act 1984 (Cth) as 'an unwelcome sexual advance', 'an unwelcome request for sexual favours' or 'other unwelcome conduct of a sexual nature' that must have occurred in 'circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated'. The term is used to describe various unacceptable behaviours, including both physical and non-physical acts, such as those communicated orally, in writing, or via social media. As part of the national student survey, students were provided with examples of acts or behaviours that may constitute sexual harassment under the Sex Discrimination Act, including:

- unwelcome touching, hugging, cornering or kissing;
- inappropriate staring or leering that made you feel intimidated;
- sexual gestures, indecent exposure or inappropriate display of the body;
- sexually suggestive comments or jokes that made you feel offended;
- sexually explicit pictures, posters or gifts that made you feel offended;
- repeated or inappropriate invitations to go out on dates;
- intrusive questions about your private life or physical appearance that made you feel offended;
- inappropriate physical contact;
- requests or pressure for sex, or other sexual acts; and
- any other unwelcome conduct of a sexual nature.

For the purposes of this report, the term 'sexual harassment' is used to cover the above behaviour. It is noted that some acts of sexual harassment may also constitute sexual assault."  

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Context and background

In the last 10 to 15 years there has been increased attention to the issue of sexual assault and sexual harassment. A growing number of organisations have faced critical incidents which have led to internal reviews and the development of policies and procedures aimed at addressing this violence. In the case of Australian universities, the direct impetus for this recent work was initiated through Universities Australia as the peak body of Australian universities and the ‘Respect. Now. Always.’ initiative, in which all 39 Australian universities are involved.

The ‘Respect. Now. Always.’ initiative has several components. It includes a seminal survey of the incidence of sexual assault and sexual harassment experienced by university students in Australia. This research was carried out by the Australian Human Rights Commission and published as Changing the Course: National Report on Sexual Assault and Sexual Harassment at Australian universities. It also includes a set of Good Practice Guidelines written by the Australian Human Rights Centre, On Safe Ground: Strengthening Australian university responses to sexual assault and harassment for responding to reports of sexual assault and sexual harassment. The ‘Respect. Now. Always.’ initiative also includes an ongoing awareness campaign.

The initiative benefited from seed funding from The Hunting Ground Australia Project. This project has involved a series of screenings of the American documentary The Hunting Ground in order to highlight both the issue of sexual assault and sexual harassment on campus and the urgent need for improved institutional responses to sexual violence. While The Hunting Ground US and The Hunting Ground Australia should be acknowledged as informing the immediate context of universities work in this area, efforts to draw attention to sexual assault and sexual harassment and institutional responses should be understood in a broader context of which these two projects are a part.

This broader context is the result of decades of advocacy, which has aimed to shift sexual violence from being seen as a private and criminal issue to being seen as a social problem. Work specifically relating to the Australian university context includes two seminal studies by the National Union of Students (NUS), Hidden Marks, published in 2011 and the 2015 Talk About It: NUS Women’s Department Survey. Both studies found high rates of sexual violence experienced on campus and both found low rates of reporting of incidents.

It is also worth noting that, as Durbach and Keith (2017, p. 52) highlight, regarding the Australian Human Rights Commission Report:

> ‘A clear lesson from the findings of the national student survey and online submissions is that a deficient or misguided institutional response to the complex needs of students who are victims of sexual assault and harassment can compound their harm, potentially re-traumatising the victim or resulting in their failure to lodge a complaint.’

Stakeholders interviewed for this review, and in literature reviewed, underscore this point – that for a survivor, institutional responses matter and can have a therapeutic or re-traumatising affect. This may be because of the dynamic of sexual violence, which involves an imbalance of power and turns on secrecy, distrust and silencing can be unintentionally reproduced in institutional responses.

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The University’s work to date

In recent years ANU has been involved in a range of initiatives to draw attention to sexual harassment and sexual assault on campus. Some of these initiatives have been student-led and students have played a key role in drawing attention to the issue both on campus and in the community.

Recent initiatives include:

- ANU students have demonstrated national leadership in developing campaigns such as:
  - Not a Wife Beater Campaign that started in 2013 at ANU;
  - The ANU Student Association (ANUSA) ‘Safety on Campus’ campaign of 2014;
  - ANUSA Women’s Department long running ‘The Pledge’ campaign, which aims to shift understandings of violence away from a victim-blaming culture, and work to ensure a campus that is safe for all students.
  - ANU liaised with Our Watch to implement their campaign aimed at educating young men about consent issues.
  - ANU implemented the Respectful Relationships campaign in 2016.
- In consultation with the ANUSA and the ANU Postgraduate and Research Students’ Association (PARSA) Women’s Officers, the Canberra Rape Crisis Centre and Women’s Centre for Health Matters in 2016 ANU reviewed and revised all web documents supporting survivors and the material supporting staff and student who disclosures are made to.
- Development of Violence and Sexual Assault Support website.
- Student Critical Incident Policy was reviewed in 2016
- In 2017 online Consent Matters: Boundaries, Respect and Positive Intervention course mandated for all commencing residential students.
- In June 2017, 12 ANU Staff and 8 student leaders completed one of the bystander trainings, called MATE Train the Trainer (previously called Mentors in Violence Prevention). In Semester 2, 2017 the university plans to facilitate various awareness raising programs for specific student and staff audiences.
- An online training module for staff and student leaders on Responding to Disclosures of Sexual Violence is also planned for implementation in Semester 2, 2017.

In addition, the ANU has ten counsellors currently employed within the ANU Counselling Centre (including 1.6 Full-time Equivalent funded through the Student Services and Amenities Fee (SSAF). All Counsellors are skilled and experienced in providing interventions for the treatment of anxiety, depression, stress and trauma.

The current review acknowledges these initiatives, and aims to make recommendations that build on this existing work. The review does so through addressing the Terms of Reference (Appendix 1) outlined below.

Method

This review was conducted through desk top research of good practice standards (see below) and documents relating to the University’s current policies and procedures (Appendix 2) and a limited number of stakeholder interviews (Appendix 3).

Report outline

In what follows, this report addresses each of the Terms of Reference (TOR) with regard to the University’s current practice, what is known from the literature to be ‘good’ or ‘best’ practice, and then describes related findings gathered through desktop research and stakeholder interviews. A number of additional findings, outside of these TOR, have also been included for consideration.
By way of conclusion recommendations, key actions, and considerations have been categorised by TOR and arranged according to high level suggestions for implementing and creating sustainable change to the University’s current policies, procedures and practices.

Review Limitations

This project was commissioned as primarily a desktop review of ANU policies and procedures in responding to reports of sexual assault and sexual harassment. It was commissioned prior to the release of the Australian Human Rights Commission’s Report, Changing the Course. While the review team has endeavoured to speak with a variety of stakeholders and student leaders within tight timeframes, it has been beyond the scope of this report to undertake original research with survivors. The timeline of the project would not have allowed appropriate ethical review for this kind of research to be undertaken.

Policy settings need to instil confidence and reporting mechanisms will only be effective where students (and staff) feel safe using them. Engaging with survivors in a manner that is open, respectful, and creates a clear role for them in policy reform is highly recommended in future iterations of work undertaken or commissioned by the ANU. Given the low levels of reporting of sexual assault and sexual harassment revealed by the Australian Human Rights Commission’s Changing the Course Report ensuring that work is undertaken in a manner which allows comprehensive engagement is, in our view, of paramount importance. This is a view that was strongly reinforced in stakeholder engagement undertaken for this review.

This review recommends that the ANU share this report, for feedback and development, with survivors and with the student representatives who have worked so hard to elevate the issue of sexual assault and sexual harassment on campus to a policy concern. We also recommend that this report be shared with local experts in the field of sexual assault support services for their advice and review.

Though not all university students are young people, many are. Young people are over-represented in experiencing sexual assault and it is imperative that responses to sexual assault and sexual harassment are designed to ensure the long-term wellbeing of young people. While our findings and recommendations are informed by a review of best practice literature and stakeholder conversations, getting policy settings right is too important to not involve support services through all stages of the process. We commend the ANU for the positive and constructive relationship that it has had with sexual assault response services to date and recommend, in the strongest possible terms, that it continues to maintain that relationship. Where doing so requires additional funding commitments our view is that they should be made available as a matter of urgency.

Additionally, it was out of the scope of this review to examine the policies and procedures of Residences. It is the understanding of the review team that this will be examined as a part of a separate, subsequent review. This subsequent review should closely examine, among other things, the tension between reporting mechanisms and disclosure mechanisms.

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9 ‘Only 2% of students who experienced sexual harassment and 9% of students who experienced sexual assault in a university setting in 2015 or 2016 said that they had made a formal report or complaint to the university,’ AHRC, 2017, Change the Course Report, p.11.
Good practice standards for responding to reports of sexual assault and sexual harassment

There has, until very recently, been a dearth of Australian literature which addresses the specific issue of appropriate responses to reports of sexual assault and sexual harassment in university institutions. Below we have canvassed a range of literature in identifying good practice guidelines that have informed our analysis and recommendations. These include:

- **On Safe Ground – Australian Human Rights Centre Good Practice Guide** which relates to responding standards, and enablers of policies and procedures.
- **Tertiary Education Quality Standards Agency** that provides guidance material for promoting and fostering a safe environment for students.
- **Our Watch**, which provides a number of materials aimed at preventing violence against women.
- **Sexual assault response services**, that provide expertise and trauma-informed support.
- **National standards for the primary prevention of sexual assault through education.**
- **Education Services for Overseas Students Act (2000)**, which provides the legislative framework for universities in Australia to uphold quality standards in education and training of overseas students.
- **Legal reform**, that has focused on improving legal responses to family violence and in relation to sexual offences.

More details on these can be found in Appendix 2.

This review has also been informed by a number of recommendations from student groups that have been made either by way of submissions to the AHRC review or directly to the ANU chancelery and the eight key recommendations of the AHRC as set out in *Change the Course*:

1. **Leadership and governance**: The need for a strong and visible commitment to action from university leaders, accompanied by clear and transparent implementation of these recommendations.
2. **Changing attitudes and behaviours**: Development of measures aimed at preventing sexual assault and sexual harassment.
3. **University responses to sexual assault and sexual harassment**: Implementation of effective processes for responding to sexual assault and sexual harassment.
4. **Monitoring and evaluation**: Ensuring that steps taken to prevent and respond to sexual assault and sexual harassment are evidence-based and that improvements to prevention and response mechanisms are made over time.
5. **Residential colleges and university residences**: Specific steps to improve the culture within residential colleges and university residences, with a particular focus on risk management. (AHRC, 2017, p.208)

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11 These include: ANUSA and PARSA Recommendations - Sexual Assault and Harassment Survey Universities Australia/Australian Human Rights Commission Report; Australian Queer Student Network’s (AQSN) Recommendations for Action after AHRC Report Release; Decision Making and Good Governance in Residential Halls – Report and Recommendations, ANUSA with Contributions from Codie Bell (Restorative ANU); ANUSA Women’s Officer’s (2016) ANU Sexual Assault Policies and Procedures Review Document.
Findings

TOR 1. The intersection of policies and procedures to support students and policies and procedures to support staff

‘How policies and procedures to support students, who are making allegations of sexual assault and/or harassment against staff or students, intersect with policies and procedures to support staff. This review of policies related to staff need to specifically recognise the provisions of ANU’s existing Enterprise Agreement.’

This section focuses exclusively and explicitly on the legal relationship between staff, students and the University. In the remaining sections, we broaden this to include the social and institutional relationship between students and the university.

University relationship: staff and students

The relationship between a staff member and the University has a different legal basis to the relationship it has with a student. The University owes students an obligation to provide instruction and support and more generally an obligation to provide a safe place for the student to undertake those activities, and students enter a legal relationship on enrolment. This includes legal obligations to follow University Rules, policies, and procedures which includes that they not engage in misconduct that might impact the safety of the University or others.

A student does not owe similar obligations to the University. While the student remains a candidate for a qualification to be awarded by the University, the student must follow the rules of the University but a student enrolled in a course has no obligation to complete the course nor in many courses, an obligation to attend classes. Although some students pay fees directly to the University and there is an obligation to make that payment, most do not but have their fees paid for by the Commonwealth through the HECS scheme.

On the other hand, the relationship between a staff member and the University includes obligations of trust that resonate through the legal relationship. For example, if a staff member engages in fraudulent behaviour and steals money from the University the criminal consequences are greater than a theft from a third party as the courts regard the theft not only in terms of the money taken but also as a breach of trust. While antidiscrimination legislation applies broadly to the relationships between the University and students and staff relatively equally, there is no equivalent regulatory regime for students to the Fair Work Act and its regulation of the employment relationship. Similarly, while the University has Work Health and Safety obligations to keep its premises safe for all who are present, it is the staff members of the University who have obligations to ensure that the University’s OHS responsibilities are implemented.

Staff relationships

Staff have a well-defined place in the University’s structure. They have an allocated supervisor, work in a particular physical space with other colleagues and sit within a defined organisational unit. When seeking support they have the option of speaking with their supervisor or other work colleagues as well as access to the Staff Counsellor, the Employee Assistance Program (EAP) program and for those who are members, the National Tertiary Education Union (NTEU). The Enterprise Agreement specifically obliges the University to provide a safe and nurturing environment free from harassment (see clauses 4, 61, 62 and 66) underpinned by the ability of the staff member to raise grievances if another staff member’s conduct causes them concern. The Code of Conduct is also referenced in the Enterprise Agreement as evidencing the standard of behaviour expected of all staff members (clause 62).

Student relationships

Undergraduate

Unlike staff, students are not “supervised” and, leaving aside those who are living at one of the campus residences, have no defined physical space where they are located on a day-to-day basis with a group of colleagues. Some may rarely attend lectures and with the cross disciplinary approach of the University
undertake study across the Colleges. Hence, undergraduate students may feel less connected to a particular area of the University and the student advisor network within those academic units.

Postgraduate Research

On the other hand, postgraduate research students have a nominated supervisor, usually in a panel, and a direct relationship to a particular academic unit. They are often located with other postgraduate research students enabling them to have a cohort of people that they see on a regular basis, in a regular place within the University and enabling them to establish relationships and support networks akin to those experienced by staff.

Support

All students have available to them the resources of the Counselling Centre, the Dean of Students, the Chaplaincy, Access and Inclusion, the Registrar and advisers in the academic areas. In addition, there are support services available from the two student organisations: ANUSA and PARSA. The effectiveness, accessibility and capacity of these support services are reviewed elsewhere in this report.

Policies

Against the background of these relationships there are separate policy settings.

Where a student or staff member wishes to resolve a grievance they have the opportunity to use similar processes under the Staff Grievance Resolution Policy and Procedure\(^\text{12}\) and the Student Complaint Resolution Policy and Procedure.\(^\text{13}\) There is a policy that applies to staff and students for the Prevention of Discrimination, Harassment and Bullying with the Procedure under that policy referencing both staff and student grievance processes.\(^\text{14}\)

There is no obligation to follow these grievance processes which emphasise informal resolution of interpersonal complaints. A staff member or student could ask that their complaint be investigated pursuant to the formal misconduct processes under the Enterprise Agreement for staff or for students, the Discipline Rule 2015.

How do they intersect?

The University promotes an environment free from sexual harassment of any of the people visiting, working or studying on-campus. The behaviours expected of staff and students are the same but the processes for investigating complaints reflect the different legal relationships between the University, staff and students. The support mechanisms provided by the University are intended to align with the particular needs of staff or students. Students and staff have access to professional independent counselling services as well as other informal networks. It is possibly the case that staff members and postgraduate students have a tighter knit of colleagues to help provide informal support than perhaps an undergraduate student who may not have the same opportunities to develop an informal collegiate group, although that may not be the case where students are residing in on campus accommodation.

The intersection of these policies and procedures, in practice, is included in a number of instances in the examination of TOR 2-7, below. Relevant recommendations are included in the following sections.


TOR 2. Internal investigation and resolution mechanisms

‘The review should consider ways to strengthen internal investigation and resolution mechanisms regarding sexual harassment, sexual assault and bullying. Should there, for instance, be support from professionals with specialist expertise and professional practice in the area of gender violence, bullying and harassment’?

ANU current practice

While there is only one mechanism for undertaking inquiries into student misconduct – the Discipline Rule 2015, there are at least two ‘resolution mechanisms’, the Discipline Rule and informal and formal resolution processes pursued under the Student Complaints and Resolution Procedure. However, we were advised by the ANU Deputy General Counsel that while the Discipline Rule can be utilised in matters of sexual harassment, as an instrument of administrative law, it is not an appropriate mechanism for inquiring into sexual assault and other criminal issues. Given that there are different processes in place for investigating and resolving sexual assault and sexual harassment we address them separately below.

Investigating and resolving complaints related to sexual assault

ANU Current Practice

As noted above, throughout our review we were advised that, while there are procedures for ensuring student safety and providing access to support services, there are currently no formal mechanisms for investigating complaints of sexual assault at the ANU. This means that the only mechanisms for resolving complaints related to sexual assault are processes available under the Student Complaints and Resolution Procedure.

The Student Complaint Resolution Procedure is not about discipline, i.e. determining whether misconduct has occurred – it is about resolution. This is, to a degree, confusing as the Procedure has two parts – an informal part, or set of steps, and a formal part, or set of steps.

The Dean of Students can assist students to understand the Student Complaint Resolution Procedure. Students are not required to seek this assistance and they can follow the Procedure steps themselves or seek advice elsewhere. However, without assistance it can be unclear who they should direct their complaint to. The Dean of Students can directly assist students with informal grievance resolution (steps 9 – 11 of the Procedure) if the disclosing student wishes.

The Student Complaint Resolution Procedure includes formal grievance resolution processes (steps 12 onwards of the Procedure). The Dean of Students is a resource to provide guidance to students about what is required in this process and, if the student wishes, helps students with the requirements of the process. The Dean of Students has no role in considering formal complaints – these are lodged with the person responsible for the area, staff member, or student concerned.

Investigating and resolving complaints related to sexual harassment or bullying

The Discipline Rule

The Discipline Rule is a piece of federal legislation and it is the formal policy governing student misconduct. Misconduct as defined in the Discipline Rule 2015 would include sexual harassment and bullying. Discipline Rule 2015 establishes that prescribed authorities have the power to undertake an inquiry where misconduct is alleged and to require a range of actions where misconduct is found to have occurred.

A prescribed authority, as defined in Discipline Rule 2015 is:

‘prescribed authority:
(a) in relation to a student, means the relevant Dean, the Registrar or a person nominated for the purpose by the Vice-Chancellor, as the case requires; and

15 The Student Complaint Resolution Procedure is also addressed below in the report, in Term of Reference 5.
(b) in relation to a resident in a hall or lodge of the University, means the Head of the Hall.\footnote{17}

From the basis of our stakeholder conversations, in practice it appears the Registrar, Student Administration, as a prescribed authority under the Discipline Rule, is the person whom receives formal written complaints and determines whether complaints warrant inquiry.

The Discipline Rule requires that, where a complaint warrants inquiry, the student alleged to have engaged in misconduct is to be notified by the Registrar within five working days of their determination to hold an inquiry.

There is no requirement in the Discipline Rule for the Registrar to notify the student who has made a complaint of misconduct within any given period whether they will undertake an inquiry into the case. Additionally, there is no requirement specifying the need to notify the student of the outcome of their complaint. Our understanding of the current practice is that students are not notified of the outcome of their complaint on the grounds of confidentiality.

Furthermore, there is no template for the reporting of formal complaints. Students who are in touch with the Dean of Students office may seek feedback on their formal statements, but unless students are in touch with the Dean of Students office there is no guidance on how to initiate a formal report through the Discipline Rule.

Where an inquiry is held, investigations are undertaken by a team member reporting to the Registrar, Student Administration. Our understanding is that no formal investigative training in matters of sexual misconduct are provided.

Where misconduct is found to have occurred, a range of actions are within the powers of the prescribed authority under the Discipline Rule – from reprimands, to requiring the student to apologise or take other actions, to suspensions and denial of access to the University or aspects of it.\footnote{18}

It is unclear whether there are formal supports in place to ensure that students required to undertake actions are supervised and supported in doing so effectively. Our understanding is that, to the extent that these exist, they could be improved.

Though the Discipline Rule is the formal policy governing misconduct and the mechanism through which investigations into sexual harassment and bullying are undertaken, this is not the only mechanism through which reports of sexual harassment or bullying are addressed. Complaints may also be addressed through the provisions specified in the Student Complaint Resolution Procedure, as described above.

**Student Complaint Resolution Procedure**

As noted above, the Student Complaint Resolution Procedure is not about discipline, i.e. determining whether misconduct has occurred – it is about resolution. This may be confusing as the Procedure has two parts – an informal part, or set of steps, and a formal part, or set of steps. In neither scenario, informal or formal, is a disciplinary process pursued.

The Dean of Students can assist students to understand the Student Complaint Resolution Procedure. Students are not required to seek this assistance and they can follow the Procedure steps themselves or seek advice elsewhere. However, without assistance it can be unclear who they should direct their complaint to. The Dean of Students can directly assist students with informal grievance resolution (steps 9 – 11 of the Procedure) if the disclosing student wishes. In cases of sexual harassment this might, for example, result in recognition and acceptance of wrongdoing by the respondent; voluntary agreement by those involved to stop all contact with one another; and agreement to relocate tutorials or places of residence in order to avoid being in the same tutorial or college.

The Student Complaint Resolution Procedure includes formal grievance resolution processes (steps 12 onwards of the Procedure). The Dean of Students is a resource to provide guidance to
students about what is required in this process and, if the student wishes, helps students with the requirements of the process. The Dean of Students has no role in considering formal complaints – these are lodged with the person responsible for the area, staff member, or student. In the case of sexual harassment the responsible person could be, for example, the Head of a residence or the Registrar (Student Administration).

Information for students

To the best of our understanding, there is no overarching policy framework which clearly explains the role of the different mechanisms and the outcomes that are likely to follow from the different approaches for students. Nor is clear advice provided to students about the limits of the Discipline Rule for inquiring into sexual assault.

A particular point of note is the ANU webpage titled: ‘Reporting sexual harassment or sexual assault: Our Principles’. This webpage does provide some useful advice for students. However, it also suggests that the Discipline Rule can be utilised to inquire into reports of sexual assault:

‘Not all reports of sexual harassment or sexual assault will involve reports to the police. If there is police involvement, the University will ensure the safety of students and suspend its inquiry pending the outcome of the police investigation. If there is no report to the police, nor any likelihood of a report to the police, the University may conduct an inquiry of allegations of sexual harassment or sexual assault through either the Discipline Rule or the Enterprise Agreement.’

If the university does not intend to inquire into sexual assault, advising the student body in this manner that it may do so will not only cause confusion, but likely lead to distrust, disappointment and, in the worst case, a re-traumatisation of survivors who attempt to bring forward reports only to be told that they cannot be investigated.

The lack of clear information for students was highlighted by student representatives that we spoke to throughout this project and is highlighted in the ANUSA and PARSA Recommendations, Sexual Assault and Sexual Harassment Survey, Universities Australia/Australian Human Rights Commission and by End Rape on Campus Australia in their submission Connecting the dots: Understanding sexual assault in university communities (2017, p. 35-36).

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Best practice

There are several considerations from good practice that are relevant to investigation and resolution mechanisms of sexual assault and of sexual harassment.

On Safe Ground, Australian Human Rights Centre Good Practice Guide

Firstly, the On Safe Ground Report highlights that

‘Multiple processes for resolving complaints of sexual assault and harassment are perceived as placing a burden on students, who are asked to choose – often during a time of trauma – which path they wish to pursue. A unified process would be far superior, offering clarity for students and for the university as a whole’.

The On Safe Ground Report also recommends ‘stand-alone, clearly identified sexual assault and harassment policies and procedures, rather than their being embedded in misconduct policies’ (p. 54). Further, they state that policies should ‘expressly prohibit sexual assault and sexual harassment to reduce any ambiguity and convey a clear message about the serious nature and consequences of such conduct’.

The On Safe Ground Good Practice Guide highlights the importance of policies and procedures that are ‘robustly enforced and subject to regular review’. It also highlights the importance of ensuring that all student facing material is ‘sensitively framed and culturally and socially appropriate’ in order to ensure that it meets the needs of diverse students, ‘including Aboriginal and Torres Strait Islander students, CALD and international students, students with disability, and students who are LGBTIQ’.

Additionally, as noted above, the On Safe Ground Report draws a distinction between criminal processes for responding to sexual assault and internal, administrative processes for investigating misconduct.

While the Report does not specify guideline disciplinary mechanisms as such, it does make the claim that sexual assault is ‘“both a criminal and a misconduct matter”’ (p. 89) inferring that misconduct related to sexual assault can be addressed in disciplinary processes.

In section 7.2.4 Effective Enforcement of Policies the Good Practice Guide recommends:

‘7.2.4 Effective enforcement of policies

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Allied to concerns about visibility and accessibility of policies on sexual assault and harassment are perceptions that universities fail to fully enforce their policies. Institutional responses to complaints of student sexual assault or harassment will only secure legitimacy if they are investigated and resolved in an appropriate and timely manner, and impartially and effectively enforced by those with the relevant skill and expertise.

The reliability of policies to deliver procedural and substantive resolution is critical to student usage of sexual assault and harassment policies and procedures. To this end, policies (and related documents) must clearly outline key elements of the process to allow for informed decision-making by students. These elements include:

- established points of contact for reporting (‘first responders’);
- anonymous reporting options;
- the nature of evidence required;
- the investigative and disciplinary steps;
- guarantees of confidentiality and situations that may require its breach – where, for example, there are concerns relating to the safety and security of students;
- interim support measures and accommodation and academic arrangements available to victims and alleged perpetrators which can be implemented prior to, and regardless of, the outcome of the international disciplinary process;
- the difference between an internal disciplinary process (which investigates the breach of an institutional policy or code) and a criminal investigation and trial (which examines an allegation of a criminal act), and the respective standards of applicable proof;
- the information available at various stages of the investigation and disciplinary/criminal hearing;
- approximate timeframes for each process (this is of particular importance to international students who may be returning to their home country);
- the possible outcomes of the process, including the possibility that there will be insufficient evidence to establish or confirm the allegations;
- the range of sanctions and penalties that may be imposed if the allegations are established;
- the review or appeal procedures; and
- the nature of available support, including support people and legal, counselling and medical services.’ (p. 81-82)

TEQSA

The need to ensure that all cohorts of students are appropriately and equally served by existing support systems is also established as a clear standard in the TEQSA Higher Educations Standards Framework (Threshold Standards) 2015 (Cwth):

2.3 Wellbeing and Safety

3. The nature and extent of support services that are available for students are informed by the needs of student cohorts, including mental health, disability and wellbeing needs.

Other relevant Standards from the Higher Education Standards Framework (Threshold Standards) 2015 (Cwth) include:

2.4 Student Grievances and Complaints

1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties.

2. There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.

3. Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance.

4. Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.
5. If a formal complaint or appeal is upheld, any action required is initiated promptly.

Sexual assault response services

Additionally, experts from support services that we spoke to as part of the review highlighted that it is imperative that resolution mechanisms that are pursued clearly break with the dynamic that characterises sexual violence. The dynamic of sexual violence was described by experts as being about power and secrecy; as keeping things hidden from view. Open, accountable and transparent process, the inverse to the negative dynamic underlying sexual violence, were described as most effective in minimising the risk of re-traumatising survivors.

Experts from sexual assault support services also highlighted that responses to disclosures and reports of sexual assault should encourage reports to police. While it may be the case that survivors choose not to report to police, having clear opportunities to do so, including through warm referrals and even in instances when a survivor might choose to report without proceeding with an investigation, is a fundamental part of good practice.

Findings

Our review found strengths and limitations in the University’s existing reporting system. A key strength is that there are powers for prescribing authorities to undertake inquiries into misconduct and to require students to undertake actions where misconduct related to sexual harassment or bullying is found to have occurred. The ANU publicly acknowledges that sexual assault occurs on campus and that the university has a role in supporting students who have experienced sexual assault and sexual harassment. These, seemingly simple measures, are, in fact, a significant advance on other institutions and go a significant way towards the best practice standards regarding norms described above.

However, our review also found a series of limitations, or areas for improvement, in the ANU and these are discussed more fully below. Key among these is the fact that there is currently no formal disciplinary mechanism for addressing misconduct related to sexual assault.

Findings include:

- In contrast to good practice sexual harassment is treated as part of misconduct more broadly.
- ANU has no specific policy framework for responding to sexual assault.
- There is a discomfort among some staff with the role of the university as an investigator of sexual assault.
- There is a tension between the disclosures models, which rely on internal processes, and disciplinary approaches to sexual assault which refer students to external processes, namely the police.
- The ANU lacks university-wide strategic direction outlining its long-term institutional commitment to address the problem of sexual assault and sexual harassment.
- There is a lack of access to experts involved in responding to and investigating sexual assault, sexual harassment and bullying.
- There is a lack of clarity about the reporting system and the different mechanisms available to students.
- The Discipline Rule does not specify the obligations of the prescribing authority to the complainant, only to the perpetrator.
- Tendency towards informal resolution mechanisms may exacerbate harm to survivors of sexual assault in the longer term.
- There are differing perceptions of the reporting system.
- There is a need to recognise barriers to reporting.

22 A ‘warm referral’ typically involves contacting another service on a service user’s behalf and perhaps even attending an initial appointment with them. By contrast, a ‘cold referral’ involves providing details of the service for the service user to follow up on their own. Warm referrals are seen as helping service users negotiate complex and unfamiliar service systems.
To address these findings, the review team recommends a focus on

- Clarifying whether the university will develop a disciplinary mechanism for addressing misconduct related to sexual assault
- Improved communication
- Access to appropriately trained experts
- Mediation and restorative justice

There are no formal mechanisms for investigating sexual assault as an issue of misconduct and confusion on this matter

There is significant confusion around whether the ANU has capacity to act in matters of sexual assault, what would inform and determine the parameters of its action and what the action can entail. This confusion appears to exist at both the level of the staff and the student body and is exacerbated by information currently provided by the ANU.

Addressing the issue of whether, how, and to what ends, the ANU can and will act to address misconduct related to sexual assault is, in our view, a matter of urgency. This is a question of both law and principle and it is one that only the ANU leadership, in consultation with its community, can determine. We strongly recommend that the ANU address this question as a priority before further developing its policies and procedures as it is vital to the integrity of its processes that disciplinary responses are consistent in type with support and disclosure responses.

Specifically, if the ANU decides that its approach to misconduct related to sexual assault is to seek formal, external mechanisms – in other words, police responses – then its disclosure and support responses need to have this same aim in mind. Currently the disclosure model, particularly in residences, involves a heavy reliance on students serving in peer support roles. This internal model does not have clear pathways for reports to external bodies, such as the police or external support bodies like the Canberra Rape Crisis Centre. The support model, therefore, does not appear consistent with the disciplinary model.

Sexual harassment is treated as part of misconduct policy more broadly

While the ANU does have powers to investigate and respond to sexual harassment under the Discipline Rule, this is a general misconduct policy. As noted above, good practice recommendations suggest that a stand-alone policy covering sexual assault and sexual harassment is the preferred approach as this communicates a clear message about the significance of these behaviours and the seriousness with which the university responds to them.

Furthermore, as the Discipline Rule is, in fact, a piece of formal Commonwealth legislation, it is not a simple document to read and understand. Producing a guidance note, or a user-friendly version of the policy and having it located prominently on the ANU website would bring the university closer to compliance with good practice.

There is discomfort with the role of the university as an investigator of sexual assault

There appears to be, in general, a lack of comfort with investigating sexual assault among some staff. Perhaps the clearest example of this discomfort is in the original research undertaken by former ANU student Ellie Greenwood, whose Honours Law Thesis includes primary research with Heads of Residences regarding the application of the Discipline Rule. Her interviews clearly indicate that Heads of Residences are reluctant to become involved in determining misconduct of a sexual nature and that this is seen as the more appropriate role of police investigators.

Conversations held with stakeholders throughout the course of this review also indicated that there is a strong level of discomfort among some staff with the ANU taking a role in investigating reports of sexual assault. It is beyond the scope of this review to resolve this tension except to identify it and to emphasise its relevance to the implementation of the reporting system. Addressing this tension will require

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sustained and direct engagement by the ANU leadership – at all levels of the university. The ANU currently lacks university-wide strategic direction outlining its long-term institutional commitment to address sexual assault and sexual harassment.

Lack of access to experts involved in responding to and investigating sexual assault, sexual harassment and bullying

ANU staff involved in the reporting system are highly qualified and competent professionals with international experience in the performing of their duties. At a practical level, however, staff do not have access to experts involved in responding to sexual assault, sexual harassment and bullying and this is likely to impact on confidence and consistency in responding to the most challenging cases.

We define experts in sexual assault response as organisations like the Canberra Rape Crisis Centre (CRCC), that specialise exclusively in providing trauma-informed support to people who have experienced sexual assault. These organisations work to best practice and national standards. Consistent with these standards they operate within a feminist and human rights framework. Their model of work is survivor-centric and acknowledges the ‘importance of sexual assault victim/survivors exercising control over decisions and the therapeutic importance of regaining power.’ Additionally, the On Safe Ground Good Practice Guide suggest that individuals involved in disciplinary decisions ‘reflect the diversity of the student population’ should have relevant expertise, potentially including faculty with backgrounds in ‘disciplines such as law, social work, psychology and medicine.’

While the ANU is a model of good practice in terms of its ongoing relationship with crisis services like the CRCC, more could be done to formalise relationships with external experts in undertaking inquiries into reports of sexual assault.

Additionally, while information provided to students does, correctly, identify police as the experts in criminal investigations of sexual assault, our understanding is that there are no systems of warm referrals to sexual assault investigators within ACT Policing or any consistent procedures regarding warm referrals to the CRCC. If the university continues to pursue formal reports to police as the only form of inquiry into matters of sexual assault then it is imperative that the university further develop its relationship with police. Ambiguity and confusion about the reporting system and the different mechanisms available to students

The ANU has made significant efforts to ensure the quality of information provided on its website for students who have experienced sexual assault and sexual harassment and/or who are supporting students who have experienced sexual assault or sexual harassment. This work has included working with the CRCC and the Women’s Centre for Health Matters (WCHM) over a number of years. While this work has resulted in high quality information on the ANU website, the webpages themselves remain difficult to negotiate. A particular concern is the lack of clear information regarding formal and informal reporting mechanisms, to whom these reports should be addressed and the likely outcomes of the different reporting mechanisms. Additionally, as noted above, the website currently provides confusing, and potentially misleading, information regarding its practice of inquiring into sexual assault – this issue ought to be addressed as a mature of urgency.

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27 The term warm referral explained earlier (see footnote 21).
As regards information provided to the student body more generally, much of the primary information is addressed to students in crisis. While this has obvious importance, it means that the information that students may require after a period of crisis, when they are looking for resolution to issues such as seeing a perpetrator on campus, is harder to find. As noted above, this information also typically provides little in the way of contact details for relevant ANU stakeholders and external complaints handling avenues. Rather, a link to the landing webpages of the relevant bodies is provided.

The Discipline Rule does not specify the obligations of the prescribing authority to the complainant, only to the perpetrator.

It was noted above that the Discipline Rule does not specify how long after receiving a formal complaint the prescribed authority has to make a determination as to whether an inquiry is warranted. It was also noted that the Discipline Rule does not include requirements to notify the complainant of the outcome, if any, of their report. Furthermore, there is currently no template for lodging a formal complaint pursuant to the Discipline Rule. On our analysis, on each of these points the ANU procedures are inconsistent with the standards required under the Higher Education Standards Framework (Threshold Standards) 2015 (Cwth) which state that:

2.4 Student Grievances and Complaints

1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties.

2. There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.

3. Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance.

4. Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.

If students are not notified of the outcome of their complaint then they cannot be said to have access to mechanisms that deliver timely resolution (2.4.1 and 2.4.2), or that they have access to review by a third party as not being notified of an outcome precludes the opportunity for appeal (2.4.3). Additionally, if the ‘student concerned’ referenced in 2.4.4 above is interpreted to include the student who has made the
complaint (not only the student about whom the complaint has been made) then the current practice is not consistent with this part of the standards.

It is not our suggestion that the issue of confidentiality is inconsequential, or that it is easy to resolve the tension between confidentiality requirements and the need for transparency of outcomes for complainants. However, the current system appears to privilege the confidentiality of the student against whom a complaint has been made above the rights of the student making the complaint to have access to a resolution mechanism and this is not consistent with good practice. It is also unlikely to promote confidence in the reporting system.

In matters of sexual assault, where the university does not have any formal mechanisms for inquiring into misconduct, then all of these issues are further exacerbated.

There is a tendency towards informal resolution mechanisms that may exacerbate harm to survivors of sexual assault in the longer term

While formal reports of sexual harassment can be made under the Discipline Rule, not all reports of sexual harassment are addressed in this manner. Our review found that there is often a preference for informal resolution mechanisms through the Student Complaints Resolution Procedure. The preference for this informal mechanism had several aspects:

- It was seen as more likely to deliver practical outcomes, as it did not require a finding of misconduct but rather an appeal to voluntary action on behalf of all students involved.
- It was also represented by some stakeholders as less stressful for survivors and as being the approach that was most consistent with survivor’s desire to put distance between themselves and the trauma that they had experienced and move on with their lives.

There may be instances where low level behaviours28 are appropriately resolved through informal processes.

However, this will not always be an appropriate approach. What is more, as there are currently no formal mechanisms for investigating sexual assault, this means that students that want action taken can only pursue resolution and not disciplinary mechanisms. As highlighted above, experts from sexual assault support services highlight that resolution mechanisms break the dynamic which characterises sexual violence. This dynamic was described by experts as being about power and secrecy; as keeping things hidden from view. Open, accountable and transparent processes, the inverse to the negative dynamic underlying sexual violence, it was explained, are most effective in minimising the risk of re-traumatising survivors. For these reasons, informal resolution mechanisms are not appropriate in matters of sexual assault, particularly if the survivor is traumatised at the time of the process. This issue is discussed more fully in response to Term of Reference Five, below.

Differing perceptions of the reporting system

Our review of existing policies and procedures found that a significant challenge in relation to investigations and resolution mechanisms is the different perceptions of the reporting system that students have as compared to staff. Indeed, several staff stakeholders expressed concern that student perceptions of the reporting mechanisms themselves act as barriers, or potential barriers, to accessing existing services.

Perceptions of the reporting system and willingness to access it also appear to be connected to community attitudes about sexual assault and sexual harassment and the long-term consequence of existing myths and misconceptions that have historically been propagated by the legal system and commensurate social institutions. This finding is consistent with findings from the AHRC Change the Course Report:

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28 Use of this phrase ‘lower level’ unacceptable behaviour is not intended to minimise or trivialise the experience of some forms of sexual harassment which can be deeply upsetting and traumatic for the person who is subject to them as well as constituting breaches of local and federal sex discrimination standards. It is merely indeed to highlight that behaviours exist on a continuum and that different responses may be appropriate to different behaviours.
A feature of the Commission’s report on the national student survey, consistent with the NUS Talk About It surveys, is the relatively low reporting of incidents to either universities or police. The reasons identified in the Commission’s report include:

- a failure by the victim to recognise that the conduct corresponds with the definitions of sexual assault and/or harassment;
- the shame, self-blame or stigma associated with the incident as a barrier to reporting;
- a sense that the incident was not serious enough to merit making a formal complaint;
- a lack of knowledge about where or how to make a report due to insufficient or inaccessible information regarding reporting mechanisms;
- a belief that the university would not take the incident seriously or would respond inappropriately;
- a fear that reporting an incident to a university might result in a subsequent police report, which the student was keen to avoid; and
- a lack of trust in the capacity of a university reporting and investigative process to deliver a beneficial outcome.

While strengthening investigation and enforcement mechanisms may improve the reporting system, equally important, and potentially more challenging, is addressing perceptions of the reporting system and comfort in using it. It is our view that recommendations by students to incorporate a restorative approach into existing processes may be one way of addressing the perceptions that the system has failed students, that it is ‘unsafe’ to report, and that the reporting system cannot be trusted. However, this approach may be less effective if the university does not have a formal mechanism for investigation misconduct related to reports of sexual assault.

The use of a restorative engagement program, similar to that used by the Australian Defence Force, can provide an opportunity for a survivor of abuse to tell their story to a senior representative from the university. However, there are significant considerations around the implementation of a restorative system and we note some of these below in the recommendations section. Specifically, we only recommend a restorative model where the participants are the survivor and a representative from the university.

There is a need to recognise cultural barriers to reporting

Alongside mechanisms to address historic disappointment and distrust in the reporting system, the findings of the AHRC *Change the Course* Report also highlight the need to acknowledge the fact that sexual assault is an under-reported crime and that cultural barriers exist which impact reporting behaviours. The more that the ANU takes a consistent stance that sexual assault and sexual harassment are unacceptable and that these behaviours are prohibited, the more ANU will contribute to addressing community attitudes that make sexual assault under reported crimes.

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TOR 3. Research and teaching codes

‘A review of the following policies to ensure they adequately reflect our zero-tolerance position including: ‘Code of Practice for teaching and learning’ and the ‘Code of conduct for research’. Review of the Code of Conduct for Research’ should be undertaken with a view to including a section about creating a safe environment for all research students at ANU.’

ANU current practice

The ‘Code of Practice for teaching and learning’ and the ‘Code of research conduct’ are high level documents which set out the general expectations that the university has of its students and staff. The ‘Code of Practice for teaching and learning’ does set out some specifics regarding unacceptable behaviour including that:

1. All those involved in teaching and learning:

   [...] c. Respect diversity (including, for example, diversity of culture, religious belief, age, race, gender and other personal and group-based attributes) and recognise that diversity of student and staff backgrounds, opinions and views is a valuable resource for enhancing critical, motivated and dialogic teaching and learning.

d. Experience an educational environment that is equitable, collegial, and responsive to the diversity of individuals and the academic requirements of different disciplines.

e. Contribute to an environment free from harassment, discrimination and bullying, with access to complaint procedures which will facilitate speedy and just resolutions.

The ‘Code of Practice for teaching and learning’ also sets out that students are expected to:

l. Participate in appeals and grievances procedures with integrity and without recrimination.

All of these inclusions contribute to a strong statement about the University’s expectations of student behaviour and highlights that there are mechanisms in place if these expectations are transgressed. However they do not name sexual harassment or sexual assault specifically as prohibited actions and behaviours.

The ‘Code of Research Conduct’ is a general policy statement which sets out the expectations for research conduct. It does not include detail regarding the behaviours expected of researchers.

Best practice

A review of existing research evidence on primary prevention initiatives undertaken by Our Watch finds that social norms regarding violence are important in the prevention of violence31. Our Watch recommends that one of the ways to establish norms against violence is to ensure that perpetrators are held accountable for their behaviour:

‘…social norms are a key influence on the perpetration of violence against women. An important means of maintaining social norms against violence is to demonstrate that individuals who use violence will be held accountable (Heise, 2011; Salazar et al., 2003). Providing excuses for violence has the potential to undermine this accountability. This can compromise prevention effort as well as work being done in the response system. This is especially the case since men who use violence against women have been found to be particularly likely to justify and excuse their violence behaviour (Lila et al., 2008; Scott and Straus, 2007; Weldon and Gilchrist, 2012).’32

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Holding perpetrators accountable for their behaviour and establishing norms against violence involves having clear statements about the values and norms of the university and the actions it will take if they are compromised.

Findings

In reviewing whether or not the University’s policies reflect their ‘zero-tolerance’ approach it was found that:

- There is no clear definition of what is meant by ‘zero-tolerance’.
- There is a need to clearly articulate norms and values of ANU regarding the prevention of sexual assault and sexual harassment and the principles underlying holding perpetrators to account.
- There are unique vulnerabilities for Higher Degree Research Students that impact reporting.

In addressing these issues, the review makes recommendations focused on:

- Strategic communication
- Further research
- Education and training

Defining ‘zero tolerance’

The ANU has not clarified in any of its documents what is meant, exactly, by a ‘zero tolerance’ position. Some stakeholders that we spoke to suggested that the phrase ‘zero tolerance’ may not be helpful and, at worst, may be misleading in raising expectations of students reporting sexual assault or sexual harassment that will not be met. The inference is that ‘zero tolerance’ suggests immediate and definitive action. Given that the ANU does not have a formal mechanism for investigating reports of sexual assault and the formal disciplinary measures for investigating misconduct do not encompass sexual assault, careful consideration of using this phrase is recommended.

There is a need to clearly articulate norms and values of ANU regarding sexual violence and the principles underlying holding perpetrators to account

While the phrase ‘zero tolerance’ may not be ideal, a statement outlining principles and what it means to be accountable is a positive measure. As noted above, established evidence on the prevention of violence against women finds that:

‘...social norms are a key influence on the perpetration of violence against women. An important means of maintaining social norms against violence is to demonstrate that individuals who use violence will be held accountable (Heise, 2011; Salazar et al., 2003).’

However, the principles included in this statement appear to refer more to procedural considerations than norms and values. What is more, and as discussed above, the information in this statement is contradictory to advice that we received that the ANU is unable to inquire into sexual assault through the mechanism of the Discipline Rule. This is likely to create confusion, frustration and disappointment with the reporting system.

There are unique vulnerabilities for Higher Degree Research Students that impact reporting

Stakeholders interviewed highlighted the unique vulnerabilities that are raised for higher degree research (HDR) students – who are at the same time both students and faculty, particularly those who have tutoring commitments and yet do not really have the protections of either group. Some of the vulnerabilities that arise for HDR students are shared by early career researchers. The highly competitive nature of academic appointments and the heavy reliance on peer networks and reviews in the collegiate environment of academe, for example, create vulnerabilities for both HDR students and early career researchers. Concerns about potential power dynamics that arise in this context and their impact on both making HDR students and early career researchers vulnerable to sexual harassment and even sexual assault were raised by several stakeholders that we spoke with. It is very likely many of the incidences of sexual harassment or bullying faced by HDR students is underreported because of the unequal power relationships between students and supervisors. Stakeholders highlighted that HDR students often find themselves in a vulnerable position and the negative impact of reporting on their life and career trajectory.

We note that, in relation to HDR students, Universities Australia in consultation with the National Tertiary Education Union (NTEU), and the Council of Australian Postgraduate Associations have indicated their intention to ‘develop principles to guide interaction between supervisors and postgraduate students’. It is our view that this work would be welcome in helping to establish standard practices that may address some of the vulnerabilities that are created for HDR students.

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TOR 4. Support for survivors and whistle-blowers

‘The review should consider the existing support for survivors and whistle-blowers to ensure this is adequate and has appropriate enforcement mechanisms.’

ANU Current Practice

There are a number of formal and informal supports that are utilised by student survivors at the ANU. Those supports can be broken into several categories:

<table>
<thead>
<tr>
<th>Support services</th>
<th>Key ANU staff</th>
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<tbody>
<tr>
<td>• Counselling Centre</td>
<td>• Dean of Students</td>
</tr>
<tr>
<td>• Medical Centre</td>
<td>• Registrars (Student Life, Student Admin)</td>
</tr>
<tr>
<td>• Access and Inclusion</td>
<td>• Other staff, including heads of residencies</td>
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<table>
<thead>
<tr>
<th>Students</th>
<th>Student Associations</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Senior Residents</td>
<td>• ANUSA</td>
</tr>
<tr>
<td>b. Peer supports/other students</td>
<td>• PARS A</td>
</tr>
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</table>

Support in the post-assault period is particularly important. Research has found that the provision of better services to address campus sexual assault is associated with a smaller number of mental health issues for survivors. In this section, we summarise and analyse the capacity of many of these supports to meet the needs of current students who have been sexually assaulted or harassed.

The decision to include informal supports, such as other students and staff, goes beyond the scope of the Terms of Reference for this review, but we make mention of them due to the overwhelming evidence from stakeholders that such individuals within the ANU community frequently bear the greatest burden supporting survivors of sexual violence, whilst having been given the least support or training themselves. Figure 1 is a representation of the potential support ‘community’ for students who have experienced sexual violence and depicts the different pathways by which students can seek support.

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Figure 1. The ANU support community
Assessment of these supports’ capacity to adequately meet the needs of survivors of sexual assault or sexual harassment has been based on desktop research and input from a limited number of stakeholders (including support staff and student representative groups). As noted elsewhere in this report, this assessment is restricted by the absence of deliberate input from survivors themselves. It is recommended that this stakeholder group are included in developing next steps in the University’s response to this review.

Support Services

The ANU has several support services available to members of the student body who have been sexually assaulted or harassed. These constitute the ANU Counselling Centre, the ANU Medical Centre and Access and Inclusion.

We would like to acknowledge that all support services reviewed in this report conveyed a strong sense of interest in student welfare and in doing the most that they could for students so far as their work conditions allow. Limitations to services which are discussed below appear to be largely due to a lack of funds, not from willingness of support staff to do more.

ANU Counselling Service

Summary of Service

This is a free service for all ANU students operating on-site, Monday to Friday within business hours (closed over lunch hour). The service offers two types of appointment, a ‘standard’ appointment of 55 minutes and a ‘same day’ appointment of 25 minutes. Standard appointments have a wait time of one to several weeks and there are a limited number of same-day appointments released every morning at 9am. Students who are off-campus undertaking fieldwork or placements are invited to use telephone counselling.

The Counselling Centre offers a number of group programs and while none appear to be directly relevant to sexual assault or sexual harassment, they do offer skills that may be useful to those who have experienced trauma (mindfulness, stress and anxiety, ‘Get up and go’ program).

The service is staffed by male and female counsellors from a mixture of disciplines, largely social workers and psychologists. On the Counselling Centre website many staff identify as being equipped to respond to trauma, and two list skills specifically related to sexual assault. There are a fixed number of permanent staff, however the service utilises locum counsellors when demand is particularly high.

Capacity to respond to sexual assault or harassment

It is important to note at the outset that the Counselling Centre is not funded by the ANU to be a ‘crisis service’ and does not advertise itself as such. However, when students are in crisis it is one of the first places they may turn to for support. Based on information received through stakeholder interviews, it is our understanding that if a student contacts the Counselling Centre reception and discloses that they have been assaulted, that they will be given appointment priority (essentially bypassing the standard appointment and same-day appointment queue). However, while student leaders are alerted to this in their training, this information is not openly conveyed to the wider student body.

The approach that the Counselling Centre takes to disclosures of recent sexual assault (as opposed to historical cases, such as in disclosures of childhood sexual abuse) is to treat each as a ‘crisis’. The service staff ensure the student’s safety (physical, psychological and emotional) and instigate an acute period of follow up as well as the administration of psychological first aid. In keeping with recommended practices for dealing with sexual violence and harassment, the Counselling Centre aims to give power back to their clients by allowing them to express what it is that they want from contact with the centre and providing them with a range of options that they can choose to act upon (including counselling alone). Counsellors offer to call the Canberra Rape Crisis Centre (CRCC) during sessions whenever a disclosure of sexual violence takes place.

In addition to counselling and referrals, another important service that the centre can offer is the provision of documentation in support of applications for extension, special consideration, late
withdrawal, reduced study load, or to show cause. Students who have been assaulted frequently report difficulty meeting their academic commitments as a result of the incident. As such, documentation from professionals in support of a request for consideration in these areas can be vital to these students’ ability to participate in campus life. The Counselling Centre can also provide a support letter for applications to the Access and Inclusion service which assists survivors to become clients of this service (for more information see the section on Access and Inclusion, below). While the Counselling Centre’s website states that they will only supply such documentation to existing clients, we were advised that exceptions are made for traumatic circumstances such as sexual assault, violent incidents and bereavement.

In its current location and due to building works taking place at the university, the Counselling Centre is currently difficult or impossible to access for students with mobility issues. The service has explained that they make arrangements to meet any such students in the more easily accessed Health Service.

<table>
<thead>
<tr>
<th>CAPACITY</th>
<th>LIMITATIONS</th>
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</thead>
<tbody>
<tr>
<td>Availability</td>
<td>Limited number of sessions</td>
</tr>
<tr>
<td>• Free service</td>
<td>• Not a crisis service – no availability on weekends or after-hours.</td>
</tr>
<tr>
<td>• Monday to Friday, 7 hours a day</td>
<td>• Standard appointments booked up several weeks in advance</td>
</tr>
<tr>
<td>• 55 minute ‘standard’ appointments</td>
<td>• High demand for same day appointments</td>
</tr>
<tr>
<td>• 25 minute ‘same day’ appointments</td>
<td>• Risk of frustration and re-traumatisation as a result of short sessions</td>
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<tr>
<td></td>
<td>• Reputation for unavailability – barrier to contact</td>
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<tr>
<th>Staff</th>
<th></th>
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<tbody>
<tr>
<td>• Highly trained staff from a range of disciplines</td>
<td>Two of ten staff members are listed with skills specific to sexual assault</td>
</tr>
<tr>
<td>• Ten regular staff and regular use of additional locum counsellors</td>
<td>We have been advised that all staff members are trauma trained however this is not transparent on the website</td>
</tr>
<tr>
<td>• Many counsellors list trauma amongst their areas of expertise</td>
<td>One male counsellor listed (among permanent staff listed on website)</td>
</tr>
<tr>
<td>• Students have the ability to request specific counsellors and/or gendered counsellor</td>
<td></td>
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</tbody>
</table>

Types of support specific to sexual assault or harassment

- Via the therapeutic process counsellors can help students who are struggling with detrimental impacts of sexual assault or sexual harassment, such as poor concentration, anxiety or sleep disturbance that is impacting their studies.
- Provision of documentation to support applications for extension, special consideration, late withdrawal, reduced study load, or to show cause
- Referral to appropriate services within and without the university, including Dean of Students for complaints and Canberra Rape Crisis Centre for support.

Marginalised groups

- One counsellor lists experience working with Aboriginal and Torres Strait Islander peoples, refugees and those who identify as LGBTIQ*
- Offers the use of a translator where needed
- Physical access for students with mobility limitations is difficult or impossible in current location – note arrangements can be made to meet students in more accessible locations
- LGBTIQ* student stakeholders report the service does not convey inclusive practice
- International student stakeholders report the centre is not ethno-culturally sensitive
Health Service

Summary of Service

The ANU Health Service provides a free, bulk-billed service to all students. It is staffed by a range of male and female General Practitioners (GP) and female Registered Nurses. The service provides standard appointments for which there is a wait of several days (over 10 days in peak demand) and also same day appointments. According to the website it operates Monday to Thursday from 9am to 5pm and Fridays from 9am to 4pm with a lunchtime shutdown. It is understood that in 2019 a different organisation will service the ANU student body’s medical needs – the National Health Cooperative (NHC). This review has only taken account of the current medical service.

Capacity to respond to sexual assault or harassment

The Health Service is not a crisis or emergency service, however does offer a form of triage for students who arrive seeking a same-day appointment. The nurses see such individuals and after an initial assessment, may refer on to the GP or other appropriate service (if they are not able to meet the student’s needs themselves).

While it would appear that the decision is ultimately at the discretion of each GP at the service, it is not standard practice to offer any forensic testing following an assault. Our understanding is that this is due to the need of specialised training (and kits) and the risk of litigation. The service strongly advocates referring students to attend the Forensic and Medical Sexual Assault Care (FAMSAC) unit.

Staff at the service are able to help students with mental health plans and to refer to a visiting psychiatrist who attends the service for a half day every fortnight. The demand for the psychiatrist is very high and she is unable to see all those who are referred to her. In the current system, she performs her own triage and decides which cases are most urgent.

It is service policy that no student who presents showing any level of distress, or expressing a strong desire for a same day appointment, would be turned away from the service. Reception staff are under instruction not to perform any sort of clinical assessment and are to always have students see the nurse or another member of the medical staff if there is ever a level of doubt regarding a person’s immediate needs. One of the nurses identifies on the website as having expertise in sexual health.

Staffing issues at the centre have led to increased waiting times in recent months. We understand that insecure employment prospects for the current medical and administrative staff and a Canberra-wide shortage of general practitioners have made it very difficult to attract and keep medical staff. It is predicted that this deficit in staff may worsen in the lead up to the change to the NHC (in 2019). This shortage and increased wait times impacts the centre’s abilities to meet the needs of those seeking help post sexual assault.
Access and Inclusion

Summary of service

Access and Inclusion offers a very broad range of supports to a broad range of students. Their client base at the ANU is almost two thousand, amounting to approximately 10% of the University’s student population. Students who use this service include those with any diagnosed disabilities (or their carers), individuals with chronic medical conditions, mental health conditions, those who have experienced disadvantage, elite athletes, and many others whose needs might fall outside those of the ‘average’ ANU student. Their aim is to assist students to participate fully in their program of study and university life, as well as to raise awareness of disability issues in the university.

Capacity to support students subject to sexual assault

Access and Inclusion is not an obvious source of support to students who are survivors of sexual violence – it is not a function that is visible on their website or via their advertising around campus. Additionally, the unit is not included on the list of services that the ANU provides to victims of sexual assault. Nonetheless it is reported that students frequently approach the unit to make disclosures and seek support. In these instances, first contact is often made with another student who already has an understanding of the kind of support that Access and Inclusion are able to provide. Although the Access and Inclusion website states that initial consultations can take one to two weeks to access, they are perceived as having an ‘open door’ and students in distress are not turned away.

Unlike the Counselling and Health Centres, which any member of the student body can access, Access and Inclusion is guided by the Disability legislation (the Disability Standards in Education – which fits under the Disability Discrimination Act). This allows them to provide supports under the legislation but also means that students must meet certain criteria before they can access the unit. In most cases this means the involvement of another service, usually to provide documentation confirming eligibility. This documentation must consist of a diagnosis from a treating medical practitioner or recognised specialist
(including an ANU counsellor or from CRCC) and a time frame on the expected duration of the condition (or its impacts), if appropriate.

Students who have experienced sexual assault both historically (e.g. childhood abuse) and recently access the unit for support. Such students usually have a diagnosis or referral regarding trauma or PTSD which has made them eligible. Even when students approach the service without documentation they are still offered face-to-face guidance on the steps they need to take in order to become a client of the service. Students who disclose are referred to other appropriate services for additional support (for example ANU Counselling Centre or CRCC) and staff will advocate for same day appointments where appropriate.

Access and Inclusion are able to offer a range of practical supports – particularly regarding the students’ academic needs. This can include support for extensions for assessments, special exam arrangements (e.g. away from the main exam hall with extra reading/writing time), assistance with negotiations with academics, alternative assessment tasks and advocacy as required. They are also able to give support around the need for program leave, deferment of exams, changing exam times or locations (to avoid the perpetrator, for example), and so forth.

They are also able to assist students to advocate for changes in accommodation/residences within a short time frame (working with ANU Accommodation Services). This is especially important for those students who do not wish to disclose an assault to anyone within their residence. Disability Legislation allows the unit to provide suggestions of any reasonable adjustments to ensure the student is not disadvantaged due to their condition – as long as the medical documentation provided gives a diagnosis and the adjustments recommended are in line with that condition.

<table>
<thead>
<tr>
<th>CAPACITY</th>
<th>LIMITATIONS</th>
</tr>
</thead>
</table>
| **Availability** | • Free service  
• Monday to Friday, approx. 8 hours a day  
• Standard appointments (book ahead)  
• Capacity for same day appointments for urgent issues | • Not a crisis/emergency service – no availability on weekends or after-hours.  
• Standard appointments booked up one to two weeks in advance |
| **Staff** | • Staffed by a mixture of male and female administrative and support staff  
• Support staff are trained professionals in assessing medical documentation and understanding the impact of a diagnosed condition on study at university | • Staff do not necessarily feel equipped to respond to disclosures of sexual violence |
| **Types of support specific to sexual assault or harassment** | • Provision of documentation or advocacy for students regarding academic issues (e.g. extensions, special exam arrangements, alternative assessment tasks, program leave, deferment).  
• Advocacy and support regarding accommodation needs, including rapid transfers for students in residences  
• Referral and advocacy with other support services within the ANU | • Must be eligible (Disability legislation - diagnosis from a treating medical practitioner or recognised specialist) which may present a barrier for some students who do not want involvement of additional services, also may act as a barrier for students who do not consider themselves as having a disability. |
| **Marginalised groups** | • Largely set up for students with disabilities and other marginalised groups  
• Visibly linked in with the Ally network at the ANU  
• International students equally able to access service (funded through ANU rather than through the Australian government) |
Canberra Rape Crisis Centre

Canberra Rape Crisis Centre (CRCC) is a non-government organisation that provides support and advocacy to survivors of sexual assault, as well as working collaboratively with other organisations to eliminate sexual violence. CRCC has a longstanding relationship with the ANU, having been utilised by the university for the provision of expert advice, conducting staff and student training and information sessions, and offering supports to students for over a decade. During the period of time that this report has been undertaken CRCC has also begun operating on campus as a service that students can access directly and in person. Jointly funded by ANUSA and the University, as of August 2017, CRCC has a full time equivalent staff presence on campus, available 5 days per week. This is not a permanent arrangement but is understood to be in place for a set timeframe. At the time of writing students and ANU support services have been advised to contact the service directly (via phone) to make appointments. Because the arrangements are very new it is likely that operational aspects will evolve over the coming months in order to best meet the ANU community’s needs. To date ANU support services have expressed a desire to have a better understanding of how the CRCC will operate within the university and how they can best cooperate with this service to meet student needs.

CRCC is not an ANU organisation but rather an external organisation operating on the University’s campus with partial funding from the ANU. Given this, and that the arrangement is new and changing, further analysis of its capacity and limitations has been deemed unsuitable for this reason.

Dean of Students

According to the ANU website, the Dean of Students offers confidential, impartial advice, and can help to resolve problems by acting as a neutral intermediary between students and the academic or administrative areas of the University. Part of their role is to assist students to decide whether or not to proceed with a complaint or disciplinary action, or to take informal measures to resolve complaints. The office of the Dean of Students has only two staff, the Dean of Students and the Deputy Dean of Students.

Capacity to support students subject to sexual assault or harassment

When a student reports sexual violence or harassment and wishes to address it through the university in any capacity, they are frequently referred to the Dean of Students. Referrals come from the above mentioned support services as well as student groups, student leaders and other members of the ANU community. Students can also self-refer. Consultations with the Dean of Students are confidential and do not necessarily lead to undertaking a formal complaint. Indeed, no action is taken unless a student decides it should be taken. The Dean of Students’ first priority is to support the student and ensure any immediate safety issues are addressed. Additional and ongoing support includes advice regarding complaint processes, pastoral care, referring the student to specialist support agencies both internal and external (as appropriate), interceding with staff regarding academic concerns consequent of the disclosed incident, supporting or initiating special consideration arrangements, and liaising with residential staff if relevant.

The Dean of Students aims to act as a neutral intermediary between students and the University. They are able to assist in negotiating voluntary agreements such as access to university premises following a complaint. Their role includes offering advice both to students who allege sexual violence or harassment, as well as those who have been accused of the same. At the time of this review the Dean is female and the Deputy Dean is male.

Registrars

The student registrars are not ‘supports’ for students as such, rather they appear to perform functions related to certain administrative processes related to sexual harassment or misconduct. They have been included in this section to complete the picture of where some aspects of student supports both derive and ultimately conclude.

Registrar, Student Life
The Registrar, Student Life, has at least two key roles in relation to sexual assault and sexual misconduct. Under the Critical Incident Policy and Procedures they are the person to whom all critical incidents are ultimately reported. This includes where a disclosure of sexual assault is made. The Policy does not require that a student’s name is reported where a disclosure is made, except where the student agrees to that happening. In the case that the student’s name has been provided, the Staff protocol for responding to an allegation of assault states that the Registrar will ‘ensure the University follows up with the student regarding their support needs.’\textsuperscript{36} On the ANU website there is no transparency to students regarding the means by which this is undertaken and ensured or for what purpose the data will be used or how it may effect change. In the case where a student does not agree to their name being disclosed, staff are directed via the staff protocol to provide the Registrar with a report of the critical incident without identifying the student involved. The Student Critical Incident Procedure explains that the university reports data annually but there is a low level of student awareness of this.

A further role that the Registrar, Student Life has in relation to sexual assault and sexual misconduct is that she is responsible for overseeing the training of staff at ANU residential colleges, determining the standards around training, what training is needed, by whom, and within the budget allocated for training.

\textit{Registrar – Student Administration}

The Registrar, Student Administration, is the person to whom formal complaints about student misconduct, including matters of sexual harassment ultimately go. They do not have a student-facing role, as such, they are instead a prescribed authority under the Discipline Rule. As noted below, Heads of Halls are also prescribed authorities under the Discipline Rule.

\textbf{Residences}

There are over ten different residences at the ANU (Halls, Colleges and Lodges) for both undergraduate and graduate students. These residences do not all operate under the same governance, some are university owned and others are affiliated. They each have their own culture and norms and affiliates have their own policies and procedures. ANU owned residences follow ANU overall policies for dealing with grievances and disciplinary processes. The present review does not have the scope to speak with stakeholders from residences and interrogate the policies and procedures of each of these communities. Nonetheless, given the important role that residence-based pastoral staff (usually students employed to work part time as “Senior Residents”)\textsuperscript{37} play in supporting students who have been sexually assaulted or harassed, a brief overview of their roles and support functions is included below.

\textit{Senior Residents and other support staff}

Each residence functions differently and not all experiences are parallel across them, however they do have many aspects of ‘support’ in common. Typically ANU residences have a number of Senior Residents (Residential advisors, Officers and so forth) who are available for pastoral care. This care complements the pastoral support Deputy Heads and Heads provide. These residents are based onsite and are theoretically available 24 hours a day (sometimes on rotating rosters). This complements the 24/7 availability of full-time residential staff and the Registrar Division of Student Life and their delegates.

\textit{Capacity to support students subject to sexual assault or harassment}

As noted above, residential support staff (both full-time staff and part time student Senior Residents) are advertised as pastoral carers or support contacts within their residential communities. Students are encouraged to contact them for a range of issues, including emotional or psychological distress. They are naturally at times the first point of contact for students who have been sexually assaulted or harassed, particularly when the incident has occurred in their home residence. According to the Change the Course


\textsuperscript{37} At the outset, it should be noted that this review did not look at the residences. The review of the residential halls is part of another project that ANU is planning to undertake. Hence, our stakeholder consultations did not include a wide range of staff and students in halls and colleges.
most recent sexual assaults occurred at a university or residential social event, with women primarily reporting assaults occurring in their university residence. There are several important issues that stakeholders have raised particularly pertaining to sexual assaults in this setting:

- Disclosures are frequent, especially to women in these roles.
- Disclosures often take place out of hours, when ANU supports are not available to help either the survivor or the support person.
- These roles are often held by fellow students who may be sexual assault survivors themselves. These individuals are being put at risk of re-traumatisation because of the frequency and nature of disclosures.
- Many of those in these roles feel unsupported by the university. They don’t feel that they have avenues that they can approach for their own emotional needs (i.e. no formal debriefing mechanisms for students) and they don’t feel there is adequate help for those who are disclosing to them – thus they are not able to ‘hand over’ support and are instead remain as primary supports. It is unclear what formal and structured opportunities exist for debriefing, particularly, as noted above, outside of standard work hours.
- These students have their own academic workload that can be negatively impacted by the support roles that they are fulfilling but no obvious means by which they can seek any academic consideration.
- Over time with the number of disclosures that take place there is an increasing risk of vicarious trauma for these students.

Student Associations
PARSA and ANUSA

There are two student associations that are listed as supports for students who have been sexually assaulted: ANUSA (the ANU Students’ Association) and PARSA (Post-graduate and Research Students’ Association).

Capacity to support students subject to sexual assault or harassment

Both ANUSA and PARSA offer a range of services and supports to its members including a Student Assistance Unit and a Legal Service. ANUSA also has a Women’s Department.

- The Student Assistance units of ANUSA and PARSA each have two professional staff members who are able to provide free support, advice and assistance to ANU Students. They are open for approximately eight hours a day, Monday to Friday, and students are welcome to approach the units directly (no appointments necessary).
- The Legal Service offers free advice to members of ANUSA and PARSA, four days a week. The service is operated by one male and one female lawyer who are able to offer advice on a range of issues, including grievances and complaints. Students are encouraged to make an appointment for these services. Interviews with stakeholders indicated that these lawyers do not appear to become involved with students pursuing disciplinary action through the university. Additionally, it is possible that survivors of sexual assault perpetrated by a male would not be willing to approach a male lawyer.
- The ANUSA Women’s Department provides advocacy, support and referrals to those who identify as women and/or have experienced oppression as a result of being perceived by others as a woman. They have a Women’s Officer who operates as the primary contact for this organisation. The Women’s Department have submitted their own set of recommendations regarding the University’s response to sexual assault and harassment within the university setting.

While no specific mention of services to sexual assault or harassment survivors is mentioned on either the ANUSA or PARSA websites, we were advised that many students do make contact with these

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organisations to seek support (usually via the student assistance units) following sexual assaults or harassment.

Stakeholders within this community have indicated their frustration with the University’s opaque policies on sexual assault and harassment and on what they should do when disclosures occur. The ANU has not provided any training on its policies or procedures or mechanisms around student complaints or the Discipline Rule. Staff members and students who act in support roles are often disclosed to but have not received training on how to respond to disclosures.

Other student supports

We acknowledge that there are a wide range of other student support organisations in the ANU community: clubs, societies, departments and more. Beyond that there are also the individuals who are not associated with any formal or informal organisations but who also play a pastoral role to their peers. It is highly likely that members of these groups are actively supporting individuals who have experienced sexual assault or sexual harassment, and are struggling with many of the same issues raised above.

Findings

The ANU offers many support services to its students, including those who have been subject to sexual violence or harassment. The recommendations discussed below pertain to areas where ability to meet student needs, and the needs of those supporting students, is limited.

Findings include:

- The need to address the needs of marginalised groups.
- The need to co-ordinate the University’s approach to support and communication.
- Limited provision of training.
- Limited support for supporters.
- Capacity and approachability issues regarding support services available.
- There is a support deficit regarding complaints and disclosures.
- There are no mechanisms to enable or support ‘whistle blowers’.

Addressing these issues requires dedicated effort in developing:

- Integrated and inclusive support services
- Improved visibility of services and support
- Organisational culture reform regarding avenues for whistle-blowers
- Provision of training and support for supporters

The need to address the needs of marginalised groups

The review team found that there is inadequate consideration for the needs of marginalised groups when it comes to the supports that the ANU offers. Students with a disability, Culturally and Linguistically Diverse (CALD), international students, students of Aboriginal or Torres Strait Islander descent, and students who identify as LGBTIQ* can be among the most isolated students on campus and are particularly at risk of unwanted sexual interactions.39 LGBTIQ* students for example, have been found to have significantly higher rates of sexual assault victimisation compared to heterosexual students.40 Consultation with stakeholders raised additional issues regarding students who identify as LGBTIQ* and support around sexual assault and harassment at the university. According to both stakeholder interviews and the findings of the ANUSA Queer* Department’s report on homophobia and transphobia within the university, barriers to seeking support include the prevalence of a culture of homophobia and/or transphobia within some departments (ANUSA Queer* Department, n.d.) making staff in these

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departments unapproachable. The reputation at the Counselling and Health Centres was also perceived negatively by some for not being LGBTIQ* friendly. Discussions revealed that while changes had been made at the Counselling Centre – including the recruitment of a counsellor considered to be a specialist on LGBTIQ* issues – it takes just one negative experience for the reputation of the service to be impacted and to drastically reduce the likelihood of those services being approached. This is likely as true for other marginalised groups as it is for the ANU LGBTIQ* community.

Stakeholders representing international students also conveyed a reluctance to approach support services due to concerns around a lack of sensitivities and awareness of ethno-cultural issues. Issues for the international student community that were raised include uncertainty when it comes to identifying whether a sexual assault or sexual harassment has taken place – particularly for those individuals who are still determining what constitutes social norms within Australia. The Counselling Centre’s website includes a section for International students where it lists common concerns that they might have (in general) and offers the use of interpreters if required, however there may be additional steps that the service (and others) could take to appeal to a broader range of CALD students – particularly to convey their ability to support these students in the event of sexual assault or harassment.

While there were exceptions, the review found that support services in particular do not directly appeal to members of marginalised groups or transparently seek to address their needs. Even when changes have taken place to address concerns that have been raised, the negative reputation of a service regarding some of these communities remains due to a lack of communication about these changes (and because reputation and student trust take time to rebuild).

Additional consideration should also be given to overcoming barriers for men when it comes to help-seeking after an assault. The Change the Course report revealed that only a very small proportion of men sought support after a recent sexual assault, less than half of the proportion of female survivors (6% and 16% respectively). The CRCC website notes that ‘it can be very hard for a man to ask for help because of cultural expectations about manhood, fear of ridicule and shame.'

Fragmented approach to support

ANU support services have all reported positive interactions with each other and good cross service referral mechanisms. If one service contacts another with a student in crisis it is reported that they would be seen as a priority on that same day. An important observation is that these mostly harmonious relationships are not due to adherence to any policy or procedure, but because of the work of ANU staff in engaging with each other and building strong internal networks in order to best meet student needs.

Nonetheless a limitation to these relationships is that these services, which have significant overlap in their client base, largely operate in silos – independent of each other. For example, the review team were not made aware of any consistent and systematic means of referring a client to a service (an exception is that the ANU Counselling Centre has a proforma for clients who are being referred to the Medical Centre, however this does not appear to be shared with other services at the ANU) or of sharing information (when consent has been given).

One potential outcome of this arrangement is that each service may overestimate the capacity, willingness or intention of other services to support clients who have been experienced sexual assault or sexual harassment – creating an organisational ‘bystander’ effect. There is not only scope for students’ needs to fall between the cracks, but additionally there is overlap of workload with each service potentially repeating identical steps with the same student client (from record keeping through to referrals and recommendations). This is an unnecessary burden for the services and, more importantly, for the student client who may have to re-tell details of their trauma on multiple occasions (therefore risking re-traumatisation and service fatigue). Indeed, the way that the support services are currently set up essentially additionally burdens a survivor or their advocates, with the need to approach a number of

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different locations, sometimes multiple times, to try and coordinate the different aspects of support that may be needed. It is unsurprising that this would result in frustration and disappointment.

It is on this basis that student groups and some stakeholders have suggested a centralised “one stop” service for sexual violence. Qualitative research with survivors of sexual assault on university campuses has confirmed that this is high among the changes that survivors would like to see at universities and internationally this approach is becoming more common. The benefits of this approach for survivors are myriad, however there are benefits to the university as well. A “one stop” approach would lead to a reduction in overlap of work from existing separate services who are already under strain from meeting the needs of the broader university community, and it would increase the visibility of the issue of sexual violence and harassment on campus – and the university’s success or failure to impact rates and impacts – by offering a centralised point of record keeping.

Communication about support services is fragmented

Many discussions with student groups revealed that there are miscommunications, or a lack of communication, regarding what some support services can and cannot do for people who experience sexual assault or sexual harassment. These communication issues (such as the perception that ANU Counselling is ‘impossible’ to access and that it doesn’t have trauma-informed counsellors) present very real barriers to accessing supports at the ANU. There should be clear, consolidated information regarding the role that support services can play, including the practical options they can offer (assistance with accommodation, academic needs etc.). The somewhat hidden nature of such practical options for ANU students who have experienced sexual violence risks implying a reluctance to grant them. The AHRC report, and the End Rape on Campus submission to it, both highlight how significant such support can be for victims of sexual violence – and a failure to obtain it can and does lead to students abandoning their degrees.

Online information regarding support and options at the ANU would be more effective if they were centralised so that students did not have to glean information from multiple websites, flyers and persons. Several stakeholders raised the issue of how fragmented the support for survivors is (as discussed above). Research supports the idea of lessening the burden on those in distress by providing all the relevant information to them in the one place.

Extra care must be taken to reach marginalised groups at the ANU which do not necessarily utilise the usual communication pathways – for example, we were advised that international students are not likely to use the ANU website or read email communications, but instead rely heavily on peer networks, clubs and societies. Additionally, residential students likely have a greater awareness of ANU services and more options, however students living off campus do not have the same level of resources available to them (no pastoral carers, for example). Even more so for those who work part time or have family commitments and are only on campus to attend lectures and tutorials.

Limited provision of training

Many of the support personnel spoken to had not received training specific to the University’s policies and procedures on sexual assault or harassment or on any other aspect of responding to sexual assault or harassment. Within services barriers to training were perceived to stem from a lack of support in upper-management and the complexity of bureaucratic processes, particularly regarding travelling and related expenses.

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46 EROC Australia. (2017). ‘Connecting the Dots: Understanding Sexual Assault in University Communities’, submission to Australia Human Rights Commission, University Sexual Assault and Sexual Harassment Project.
Limited support for supporters

There was an overwhelming sense of distress and frustration from those in the ANU community (both staff and students) who hear disclosures of sexual assault on multiple occasions, but who are not receiving support to meet their own needs. These individuals are at risk of vicarious traumatisation or re-traumatisation (for those who have also experienced sexual violence themselves) and do not appear to have adequate supports within the university to address their needs.

The need for provision of support for students supporting other students

The work of student activists has been vital in elevating the issue of sexual assault and sexual harassment on campus. However, our findings regarding the level and extent to which students are expected to actively support survivors of sexual assault is concerning and inconsistent with best practice.

It is our understanding that students who are office bearers are provided some training as part of their role. However, this training is perceived to be inadequate for how much support the students actually provide. In addition, there is no routine monitoring of students in these roles to gauge their wellbeing and if they are in need of additional support.

Capacity and approachability issues regarding support services available

As has been mentioned elsewhere, it was both perceived and experienced that many ANU support services had difficulty meeting the needs of students in a timely manner due to under-resourcing. The Counselling Centre in particular is clearly a popular resource for students and is in demand, however this hampers its ability to respond to those in immediate stress or whose needs go beyond a 25 or 55 minute session. Additionally, student groups indicated that some individuals feel re-traumatised by the necessity of relating details of a sexual assault in a short time frame, only to have the session end and be told they need to contact other services or book back in for continued support. Owing to the lack of consultation with survivors it is not known if this is a common complaint, nor what other aspects of the service work or don’t work for this cohort. It should be noted that because of the importance it places on meeting the needs of as many students as possible, the centre utilises a cancellation list for when appointments become available at short notice and endeavours to bring on extra locum staff during busy periods.

While there are limitations to the availability of the Counselling Centre at certain times of year, there is perhaps an even greater perceived unavailability. The Centre has a reputation for being inaccessible among some sections of the student population. This perception acts as a barrier to students attempting to access the service.

A victim-centric approach requires that sexual assault survivors (and their support persons) be able to easily access services and to feel welcome at those services. It is well established that stigma and feelings of shame are among the most prevalent reasons that victims of sexual violence decline to report or seek help. Research supports the importance of factors such as ‘a culture of caring’ and the ease at which services can be accessed. We hypothesize that it is for this reason that the Access and Inclusion service is frequently approached by students, despite not being advertised by the university as a support for sexual assault. The ANU unit’s ‘open door’ reputation and the practical, same day support it is able to offer students appears to have earned the trust of many of those in the ANU community - it is seen as a ‘safe’ service to approach. This finding is supported by research that has suggested a shift needs to take place wherein university campuses cease placing the responsibility of service utilisation (or non-utilisation) solely on students and instead recognise the role of helpful and approachable service provision in attracting students who need support.
Support deficit regarding complaints and disclosures

As noted above, support at the ANU operates in silos and support personnel appear to have strict boundaries around their roles and responsibilities to students which they are reluctant to step outside of (a reluctance which may be sustained by perfectly sound legal or other reasoning, or may come back to the issue of capacity). An issue with this approach is that assisting students through the process of formal complaints or disciplinary proceedings is seen as outside of their scope and reliant on the independent Dean of Students and senior staff in Residences or Academic Colleges. This appears to create a gap for students who pursue formal action.

Mechanisms to enable or support ‘whistle blowers’

This review found that there are currently no formal mechanisms that enable whistle blowers and no supports specifically for them. As we engaged with various stakeholders throughout the course of the review we heard that establishing whistle blower mechanisms would be a welcome aspect to the existing toolkit that the ANU has in place for responding to sexual assault and sexual harassment. Whistle-blower mechanisms were seen as having particular relevance in college and other residential settings and in academic discipline areas not perceived to be supportive of gender equality and the equality of people of diverse genders and sexualities. The emerging research evidence on bystander training, surveyed in TOR 7 in this report, suggests that initiatives in this area are worthy of further inquiry.

An effective whistle-blower mechanism must be tailored to its audience; developed using an evidence base to inform how and who might use it (is it for students in residences? Staff and students on campus?), and who, therefore, has obligations in responding. Research across the public and private sectors in Australia and New Zealand has shown that any mechanisms must be accompanied by training, policy, transparency about follow-up procedures and evaluation.51

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TOR 5. Role of the Student Complaint Resolution Procedure

‘The review should identify matters the University should and should not progress through Student Complaint Resolution Procedures; identifying any deficiencies in how the University now handles matters and suggesting alternatives or initiatives to address those deficiencies.’

ANU current practice

The ANU typically produces two levels of complementary documentation to specify its processes. A policy document and a procedures document. The ‘Student Complaint Resolution Procedure’ document outlines two processes for resolving complaints through a mediated process – an informal process (set out in steps 9 and 10) and a formal process (set out in steps 12 to 18). Neither of these processes are disciplinary processes and formal resolution processes pursued through the Student Complaint Resolution Procedure are distinct from and separate to formal reports made under the Discipline Rule.

Reports that are handled through the Student Complaint Resolution Procedure cover a broad range of matters. They include:

‘Unfair treatment in a course, discrimination, sexual or other harassment, bullying, and other grievances that arise during the student’s time at the ANU.’

The ‘Policy: Student complaint resolution’ document does clarify that matters to do with discipline are outside of the scope of these procedures and are more appropriately dealt with under the Discipline Rule. However, it offers no guidance on when a matter might be an issue of ‘discipline’ and when it might be more appropriately pursued through the Student Complaint Resolution Procedure. It is our understanding that, where a student reports sexual assault or sexual harassment informally – to the Dean of Students office and not in writing to the Registrar, Student Administration – it is dealt with according to the processes set out in the Student Complaint Resolution Procedure.

The Dean of Students office provides information and advice on complaint processes available to students – both informal and formal disciplinary processes. The office also has a role in carrying out informal complaints resolution processes. As noted earlier in the report (see section TOR 2) where students request informal procedures they participate on a voluntary basis and voluntarily enter into agreements to resolve matters. For example, students might voluntarily agree to relocate tutorials or places of residence, if they are living in a residential hall, in order to avoid being in the same tutorial or college. Participation in these informal processes is not a concession of wrong doing on behalf of the student against whom a report has been made.

The formal process specified in the Student Complaint Resolution Procedure is triggered by a written complaint which is to be directed to:

13. The complaint or grievance is lodged with the responsible officer in writing.

14. The responsible officer is the person with responsibility for the area, staff member or student concerned, including:
   a. an issue with a course should normally be referred to the course or program convener;
   b. a problem involving a particular staff member or student should normally be referred to that person’s supervisor or the appropriate Head of School or Department;
   c. a problem regarding the Head of a residential hall or college should be referred to the Registrar, Student Life.

As noted above, however, the Student Complaint Resolution Procedure, whether formally or informally pursued, is focused on mediation and local-level resolution, and is not disciplinary in nature.

The ‘Procedure: Student Complaint Resolution’ document states:

‘Most complaints and grievances are resolved informally, through discussion between the involved parties’

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54 The Australian National University. 211b, Procedure: Student complaint resolution, Document number ANUP_000540, Effective date, 3 August 2011.
It is our understanding from stakeholder interviews that, in matters of sexual assault and sexual harassment, it remains the case that most reporting processes followed are informal and undertaken through the Student Complaint Resolution Procedure rather than the Discipline Rule.

Best practice

There are several considerations from best practice standards that are relevant to complaint resolution processes pursued under the Student Complaint Resolution Procedure. These are largely the same considerations that arise in reviewing complaint processes that involve disciplinary responses.

**On Safe Ground, Australian Human Rights Centre Good Practice Guide**

The *On Safe Ground* Report highlights that

‘Multiple processes for resolving complaints of sexual assault and harassment are perceived as placing a burden on students, who are asked to choose – often during a time of trauma – which path they wish to pursue. A unified process would be far superior, offering clarity for students and for the university as a whole’.55

The Good Practice Guide also recommends ‘stand-alone, clearly identified sexual assault and harassment policies and procedures, rather than their being embedded in misconduct policies’ (p. 54). Further, it states that policies should ‘expressly prohibit sexual assault and sexual harassment to reduce any ambiguity and convey a clear message about the serious nature and consequences of such conduct’ (p. 54).

The *On Safe Ground* Report highlights the importance of ensuring that all student-facing material is ‘sensitively framed and culturally and socially appropriate’ (p. 56) in order to ensure that it meets the needs of diverse students, ‘including Aboriginal and Torres Strait Islander students, CALD and international students, students with disability, and students who are LGBTIQ’ (p. 56).

**TEQSA**

The need to ensure that all cohorts of students are appropriately and equally served by existing support systems is also established as a clear standard in the TEQSA *Higher Educations Standards Framework (Threshold Standards) 2015* (Cwth):

2.3 Wellbeing and Safety

3. The nature and extent of support services that are available for students are informed by the needs of student cohorts, including mental health, disability and wellbeing needs.

Other relevant Standards from the *Higher Education Standards Framework (Threshold Standards) 2015* (Cwth) include:

2.4 Student Grievances and Complaints

1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties.

2. There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.

3. Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance.

4. Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.

5. If a formal complaint or appeal is upheld, any action required is initiated promptly.

**Sexual assault response services**

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Experts from support services spoken to as part of this review highlighted that it is imperative that resolution mechanisms that are pursued in matters of sexual assault clearly break with the dynamic that characterises sexual violence.

For this reason, and others, including the level of expertise required to understand the impact of the behaviour of serious offenders in mediation processes and their understanding that there is no longitudinal evidence to suggest that mediation or restorative processes are effective with serious offenders, mediation was not considered an appropriate process by sexual assault support service experts in cases of sexual assault.

Experts from sexual assault services that we spoke to did support the use of mediation, or restorative, processes in matters of lower-level behaviours, however, only on the proviso that the following conditions were met:

- That the survivor is not traumatised at the time of the mediation
- That mediation only occurs in relation to lower level unacceptable behaviour
- That external, independent, experts are involved in overseeing mediation or restorative processes
- That there are clear parameters in mediation processes and that these are well understood by survivors before they engage in a mediation process

Additionally, sexual assault support services note that the effects of trauma typically manifest over time. What a survivor might choose to do in the period immediately following an assault is not necessarily reflective of what their, her or his needs are likely to be several months later.

Another consideration from experts from sexual assault support services is that responses to disclosures and reports of sexual assault actively encourage reports to police. While it may be the case that survivors choose not to report to police, having clear opportunities to do so, including through warm referrals, even in instances when a survivor might choose to report to police or to the Canberra Rape Crisis Centre without proceeding with an investigation, was considered to be a fundamental part of good practice.

Findings

There are strengths in the Student Complaint Resolution Procedure. These include the fact that it is a potentially useful mechanism for reporting lower level unacceptable behaviour and that this may address some of the named reasons for under reporting of sexual harassment. The fact that there are informal and formal processes which are specified is also, potentially, a strength of the Procedures in that it provides choice for students reporting lower level unacceptable behaviour regarding which approach they prefer to take in relation to the reporting of sexual harassment. However, there are also limitations in the existing Procedures and these are discussed more fully below. These include:

- Lack of an overarching framework makes the applicability of the Procedure unclear
- Procedure does not highlight that it is the relevant mechanism for reporting lower level unacceptable behaviours
- Procedure is not trauma informed and does not involve relevant experts in its implementation
- Tendency towards informal resolution mechanisms may exacerbate harm to survivors of sexual assault in the longer term

In addressing these findings, the review recommends:

- Revision of the Student Complaint Resolution Policy and the Student Complaint Resolution Procedure
- Development of a policy framework on sexual assault and sexual harassment

Lack of an overarching framework makes the applicability of the Procedure unclear

The processes established in the Student Complaint Resolution Procedure are themselves clear. What is less clear, however, is how a student who has experienced sexual harassment or sexual assault may make the best use of them. A general finding of this review is that the lack of an overarching policy framework addressing sexual assault and a policy addressing sexual harassment makes the existing policies and
procedures unclear and difficult to navigate. This finding is consistent with the observations in the On Safe Ground Report. In line with the Report we therefore recommend a policy framework to address this gap, as discussed below.

Specifically, an overarching framework would help in clarifying whether matters of sexual assault and sexual harassment ought to be pursued through the Student Complaint Resolution Procedure, whether they should be pursued through informal or formal processes set out in the Procedure and what conditions need to be met in order for a matter to be treated by one process over another.

On a related note, existing policies and procedures do not clarify for students or other stakeholders what the likely outcomes of one process over another may be. The ANU website does include two web pages ‘ANU Reporting Procedures Q & A’ and ‘Scenarios’ that provide some advice about making reports to the University. However, the pages do not include advice about the different reporting mechanisms within the university – specifically the difference between making a report through the Discipline Rule and making a report through the Student Complaint Resolution Procedure.

Procedure does not highlight that it is the relevant mechanism for reporting lower level unacceptable behaviours

The AHRC Report, Changing the Course, found that one of the reasons that students stated that they did not report incidents of sexual harassment and sexual assault is that they ‘did not believe their experience was serious enough’58 While it is not possible to determine in a definitive way why students perceived the incidents that they experience were not serious enough to report, one possible interpretation is that, in some instances of sexual harassment, students may have deemed the behaviour too ‘low level’ to justify a formal report. If that is the case, the informal processes set out under the Student Complaint Resolution Procedure appear to be ideally suited to addressing lower level unacceptable behaviour.

Addressing lower level unacceptable behaviour is important to ensuring a culture that promotes norms of gender equality and respectful behaviour. In turn, research finds that gender equality is fundamental to preventing violence against women.59 As it stands, however, the Student Complaint Resolution Procedure does not make clear that this is one of its functions.

Procedure is not trauma informed and does not involve relevant experts in its implementation

The processes set out in the Student Complaint Resolution Procedure do not take into account the issue of trauma and how trauma impacts individuals making decisions as well as their long-term wellbeing. Because the Student Complaint Resolution Procedure is designed to address a broad swathe of complaints it does not appear to acknowledge that some students who have complaints may be traumatised by their experiences. This is a significant limitation and is inconsistent with both the On Safe Ground Good Practice Guide recommendations and advice of experts in sexual assault support services that sexual assault and sexual harassment should be covered by specific, not general, policies and procedures.

Additionally, because trauma experts are not involved in either designing or implementing the processes established through the Student Complaint Resolution Procedure, it is possible that the long-term wellbeing of survivors is not informing processes that are pursued. As noted above, experts suggest that it is the nature of trauma that it manifests itself over time. While it is vital that the choices of survivors are central to determining which complaint process is pursued, it is also vital that trauma-informed

Experts are involved in the oversight of procedures and in their implementation so that processes are designed and implemented with a view to the long-term wellbeing of survivors.

Tendency towards informal resolution mechanisms may exacerbate harm to survivors in the longer term

Furthermore, and as noted above, experts from sexual assault support services highlight that it is important that resolution mechanisms break the dynamic which is at the basis of sexual violence. The dynamic of sexual violence is described by experts as being about power and secrecy; of keeping things hidden from view. Open, accountable and transparent processes, the inverse to the negative and harmful dynamic of sexual violence, it was explained, are most effective in minimising the risk of re-traumatising survivors. For these reasons, informal resolution mechanisms are not considered appropriate in matters of sexual assault, particularly if the survivor is traumatised at the time of the process.
TOR 6. Staff Training

‘The review should outline what staff training is required to enable skilled implementation of the University’s policies, procedures and rules in this area and explore the options for making this training mandatory, preferably within the existing staff ‘Pulse’ module suite. This training should encompass the various types of students at ANU, acknowledging the different needs of these cohorts, including HDR candidates.’

ANU Current Practice

Existing efforts to address training are in a state of flux and are actively being added to, reviewed and updated.

For the purpose of addressing the TOR we have taken a broad definition of the three core elements of the University’s policies, procedures and rules:

- Prevention
- Crisis, safety and support
- Formal complaints and the Discipline Rule

In addition, stakeholder consultations were informed through exploration of four key questions:

- What staff training is required to enable skilled implementation of the University’s Policies, Procedure and Rules?
- Is it possible for such training to be undertaken by staff using the existing ANU training platform, Pulse?
- What are the options for making training mandatory?
- What are the needs of the different student cohorts?

Existing Training Initiatives for Staff and Students to Respond to Sexual Violence and Harassment

Training is a fundamental element of both preventing and responding to sexual assault and sexual harassment. Currently there are already several forms of training available to staff and students that relate, directly and indirectly, to sexual assault and sexual harassment as per the University’s policies, procedures and rules. A summary of this training can be found in Table 1. Please note that this is not a comprehensive summary of all the training available to staff and students at the ANU. Such an undertaking has not been possible given the disparate administration of training across the university (discussed further below) and the fact that there are many changes taking place in this space. While the TOR is specific to staff and not students, student training has also been included. This is because stakeholders have suggested that certain elements of training available to students be broadened to include staff, and additionally that some members of the ANU community have identities that bridge both staff and students (for example, PhD students who also tutor or work as research assistants).

Table 1. Summary of training

<table>
<thead>
<tr>
<th>Training</th>
<th>Platform</th>
<th>Target audience</th>
<th>Responsible Area</th>
</tr>
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<tbody>
<tr>
<td>Consent Matters – PILOT PHASE</td>
<td>Online via Wattle</td>
<td><strong>Students:</strong> over 3500 have completed the module as of August 2017.</td>
<td>Access, Inclusion and Wellbeing, Division of Student Life</td>
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<tr>
<td></td>
<td></td>
<td><strong>Optional</strong></td>
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<td></td>
<td></td>
<td>• First year induction program for all residences (2017)</td>
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<td>• First year Undergraduates (2017).</td>
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<td></td>
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<td><strong>Mandatory</strong></td>
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<td>• Residential student leaders</td>
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<td></td>
<td></td>
<td>• UniGames participants</td>
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<td></td>
<td>• Griffin Hall (non-residential hall) members</td>
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<td></td>
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<td>• It will be compulsory for all first-year Undergraduate students in 2018.</td>
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<tr>
<td>Consent Workshop</td>
<td>Face to face</td>
<td>In early development – consultation with student groups currently in progress.</td>
<td>Access, Inclusion and Wellbeing, Division of Student Life</td>
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</table>
| Bystander (MATE) Training        | Face to face | **Student leaders**  
  • The main workshop will be compulsory for student leaders and student groups.  
  • Workshops will be available in the residences and will be part of the induction consent session.  
  • The main training will not be rolled out until 2018 | Access, Inclusion and Wellbeing, Division of Student Life |
| Unconscious Bias Training        | Face to Face | **ANU Staff** (optional) | Equity and Diversity |
| Inclusive Leadership training    | Face to Face | **ANU Staff** - Academic and professional leaders and senior human resources staff (optional) | Access, Inclusion and Wellbeing, Division of Student Life |
| ANU Student Leadership Day (TED Style) *(includes bystander component)* | Face to face | **Student leaders**  
  • Residential leaders (mandatory)  
  • ANU clubs and societies leaders (optional) | Access, Inclusion and Wellbeing, Division of Student Life |
| Disclosure Training Module* – PILOT PHASE | Online via Pulse | **Staff and Student leaders**: over 750 have completed and have been asked for feedback, which is being integrated into the final version.  
  • All residential senior residents, community coordinators  
  • All residential and DSL staff  
  • HDR convenors and Associate Deans – Education  
  • ANU LGBTIQ* Allies  
  • ANUSA nominated representatives  
  Once feedback and amendments are completed the training will be rolled out to all staff (optional) and to student leaders. This will include relevant ANU contractors, such as Security Officers. | Access, Inclusion and Wellbeing, Division of Student Life |
| Disclosure training: “Responding to Disclosures of Sexual Assault – Students in Wellbeing Support Roles”* | Online and face to face | **Students** - residential wellbeing/pastoral roles (e.g. Senior Residents, Residential Advisors, Community Coordinators) in all residences. Training is mandatory. | Access, Inclusion and Wellbeing, Division of Student Life |
| Effective Helping Skills         | Face to face | **Student leaders**  
  • All Senior Residents and Community Coordinators (Mandatory) | Counselling Centre, Access, Inclusion and Wellbeing, Division of Student Life |
| ANU Policy Framework & Student Critical Incidents | Face to face | **Residential staff** - All Community Coordinators, Heads and Deputies. Training is mandatory for Community Coordinators and expected for all other staff. | Access, Inclusion and Wellbeing, Division of Student Life |
| Student discipline rule training | Face to face | Primarily staff, some student leaders or student groups – ad hoc | University Legal Office, Office of the Vice Chancellor |

* Note this training may also include a component on grievances, formal complaints or use of the Discipline Rule within the university
Prevention of sexual assault and harassment

There are four categories of training that have become increasingly prevalent in terms of organisational primary responses to sexual assault and harassment (or their underlying causes - sexism and gender inequality): consent training, bystander training, unconscious bias training and leadership training. The ANU is currently implementing versions of all of these. At the time of writing the consent and bystander training do not appear to be aimed at staff so much as students, however both training packages are relatively new and experiencing ongoing development – including discussions regarding the feasibility and appropriateness of rolling out to some staff.

Consent training

Consent training typically aims to educate its audience on issues such as sexual ethics, respectful relationships, and consent misconceptions. The consent education package that the ANU has chosen is called Consent Matters: Boundaries, Respect and Positive Intervention and has been developed specifically regarding consent in a university context. The training was established in the UK, but has had input from Australian educators and reviewers. The module takes approximately one hour to complete via the university’s Wattle platform and is aimed primarily (though not exclusively) at first year undergraduate students.

Bystander training

Bystander training goes beyond education and is a more active form of training aimed at shifting culture and attitudes towards gender inequality. It is founded on the knowledge that violence against women (sexual and otherwise) stems from a culture of gender inequality and silence. Bystander training for residential student leaders was made mandatory through Consent Matters, which includes a module on bystander training.

On the whole bystander programs do appear to have measurable impacts on the attitudes and behaviours of those who participate in them within a university setting, however it is not clear how much of an impact they have at a systemic level. For this reason, while bystander training is still considered best practice it is essential that the impacts of such training are scrutinised through a thorough evaluation program. We understand that evaluation efforts are underway and will be ongoing.

Unconscious bias training

Unconscious biases are beliefs held about groups (e.g. on the basis of race, gender, religion, age) that exist below the surface (as opposed to explicitly). They typically manifest in stereotypes and prejudicial behaviours that are not consciously pursued, and may even be in conflict with a person’s explicit values. Unconscious bias training aims to help individuals recognise the biases that they hold and strategies to help reduce and eliminate those biases and is frequently used as a means of addressing gender inequality in organisations. This approach is increasing in popularity and has been rolled out in diverse sectors including the military, tech (both Google and Facebook) and higher education (such as the University of California, San Francisco). These organisations use unconscious bias training as a means of addressing sexism and related diversity issues.

While not overtly related to sexual assault and harassment of students, this approach is aimed at shifting culture and attitudes that contribute to sexism and gender inequality – particularly from the top down. It is understood that the University’s Culture and Performance Development Team provides (via an external provider) half day Unconscious Bias training to staff focusing on the workplace.

Leadership training

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In recognition of the role that leaders play in shaping culture, for better and for worse, many organisations pursue attitudinal change starting at the ‘top’. These platforms for change often consist of tools or workshops to improve leadership skills in such a way that the effects will either passively filter down and result in improved attitudes and a better workplace culture, or to help leaders to actively play a role in positive culture change. Leadership courses are generally based on the principle that leadership skills are learned, not inherent. One example is ‘The Leadership Shadow’, a leadership transformation platform that is recommended by the Australian Human Rights Commission specifically in the realm of gender imbalances. It’s a self-lead strategy intended to assist users to analyse and improve their leadership skills according to four principles: What we say; how we act; what we prioritise; and how we measure. In Australia, this approach has been used by members of the Australian Federal Police (AFP), the Department of Prime Minister and Cabinet, Qantas, and Deloitte (among others).

The ANU has made ‘Inclusive Leadership’ training available to academic and professional leaders, as well as senior human resources staff. Additionally, ANU is currently rolling out the SAGE Program – a gender equality accreditation program for staff. While not training, SAGE does aim to improve gender equity and diversity in the Science, Technology, Engineering, Mathematics and Medicine via a range of activities.

Students in leadership roles at the university are also offered training that has some applicability to sexual assault and sexual harassment. Every year all ANU residential student leaders participate in ANU Leadership Day lecture/TED style training. The content is understood to be values focussed, with a personal development emphasis. One component is being an Active Bystander, with a particular focus on how this can shape culture to prevent future incidents as well as addressing incidents in the present. This training, which has been running for four years, was initiated by the Pro-Vice Chancellor (University Experience) in response to an identified need for a training program which sets out to establish ANU values and culture as it relates to student leaders.

As with unconscious bias training, while not necessarily overtly related to the sexual assault and harassment issues experienced by students, such top down approaches demonstrate a recognition that the organisational culture within institutions such as ANU is also a part of the broader societal problem of gender inequality that underlies acts of violence and harassment against women.

Crisis, safety and support response to sexual assault or harassment

The ANU offers staff and students at least three types of training in this arena: both online and face to face disclosure training, Effective Helping for improving responses to student needs, and training on the University’s Policy Framework and Student Critical Incidents.

Disclosure training

The University’s Access, Inclusion and Wellbeing office is currently overseeing two different models of disclosure training: disclosure training given to students in pastoral roles within the residences and the more broadly targeted Disclosure training module.

Responding to Disclosures of Sexual Assault – Students in Wellbeing Support Roles

This training has formed a part of the combined Senior Resident’s training for more than a decade and is mandatory for those in pastoral or wellbeing roles. It takes place at the beginning of each semester and is delivered using mixed mediums (online content, combined workshop/panel discussion, and in-house follow-up discussion in the residences). In 2017 a cut down version was offered to students elected to the resident’s committees (offered at the beginning of the year and involving only the face to face component) and is currently under review. Content is based on the Staff Protocol for Responding to a Disclosure of Sexual Assault. There is some additional, tailored content for specific residential issues. We have been advised that the aim is to ensure that the residential processes mirror the ANU processes as closely as possible, and these align with accepted best practice in the wider community. The combined training includes representatives from ANU Counselling, CRCC, ANU Legal and a Head of Hall and there is a mid-year in-house refresher.

This training is reviewed each year following feedback that is systematically collected, and takes into account any changes made to university processes. It is understood that the new Disclosure module will be incorporated next year (rather than replacing it).

**Disclosure module**

The roll out of this online module is currently in pilot phase. Once finalised, it is planned to be made available to all student leaders and staff members. Like Consent Matters, the Disclosure module, *Responding to Disclosures of Sexual Violence*[^63], was developed in the UK specifically targeting sexual violence in universities. It covers key issues surrounding sexual violence in higher education (and beyond), consent and legal definitions of sexual offences, and the emotional and behavioural impact that sexual violence has on victims (including barriers to reporting). It aims to teach participants empathetic response techniques and best practices for responding to a disclosure, including how to apply these in the ANU context and in line with ANU policy and procedures. There is also a self-care element to the module. The online training will not be standalone – for certain cohorts it will also be accompanied by face to face training (e.g. residential pastoral carers, as noted above).

The Disclosure training, like the Consent and Bystander training, is currently in pilot stage. The online module is still in development and its potential audience is also still yet to be finalised. Discussions are underway regarding the inclusion of PARSAs and ANUSA leaders and certain staff members (e.g. student services staff) and it may be that there are changes to both content and audience that take place before this report is released.

**Effective Helping**

Effective Helping is a training session run by the ANU Counselling Centre. It is understood to be regularly run, face to face component of the Leadership training program that all Senior Residents and Community Coordinators are expected to undertake. The course covers skills such as listening, problem solving, referral and self-care as well as responding to distressed students and difficult situations (including sexual assaults).

**ANU Policy Framework and Student Critical Incidents training**

This training is for all community coordinators, heads and deputies of residential halls and takes place at the beginning of the year. It is based on a comprehensive review of the relevant policies and practical experience and in particular, the transfer of corporate knowledge regarding those policies and procedures. It consists of a one hour workshop covering ANU policies, procedures and protocols relevant to student critical incidents (including sexual assault and sexual harassment). The Staff Protocol for Responding to a Disclosure of Sexual Assault is one area of focus, and the emphasis is on the practical application of the policies and protocols. It is our understanding that future iterations of this training will include undertaking the Disclosure module.

**Formal complaints and the Discipline rule in response to sexual assault or harassment**

We were only able to locate one form of training specifically pertaining to the University’s response to sexual assault and sexual harassment at the more ‘formal’ end of the scale. This pertains to its legal response and responsibilities. This education comes through the University Legal Office’s ‘Student Discipline Rule Training’. There is no regular schedule or format for this training, rather it is delivered on an ad hoc basis and in a bespoke form depending on when it is requested and who the audience is. We are given to understand that there has not been regular demand for training in this arena but that when a request for training or information sessions on this topic arises the Legal Office is responsive – including when this request comes from student groups. It is understood that the nature of this training is frequently to do with explaining the University’s obligation to procedural fairness.

Disclosure training and the ANU Policy Framework and Student Critical Incidents training, mentioned above, also include elements relevant to formal complaints and the Discipline Rule, however they do not appear to go into much detail (but rather direct to appropriate areas of the university).

Findings

There is no one-size-fits-all approach to delivering training on preventing and responding to sexual assault sexual harassment. Rather a systematic approach is required that first identifies the needs of different cohorts within the ANU community and tailors training to best meet those needs. This systematic approach needs to be cognisant of long-term goals and be subject to thorough and transparent evaluation.

Key findings include:

- Current fragmented approach to training across the university.
- Stakeholder concerns regarding the training audience.
- Training that needs to be diverse and take into consideration the different needs and interests of student cohorts.
- Delivery mode of training needs to be considered.
- Communication of training availability and implementation needs to be considered.

To address these issues the review recommends:

- Development of a training framework nested in a broader university strategy on sexual assault and sexual harassment.
- Improved communication regarding training.
- Revision of current training to ensure that it is culturally sensitive.
- Broader implementation and availability of training.

Fragmented approach to training across the university

There are many positive training initiatives underway at the ANU. These initiatives appear driven by genuine desire to see the university’s response to sexual assault and sexual harassment improve. It is positive that not only are new prevention and intervention based approaches to training being piloted, but that (at least in some cases) student groups are being consulted during the implementation phase and that training is being subject to ongoing evaluation.

Stakeholder interviews conducted revealed frustration and opaqueness with regard to the who, what and how of training available across the organisation.

A perceived and experienced lack of cooperation between different parts of the University who provide training, and lack of a systematic approach to training was raised as a problem repeatedly by stakeholders. As with many aspects of the University’s administration as a federated university model, there is a lack of centralisation that works against cooperation. Training operates in silos with different parts of the University independently undertaking their own training schedules.

Stakeholder concerns regarding the training audience

Some stakeholders felt that both consent and disclosure training should be mandatory for all students at all levels and that the Consent training (or an equivalent) should also be aimed at ANU staff who supervise students (also stated in the PARSA/ANU Recommendations and the HDR Student Recommendations). This was in contrast with the views of other stakeholders. Specifically, issues raised included:

- Regarding the Consent module, some stakeholders did not think it would be good use of staff time as it is aimed at a young adult audience.
- Regarding the Disclosure module, the concern was raised that the training of all students in responding to disclosures might lead to some individuals lending themselves to roles and trying to be a support to others where they are not necessarily the best person to be doing so. Further to this, it
was also hypothesized that an increase in student to student disclosures, rather than to support organizations such as CRCC or the Counselling Centre, could contribute to the under-reporting of incidents.

- There was a perception of ‘training fatigue’ or ‘training burnout’ that may mean there is limited uptake of any new materials.
- That not everyone is in a position to be ‘disclosed to’, due to the risk of vicarious trauma, or being re-traumatised because (unbeknownst to the discloser) they are also survivors of sexual assault. The training of individuals who are willing and appropriate first-responders (identifiable via some agreed method) would hopefully reduce this burden for those already experiencing their own trauma.

There is currently a mix of compulsory and opt-in training for staff and students. The question of whether training relevant to sexual assault and harassment should be made mandatory (and how to enact this) must consider the issues raised above.

Training that needs to be diverse and take into consideration the different needs and interests of student cohorts

It has been raised numerous times that training offered by the ANU must address the needs of different student cohorts. This includes consideration of factors such as age, gender, sexual orientation and identity, as well as groups such as CALD, international students, domestic students, undergraduate, post graduate students, off-campus and on-campus students and more. The On Safe Ground report recommends ongoing engagement with student groups representing all aspects of the student population in order to avoid falling into the trap of an institutional ‘one size fits all’ approach. It is not always clear how much (if any) consultation or consideration has been taken, nor how ‘genuine’ this call for input is: some stakeholders have felt that they were part of a tick-box process and not given genuine time or leeway for input. The lack of visibility regarding processes behind the development of training is a further issue that, if properly addressed, might assist in addressing the concerns of student stakeholders.

Concerns have been raised about the needs of higher degree research (HDR) students. HDR students are among the most vulnerable cohort because of the power dynamic between students and their supervisors. Bullying rates are amongst the highest in this student cohort, with HDR students faced with additional complications of reporting (due to the necessarily close working relationship a student may have with their supervisor) and its impact on their career path. Stakeholders also revealed that vulnerability is often exacerbated for international students from CALD backgrounds who are still learning about Australian social norms and culture around consent and acceptable behaviour. Despite this, current training programs at the ANU on consent, disclosure and bystander behaviours are only targeted at undergraduate students. As noted above, a one-size-fits-all model is not an effective method to meet the different needs of a diverse university population.

It has also been noted more broadly across the stakeholder consultations that the current Consent module does not take into consideration diverse student members of the ANU community and still needs tailoring (or multiple versions) to address those needs. This point is raised in the Australian Queer Student Network recommendations, but is also applicable to other audiences. International students, for example, have expressed concerns about the need to be culturally sensitive to how ‘consent’ is conceptualised for students from different ethno-cultural backgrounds. The ANUSA Women’s Department’s recommendations have also raised the need for consultation with marginalised student groups regarding both the implementation of training and ongoing feedback.

Delivery of training: online versus face to face training

Given that the University’s policies and procedures for sexual assault and harassment may be revised in the coming months, it is not entirely logical to speculate on what training platform is best. There does not appear to be any impediment to using the Pulse platform for compatible training modules as long as certain governance related steps are taken. Currently, there is only one training program, the (pilot) Disclosure module, offered to selected staff through the Pulse platform. However, Pulse is not capable of

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being rolled out to students (this would be beyond its capacity due to sheer numbers of users). Given that it could be appropriate for students to also receive training on applicable policies and procedures, training might need to be duplicated for use on the Wattle system. Stakeholder consultations revealed a number of concerns regarding the method and delivery of training. For instance, whether or not training should be undertaken in an online format. There are numerous pros and cons when it comes to the online versus face to face dilemma.

The Australian Queer Student Network and the ANUSA Women Department’s recommendations both propose that the Full Stop Foundation program (developed in conjunction with The Hunting Ground Australia Project) should be the first choice. The Full Stop program for students, *Understanding sexual consent & preventing sexual violence in universities*, is a face to face approach aimed at student leaders (who then have the responsibility to disseminate learnings and influence culture). There were several interviews in which the tension between online versus face to face training approaches was raised.

While face to face training might be considered ‘best practice’, there are barriers around cost and time commitment that can be insurmountable – especially when considering a desire to reach a large and diverse population. Many of the pros of face to face training, such as its more tailored approach, require smaller groups (not suitable for a lecture style delivery) to enable discussions and comfortable conditions for answering questions. The *On Safe Ground* report acknowledges the difficulty of finding a balance between the need to offer the best possible training (likely to be face to face) against the need to offer cost effective training to a large number of individuals in a timely manner. Nonetheless there are some concerns about online modules that are important to consider:

- Online training does not necessarily make provision for the possibility of survivors being triggered by the content
- Online training does not allow for difficult questions, which invariably come up, to be addressed
- Because of the mode of delivery, there is no way of telling if people are really engaged by the material (or undertaking it themselves – even when there are ‘quizzes’ the correct responses can easily be circulated among students).

There is no clear guidance on this from either the *National Standards for the Primary Prevention of Sexual Assault through Education* nor the *On Safe Ground* report. Instead both highlight the importance of considering the target audience (rather than a one fits all model) and offering training that is in accordance with a theory of change.

Regarding the Disclosure module, we have been advised that a blended learning approach will soon be implemented for some cohorts, involving both a face to face component as well as the online module (and some use of the module, such as new resident inductions, already involves a face to face component). The blended model that is in development will take into consideration LGBTIQ* inclusion as well as awareness of intercultural factors. It is understood that consultation with student groups has been initiated to inform this training and are ongoing.

Communication of training availability and implementation

Criticisms were raised in stakeholder interviews regarding communication about training. Numerous stakeholders felt that there was not enough transparency regarding what training is available (or what is in the pipeline), how to access training, what consultation process has taken place with student groups, and what the evaluation processes and outcomes are. Communication difficulties have demonstrably lead to misconceptions about training that are a cause of anxiety in some stakeholder groups (for

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example, concerns were raised regarding the Consent Matters training that there was no intention to roll it out more widely or no consideration regarding making it mandatory).

TOR 7. Learnings from other universities in Australia and overseas

‘What can be learnt from other universities in Australia and overseas in terms of best practice around issues such as anonymous reporting, consent and bystander intervention training?’

Setting the context

Institutional responses and deficiencies in the reporting mechanisms as well as limitations of existing preventive initiatives at Australian universities have been well documented. AHRC report (2017), Changing the Course revealed that a significant majority of the students felt betrayed by the universities in failing to address and respond to complaints of sexual assault on campuses. 95% of respondents from ANU stated not making a formal report or complaint about most recent incident of sexual harassment at the university, of which 9% of the respondents highlighted they did not think the incident would be kept confidential. Similarly, in the NUS surveys (2015) of those who reported an incident to the university or police, a significant majority of respondents (72%) were not satisfied with the outcome.

Similar sentiments were expressed in the stakeholder consultations at the ANU, revealing survivors complete lack of trust and confidence in the reporting mechanisms and failure on the part of the university in meeting their moral and ethical responsibility to make the campus safe. Stakeholders further indicated that the dispersed nature of responsibilities for responding to reports of sexual assault discourage students to come forward and make confidential disclosures. There is currently no centralised office (or an autonomous investigative body) that offer students ‘a safe and comfortable space’ to come forward.

In terms of intervention and preventive programs at the ANU, stakeholder consultations revealed that the university lacks institution-wide community standards on positive social norms that effectively contribute to the prevention of sexual assault. Lack of knowledge and awareness on consent reflecting the diverse needs and socio-cultural backgrounds of student population often contributes to ‘a culture of silence’. Existing prevention education programs at the ANU also lack a university-wide institutional framework that challenges pervasive attitudes towards gender violence across the campus.

This section of the report draws on comparative literature on university best practices in the management and prevention of sexual assault and sexual harassment in Australia and elsewhere. In particular, university best practices on policy frameworks and procedures regarding anonymous reporting, consent and bystander intervention training will be highlighted below as areas where ANU needs more work and resources. Given the short time frame for this project, the literature review is not exhaustive but draws heavily on secondary research on other universities in Australia, US, UK, Canada and elsewhere and what these international examples might offer for application and/or adaptation to the ANU context.

Overview of university policy and legislative frameworks on sexual assault and harassment: a comparative perspective

The following paragraphs provide a broad overview of the policy and legislative frameworks that inform response and management of sexual assault and sexual harassment within university contexts in other


70 Ibid.

countries and Australia. The literature review reveals that universities with stand-alone policies and procedures to respond and address the concerns of sexual assault and sexual harassment on campuses underlie some of the best university-wide practices. In particular, universities in the US, Canada and India are guided by the national or state/district level legislative frameworks around addressing campus sexual assault and harassment. In these countries, key legislative frameworks on gender violence and sexual assault inform universities’ obligations to respond and address sexual assault and harassment on campuses through university-wide prevention and education programs.

In the United States of America (US), universities are now confronted with stricter rules, policies and guidelines through the enforcement of Title IX of the Education Amendments Act (1972), including the Jeane Clery Disclosure of Campus Security and Campus Crime Statistics Act or Clery Act (1990) and the Campus Sexual Violence Elimination Act (2013). In addition, White House Task Force established in 2014 to develop a coordinated approach ensuring universities and colleges meet their obligations under Title IX through improved responses to reporting and provision of resources for help to victims when sexual assaults occur on campuses. The National White House Task Force’s first report (2014), Not Alone outlines various recommendations that now include developing a model campus policy on reporting and confidentiality. In addition, Checklist for Campus Sexual Misconduct Policies (2014) outlines the significance of having a standalone sexual assault and harassment policy with clear-cut procedures and processes for handling sexual assault cases on campus.

Similarly, in the Canadian context, universities and colleges in both provinces of Ontario and British Columbia are required to comply with Sexual Violence and Harassment Action Plan Act (2016) and Sexual Violence and Misconduct Act (2016) respectively. For example, Durbach and Keith cite Concordia University adopted a standalone policy on sexual violence in 2016 in alignment with Ontario’s Sexual Violence and Harassment Action Plan Act (2016). Also at the University of Toronto, Ontario legislation on Sexual Violence and Harassment Action Plan Act (2016) informed the establishment of an Expert Panel, recommending a standalone policy for handling and addressing sexual violence on campuses.

In India as well, the legislative framework of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 now requires universities (as employers) to set up an Internal Complaints Committees with an appointment of a female in a senior position with legal expertise or

76 Other key documents in the US context that may be useful for benchmarking purposes include Considerations for School Districts Sexual Misconduct policy (2015) which covers reporting options, support services for victims, definitions, confidentiality and the grievance processes; a Handbook for Campus Safety and Security Reporting (2016) outlines sexual misconduct policies and procedures and White House Task Force to Protect Students from Sexual Assault (2017) Preventing and Addressing Campus Sexual Misconduct: A guide for University and College Presidents, Chancellor and Senior Administrators. The guide outlines a comprehensive plan for Universities and Colleges to address sexual misconduct against students focusing on coordinated campus wide response, prevention and education, policy development and implementation, reporting options, support services, transparency and monitoring and evaluation.
extensive commitment to gender justice work as the Presiding Officer of the Committee. In addition, the University Grants Commission (UGC) now regulates higher education institutions’ safety standards on campus sexual assault and harassment through Saksham Measures for Ensuring the Safety of Women and Programs for Gender Sensitization on Campuses (2013) and UGC’s Prevention, Prohibition, and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions Regulations (2015). Universities in India are now required to set up Gender-Sensitisation Units within UGC to effectively implement and monitor universities sexual harassment policies. Like in the US, government funding is often dependent on university’s compliance with the UGC regulations.

The UK, human rights and anti-discrimination laws including, the Human Rights Act (1998) and the Equality Act (2010) now provide important legislative frameworks to address sexual violence in university settings. The universities UK Taskforce was established in 2015 to review guidelines on student disciplinary procedures for alleged misconduct that might also be a criminal offense. The Universities UK Taskforce report now informs the Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct, which may also constitute a Criminal Offense, outlining several recommendations for universities to effectively address and respond to complaints of sexual assault.

The release of the Universities UK and Pinsent Masons (2016) report on Guidance for Higher Education Institutions is now helping shape and influence university responses to addressing campus sexual assault and harassment with the adoption of standalone policies. For instance, Durham University’s Sexual Violence and Misconduct Policy and Procedure outlines the adoption of a standalone sexual assault policy has now come into effect from the start of 2017/2018 academic year.

Universities in South Africa are now guided by the provisions under South African constitutional frameworks to develop and adopt sexual assault and harassment policies and procedures. For instance, the University of Cape Town and the University of Witwatersrand now have standalone sexual assault and harassment policies in place that informs the handling of complaints through special constituted disciplinary panels.

These examples from other universities clearly point towards an adoption of a single stand-alone policy to effectively respond and prevent sexual assault and harassment on campuses.

However, in the Australian context there are currently no existing legal frameworks targeting sexual assault and sexual harassment on campuses enforcing universities to effectively respond and prevent sexual violence. While there have been several legislative reforms relating to gender violence in Australia (see Appendix 1), specific legislative frameworks to address sexual violence on campuses and universities are non-existent in Australia.

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85 Ibid.
88 Ibid.
90 Ibid.
Though under the Australian Tertiary Education Quality and Standards Agency Act (2011), TEQSA as the national regulator of higher education sector in Australia has put in place quality standard frameworks for universities in Australia (see Appendix 1). As highlighted by Durbach and Keith, TEQSA Act 2011 together with the Higher Education Standards Framework has the potential to bring about regulatory changes at the national level addressing sexual violence across campuses in Australian universities. In terms of university policy initiatives Universities Australia’s national campaign, Respect. Now. Always. (2016), is now rolled out across all Australian universities, including financial support for 2016 National University Student Survey on Sexual Assault and Sexual Harassment.

International best practices on anonymous reporting

Drawing on international comparative literature, this section highlights examples of universities that illustrate best practices on anonymous reporting. A robust reporting mechanism where students not only feel safe as well as have a clear understanding of the reporting options in making an anonymous report is often crucial in breaking down barriers to reporting.

In this regard, universities elsewhere have undertaken innovative steps to make their reporting mechanisms more robust and easily accessible to students who wish to report incidents. Manchester University (UK) provides students with options for reporting, including anonymous reporting. For instance, Manchester University’s easily accessible anonymous online reporting tool through the university’s website provide a more trusted and secure space for students to log in reports of sexual violence on campus. Manchester University’s ‘report and support’ online tool is a good example that illustrates university-wide initiative aimed at breaking down barriers to reporting. Since its inception in November 2014, 159 students and staff have accessed the anonymous online reporting system, of which 96 opted to seek assistance from advisors and 46 wanting to speak to advisors were students. Similarly, Durham University’s Sexual Violence Taskforce report recommends anonymous third party reporting tool encouraging formal and systematic mechanisms of recording incidents of sexual violence. Also, the University of Oregon (US) uses Anonymous Sexual Assault Report Form so that student survivors and reporters of sexual assault have options to make anonymous and confidential reports about incidents of sexual violence on campus.

A benchmarking online reporting tool such as the Callisto, provides one of the most innovative solutions for safe and anonymous reporting at universities and colleges. Callisto was developed by a non-profit organisation, Sexual Health Innovations, as a tool for third party confidential reporting of sexual assault in school settings. It is an online trauma-informed tool that, not only creates time-stamped records of sexual assault but also empowers survivors to send the report to the university/college/school through Castillo, and also identify repeat offenders. The online platform gives the survivors more flexibility in their reporting options by creating time saved records that can be submitted later. In 2015, University of San Francisco was the first university in the US to implement this ground breaking online platform for reporting sexual assault on campus and other universities and educational institutions in the US have followed suit. The University’s student union joint recommendations document by ANUSA and

94 Ibid.
95 Ibid.
97 The University of Manchester’s Report and Support website. Retrieved from https://www.reportandsupport.manchester.ac.uk
99 Ibid.
101 Ibid.
103 Ibid.
104 Other universities and colleges in the US that have now partnered with Project Castillo include Central College, College, Canisius College, St John’s University, Hobart and William Smith Colleges, Stanford University and Pomona College as another founding institution in the US. Retrieved from https://www.projectcallisto.org/
PARSA also make reference to Project Callisto as one of the recommendations to that will aim to give agency to the survivors whilst maintaining confidentiality of their reporting.\textsuperscript{105}

Apart from online system of anonymous reporting, other universities have in place options for anonymous and third-party reports. For example, the University of British Columbia provides a survivor with an anonymous reporting option with no student details of the complaint recorded.\textsuperscript{106} Survivors also have an option to use a third party including members of the university community and Sexual Assault Support Centre who have had an incident of sexual assault disclosed to them.\textsuperscript{107} Often third party reports are submitted to the Royal Canadian Mounted Police University of British Columbia’s Detachment, who then provide a range of support services as well as reporting options to the survivor.\textsuperscript{108} As noted by Durbach and Keith quite similar to Castillo, this third party anonymous reporting mechanism enables the police department to track repeat sexual offenders.\textsuperscript{109}

Ryerson University’s (Canada) \textit{Sexual Violence Policy} outlines that survivors of sexual violence have reporting options including making a report to the Police or reporting to the university.\textsuperscript{110} When making a report to the university, complainant is directed to the Human Rights Services office on campus. Human Rights Services acts as an independent body at the university who receive reports and complaints in writing and in-person and advise on the appropriate next steps.\textsuperscript{111}

Outside the university context, reports of sexual violence are also sent to the police through alternative options available to the victim of sexual assault who may decide to remain anonymous. For instance, in Australia, Queensland Police uses the Alternative Reporting Option (ARO) and New South Wales uses a similar reporting mechanism called the Sexual Assault Reporting Option (SARO), recognising the need for victims to remain anonymous without having to lodge a formal report of sexual assault.\textsuperscript{112}

In addition, other universities have appointed confidential advisors across faculties who often act as first responders when a student discloses an incident of sexual assault.\textsuperscript{113} For instance, at the University of Amsterdam these confidential advisors across different faculties not only receive informal complaints and disclosures but also provide necessary support during the adjudication process.\textsuperscript{114} Through the University of Oxford’s \textit{Harassment Advisor Network}, there are close to 370 advisors appointed across the university, with two advisors each at a department and faculty level.\textsuperscript{115}

Whilst maintaining strict protocols of data protection rules, including disclosures of confidential information such as victim identities, some universities in South Africa, such as Rhodes University and Sexual Assault and Response Team (SART) at the University of Cape Town, now publish student disciplinary reports of campus sexual violence as a strategy to deter potential perpetrators.\textsuperscript{116} One of the good practices noted in the \textit{On Safe Grounds} report (2017) is for universities to maintain a robust record of reports and outcomes as part of their institutional framework for reporting and disciplinary procedures.\textsuperscript{117}

\textsuperscript{105} See ANUSA and PARSA (2017) Recommendations Sexual Assault and Sexual Harassment Survey Universities Australia/Australian Human Rights Commission.
\textsuperscript{107} Ibid.
\textsuperscript{108} Ibid.
\textsuperscript{111} Ibid.
\textsuperscript{113} Ibid.
\textsuperscript{114} Ibid.
\textsuperscript{117} Ibid.
International best practices on preventive programs

As per the terms of reference, this section will draw on comparative international best practices on universities sexual violence prevention and education programs. In particular, university best practices on consent training and bystander intervention programs. Globally, the last decade has seen a shift from ‘risk-reduction models’\textsuperscript{118} of past sexual violence awareness programs to public education and prevention campaigns that not only challenge gender violence assumptions, attitudes and behaviour but also promote positive social norms.\textsuperscript{119} Best practice sexual violence prevention programs are now based on social norms theoretical frameworks that focus on changing behaviour, promoting ‘new social norms’\textsuperscript{120} such as equal and healthy relationships. Similar best practices based on the theory of change research and evaluation now informs National Standards for Sexual Assault Prevention Education (SAPE) programs in Australia.\textsuperscript{121}

Consent Training

Over the past decade or more, the universities and colleges around the world have been implementing a series of efforts and initiatives to prevent sexual assault on campuses, including consent training. Across the sector, universities elsewhere and in Australia are putting more and more resources towards education about consent and respectful relationships. In the US, universities are obligated under Title IX to provide campus wide education programs that challenge harmful attitudes relating to gender, sex, intimate relationships and violence.\textsuperscript{122} Similarly in the UK, the University of Oxford and Lancaster University developed mandatory training on consent for new students as part of their induction program, and in other UK universities, such as Cambridge University the consent training is not mandatory for new incoming students.\textsuperscript{123}

In Australia, online modules are available to a broad cross-section of university students as part of their induction programs.\textsuperscript{124} In 2015, the University of Newcastle collaborated with Oxford University Press and Epigeum and developed an online Consent Matters education module.\textsuperscript{125} It is compulsory for all residential students living on campus at the University of Newcastle to complete the Consent Matters module. The Consent Matters module has now been rolled out across 17 universities in Australia.\textsuperscript{126} For instance, at the ANU all commencing residential students are mandated to complete the online Consent Matters module as part of their induction at the university. Monash University, in collaboration with student bodies, released an online video on Consent, which all students are now automatically enrolled in through the university’s online learning platform, Moodle.\textsuperscript{127}\textsuperscript{128}

February last year saw the launch of Universities Australia ground breaking campaign Respect. Now. Always designed to raise awareness and prevent sexual violence on campuses across Australia through a

\begin{thebibliography}{99}
\bibitem{} Universities Australia (2017). \textit{10-Point Action Plan: An initial response from Australia’s universities to the national student survey on sexual assault and sexual harassment}. Retrieved from \url{https://www.universitiesaustralia.edu.au/uni-participation-quality/students/Student-safety/Respect--Now--Always#.Wbdx3VJLzI4}
\bibitem{} Ibid.
\bibitem{} Ibid.
\bibitem{} The ANU version of Moodle is ‘Wattle’.
\bibitem{} Ibid.
\end{thebibliography}
sector-wide coordinated approach using global best practices on prevention and education. Many universities across Australia have now joined the campaign and developed Respect. Now. Always. communicative promotion initiatives reinforcing the commitment to making campuses a safe and respectful place for all students and staff.

Also in February 2016, the Hunting Ground Australia Project commissioned the Full Stop Foundation of Rape and Domestic Violence Services Australia to design a series of violence prevention educational resources and training materials for the university staff and student communities in Australia. For instance, the Ethical Leadership to Prevent Gender Based Violence in Universities training is offered to university staff working in student residences, academic and professional staff covering a range of areas in a 4-hr workshop. The Sex, Safety & Respect training (train the trainer module) is designed for university staff in student support services including, counselling, inclusion and diversity, and residential halls who can then deliver the module through a workshop to student leaders. In addition, Sex, Safety & Respect module has also been tailored for student leaders and groups, residential advisors, and students in leadership positions including sports coaches and is being currently rolled out across many Australian universities and residential colleges. This module also employs Sex & Ethics Framework for ethical consent designed by Professor Moira Carmody. Since 2016, many universities including Macquarie University, University of Technology Sydney, and Western Sydney University are stepping up to bring about culture change across campuses by supporting staff to participate in Sex, Safety & Respect training as well as facilitating Respectful Relationships workshops for student leaders, executive members of student clubs and groups, student mentors, and residential assistants/advisers.

Despite limited research and evaluation of consent training efforts across Australia, there is an increasing call amongst student groups to make the Consent Matters module compulsory for all first-year students at the ANU. For instance, stakeholder interviews evidenced the need for more primary prevention strategies, and programs like Consent Matters, reflecting the diverse needs and ethno-cultural backgrounds of the student population. Also, the Respectful Relationships training should consider a customised program for student leaders and groups, including LGBTQIA, international students from non-English speaking backgrounds, Indigenous students, and students with disability.

Bystander Interventions

In recent years, evidence from the university sector highlights the significance of empowering the student community to be agents of change through the implementation of bystander intervention programs. There is now growing evidence of success drawn from bystander intervention programs implemented at

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129 Ibid.
131 Ibid.
132 Ibid. This Train the trainer Sex, Safety and Respect module has been adapted from earlier Sex & Ethics (2007) program but tailored to address the diverse cultural backgrounds of student population and their conceptualization of sexual consent and relationships.
many universities in the US;137 Canada;138 and the UK.139 Bringing in the Bystander In-Person Prevention Program is the only program implemented predominantly in US universities and Canada that has been well researched and evaluated.140 The Second White House Task Force Report cites a number of Bystander training programs including Bringing in the Bystander and Green Dot that are now showing positive impact in terms of prevention of sexual violence on campuses.141 Research evaluation literature on Bringing in the Bystander program illustrates that program not only reinforces positive social norms but also increases the confidence level of students to speak up against unacceptable behaviour promoting sexual violence.142

In Canada, the University of Windsor, was one of the first Canadian universities to implement Bringing in the Bystander Program which has been shown to empower students by fostering a culture of an inclusive university community standing up against sexual assault on campuses.143

In the UK, The Intervention Initiative uses a theory of change model with a strong social norms component. It focuses on ‘fostering a shared social identity as a prosocial bystander, thus reducing the scope for hostility and defensiveness that may decrease receptiveness to learning’ (Universities UK, 2016, p. 111).144 The Intervention Initiative toolkit uses public health criteria in the prevention of sexual and domestic violence across universities in the UK.145 A recent review and evaluation of the Intervention Initiative by Public Health England revealed the effectiveness of the program in increasing the students’ likelihood to intervene with positive changes seen in their attitudes, beliefs, socio-cultural norms and peer relationships that perpetrate the conditions of violence and victimisation.146 The Universities UK Taskforce report (2016) highly recommends the adoption of an evidence-based bystander intervention programme like Intervention Initiative across universities in the UK to reinforce positive behavioural culture amongst the student community.147 This underlines the importance of adopting a ‘cross-institutional approach’148 that focuses on long-term behaviour change to respond and address the problem of sexual violence affecting university students in the UK. Many universities in the UK are now working towards developing and implementing university-wide approaches to respond to the problem of sexual violence on campuses. For instance, as part of the university’s cross-institutional commitment, Keele University has been collaborating with Staffordshire University and the student unions to adopt

141 Ibid.
144 Universities UK. (2016). Taskforce Report Changing the Culture. See also University of the West England, Bristol, The International Initiative Toolkit www.uno.uk/uk/ri/research/Initiatives INITIATIVES.
148 Ibid.
‘social norming’ approach that empowers the student community to step up and become active bystanders.\textsuperscript{149}

While there is limited evidence of bystander intervention initiatives in Australian universities, since February 2016 there has been a lot of awareness raising through the \textit{Respect. Now. Always} campaign across campuses in Australia. Many universities across Australia are now providing first responder training to university staff and students, including the ANU. However, the university sector in Australia has a lot to glean from evidence based research and evaluation of sexual violence prevention efforts in the US, Canada and the UK, including consent and bystander trainings. As noted earlier in the report, ANU should further explore whistle blower reporting mechanisms and supports backed by empirical evidence on bystander trainings.

\textbf{Additional findings: Data collection and use}

Evident in stakeholder interviews and desk top research was the lack of coherent and visible data on reports of sexual assault or harassment. All of the University’s support services have data collection and classification mechanisms but it appears that they each have different methods and different practices in place when it comes to reporting data on sexual assault or harassment (if they report it at all). The \textit{Staff Protocol for Responding to an Allegation of Sexual Assault} states that all incidents must be reported to the Registrar, Student Life and ANU Security (even if anonymous), however there is no visibility as to where that data ends up and what impact it has on the future safety of the ANU community. A comprehensive, centralised data collection and recording system is among the good practice recommendations discussed in the \textit{On Safe Ground} report\textsuperscript{150} and is an area where there is scope for the ANU to make drastic improvements.

\textsuperscript{149}Ibid.

Below is a detailed summary of the recommendations from this report based on the terms of reference.

**Summary of recommendations and considerations**

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>ACTIONS</th>
<th>CONSIDERATIONS</th>
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<tbody>
<tr>
<td>INTERNAL INVESTIGATION AND RESOLUTION MECHANISMS</td>
<td>1. Improve communication</td>
<td>Clear advice needs to be made available to students and to staff regarding the universities stance on whether it will inquire into matters of misconduct where they relate to sexual assault, whether disciplinary processes can be applied and how and to what end they can be utilised.</td>
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<td></td>
<td>a. Produce a user-friendly version of relevant policies and locate them prominently on the ANU website.</td>
<td>Any formal correspondence to a person making a formal report of sexual assault or sexual harassment should also involve inquiring as to whether the person making the complaint has connected to relevant external and internal support services and, in matters where criminal offences are reported, offering information and, if desired, warm referrals to appropriate external services such as the Canberra Rape Crisis Centre and the ACT Police.</td>
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<td>b. Clarify and publicise whether the ANU will investigate misconduct where it relates to sexual assault and under what mechanisms if it is to do so.</td>
<td>The need for clear definitions and support in initiating a formal complaint is likely to be exacerbated for international student's due to cultural and, potentially, language barriers.</td>
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<td>c. Clarify and publicise whether the ANU will investigate misconduct where it relates to sexual harassment and under what mechanisms (e.g. Discipline Rule) it will do so.</td>
<td>The use of the term ‘zero-tolerance’ should be used carefully. Outcomes that are achieved through administrative process may not be congruous with the ways the phrase ‘zero tolerance’ may be interpreted (for example, as immediate and definitive action).</td>
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<td>d. Where the ANU has separate processes in place for responding to reports of sexual assault and sexual harassment clarify this by developing separate communication models for sexual harassment and sexual assault. Responses to these issues should not be described together if different responses, including different disciplinary responses, are available to students.</td>
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<td>e. Revise the Discipline Rule to specify the time frame that will be taken between receiving a formal report and making a determination as to whether to undertake an inquiry into the matter.</td>
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<td>f. Provide all complainants with advice regarding the outcome of their report. This commitment should be stated in relevant documentation (policies, procedures etc).</td>
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<td>g. Design a template for formal reports of misconduct made under the Discipline Rule. Consistent with the best practice recommendations set out in the On Safe Ground Report, the template should include definitions of sexual harassment and sexual assault in order to assist students in understanding how to characterise their experience.</td>
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<td></td>
<td>h. Undertake further research to determine what measures would be helpful to encourage international students to make use of existing reporting mechanisms available under the Discipline Rule.</td>
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</table>
i. Review current process for providing information to students about formal reports to external authorities who investigate criminal offences, including adopting practices of warm referrals where they are appropriate.

j. Provide a clearly articulated, and easily found, process for students to report sexual harassment and misconduct.

2. Improve access to appropriately trained experts

   a. Provide access for complainants to trauma-informed support by parties external to the ANU who are experts in the provision of sexual assault support services.
   
   b. Implement a process to ensure that any staff member involved in responding to reports of sexual assault is appropriately trained and has ongoing access to professional experts in the area of sexual assault.
   
   c. Provide post-case review opportunities for staff and students in order to evaluate effectiveness of training and identify gaps.

Experts are those that specialise exclusively in providing trauma-informed support to people who have experienced sexual assault. These organisations work to best practice and national standards. Consistent with these standards they operate within a feminist and human rights framework. Their model of work is survivor-centric and acknowledges the importance of sexual assault victims/survivors exercising control over decisions and the therapeutic importance of regaining power.

Training should involve awareness of the specific challenges experienced by, and needs of, different social cohorts in relation to sexual assault and sexual harassment including Aboriginal and Torres Strait Islander peoples, people of diverse genders and sexualities, people with disability and how these social and cultural characteristics intersect.

3. Review mediation and restorative justice opportunities

   a. Consider implementing an institutional restorative engagement program that provides survivors of sexual assault the opportunity to address representatives of the ANU and have their experience of assault, and of the reporting process, heard.
   
   b. Conduct further research to inform appropriate methods of mediation and restorative justice mechanisms, and associated policies and procedures. Specifically, review the efficacy of such procedures if no change to disciplinary responses to misconduct related to sexual assault is to be undertaken.

Undertaking a restorative approach will require additional research and should meet the following conditions identified by sexual assault support services:

- That external, independent, experts are involved in overseeing mediation or restorative processes.
- That there are clear parameters in mediation processes and that these are well understood by survivors before they engage in a mediation process.
- Importantly, development of a restorative approach should also be developed with the
| RESEARCH AND TEACHING CODES | 4. Strategic communication | a. Develop an explicit, clear and detailed statement to specify the University’s values regarding sexual violence, gender equality and the rights of people of diverse genders and sexualities and the actions that it will take when these values are transgressed. |
---|---|---|
| | | The statement could build upon the existing ‘Principles’ statement but should improve upon it. The statement should be developed in consultation with experts in the field of sexual assault support services and student stakeholders. Any statement which sets out the norms and values of the ANU regarding sexual violence should also make clear the disciplinary measures that the ANU will take to hold perpetrators to account for their behaviour. As a prior step, the ANU needs to have a clear position on the nature of disciplinary responses taken in inquiring into misconduct related to sexual assault. The ANU should also clarify that it encourages students to report ‘lower level’ unacceptable behaviours particularly those that count as sexual harassment and undermine the norms and values regarding gender and sexuality that the ANU upholds. The statement should also clarify that, where reports of sexual assault and sexual harassment are made, appropriate, trauma-informed, and timely support will be provided to all survivors who make a report. Once finalised, the statement should be included in all documents which make reference to the conduct expected of ANU students and staff. |
| | 5. Further research | a. Conduct research in to the specific experiences of HDR students at the ANU, the vulnerabilities that they experience, and the policies and procedures that may best address their needs. |
| | | This research should follow, and be informed by, the work currently being undertaken by Universities Australia in consultation with the NTEU as well as engaging in significant stakeholder consultation with current and past ANU HDR students. As early career researchers are exposed to some of the same vulnerabilities as HDR students, the ANU should consider undertaking additional research into... |
### 6. Education and training

| a. | Develop and implement preventive measures, such as campaigns and training, targeted at HDR convenors and supervisors that focus on code of conduct for staff and respectful relationships between students and supervisors. |
| b. | Develop and implement mandatory bystander training and modules for HDR supervisors and convenors who are the first point of contact for HDR students. |
| c. | Make disclosure training available for front-line and all academic staff. |

Development and implementation of training should be nested in a broader, holistic organisational strategy on sexual harassment and sexual assault. Follow up analysis of take up rates of disclosure training by academic staff is recommended.

### SUPPORT FOR SURVIVORS AND WHISTLE-BLOWERS

#### 7. Integrated and inclusive support services

| a. | Design and implement a ‘one stop’ coordination unit for responding to sexual assaults on campus. |
| b. | Undertake a gap and capacity analysis of existing services to understand what will be remedied with extra staffing, and what will not. |
| c. | Implement access to a 24-hour crisis line that is available to support students who have been assaulted or harassed after hours and on weekends. |

A ‘one stop’ unit could be designed to respond to crises (including after hour availability) as well as non-crisis related reports of sexual assault and harassment. It could be designed as a co-ordination point for all information, access to expertise, and referrals. Whether virtual or bricks and mortar, it would need to have staff with knowledge on the University’s policies and procedures, for example what the university can and cannot do for survivors (including how the university’s complaint and disciplinary action procedures work).

Support services and support personnel at the university need to be aware of the specific needs of marginalised groups within the university community, and how they can best meet those needs. Direct and ongoing consultation with peak bodies representing these groups would allow the ANU to identify gaps and plan next steps. Addressing the needs of these groups should be born in mind in each step that the university takes to address the issue of sexual assaults and harassment – both in terms of prevention and intervention.

#### 8. Improved visibility of services and support

| a. | Design and implementation of visible statements or symbols (on service/support premises and websites) to demonstrate their inclusive approach to service provision. |

Part of a university wide communication strategy could include information dissemination to students on functions of support services and a flow chart.
<table>
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<tr>
<th>9. Organisational culture reform and avenues for whistle-blowers</th>
<th>a. Create policies and procedures (for example an anonymous online reporting tool that is not just ‘incident’ focused) for whistle blowers to anonymously report behaviours that are outside of the norms and values of the ANU.</th>
<th>As part of this review the ANU should focus on implementing support processes for whistle blowers and clear disciplinary responses to deter victimisation of whistle blowers.</th>
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<tr>
<td>10. Provision of training and support for supporters</td>
<td>a. Increase the availability of training on the University’s policies and procedures regarding sexual assault and sexual harassment, and disclosure training, to all students and staff in support roles, and ideally extended to all members of the ANU community.</td>
<td>These supports should be well publicised and freely available. The exact design of these services, including whether they are out-reach services or follow another model should be determined in consultation with sexual assault support services.</td>
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<td>b. Provide additional resources to support student representatives, including office holders in Residencies, who are involved in supporting survivors.</td>
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<td>c. Supplement the existing peer support pastoral care model in Residences with professional, expert support services.</td>
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<tr>
<td>ROLE OF THE STUDENT COMPLAINT RESOLUTION PROCEDURE</td>
<td>11. Revision of the Student Complaint Resolution Policy and the Student</td>
<td>a. Revise the Student Complaint Resolution Policy and the Student Complaint Resolution Procedure to clarify, explicitly, when a matter of sexual assault or sexual harassment is appropriately addressed through the informal or formal process of the Student Complaint Resolution Procedure and explaining a clear pathway of actions to take and seek services. Development of both web and paper based resources should clearly convey information in one place about everything that the university can do to support a person who has experienced a sexual assault or sexual harassment and where they can go to access such support. As per the recommendations in the On Safe Ground report there should be clear information provided to students and staff on recognising when a sexual assault or sexual harassment has occurred. There should be easily accessible information to help connect survivors to appropriate support and assistance resources (see for example, University of British Columbia’s Sexual Assault Response and Support Protocol).</td>
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<td>This advice should be simple, clear, appear every time that these policies and procedures appear and be informed by the advice and direction of sexual assault support service experts.</td>
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<tr>
<td>Complaint Resolution Procedure</td>
<td>when, and if, it is more appropriately reported as misconduct through the <em>Discipline Rule</em>.</td>
<td>Reports of sexual assault should not be handled through the informal Student Complaint Resolution Procedure. Provide opportunities to co-design and pilot new complaints and referral mechanisms with students.</td>
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<td>12. Development of a policy framework on sexual assault and sexual harassment</td>
<td>a. Develop and implement an overarching policy framework on sexual assault and, as part of that policy framework, develop a separate policy on sexual harassment.</td>
<td>These policies should clarify that sexual assault and sexual harassment are unacceptable behaviours and detail any mechanism through which perpetrators will be held to account. It should also clarify the supports available to students who experience sexual assault or sexual harassment and the different processes through which students can report their experiences. It should further state that students who wish to report sexual assault will be supported to formalise reports of criminal offenses with the appropriate external services – the Canberra Rape Crisis Service and the ACT Police, if and when survivors choose to do so.</td>
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<tr>
<td>STAFF TRAINING</td>
<td>13. Development of a training framework nested in a broader university strategy on sexual assault and sexual harassment</td>
<td>a. Develop and implement a training framework to address sexual assault and harassment at the university, bringing together mutually-reinforcing strategies across all domains.</td>
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<td>14. Improved communication regarding training</td>
<td>a. Develop and implement a communication strategy for conveying information to students about training within the university, making use of all communication channels (e.g. social media, posters in bathrooms, smart phone applications).</td>
</tr>
</tbody>
</table>
15. Revision of current training to ensure that it is culturally sensitive
   a. Review all training modules to assess cultural sensitivity.
   b. Tailor, where needed, numerous versions of training so that they are applicable to different cohorts and groups, including to HDR students and supervisors.

16. Evaluation of training
   a. Develop and implement an evaluation framework for all training related to sexual assault and harassment across the university.

17. Implementation of a robust reporting and recording mechanism
   a. Implement a centralised reporting mechanism that offers students a wide range of reporting options, including anonymous and confidential reporting.
   b. Consider regularly disseminating de-identified disciplinary outcomes reports to the wider university community.

18. Implementation of preventative measures focused on long-term approaches to changing gender norms and attitudes
   a. Development of a comprehensive framework – a strategy for responding to sexual assault and sexual harassment at the ANU.

19. Development of a centralised data collection and recording system.
   a. Develop a comprehensive, centralised data collection and recording system for sexual assault and sexual harassment.

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LEARNINGS FROM OTHER UNIVERSITIES IN AUSTRALIA AND OVERSEAS

16. Evaluation of training
   a. Develop and implement an evaluation framework for all training related to sexual assault and harassment across the university.

17. Implementation of a robust reporting and recording mechanism
   a. Implement a centralised reporting mechanism that offers students a wide range of reporting options, including anonymous and confidential reporting.
   b. Consider regularly disseminating de-identified disciplinary outcomes reports to the wider university community.

18. Implementation of preventative measures focused on long-term approaches to changing gender norms and attitudes
   a. Development of a comprehensive framework – a strategy for responding to sexual assault and sexual harassment at the ANU.

19. Development of a centralised data collection and recording system.
   a. Develop a comprehensive, centralised data collection and recording system for sexual assault and sexual harassment.
| IMPLEMENTATION AND EVALUATION FRAMEWORK | 20. Development of an overarching implementation and evaluation framework | b. Develop clear timeframes for implementing review recommendations and ways to evaluate effectiveness of changes. | These must be nested in an overarching ANU Strategy for addressing sexual assault and sexual harassment. |
Appendices
Appendix 1. Review Terms of Reference

1. How do policies and procedures to support students, who are making allegations of sexual assault and/or harassment against staff or students, intersect with policies and procedures to support staff. This review of policies related to staff needs to specifically recognise the provisions of the University’s existing Enterprise Agreement.

2. The review should consider ways to strengthen internal investigation and resolution mechanisms regarding sexual harassment, sexual assault and bullying. Should there, for instance, be support from professionals with specialist expertise and professional practice in the area of gender violence, bullying and harassment?

3. A review of the following policies to ensure they adequately reflect our zero-tolerance position including: ‘Code of Practice for teaching and learning’ and the ‘Code of conduct for research’. Review of the Code of Research Conduct’ should be undertaken with a view to including a section about creating a safe environment for all research students at ANU.

4. The review should consider the existing support for survivors and whistle-blowers to ensure this is adequate and has appropriate enforcement mechanisms.

5. The review should identify matters the University should and should not progress through Student Complaint Resolution Procedures; identifying any deficiencies in how the University now handles matters and suggesting alternatives or initiatives to address those deficiencies.

6. The review should outline what staff training is required to enable skilled implementation of the University’s policies, procedures and rules in this area and explore the options for making this training mandatory, preferably within the existing staff ‘Pulse’ module suite. This training should encompass the various types of students at ANU, acknowledging the different needs of these cohorts, including HDR candidates.

7. What can be learnt from other universities in Australia and overseas in terms of best practice around issues such as anonymous reporting, consent and bystander intervention training?
Appendix 2. Good practice standards for responding to reports of sexual assault and sexual harassment

On Safe Ground – Australian Human Rights Centre Good Practice Guide

As noted above, this has been addressed as part of the ‘Respect. Now. Always’ initiative with the release of the On Safe Ground: Strengthening Australian Universities responses to sexual assault and sexual harassment Good Practice Guide. The Good Practice Guide recommends the following standards in responding to reports of sexual assault and sexual harassment (p. 52-62):

- Integrated and inclusive framework
- Comprehensive, consistent and coordinated design and content
- Accessible, transparent and enforceable processes
- Resourced, interconnected and responsive support services
- Collaborative links with external sexual assault services
- Institutional commitment to prevention framework.

Alongside these core principles, the Good Practice Guide also identifies three key enablers of policies and procedures (p. 63-67):

- Visible university leadership
- Comprehensive student engagement
- Sustained commitment to cultural change

The report offers good practice standards for ‘creating an effective reporting and disciplinary framework’ (pp. 74-84), which include:

- Equipping ‘first responders’ to respond to first disclosures of sexual assault and harassment
- Developing simple, fair, accessible and robust reporting mechanisms
- Clear signposting of policies, procedures and outcomes
- Effective enforcement of policies
- Comprehensive data collation and recording systems
- Monitoring, evaluation and revision of policies

As well as guidance on ‘Implementing an effective reporting and disciplinary framework’ (p. 85-91), which cover:

- Choice of disciplinary process
- Ensuring natural justice for victims, alleged perpetrators and witnesses/bystanders
- Clarifying the relationship between a university’s complaints process and the criminal justice system

Tertiary Education Quality Standards Agency (TEQSA)

Alongside the Good Practice Guide noted above, are relevant standards from the Tertiary Quality Standards Agency, which regulates all tertiary education providers in Australia. Indeed, in response to recommendations in the Report, TEQSA has released guidance material ‘outlining the responsibility of all higher education providers to promote and foster a safe environment for students both on campus and online, and the need for clearly defined complaints policies and procedures.’

TEQSA’s Guidance Note: Wellbeing and Safety, which is currently open for consultation, covers sections 2.3 Wellbeing and Safety and 2.4 Student Grievances and Complaints’ of the Higher Education Standards Framework (Threshold Standards) 2015 (HES Framework).

The relevant sections of the HEW Framework cover the following:

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151 Ibid
2.3 Wellbeing and Safety

1. All students are advised of the actions they can take, the staff they may contact and the support services that are accessible if their personal circumstances are having an adverse effect on their education.

2. Timely, accurate advice on access to personal support services is available, including for access to emergency services, health services, counselling, legal advice, advocacy, and accommodation and welfare services.

3. The nature and extent of support services that are available for students are informed by the needs of student cohorts, including mental health, disability and wellbeing needs.

4. A safe environment is promoted and fostered, including by advising students and staff on actions they can take to enhance safety and security on campus and online.

5. There is a critical-incident policy together with readily accessible procedures that cover the immediate actions to be taken in the event of a critical incident and any follow up required.

2.4 Student Grievances and Complaints

1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties.

2. There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.

3. Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance.

4. Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.

5. If a formal complaint or appeal is upheld, any action required is initiated promptly.\(^{154}\)

**Our Watch**

Our Watch is a leading national organisation which aims to **prevent violence against women** in Australia. As part of its work Our Watch has developed a national framework for the prevention of violence against women and children in Australia, the *Change the Story* Framework. That work is predicated on an evaluation of the research evidence regarding what works in the prevention of violence against women, the *Foundation* Reports. Sexual assault and sexual harassment are not reducible to the issue of violence against women – and gendered accounts of violence can risk normalising the view that gender is experienced and lived as a binary. The view of gender as a binary, as innate and as fixed, positions some people as at increased risk of sexual and other violence. While it is important to treat gender in complex and problematic terms, there is still relevant learning from this literature in addressing the problem of gender violence. A key finding of the work for Our Watch is that gender inequality is an underlying cause of violence against women and that ‘gender inequality operates in intersection with other social inequalities’.\(^ {155}\) This finding is important and is evidenced in data which identifies people from particular marginalised social groups as over represented among people who experience sexual violence and sexual assault:

- ‘Trans and gender diverse students were more likely to have been sexually harassed (45%) at university in 2016 than women and men.

- Students who identify as bisexual were more likely than those who identify as heterosexual to have been’ (AHRC, 2017, p. 34)

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\(^ {154}\) Higher Education Standards Framework (Threshold Standards) 2015 (Cwth)

• ‘Students who identified as Aboriginal and Torres Strait Islander were more likely to have been sexually harassed in 2016’ (AHRC, 2017, p. 41).

The Our Watch Framework Foundations 1 Report finds that the most effective ways to prevent violence against women are to address inequality alongside violence prevention:

‘Addressing gender equality and preventing violence against women are interlinked, complimentary goals. An understanding of gender equality is necessary to enable the role of specific gender related factors to be identified and addressed in particular intervention contexts. At the same time it is necessary to address gender inequality more broadly, as continuing inequalities between men and women communicate a generally negative message about the value and status of women that contradicts more specific prevention efforts. For example, a program seeking to address violence against women in a community-based football club may include group education sessions for young men to counter negative gender norms and violence and disrespect toward women. However, if women are under-represented in the club and its decision-making process, this contradicts the messages of the program. In this example, efforts to promote women’s equal participation in all levels of the club itself would reinforce the intent of the program’.

156

The report also finds that social norms regarding violence are important in the prevention of violence and states:

‘...social norms are a key influence on the perpetration of violence against women. An important means of maintaining social norms against violence is to demonstrate that individuals who use violence will be held accountable (Heise, 2011; Salazar et al., 2003). Providing excuses for violence has the potential to undermine this accountability. This can compromise prevention effort as well as work being done in the response system. This is especially the case since men who use violence against women have been found to be particularly likely to justify and excuse their violence behaviour (Lila et al., 2008; Scott and Straus, 2007; Weldon and Gilchrist, 2012)’.

157

Sexual assault response services

Sexual assault response services, like the Canberra Rape Crisis Centre, are expert organisations in providing trauma-informed support to people who have experienced sexual assault. Such organisations have a long history of advocacy and support and their expertise is unmatched.

Sexual assault responses services work within a feminist and human rights framework.158 Their model of work is survivor-centric and acknowledges the ‘importance of sexual assault victim/survivors exercising control over decisions and the therapeutic importance of regaining power’.

159

National Standards for the Primary Prevention of Sexual Assault through Education

Alongside the sector standards established by crisis services, are the National Standards for the primary prevention of sexual assault through education (SAPE). The standards were developed in 2008-2009, through a critical review of international and local literature for evidence of best practice. Development of the standards also involved consultation with workers in the violence prevention sector. There are six standards:160

- **Standard 1:** Using coherent conceptual approaches to program design
- **Standard 2:** Demonstrating the use of a theory of change
- **Standard 3:** Undertaking inclusive, relevant and culturally sensitive practice
- **Standard 4:** Undertaking comprehensive program development and delivery
- **Standard 5:** Using effective evaluation strategies

156 Ibid., p.32.
157 Ibid., p.9.
Standard 6: Supporting thorough training and professional development of educators

In their discussion, the research team, led by Professor Moira Carmody, that established the standards note:

‘All SAPE programs in Australia focus on awareness raising and attitude change; for example providing statistics and definitions, and doing activities such as ‘debunking rape myths’. Just over half of the programs engage in skills building activities such as teaching negotiation skills and doing bystander training. Fewer programs have a framework which seeks to embed these into behaviour change. There is little evidence that attitude change alone is a reliable mechanism for behaviour change. The challenge of how to bring about behaviour change through such programs is an important issue for debate in the wake of distributing the Standards’. 161

Legal reform

In the last ten years the issue of family violence, which includes intimate partner violence, has attracted unprecedented policy attention in Australia. As part of efforts to prevent family violence considerable work has been undertaken in exploring and improving legal responses to family violence. One example of this work is the inquiry into family violence by the Australian Law Reform Commission (ALRC) and the New South Wales Law Reform Commission (NSWLRC) undertaken in 2009-2010. The report, ‘one of a number of concurrent inquiries on the subject—reflect[s] intense and ongoing concern in relation to victims of such violence and the public cost over time’. 162

The Final Report produced by the ALRC and the NSWLRC includes an overview of legal reform in relation to sexual offences. This section of the report notes that law reform undertaken since the 1970s has aimed at

‘take[ning] greater account of the realities of rape and sexual abuse, to make the trial process less daunting for complainants and to encourage a higher proportion of victims of sexual assault to report these crimes to police.’ 163

This section of the Report includes an analysis of ‘myths and misconceptions about women, children and sexual assault have underpinned the legal and evidential rules in sexual assault proceedings’. 164

Key myths identified include:

‘That women and children are inherently unavailable and lie about sexual assault
That the accusation of rape is easily made, but difficult to challenge
That sexual assault is most likely to be committed by a stranger
That women cannot be sexually assaulted by their spouse
That some sexual assaults are more serious and damaging than others
That non-consent is verbally articulated, evidenced by struggle and results in physical injuries
That a “true” or “genuine” victim of sexual assault does not delay in reporting’ 165

The Report also notes:

‘There are other myths and misconceptions, including that men have uncontrollable sexual urges, and related to this, that women have a responsibility to monitor and curtail their own behaviour (dress, intoxication, flirtation) in order to avoid sexual assault.’ 166

While the discussion here does not focus on standards as such, it highlights the aspects of the legal system which have prevented the successful use of the law to protect survivors of sexual violence. It is

161 Ibid. p.4.
165 Ibid, p.1112-1114
166 Ibid, p 1114
instructive, therefore, in highlighting elements of complaints and investigations procedures that are to be avoided and/or guarded against. Furthermore, the report highlights that:

“The various myths and misconceptions about sexual violence, women and children, have been challenged over time. There remain connections, however, between these historical notions demonstrated in prevailing community attitudes and in the application of the law in some instances.”

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167 Ibid, p.1114

The following outlines a complete list of the University’s policies and procedures to support students making allegations of sexual assault and/or harassment.

Supporting someone who has been sexually assaulted
http://www.anu.edu.au/students/health-wellbeing/mental-health/supporting-someone-who-has-been-sexually-assaulted

Staff protocol for responding to an allegation of sexual assault
http://www.anu.edu.au/students/health-wellbeing/mental-health/supporting-someone-who-has-been-sexually-assaulted

Sexual assault information for men
http://www.anu.edu.au/students/health-wellbeing/mental-health/supporting-someone-who-has-been-sexually-assaulted

Reporting sexual harassment or assault: our principles

ANU reporting procedures Q&A and Scenarios
http://www.anu.edu.au/students/health-safety-wellbeing/violence-sexual-assault-support/anu-reporting-procedures-qa-and

Student complaint resolution policy

Finding help and support if you have been sexually assaulted

All relevant policies and procedures on ANU responsibilities to staff – including, but not limited to, the existing Enterprise Agreement

ANU Enterprise agreement 2013-2016
https://services.anu.edu.au/human-resources/enterprise-agreement

Unsatisfactory performance and misconduct policy and procedure
https://services.anu.edu.au/human-resources/enterprise-agreement


Staff grievance resolution and procedure

Code of Conduct
file:///C:/Users/u4273797/Downloads/ANUP_000388.pdf

Work health and safety
file:///C:/Users/u4273797/Downloads/ANUP_000432.pdf

Reporting work health incidents
file:///C:/Users/u4273797/Downloads/ANUP_000505.pdf

Student critical incident policy
file:///C:/Users/u4273797/Downloads/ANUP_000505.pdf

Student critical incident procedure
file:///C:/Users/u4273797/Downloads/ANUP_002607.pdf
Details of all existing internal investigation and resolution mechanisms regarding sexual harassment, sexual assault and bullying:

Discipline Rules (see above)

Student Complaint resolution (see above)

Enterprise agreement (See above)

Staff misconduct, Code of Conduct (see above)

The entirety of the resources produced is on the ANU website at:

Appendix 4: Stakeholder List of Interviews Conducted

Page removed to protect the privacy of those interviewed.