



Australian Government

Tertiary Education Quality and Standards Agency

Good Practice Note: *Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector*

July 2020

A series of concentric, wavy lines in a light orange or gold color, set against a dark blue background, creating a sense of movement and depth.

TEQSA

Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector – July 2020

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Contacts

More information about the Tertiary Education Quality and Standards Agency, including electronic versions of this report, is available at teqsa.gov.au

Comments and enquiries about this report may be directed to:

Tertiary Education Quality and Standards Agency

Level 14/530 Collins Street

MELBOURNE VIC 3001

T: 1300 739 585

F: 1300 739 586

E: comms@teqsa.gov.au

Provider resources

TEQSA's role is to safeguard the interests of all students, current and future, studying within Australia's higher education system. We do this by regulating and assuring the quality of Australia's higher education providers.

In carrying out this work, we produce a number of resources aimed at supporting higher education providers understand their responsibilities under the *Higher Education Standards Framework (Threshold Standards) 2015* (HES Framework).

HES Framework

The HES Framework is a legislative instrument that is structured to align with the student experience or 'student life cycle'. It sets out the requirements for provider entry to, and continued operations within, Australia's higher education sector. The Standards for Higher Education within the HES Framework apply to all providers offering courses leading to a regulated higher education award, irrespective of where and how a course is delivered. All providers are required to demonstrate their adherence to the HES Framework.

Guidance notes

Guidance notes are intended to provide advice and greater clarity when interpreting and applying selected areas of the HES Framework. They are not intended to be 'how to' documents, instead they outline what TEQSA will typically expect to see when assessing providers' compliance.

Good practice notes

Good practice notes offer practical advice and examples of good practice to guide operations in regard to specific, higher education issues. The good practice notes are intended to support and promote the quality assurance approaches of providers.

More information and guidance on the HES Framework and our regulatory approach can be found at teqsa.gov.au

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Authorship

This document was prepared by Dr Irene Lichtwark, acting Assistant Director (TEQSA) and TEQSA's Working Group on Sexual Assault and Sexual Harassment, in conjunction with the following experts:

- Ms Natasha Abrahams, Council of Australian Postgraduate Associations, National President, outgoing
- Ms Romana-Rea Begicevic, Council of Australian Postgraduate Associations, National President, incoming
- Distinguished Professor John Braithwaite, Australian National University
- Ms Sharna Bremner, End Rape on Campus, Founder and Director
- Professor Andrea Durbach, University of New South Wales, Director of the Australian Human Rights Centre
- Ms Anna Hush, End Rape on Campus, Director
- Ms Sharon Lockwood, University of South Australia, Counsellor and Training Coordinator (Sexual Harassment and Sexual Assault)
- Ms Lisa Ngeri, RMIT University, Manager, RMIT Safer Community and Respect
- Ms Eve Ollerenshaw, RedHill Education Limited, Group Accreditation and Compliance Manager
- Dr Debbie Ollis, Deakin University, Associate Professor in Education
- Health and Physical Education Discipline Coordinator
- Professor Margaret Otlowski, University of Tasmania, Pro Vice-Chancellor (Culture, Wellbeing and Sustainability)
- Mr Vladimir Prpich, Monash University, Executive Director, Campus Community.

The following stakeholders have been provided with a draft for commenting:

- Department of Education, Skills and Employment
- Independent Higher Education Australia (IHEA)
- Independent Tertiary Education Council Australia (ITECA)
- Office of the Minister for Education
- Senator Amanda Stoker, Senator for Queensland
- TAFE Directors Australia
- Universities Australia (UA)

Purpose

This Good Practice Note is intended to support higher education providers to better understand, prevent, identify and respond to sexual assault and sexual harassment.


TEQSA appreciates that there can never be zero risk. Understanding, preventing and responding appropriately to sexual assault and sexual harassment is a matter of concern for all higher education providers. TEQSA also appreciates that there is a range of responses to managing these risks and that these may be quite different for each provider depending on the provider's individual context.

The information in this Good Practice Note is intended to provide specific and practical guidance. It aims to assist providers in considering how they may prevent, identify and respond to sexual assault and sexual harassment. Each provider should respond appropriately in the context of their institution.

It is important to note that the guidelines for good practice are not regulatory requirements for higher education providers but, rather, seek to illustrate best practice examples. When it comes to the safety and wellbeing of staff and students, all providers are undoubtedly committed to implementing a best practice approach. TEQSA's assessment activities will only focus on compliance with the *Higher Education Standards Framework (Threshold Standards) 2015* (HES Framework) and other regulatory requirements, as applicable.

This Good Practice Note should be read in conjunction with TEQSA's *Guidance Note: Wellbeing and Safety* and *Guidance Note: Grievance and Complaint Handling*.

The good practice in this note was drawn from providers, academic literature and expert advice.

This Good Practice Note contains Good Ideas and Good Practice Examples. The Good Ideas are simple and discrete ideas and marked with a , whilst the Good Practice Examples include substantial evidence or illustrations of good practice at a certain provider.

Background

Sexual assault and sexual harassment are societal issues that also occur in the higher education sector in Australia. The higher education sector is uniquely placed to educate, train and support its staff and students to prevent and respond to sexual assault and sexual harassment. In 2016, Universities Australia (UA) commissioned the Australian Human Rights Commission (AHRC) to conduct a national survey of over 30,000 students at 39 Australian universities to gain insight into the nature, prevalence and reporting of sexual assault and sexual harassment at Australian universities. The AHRC also received 1849 written submissions. In August 2017, the AHRC reported the results of its research and made nine recommendations to universities in its [*Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities*](#) (Change the Course report).

In response, the then Minister for Education and Training, Senator the Honourable Simon Birmingham, requested that all Australian higher education providers inform

TEQSA of their approach to addressing the issues raised in the report. Provider responses covered the areas of:

- preventative education
- training and information, policy and governance
- investigation and reporting procedures
- consequences of misconduct
- provision of a safe environment
- support for students who have been assaulted or harassed on campus, in student accommodation, travelling to campus, online, or at home.

In 2018, TEQSA analysed the written responses and websites of 168 higher education providers to obtain an overview of the sector's responses to the issue of sexual assault and sexual harassment. TEQSA published its [*Report to the Minister for Education: Higher Education Response to the Issue of Sexual Assault and Sexual Harassment*](#) in January 2019. The analysis identified that some providers had not yet put in place the mechanisms and processes to support student wellbeing, and that more could be done to prevent sexual assault and sexual harassment. Since the report, TEQSA has used a framework to review providers' responses to sexual assault and sexual harassment in further detail as part of its renewal of registration processes. The framework incorporates elements of the AHRC Change the Course Recommendations and the Universities Australia [*Guidelines for university responses to sexual assault and sexual harassment*](#) (the UA Guidelines). TEQSA has also received and investigated complaints about providers' responses to incidents of sexual assault and sexual harassment, and has supported providers in implementing actions that will enhance the wellbeing and safety of students.

The information in this Good Practice Note reflects the HES Framework and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code). The HES Framework sections that are most pertinent to this Good Practice Note are sections 2.3 Wellbeing and Safety, 2.4 Student Grievances and Complaints, 6.1 Corporate Governance, 6.2 Corporate Monitoring and Accountability and 7.2 Information for Prospective and Current Students. Further relevant sections include: 2.2 Diversity and Equity, 4.2 Research Training, and 7.3 Information Management. Sections 2.3, 2.4, 6.1, 6.2 and 7.2 and Standard 6 of the National Code are set out in Appendix A.

Definitions

Higher education providers should define the terms they use in their policies and procedures. Definitions of sexual assault and sexual harassment in provider policies, procedures, codes of conduct and other related documents should consider the local legislation, and providers can define terms in their own words as long as they do not conflict with the local law. In this Good Practice Note we use the terms 'sexual assault' and 'sexual harassment', as defined by the Australian Human Rights Commission in its survey of university students for the Change the Course report (see below). We also use the acronym 'SASH' to denote sexual assault and sexual harassment.

Sexual assault

Sexual assault includes a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent.

Sexual harassment

While the definition of sexual harassment varies across Australian (and other) jurisdictions, it generally involves an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated, or intimidated.

Consent to sexual activity

Whilst definitions for consent to sexual activities also vary between jurisdictions, consent is essentially an agreement between people to engage in a sexual activity. Other important elements of consent are that it is mutual, freely given, informed, certain and clear, enthusiastic, reversible, specific and required throughout the activity.¹

The age of consent to sexual activity varies across Australia and across the world. The age at which a person is able to legally consent to sexual activity is 16 across most parts of Australia, with the exception of South Australia and Tasmania, where the age of consent is 17. The age of consent can also vary across some parts of Australia if there is a relationship of authority between the two parties, such as between someone in a teaching or student service role, where the age of consent then becomes 18 years.

Internationally, the age of sexual consent can vary greatly and be as low as 12 years in some countries. It is important that international students receive information about the age of sexual consent in Australia. Students who are from countries where the age of consent to sexual activity is lower than it is in Australia might otherwise assume that the age of consent is the same as in their country of origin.

The nine principles

This Good Practice Note is structured around nine principles (see Figure 1), each in a separate, standalone chapter.

A summary checklist of items that correspond to the nine principles is provided in Appendix B.

1. Consent definition from: <https://kidshelpline.com.au/teens/issues/what-consent>.

Figure 1. Nine principles for managing sexual assault and sexual harassment (SASH)



1. Wellbeing and safety of the students and staff members who experience sexual assault or sexual harassment are the focus of prevention and response



Higher education providers should treat all parties involved with respect.

All parties should be heard with compassion, not judgement or blame.

The appropriate response to sexual assault and sexual harassment is one that supports the students and staff members who have experienced sexual assault or sexual harassment, irrespective of where the incident occurred. This includes, as the UA Guidelines point out, students and staff members who are disclosing or reporting sexual assault or sexual harassment. Treating them with kindness, care, compassion, respect and empathy will support them to heal from the effects of the sexual assault or sexual harassment, regardless of the investigatory outcome for them. Whilst providers are encouraged to obtain legal advice, a focus on compliance or a legally-oriented response by administrators may serve to alienate students and staff members who are disclosing or reporting sexual assault or sexual harassment and detract from their recovery. Sexual assault and sexual harassment are often under-reported due to apprehension or a lack of confidence that matters will be responded to in an appropriate way. Students and staff members who have experienced sexual assault or sexual harassment may be concerned that they may not be believed when disclosing or reporting, or that, if they are believed, they may be blamed or judged harshly for their experience.

Regardless of gender, culture or background, no person's experience of sexual assault or sexual harassment, or the extent to which it impacts on their lives, can be assumed to be the same as another's. For this reason, each response should be informed by the nature of the experience, and led by considerations of the needs of the student or staff member who experienced the sexual assault or sexual harassment. Each provider should have the resources (or access to the resources) to support each individual involved, in the process of identifying, responding to, and resolving the incident.

Institutional responses that do not adequately support and assist parties involved may not only deter students and staff members from reporting incidents, but may adversely impact on the individuals involved, creating further harm. Effective responses are based on all staff, students, contractors and suppliers being educated about the realities of sexual assault and sexual harassment and its prevalence (see Appendix B), and by understanding how the way in which they respond impacts on the individuals involved.

Higher education providers should consider the principles that they will observe when responding to an incident. When students or staff members disclose or report an incident and/or seek assistance, they should be:

- treated fairly, with dignity and respect
- heard with compassion, not judgement or blame
- heard by first responders with the assumption that their report is genuine (this also applies to the alleged perpetrator's story)
- afforded privacy for all conversations
- provided with information about options for reporting within, and external to, the provider
- not discouraged from making a formal complaint
- free to decide which, if any, disclosure or report to make
- provided with access to support, ideally 24 hours a day
- responded to in a timely manner
- reassured of the confidentiality of their disclosure
- assured that they and the alleged perpetrator will be interviewed by different staff members
- kept informed of any action the provider takes in relation to their disclosure, report or complaint and the expected timelines for resolutions of matters reported to the provider.

It is important to consider how to minimise, and not prolong, responses to sexual assault and sexual harassment, to avoid the potential of any additional trauma or harm to all individuals involved.

There is often an emotional and time cost for students and staff members who disclose or report sexual assault or sexual harassment to respond to the requirements of a formal complaint process, and/or the criminal justice system if they have reported to police. This may have an impact upon their ability to focus on, remain engaged with, and keep up with study requirements. Enabling access to precautionary actions needed to facilitate study variations, so that the student can maintain engagement with their studies, can assist the students involved. This should minimise the likelihood of further harm occurring through the loss of educational opportunity.

Good Practice Example 1: Focus on wellbeing and safety is stipulated in the sexual assault and sexual harassment policy and procedure at Academies Australasia Polytechnic Pty Limited

By including the following 13 principles in its sexual assault and sexual harassment policy, Academies Australasia Polytechnic Pty Limited (AAPoly) ensures that staff and students are aware of the wellbeing-focused intention underlying the policy. These 13 principles set the tone for the implementation of the relevant policies and procedures and are in turn explained further in the relevant policies and procedures.

Figure 2. Example of policy and principles assisting in the policy's interpretation and implementation as intended

POLICY PRINCIPLES AND GUIDELINES

- a) Care and consideration for a person's wellbeing is the primary focus when responding to any disclosure, when seeking a resolution and when addressing any formal complaint of sexual assault or sexual harassment.
- b) Students have the responsibility to not sexually harass or abuse others and must discontinue behaviour demonstrated to have offended, humiliated or intimidated another person.
- c) Students and staff are encouraged to intervene safely when they encounter instances of unacceptable behaviour. As an active bystander students and staff can:
 - i. notice events and interpret the event as requiring intervention;
 - ii. intervene in the situation safely which may involve directly challenging or confronting perpetrators or potential perpetrators, distracting either party or getting help from others.
- d) A person who experiences sexual assault or harassment may choose to disclose the incident(s), which involves sharing information about the incident(s) to seek support and/or resources.
- e) A person who experiences sexual assault or harassment may choose to make a formal internal complaint of the incident(s) and seek a response action from AAPoly.
- f) A person who experiences sexual assault or harassment is entitled to report their experience to the police or make a formal complaint with the Victorian Equal Opportunity and Human Rights Commission and will be advised of these options.
- g) Disclosures of sexual harassment or sexual assault will be managed in a compassionate manner and any case under formal resolution will be managed promptly, fairly and confidentially, ensuring due process to all parties.
- h) Formal complaints of misconduct will proceed in accordance with AAPoly's Sexual Assault and Sexual Harassment Procedure and the Student Non-Academic Misconduct Policy and Procedure.
- i) Attention will be given to minimizing the number of times and number of people to whom one is required to recount their experience/s of assault or harassment.
- j) A person who makes a formal complaint has the right to have their chosen supporter or representative involved in the process and the option to stop the process at any time. All students involved are entitled to regular and timely communication about the progress of the investigation and its outcome.
- k) An alleged perpetrator has the right to know the details of a report made against them and has a right to respond and have a supporter or representative chosen by them present when they respond to the allegations made.
- l) No one will be treated unfairly as a result of a complaint of sexual assault or sexual harassment. Immediate disciplinary action will be taken against anyone who victimises or retaliates against someone who has made a complaint or against whom a complaint is made.
- m) Any student found to have sexually assaulted or harassed another person will be subject to disciplinary action that may include an apology, counseling, suspension or exclusion depending on the severity and persistence of the behaviour.
- n) Any staff found to have sexually assaulted or harassed another person will be subject to disciplinary action described in the Staff Handbook.
- o) Students who experience sexual assault or harassment are entitled to academic special consideration and to support with navigating the special consideration process.
- p) Individual disclosures and reports of sexual assault or sexual harassment will be collected and stored confidentially, accessible only by key staff responsible for the student's safety.
- q) De-identified data on disclosures and formal reports of sexual assault and sexual harassment will be collected to determine the effectiveness of AAPoly's response procedures for continuous improvement processes.
- r) Where students experience sexual assault or sexual harassment on placement, the local procedures at the site of the placement will apply, in addition to AAPoly's policy and procedure.

Source: [Academies Australasia Polytechnic Pty Limited. Sexual Assault and Sexual Harassment Policy](#) (date accessed 1/5/2020).

2. Leadership and governance ensure institution-wide action

- Leaders should model respectful behaviour and take responsibility for the wellbeing of the community, including through student accommodation services.

Leaders of a provider's educational community are central to its culture and to the open and transparent prevention of, and response to, sexual assault and sexual harassment. Leaders should model respectful behaviour by engaging with, and taking responsibility for, the institutional response and the wellbeing of the community. This behaviour will inspire others to be respectful, accountable and engaged.

Leaders should be aware of the impact that organisational culture can have on the occurrence of sexual assault and sexual harassment and on the people involved. Leaders should encourage institutional responses that prioritise the provision of a safe learning environment, rather than the reputation of the institution.

Openness, transparency and communication are the hallmarks of effective and efficient prevention of, and response to, incidents of sexual assault or sexual harassment. The values of an organisation and its leaders, and the composition of student cohorts, cannot automatically reduce risks of sexual assault or sexual harassment, nor can they absolve a provider of its associated responsibilities. For example, institutions that: teach religious values, or wellbeing service professionals, have only female or mature-aged students, or only offer online courses, will still have a certain risk of sexual assault or sexual harassment. The presence of particular cohorts, with different cultures and expectations, should not lead to a less proactive stance. An institution that markets itself to international students should not avoid mention of sexual assault and sexual harassment for fear of offending cultural sensitivities. Information about how providers are preventing and responding to sexual assault and sexual harassment should be provided on their website and the relevant policies and procedures should be publicly available. Providers do not have to add the topic to their marketing brochures, but should ensure that international students are informed about this topic as early as possible.

There can never be zero risk. In a safe learning environment, every member of a provider's educational community should know how to confidently prevent and respond to sexual assault and sexual harassment as a result of training. Educational material and information should be distributed through multiple modes, such as: email, through posters in common areas, as part of open and community days, and on the provider's website.

In the creation and maintenance of a safe learning environment, providers should consider what mechanisms will support the effective vetting of individuals to determine their suitability as staff, with reference to:

- the nature of any breach or alleged breach of an employer's disciplinary framework by the individual
- the role for which they are applying
- other relevant considerations (such as whether the candidate resigned from a previous role while an investigation against them was ongoing).

Taskforce or working group

A taskforce or working group responsible for the ongoing implementation and improvement of measures to prevent and respond to sexual assault and sexual harassment is a very important component in each provider's approach to the issue.

Providers should establish a taskforce or a working group to bring people with different perspectives to work together on this challenge. As an alternative to a taskforce or working group, very small providers could consider to task an existing role with the coordination of the prevention and response. Senior leadership should be represented in the group to ensure senior leaders' awareness of the topic and to demonstrate that the prevention and response to sexual assault and sexual harassment are a priority at the provider. The group should have broad representation from both within and outside of the provider community. At a minimum, the group should include students, academic staff, and administrative staff. Depending on a provider's scale and capacity, the taskforce or working group may benefit from the inclusion of local sexual assault services, counselling services, security staff, local police and legal staff. Irrespective of the approach and scale of the working group, the group should have terms of reference, meet on a regular and ongoing basis, and be invested with the power and resources to create change. All members of the group should be offered relevant training, support and access to counselling in case they experience distress.

Consideration should be given to the diversity of the task force within the context of the provider. This might include the representation of groups such as LGBTIQ+, Aboriginal and Torres Strait Islanders, culturally and linguistically diverse communities, and people with disabilities.

The working group or role should report regularly to the governing body on:

- progress of the implementation of measures to prevent and respond to sexual assault and sexual harassment
- actions taken on reports and outcomes
- key developments in training and education
- emerging issues
- numbers and nature of reported sexual assault and sexual harassment incidents and proposed changes to prevention and response measures.

Where possible, providers should include research expertise and academic knowledge of their own academic staff in the taskforce or working groups.



The University of Tasmania has created several smaller special interest working groups, in addition to the SASH taskforce, which are responsible for different aspects of the implementation of their action plan.



Small providers could create joint taskforces or participate in taskforces that are maintained by a peak organisation with representatives from all providers in the organisation.



The University of New South Wales works closely with the Gendered Violence Research Network on campus to design and implement measures.

Offering staff members and students who participate in the taskforce or working group training on sexual assault and sexual harassment-related matters increases their awareness of the issues, provides them with professional development options, and increases their value to the group as their input is better informed as a result of the training. Providers could consider how they can promote and recognise the students' contributions.



Victoria University (VU) records students' participation in prevention of sexual assault and sexual harassment work in their VU extra transcript. This is an official transcript from Victoria University that provides evidence of involvement in approved extra-curricular programs contributing to university life, the personal and professional development of the student, and attaining the VU Graduate Capabilities. VU staff also offer to serve as referees for these students. Several of the students who have participated have subsequently built a career in the field.

Student and staff voice

It is important for leaders to listen to their educational community to learn about the structural and attitudinal barriers to change. This includes engaging with their staff and students to assist them to identify beliefs and attitudes in relation to identification, prevention, and responding to sexual assault and sexual harassment. Regularly engaging with community members who have a different gender, identity, ability or culture from their own will assist leaders to be inclusive.

Student accommodation services

Providers and leaders can actively use their influence and governance links to ensure student accommodation services establish a safe environment for students and staff. This can be achieved through representation on each other's governing boards, stipulation of measures to prevent and respond to sexual assault and sexual harassment in the service provider agreement, and close communication between the providers when incidents occur.

Governing body

The governing body is ultimately responsible for ensuring the wellbeing and safety for the provider's educational community. The governing body should ensure that policies, processes and activities have been established to foster and maintain wellbeing and safety, especially regarding the prevention and response to sexual assault and sexual harassment, and should maintain adequate oversight. Regular reporting of sexual assault and sexual harassment incident data to the governing body assists with monitoring, consideration and action.

Resources

The governing body should consider what funding is necessary to establish systems and processes to prevent, identify and respond to sexual assault and sexual harassment, and any associated risks to the provider's educational community. In larger providers, this may include employing dedicated staff with subject matter expertise to prevent and respond to sexual assault and sexual harassment. In smaller providers, this may mean sourcing relevant expertise, if and when required.

3. Policies and procedures are comprehensive, inclusive and implemented by well-trained staff



An effective framework of related policies and procedures to support the prevention and response to sexual assault and sexual harassment exists, and staff are able to implement these appropriately.

Every higher education provider should have a context-appropriate framework of interrelated sexual assault and sexual harassment policies and procedures designed to prevent, identify, record, and respond to sexual assault and sexual harassment. These can include, but are not limited to:

- stand-alone sexual assault and sexual harassment policies and procedures
- code of conduct/behavioural policies
- misconduct policy and procedure
- policy regulating staff and student relationships
- student wellbeing policy
- special consideration policy
- reporting or complaints policy and procedure
- critical incident policy and procedure.

These policies and procedures should contain hyperlinks to each other to make it easier to read them together and to find the relevant information.

Policies and procedures

Every provider should have a sexual assault and sexual harassment policy and procedures to respond to incidents of that nature. The principles outlined in this Good Practice Note as well as in the UA Guidelines may form useful references in developing policies.

Providers should consider whether stand-alone policies (policies that are specifically about sexual assault and sexual harassment as distinct from other forms of assault and harassment or related topics) are beneficial, to ensure that the topic can be dealt with as comprehensively as possible. Careful naming of stand-alone policies and procedures can assist people to find the relevant documents quickly and easily.

A provider's response to sexual assault and sexual harassment can be covered by existing misconduct policies and procedures, however these should be considered carefully to ensure the definition of misconduct includes incidents of sexual assault and sexual harassment by members of the provider's community.

Providers have a duty to act fairly. This should be reflected in the relevant policies and procedures. See Good Practice Example 2 where the provider has clearly outlined the rights of each party in its policy. It will be in a provider's best interest to seek legal advice during the development of their relevant policies and procedures. This upfront investment in ensuring best practice policies may avoid additional costs or harms in the future as a result of applying poor practices. To ensure that the policies and procedures are implemented consistently and as intended, all relevant staff should be well trained on the implementation of such policies and procedures.

Good Practice Example 2: The policies and procedures of Monash University clearly outline the rights of each party during the misconduct process

Figure 3. Excerpt from Monash University's Student General Misconduct Procedure

STUDENT RIGHTS AT THE HEARING

5.18 A student may be accompanied and assisted, but not represented, by one other person at the hearing.

5.19 Subject to the direction of the chair, the student has the right to:

- question witnesses;
- bring witnesses to give evidence on the student's behalf;
- present the student's case, including by giving evidence and making written and/or oral submissions; and,
- produce documents or other evidence

Source: Monash University. Student General Misconduct Procedure, https://www.monash.edu/_data/assets/pdf_file/0007/2028670/Student-General-Misconduct-Procedure.pdf (date accessed 1/5/2020).

Sexual assault and sexual harassment policies and procedures, and any other related documents, should be regularly reviewed and updated. Within the context of their operations, providers should also commission independent expert-led reviews of the efficacy of the relevant policies and procedures at regular time intervals. This is to ensure that policies and procedures continue to be implemented accurately, and to correct for drift resulting from policy and procedure updates over the years.

Where deficiencies are identified as a result of a review, an action plan should be created and implemented. This could be done in consultation with the taskforce or working group or role responsible for the implementation of preventative and response measures.

Providers should consider making their reviews and associated action plans publicly available as a positive demonstration of transparency, accountability and commitment to effective prevention of, and responding to, sexual assault and sexual harassment.

Policies and procedures (or guidelines) should include, but are not limited to:

- purpose and objectives
- scope and to whom it applies
- a set of principles to guide the implementation of the policy
- definitions of consent, sexual assault and sexual harassment and any other words used to describe these
- behavioural examples for each defined term
- clearly defined sanctions
- the range of support measures the provider can take to both protect and support people
- the roles and responsibilities of people in relation to both the policy and the procedures
- how to report an incident, including an outline of the options available
- what happens when an incident report is received, including timeframes
- what happens when a student or staff member chooses to make a formal report to the police
- explanation of differences between the provider's administrative response and police criminal investigation
- options for resolution
- clear statement of the rights and responsibilities of all parties involved
- options if people are not satisfied with the provider's response, including a link to TEQSA's complaints portal
- requirements specific to managing a response to an incident where people under the age of 18 are involved, including understanding mandatory reporting obligations
- reference and links to other relevant policies and procedures and legislation.

Policies should also make it clear that a formal report to the police is not required in order to access the provider's reporting procedures.

Definitions

Definitions of sexual assault and sexual harassment in provider policies, procedures, codes of conduct and other related documents should consider the local legislation. Providers can define terms in their own words, as long as they do not conflict with the relevant law. Some people lack awareness of what constitutes sexual assault or sexual harassment, or fail to recognise it in some circumstances (for example, in the context of a relationship or where alcohol is involved). The inclusion of behavioural examples to the definition of each term can assist people to understand the nature of the risks, to realise that their experience was sexual assault or sexual harassment, and to identify the correct term for their experience, if and when they decide to talk about it. Consent is another important term to define in these documents.

Good Practice Example 3: Behavioural examples are provided after the definition of each term at the University of Tasmania

Figure 4. Behavioural examples at the University of Tasmania

Examples of sexual harassment may include (but are not limited to):

- Staring or leering at a person in a sexual manner
- Standing deliberately too close to someone or deliberately brushing against someone as you walk past
- Displaying pornographic or sexually explicit material (such as posters and screen savers)
- Sending sexually explicit emails, SMS messages
- Inappropriate advances on social networking sites
- Sexual insults or taunting
- Requests for sex or repeated unwanted requests to go out on dates
- Making promises or threats in return for sexual favours
- Intrusive questions or remarks about a person's sexual activities

Examples of sexual assault may include (but are not limited) to:

- Two people in a relationship start engaging in sexual activity but Person A changes their mind and asks to stop. Person B refuses to stop and forces sexual activity.
- A student taking advantage of another intoxicated student at a party by encouraging them back to their room and engaging in sexual activity when the student is unable to give consent due to being affected by alcohol.
- A research supervisor manipulates a student to engage in sexual acts in exchange for better marks.
- A staff member who has been continually making advances towards another staff member proceeds to force themselves onto that staff person while they are alone in a meeting room, attempting to kiss and touch them under their clothing.

Source: University of Tasmania, University Behaviour Policy, https://www.utas.edu.au/_data/assets/pdf_file/0006/1181985/University-Behaviour-Policy.pdf (date accessed 1/5/2020).

Mandatory reporting

Mandatory reporting is an obligation in some jurisdictions in Australia to report cases in which it is suspected that a serious offence has been committed. Legal advice should be sought to ensure that the requirements of the relevant jurisdiction have been met. Suspected cases of child abuse and neglect also fall under the mandatory reporting requirements in Australia. Most providers will have at least some students under the age of 18, so they should also be aware of their responsibilities for protecting young people from abuse and neglect, and the mandatory reporting guidelines relevant to their state or territory. Mandatory reporting requirements can be complex, and they continue to be updated. It is important to be cognisant of this and to contemplate whether it is appropriate to seek legal advice if incidents involving children are reported. The [National Child Safe principles](#) provide excellent practical tools and resources to help organisations that work with children to implement child safe principles.

Vexatious complaints

A vexatious complaint is one that is falsely made; that is, it is not made in good faith or based on evidence. Evidence shows that sexual assault is no more falsely reported than any other crime.² Of course, sometimes a claim will be made honestly, based on a real perception of negative treatment, but for various reasons the evidence will not support the complaint.³ In some cases, the complaint is made to bring annoyance or distress. Providers should mention in their relevant policies how they will deal with vexatious complaints about sexual assault and sexual harassment, and consider their language and tone for this section carefully. It needs to be sufficiently informative without sounding so negative as to stop the genuine reporting of such incidents.

Good Practice Example 4: Excerpt from Griffith College's Sexual Assault, Harassment, Discrimination, Victimisation and Bullying Policy

Figure 5. An example of how vexatious complaints have been addressed in Griffith College's policy

The complaint resolution process is carried out in good faith and complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if a preliminary investigation of the facts indicates this.

Source: Griffith College. Sexual Assault, Harassment, Discrimination, Victimisation and Bullying Policy, <http://policy.griffithcollege.edu.au/> (date accessed 1/5/2020).

Supervisor and student relationship

Policies that guide the relationships between honours and postgraduate students and their supervisors should be in place. These policies should identify the rights and responsibilities of both supervisors and students, and procedures for navigating relationships and getting support when difficulties arise. Supervisors should be supported with links to resources for managing the relationship and setting expectations, both academically and socially. Providers should also discourage sexual relationships between supervisors and students, and put in place procedures for identifying and managing the conflict of interest inherent in such relationships. Regular training programs that foster respect for each person's contribution to the learning environment may also be useful. The [Principles for Respectful Supervisory Relationships](#)⁴, developed jointly by Universities Australia, the National Tertiary Education Union, the Council of Australian Postgraduate Associations and the Australian Council of Graduate Research, provide clear guidance for providers on this topic.

2. [Challenging Misconceptions about sexual offending: creating an evidence-based resource for policy and legal practitioners](#), Australian Institute of Family Studies.

3. Definition sourced from: <https://www.worklogic.com.au/review-of-actions/how-to-respond-to-a-vexatious-complaint/>.

4. <https://www.canberra.edu.au/research/current-research-students/research-supervisors/principles-for-respectful-supervisory-relationships/Postgraduate-Principles.pdf>

Good Practice Example 5: Excerpt from Monash University's Staff and Student Personal Relationship Policy

Figure 6. Guidance for Monash University supervisors on how to manage their relationship to students

FURTHER GUIDANCE

3.2 By way of guidance, you should avoid the following:

- one-on-one meetings with a student about University matters at a private residence or secluded place;
- engaging in consensual conduct of a sexual nature with a student whom you are teaching, assessing or supervising;
- having a personal relationship with a student whom you are teaching, assessing or supervising;
- engaging in exploitative dealings with a student or using your position relative to a student for some personal advantage;
- discussing details of your own intimate and sensitive personal matters with a student, such as your sexual relationship, mental health or financial position;
- borrowing or accepting money or other gifts from a student or otherwise having a financial interest with a student, except for token gifts after all assessment is completed and in accordance with the Gifts, Benefits and Hospitality procedure;
- behaviour of a threatening or criminal nature, or which reasonably makes the student feel unsafe, including stalking, repeated attempts to impose unwanted communication or contact that is not the appropriate performance of your University duties, harassment, assault, sexual assault or bullying;
- engaging in any other conduct towards a student which is unreasonable and unwelcome, and could reasonably be expected to make the student feel offended, humiliated or intimidated.

Source: Monash University. Staff and Student Personal Relationship Policy, https://www.monash.edu/_data/assets/pdf_file/0005/797432/Staff-Student-Personal-Relationships.pdf (date accessed 1/5/2020).

Overseas campuses

Effective prevention and measures to address sexual assault and sexual harassment need to extend to all areas of a provider's operations, including overseas campuses. It is important that local legislation requirements for sexual assault and sexual harassment matters are thoroughly understood. It may be necessary to seek local and Australian legal advice to ensure that policies and procedures can be implemented in the intended manner. Providers need to be aware that their own jurisdiction over their administrative misconduct procedures is separate and quite different in character from those of the criminal justice system of the country in which they are located. For further discussion on the differences between these systems, see Principle 8.

Diversity

All policies, procedures and related documents should be inclusive in language, supportive in tone, and extensively disseminated throughout the provider's community in a variety of online and on-campus locations.

Policies and procedures about sexual assault and sexual harassment should consider and reflect the diversity of students and staff members who experience sexual assault or sexual harassment. People from LGBTIQ+, Aboriginal and Torres Strait Islander, culturally and linguistically diverse communities, and people with disabilities are more likely to experience sexual assault and sexual harassment than other groups.⁵ Higher education providers should familiarise themselves with the challenges that these communities experience in higher education in order to fully serve their communities. It is important to recognise that men also experience sexual assault and sexual harassment. Ignoring or minimising some student and staff accounts of sexual assault and sexual harassment can reinforce the perception that some of their experiences are more important than others. Policies and procedures that reflect diversity are essential. Providers should also establish informal networks to support diverse staff and students. Forms, reporting and surveying should take the accessibility and language needs, and the sexuality and gender identity of participants, into consideration.



Excelsia College tested its new policies and procedures through role-playing case studies and scenarios.

5. [AHRC Change the Course Report](#).

4. A safe environment is provided for all staff and students



A safe environment should be provided for every member of the educational community.

Learning and work environment

Providing a safe learning and working environment is paramount to staff and student wellbeing. This includes a framework that supports safe behaviours (see principle 3); a safe physical environment, including student accommodation and work placement environments; a safe online environment; and provision of information and training to raise awareness of the issue and to create positive behaviour changes (see principles 5 and 6).

Physical/geographical environment

Ensuring a safe environment means considering the experience of students and staff as they travel to/from learning and working, enter/exit, and enjoy the learning environment. The provider should ask how, why and when students and staff engage with the environment and identify aspects of the environment that may limit safety.

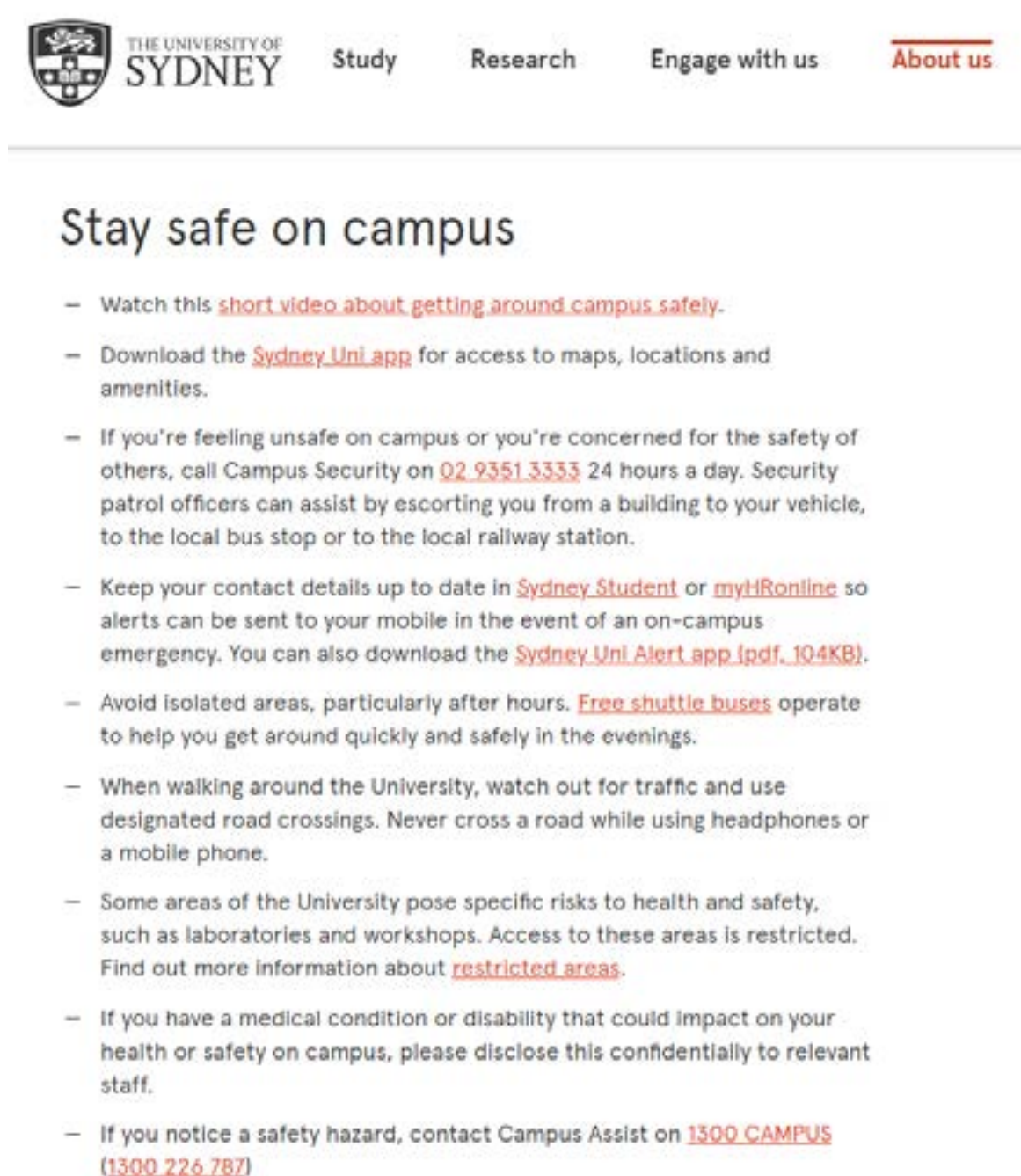
Providers need to be aware that personal safety is the responsibility of everybody, not just of individuals. Consequently, if the provider chooses to publish safety tips such as: 'Never leave a drink unattended' or 'When you are out, stay with friends and people you can trust', these should be accompanied by bystander information such as 'Create a distraction', 'Ask directly', 'Refer to authority' and 'Enlist others'.⁶ It is preferable to focus on community-oriented responses to sexual assault and sexual harassment. Providers should ensure that students and staff understand that the experience of sexual assault or sexual harassment is never the fault of the person who experiences it. This still holds true if the sexual assault or sexual harassment occurs in situations that safety tips suggest people avoid.


Good Practice Example 6: Staying safe on campus tips at the University of Sydney

The personal safety tips are embedded into several other measures by the University of Sydney to keep students safe. This emphasises the communal responsibility to keep everybody safe.

6. Rape, Abuse and Incest National Network (RAINN) <https://www.rainn.org/articles/steps-you-can-take-prevent-sexual-assault>.

Figure 7. Staying Safe on Campus webpage at the University of Sydney



 THE UNIVERSITY OF SYDNEY

Study Research Engage with us About us

Stay safe on campus

- Watch this [short video about getting around campus safely](#).
- Download the [Sydney Uni app](#) for access to maps, locations and amenities.
- If you're feeling unsafe on campus or you're concerned for the safety of others, call Campus Security on [02 9351 3333](#) 24 hours a day. Security patrol officers can assist by escorting you from a building to your vehicle, to the local bus stop or to the local railway station.
- Keep your contact details up to date in [Sydney Student](#) or [myHOnline](#) so alerts can be sent to your mobile in the event of an on-campus emergency. You can also download the [Sydney Uni Alert app \(pdf, 104KB\)](#).
- Avoid isolated areas, particularly after hours. [Free shuttle buses](#) operate to help you get around quickly and safely in the evenings.
- When walking around the University, watch out for traffic and use designated road crossings. Never cross a road while using headphones or a mobile phone.
- Some areas of the University pose specific risks to health and safety, such as laboratories and workshops. Access to these areas is restricted. Find out more information about [restricted areas](#).
- If you have a medical condition or disability that could impact on your health or safety on campus, please disclose this confidentially to relevant staff.
- If you notice a safety hazard, contact Campus Assist on [1300 CAMPUS \(1300 226 787\)](#)

Source: The University of Sydney. Staying Safe on Campus webpage, <https://www.sydney.edu.au/about-us/campuses/emergencies-and-personal-safety.html> (date accessed 6/7/2020).

Conducting an audit of the learning and working environment can identify opportunities for action to improve student and staff safety on campus. Security staff, or for smaller providers, staff trained in first responding and first aid, should be available whenever people have access to the campus. A safe escort service should be considered if the size and structure of the buildings warrant it. Closed-circuit television (CCTV) footage should be stored for a reasonable amount of time (the industry standard is one month) and not be deleted before the incident register for the respective time span has been checked, to avoid the deletion of potential evidence for incidents that might have been reported.

Some providers have offered their students and staff access to applications (apps) that they can download to their phones, which connect them directly to security staff in case of an emergency or when they need a safe escort. A range of apps are publicly available and should be offered to the provider's staff and students without charge. For example, Australia's emergency services have created an app that uses GPS functionality to help a Triple Zero caller to provide critical location details (emergencyapp.triplezero.gov.au). Establishing good networks and collaborative relationships with local police and sexual assault services can also contribute to safer communities.

Online environment

Students spend more and more time in online learning environments (even those who are studying on campus), and incidents of sexting, cybersex, stalking, grooming and technologically-facilitated sexual harassment are becoming more frequent. Consequently, the online learning environment requires monitoring and moderation to ensure the wellbeing of students and staff. Online classes, discussion forums, and learning groups established via the learning management system and social media are not immune to harmful communication, inappropriate comments and abuse. Policies and procedures regarding sexual assault and sexual harassment need to include the online learning environment and should define acceptable behaviours specific to that learning environment. Providers should be aware that factors such as gender, race, sexual orientation and disability can heighten the risk of technology-facilitated abuse.

Student accommodation and events (social and learning-related)

Student accommodation can provide residential students with a sense of belonging and home, but sexual assault and sexual harassment can and currently do occur in student accommodation. This may include harmful practices such as hazing, ritualised sexual harassment, or binge drinking.

In some cases, the owner of the student accommodation is the education provider, and in other cases the accommodation facility is owned by an unrelated entity. Even if the education provider is not the owner of the facility, the provider is not relieved of its responsibility to ensure its students' wellbeing and safety are ensured. The provider should still take an active interest in the wellbeing of its students. Higher education providers should actively use their influence and governance links to ensure that the accommodation providers promote and foster a safe environment for their students. Providers should work collaboratively with the student accommodation services to implement preventative measures, such as evidence-based sexual assault and sexual harassment education programs, as well as programs to counter the harmful effect of alcohol and drug abuse.

Identifying the risks inherent in student accommodation and preparing risk management plans for events are important steps. Living arrangements that foster positive relationships and prevent poor behaviour should be encouraged. For example, bathroom facilities should be lockable and provide adequate privacy, especially if they are shared facilities. Students who live in residential accommodation should also

be offered bystander, first responder and consent training as part of their orientation and throughout their stay. Staff in student accommodation should also receive first responder training. Policies and procedures to minimise the risk of sexual assault and sexual harassment occurring between students living in student accommodation should be in place. Policies and procedures should cover:

- complaints procedures, including mechanisms for reporting and investigation
- access to support services
- staff positions identified as first responders or as receiving disclosures
- definitions of sexual assault and sexual harassment behaviours, behavioural examples and consequences
- the scope of locations which the policy covers
- monitoring and reporting of incidents
- confidentiality and privacy
- anonymous reporting
- options for reporting externally
- the level of supervision during activities at student accommodation
- response to hazing and other initiation ceremonies
- training requirements and procedures for managing events.

Procedures for how accommodation managers respond to incidents of sexual assault and sexual harassment in student accommodation should include liaison with the relevant education provider to ensure:

- students who experience sexual assault or sexual harassment receive support
- the impact on students (both alleged perpetrator and those who have experienced sexual assault or sexual harassment) is minimised
- the incident is resolved efficiently and effectively.

Alcohol consumption is a risk factor associated with sexual assault and sexual harassment. Some accommodation providers have procedures in place to guide students who are holding social events on how to minimise the risk to guests. Some have minimised the potential for harassment by banning alcohol at particular events, banning hazing, and implementing greater controls for accommodation provider staff to approve activities.

Similarly, the provider should consider the potential risks relating to community interaction during fieldwork, on placement, at social clubs, and at sporting events. Some providers require members of clubs to undertake training so that they are aware of the risks inherent in social gatherings, particularly where alcohol is consumed, and/or to undertake training (in relation to bystander awareness or receiving disclosures) prior to signing a facilities use agreement.

Good Practice Example 7: Alcohol use at student functions is regulated at Monash University

Figure 8. Alcohol use at functions at Monash University

For an example of a policy that regulates alcohol use at functions organised by Clubs and Societies affiliated with a higher education provider, see the Monash Student Association's *Responsible Service of Alcohol Policy*: <https://www.monashclubs.org/About/Governance-Documents/Documents/MSA-Responsible-Service-of-Alcohol-Policy.aspx>

5. Comprehensive education and information materials are widely available and regularly updated

- Information and education materials should be publicly available demonstrating the provider's ability and willingness to address sexual assault and sexual harassment openly.

Principle five is concerned with the provision of education and information, while principle six is about training. Both principles aim to raise awareness of, response to, and prevention of, sexual assault and sexual harassment, but through different approaches. The thematic split has been made here to allow a distinct discussion of each approach.

Accessibility to information

Providers should foster a culture that encourages the public provision of information about the prevention and response to sexual assault and sexual harassment.

Not talking about sexual assault and sexual harassment condones a culture of sexual assault and sexual harassment, as potential perpetrators know that they are less likely to be reported, students and staff members who have experienced it are less likely to know where to report the behaviour, and fewer people have been trained as active bystanders.

All members of a provider's educational community should understand:

- which behaviours constitute sexual assault or sexual harassment and the consequences of these behaviours
- how to have respectful relationships (including between tutors, teachers, students, supervisors and postgraduate students)
- what consent means
- how to interpret social situations (particularly involving alcohol consumption)
- how bystanders can respond.

The provision of information and education are necessary to minimise behaviours that lead to sexual assault and sexual harassment, and to support people who may be in a position to respond.

Any information that has the potential to trigger memories of traumatic events in people who have experienced sexual assault or sexual harassment should be accompanied by a warning and contact details for 24/7 support services.

Information about contact people, how to report an incident, policies, procedures, training, education, first responder guidance, definitions, emergency response, any support apps, counselling and academic support in relation to sexual assault and

sexual harassment should be easily accessible on a public facing webpage. Information about privacy and confidentiality, and particular legislative requirements where the student who has experienced sexual assault or sexual harassment is under the age of 18, should be included. A login should not be required to access this information.

All information should be clear and sufficient for members of the community to understand the incident reporting process. Information should include links to the relevant forms or policies, and support students' and staff members' who have experienced sexual assault or sexual harassment trust that the provider has the capacity to complete a fair misconduct procedure.

During the design of information material, the provider should consider the needs of its student cohort, especially accessibility, language and cultural circumstances. Information material and its content should be designed with all users in mind, including those with low vision, blindness, hearing impairments, cognitive impairments, or motor impairments. There will always be circumstances where either students or visitors to the community are under the age of 18, so information for young people and their parents should be provided. Terms used should be inclusive and the gender of the parties involved should not be assumed.

For the international students in the cohort, translation of the most pertinent information into at least the most common languages within the cohort should be considered. The provision of definitions of sexual assault and sexual harassment are especially important for international students as their culture of origin might have very different definitions of these terms. Also included in the translated information should be where to report and what to expect when reporting. International students should be informed that their visa will not be affected if they report an incident of sexual assault or sexual harassment and that they will receive the same advice and support as domestic students. If available, contact details for support services in the most commonly spoken languages should also be provided.



Professional translators or members of the international student cohort who have a good understanding of English and a sound knowledge of the cultural perceptions can assist with the translation, and ensure that the information is conveyed comprehensively and in a culturally sensitive manner.

Information to support decisions

Providing clear information to people about the decisions they will face as they consider disclosing or reporting their experience of sexual assault or sexual harassment is very important. The reporting student or staff member should be informed of any relevant mandatory requirements as soon as possible. Whether an adult student or staff member who experienced sexual assault or sexual harassment decides to report to the provider, or to the police, and whether they will seek counselling and manage their trauma without reporting, is a decision for them. Alleged perpetrators must also have clear information about what they can expect, and the assistance available to them.

Information should be relevant to the services available at each campus. Information for both domestic and international students should be provided, and be accessible, from the moment they enrol. All students should be advised that a provider is able to suspend or cancel a student's enrolment if the student engages in sexual harassment or sexual assault. In the case of international students, the provider needs to report such changes to the student's enrolment to the Australian Government department responsible for immigration and the student should seek advice about potential impact on their student visa. Conversely, it should be clearly stated that experiencing sexual assault or sexual harassment, or reporting an incident of sexual assault or sexual harassment, will not impact on their enrolment or student visa.

Material that develops awareness (such as posters and promotional merchandise) should be visually accessible. Digital learning platforms can also be used on a regular basis to convey messaging about respectful relationships and support services. Creative ways of informing and educating staff, students and contractors should be considered. Embedding information in the curriculum may be an option.

It is important to remember that such awareness-raising, on its own, does not constitute prevention, and must be embedded in a broader and multi-faceted approach.

Policies and procedures relating to sexual assault and sexual harassment should be explained as part of the induction process for all staff, including contractors.

Good Practice Example 8: Sexual assault and sexual harassment-related information provided on the public-facing website

The following two webpages are examples of how different providers have structured their sexual assault and sexual harassment webpages. Both focus on the provision of education and support of students, and each webpage is easy to access from the provider's home page.

The Sexual Assault and Sexual Harassment Support webpage at the Australian Institute of Higher Education has sexual assault and sexual harassment in the title, which makes it easy to find, and the content is clearly structured.

The information on James Cook University's webpage is also structured clearly, and includes training opportunities. It also includes the reports on the efficacy of sexual assault and sexual harassment-related policies and procedures, and the reviews of the residential colleges and the action plans that the university has put in place to address the recommendations of each review. This shows a commitment to transparency and accountability.

Figure 9. Australian Institute of Higher Education's sexual assault and sexual harassment webpage

 marketing@aih.nsw.edu.au +61 (0) 9000 8000 L3-E 4, 545 Kent Street, Sydney NSW 2000

 **AUSTRALIAN INSTITUTE**
OF HIGHER EDUCATION



ABOUTSTUDENTSCOURSESLOGINENQUIREAPPLYDOWNLOAD COURSE GUIDEFAQS



SEXUAL ASSAULT AND SEXUAL HARASSMENT SUPPORT

AUSTRALIAN INSTITUTE OF HIGHER EDUCATION > WELLBEING > SEXUAL ASSAULT AND SEXUAL HARASSMENT SUPPORT

The Australian Institute of Higher Education is committed to preventing incidents of sexual assault and sexual harassment, and providing access to support.

If you or someone you know has experienced sexual assault or sexual harassment, you will find a range of useful information on this page about confidential counselling, medical support, reporting, complaint options, and external services.

Crisis support (24/7)

Police and ambulance services (immediate safety and medical concerns) – 000

1800 RESPECT (sexual assault counselling and information) – 1800 737 732

EXTERNAL SUPPORT SERVICES

Below you will find a list of services off campus which can offer you support, counselling and information.

Sexual assault and domestic violence

+

24 hour counselling and psychological support

+

Feeling sick? - Medical services

+

HELPFUL INFORMATION

Below you will find information which will support you to make the best decision for yourself, or the person you are supporting. For Sexual Harassment and Sexual Assault Policy and Procedure at AIH, please visit Policies and Procedures.

What is sexual assault and sexual harassment?

+

What is consent?

+

How to report sexual assault or sexual harassment

+

Source: Australian Institute of Higher Education. Sexual assault and sexual harassment support webpage, <https://aih.nsw.edu.au/wellbeing/sexual-assault-and-sexual-harassment-support/#1508912883276-7fe9e365-e215> (date accessed 6/7/2020).

Figure 10. James Cook University's sexual assault and sexual harassment webpage



Source: James Cook University. Safety and wellbeing webpage, <https://www.jcu.edu.au/safety-and-wellbeing> (date accessed 9/4/2020).

6. Staff and students are trained to confidently recognise, prevent and respond to sexual assault and sexual harassment

- ▶ Training should be provided on the topics of consent/positive relationships, first responding and on how to be an active bystander.

Training aims to modify a given set of behaviours, ideally permanently. Training should be conducted by staff who are skilled in supporting people who have experienced sexual assault or sexual harassment. Anyone required to undertake training (either online or in person) should be provided with the contact details of a 24/7 helpline where they can access a counsellor trained to support people who have experienced sexual assault or sexual harassment. This Principle outlines the different training types and introduces the three training topics that all providers should include in their staff and student training schedule. Please see Information and Training Programs in Appendix E for suggestions of training providers and training courses, some of which are available free of cost to providers.

Online and face-to-face training

Face-to-face training to address the risk of sexual assault and sexual harassment provides an opportunity for people to interact and role-play conversations in relationships or situations, and is preferable to online training as a means of achieving lasting behavioural changes. Having these conversations creates a culture in which sexual assault and sexual harassment can be discussed openly. However, the cost of delivering face-to-face training to all staff and students may be prohibitive. As a minimum, providers should consider targeting face-to-face training for student leaders and staff with whom students are likely to make contact if they experience sexual assault or sexual harassment, also known as first responders. Security staff, front of house staff, supervisors of research students, tutors, course advisers and coordinators who have a pastoral role, and key organisers of clubs and societies should be considered. All training courses should be evaluated for impact and adapted according to the findings.



Providers could also consider a 'train the trainer' model, where selected staff members are trained to deliver the relevant courses in house.

Online training is designed to be delivered to a large number of people. However, it is very important to be mindful that undertaking training about sexual assault or sexual harassment may trigger traumatic memories if the trainee, or someone close to them, has previously experienced sexual assault or sexual harassment.

If online training is mandatory, an opt-out clause should be made available to staff members and students who may be adversely affected, and contact details for specialised support services (available 24/7), should be accessible alongside the training material. If training is to be mandatory, the provider should consider and publish the consequences of non-compliance, and be willing to administer the necessary monitoring and consequences.

Online and face-to-face training complement each other, and both should be offered to staff and students. For example, online training is ideally suited to provide repeated, brief training sessions throughout the year to refresh material learned during the less frequent face-to-face training. As a minimum, training should cover consent/positive relationships, first responder and active bystander training.

Consent/positive relationships

The ability to ask for, receive, and give enthusiastic consent to any sexual activity is very important. Training about when and how consent should be requested, when it cannot be given, and what enthusiastic consent looks like, raises awareness for the issue of sexual assault and sexual harassment and assures consenting adults that they are doing the right thing to prevent sexual assault and sexual harassment.

Providers should consider the evidence basis for any programs that are adopted, and prioritise training programs that have been evaluated and shown to be effective. This is a further area in which the expertise and knowledge of research staff are a valuable resource for providers to engage with, if available to them.

Off-the-shelf training modules should be assessed to ensure they meet the needs of the audience. Training modules from overseas may require adaptation to meet the needs of local legislation and customs. Online training modules that do not respectfully regard diversity in gender should not be used. Some providers use commercially available services, including online training resources about sexual assault and sexual harassment. Other Australian higher education providers, such as Monash University, have developed their own training resources that they are willing to share. Please access the relevant provider's websites for information on these courses.

Bystander training and cultural transformation

Bystanders often witness behaviour that condones or leads to sexual assault or sexual harassment. Looking out for the safety of friends and colleagues, and supporting them when something is not right, is something everyone can do. However, knowing what to do or say can be challenging. Bystander training can give staff and students the knowledge and confidence to take action to protect someone at risk, and potentially prevent sexual assault or sexual harassment from happening. Sometimes the best or safest response may be to call security or the police rather than intervene personally.

Appropriately-trained facilitators can support trainees to develop confidence to respond in more creative ways that are less threatening. Bystander training also develops a culture of community and responsibility for prevention. Bystander and other training primes participants to be aware of the exchanges between the people around them; increased knowledge can increase the likelihood that poor behaviour is recognised and that bystanders will intervene.

Bystanders find it particularly difficult to speak up in a culture that facilitates or normalises poor behaviour. Staff and students may find it challenging to speak up in workplaces, living or learning environments that feel unsupportive of open discussions about sexual assault and sexual harassment. Conducting a review of the culture of an organisation may support transformation into an environment in which everyone can feel safe. Running public awareness campaigns that promote zero tolerance for sexual assault and sexual harassment, as well as the principles of responsible and respectful behaviour, can support a positive culture, where these statements are supported by other institutional responses to sexual assault and sexual harassment.

Receiving disclosures/first responder

Many people who have been sexually harassed or sexually assaulted do not disclose their experiences, for a number of reasons. First responders, student leaders, policy writers and decision makers should understand the barriers to disclosure. Providing an environment in which students and staff feel safe, and community members are trained to receive disclosures and respond appropriately to students or staff in trauma, can enable those who have experienced sexual assault or sexual harassment to report it and take action. Training that provides staff and student leaders with the confidence to listen and respond to students and staff members who have experienced sexual assault or sexual harassment and to treat them with dignity and respect is important for higher education providers. After training, not all staff members will feel equipped to respond to a victim in distress. But, at the least, they should be able to refer them to support agencies and not contribute to their trauma.

Good Practice Example 9: Offering various training courses at Monash University

Monash University has listed the courses available on its public webpage. Students and staff can enrol in a course or request a course for their club or society. The variety of training courses available is commendable.

Figure 11. Training courses offered on the public-facing website of Monash University

Home | Workshops and training | BRIGHT training

Respectful Communities

Workshops and training ▾

- Respect at Monash online module
- Supporting survivors of sexual assault
- BRIGHT training**
- Bystander Intervention Toolkit to Prevent Everyday Sexism
- Sexpectations
- Flip the Script
- The Masculinities Project

Campaigns and events >

Get educated >

About Respectful Communities

Contact us

BRIGHT training

In semester one, BRIGHT will be delivered online using Zoom.

BRIGHT Online

BRIGHT Online is an interactive virtual workshop aimed at supporting respectful relationships and gender equality in our community. We encourage all students to register for a Zoom session to enhance their understanding of gender-based violence, recognising harmful behaviour and to know how to intervene safely. Upon completion of the workshop you will have enhanced knowledge, skills and confidence to be positive agents for change.

This session will focus on:

- understanding the link between gender inequality and gender-based violence
- developing your confidence to challenge problem behaviours, comments and attitudes in various situations
- providing practical bystander tools to challenge any form of discrimination and harassment
- learning how to appropriately respond to a disclosure of sexual assault
- identifying the role and capacity of a responder to a disclosure of sexual assault
- learning about the resources, reporting options and support services that are available through our community networks for victims and survivors.

You'll be given the chance to discuss many different scenarios that may occur in our community and provided with the opportunity to work through solutions with other students.

Audience: all students
Duration: 90 minutes

[Register for an upcoming session](#)

Source: Monash University. BRIGHT workshop webpage, <https://www.monash.edu/respectful-communities/workshops-and-training> (date accessed 6/7/2020).

7. Support is accessible and timely for all parties involved

Advice and support for all parties involved should be accessible, timely and linked with appropriate services.

To ensure that students and staff are aware of the support services available, providers should display information about these services in a prominent place on their public facing website. The student support webpage should mention that counselling services and academic support are available for the support of people involved in sexual assault and sexual harassment, including witnesses, and provide contact details to access these services. All staff and students should have access to professional counselling services, either provided internally by the education provider or through external services at the expense of the education provider.

Counselling

Counselling and support services must be provided by professionals who are adequately trained to respond to people suffering trauma following sexual assault or sexual harassment. Given the evolving nature of research and good-practice standards in trauma-specialist counselling, professionals should be regularly provided with refresher training and the opportunity to expand their skills and knowledge about trauma.

Access to internal and/or external counselling services should be timely and available outside normal business hours (24/7) and should be linked in with any daytime services available on campus. Ideally, the period of time, in which people can access support services should not be limited. A service that provides urgent (acute) and immediate response is also required. If a provider is unable to deliver these services on campus, then a memorandum of understanding should be arranged with a local provider of counselling services or an established sexual assault response service. Please see Appendix E for a selection of support services.

The [National Association of Services Against Sexual Violence](#) offers standards for practice in services that support those who have experienced sexual assault and sexual harassment. Trauma-informed approaches to counselling are encouraged. Support services should be monitored to ensure services provided are relevant to the needs of the provider community, timely, effective and adequate. Waiting times to access counselling and support should be monitored and managed. The number of times a student or staff member who has experienced sexual assault or sexual harassment can access counselling should not be limited, particularly if a complaint process is prolonged. The ratio of counselling staff to the number of students in a given provider can provide a good benchmark for whether the service is adequately staffed. The International Association of Counselling Services recommends a ratio of one full-time equivalent counsellor to every 1000-1500 students.⁷

7. International Association of Counselling Services. Statement regarding recommended Staff to Student Ratios, <https://iacsinc.org/staff-to-student-ratios/>.

Counselling services should be suited to the diverse needs of the cohort. The provision of counselling services in some of the more prominent languages of the international student cohort should also be considered.

Good Practice Example 10: Targeted support at Griffith University

Figure 12. Excerpt from Griffith University's Student Sexual Assault, Harassment, Bullying and Discrimination Policy

7.3 Targeted supports

The University offers targeted support services to Aboriginal and Torres Strait Islander students, students with disabilities, LGBTIQ students, students from refugee backgrounds, adult learners and Pacific Islander and Maori students. Further information is available on the student support website.

Source: Griffith University. Student Sexual Assault, Harassment, Bullying and Discrimination Policy <https://policies.griffith.edu.au/pdf/Student%20Sexual%20Assault%20Harassment%20Bullying%20and%20Discrimination%20Policy.pdf> (date accessed 1/5/2020).

Assistance for alleged perpetrators

Alleged perpetrators of sexual assault and sexual harassment might require assistance to ensure they understand the process and how to access procedural and emotional assistance. If internal counsellors are not trained to provide the right kind of assistance to the alleged perpetrator, then the provider should ensure that the alleged perpetrator is provided with contact details to relevant services. If the alleged perpetrator wishes, the provider's counsellor should refer them to the external service.

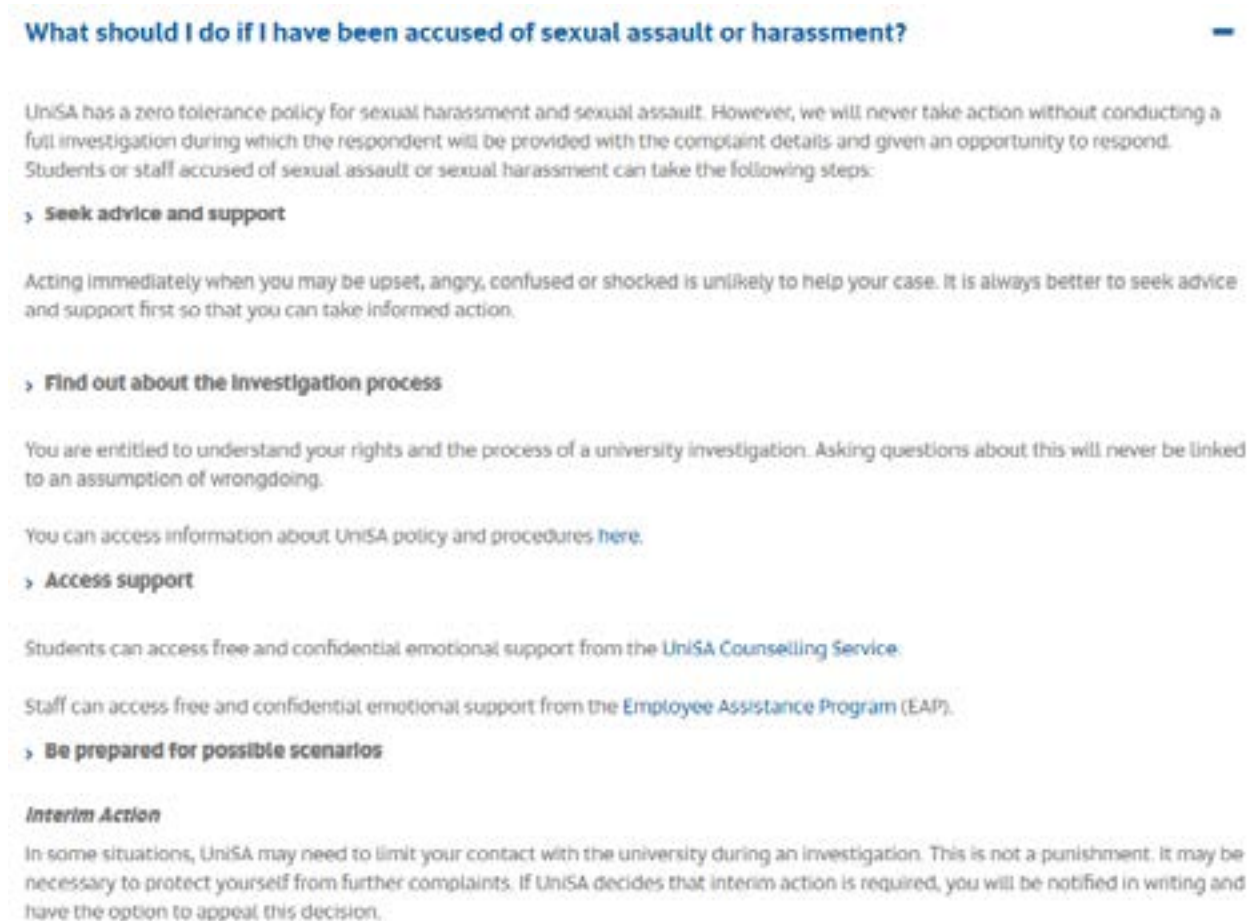
A person charged with a criminal offence may be remanded in custody for a brief period or until the matter proceeds to trial, and so the provider may need to make arrangements for them to take the appropriate leave from their work or study commitments. Alternately, the alleged perpetrator may be released into the community on bail, home detention or some other kind of order, and any arrangements made for them to continue with their work or studies will need to consider compliance with those conditions as well.

The provider should also consider which precautionary actions to take to ensure the immediate safety of all parties involved and communicate these actions, and the importance to adhere to them, to all parties involved. For further points on these actions see the precautionary actions section in Principle 8.

Information about internal and external appeal processes should also be made available to the alleged perpetrator and the provider should assist the alleged perpetrator throughout any appeals process.

Good Practice Example 11: Support for those accused of sexual assault and sexual harassment at the University of South Australia

Figure 13. Excerpt from the University of South Australia (UniSA) publicly available sexual assault and sexual harassment webpage



What should I do if I have been accused of sexual assault or harassment?

UniSA has a zero tolerance policy for sexual harassment and sexual assault. However, we will never take action without conducting a full investigation during which the respondent will be provided with the complaint details and given an opportunity to respond. Students or staff accused of sexual assault or sexual harassment can take the following steps:

- › **Seek advice and support**

Acting immediately when you may be upset, angry, confused or shocked is unlikely to help your case. It is always better to seek advice and support first so that you can take informed action.

- › **Find out about the investigation process**

You are entitled to understand your rights and the process of a university investigation. Asking questions about this will never be linked to an assumption of wrongdoing.

You can access information about UniSA policy and procedures [here](#).

- › **Access support**

Students can access free and confidential emotional support from the [UniSA Counselling Service](#).

Staff can access free and confidential emotional support from the [Employee Assistance Program \(EAP\)](#).

- › **Be prepared for possible scenarios**

Interim Action

In some situations, UniSA may need to limit your contact with the university during an investigation. This is not a punishment. It may be necessary to protect yourself from further complaints. If UniSA decides that interim action is required, you will be notified in writing and have the option to appeal this decision.

Source: University of South Australia. Sexual Assault & Sexual Harassment > FAQs webpage, <https://i.unisa.edu.au/students/student-support-services/wellbeing-at-unisa/sexual-assault-and-harassment/faqs/> (date accessed 1/5/2020).

Academic support

Support for all parties may also be required in terms of academic assistance. This support should be extended to all parties regardless of where the incident occurred. This includes support for staff members and students who have experienced family violence.

A student should not be required to disclose the incident to several people at the provider in order to get academic support (for example, an extension of time required to submit class work or a change of exam schedule).



The Director of Student Services at the SAE Institute Pty Limited (SAE), who is informed about all incidents of sexual assault and sexual harassment at SAE, can grant special considerations to students without informing the teaching staff about the reason for the special considerations. This minimises the recounting of the incident.

A student who has received a diagnosis of a mental health condition as a result of experiencing sexual assault or sexual harassment should only be required to provide repeat documentation outlining the functional impact of that condition when the timeframe of the impairment given by the health professional has expired. Providers should investigate whether it is possible to enact a centrally-administered special consideration portal or some other mechanism to achieve this end. Another way to ensure that students do not have to repeat their stories multiple times is to allocate a caseworker or advocate who can assist them to navigate various procedures.

Good Practice Example 12: Student Liaison Officers at the University of Sydney

Figure 14. Screenshot from the University of Sydney's publicly-available sexual assault webpage

How we will support you

Your personal safety and recovery from the trauma of sexual assault or sexual harassment is our first priority.

Our student liaison officers are specialist staff members with expertise in providing support to those that have experienced sexual assault or harassment. They can assist you to access appropriate internal and external support services, including security, counselling and health services, and on-campus emergency accommodation.

You can organise an appointment with a student liaison officer to discuss what support you may need. They will also help you navigate the support services and reporting options available to you.

Our student liaison officers are available 8.30am-5.30pm, Monday to Friday. You can contact them to organise an appointment:

- call +61 2 8627 6808
- email safer-communities.officer@sydney.edu.au

Options to report an incident

If you choose to report an incident to the University, you have the option to either make a disclosure or a complaint.

If you would like advice about your options or support, you can [contact our student liaison officers](#).

If you report an incident, it will not affect your academic record in any way. If you are an international student, your visa will not be affected.

Source: University of Sydney. Sexual Assault > Reporting an incident to the University webpage, <https://sydney.edu.au/students/sexual-assault/report-to-the-university.html> (date accessed 9/4/2020).

8. Incident reporting options and responses to reports of sexual assault and sexual harassment are fair, timely and effective

- Multiple reporting pathways exist, and all students and staff are well informed about these. Incidents of sexual assault and sexual harassment are recorded and investigated appropriately, data are monitored, and the governing board actively responds to issues that arise.

Principle 8 outlines the provider's measures to receive and respond appropriately to the various options of internal disclosure, formal reporting or reporting to the police. The different approaches to a police investigation and the provider's internal misconduct process are also discussed.

Reporting options

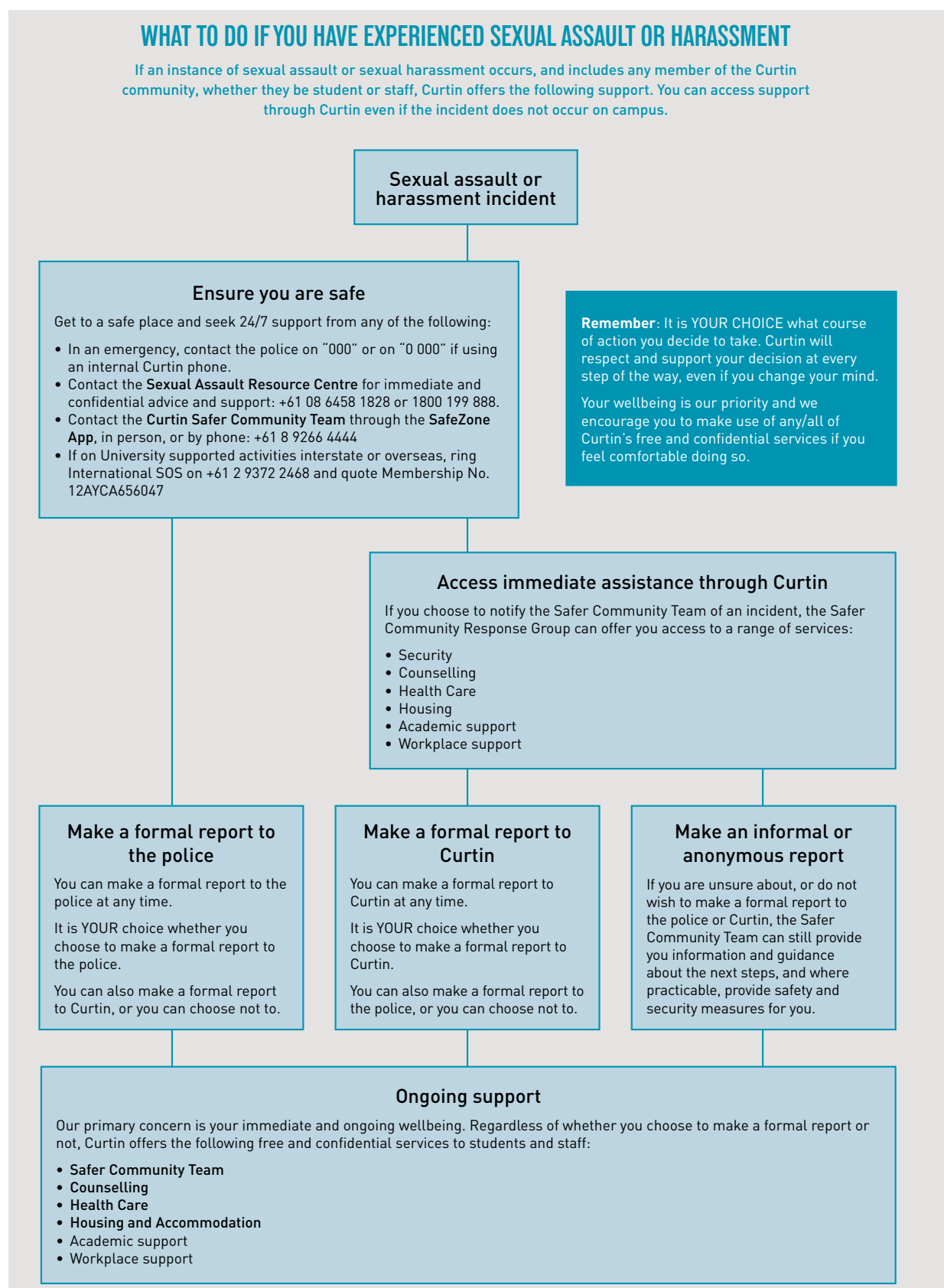
Providers should have several reporting pathways to facilitate reporting. Disclosures allow the student or staff member who has experienced the sexual assault or sexual harassment to access support without having to undergo a formal reporting process or participate in a misconduct procedure. If the student or staff member who has experienced sexual assault or sexual harassment wishes to have the incident investigated by the provider, a formal report is required. Reporting to the police is also an option and should be mentioned in the reporting options. Policies and procedures of the provider should clearly outline these reporting options and should:

- include procedures covering each reporting pathway (disclosure and whether these are recorded, formal report, reporting to police)
- include a clear outline of what to expect for each reporting pathway
- allow various modes of receiving the report (online form, face-to-face, telephone or email, through a first responder network)
- include whether third-parties can make a report (such as someone who may have witnessed an incident of sexual assault or sexual harassment)
- include clear stipulations about if, and under which circumstances, the provider will report incidents to the police.

Providers should ensure that information about these reporting pathways is available and easy to access for all staff and students. Good Practice Example 13 shows how such information can be delivered in a flowchart.

Good Practice Example 13: Flowchart outlining the reporting process at Curtin University

Figure 15. Reporting Pathway flowchart at Curtin University



Source: Curtin University. *Respect. Now. Always.* Student Flyer, <https://campaign.curtin.edu.au/wp-content/uploads/sites/23/2017/07/RespectNowAlways-Student-Flyer.pdf> (date accessed 9/4/2020).

Anonymous and third-party reporting

Providers should consider offering a mechanism to anonymously report incidents of sexual assault and sexual harassment. Students or staff members who anonymously report should be advised of the limits to the action a provider can take when an anonymous complaint is raised. The provider should include links to information about support services on the anonymous reporting webpage.

Reporting by a third party of an incident that they have witnessed should be encouraged, as it can lead to valuable information and alert the provider to incidents where students or staff who have experienced sexual assault or sexual harassment chose not to disclose. Providers should consider carefully how these reports are recorded, and the procedures for responding.

Reporting process

Providers should have clear policies and processes which describe the approach to responding to reports of sexual assault and harassment. These should include:

- a clear description of the way in which information in the report will be used and disclosed, including the steps taken to maintain appropriate confidentiality over the information
- the threshold for determining whether a matter will be investigated and the basis upon which the outcome will be determined
- where a provider's policies and procedures allow for anonymous reporting, clear advice about the limits on any response to an anonymous report
- whether there is an option to withdraw a report
- person(s) responsible for the response to the report and (where appropriate) contact information
- regular monitoring of processes for efficacy and incidents for patterns
- stipulations for regular reporting of de-identified incident data to decision makers at the provider.

Policies and procedures regulating reporting should be easy to access and simple to navigate and understand. Links with other relevant policy and procedure documents should be clear and well maintained. The language used should be clear and easily understood by a layperson, not legalistic in tone, and translated if necessary to suit the provider community. If existing complaints or reporting procedures are used for the reporting of sexual assault and sexual harassment, they must be able to deal with reports against members of the provider's community, as opposed to complaints against processes or the provider itself. Support needs for all parties involved also need to be considered.

Providers should not limit the timeframe in which a disclosure or a report can be made, however the provider may be limited in its ability to investigate reports when there has been a significant delay of time, particularly if the alleged perpetrator is no longer a staff member or student. Information about these pathways and what to expect from each option should be distributed to staff and students both online and on-campus.

Initial response to reports

Providers should ensure that staff likely to receive disclosures or reports are trained as first responders. This will ensure that students and staff who have experienced sexual assault or sexual harassment are treated with dignity and respect, the alleged perpetrator is treated with fairness and offered assistance, the relevant policies and procedures are implemented in the appropriate manner, and the collection of data is appropriate to an administrative process, rather than a criminal investigation. To facilitate reporting, contact details for staff trained as first responders should be easy to find and their role should be explained.

Good Practice Example 14: First responder information at the University of South Australia

Figure 16. Information about the First Responders at UniSA

Sexual Assault & Sexual Harassment

- Emergency Help
- Deciding what to do next
 - Contact a First Responder
 - Report an incident online to UniSA
- Getting Support
- Providing Support
- Understanding Consent and Sexual Assault
- Policy and Procedures

First Responders at UniSA

The role of the First Responder

First Responders are members of the UniSA community who, as part of their substantive role, are a first point of contact for anyone who has been subjected to sexual assault or sexual harassment. First Responders are specially trained to provide you with information on the support services and reporting options available to you. They understand that reporting sexual assault or sexual harassment can be difficult and they will listen to your concerns without judgement and guide you to the right services. They will respect your right to choose services and whether to make a formal report to the university or the police.

Please note, First Responders are a point of contact regarding reporting options and support.

If you are in immediate danger, contact the police on **000**, Campus security on **1800 500 911** or the National Sexual, Domestic and Family Violence Counselling Service (1800 RESPECT) on **1800 737 732** (24 hours a day/7 days a week).

For more information on your support options, [click here](#).

Source: University of South Australia. First Responders at UniSA webpage, <https://i.unisa.edu.au/students/student-support-services/wellbeing-at-unisa/sexual-assault-and-harassment/deciding-what-to-do-next/first-responders/> (date accessed 9/4/2020). od Practice Example 15: First responder information at the University of Southern Queensland



Several providers have created first responder networks through which ongoing training and support are delivered to the first responders.

These responders are identifiable by the wearing of a special lanyard or by a sticker placed near their office or workstation.

Good Practice Example 15: First responder information at the University of Southern Queensland

Figure 17. First responder information summary from the University of Southern Queensland, to be kept on the desk

Guidelines for responding to disclosures of sexual assault

A resource for staff and students in responding to a person who discloses they have been sexually assaulted.

Responding to and supporting someone who has been sexually assaulted can be complex. It is important to remain compassionate, respectful, and supportive, and ensure they are able to access relevant resources.



Step 1: Attend to Safety	<p>Install Safezone – a free app that connects staff and students with Campus Security and emergency services during a first aid or emergency situation. Log in with your USQ email and password. Determine whether there are any immediate risks to the person's wellbeing and safety.</p> <p>For on-campus incidents: Call 07 4631 2222 or visit usq.edu.au/respect</p> <p>If the incident occurred off-campus + needing physical assistance: Call 000 – Ask for Police</p>	<p><i>Sexual assault is any unwanted contact within or outside a relationship and happens to people of all ages, genders, and sexualities.</i></p>
Step 2: Listen and be supportive	<p>Whilst a person may disclose a sexual assault, it should not be assumed this means they wish to make a formal report to USQ or Police.</p> <p>It is important to listen without interrupting, validate the person's experience by acknowledging their distress, encourage the person to seek support and allow them to make their own decisions.</p>	
Step 3: Resources and Services	<p>If the person wishes to access support, discuss medical, and/or reporting options:</p> <p>Toowoomba region: Toowoomba Sexual Assault Support Service (SASS) 24 hr crisis service Ph: 07 4616 6000 or 07 4616 6950 (BH) USQ Health Service Ph: 07 4631 2372</p> <p>Springfield/Ipswich region: Service Against Sexual Violence (SASV) Ph: 07 3816 3000</p> <p>For online students: Contact the local hospital for assistance.</p>	
Step 4: Reporting Options	<p>Should you wish to report a sexual assault – employees contact: Inclusion, Safety and Employee Relations team usq.edu.au/hr/resources/contacts/contacts#inclusion</p> <p>For Students: Complaints can be made in accordance with the student complaint management procedure usq.edu.au/complaints-appeals</p> <p>To report a sexual assault to the Qld Police contact www.police.qld.gov.au/programs/adultassault/report/</p>	
Step 5: Follow up	<p>Staff and students may debrief with a Harassment Diversity Contact Officer (HDCO) or seek external support via usq.edu.au/respect</p> <p>Staff may access EAP – Employee Assistance Program usq.edu.au/hr/healthsafe/eap</p> <p>USQ students may debrief with the Health and Wellness team usq.edu.au/student-support</p>	

Contact details for referral

<p>Toowoomba Sexual Assault Support Service (SASS) Kobi House, Toowoomba Hospital During business hours 07 4616 6950 After hours 07 4616 6000 <i>Free and confidential support about medical and reporting options for recent sexual assault.</i></p> <p>Service Against Sexual Violence (SASV) <i>An initiative of DVAC, Ipswich</i> 07 3816 3000 9am – 5pm, Weekdays <i>Free and confidential medical, counselling and legal support for recent victims of sexual assault.</i></p> <p>Statewide Sexual Assault Helpline 1800 010 120 7.30 am – 11.30pm, 7 days/wk</p> <p>1800RESPECT 1800 737 732 <i>24hr National Sexual Assault (& DFV) Counselling Line</i></p>	<p>Victim Assist (Qld) 1300 546 587</p> <p>Domestic Violence Line Women 1800 811 811 24 hours, 7 days/wk Men 1800 600 636 9 am – midnight, 7 days/wk www.dvconnect.org</p> <p>Employee Assistance Program 1300 360 364 <i>A free, confidential and voluntary counselling service for all USQ staff.</i></p> <p>Lifeline 13 11 14 24 hours, 7 days/wk</p> <p>Toowoomba Police Station 07 4631 6333</p> <p>Ipswich Police Station 07 3437 2777</p> <p>Springfield Police Station 07 3814 8999</p>
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Support available at USQ

<p>USQ Health and Wellness 07 4631 2372 student.success@usq.edu.au Contact hours: 9 am – 5 pm, Monday to Friday Medical services and free and confidential counselling support.</p> <p>USQ Student Assistance Line 1300 932 483 For assistance after hours or on weekends for all USQ students</p> <p>USQ Harassment and Diversity Contact officers Staff who are trained in supporting diversity, discrimination, bullying and harassment issues: usq.edu.au/hdco-network</p> <p>Student Guild 1800 076 301 advocacy@studentguild.com.au 8.30 am – 8.30 pm weekdays</p> <p>Respect.Now.Always Respect Starts with U @ USQ A free staff and student module outlining your rights and responsibilities as USQ community members. usq.edu.au/respect-starts-with-u</p>	<p>USQ Psychology Clinic – Toowoomba/Ipswich Toowoomba 07 4631 1763 Ipswich 07 3812 6163 psychclinic@usq.edu.au Clinic hours: 9.00 am – 5.00 pm Monday to Friday</p> <p>USQ Campus Security Toowoomba 07 4631 2871 security@usq.edu.au Springfield 07 3470 4444 usqsecspringfield@usq.edu.au Ipswich 07 3812 6060 ipswichsecurityoffice@usq.edu.au The emergency security number for all campuses is 07 4631 2222.</p> <p>Human Resources 07 4631 2663 HR.Reception@usq.edu.au Contact Hours: 9 am – 5 pm Monday to Friday Members of Human Resources are partners with clients, helping to provide a healthy and safe working environment.</p>
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For all emergencies, call 000 (triple zero)

CRICOS QLD 002448 NSW 02225M TEQSA PRV12081 | Ellipsis Media 112281

Source: University of Southern Queensland. Guidelines for responding to disclosures of sexual assault, <https://www.usq.edu.au/-/media/usq/about-usq/values-and-culture/respect-now-always/2019-usq-sexual-assault-flowchart-flyers.ashx> (date accessed 9/4/2020).

Students or staff members who have provided their contact details should have their reports acknowledged within no more than 24 hours. Students and staff who have experienced sexual assault or sexual harassment should be directed to the support services available to them, and confidentiality requirements should not prevent students and staff who have experienced sexual assault or sexual harassment from discussing the incident with support people.

Precautionary actions

An important part of the early response to the disclosure or report of sexual assault or sexual harassment is the implementation of precautionary actions designed to ensure the safety and wellbeing of students and staff, and to preserve a provider's capacity to effectively deal with a disclosure or report.

Precautionary actions may include arrangements to ensure that students and staff who have experienced sexual assault or sexual harassment and the alleged perpetrator do not encounter each other in class, in accommodation, or on campus. They should be considered on the basis to minimise further trauma to the student or staff who experienced sexual assault or sexual harassment but also that no determination has been made about a disclosure or report, and should be without prejudice to any person who is the subject of a disclosure or report. These arrangements should be monitored and regularly reviewed.

Where possible, the provider should attempt to put in place precautionary actions that have the least impact on both students and staff who have experienced sexual assault or sexual harassment and the alleged perpetrator. Where a choice is necessary, for example, regulating access to shared learning spaces, each case should be considered carefully, having regard to the interests of students and staff who have experienced sexual assault or sexual harassment and the alleged perpetrator, as well as the broader interests of the provider (including the capacity to continue to provide education to other students).

Good Practice Example 16: Precautionary actions at Griffith University

Figure 18. Excerpt from Griffith University's Student Sexual Assault, Harassment, Bullying and Discrimination Policy

5.3 Precautionary actions

Precautionary actions are non-disciplinary actions that may be imposed in response to a disclosure or complaint. The purposes of precautionary actions are to ensure the safety of the affected individuals, to discourage or prevent victimisation and retaliation, prevent further incidents of these behaviours and/or preserve the University's ability to conduct the investigation.

They are not considered sanctions/penalties under any University complaint/disciplinary process and are without prejudice to the person against whom the complaint is made. Further information on the implementation of precautionary actions is outlined in section 5 of the Procedures – Actions arising from formal concerns.

Source: Griffith University. Student Sexual Assault, Harassment, Bullying & Discrimination Policy, <https://policies.griffith.edu.au/pdf/Student%20Sexual%20Assault%20Harassment%20Bullying%20and%20Discrimination%20Policy.pdf> (date accessed 9/4/2020).

Reporting criminal behaviour

When a student or staff member reports behaviour that a provider suspects may constitute criminal behaviour, the provider should advise the student or staff member who experienced the sexual assault or sexual harassment of the option of reporting to the police. The provider should support the students and staff if they choose to report such matters to the police, but should not require them to do so.

Requirements for mandatory reporting of actual or suspected criminal conduct vary across Australian jurisdictions. Providers should take steps to ensure that the applicable requirements are clearly reflected in their policies and procedures, and understood and complied with by their staff.

Providers' policies and procedures should also carefully consider the circumstances in which actual or suspected criminal conduct will be reported to police beyond any mandatory reporting requirements. This should involve careful consideration of the views and interests of students or staff who have experienced sexual assault or sexual harassment, as well as the risks to safety and wellbeing of the provider's students and staff and the provider's broader community. Providers should also ensure that: they obtain appropriate advice, including legal advice, about any reports to police; decisions about reporting to police (and the process of police reports) are dealt with by competent staff; and all staff involved in the implementation of these policies are trained to ensure correct and consistent implementation.

If a provider decides to report a sexual assault or sexual harassment matter to the police, the provider needs to inform the student or staff member who experienced the incident, and (where applicable) the person who made the report or disclosure, as soon as possible about the decision to report the matter case to the police.

Good Practice Example 17: Policy regulating reporting to police at Deakin University

Figure 19. Excerpt from Deakin University's Sexual Harm Response Procedure

Reporting to Police

(31) If a student, staff member or associate wishes to make a report to Police, or to any other third party, [Safer Community Services](#) will assist them to do so. Safer Community Services is not able to make a report to Police or to a third party on behalf of the individual.

(32) There are circumstances where the University will consider reporting the matter to Police, when a student, staff member or associate does not want to report the matter to the Police themselves. A report to the Police by the University may be made by the University General Counsel following consideration of:

1. evidence of a clear and unacceptable risk to the University or general community
2. multiple disclosures, reports or complaints about the same person
3. advice from Office of the Deakin of Students
4. advice from Safer Community Services
5. the wishes of the person who has experienced the sexual harm.

Safer Community Services will advise the person who has disclosed the sexual harm of the University's decision to report the matter to the Police.

Source: Deakin University, *Sexual Harm Response Procedure*, <https://policy.deakin.edu.au/document/view-current.php?id=226> (date accessed 9/4/2020).

If students or staff who have experienced sexual assault or sexual harassment wish to provide the police with an anonymous report, they can do so through the Sexual Assault Report Anonymously (S.A.R.A) website: sara.org.au.

Investigation of reports of sexual assault and sexual harassment

Providers should keep clear, accurate and comprehensive records of all matters in relation to every incident. This should include (but is not limited to) copies of reports or disclosures, interviews with students and staff, and (where relevant) security camera footage.

Providers cannot, and should not purport to, undertake a criminal investigation. However, reporting an incident to the police does not preclude a provider from dealing with the matter under its own misconduct procedures. Providers should ensure that they carefully consider the impact of any internal process on a possible criminal investigation, and should obtain appropriate advice (including legal advice and advice from the police) about whether their own process may prejudice a criminal investigation. Providers should also ensure that their policies and procedures provide:

- clear authority for any investigation
- a clear description of the nature of any investigation
- a clear description of the matters which may be investigated
- clear guidance to staff on the steps involved in any investigation
- a clear description of the skills and qualifications required of those who investigate, and make decisions about, reports of sexual assault and sexual harassment
- for appropriate confidentiality in the investigation, and for a clear description of the way in which information will be used and disclosed
- for those responsible for any investigation to receive appropriate training.

A provider's process to consider a report of sexual assault or sexual harassment should be procedurally fair. In particular, it should:

- provide those accused of sexual assault or sexual harassment with a reasonable opportunity to respond to the accusation and the evidence on which it is based
- provide an opportunity for those being interviewed (including those accused of sexual assault or sexual harassment) to bring a support person to the interview, with clear information about how and where to obtain support
- provide for clear rights of review of any decision about the accusation, including a description of any internal review mechanisms available
- ensure that those involved in any response to a report are free from bias.

Following the investigation, the alleged perpetrator and the person who experienced the sexual assault or sexual harassment should be advised of the outcome of the investigation in a timely manner. In some cases, for privacy reasons, the details of the penalty or outcome cannot be provided. However, in all cases, students and staff who have experienced sexual assault or sexual harassment and alleged perpetrators should be advised that the issue has been resolved and be given as much information about the outcome as possible, especially in respect of any impacts that it may have

on their ongoing safety and wellbeing. Where the investigation leads to a finding of misconduct, the alleged perpetrator should be given a clear description of the reasons for the finding, as well as an opportunity to make representations about any penalty or sanction.

Complaints to TEQSA

Information about lodging a concern with TEQSA can be made available to all staff and students: teqsa.gov.au/complaints.

Good Practice Example 18: Information about TEQSA's complaints portal at the University of Melbourne

Figure 20. Excerpt of survivor information webpage at The University of Melbourne

The Tertiary Education Quality and Standards Agency oversees universities' compliance with national threshold Standards, which include requirements that universities foster 'a safe environment', have policies 'that deliver timely resolution of formal complains', and that students are informed in writing of the outcome of a complaint and the reasons for it. If you believe the university has breached one of the Standards, you can submit a complaint to TEQSA.

For more information about reporting to external bodies, here is a factsheet.

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Source: University of Melbourne Student Union (UMSU). Resources for survivors webpage, <https://umsu.unimelb.edu.au/support/survivors/> (date accessed 09/04/2020).

Record keeping

Providers should record information on reports or disclosures of sexual assault or sexual harassment, regardless of whether it is a disclosure or formal report, in a single, centrally-located and secure manner. The policy relevant to sexual assault and sexual harassment should regulate access to the database. Where possible, the details of the alleged perpetrator and any disciplinary action taken should be recorded. A robust and confidential record management system should include incidents reported to security, health and counselling services and through online forms and emails. Reporting timeframes including responses should also be recorded.

When a disclosure or report is received, the provider should routinely check its records for whether either or both parties have been involved in previously-reported incidents. This is to identify behaviour patterns, victimisation, and vexatious claims, and to ensure that multiple incidents between the same parties are taken into consideration. If previous incidents are found, they should be considered as part of any decision on whether to investigate and whether to report to police, and as part of any decision about a penalty/sanction if misconduct has occurred. They should, however, not be provided to the internal investigator to avoid bias.

Providers should let students and staff know how their information will be recorded and stored, who will have access to this information, and how this data will be used. The number of people with access to this sensitive data should be as small as practicable.

Internal reporting to senior management/governing body

The taskforce/working group or responsible role should report data and critical incidents to the governing board of the higher education provider on a regular basis. The report should provide the governing board with a thorough understanding of the provider's risks and the way in which they are preventing, identifying, and responding to sexual assault and sexual harassment. When reviewing the data, the governing board should also pay attention to the number of anonymous or third party reports, and consider the likely level of underreporting as concluded by the AHRC in the Change the Course report.

Reporting of high-level data and information in annual reports or on websites is an indication of a provider's accountability and transparency. Data should be de-identified and include not only the number of incidents that have been reported, but also the action taken by the provider, wherever possible. This is one way in which members of the community will know that the provider responds to incidents of sexual assault and sexual harassment, and that these incidents are brought to light. There are many reasons the number of reported incidents at a provider may increase and they are not necessarily indicative of an increase in incidents. An increase may be an indication that reporting mechanisms have improved or that students and staff feel supported to report their experience.

9. Ongoing innovation, evaluation and improvement of SASH prevention and response measures

- ▶ A provider's prevention of and response to sexual assault and sexual harassment is monitored and evaluated which leads to process improvements.

Each provider should aim to deliver a system that will prevent and respond to sexual assault and sexual harassment effectively. Providers should acknowledge that there is always room for improvement and should foster the creation of open and thoughtful monitoring and review processes. Action plans designed to address issues raised by the review findings are a vital step in ongoing improvement and also provide a measure of progress.

Monitoring and analysis

The provider should monitor and analyse the incident data (in a form that protects the confidentiality of the individuals involved), and regularly report to the governing board, including recommendations regarding risk. Data can be disaggregated by year, and by whether the incident occurred on/off campus or on public transport. Regularly reporting data on the management of sexual assault and sexual harassment ensures that higher education providers remain focussed on their obligations and responsibilities to respond to it.

Information about repeat offenders and high risk activities or locations should be identified. The provider could work with other providers, police or local services (e.g. counselling services, sexual assault services, etc.) to verify the information they hold.

The taskforce/working group or responsible role should report to the governing body on the progress of its implementation of actions. Action plans should include reportable indicators for this purpose. The taskforce or working group should also report risks and emerging issues.



Survivor surveys can provide valuable feedback to the provider about their response process. Questions from the Survivor satisfaction survey questions at the Australian National University include: 'Was the support you received timely?', 'Was it the kind of support you asked for?', 'Or did you feel support was someone else's agenda about the kind of support you needed?', 'Did you feel safer as a result of the kind of support you received?', 'Did the support you received help you to get back to effective study for your ANU courses?' 'As a result of the way ANU has handled this, I believe my perpetrator is: Much more likely to offend again, More likely, Less likely, Much less likely to offend again?'

Evaluation and improvement

External reviews should be conducted regularly with clear aims and scope provided to the reviewer. The reviewer should be an expert in the area to be reviewed and ideally external and independent to the provider. Three areas that would benefit from regular reviews are:

- The policies and procedures involved in the prevention of and response to sexual assault and sexual harassment should be reviewed regularly for alignment, efficacy and current best practice, outside the normal policy review cycle.
- An independent, expert-led review of counselling services should be undertaken and an action plan based on the recommendations developed. This review should be considered by the governing board of the provider.
- Higher education providers and student accommodation providers should work together to undertake regular independent, expert-led reviews of the policies and procedures designed to identify, prevent and respond to sexual assault and sexual harassment in student accommodation.

The resulting action plan should address the findings of the review and instigate measurable improvements in a given timeframe. The next review should ensure that the action plan has been executed and suggest further improvements.

All reviews and action plans should be publicly available to increase the accountability of the provider.

Work on the prevention and response to sexual assault and sexual harassment will never be concluded. Providers should always aim to improve the system they have in place. A commitment to continuous improvement based on innovation, evaluation and learning should be stipulated in the relevant policies or guidelines.

In the case of training, education and information initiatives, it is important to gain participants' feedback annually, to ensure ongoing relevance to the intended audience and to monitor the need for improvement. Each initiative should be evaluated for its efficiency and effectiveness. Providers that undertake research and benchmark their practice will deliver better outcomes for students and staff members who have experienced sexual assault or sexual harassment, the alleged perpetrators, and the broader community. To this end, providers are encouraged to collaborate and to exchange their innovative approaches with others.

Good Practice Example 19: Australian National University's Sexual violence prevention strategy 2019-2026

The development of an institution-wide strategy by Australian National University (ANU) that includes measurable outcome indicators against which the institution will report publicly indicates a good commitment to ongoing improvement of the institution's ability to prevent and respond to sexual assault and sexual harassment.

Figure 21. Initial process and outcome indicators in ANU's Sexual Violence Prevention Strategy 2019–2026

Table 3 Process indicators to measure quality of prevention infrastructure and efforts

#	Process Indicator
P1	Leadership to prevent violence against women is demonstrated at all levels of the University.
P2	Respectful Relationships Unit provides leadership, technical assistance, program development, and policy support to stakeholders across the University
P3	Overarching coordination and advisory structures guide the design, development and evaluation of prevention efforts, with diverse representation from student, staff and community sector stakeholders.
P4	Criteria exist and are implemented for quality assurance in program development, including for design, implementation and evaluation.
P5	Comprehensive and coordinated systems exist for data collection and analysis, monitoring, accountability, reporting, and evaluation at all levels.
P6	The University report on progress, and evaluate their efforts against shared short, mid and long-term objectives.
P7	Proven and promising prevention programs are supported for sustainability and scale-up.
P8	Evidence-building on what works to prevent violence, on emerging issues, and for different groups, is supported through funding streams and mechanisms that emphasise innovation and evaluation.
P9	Number and proportion of victim-survivors of sexual violence who report their response was: <ul style="list-style-type: none"> > Timely, accessible and transparent > Comprehensive and provided all desired information > Resulted in a satisfactory outcome for them

Source: Respectful Relationships Unit, Australian National University, *ANU Sexual Violence Prevention Strategy 2019–2026* <http://imagedepot.anu.edu.au/scapa/Website/sexualviolenceprevention.pdf> (date accessed 9/4/2020).

Next steps

Providers are encouraged to continue to improve current measures and to innovate and develop new ones. This Good Practice Note reflects measures and initiatives that providers are currently striving to implement. Those providers that already have all or most of these measures in place are now challenged to consider the next steps. These have to include a thorough evaluation of the current measures but should also go beyond the measures mentioned here. Large numbers of students aware of the issues around sexual assault and sexual harassment and trained in the giving of consent, active bystanding, and first responding are a powerful force for positive change in educational settings and beyond.



Swinburne University is working with local secondary schools to explore the level of pupils' knowledge around consent and active bystander behaviour. This will in future, inform the level of education, information and training for new students at Swinburne University.

Victoria University is sharing its expertise with the local community, through the participation of university staff in groups of gender based violence prevention in the community.

At the University of New England, a local artist created an art installation together with students, called 'The Fabric of Respect' during Orientation week.

Staff at Avondale University College have conducted the AHRC survey with members of the Higher Education Private Provider Quality Network (HEPP-QN) to gain insights into prevalence of sexual assault and sexual harassment at independent providers.

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Appendix A: The relevant HES Framework and National Code Standards

Table 1. HES Framework Sections 2.3 and 2.4

2.3 Wellbeing and Safety	
2.3.1	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.
2.3.2	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.
2.3.3	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.
2.3.4	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.
2.3.5	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	
2.4.1	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.
2.4.2	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.
2.4.3	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.
2.4.4	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.
2.4.5	If a formal complaint or appeal is upheld, any action required is initiated promptly.

6.1	Corporate Governance
6.1.4	The governing body takes steps to develop and maintain an institutional environment in which freedom of intellectual inquiry is upheld and protected, students and staff are treated equitably, the wellbeing of student and staff is fostered, informed decision making by students is supported and students have opportunities to participate in the deliberative and decision making processes of the higher education provider.
6.2	Corporate Monitoring and Accountability
6.2.1	<p>The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:</p> <ul style="list-style-type: none"> a. The governing body and the entity comply with the requirements of the legislation under which the provider is established, recognised or incorporated, any other legislative requirements and the entity's constitution or equivalent e. Risks to higher education operations have been identified and material risks are being managed and mitigated effectively j. The occurrence and nature of formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents are monitored and action is taken to address underlying causes k. Lapses in compliance with the <i>Higher Education Standards Framework</i> are identified and monitored, and prompt corrective action is taken
7.2	Information for Prospective and Current Students
7.2.1	Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.

Whilst Standard 6 Overseas Student Support Services of the National Code (Table 2) is the most pertinent standard to the prevention and response to sexual assault and sexual harassment for overseas students, the following standards are also relevant: 5 Younger Overseas Students, 9 Deferring, Suspending or Cancelling the Overseas Student's Enrolment, and 10 Complaints and Appeals.

Table 2. National Code Standard 6

6	Overseas Student Support Services
6.1	<p>The registered provider must support the overseas student in adjusting to study and life in Australia by giving the overseas student information on or access to an age and culturally appropriate orientation program that provides information about:</p> <p>6.1.1 support services available to assist overseas students to help them adjust to study and life in Australia</p> <p>6.1.3 any relevant legal services</p> <p>6.1.4 emergency and health services</p> <p>6.1.5 the registered provider's facilities and resources</p> <p>6.1.6 complaints and appeals processes as outlined in Standard 10 (Complaints and appeals)</p> <p>6.1.8 the support services available to assist students with general or personal circumstances that are adversely affecting their education in Australia.</p>
6.2	<p>The registered provider must give relevant information or provide referrals as appropriate to overseas students who request assistance in relation to the services and programs set out in Standard 6.1, at no additional cost to the overseas student.</p>
6.5	<p>The registered provider must designate a member or members of its staff to be the official point of contact for overseas students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services.</p>
6.6	<p>The registered provider must have sufficient student support personnel to meet the needs of the overseas students enrolled with the registered provider.</p>
6.8	<p>The registered provider must have and implement a documented policy and process for managing critical incidents that could affect the overseas student's ability to undertake or complete a course, such as but not limited to incidents that may cause physical or psychological harm. The registered provider must maintain a written record of any critical incident and remedial action taken by the registered provider for at least two years after the overseas student ceases to be an accepted student.</p>
6.9	<p>The registered provider must:</p> <p>6.9.1 take all reasonable steps to provide a safe environment on campus and advise overseas students and staff on actions they can take to enhance their personal security and safety</p> <p>6.9.2 provide information to overseas students about how to seek assistance for and report an incident that significantly impacts on their wellbeing, including critical incidents</p> <p>6.9.3 provide overseas students with or refer them to (including electronically) general information on safety and awareness relevant to life in Australia.</p>

Appendix B: Summary checklist

This summary checklist is intended as a tool for higher education provider staff responsible for implementing the requirements of the HES Framework and the National Code to ensure their organisation is able to understand, prevent, identify and respond to sexual assault and sexual harassment, which includes learning and developing better ways to manage and respond to the risk.

For a deeper knowledge of the options for managing provider response to sexual assault and sexual harassment, providers are encouraged to share knowledge and learning with each other, and review the resources available at the end of this document.

Action

1. Wellbeing and safety of the students and staff members who have experienced sexual assault or sexual harassment are the focus of SASH prevention and response

Aim to minimise the trauma that reporting can cause.

Both students and staff members who have experienced sexual assault or sexual harassment and alleged perpetrators are supported and kept informed of progress and outcome of the process in a timely manner.

Provide an environment in which students and staff feel safe and community members are trained to receive disclosures and respond appropriately.

2. Leadership and governance ensure institution wide action

A sexual assault and sexual harassment taskforce/working group or responsible role has been established, and reports regularly to the governing body.

Students are members of the working group.

Providers collaborate with student accommodation services.

The governing body ensures sexual assault and sexual harassment policies, processes and activities have been established.

3. SASH policies are in place and inclusive

Policies and procedures to prevent and respond to sexual assault and sexual harassment include definitions, descriptions, consequences, how and where to report and where to seek internal and external support. Also covered is the implementation of monitoring and moderating of the online environment, including provider affiliated social media sites, for technologically facilitated sexual harassment. All policies are written in inclusive language and align with each other.

Policies and procedures around alcohol consumption and hazing are in place at student accommodations and training of club and team members (bystander, first responder) to raise awareness of risk of sexual assault and sexual harassment in social gatherings combined with alcohol or during fieldtrip and sporting events is conducted regularly.

4. A safe environment is provided for all staff and students

To the best of the education provider's ability, a safe environment in the student accommodations is promoted and fostered, ensuring liaison between accommodation and education providers in supporting students who have experienced sexual assault or sexual harassment, minimising impact and resolving issue effectively and efficiently.

Security guards or trained staff are provided whenever students are on campus, security escort if necessary. Consideration of provision of security app free of charge and minimisation of environmental factors that pose a risk to student safety. A safe environment is provided.

5. Comprehensive education and information materials are widely available and regularly updated

Ensure information and material aiming to raise awareness is provided in a variety of conspicuous online and off line locations, available and updated with interesting and relevant initiatives throughout the year. Ensure contractors and others unable to log into provider online environment have access to this information as well.

Provide and update internal and external contact details for relevant support services, ensuring differing access options and diversity of groups reached.

6. Staff and students are trained to confidently recognise, prevent and respond to SASH

Provision of training (online and face-to-face) on positive relationships/consent, active bystanding and first responder training as a minimum, by trained facilitators, delivered in inclusive language and translated into languages most pertinent for the current student cohort throughout the year.

All training courses should be evaluated for impact and adapted according to the findings.

Resident students and staff are trained in active bystanding, first responding, consent and the implementation of the policies and procedures relevant to sexual assault and sexual harassment prevention and response.

7. Support is accessible and timely for all parties involved

Ensure access to adequately trained counselling staff (can be external services), including after hours, ensuring the needs of all groups in the student cohort are catered for.

Special considerations are available to assist survivors of sexual assault and sexual harassment with their academic workload.

Students and staff members who have experienced sexual assault or sexual harassment and alleged perpetrators are supported throughout and following the reporting process regardless of the type of report (disclosure, internal or external formal report) free of charge.

Establish collaborative relationships with police and local sexual assault and sexual harassment support services.

Do you have access to a restorative justice or conciliation option?

8. Incident reporting and the provider's response are well thought out and fit for purpose

Policies and procedures clearly outline the reporting options and response procedures. Policies and procedures regulating the provider's response to reports of sexual assault and sexual harassment are accessible, fair, easy to understand and cover misconduct of members of the provider's community against each other.

Options exist to report anonymously or about a third party. Students and staff members who have experienced sexual assault or sexual harassment can choose the type of reporting, if any, and their level of involvement in the process.

Liaise with the police in the case of criminal investigations to ensure both criminal investigation and provider's administrative process can proceed without jeopardising either.

Incidents of sexual assault and sexual harassment are recorded as such in a central register, including the provider's response and the outcome of the response procedure. Summarised incident data are reported regularly to the provider's governing body and current measures of prevention and response are assessed and, if required, adjusted.

9. Ongoing innovation, evaluation and improvement of SASH prevention and response measures

Independent, expert led reviews of the efficiency of sexual assault and sexual harassment-related policies, provision of counselling services and, if applicable, provisions of student wellbeing in student accommodation services, are conducted regularly, action plans established and implemented to ensure ongoing improvement of the measures in place.

Training course (online and face-to-face) are regularly evaluated for impact and efficacy and modified according to the outcomes of the evaluation analysis.

Providers exchange and share experiences and resources with each other to ensure ongoing improvement of their ability to prevent and respond to sexual assault and sexual harassment.

Appendix C: Prevalence

The Australian Bureau of Statistics' (ABS) *Personal Safety Survey* (2016) covers a sample of 21,242 persons over the age of 18; 73 per cent of respondents were women. From the responses, the ABS estimates that 142,000 women (approximately 2 per cent) were sexually assaulted and 287,000 experienced stalking in the last 12 months. Of those sexually assaulted, 73 per cent were aged between 18 and 34 years. 25,700 persons were sexually assaulted by a teacher/tutor and 386 000 women experienced sexual harassment in the last 12 months.

The ABS' *Victims of Crime* collection reports on the numbers and proportion of victims of sexual assault in all states and territories. The number of people who reported being sexually assaulted to police rose by 22 per cent between 2010 and 2016. Approximately 0.1 per cent of the Australian population (over 23,000) reported to police that they were sexually assaulted in 2016. Of those, 1,122 were assaulted in a location described as 'education'.

In Australia, the rates of sexual assault reported to police are consistently lower than rates of sexual assault reported in corresponding victimisation surveys.⁸ Under-reporting significantly affects any collection of data relating to sexual assault and sexual harassment; however the number of victims who do report provides context for providers responding to this challenge.

The Australian Human Rights Commission's survey provided results for each university and the *Change the Course* report⁹ includes the following data:

- The proportion of students that reported being sexually assaulted in 2015 and/or 2016 was 6.9 per cent. 1.6 per cent of students reported being sexually assaulted at university in 2016.
- The proportion of all responding students that reported knowing 'a lot' or 'everything' about where to go within the university to make a complaint about sexual assault was 8.7 per cent.
- International students were less likely to experience sexual assault than domestic students; 5.1 per cent of international students were sexually assaulted in 2015 and/or 2016, 1.4 per cent at university.
- International students were more likely to seek support from the university (six per cent compared with three per cent of domestic students).
- Around half of all university students (51 per cent) were sexually harassed on at least one occasion in 2016. The proportion of students reporting being sexually harassed at university in 2016 was 26 per cent whilst 21 per cent reported being sexually harassed on campus.
- Of students that were sexually harassed at university in 2015 or 2016, 92 per cent did not seek support or assistance from the university. Of those, 68 per cent did not think it was serious enough and 60 per cent did not think they needed help. Of those that were sexually harassed, two per cent made a formal report or complaint.

8. Kania, R., Cale, J., 2018. Preventing sexual violence through bystander intervention: attitudes, behaviours, missed opportunities, and barriers to intervention among Australian university students. *Journal of interpersonal violence* 25.

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The recommendations of the Change the Course report provide guidance for higher education providers. However, TEQSA notes the recommendations were developed for universities and not necessarily appropriate for private and other independent higher education providers whose needs and student cohort may differ.

The Higher Education Private Provider Quality Network (HEPP-QN) has conducted a study to address the gap in sexual assault and sexual harassment prevalence studies in the private and independent higher education providers in 2019.

The HEPP-QN Sexual Assault & Sexual Harassment Study for the Independent Higher Education Sector (SASH-IN Study) was based on the Australian Human Rights Commission 2017 Study. The HEPP-QN acknowledges its indebtedness to the AHRC and Universities Australia for permission to use the Change the Course survey instrument. The HEPP-QN surveyed 19,778 students across 20 institutions and received 1070 responses. Of these, 894 responses were deemed valid responses. This was a 4.5 per cent response rate compared to the AHRC's study which achieved a 10 per cent response rate.

Approximately 91 per cent of students who participated in the survey indicated that they did not experience any form of sexual harassment in their institutional setting, while approximately 98.5 per cent of students indicated that they had not experienced any form of sexual assault within their institutional setting.

Based on 786 respondents, **44** individuals indicated that they had been victims of sexual assault, of which **12** indicated that it happened in an institutional setting or travelling to or from their institution. Based on 893 respondents, **220 individuals identified 762 incidents of sexual harassment** [See Table 3]; **192** incidents were reported as occurring within the jurisdiction of the institution by **83** students.

Table 3. HEPP-QN FINDINGS on sexual assault and sexual harassment

SEXUAL ASSAULT			SEXUAL HARASSMENT
YES*	NO	PREFER NOT TO SAY	762 INCIDENTS*
5.6% [44]	89.4%	5.0% [39]	220 INDIVIDUALS [24.6%]
<p>*percentages based on 786 participants who responded to the question on sexual assault. [Q47]</p> <p>'Sexual assault includes a range of behaviours, all of which are unacceptable and constitute a crime. Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent. Have you experienced, at any time during your study any incident of sexual assault, whether at your institution or elsewhere?'</p>			<p>*percentages based on 893 participants who responded to the question on sexual harassment [Q14].</p> <p>'Which, if any, of the following have you experienced in a way that was unwelcome at any time during your study. If you have please indicate where it happen?'</p>

Source: HEPP-QN SASH-IN study report.

Since HEPP-QN used the same survey tool as the AHRC, comparison between their results is possible. Table 4 shows where the two studies agreed in their findings.

Table 4. Agreement between HEPP-QN and AHRC studies

	HEPP-QN Agreement with AHRC	
Gender	✓	Both studies concur that women were more than twice as likely to be harassed as men.
Cultural	✓	In both studies, Aboriginal and Torres Strait Islander students were more likely to be harassed, though the harassment was not necessarily within an institutional setting.
Disability	✓	In both studies, students with a disability were more likely to be harassed, though the harassment was not necessarily within an institutional setting.
Undergraduate/ Postgraduate	✓	Both studies also concur that undergraduate students were more likely than postgraduate students to have been sexually harassed in an institutional setting.

A further study, conducted in 2018 by Ellinghaus et al. concluded that sexism, harassment and discrimination appear to be endemic at Australia universities. A survey¹⁰ of 159 Australian academics (90.6 per cent female) found:

- 48.7 per cent had experienced sexual abuse or harassment in their workplace
- 66.2 per cent had experienced sexual or gender-based discrimination.

The survey identified recurring themes that ‘involved female PhD students or junior academics being pressured into sex by male supervisors or senior colleagues’ and inadequate institutional responses; of the 53 respondents who had made a complaint, 47 reported that their complaint was ‘ignored, dismissed or mishandled’.

10. Ellinghaus, K., Henningham, N., Kaladelfos, A., Piper, A., Rademaker, L., Rees, A., Silverstein, J., Tomsic, M., Wolfe, N., 2018. *“It Destroyed my Research Career”: Survey of Sexual and Gender-based Discrimination and Abuse in Australian Academia*. Australian Women’s History Network working group.

Appendix D: Knowledge resources

Safe environment

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Appendix E: Resources

The resources provided here are a cross section of what is available and presented in no particular order within each section. Please ensure that phone numbers and links are updated regularly on your websites.

Support contact details

State and Territory Based Sexual Assault Counselling Hotlines

NSW	NSW Rape Crisis Centre 1800 424 017
QLD	Sexual Assault Helpline 1800 010 120
VIC	Sexual Assault Crisis Line 1800 806 292
SA	Yarrow Place 08 8226 8787 or 1800 817 421 (outside Adelaide)
ACT	Canberra Rape Crisis Centre 02 6247 2525
WA	Sexual Assault Resource Centre 1800 199 888
NT	Ruby Gaea 08 8945 0155
TAS	Sexual Assault Supportive Service 08 6231 1817
Australia wide	1800RESPECT (1800 737 732)

All of these hotlines are free to call, and can refer you on to any other services you may need. They can also provide support to family and friends of survivors.

Source: EROC Australia, *Blaze Newsletter*#1, June 2019.

S.A.R.A Sexual Assault Report Anonymously

S.A.R.A is a website that allows reporting of a sexual assault anonymously to the South Eastern Centre Against Sexual Assault. Information can include when and where the incident took place and a description of the offender. The data provided to S.A.R.A will be passed on to police all over Australia, to assist police with identifying trends to improve safety in our communities.

sara.org.au

Full Stop Foundation

Full Stop Foundation is supporting the recovery of those who have experienced sexual violence, and changing the attitudes and behaviours that allow violence against women and children to occur.

fullstopfoundation.org.au

Safe Steps

Victoria's 24/7 family violence response service for women and children.

safesteps.org.au

Sexual Assault Resource Centre SARC

A resource centre funded by the WA government that offers these resources for survivors of sexual assault.

healthywa.wa.gov.au/Articles/S_T/Sexual-Assault-Resource-Centre-SARC

Rape and Domestic Violence Services Australia (R&DVSA)

Support for people affected by sexual, domestic or family violence. Everybody deserves to be listened to and supported in their recovery.

The R&DVSA offers telephone, online and face to face counselling to people of all genders who have experienced sexual, domestic or family violence, and their supporters.

rape-dvservices.org.au

The R&DVSA also offers a one-on-one Behaviour Change Counselling Program for potential, alleged and convicted perpetrators. Referrals are accepted from workplaces, study institutions, sporting or other organisations. Individuals may also self-refer.

Referral can be made via email or phone: 02 8585 0349 or services@rape-dvservices.org.au

Open Circle

A trained facilitator for the restorative justice process

open.circle@rmit.edu.au

Information and training programs

MATE Bystander Program

An education and intervention program teaching everybody to be leaders in the prevention of violence and harmful behaviour. The Program is designed to teach community members how to recognise abuse and have the confidence to speak out and offer help.

matebystander.edu.au/#contact

Flip the Script

Enhanced Assess, Acknowledge, Act (EAAA) empowers young, self-identified women to trust their judgement and overcome social pressures to be "nice" when their sexual integrity is threatened. The Flip the Script (EAAA) program, developed by Professor Charlene Senn at the University of Windsor in Canada, is a 12 hour face-to-face course for up to 20 women-identifying participants.

monash.edu/respectful-communities/workshops-and-training/flip-the-script

You the Man

A theatrical performance about bystanders and dating violence, and **Being Frank**: a performance about trans and gender diverse issues. For more information, contact: enquiries-tep@deakin.edu.au

Raise Above the Pack

YWCA Australia's Raise Above the Pack campaign aims to raise men's awareness of differences in how men and women experience safety in public places. The YWCA (located in Adelaide) also provides active bystander training information on its website as well as courses on the bystander topic.

ywca.org.au or riseabovethepack.com.au

The Line

A great online resource for consent, sex, gender, and relationships.

theline.org.au

Change the Story

Violence against women in Australia by Our Watch, a video explaining the framework.

youtube.com/watch?v=fLUVWZvVZXw

The framework and related resources can be found here.

ourwatch.org.au/change-the-story

VicHealth

How to be an active bystander, a recourse to foster active bystander behaviour.

vichealth.vic.gov.au/search/bystander-research-project

The Intervention Initiative

A bystander course (face-to-face) facilitator kit from the University of Exeter, which can be used by anyone.

socialsciences.exeter.ac.uk/research/interventioninitiative/toolkit/#a8

CASA Forum

Provides a statistics sheet of Sexual assault in Australia

casa.org.au

Youth Law Australia

YLA has created a sexting fact sheet with valuable information aimed at young people.

yla.org.au/vic/topics/health-love-and-sex/sexting-laws

eSafety Commissioner

Provides good resources for education about the online environment

esafety.gov.au/educators

The Flight of the Concorde

Their song *A Kiss is not a Contract*. A song about consent.

youtube.com/watch?v=9iSlPoQm2XY

Australian Council of Graduate Research

ACGR has created a Respectful Research Training resource that addresses the supervisor and the higher degree by research (HDR) candidate relationship. Providers can access the videos and training material once a perpetual license has been purchased.

acgr.edu.au

Redfern Legal Centre

Redfern Legal Centre has created the Your Body, Your Choice: a sexual assault factsheet available in 11 different languages. Versions for NSW, Victoria and Queensland jurisdictions are available. The link below is to the NSW version.

rlc.org.au/rlc-media-your-body-your-choice

Redfern Legal Centre has also developed the mobile app My Legal Mate. This app puts a lawyer in a student's pocket. Providers can purchase a license for this app and distribute it to their students.

rlc.org.au/my-legal-mate

Advocacy

EROC Australia

End Rape on Campus (EROC) Australia works to end sexual violence at universities and residential colleges through direct support for survivors and their communities; prevention through education; and policy reform at the campus, state, and federal levels.

endrapeoncampusau.org

No to Violence

The peak body for organisations and individuals working with men to end family violence in Victoria and New South Wales.

ntv.org.au

Respect. Now. Always.

Universities Australia's campaign highlighting the determination of Australia's universities to ensure that they are places of safety and respect.

universitiesaustralia.edu.au/project/respect-now-always

Collective Shout

A grassroots campaigning movement against the objectification of women and sexualisation of girls in media, advertising and popular culture.

collectiveshout.org

Policy writing

Australian Human Rights Commission

Change the Course: National Report on sexual assault and sexual harassment at Australian universities

humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf

Universities Australia

Guidelines for university responses to sexual assault and sexual harassment

universitiesaustralia.edu.au/wp-content/uploads/2019/05/UA-Guidelines-2.pdf

Universities Australia

Principles for Respectful Supervisory Relationships

canberra.edu.au/research/current-research-students/research-supervisors/principles-for-respectful-supervisory-relationships/Postgraduate-Principles.pdf

Australian Human Rights Centre, UNSW

On Safe Ground: Strengthening Australian university responses to sexual assault and sexual harassment

humanrights.unsw.edu.au/sites/default/files/inline-files/AHR0002_On_Safe_Ground_Good_Practice_Guide_online.pdf

TEQSA

teqsa.gov.au