
An Initial Review of Sexual Assault and Sexual Harassment Prevention and Response at the University of Tasmania

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On 1 August 2017, the Australian Human Rights Commission (AHRC) released its report, *Change the Course: National report on sexual assault and sexual harassment at Australian universities*, and the findings of a national student survey which provided data for every Australian university. That same day, the University of Tasmania responded issuing a public statement welcoming the results of the survey, and confirming an institutional commitment of zero tolerance to sexual assault and harassment. Vice-Chancellor Professor Peter Rathjen stated that the University adhered to a series of 'values' including respect and self-respect, and would use the report to build on its commitment to the nurturing of a safe and just society. There was also an acknowledgment by the University as well as in broader official statements of the contribution of victims and survivors who had shared their information to make the AHRC report possible, and that these contributions would be used to create better communities.

A public commitment was made to implementing the Report's nine recommendations with key foci in the areas of leadership and governance, changing attitudes and behaviours, University responses to sexual assault and sexual harassment, the monitoring and evaluation of both the reporting and the handling of specific complaints, and the safety of university residences. This continues the University's ongoing commitment from the time we signed up to the *Respect.Now.Always.* campaign in February 2016.

In addition to the *Respect.Now.Always.* educative campaign, augmented by the #NeverOK initiative undertaken in collaboration with the Tasmanian University Union (TUU), there has been a range of positive developments over the past year, including the opening of new student accommodation facilities in 2017 in Melville Street, Hobart, and in Launceston; in each case the design principles embraced student safety and security as a priority. There is a current review of the University security strategy which includes an holistic assessment of lighting, the introduction of more 'help' points, and an expanded and more mobile security response unit.

An early step in the University's response to the AHRC *Change the Course* Report was the commissioning of an independent expert review of the University's policies, procedures and practices in the context of their application to sexual assault and sexual harassment. This review would evaluate the efficacy of existing policies, procedures and practices at preventing and responding to sexual assault and sexual harassment complaints, and provide a best practice framework to underpin both planned and required changes (see full Terms of Reference at Appendix 1). This review was undertaken by external, independent consultants, Robin Banks, former Tasmanian Anti-Discrimination Commissioner, and Indira Rosenthal, a human rights and gender consultant.

The review was undertaken from September-October 2017 and was based upon interviews with various University staff, TUU staff and student representatives. It is intended that the review report would provide a point-in-time perspective of the University, identifying ways to further strengthen our approach. The report details both a number of findings and summarises key recommendations which would support the University in ensuring good practice informs all of our responses.

The University welcomes the Banks/Rosenthal Report in the same spirit in which it approached the release of the national data on sexual assault and sexual harassment, and remains committed to making the required changes as well as building on other initiatives already progressing. The University of Tasmania is committed to providing an environment in which harassment and assault are not tolerated, and where victims and survivors are fully supported if it occurs.



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Introduction

Background and context

Building on decades of advocacy on Australian university campuses, the release in Australia of the American film *The Hunting Ground* dramatically raised awareness in the university sector and Australian community of sexual violence at universities. It led to acknowledgement by the universities of their responsibility to better prevent and respond to all forms of sexual violence at universities. In February 2016, Universities Australia launched the *Respect.Now.Always.* initiative,¹ and commissioned the Australian Human Rights Commission to conduct a national survey on prevalence of sexual assault and sexual harassment at Australian universities. The Commission released the findings of the survey in August 2017 (the 'National Student Survey').²

The University of Tasmania joined the *Respect.Now.Always.* campaign, and committed itself to improving its responses to sexual assault and sexual harassment. It also participated in the National Student Survey.

The conduct of the National Student Survey and its subsequent findings led many Australian universities to reflect on their strategies for prevention and response to sexual assault and sexual harassment, and some, like the University of Tasmania, have begun to review those strategies for effectiveness.

This initial review of the University of Tasmania's sexual misconduct prevention and response was conducted against this background.

Respect.Now.Always. initiative and the National Student Survey

Respect.Now.Always.

Universities Australia launched the *Respect.Now.Always.* initiative to combat sexual assault and sexual harassment against students in February 2016. Its stated aims are:

- to raise awareness of sexual assault and sexual harassment and lift the visibility of support services for students;
- to obtain data to guide further improvement in university policies and services; and
- to assist universities to share global best practice resources across the sector.³

National Student Survey on Sexual Assault and Sexual Harassment

To address the lack of data on prevalence of sexual violence against students on Australian university campuses, Universities Australia asked the Australian Human Rights Commission to conduct Australia's first-ever national student survey on the nature, prevalence and reporting of sexual assault and sexual harassment at Australian universities. The National Student Survey also looked at the effectiveness of university services and policies to address sexual assault and sexual harassment on campus.

The Commission released its findings on 1 August 2017 in its report *Change the Course, National Report on Sexual Assault and Sexual Harassment at Australian Universities* (*Change the Course Report*).⁴ Each university, including the University of Tasmania, has made its specific data publicly available.

The Survey canvassed the experiences of over 30,000 students across all 39 universities. It collected quantitative and extensive qualitative data on:

- prevalence of sexual assault and sexual harassment among Australian university students in 2015 and 2016,
- characteristics of people who experienced sexual assault and sexual harassment,
- characteristics of perpetrators of sexual assault and sexual harassment,
- where students experienced sexual assault and sexual harassment,
- reporting of sexual assault and sexual harassment, and
- students' recommendations for change.⁵

The National Student Survey confirmed that sexual assault and sexual harassment takes place to varying degrees in all Australian universities and across most areas of university life. The findings included the following:

- 51% of all university students were sexually harassed at least once in 2016,
- 6.9% of students were sexually assaulted on at least one occasion in 2015 or 2016,
- women were 2–3 times more likely to be targeted for sexual assault and sexual harassment,
- overwhelmingly, men were the perpetrators of both sexual assault and sexual harassment reported in the survey,
- most victims/survivors knew the perpetrator, who was most likely to be a fellow student at their university,

1 *Respect.Now.Always.* (2013) Universities Australia

2 *Change the Course, National Report on Sexual Assault and Sexual Harassment at Australian Universities* (2017) Australian Human Rights Commission <<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual>>.

3 *Respect.Now.Always.* above n 1.

4 Australian Human Rights Commission, above n 2.

5 *Ibid.*

- postgraduate students were almost twice as likely as undergraduate students to have been sexually harassed by a lecturer or tutor from their university,
- rates of sexual harassment were significantly higher for students who identified as bisexual (44%), or as gay, lesbian or homosexual (38%), compared with students who identified as heterosexual (23%),
- trans and gender diverse students were more likely (45%) to have been sexually harassed in a university setting in 2016 than women and men,
- domestic students were slightly more likely (27%) than international students (22%) to have been sexually harassed in a university setting in 2016,
- Aboriginal and Torres Strait Islander students and students with disability were more likely to have been sexually harassed in 2016 than others,
- undergraduate students were more likely (28%) than postgraduates (19%) to have been sexually harassed in a university setting in 2016, and
- the vast majority of students who were sexually assaulted or sexually harassed in 2015 and 2016 did not make a formal report or complaint to their university for reasons including that they did not know how or where to make a report.

The survey identified four recurring themes in incidents of sexual assault and sexual harassment:

1. Sexist attitudes towards women
2. Alcohol abuse
3. Perpetrator abusing a position of power
4. Residential settings.

The Commission made nine recommendations, eight of which are directed to universities, and one of which is aimed at university colleges. They focus on five areas of action:

- **Leadership and governance:** A strong and visible commitment to action from university leaders, accompanied by clear and transparent implementation of these recommendations.
- **Changing attitudes and behaviours:** Development of measures aimed at preventing sexual assault and sexual harassment.
- **University responses to sexual assault and sexual harassment:** An independent, systematic review of university responses to sexual assault and sexual harassment and their effectiveness, and the implementation of effective processes for responding to sexual assault and sexual harassment.

- **Monitoring and evaluation:** Ensuring that steps taken to prevent and respond to sexual assault and sexual harassment are evidence-based and that improvements are made over time.
- **Residential colleges and university residences:** A review to further examine issues and solutions to address sexual assault and sexual harassment within residential colleges and university residences.⁶

Summary of the National Student Survey findings: University of Tasmania

The survey results for the University of Tasmania largely reflect these national findings. Of University of Tasmania students who participated in the Survey (1.5% of the student population⁷):

- 30% said they had experienced sexual harassment in 2016,
- 6.5% said they had been sexually assaulted in 2015 or 2016,
- 96% of respondents who had been sexually harassed said they did not report it, with 20–35% saying they had no or little knowledge about how to report it,
- 20–36% of people who said they had been sexually assaulted also said they had little or no knowledge of where to get support at University, and
- 21.5–38.9% said they had little or no knowledge of where to make a complaint about sexual assault to the University.

The full report of the National Student Survey is available at: <<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual>>.

⁶ Ibid, 168.

⁷ Australian Human Rights Commission, *Profile of University Respondents, University of Tasmania*, on file with authors.

Scope of initial review

We were engaged to conduct an initial review:

- to provide an independent assessment of the University of Tasmania's existing responses to sexual assault and sexual harassment of students, as well as current reforms in this area; and
- to assist the University to identify next steps it could take to address gaps and to support necessary cultural change.

We did not analyse the data from the National Student Survey relating to the University of Tasmania, or research the prevalence of sexual assault and harassment as these matters were outside the scope of this initial review. The Terms of Reference for the project are in Appendix 1. In brief, the initial review covers University policies, procedures, and mechanisms and processes for prevention, reporting and responding to incidents of sexual assault and sexual harassment at its Tasmanian campuses.

At the time the review was undertaken, the University had recently adopted several relevant reforms following the launch of *Respect.Now.Always.* and the conduct of the National Student Survey. These included the launch of the new online hazard and incident reporting portal, MySafety; the piloting of eLearning modules on consent, and on responding to disclosures of sexual violence; and the creation of the role of Pro Vice-Chancellor (Culture and Wellbeing). We looked at the MySafety and eLearning reforms as part of our review.

In a parallel process, the University was reviewing its ordinances, including the Ordinances of most relevance to our review, namely *Ordinance 8 – Student Complaints* and *Ordinance 9 – Student Discipline*. While we were conducting our review, the findings of the ordinance review were not available. It is clear, however, that the outcome of that review will be relevant to much of the discussion in this report, especially in relation to complaints, allegations and investigation of sexual assault and sexual harassment incidents, as well as disciplinary responses.

Method

Review of University governance documents

We began the initial review with an assessment of relevant University-wide policies, procedures and ordinances. The full list of documents considered is in Appendix 4. The principal governance documents reviewed were:

- *Ordinance 8 – Student Complaints*
- *Ordinance 9 – Student Discipline*
- *University Behaviour Policy*
- *University Behaviour Procedure*
- *Code of Conduct for Teaching and Learning.*

Review of training modules

We reviewed three e-learning modules:

- *MySafety*
- *Consent Matters*
- *Responding to disclosures of sexual violence.*

Interviews

We conducted a series of semi-structured interviews with members of the University's management, Legal Counsel and the Tasmania University Union (TUU). A full list of interviewees is at Appendix 2. Twenty-four people were interviewed for this initial review.

Other materials

We also considered a range of other materials, and these are listed in Appendix 5.

About this report – Findings and recommendations

We make a number of findings and preliminary recommendations based on our examination of relevant University policies and procedures (see Appendix 4) and our interviews with 24 key staff members and student representatives). These are set out throughout this report under the following four themes:

1. Leadership
2. Prevention and culture
3. Reporting, support, investigation and discipline
4. Audit, data and continuous improvement.

A summary of our findings and thematic recommendations is set out in the conclusion to this report. In addition to these thematic recommendations, we also recommend the University:

1. Commits, at a senior leadership level, to reviewing and implementing the changes recommended in this report.
2. Develops an Action Plan on sexual assault and sexual harassment responses and prevention that:
 - a. addresses all the areas identified in this report as requiring further review and change;
 - b. takes into account any recommended practice from the *Respect.Now.Always.* initiative and the *Change the Course* Report;
 - c. maps out further next steps the University needs to take to achieve a sexual assault and sexual harassment strategy that meets best-practice standards.

3. Formally establishes a taskforce, or similar University-wide group, to lead the development of the Action Plan. The taskforce should have sufficient authority and resources, be chaired by a member of the Senior Executive, and involve key stakeholders. The establishment of the taskforce could build on the University's existing *Respect.Now.Always.* working group.
4. Establishes a permanent, whole-of-University working group on sexual assault and sexual harassment, chaired by a member of the Senior Executive, and which is part of the University's governance structure, to oversee implementation of the Action Plan and to be responsible for the ongoing monitoring and evaluation model. This permanent group should include University leadership from the administrative and academic functions of the University, as well as diverse representation from undergraduate and postgraduate students. The membership of the group should be gender balanced: it should not only have women members.
5. Conduct a specific and comprehensive review into sexual assault and sexual harassment at University residential accommodation.

We were advised that the University seeks to embed a values framework that promotes positive and appropriate behaviour across all aspects of university life. Within this framework, the University seeks to adopt a uniform approach to dealing with all forms of behaviour that undermine, diminish, prejudice or harm students and staff, including sexual assault and harassment. We were further advised that this approach is reflected in University policies, ordinances and other mechanisms relevant to responses to sexual misconduct. This approach may need to be taken into account in the implementation of the recommendations made in this report.

Thematic findings and recommended actions

Leadership

Vocal, visible and consistent university leadership with institutional support is essential to effect any significant reform, such as addressing sexual assault and sexual harassment.

The Australian Human Rights Commission highlighted several core principles that 'should underpin universities' approach to addressing sexual assault and sexual harassment'.⁸ The first principle was that Vice-Chancellors should lead action.

The Commission pointed out that leadership at this level is necessary to set the tone for the institution as a whole, both staff and students. It emphasised that:

The message conveyed should be that these behaviours will not be tolerated, that clear pathways for providing support to students who experience sexual assault and sexual harassment will be developed and that bystanders will be empowered to take action. Accordingly, clear and consistent messaging from the top will also likely increase students' confidence in reporting sexual assault and sexual harassment to their university.⁹

If senior leadership does not expressly endorse the work the University does to address sexual assault and sexual harassment, others will view it as a low priority. Similarly, if leadership behave or endorse (or appear to 'walk past'¹⁰) standards of behaviour that are inconsistent with zero tolerance of sexual assault and sexual harassment, its leadership will be undermined.

The Commission reported that in a number of submissions, students:

... referred to the importance of university leadership and highlighted a number of perceived leadership failures to respond to these issues. Some key concerns were that:

- University leaders do not call out sexual assault and sexual harassment.
- University leaders do not acknowledge that there is a problem with sexual assault and sexual harassment.
- University leaders do not hold perpetrators accountable for their behaviour.
- University leaders do not take sexual assault and sexual harassment seriously enough.
- University leaders don't care about victims of sexual assault and sexual harassment.¹¹

The recent part-time appointment of the Pro Vice-Chancellor (Culture and Wellbeing) is a positive demonstration of the commitment from University of Tasmania leadership to improving the culture of the University. We note, however, the time allocated to this position (0.2 FTE) and that it may be insufficient to fully support the University's reforms.

Similarly, the establishment in March 2016 of the University of Tasmania Equity Committee under the leadership of Professor Brigid Heywood, Deputy Vice-Chancellor (Research), and of faculty-based equity committees, is consistent with increased focus on gender issues, including sexual harassment and sexual assault.

These reforms and other work undertaken by the University to prevent and respond effectively to sexual assault and sexual harassment needs to be seen as part of the core business of the key governance elements of the University: the University Council, the Academic Senate, the role of the Chancellor and Vice-Chancellor, the Senior Executive and the Senior Management Team. The continued genuine engagement of these University governance bodies is essential to provide vital leadership to the University community in this important work.

We did not audit the professional development of senior staff across the University on effective leadership in the prevention of and response to sexual assault or sexual harassment. Nonetheless, specific professional development should be embedded and have high priority in the wider leadership development programs supported or provided by the University.

An important aspect of leadership is the framing of a positive and progressive culture within the University.

8 Australian Human Rights Commission, above n2, 169.

9 Ibid, 170.

10 David Morrison, 'Chief of Army Lieutenant General David Morrison message about unacceptable behaviour' (Speech delivered on Australian Army HQ YouTube channel, 13 June 2013) <<https://www.youtube.com/watch?v=QaqpoeVgr8U>>.

11 Australian Human Rights Commission, above n2, 8.

Recommended actions

Each of the recommendations in the Introduction is essential to demonstrating leadership and the University's commitment. The following recommended actions will further support that work:

6. Adopt safety from sexualised misconduct as a core value.
7. Ensure consistent and sufficient resourcing to all of the relevant initiatives and to the Taskforce and Working Group to undertake their role in a timely and professional way, and with appropriate expert input.
8. Ensure that messaging from leadership is consistent across the University and reflects the core value of safety from sexualised misconduct.
9. Ensure the University's senior leadership:
 - a. responds in strong and unequivocal terms to incidents of inappropriate sexualised conduct;
 - b. identifies opportunities for senior leadership to reiterate that core value, for example, when welcoming new and returning students, and when welcoming new and visiting staff.
10. The Vice-Chancellor report at least annually to the whole of the University community on progress being made to implement the Action Plan recommended in this report and any other relevant initiatives.
11. Identify relevant professional development opportunities for University leadership to enhance their capacity to oversee and support the implementation of the Action Plan and thus to reflect the core value of safety from sexualised misconduct.

Prevention and culture

In this section, we outline and review what the University is currently doing to prevent sexual harassment and sexual assault.

As well as strong, clear and consistent leadership, in general terms, strategies for preventing unacceptable conduct typically require:

- a clear definition of what is acceptable and what is not acceptable;
- ensuring the prohibition is clear and is made known to everyone in the relevant community through:
 - clear prohibitions on what is unacceptable with penalties for engaging in the conduct (in laws and/or organisational policies);
 - education campaigns about the conduct, its status as prohibited, the rationale for it being prohibited, and the penalties that apply for engaging in the conduct;
 - training programs to ensure community leaders and other key stakeholders can readily identify conduct that is not acceptable and have the skills to challenge and address it;
- effective risk-management processes that properly account for the unacceptable conduct;
- ensuring a culture within the community that is consistent with the prevention of the unacceptable conduct.

Defining sexual assault and sexual harassment

Sexual assault

Our review of the University's policies and procedures showed that the University does not have or refer to a specific definition of "sexual assault", although it uses the term on its website, for example on the *#NeverOK* and *Respect.Now. Always.* pages. There is no reference to "sexual assault" on the MySafety incident reporting portal, or in the suite of University governance documents reviewed.¹² The University does not appear to use or to have defined any other comparable term, for example, "sexual violence" or "sexual abuse". We were advised that the lack of a definition may reflect the University's values framework, in which all forms of harmful behaviour are approached uniformly.

"Violence" is defined in and proscribed by the *University Behaviour Policy*.¹³ The definition is narrow, referring to abuse and assault of a person, or threatening a person 'in circumstances relating to their study or work'. The Policy does not give any guidance on the meaning or scope of 'circumstances relating to study or work'.

Sexual assaults of different kinds are criminal offences in Tasmania, and this has consequences for the University's policies and processes. From our interviews, it is clear the key

actors at the University are aware of this fact, and understand that the University's processes must reflect this. However, we have identified important gaps in these processes. This is discussed below in the part on 'Parallel external processes'.

Sexual harassment

"Sexual harassment" is defined in the *University Behaviour Policy*.¹⁴ We note that this definition differs in various ways from the definition in the *Commonwealth Sex Discrimination Act 1984* (section 28A) and the *Tasmanian Anti-Discrimination Act 1998* (section 17) (see Appendix 3).

"Sexual harassment" is not referred to in *Ordinance 9 – Student Discipline*. However, "harassment" is a disciplinary matter under that Ordinance, and is also referred to in the University's *Code of Conduct for Teaching and Learning* and in the *Staff Agreement 2013 – 2016*. No definition is provided for "harassment" in any of these documents. Nor do they refer to the definitions of "sexual harassment" or "harassment" in the *University Behaviour Policy*. (*Ordinance 9* refers to a definition of 'harassment or discrimination' under the *University Harassment and Discrimination Policy*, a policy that no longer exists.)

We did not review definitions of these terms used by other Australian universities or institutions as this was outside the scope of this initial review.

Distinction between sexual assault and sexual harassment

Our review showed the University has not clearly articulated its understanding of the difference between sexual assault and sexual harassment. This is partly a definitional matter: the absence of a definition of sexual assault makes a clear distinction difficult. It is also partly the result of not having expressly identified sexual assault and sexual harassment as specific forms of misconduct or as unique workplace health and safety risks, a factor discussed later in this report. The University's processes treat sexual assault and sexual harassment in the same way as a wide range of other unacceptable behaviour. Again, we were advised that this is the approach consciously adopted by the University under its values framework, which may be evident in the fact that, for example:

- the *University Behaviour Policy* treats sexual assault and sexual harassment as "general misconduct" together with a range of other conduct-related matters;
- the *WHS Operational University-wide Risk Register* does not mention sexual assault or sexual harassment; and
- the MySafety Report It function is for all incidents related to inappropriate behaviour, or "psychosocial" risks and does not distinguish sexual assault or sexual harassment.

¹² See Appendix 4 for details of policies and procedures reviewed.

¹³ *University Behaviour Policy* (2014) cl 3.2.7.

¹⁴ *Ibid.*, cl 3.2.4.

Conclusions

While the University's approach has been to address a range of harmful behaviour uniformly and not to develop stand-alone responses for specific types of behaviour, in our view, its strategies to prevent and respond to sexual assault and sexual harassment may be undermined by:

- the absence of a clear, accurate and concise definition of sexual assault;
- a lack of understanding about what conduct is sexual harassment;
- the lack of distinction between sexual assault and sexual harassment;
- treating sexual assault and sexual harassment as the same as other forms of non-academic misconduct; and
- the lack of express reference in University policy to sexual assault and sexual harassment as prohibited conduct.

Addressing these issues is a matter of urgency. Clarifying what constitutes sexual assault and sexual harassment will enable the University to:

- evaluate whether or not the University's responses to sexual assault and sexual harassment are fit for purpose, focused and clear, and to implement remedial strategies if they are not;
- give clearer messages to the University community about the unacceptability of sexual assault and sexual harassment and to effect cultural change;
- be clear about the range of possible disciplinary consequences of committing sexual assault and sexual harassment;
- more effectively and expressly assess risks of sexual assault and sexual harassment to the University and members of the University community;
- collect meaningful prevalence and related data; and
- improve the monitoring and evaluation of the effectiveness of its strategies and responses.

Recommended actions

12. Adopt a definition of "**sexual assault**" that is consistent with the meaning of the term under Tasmanian criminal law, and which covers a full range of sexualised criminal conduct.
13. Review the definition of "**sexual harassment**" currently found in the *University Behaviour Policy* to determine whether it is clear and encompasses all the conduct that could be sexual harassment, and include examples. Regard could be had to the definitions in the *Anti-Discrimination Act 1998* (Tas) and the *Sex Discrimination Act 1984* (Cth).
14. Ensure the definitions are consistently applied in all relevant governance documents (policies, ordinances, codes of conduct and procedural codes, risk register), and in campaign, awareness-raising and educational initiatives on sexual assault and sexual harassment.
15. Develop materials and training to inform and educate the University community about what constitutes sexual assault and sexual harassment, and about the difference between them.

Ensuring community-wide awareness

Our review indicates there is very limited awareness of the University's current prohibition of sexual harassment under the *University Behaviour Policy*, and even poorer understanding of what constitutes sexual harassment and what doesn't. While there is general knowledge of the *Respect.Now.Always.* and the *#NeverOK* campaigns within the group we interviewed, the level of that knowledge is not deep or consistent.

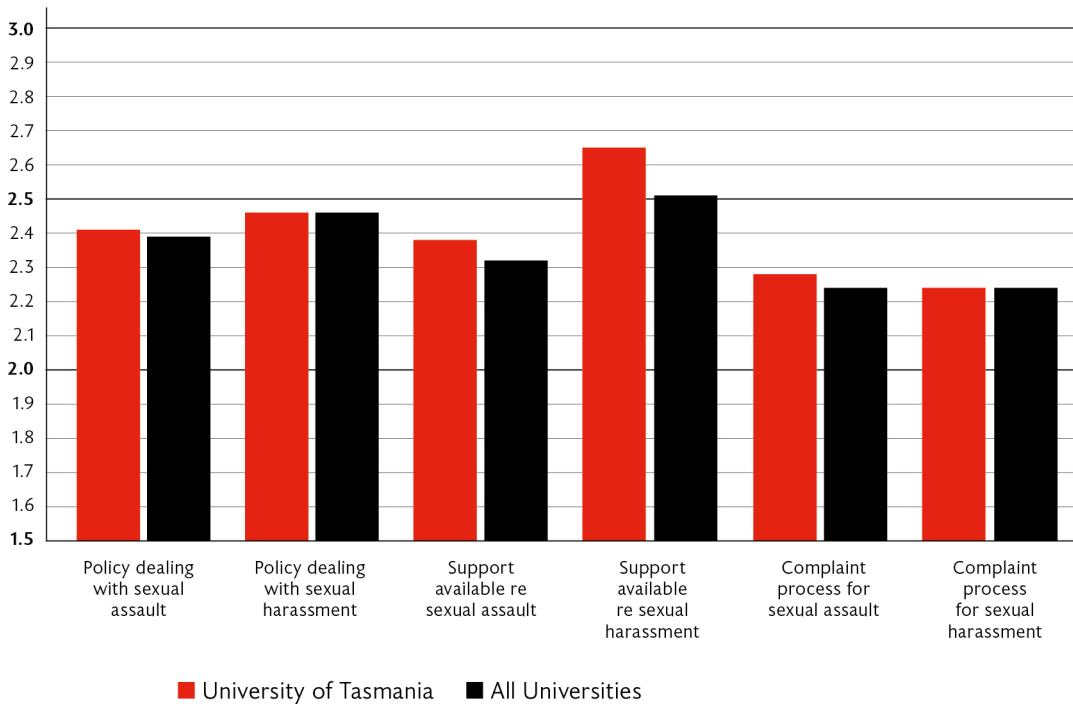
An aspect of ensuring awareness of any important initiative is having a targeted communications strategy that sets out core messages, and identifies key audiences and opportunities for communicating those core messages. A communications strategy should become part of the overarching approach of the University to sexual assault and sexual harassment on campus.

In relation to both sexual assault and sexual harassment, the data for the University of Tasmania from the National Student Survey indicates that among those students who were

sufficiently engaged to respond (1.5% of the University's student population), the mean figures for 'knowledge'¹⁵ were:

- for 'knowledge of university policy on sexual assault': 2.41, slightly higher than the mean for all respondents to the survey of 2.39;
- for 'knowledge of university policy on sexual harassment': 2.46, slightly higher than the mean for all respondents to the survey of 2.45;
- for 'knowledge on where to go within university to make a complaint on sexual assault': 2.28, slightly higher than the mean for all respondents to the survey of 2.24;
- for 'knowledge on where to go within university to make a complaint on sexual harassment': 2.24, the same as the mean for all respondents to the survey;
- for 'knowledge on where to seek support/assistance within university regarding sexual assault': 2.38, higher than the mean for all respondents to the survey of 2.32;
- for 'knowledge on where to seek support/assistance within university regarding sexual harassment': 2.65, higher than the mean for all respondents to the survey of 2.51.

Mean levels of knowledge of:



¹⁵ The scale used in the survey is:
 1 = 'I know nothing about this'
 2 = 'I know very little about this'
 3 = 'I have some knowledge about this'
 4 = 'I know a lot about this'
 5 = 'I know everything about this'.

These data indicate that the level of 'knowledge' and awareness among those University of Tasmania students who participated in the survey on policies and processes on sexual assault and sexual harassment is at, or slightly above, the mean across all universities in Australia.

A targeted communications strategy could help to address gaps in understanding of sexual assault and sexual harassment in the University community. Such a strategy should be part of the University's action on preventing sexual assault and sexual harassment on campus.

Recent initiatives by the University

Our review indicated several education and awareness-raising initiatives, most of which were in the very early stages of adoption and/or piloting at the University at the time of this review:

- display of *Respect.Now.Always.* and *#NeverOK* materials in public areas across the University's campuses;
- piloting of e-learning module *Consent Matters*;¹⁶
- implementation of e-learning module *MySafety*; and
- Tasmanian University Union sporting club affiliation requirement to have Good Sports accreditation.

Of these, the display of *Respect.Now.Always.* and *#NeverOK* materials, and the *Consent Matters* module are the most relevant. The modules are more relevant to sexual assault prevention.

Display of *Respect.Now.Always.* and *#NeverOK* materials

We observed the display of large *Respect.Now.Always.* banners on campuses, and of related postcard and stickers materials (including *#NeverOK* materials) in key student access locations. Given their prominent display, it seems highly unlikely that members of the University community visiting the campuses and accessing services would be unaware of these campaigns.

Consent matters

We were informed that members of the Student Representative Council (SRC) were asked to test the *Consent Matters* eLearning module as part of the University's initial piloting of this training. Our interviews with this cohort indicated most did not fully understand their role as 'product testers', none had completed the module and only a couple had looked at it. We understand the University will next give access to *Consent Matters* to students living in University accommodation and postgraduate students.

We completed the module as part of this review.

Conclusions

The *Consent Matters* module is limited to sexual assault and excludes sexual harassment, "sexting" and other related issues. This could be a missed opportunity for the University to build awareness of a broad range of problematic sexual conduct and of the University's own position on such conduct. Further tailoring could strengthen the module as an effective tool to build awareness and confidence around 'consent' to sexual activity, as well as the necessary respectful culture.

The design and format of the module potentially undermine its effectiveness as a learning tool. For example, it is quite long, and there are very limited mechanisms to test a learner's understanding of the material.

There are some aspects of the module that potentially limit its accessibility to people with disability, especially vision impairment. A full review of the accessibility of such materials is beyond the scope of this review and requires the specialist expertise of an organisation such as Vision Australia.

Evaluation of the pilot will be an important step in ensuring this awareness-raising strategy is effective. The evaluation should consider the level of completion within the pilot group and feedback from the pilot group, including through targeted interviews or similar, to determine the level of understanding achieved, and to identify strengths and weaknesses of the module.

If the University decides to roll out the training, consideration should be given to whether the module ought to be made compulsory and for whom, and, if compulsory, how completion will be audited, as well as the consequences of non-completion.

¹⁶ The other new eLearning module being piloted is *Responding to disclosures of sexual violence*. It is considered later in this report under Reporting, Support, Investigation and Discipline.

Recommended actions

16. Develop a sexual assault and sexual harassment communication strategy.
17. Review *Consent Matters* to evaluate whether it is effective and meets best practice for effective eLearning.
18. Develop new, or tailor existing, training modules for staff and students that cover material about broader problematic sexual behaviour, as well as sexual assault and sexual harassment, consent issues, how to report incidents, and what the University will do in response to a report.
19. Identify as key performance indicators for all staff a demonstrated understanding of sexual assault and sexual harassment prevention and the University's policies and procedures.
20. Ensure all eLearning or online training modules for students and staff are fully accessible to people with disability.
21. Consider whether or not relevant eLearning modules should be compulsory for students and, if so, how completion will be audited and what the consequences of non-completion will be.

Risk management

We were advised the University has not conducted a work, health and safety risk assessment specifically for sexual assault or sexual harassment, involving either students or staff. An examination of other risk assessments (such as for legal risk) for this conduct, if any, was beyond the scope of this project.

We reviewed the *Risk Management Policy* and the *WHS Operational University-wide Risk Register* (the Risk Register) to evaluate whether and how sexual assault and sexual harassment are included as identified risks by the University.

Neither of these documents expressly refers to either sexual assault or sexual harassment. It may be that both are covered in the Risk Register under "psychosocial" risks, which include such diverse risks as stress and fatigue, bullying, harassment, discrimination and assault. Each of these is assessed as posing the same level of risk to the University—moderate—without differentiation.

The *Risk Management Policy* applies to 'academic and professional staff members, Adjunct, Clinical, Associate title holders and Visiting Fellows of the University, its controlled entities and partnerships'. It does not appear to apply to sexual assault or sexual harassment committed by students, either against fellow students, staff members or others working at the University.

Some Australian universities have been criticised for focusing more on concerns about liability than on the well-being of students affected by sexual assault and sexual harassment. For example, the Australian Human Rights Centre at UNSW, in its companion report to the National Student Survey, *On Safe Ground: Strengthening Australian University Responses to Sexual Assault and Harassment* observed:

A concern with liability can provoke hasty and reactive university action, which may also exacerbate trauma to victims, bystanders and the student community more broadly. Ultimately, the proactive development of clear and comprehensive policies and procedures that are rigorously enforced, the application of consistent sanctions, the provision of appropriate and adequate support services, and the implementation of prevention strategies informed by research and evaluation, combine not only to prioritise student wellbeing but will also serve to mitigate institutional liability.¹⁷

Conclusions

Having a risk-management system that appropriately responds to sexual assault and sexual harassment is essential for effective prevention and response processes. The University must assess and control or mitigate the risks from both sexual assault and sexual harassment in order to respond to such conduct in a co-ordinated, timely and appropriate manner.

Recommended actions

22. Adopt a risk-assessment model that expressly includes sexual assault and sexual harassment as a stand-alone form of risk, and clearly covers both students and staff.
23. Conduct a comprehensive University-wide risk-assessment review for sexual assault and sexual harassment to identify:
 - a. the full range of relevant risk factors, many of which are identified in this report, for example, whether there is a clear process for complaining, reporting, and responding; and
 - b. mitigation and control strategies.
24. Ensure a consistent approach to sexual assault and sexual harassment in all University risk registers.
25. Commit to monitoring the effectiveness of risk-mitigation strategies and controls for sexual assault and sexual harassment in internal audit processes.

17 Andrea Durbach and Kirsten Keith, *On Safe Ground: Strengthening Australian University Responses to Sexual Assault and Harassment* (Australian Human Rights Centre, University of New South Wales, 2017) 117.

University culture

Cultural factors have long been recognised as critical to reducing the prevalence of sexual assault and sexual harassment at university campuses, as well as to the nature of responses by such institutions. This was highlighted in the Commission's *Change the Course* Report. It is clear that cultural problems are a theme common to all Australian universities.

The University and the Tasmanian University Union (TUU) have both taken recent action to address problematic cultural attitudes towards gender equality, respectful relationships and sexual assault and sexual harassment. The University adopted the *Respect.Now.Always.* initiative of Universities Australia, which it promotes through its website and materials visible around the campuses. Campaign material is not, however, visible on the front page of the University's website, or on any of the pages linked from the front page.¹⁸

More recently, the Tasmanian University Union developed the *#NeverOK* campaign. Again, this does not have a visible presence on the University's main webpage or the linked entry pages. It is, however, available through a tab on the front page of the TUU website.¹⁹ We were told the two campaigns were initiated separately.

A comprehensive analysis of what cultural changes might be needed at the University was outside the scope of this review. However, we asked interviewees if they wanted to say anything about the influence of University culture on sexual assault and sexual harassment. Several recurring comments and themes emerged around alcohol consumption and concerns about possible predatory behaviour by some later year and older students towards first-year students. An issue was also raised about the relationship of higher degree students with supervisors and the potential for the power imbalance in these relationships to be exploited. These concerns were raised by the student representatives and TUU staff we interviewed, although key University staff also raised some of the same concerns. These and related issues were described in the following ways.

Alcohol consumption

Most interviewees saw alcohol as a significant "cultural" problem that increased the likelihood of sexual assault and sexual harassment on campus, in University residential accommodation, and by or against members of the University community.

Several interviewees said that students have strong expectations that alcohol would be served at University social events and they would not accept alcohol-free events. Some also said a common criticism of student life at the University was a limited social life and, for this reason, they would be reluctant to see a reduction in the number of social activities offered at the University.

University residential accommodation

Alcohol consumption was mentioned as a cultural problem in the context of University residential accommodation. Some interviewees identified additional factors related to such accommodation as "cultural", including:

- the existence of a strong sense of tribalism and misplaced loyalty among residents, with a reluctance among students living in University residential accommodation to speak out against fellow residents who may be alleged perpetrators;
- a belief among residents that "it was all good fun" and part of the college experience;
- hazing-type behaviour and college traditions facilitating a culture that may increase the likelihood of sexual violence.

Students from different cultural backgrounds

Another theme that emerged from the interviews was students' diverse cultural backgrounds. It was suggested to us that different cultural expectations can affect understandings of what is and what is not acceptable behaviour, both by alleged perpetrators and by victims/survivors. It was also suggested that this could, for example, result in international student victims/survivors misunderstanding unacceptable conduct as "part of Australian culture" and thus not report it.

We note that it is not possible to ascertain from the National Student Survey data for the University of Tasmania whether or not its international student cohort sees conduct that might be sexual assault or harassment as "part of Australian culture". It does, however, seem to indicate a higher rate of reporting for this cohort compared to domestic students.

Conclusions

Based on our interviews, there is clearly concern, especially from students, about University culture and sexual assault and sexual harassment. We cannot comment on prevalence or draw conclusions about any direct link between culture and sexual assault and sexual harassment at the University in the absence of clear data (discussed later in this report). Nonetheless, an examination of any cultural aspects that might affect the prevalence of sexual assault and harassment at the University is warranted.

¹⁸ University of Tasmania website front page <<http://www.utas.edu.au/>>.

¹⁹ Tasmanian University Union website front page <<https://tuu.com.au/>>.

Recommended actions

26. The University further considers the impact of University culture and its impact on sexual assault and sexual harassment. The consideration should include an assessment of:
- a. the effectiveness of the *Respect.Now.Always.* initiative at the University;
 - b. the impact of excessive alcohol consumption, particularly at University events;
 - c. the culture at University residential accommodation;
 - d. whether the University's organisational culture tolerates or normalises sexual violence or violence-supporting attitudes;
 - e. cultural issues raised by the findings of the Australian Human Rights Commission in the National Student Survey;
 - f. the nature of the supervisory relationship for higher degree students and the potential for exploitation and abuse;
 - g. best practice adopted by other universities in Australia and overseas; and
 - h. comprehensive feedback from all key University stakeholders, including the full range of perspectives from the diverse student body.

Reporting, support, investigation and discipline

The University has a number of procedures and pathways for reporting and responding to sexual assault and sexual harassment as part of its general system of incident reporting and misconduct and discipline. We looked at the different elements, for example, first responder capacities when someone reports a sexual assault, and investigative and disciplinary procedures under the *University Behaviour Procedure and Ordinance 9*.

It was clear from our review that there are gaps in these procedures and pathways, and that they are not well known or understood either by those who may be affected by sexual assault and sexual harassment or by those who may have a responsibility to respond. Some interviewees also indicated that procedures and pathways are not consistently followed, although in the absence of proper reporting and data collection we were not able to verify this impression.

The University has clear duties to staff and students. These differ depending on whether the victim or perpetrator (or both) is a member of the University community. For example, if the victim is a member of the University community, the University's role must include ensuring there are clear processes for getting urgent assistance and for reporting incidents, that ongoing support is available, and that investigations are timely, thorough and fair. If the perpetrator is a member of the University community and the incident is related to their membership of the community, the University's role should be to implement appropriate and consistent investigation and disciplinary action. In every case, the University also has a duty to undertake a risk assessment for the ongoing safety of those concerned and to mitigate future risk to all members of the University community. The following section considers the extent to which the University is meeting these duties.

Emergency assistance and first response

Contract security staff

The University consistently advises students and staff to contact security services in case of emergency, including in case of sexual assault and sexual harassment. This advice is available in a range of places and does not distinguish between sexual assault and sexual harassment (for example, banners on Sandy Bay campus as part of the *Respect.Now.Always.* initiative).

Student representatives and some staff members we interviewed consistently raised concerns about the visibility (in terms of numbers, patrols and appearance), focus (being on security rather than safety and security), approachability and sensitivity of contract security staff as first responders to sexual assault or sexual harassment disclosures. We were told that contract security staff have a low level of training.

We were informed that there are, for example, six security staff on duty during the day across the five Hobart campuses, and two on duty at night across these five campuses, one of whom must stay in the control room at all times. We understand that the University will cease to have a specialist security manager;

contract security staff will be managed by a generalist contract manager who is also responsible for catering and similar.

Conclusions

In our view, the concerns expressed in the interviews reduce the likelihood that a victim will make an immediate report to a security officer. This could also make it unlikely that a bystander would contact security staff. Rather, they may try to intervene (potentially putting themselves at risk), call police, or do nothing.

If the contract security staff are to be primary first responders to sexual assault, it is important that the University:

- build confidence in them across the student body;
- have an appropriate and consistent model of 'safety and security';
- ensure they complete specialist training for first response to sexual assault and related matters, e.g., understanding sexual violence, next steps, etc.;
- ensure individuals are competent and suitable as responders to sexual assault matters;
- ensure security staff are clear about the difference between sexual assault and sexual harassment and know how to respond accordingly;
- improve their visibility on all campuses.

It is our view that contract security staff should not be identified as the contact point for sexual harassment matters. Work needs to be done to identify the appropriate advice to provide to members of the University community who are experiencing sexual harassment about how to report this. Training needs to be provided to ensure those who are likely to be the first responders to sexual harassment reports are able to do this competently and in a manner consistent with the University's policy and procedure.

Recommended actions

27. Reframe "security" as "safety and security".
28. Clarify the role of security staff as first responders only to sexual assault, including training needs.
29. Review the levels, patrols and visibility of duty staff.
30. Explore, for possible adoption, complementary security measures used by other Australian universities, for example, the SafeZone app.
31. Develop a first responders' protocol that clearly distinguishes between sexual assault responses and sexual harassment responses.

Reporting incidents and responding

MySafety

In May 2017, the University introduced the MySafety online workplace health and safety incident and hazard-reporting portal. It covers, under the workflow *Report It*, a range of incidents arising from inappropriate conduct, including sexual assault and sexual harassment. This workflow is a modified version of the main MySafety Hazard and Incident workflows. We understand that Report It was added to enable these kinds of reports to be made via the portal. We were advised that the workflow, as with all of MySafety, requires a reporter to log into the system using their University details and that, as such, anonymity is not possible.²⁰

Also, the Report It workflow is framed in the language of workplace health and safety risks and hazards and does not take account of the sensitive nature of sexual assault. It also lacks clear instructions on the entry screen about what Report It is for and does not clearly explain the process that will be triggered by a report. We were advised that it is not possible to substantially modify the workflows.

We note that where a report of sexual assault or sexual harassment is made using the Report It module, it will be referred to 'an appropriate University staff member' unless the report requests confidentiality, in which case the report is referred to the 'Executive Director, Student Experience, or their delegate'.

MySafety training

MySafety training is available to all members of the university community. We were told this training is compulsory for staff, but that there is no active monitoring of completion by staff (or students). There is no information available on completion rates or the effectiveness of the training. Our interviews with student representatives indicated a very low level of awareness of the training module.

Overall, the modules are generic and do not engage particularly with students as participants in the work place. They do not specifically address the ways in which workplace health and safety rights and obligations apply to students.

The module for students has no content relating to Report It. Nor does it make any specific reference to sexual assault or sexual harassment.

The Staff and Higher Degree Research module briefly notes psychosocial hazards, which are stated to include harassment and violence (but not specifically sexual harassment or sexual assault), and refers the reader to the *University Behaviour Policy* for further information. Again, there is no content relating to Report It.

The extra information module for Supervisors and Managers has no relevant content.

Conclusion

MySafety and Report It

It is not possible to evaluate the effectiveness of MySafety and Report It in achieving the key goal of increasing reporting of sexual assault or sexual harassment or improving University responses to such incidents as none had been reported at the time of the review. Nonetheless, for the reasons given above, MySafety in its current form is not suitable for the reporting of sexual assault or sexual harassment. It is clearly a general workplace health and safety reporting mechanism for dealing with a diversity of risks and hazards.

Careful consideration needs to be given to how to address the specific sensitivities around sexual assault and sexual harassment reporting, as well as how to appropriately promote understanding of risks and hazards in this context to ensure appropriate cultural change.

MySafety training module

The MySafety training module does not include material that could build awareness among staff and students of the University's expectations of risks relating to sexual assault or sexual harassment. Nor does it make it clear that the University wants sexual assault and sexual harassment to be reported through this portal.

Other initial reports and responders

Despite the introduction of MySafety, reports of sexual assault and sexual harassment are made to a wide range of University community members, including academic staff, colleagues, student advocates, University counsellors, student representatives, security personnel, or to Human Resources staff.

The interviews indicated that, in the absence of clear pathways and instructions for how to respond to sexual assault and sexual harassment, there is a lack of consistency, with different people taking different approaches. This may reflect a positive 'no wrong door' approach to reporting. It can also mean, however, that the system is idiosyncratic and personality dependent.

Given the noted diversity of potential recipients of disclosures, the University needs to consider more carefully the associated risks of reports being mishandled due to lack of relevant

²⁰ For more on this, see the benchmarking section of Appendix 4.

expertise on the part of the disclosure recipient. It needs to ensure a strong focus on building the necessary knowledge and skills among all potential responders to enable them to understand their particular role and to respond to disclosures sensitively and appropriately. This would help to build confidence both in potential responders and in the broader University community that disclosures will be appropriately handled and progressed.

The Tasmanian University Union and Student Counselling Service recently completed a generic half-day training session with the Sexual Assault Support Service on dealing with disclosures. Those interviewees who participated in it spoke highly of this training, and of the need for it to be more generally available and more tailored to the University's situation. This is a clear opportunity on which the University could build, through reviewing the training provided and considering how it could be incorporated into a strategy for training responders.

We note the University has introduced the pilot eLearning module *Responding to disclosures of sexual violence*. The evaluation of this pilot module should be informed by this review before any decision is made on wider implementation of the module, or whether it should be modified or an alternative used.

Conclusion

The diversity of potential recipients of disclosures highlights the need for broad education across the whole University community about what to do if a person discloses sexual assault or sexual harassment. While some staff have clear professional obligations to respond in their specific roles—contract security staff in an emergency, and counselling staff in particular—everyone needs to know what to do.

The eLearning module *Responding to disclosures of sexual violence* is largely limited to sexual assault. It does not provide sufficiently tailored information about sources of further information and support. As with the *Consent Matters* module, the design and format of the module needs to be developed further if its full effectiveness as a learning tool is to be realised.

We note that tailoring of training for those likely to receive disclosures will need to be updated once the University's definitions and processes are reviewed and finalised as recommended in this report. Current training should nonetheless continue until then.

While it is important that there is “no wrong door” for a person who wants to disclose an incident, it is also important that the process for responding to a disclosure is consistent: all “doors” should lead to one process.

Formal complaints of sexual assault and sexual harassment

We identified *Ordinance 8 – Student Complaints* and the *University Behaviour Policy* and *University Behaviour Procedure* as the most relevant documents dealing with formal complaints by staff or students.

Ordinance 8 – Student Complaints

Ordinance 8 expressly excludes complaints about harassment or discrimination and makes no reference to sexual violence of any kind.

Definitions

“complaint” means ... It does not include a complaint about student discipline or a complaint about harassment or discrimination.

Despite this clause, we have been advised that students have used *Ordinance 8* to initiate a complaint on these grounds, although the complaint might be progressed under another process.

We were advised that if a student makes a complaint of misconduct against another student under *Ordinance 8*, the University should respond to it following the process set out in *Ordinance 9 – Student Discipline*. *Ordinance 9* is discussed below under ‘Discipline’.

University Behaviour Policy & Procedure

A complaint of harassment or discrimination, by a student or any other member of the University community against another member, is covered by *the University Behaviour Policy*²¹ expressly applies to all members of the university community as well as agents of the University and it expressly includes sexual harassment in the list of inappropriate behaviour not tolerated by the University.

However, the *University Behaviour Procedure*²² for dealing with complaints under the Policy applies only to staff and agents of the University. Neither the Policy nor the Procedure expressly refer to sexual assault or other forms of sexual violence.

21 Above n 13, cl 3.1.

22 Ibid, cl 3.3, referencing the *University Behaviour Procedure* (2015).

Conclusion

The existing mechanisms for complaints by students – *Ordinance 8* and the *University Behaviour Policy* – have significant gaps when it comes to a complaint of sexual assault or sexual harassment. We did not identify any other complaint mechanism explicitly covering such complaints by students. We also found a lack clarity and transparency in these complaints mechanisms, and note the following observation from the *On Safe Ground* report:²³

Policies and procedures on sexual assault and harassment must be developed as part of a whole-of-university commitment to addressing gender inequality, inclusivity and diversity, discrimination and gender-based violence...

The project's review of the literature and empirical research indicate a preference for stand-alone, clearly identified sexual assault and harassment policies and procedures, rather than their being embedded in misconduct policies or in a generic equity and diversity policy where sexual assault is often subsumed under broad categories of misconduct...

The benefit of a single stand-alone policy is that it provides a clearly identifiable and accessible document that details all of the university's rules and processes for handling incidents of sexual assault and harassment, allowing students direct access to the relevant procedures and an indication of the possible outcomes of an investigation.

A number of people interviewed expressed the view that the nature of the Ordinances in general makes them unsuitable for dealing with complaints of sexual assault and sexual harassment.

We anticipate that the review of these Ordinances will address these issues.

Recommended actions

32. Develop a stand-alone policy and procedure for the reporting of and responding to, sexual assault and sexual harassment, irrespective of who is the alleged victim or perpetrator. The policy and procedure should encompass the following:
 - a. a clear definition of sexual assault/violence (see recommendation 12) and sexual harassment (see recommendation 13);
 - b. clearly distinct mechanisms for emergency and non-emergency reporting;
 - c. the investigation process (including where the matter is also being dealt with by police or through an external discrimination complaint process);
 - d. the discipline process that applies where the alleged perpetrator is a member of the University community (whether staff or student);

- e. sources of support (both counselling and advocacy);
 - f. a first responders' protocol covering steps to be taken in emergency and non-emergency situations.
33. Identify and implement the best approach to managing and administering the policy and procedure, for example, identifying or creating a single unit within the University with responsibility and oversight by the Working Group (see recommendation 4).
 34. Investigate whether the Report It workflow of MySafety can be better tailored to reporting sexual assault and sexual harassment and other similarly sensitive issues, or if that is not possible, investigate, adopt or develop an alternative reporting and case management mechanism.
 35. Ensure all University materials, including *Ordinance 8* (if retained), the *University Behaviour Policy*, the *University Behaviour Procedure* and MySafety clearly refer anyone wishing to complain of sexual assault or sexual harassment to any new stand-alone policy and procedure.
 36. Evaluate what training is in place for potential first responders and develop further training as required to provide clear and concise guidance on a first responders' protocol.
 37. Training in the first responders' protocol to be mandatory for:
 - a. safety and security staff;
 - b. counselling staff of the University;
 - c. advocates and front-line staff of the TUU;
 - d. anyone attending events, e.g., barrels, O-Week events, etc., as a University or TUU representative or responsible person.
 38. Review the e-learning module *Responding to disclosures of sexual violence* to evaluate its effectiveness, and consider, if necessary, alternatives, amendments or complementary modules.

Ongoing support – Counselling

The University provides a business hours counselling service for students and access to the 24-hour Employee Assistance Program for staff.

We found the level of awareness of the existence of counselling services to be relatively poor among the student interviewees. Those who did know about it commented that there are not enough counsellors and there is a very long wait (even up to one month) to get an appointment. Several student interviewees reported they had advised fellow students who had disclosed sexual assault or harassment to them to seek private counselling because the wait for University counsellors was too long.

23 Durbach and Keith, above n 17, 53–54. See footnotes 217–219 on page 54 of that document for references to the relevant literature and empirical research.

The University Counselling Service currently has five FTE professional staff members. That is approximately one counsellor per 7,000 students. This ratio is much lower than the level recommended in Australia and internationally.

The Australian and New Zealand Student Service Association (ANZSAA) recommends one counsellor per 3,000 students. A higher ratio is recommended if the student population has a high proportion of under-served, disadvantaged or minority individuals.

The International Association of Counseling Services Inc (IACS) recommends one FTE counsellor per 1,000–1,500 students.²⁴ According to the ANZSAA standard, the University of Tasmania, with a student population of approximately 35,000, should have approximately 12 FTE counsellors. Under the IACS standard, it should ideally have between 22 and 35 counsellors.

We note that the counselling service is not available out of hours and has no effective capacity to respond to emergency counselling needs.

In relation to support for people experiencing sexual harassment, a number of interviewees—staff and students—referred to University Behaviour (or ‘Behavioural’) Contact Officers (UBCOs), but nearly all said they didn’t know who they are, what they do, how to access them or whether they have any specialist training for their role. The University website lists six UBCOs across the three Tasmanian campuses. At the time of the review, two were women and four were men. The interviewees were not able to give us any information on what training the UBCOs may have received.²⁵

Conclusion

The ratio of FTE counsellors to students at the University of Tasmania is too low according to the recommended best practice standards in Australia and internationally. Based on our interviews, it also appears that the level and availability of counselling services is insufficient to meet the needs of the student population.

We are unable to draw any conclusions in relation to the level of services available to staff through the Employee Assistance Program.

There is poor communication about the role of University Behaviour Contact Officers and, if this were to be improved, the current number is unlikely to meet the needs of students and staff. The current gender mix is unacceptable given the much higher likelihood of reports being from women, and potentially from women from cultural minority groups.

Recommended actions

39. Benchmark the level of counselling services available for students against Australian or international standards, ensure there are counsellors available on an emergency basis, and ensure widespread publicity of the availability of counselling services.
40. Review the role and training of University Behaviour Contact Officers, their level of availability and their relationship with the specialist unit proposed.

24 The Australian and New Zealand Student Service Association (ANZSSA), *Best Practice Guidelines for the Provision of Counselling Services in the Post-Secondary Education Sectors of Australia and New Zealand* (2010) notes the international standard (see below), and states at 7:

Where an institution has, in addition to a personal counselling service, separate academic and career counselling services, and employs personal counsellor/s to provide only psychosocial counselling, a minimum of one (1) counsellor per three thousand (3000) student population per campus is acceptable for most student/staff populations (International Association of Counselling Services Accreditation Standards for University & College Counselling Centres, 2010). This ratio may not be adequate in student/staff populations composed of high proportions of under-served, disadvantaged or minority populations.

The International Association of Counseling Services Inc has standards which include VC1, which states: ‘Every effort should be made to maintain minimum staffing rations in the range of one FTE professional staff member (excluding trainees) to every 1,000 to 1,500 students, depending on services offered and other campus mental health agencies’: <<http://www.iacsinc.org/staff-to-student-ratios.html>>.

25 Equal Opportunity Tasmania provides training for Workplace Support/Contact Officers and has information about the role on its website. *Workplace Support/Contact Officers* [undated] Equal Opportunity Tasmania <http://equalopportunity.tas.gov.au/discrimination/information_for_organisations/workplace_support_contact_officer>. The general position taken at Equal Opportunity Tasmania is that each work area should have a clearly identified Workplace Support/Contact Officer, there should be a mix of senior and other staff in these roles, there should be a gender mix and, where there is workplace staff diversity, that should, if possible, also be reflected. It should be very clear in any materials that a person can elect to contact any of the contact officers, rather than being restricted to one in their own work area.

Dealing with impacts of sexual assault and sexual harassment

A concern raised by several student interviewees was whether the University complaint and disciplinary procedures were flexible enough to take into account the impact that sexual assault or sexual harassment might have on a student's academic performance and their ability to meet the requirements of their course of study.

We did not find any clear guidance on this issue, although we note that the University *Code of Conduct for Teaching and Learning* alludes to the potential for students to access support and advise the University of any difficulties.²⁶ While this should encompass students affected by sexual assault or harassment, a better approach would be to make this explicit and adapted to the particular concerns that might arise for a student in this situation.

Similar concerns would apply for staff in this situation, although this was not raised directly with us.

Recommended action

41. Ensure there are clear, accessible and transparent processes for students and staff affected by incidents of sexual assault or sexual harassment to have those effects properly considered when determining performance (whether academic or work).

Investigation and discipline

Investigation

Our review indicated there is no single and clear mechanism for investigating allegations of sexual assault or sexual harassment by a member of the University community.

The information provided through interviews showed that an alleged incident could be dealt with through a range of different (and unconnected) mechanisms, even where incidents were of the same nature, e.g., an incident involving an allegation by a student against another student.

Discipline

Disciplinary action in response to an allegation (or complaint) of sexual assault or sexual harassment by a student can be taken under *Ordinance 9 – Student Discipline*. *Ordinance 9* covers general misconduct (Part 2) and academic misconduct (Part 3) by a student. It sets out the process the University must follow to determine whether or not a student has engaged in such conduct, the disciplinary consequences, and appeals mechanisms. *Ordinance 9* is limited to responding to allegations of student misconduct and excludes staff misconduct.

There is no equivalent ordinance or similar process to deal with a staff member accused of such conduct. We were advised such an accusation would most likely be dealt with by the Human Resources department under the *University Behaviour Policy and Procedure*.

We were informed that not all incidents of sexual assault or sexual harassment in the past have proceeded under *Ordinance 9*, even when they have been formally reported to staff of the University. We were not told why and there are no data to inform an assessment. This initial review also pointed to a possible diversity of views about the scope of *Ordinance 9* as a disciplinary/complaints mechanism.

Parallel external processes

From our interviews with several key senior staff members, it is apparent that the University does not have a written policy or procedure detailing its approach to progressing disciplinary and related processes for allegations of sexual assault or sexual harassment when the police or a discrimination (or other external) authority is investigating an alleged incident. We were informed, however, that in these situations (particularly involving police) the University would be unlikely to proceed with an *Ordinance 9* or *University Behaviour Procedure* investigation while the external processes were ongoing.

Conclusion

The lack of a single, clear mechanism for investigating complaints of sexual assault or sexual harassment undermines the University's capacity to have an accurate understanding of the prevalence of either sexual assault or sexual harassment. It also means that two similar incidents could be handled in very different ways.

Similarly, the lack of a single mechanism or a coherent set of mechanisms for dealing with discipline creates the potential for inconsistent treatment both between staff and students and within each of these groups.

Both situations are incompatible with an effective response to sexual assault and sexual harassment. They also raise the very real potential for unfairness to those involved, and of reputational harm to the University.

The lack of specific protocols to apply where external processes are underway could result in different staff members taking different approaches in this circumstance.

Recommended actions

42. Develop an approach to investigation of allegations of sexual assault and harassment and to discipline following a finding of sexual assault or harassment that treats findings against students and staff equitably, including in terms of process, rights, and severity of outcomes. In this regard, we note that the University's enterprise bargaining agreement may need to be taken into account.
43. Document and/or further develop protocols for internal investigation and disciplinary processes when parallel statutory processes (for example, police or statutory discrimination investigations) are underway. In doing so, consult with relevant external investigative bodies.

²⁶ *Code of Conduct for Teaching and Learning* [2006] cl 26.

Audit, data and continuous improvement

A critical aspect of dealing with sexual assault and sexual harassment is ensuring that there is an ongoing process for monitoring, assessing progress, identifying further or new strategies to be implemented and implementing them.

To achieve effective audit and continuous improvement, accurate documentation and data collection is vital. The process should also have input from key stakeholders.

Some entities within the University responsible for aspects of the current processes for dealing with sexual assault and sexual harassment may have some data-collection capacity. We were advised of relevant data collation by the office of the Chief Operating Officer. The collated data is reported to the Senior Executive. We were not advised of any process for auditing the existing data and identifying ongoing issues that require attention in relation to sexual assault and sexual harassment prevention and response.

The University Community Care Group is an informal working group with responsibility for managing and monitoring student well-being, safety and security. We were advised that it was established in 2016 and involves University stakeholders, including staff from Human Resources (Workplace Health and Safety), Infrastructure Services and Development (Campus Facilities and Security), Student Experience, Student Complaints and Discipline, and Legal. We were also advised that it has had an interest in reviewing and improving policy, process and operational practice related to the management of complex student behavioural matters that may pose a threat to safety and security, although not specifically sexual assault or harassment. We were further advised that this group does not currently have any formal status in relation to University governance, and therefore we did not consider it in detail in our review.

Conclusions

In our view, the fact the University does not have centralised data collection on sexual assault and sexual harassment, or a transparent mechanism for reviewing what limited data it does collect, means it does not have access to reliable data on prevalence or on its responses on which to base decisions about future actions and policies.

There is no single entity within the University with the primary function of overseeing the University's work in prevention and responding to sexual assault and sexual harassment.

From our review, the data collection capacity does not seem to be fully operationalised, and there is no overarching mechanism for analysing that data, nor for identifying other data that may be relevant but absent.

Key stakeholders, such as undergraduate and postgraduate student representatives (including specialist cohorts within those populations), senior leadership of the University and staff representatives are not engaged, and their relevant expertise and voices are missed.

Recommended actions

44. Ensure all aspects of the processes for dealing with sexual assault and sexual harassment have internal data collection systems that enable easy generation of statistics for analysis of patterns, timeliness, participants, and key issues arising.
45. Require the Working Group (see recommendation 4) to report on a regular basis (at least six-monthly) to the University Council, the Senior Executive and the Senior Management Team on:
 - a. progress on implementing the strategy;
 - b. levels and nature of sexual assault and sexual harassment incidents reported;
 - c. action taken on reports and outcomes;
 - d. key developments in prevention, including messaging and training;
 - e. emerging issues and proposed changes to the strategy.

Conclusion

Our review has identified a number of areas in which the University needs to take action to ensure it has effective strategies in place for preventing and responding to sexual assault and sexual harassment. Some of these require immediate attention and others require further review to identify best-practice responses and ensure coherence within the University's governance structures and policies.

We recommend the University implement each of the actions identified in this report and establish a time-limited Taskforce to develop an action plan for next steps and a permanent Working Group to oversee the plan's implementation, as well as continuous improvement.

In summary, our principal findings are:

1. The University of Tasmania has committed itself to improving its responses to sexual assault and sexual harassment. As well as commissioning this initial review, the University has undertaken the relevant reforms identified above.
2. The University has adopted a uniform approach to dealing with all forms of harmful behaviour and does not have explicit and targeted strategies, policies and processes in place for responding to sexual assault and sexual harassment in a timely, co-ordinated, transparent or consistent way. For example, we found the following:
 - there is a lack of clarity about which of the multiple complaint and discipline pathways apply to sexual assault and sexual harassment;
 - there is no explicit formal sexual assault or sexual harassment complaint mechanism for students to use;
 - investigation and handling of reports and complaints involving sexual assault and sexual harassment appear *ad hoc*, and often depend on individuals rather than effective and transparent processes;
 - the online Report It portal is inflexible and is not suited to dealing with the nature and sensitivities of sexual assault and sexual harassment.
3. The University has not defined "sexual assault" and does not clearly distinguish "sexual assault" from "sexual harassment" in its prevention and response approaches.
4. There appears to be a lack of knowledge and awareness in the University community about what conduct constitutes sexual assault and sexual harassment.
5. There is no single identified authority in the University with oversight responsibility for response to and prevention of sexual assault and sexual harassment.
6. The focus on contract security officers as first responders raises concerns and does not have the confidence of students.
7. Aspects of University culture, especially the use of alcohol at student social functions and similar events, may contribute to a climate in which sexual assault and sexual harassment can occur. This finding may also be relevant to many other higher education institutions.
8. In common with other Universities, student residences appear to be sites of risk for sexual assault and sexual harassment.
9. The University may not have fully assessed risks associated with sexual assault and sexual harassment, nor adopted effective risk control and mitigation strategies.
10. There is lack of clarity about what data the University collects on prevalence of, or University responses to, sexual assault or sexual harassment.
11. The recent reforms aimed at addressing gaps the University has already identified need further significant development if they are to deliver change.

Appendices

Appendix 1: Terms of Reference

1. An initial review of the following, only insofar as they relate to the University's Tasmanian campuses, and taking account of the diverse experiences and needs of the University community:
 - a. policies and procedures on sexual assault and sexual harassment;
 - b. mechanisms and processes for reporting and responding to sexual assault and sexual harassment;
 - c. programmes (educational, awareness-raising, etc.) on sexual assault and sexual harassment for students and staff;
 - d. counselling and other support services; and
 - e. governance mechanisms in place to provide necessary and appropriate oversight.
2. Based on the initial review, an evaluation of the efficacy of:
 - a. existing strategies and mechanisms for preventing and responding to sexual assault and sexual harassment; and
 - b. University-led planned changes in this area.
3. Identification, through parts 1 and 2 above, of gaps that need to be addressed to ensure the University can implement its commitment to providing a safe learning environment for students and staff.

Appendix 2: Interviews conducted

University staff

Dr Kim Backhouse	Manager, Student Complaints and Discipline
Colin Clark	Head Student Wellbeing
Wendy Hudson	Project Officer, review of <i>Ordinance 8</i> and <i>Ordinance 9</i>
Robert Leaver	Manager, Security
Andrea McAuliffe	General Counsel
Clodagh Moy	Manager, Work, Health and Safety
Juanita O'Keefe	Acting General Counsel
Stephanie Taylor	Executive Director, Student Experience
Dan Wardrop	Manager, Student Living

Tasmania University Union

Staff

Jennifer Hart	Tasmanian University Union Executive Officer
Kate Davey	Student Advocate

Student representatives

Clark Cooley	SRC President
Joey Crawford	President, Post Graduate Council
Jackie Batchelor	SRC Queer Officer, South
Stephen Cronin	SRC Disabilities Officer, South
Maria Daglas	SRC Campus President South
Caleb Dunn	SRC Queer Officer, North
Ali Ghahremanlou	Vice President, Post Graduate Council
Austen Hawkins	Education Council Regional Representative, South
Teng Keng Hoo	SRC International Students Officer, South
Claire McCann	Women's Officer, South
Syafinaz Mahmood Nurul	SRC Women's Officer, North
Thomas Robinson	SRC Disabilities Officer, North
Kaleb Thomas	Aboriginal and Torres Strait Islander Officer, South

Appendix 3: Examples of definitions of “sexual harassment”

University Behaviour Policy	Sex Discrimination Act 1984 (Cth) (section 28A)	Anti-Discrimination Act 1998 (Tas) (section 17)	Equal Opportunity Act 2010 (Vic) (section 92)
<p><i>Sexual Harassment</i> is unwanted, unwelcome or uninvited behaviour of a sexual nature which makes an individual or group of people feel humiliated, intimidated or offended. Conduct of a sexual nature may include:</p> <ul style="list-style-type: none"> • Any act of physical intimacy; • Making any remark or statement of a sexual nature to a person or about a person in their presence; or • Any gesture, action or comment of a sexual nature in a person’s presence. 	<p><i>Sexual Harassment</i> is conduct that is an:</p> <p>(1)(a) unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or</p> <p>(b) ... other unwelcome conduct of a sexual nature in relation to the person harassed;</p> <p>in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.</p> <p>...</p> <p>(2) In this section: <i>conduct of a sexual nature</i> includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.</p>	<p><i>Sexual harassment</i> is any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of an attribute referred to section 16 [includes gender, marital status, relationship status, gender identity, intersex, sexual orientation]... in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.</p> <p>...</p> <p>(3) Sexual harassment takes place if a person –</p> <ul style="list-style-type: none"> • subjects another person to an unsolicited act of physical contact of a sexual nature; or • makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person; or • makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person’s presence; or • makes any unwelcome gesture, action or comment of a sexual nature; or • engages in conduct of a sexual nature in relation to another person that is offensive to that person – <p>in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.</p>	<p>Sexual harassment is:</p> <p>(1)(a) ... unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or</p> <p>... any other unwelcome conduct of a sexual nature in relation to the other person –</p> <p>in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.</p> <p>...</p> <p>In subsection (1) <i>conduct of a sexual nature</i> includes –</p> <ul style="list-style-type: none"> • subjecting a person to any act of physical intimacy; • making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence; • making any gesture, action or comment of a sexual nature in a person’s presence.

Appendix 4: Ordinances, policies, procedures and other documents reviewed

This appendix sets out the University documents reviewed in this initial review. It then benchmarks the University's policies, etc., against a set of principles.

Ordinances

*Ordinance 8 – Student Complaints*²⁷

*Ordinance 9 – Student Discipline*²⁸

Codes, agreements and standards

*Code of Conduct for Teaching and Learning*²⁹

*Staff Agreement 2013 – 2016*³⁰

Residential Tenancy Agreement

*Alcohol, Tobacco and Other Drugs Minimum Standard*³¹

Policies

*University Behaviour Policy*³²

*Domestic Violence Policy*³³

*Inclusion, Diversity and Equity Policy*³⁴

*Risk Management Policy*³⁵

*Conflict of Interest Policy*³⁶

*Electronic Communications Policy*³⁷

*ICT Services and Facilities Use Policy*³⁸

*Residential Accommodation Policy*³⁹

*Safe Consumption of Alcohol Policy*⁴⁰

Procedures and registers

*University Behaviour Procedure*⁴¹

*WHS Operational University-wide Risk Register*⁴²

*MySafety*⁴³

*Blacklisting Procedure*⁴⁴

*Incident Response and Investigation Procedure*⁴⁵

*Electronic Communications Procedure*⁴⁶

Training modules

Consent Matters training module

*Fair play on campus training module*⁴⁷

MySafety training module

Responding to disclosures of sexual violence training module

27 *Ordinance 8 – Student Complaints* (2008), with amendments up to and including Resolution no 16/8/711 (9 December 2016).

28 *Ordinance 9 – Student Discipline* (2003), with amendments up to and including Resolution no 16/8/711 (9 December 2016).

29 *Code of Conduct for Teaching and Learning* (2006), approved by Academic Senate on 3 November 2006.

30 *University of Tasmania, Staff Agreement 2013 – 2016* (2014), approved by the Fair Work Commission with an operative date of 6 March 2014.

31 *Alcohol, Tobacco and Other Drugs Minimum Standard* (2015), approved by the Executive Director – Human Resources in April 2015.

32 *Above n 12*, approved by the Vice-Chancellor in December 2014.

33 *Domestic Violence Policy* (2016), approved by the Vice-Chancellor in April 2016.

34 *Inclusion, Diversity and Equity Policy* (2014), approved by the Vice-Chancellor in December 2014.

35 *Risk Management Policy* (2016), approved by University Council in August 2016.

36 *Conflict of Interest Policy* (2017), approved by the Vice-Chancellor in April 2017.

37 *Electronic Communications Policy* (2016), approved by the Vice-Chancellor in January 2016.

38 *ICT Services and Facilities Use Policy* (2014), approved by the University Council in August 2014.

39 *Residential Accommodation Policy* (2014), approved by the Vice-Chancellor in December 2014.

40 *Safe Consumption of Alcohol Policy* (2014), approved by the Vice-Chancellor in December 2014.

41 *University Behaviour Procedure* (2015), approved by the Executive Director, Human Resources in December 2015.

42 *About Risk Management* (2017) Work Health and Safety.

43 *MySafety* (2017) Work Health and Safety <<http://www.utas.edu.au/work-health-safety/mysafety-resources>>.

44 *Blacklisting Procedure* (2014), approved by the Chief Information Officer in August 2014.




45 *Incident Response and Investigation Procedure* (2013), approved by the Executive Director, Human Resources in October 2013.

46 *Electronic Communications Procedure* (2014), approved by the Chief Information Officer in December 2014.

47 *Equal Opportunity Online* (2016) University of Tasmania <<http://www.utas.edu.au/equity-diversity/equal-opportunity-online>>.






Benchmarking sexual assault and sexual harassment policies and responses




The Australian Human Rights Commission, in its publication, *Effectively preventing and responding to sexual harassment: A code of practice for employers*, sets out essential elements of a sexual harassment policy.⁴⁸ The following table assesses the University's sexual harassment policies in light of those essential elements. The colour coding indicates whether the University's current approach fails to fulfil the identified element (■ red), goes part way to fulfilling the element (■ orange), or fulfils the element (■ green).

Element	  	Comment on University of Tasmania situation
1 Is there a stand-alone sexual harassment policy that is easily accessible to students and staff?	■	No. Sexual harassment is dealt with in the <i>University Behaviour Policy</i> .
2 Is there a strong statement of the University's stance on sexual harassment with a clear commitment to eliminate sexual harassment?	■	No. To the extent that sexual harassment is dealt with, it is within the context of 'inappropriate behaviour'. The <i>University Behaviour Policy</i> states (at clause 3.1) 'Inappropriate behaviour will not be tolerated by the University'. Sexual harassment is treated in the same way as any other inappropriate behaviour affecting staff under the <i>University Behaviour Procedure</i> . This procedure does not include students affected by inappropriate behaviour. The procedure refers, in clause 2, to <i>Ordinance 9 – Student Discipline</i> , which also does not provide for a mechanism for a student who is the victim of sexual harassment to make a complaint. <i>Ordinance 9</i> does, however, include harassment and discrimination as a form of 'general misconduct'. We note <i>Ordinance 8 – Student Complaints</i> expressly excludes from its scope complaints about harassment and discrimination.
3 Does the policy outline the University's objectives to prevent and respond to sexual harassment?	■	No. There is no clear statement in any of the relevant documents that outlines any objectives to prevent and respond to sexual harassment.
4 Does the University have a clearly worded definition of sexual harassment?	■	The <i>University Behaviour Policy</i> defines sexual harassment in clause 3.2.4. For further discussion of the effectiveness of this definition see above under 'Prevention and culture'. <i>Ordinance 9</i> defines 'harassment and discrimination' by reference to the <i>University Harassment and Discrimination Policy</i> , which no longer exists.
5 Does the policy state that sexual harassment is against the law?	■	No.
6 Does the policy provide examples of what sexual harassment is, relevant to the University context, and of what it is not?	■	The definition in clause 3.2.4 of the <i>University Behaviour Policy</i> is very short and does not provide University-specific examples.
7 Does the policy state what is not sexual harassment?	■	No.

- Fails to fulfil the identified element
- Goes part way to fulfilling the element
- Fulfils the element

⁴⁸ *Effectively Preventing and Responding to Sexual Harassment: A Code of Practice for Employers* (2008) Australian Human Rights Commission, 24–27
<<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/effectively-preventing-and-responding-sexual-harassment-0>>.

Element		Comment on University of Tasmania situation
<p>8 Does the policy outline consequences if the policy is breached?</p>		<p>The policy provides that the 'University has established procedures for dealing with complaints in a formal manner' if informal resolution is not possible, and refers the reader to the <i>University Behaviour Procedure</i>.</p> <p>That procedure sets out, in clause 3.5.5, the range of potential outcomes. This in turn refers to disciplinary action against staff under the <i>University of Tasmania Staff Agreement</i>, without detailing what is possible. None of the potential outcomes is specific to students.</p> <p><i>Ordinance 9</i> sets out, in clause 2.2.13 and 2.2.17, a range of penalties that can be imposed if a student is found to have committed an act of general misconduct.</p>
<p>9 Does the policy make clear the responsibilities of management, staff and students in relation to preventing and responding to sexual harassment?</p>		<p>No.</p>
<p>10 Is there clear information on where individuals who experience sexual harassment can get help, support, advice and can make a complaint?</p>		<p>Only limited information for staff.</p> <p>The <i>University Behaviour Policy</i> states, at 3.4, that it 'will appoint and provide training to Contact Officers, who will be the first point of contact for staff members and students wishing to discuss how to have a complaint dealt with in accordance with this policy and associated procedure'. We note the associated procedure does not provide a mechanism for students to make a complaint.</p> <p>The <i>University Behaviour Procedure</i> provides details of possible sources of advice in clause 3.2: 'a University Behaviour Contact Officer, the employee's supervisor, the employee's Head of School/Section, or Human Resources'.</p>
<p>11 Does the policy explain the options for dealing with sexual harassment? Does it set expectations regarding the timeliness of responses to complaints?</p>		<p>Not specific to sexual harassment, and only for complaints by staff or agents affected by sexual harassment.</p> <p>There is no time frame indicated for any aspect of that process.</p> <p>We note that <i>Ordinance 8</i> does set out some timeframes for the process of dealing with a complaint, but again note that the Ordinance expressly excludes complaints of harassment or discrimination.</p>
<p>12 Does the policy mandate compulsory training on sexual harassment for all members of the University Community?</p>		<p>No.</p> <p>The <i>Inclusion, Diversity and Equity Policy</i> states the requirement that all fixed-term and continuing staff are to complete 'the online training package (or equivalent) on equality and diversity'. This training is not available through the MyLo system.</p> <p>There is nothing in the <i>University Behaviour Policy</i> dealing with training for all staff.</p>

-  Fails to fulfil the identified element
-  Goes part way to fulfilling the element
-  Fulfils the element

Earlier in 2017, former Sex Discrimination Commissioner Elizabeth Broderick completed a review for James Cook University and included a comparison of that University's sexual assault response with other universities and in light of 10 'policy dimensions'. She stated:

... the ten policy dimensions ... build upon international standards including a comprehensive investigation into university responses to violence against women in the UK and

the report of a White House Task Force on addressing sexual assault and sexual misconduct at colleges and universities. Model responses to sexual assault in university contexts have also been proposed by the Australian advocacy organisation, End Rape on Campus.⁴⁹

These are the 'dimensions' or elements we have considered in assessing the University's policy approach to sexual assault.

49 Elizabeth Broderick and Co, *Effectively Responding to Sexual Harassment and Sexual Assault at James Cook University* (2017) 60.

Element	Comment on University of Tasmania situation
<p>1 Is there a stand-alone policy on sexual assault that is easily accessible to students and staff?</p>	<p>There is no stand-alone policy on sexual assault, and sexual assault is not specifically referred to in any policy.</p> <p>Note: the <i>Domestic Violence Policy</i> states 'Staff who commit acts of violence (including domestic violence) on campus or when involved with University related activities, or who use University resources to engage in such acts, may be subject to the University disciplinary procedures for such behaviours'. This is not a definitive statement, using the term 'may' rather than 'will'. It applies only to 'domestic violence' and only to conduct of staff.</p>
<p>2 Is there a strong statement communicating zero tolerance of sexual assault within the University context and in the broader community?</p>	<p>No.</p>
<p>3 Does the policy state the responsibility of the University in providing a safe and respectful environment for all staff and students?</p>	<p>The <i>Inclusion, Diversity and Equity Policy</i> includes in its objective 'to support to [sic] the University's legal obligation to provide an environment that is free from discrimination and harassment'.</p> <p>It further states under General Principles 'that we, the University community are responsible for creating and promoting inclusive ... environments ... intolerant of harassment and discrimination; where all people are treated with respect, fairness and justice'.</p> <p>The <i>University Behaviour Policy</i> includes in its objectives 'to recognise that all staff and students of the University have a right to work and/or study in an environment that is free from inappropriate behaviour ...'</p> <p>It states under 3.1 'Inappropriate behaviour will not be tolerated by the University'.</p> <p>It has a section on Violence (3.2.7) but does not refer to sexual violence or sexual assault, and the language used does not encompass the range of conduct that would be considered sexual violence.</p>
<p>4 Does the policy define key terms, including sexual assault and consent?</p>	<p>There is no policy that provides any definition of sexual assault or consent.</p>

Element		Comment on University of Tasmania situation
5 Does the policy identify a senior official in the University who is responsible for overseeing its implementation and receiving reports?	Fails to fulfil the identified element	No.
6 Does the policy provide clear guidance and options (internal and external) for victims/survivors to seek support, counselling, health services?	Fails to fulfil the identified element	No.
7 Does the policy provide clear avenues and protocols, with specific contact details, for making confidential disclosures and/or formal reports within the university and with external agencies, e.g., police?	Fails to fulfil the identified element	No.
8 Is there an option to make an anonymous report of sexual assault?	Fails to fulfil the identified element	The MySafety Report It module may allow for a third-party report, but requires the person reporting to log onto the system using their University user name and password.
9 Does the policy outline a clear process and pathway for responding to formal reports and complaints, including interim action to support and keep the victim/survivor safe, and a clear explanation of investigation and disciplinary action processes?	Fails to fulfil the identified element	The module does not, however, expressly deal with reporting sexual assault.
10 Does the policy provide information for students and staff on how to appropriately respond to and support someone who has experienced sexual assault?	Fails to fulfil the identified element	No. The University is currently trialling an e-learning module, <i>Responding to disclosures of sexual violence</i> . This module is available to limited staff through the MyLo portal and is discussed above under 'Reporting, support, investigation and discipline'.

- Fails to fulfil the identified element
- Goes part way to fulfilling the element
- Fulfils the element

Appendix 5: Other material reviewed

Australian Human Rights Commission, *Change the Course, National Report on Sexual Assault and Sexual Harassment at Australian Universities* (2017).

Australian Queer Students Network, 'AQSN Response to the Australian Human Rights Commission Report on National Sexual Assault & Sexual Harassment Survey Results' (Media release, 1 August 2017).

Australian Queer Students Network, *Recommendations for Action after AHRC's Report Release* (2017).

Elizabeth Broderick and Co, *Effectively Responding to Sexual Harassment and Sexual Assault at James Cook University* (2017).

Elena Cama and Andrea Durbach, *Local Perspectives, A Case Study on Responses to Sexual Violence in a University Setting* (Australian Human Rights Centre, UNSW, 2017).

Joey Crawford and Dan Probert, *2017 Postgraduate Experience Survey* (2017) unpublished draft of report of survey conducted within the University of Tasmania.

Andrea Durbach and Kirsten Keith, *On Safe Ground: Strengthening Australian University Responses to Sexual Assault and Harassment* (Australian Human Rights Centre, UNSW, 2017).

Alyssa Shaw, *CAPA Recommendations Sexual Assault and Sexual Harassment Survey Universities Australia / Australian Human Rights Commission* (Council of Australian Postgraduate Associations, 2017).

Tasmanian University Union, *Behaviour Policy* (2016).

Universities Australia, *10-Point Action Plan: An Initial Response from Australia's Universities to the National Student Survey on Sexual Assault and Sexual Harassment* (2017).

Universities UK, *Changing the Culture: Report of the Universities UK Taskforce Examining Violence Against Women, Harassment and Hate Crime Affecting University Students* (2016).

Victoria University, *Respect and Responsibility, Preventing Violence Against Women Ten Point Plan, 2016–2019* (2016).

