Effectively Responding to Sexual Harassment and Sexual Assault at James Cook University • 2017

ELIZABETH BRODERICK & Co.

Contents

Message from Elizabeth Broderick

Elizabeth Brockerick AO

Universities are a vital part of our nation's fabric. They are places where individuals learn, grow, and contribute to the wealth, well-being and wisdom of the nation. They are places where, in the words of one James Cook University academic, 'a student is inspired by what a university helps them become'.

Located in Tropical North Queensland, James Cook University (JCU) is a global and national leader in the study of tropical environments, industries, economies and societies of the tropics, and tropical health and medicine; and is a key contributor to the local community and the local economy. JCU has a vibrant and diverse student body, including significant numbers of Aboriginal and Torres Strait Islander students and international students, and an exceptional group of academic, professional and technical staff.

In early 2017, senior leaders at JCU identified an urgent need to examine and improve the University's response to sexual harassment and sexual assault. They recognised the culture and policy framework at JCU needed strengthening to effectively respond to survivors and to prevent the occurrence of sexual harassment and sexual assault within the University community. Consequently, they commissioned an independent Review to inform and guide their efforts, and to provide recommendations for how JCU could achieve this.

This Review found that experiences of sexual harassment and sexual assault are compromising the quality of learning and the wellbeing of affected students and staff. This is preventing JCU from reaching its full potential as a world-leading learning and research institution.

JCU is well-placed to take action to reduce sexual harassment and sexual assault and improve support for survivors. The review heard of the great pride students and staff hold in the JCU community, and their passionate commitment to creating a safe and respectful culture for all.

This Review provides JCU with recommendations to take action on sexual harassment and sexual assault. It is an important next step for JCU in facilitating honest and robust discussion about these issues. The review identifies key areas for strengthening its responses and for cultural change. Implementing the changes described in this Report will position JCU as a leader among Australian and international universities, a University taking a strong and sustainable stand against sexual harassment and sexual assault.

The report lays out an ambitious, but achievable, work program for leaders at JCU as they seek to build policies, systems and cultures which prioritise safe and respectful learning and working environments. At JCU there is a strong appetite for change. The senior leadership of JCU recognise the significant opportunity they have to make progress.

This Review has benefited greatly from the generosity of people who shared their stories with us. I deeply appreciate their contribution, and their commitment to helping JCU become a stronger and more inclusive institution. I want to particularly acknowledge the courageous survivors of sexual harassment and sexual assault who have shared their stories in the hope that in doing so, meaningful change will occur.

We have also benefited greatly from the support provided by the University throughout this project. I would particularly like to thank Vice Chancellor Sandra Harding for her support for this Review, and Senior Deputy Vice Chancellor Chris Cocklin. Chris has been a staunch advocate for change and a committed collaborator over the course of this Review. I also extend my thanks to the JCU staff who worked tirelessly to facilitate access to students and staff and to help us navigate the university system, in particular Stephanie Hunter, Maria Edmondstone, Lisa Pearce, Nola Kuilboer and Win Cupitt.

Elizabeth Broderick AO

August 2017

Executive Summary

James Cook University is nationally and internationally recognised as a leader in the study of tropical environments, tropical societies, and tropical health and medicine, and is highly ranked among the world's tertiary institutions. JCU has a vibrant and diverse student body, including significant numbers of Aboriginal and Torres Strait Islander students and international students, and an exceptional group of academic, professional and technical staff.

Those strengths notwithstanding, JCU has identified the need to improve the University's policies and cultures in relation to sexual harassment and sexual assault.

In that context, JCU appointed Elizabeth Broderick and Co (the Review Team) to review the existing sexual harassment and sexual assault policies and underpinning culture, and to make recommendations for strengthening and renewing these.

Why effectively responding to sexual harassment and sexual assault matters

Universities are one of the building blocks of Australian society, significantly contributing to the development and prosperity of individuals, communities and the nation itself. A safe and respectful environment for students and staff is fundamental to achieving this potential.

There can be no doubt that sexual harassment and sexual assault has a significant negative impact on survivors and on organisations.

At an individual level, sexual harassment and sexual assault can cause significant harms, through serious and in some cases life-long impacts on (students' and staff) health and wellbeing, academic attainment, staff and student retention, institutional reputation and future student and staff recruitment.

At an organisational level, there are also significant impacts, including increased turnover and absenteeism, lower individual and group productivity, loss of managerial time to investigate complaints, and legal expenses. In a university context, there may also be additional risks such as reduced recruitment and retention of students and risk to student completion rates.

There are clear moral and business imperatives for JCU to eliminate sexual harassment and sexual assault. Learning and working in an educational environment free from sexual harassment and sexual assault is a basic human right and essential to the dignity of individuals. In addition, JCU is required to comply with a range of legal and regulatory requirements:

- Under the Higher Education Standards Framework, all higher education providers have a responsibility to promote and foster a safe environment for students both on campus and online, and to have clearly defined complaints policies and procedures;

- Under the Queensland *Work Health and Safety Act (2011),* JCU has an obligation to ensure the health and safety of workers;

- As a public institution, JCU has responsibilities under the *Sex Discrimination Act (2011)* to eliminate discrimination against persons on the grounds of sex, marital status, pregnancy or potential pregnancy; the Act also deems employers liable for acts of sexual harassment unless they have taken all reasonable steps to prevent it from taking place;

- As a public institution, JCU also has responsibilities to reduce sexual violence against women under the *Third Action Plan* of the *Australian Action Plan to Reduce Violence Against Women and Their Children 2010-2022;* and

- The right to education, to be enjoyed without discrimination on the basis of sex, is enshrined in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which Australia has ratified.

Strong leadership

In any organisation, the path to real and sustained cultural change to eliminate sexual harassment and sexual harassment starts at the top. For JCU this requires positive, purposeful and courageous leadership to be exercised by the University Executive, Senior Managers Group, Vice Chancellor's Advisory Committee and the University Council. A visible commitment by these leaders to change will powerfully reverberate throughout the university and be the most effective lever of cultural reform.

There are a range of ways in which senior leaders at JCU can and should demonstrate their commitment to shifting culture. This includes reflecting on:

- What they say on gender equality, sexual harassment and sexual assault;
- How they act in putting into practice their commitments and modelling the behaviour that is expected of all staff and students;
- What they prioritise in fulfilling their commitments on gender equality, sexual harassment and sexual assault; and
- What they measure and reward as leaders.[1]

Consultation conducted during this Review highlighted that staff and students would strongly support and embrace visible and sustained leadership from the University Executive and Senior Managers Group on this issue. Consultation also highlighted that there is some trust deficit at JCU between staff and students on the one hand, and senior leadership on the other. Staff and students strongly believe that it is time for their University Executive and Senior Managers Group to take powerful action to address sexual harassment and sexual assault.

The broader gender equality context as an enabling environment

Gender equality is the foundation for the elimination of sexual harassment and sexual assault and is a key ingredient in organisational performance and innovation. Several participants described gender equality at JCU as "something of a paradox", commenting that while there is a female Vice Chancellor and highly visible women in the leadership team, the dominant culture remains masculine and there are pockets of entrenched sexism and exclusion within the University.

Prevalence of sexual harassment and sexual assault

The prevalence of sexual harassment and sexual assault at JCU is slightly higher than the national average. The data below was drawn from the JCU-specific data from the *Respect. Now. Always* survey.

- 27% of JCU students who responded to the *Respect. Now. Always* survey were sexually harassed at or travelling to/from university in 2015/2016 (National Average: 26%).
- Women were twice as likely as men to be sexually harassed.
- Of those students who reported they were sexually harassed at university in 2015/2016, 10% reported the perpetrator was a tutor or lecturer from JCU (National Average: 7%) and 6% reported that the perpetrator was a non-academic university staff member (National Average: 3%).
- 1.8% of JCU students were sexually assaulted at or travelling to/from university (National Average: 1.6%).

---

1   These areas of leadership draw on the Leadership Shadow developed by the Male Champions of Change and Chief Executive Women. Please see: http://malechampionsofchange.com/the-leadership-shadow/.

What we heard

1. Pride in JCU and commitment to change

Students and staff are, on the whole, very committed to James Cook University. There is a strong sense of 'civic pride' in JCU. Many staff and students reported that the strong sense of community is a major strength of JCU. Accordingly, many are willing to contribute time and effort to improving the culture and response to sexual harassment and sexual assault.

2. JCU as a world-leading facility

Many students and staff identified JCU as a world-leading institution. Particular mention was made of: JCU's world-leading research on tropical environments, tropical societies, tropical medicine and public health; and JCU's innovative approach to experiential learning.

3. The need for a whole of institution response

Participants in this Review told us that there are some examples of good work underway in the University to address sexual harassment and sexual assault. However, we heard that these examples of good practice have been initiated by committed individuals rather than an institution-wide response. A zero-tolerance approach requires a coherent and systematic approach that is embedded across all areas and levels of the University, signalling clearly that every part of the University has a role to play in eliminating sexual harassment and sexual assault.

4. The harmful impact of sexual harassment and sexual assault

4.1 Nature and impact of sexual harassment and sexual assault

Many students and staff recounted experiences of sexual harassment on campus, at residential colleges, or at events associated with the University. These included instances of:

- Student to student sexual harassment;
- Staff to student sexual harassment;
- Staff to staff sexual harassment; and
- Student to staff sexual harassment.

Although the individual experiences varied, there were strong themes regarding the impact of sexual harassment. It had caused students and staff to feel less safe on campus (and for survivors of stalking, less safe at home); it had reduced students' access to university facilities; and it had significantly disrupted their learning.

The Review Team also spoke with several students who are survivors of sexual assault in the university context. Survivors described the significant impact of sexual assault on their lives, including very adverse effects on mental and physical wellbeing, and a significant disruption to their studies.

4.2 The physical environment including specific locations of concern

Many participants in this study noted that the physical environment of JCU is 'part of its charm' – the bush setting creates a more relaxed and welcoming environment. However, there are some aspects of the environment which contribute to a sense of being less safe on campus.

The *Respect. Now. Always* survey found that, of the most recent experience of sexual harassment at university, 15% of incidents occurred on university grounds; 16% occurred in university teaching spaces (eg lab, tutorial room, lecture theatre); at a university or residence social event (8%).

Participants in this Review identified a number of specific locations where they feel unsafe, including:

- The library, particularly at night time. This is consistent with the findings of the *Respect. Now. Always* survey, which showed that 7% of most recent experiences of sexual harassment occurred at the library;

- In car parks at night time; and

- The laneway behind one of the residential colleges.

In addition, several participants raised other aspects of the physical environment, including:

- The poor lighting in many locations, including pathways to carparks. This is a particular issue given the number of students utilising 24-hour spaces on campuses;

- The isolated nature of some of the buildings and the isolated walkways connecting locations on campus;

- The inability to lock rooms in the newer buildings, creating concern about what would happen during a critical incident; and

- The lack of duress alarms and the limited number of phones on which to contact security.

4.3 Field trips and placements

The Review team heard a range of views about field trips: most staff and students highlighted the positive potential of field trips (including to remote islands and communities), noting that field trips can give students an opportunity to collaborate more closely in a team with key staff members in their field. However, a number of staff and students also flagged the potential for field trips to go awry, noting that the relaxed boundaries and the consumption of alcohol may create an increased risk of sexual harassment or sexual assault.

Participants also noted that there are specific risks associated with placements, owing to the range of non-University staff with whom students interact, and the challenges for the University in ensuring safety in placement settings.

4.4 Sub-populations of students

We also heard that there are some sub-populations of students who may experience additional issues in relation to sexual harassment:

- Several female Indigenous staff members and students commented on the difficulty of getting their voices heard within the JCU context;

- The impact of sexual harassment may be exacerbated for international students due to their limited support network in Australia, and limitations on access to bulk-billed health care. There may be additional vulnerability for international students who are completing a higher research degree if their supervisor helped them secure a scholarship;

- Students living in Colleges and Residential Halls where data from the *Respect. Now. Always* survey and anecdotal information presented to the Review Team suggests high prevalence rates of sexual misconduct;

- Higher research degree students, owing to the particular power dynamics in the supervisor-candidate relationship; and

- Lesbian, gay, bisexual, transgender and intersex (LGBTI) students and staff. A small number of participants in this Review identified as LGBTI and provided examples of bullying and harassment related to their gender or sexual identity.

5. Lack of clarity regarding consensual staff-student relationships

Several participants raised the issue of staff-student relationships, noting that there is a long tradition of consensual staff-student relationships at JCU between staff and higher research degree students. In particular, there is some history of higher research degree students becoming romantically involved with their supervisor at JCU.

Participants expressed a range of views about these relationships: some were of the view that it would be impractical to ban staff-student relationships; while others felt that the university should actively discourage relationships even consensual relationships between staff and students on account of the power and ethical issues they raise.

Participants also noted that:

- The relationship most frequently becomes problematic when it breaks down;

- Students and supervisors may avoid disclosing the relationship for fear of being disadvantaged. A student may be reluctant to move to a different supervisor, and a supervisor may wish to maintain a connection to the research (and ownership of the data) or avoid the loss of status or income which may occur if the student changes supervisor; and

- Although the current JCU policy requires people to disclose staff-student relationships in a register, follow-up action is not taken on a regular basis.

6. Low levels of knowledge and awareness

Overall, knowledge and awareness of sexual harassment and sexual assault is low on JCU campuses, with significant variation in understanding what constitutes sexual harassment and sexual assault, what constitutes valid consent (particularly when alcohol is involved), and the university's policies and support options for survivors of sexual harassment and sexual assault.

Several female students commented that education and behaviour change is often targeted at women, placing the onus on women to modify their behaviour to avoid risk. It was widely agreed that there is a need to also direct education broadly, both to increase individuals' understanding of consent and respectful relationships, and to up skill all staff and students to speak up and take action as ethical bystanders.

7. Inadequate response to disclosures and reports of sexual harassment and sexual assault

7.1 Sexual harassment and sexual assault is under reported at JCU

Sexual harassment and sexual assault is generally underreported in Australia, with around 1 in 5 cases of sexual harassment in the workplace reported; and just under 1 in 5 cases of sexual assault reported to the police.

This is consistent with the findings of the *Respect. Now. Always* survey, which found that:

- 91% of students who had been sexually harassed did not seek support from the University following that experience; and 90% did not make a formal report or complaint; and

- 57% of JCU students either know 'nothing' or 'very little' about where to go within the university to make a complaint about sexual assault.

7.2 First responders

First responders – that is, the first person to whom a survivor discloses or reports a sexual harassment or sexual assault – play a key role in both the wellbeing of the survivor and the ability of the survivor to formalise a report of sexual harassment or sexual assault.

There are many individuals to whom a student may disclose an experience of sexual harassment or sexual assault –
a trusted lecturer or tutor, a Dean of Teaching and Learning, Student Wellbeing Services or an Equity Contact Officer.
Likewise, staff may turn to a trusted colleague, their line manager, the campus-based Psychology Clinic or an Equity
Contact Officer.

There is significant variation in how individuals understand their roles and responsibilities as a first responder. Participants
in this Review provided examples of responses which had been compassionate and supportive, and of responses which
had further traumatised and isolated the survivor. It is recommended that the University make sure that staff understand
the importance of supportive responses to disclosures and reports, and provide training to ensure staff are upskilled in how
to provide such responses.

7.3 Access to specialist services

At present, survivors of sexual harassment or sexual assault have access to JCU support services including: the Student
Wellbeing Centre, the Employment Assistance Program, the Psychology Clinic, the Student Complaints Office, and the
Graduate Research Centre.

Some individuals commented very positively on their experiences of those services, often naming an individual counsellor
or advocate who went 'over and above' to support them.

However, many also commented on the limited capacity of those services, with long wait times common, particularly at
exam times.

In addition, several students and staff commented on the limited capability of those services, with staff having limited
expertise in trauma-informed counselling and/or working with survivors; and that there is limited budget to support staff
development in these critical areas.

Participants also noted that Townsville is generally under-served in relation to mental health and wellbeing, with staff
vacancies common at the local HeadSpace facility, and the Women's Centre having limited resources. In that context,
there is a particular need for JCU to ensure that its facilities have the capacity and capability to meet the needs of its
community.

8.   The need to strengthen processes for investigation and resolution of complaints

Procedures for investigating and resolving allegations of sexual harassment and sexual assault should be:

- Survivor-centred and trauma-informed (that is, focused on maximising the safety, wellbeing and support
  provided to the survivor);

- Safety-focussed (that is, focused on identifying and removing any further risks of sexual harassment or
  sexual assault of members of the JCU community); and

- Consistent with the principles of natural justice.

Participants in this Review identified that the reporting and investigation procedures be revised to ensure:

- Confidentiality, including protecting the identity of anyone who discloses that they have been sexually
  harassed or sexually assaulted, and protection of the confidentiality of anyone who makes a report of sexual
  harassment or sexual assault;

- Streamlined reporting, with every effort made to ensure that the survivor only need report to one person,
  rather than to multiple people;

- The appointment of a single liaison person between the survivor and JCU, again to minimise the need for the
  survivor to repeat aspects of their story to multiple individuals;

- Regular communication between JCU and the survivor so that the survivor is informed in a timely manner of the action taken, the likely timeframes for completion of the investigation and the outcome;

- Trauma-informed processes, including removing any suggestion that 'mediation' is appropriate in cases of alleged sexual harassment or sexual assault;

- Adjustments and interim support measures for survivors, including adjustments with either academic load or workload for staff or students, in recognition of the emotional impact that sexual harassment or sexual assault will have on a survivor's ability to study or work;

- Consistency with natural justice:

  » The accused individual should receive a fair hearing;
  » The accused should be informed of the case against them in a timely manner;
  » The accused should have the opportunity to gather evidence to support their case;
  » There should be no bias in the investigation; and
  » Action should only be taken based on evidence that is logically probative.[2]

- Interim measures for alleged perpetrators. Most participants strongly supported interim measures for alleged perpetrators, even if a criminal investigation was still under way, such as placing a staff member on leave with pay whilst an investigation is underway. However, a minority of staff felt that it was inappropriate for the University to taken any action until a criminal investigation had been completed;

- Substantial but proportional consequences for perpetrators; and

- Practical support for the affected College or Division. Several participants noted that an allegation of sexual harassment or sexual assault can have a 'ripple effect' in the College or Division, including emotional distress, increased workload for remaining staff, and disruption for higher-research degree students if their supervisor is taken off line.

It was widely agreed that the revised procedures should be accompanied by training for staff, in particular all staff in a management role, with specialist training for staff in HR, Legal and Equity Contact Officers, to support high quality investigations.

9. Systematised data collection to track patterns

High-quality data is vital if the University is to track patterns in risks of sexual harassment and sexual assault, and to monitor the effectiveness and appropriateness of their responses to sexual harassment and sexual assault.

Development of a central and systematised data system should take into account:

- Confidentiality;

- Capacity to collect data on both disclosures of sexual harassment or sexual assault and formal reports of sexual harassment or sexual assault;

- Capacity to collect data on the average wait time to see a counsellor following a disclosure or report of sexual harassment or sexual assault.

10. Bullying

Whilst out of scope for this Review, several identified that there is an issue with bullying and harassment within JCU. It is widely documented that bullying both allows sexual harassment to occur and blocks people who are have experienced harassment and assault from raising it.

---

2   A material fact must generally be based on logically probative material and not merely on a suspicion or speculation.

Comparative analysis of JCU's sexual harassment and sexual assault policies and procedures

The comparative analysis of sexual harassment and sexual assault policies shows that JCU has a range of areas where policies can be strengthened to align with best practice standards, including the following:

- Policies should be unequivocal and clear in establishing that both sexual harassment and sexual assault are not acceptable under any circumstances.

- JCU should be clear in its commitment and responsibility to provide a safe and respectful educational environment for all students free from discrimination, sexual harassment and sexual violence.

- Policy responses should be responsive to the broad spectrum of sexual violence and abuse that students and staff may experience, such as stalking, sexual threats online, sexting and revenge porn.

- Policies should be clear on the consequences of actions that are unacceptable, complemented with clear disciplinary processes and clearly articulated responsibilities for managers, staff and students.

- Policies and procedures should clearly signpost options for reporting and making confidential disclosures, seeking information and support within the university and through external services.

- Providing easy to access information in a central place with specific contact details of a person who can help students and staff navigate the process can help empower survivors. Survivors need confidence in the reporting process and know that action will be taken.

- Policies should outline interim measures that will be taken to support and keep survivors safe and hold perpetrators to account according to natural justice principles and disciplinary policies.

- Policies and procedures should clearly signpost how first responders can support someone who has experienced sexual assault and how they can seek support themselves.

- A specific policy on staff-student relationships should be developed.

A note on methodology

The findings and recommendations of this report are underpinned by rigorous evidence obtained from a variety of primary and secondary sources.

Over the course of this Project, 145 individuals provided qualitative data to the Review Team via:

- 26 semi-structured focus groups with JCU students and staff across the Townsville and Cairns campuses. A total of 46 students and 32 staff participated in these focus groups, with specific focus groups for Indigenous female and male staff and students; and international students;
- 34 semi-structured interviews with students and staff;
- 6 consultation meetings with students and staff; and
- 15 written submissions from students and staff.

In addition, the Review Team:

- Analysed JCU-specific prevalence data from the Australian Human Rights Commission and Universities Australia *Respect. Now. Always* survey completed by 833 JCU students;
- Benchmarked relevant JCU policies and procedures, including the revised policy developed mid-2017, against relevant policies from national and international comparator universities; and
- Synthesised domestic and international literature on the elimination of sexual harassment and sexual assault from universities, and improving support and pathways for survivors.

The review methodology was designed to enable sensitive exploration of the issues of sexual harassment and sexual assault, and to gather robust, consistent data between participants.

This Report reflects the observations and experiences of staff students as told to the Review Team. The Review did not investigate or make findings or determinations about any individual incident or allegation made by a student or staff member.

Recommendations

Principle One: Successful and sustainable change depends on strong and courageous leadership that reverberates through the institution

Develop an institution-wide approach

It is recommended that:

1. JCU publish a clear and strongly worded statement of commitment signed by the Vice Chancellor, the Senior Deputy Vice Chancellor and all members of the Vice Chancellor's Advisory Committee in which they: express their commitment to a zero-tolerance approach to sexual harassment and sexual assault, commit to implementing the recommendations of this report and outline the institution-wide actions that will be taken to eliminate sexual harassment and sexual assault.

2. The Vice Chancellor and Senior Deputy Vice Chancellor lead the development of a Plan of Action for the Elimination of Sexual Harassment and Sexual Assault (hereafter, 'The Plan of Action') which specifies the activities, timeframes and accountabilities for the implementation of the recommendations of this Report.

3. A cross-institution Working Group be established to support the development and implementation of the Plan of Action, in consultation with the university community, and within the agreed timeframe. That Working Group should operate under the direct leadership of the Vice Chancellor and reflect a gender-balanced group of leaders of both the academic and non-academic functions and include Indigenous staff or students, student representatives and relevant experts.

4. JCU report regularly to the University Council, the University Executive and the Vice Chancellor's Advisory Committee on: implementation of the Plan of Action; the number and nature of sexual harassment and sexual assault incidents which have been reported since the previous update, and action taken on those reports. In addition, it is recommended that the University commit to providing at least annual reports to the University community on the implementation of the Plan of Action.

5. JCU publish the key findings and recommendations of this Report and make those key findings and recommendations easily accessible by members of the University community and members of the general public.

6. JCU identify and engage all internal partners who have a role to play in the implementation of the Plan of Action, including: the Student Association, the unions, and individuals who hold influence within the JCU community.

University Executive

It is recommended that:

7. Each member of the University Executive develops a personal leadership action plan on gender equality and the elimination of sexual harassment and sexual assault. JCU should consider engaging an independent specialist advisor to support the University Executive in the development of their action plans. Development of the action plans should incorporate:

    7.1 Completion of a personal leadership evaluation tool (such as the *Leadership Shadow* or an equivalent model) to review their current leadership on gender equality; and

    7.2 A personal statement of commitment to strengthening gender equality and eliminating sexual harassment and sexual assault.

8. Accountabilities for implementation of the Plan of Action be identified as a mandated strategic priority; and that action to eliminate sexual harassment and sexual assault be included as an additional heading in the annual Performance Acquittal.

All Senior Managers

It is recommended that:

9. The Performance Agreements for all Senior Managers include specific accountabilities for preventing and responding to sexual harassment and sexual assault.

10. Specialist, evidence-based training be provided to all Senior Managers within JCU to improve their capability to effectively respond to and prevent sexual harassment and sexual assault. That training should incorporate including responding appropriately to disclosures by survivors, instigating appropriate investigations, communicating appropriately with all parties, and addressing breaches of the staff and student codes of conduct.

Principle Two: Effective systems are needed to create a safe and supportive response for individuals who experience sexual harassment or sexual assault and to ensure individuals are accountable for their actions

Policy development

It is recommended that:

11. JCU policies and procedures on sexual harassment and sexual assault be revised to meet best-practice standards as outlined in Chapter 4, including:

    » unequivocally stating that both sexual harassment and sexual assault are not acceptable under any circumstances; and that JCU is committed to, and responsible for, providing a safe and respectful environment for all students and staff, free from discrimination, sexual harassment and sexual violence;

    » recognising the broad spectrum of sexual violence and abuse that students and staff may experience, such as stalking, sexual threats online, sexting and revenge porn;

    » clearly outlining the consequences of actions that are unacceptable, and linking to clear disciplinary processes and articulating responsibilities for managers, staff and students;

    » how to respond to those allegations which may constitute both a breach of JCU policy and a criminal offence;

    » signposting multiple options for reporting and making confidential or anonymised disclosures, seeking information and support within the university and through external services;

    » providing easy to access information in a central place with specific contact details of a person who can help students and staff navigate the process;.

    » providing information on the reporting process and a clear commitment to action on unacceptable behaviour; and

    » signposting how first responders can support someone who has experienced sexual assault and how they can seek support themselves.

12. The revised JCU policies and procedures address accountability and consequences for perpetrators of sexual harassment and sexual assault. Those policies should:

    » Emphasise the safety and wellbeing of survivors and other students/staff as paramount, including providing for interim measures (such as suspension on full pay) to protect alleged victims while an investigation is underway;

    » Align with natural justice principles;

» Align with the Universities Australia Ten Point Plan;

» Commit the university to take disciplinary action where an investigation has found that the Student or Staff Code of Conduct has been breached, regardless of whether a criminal investigation is still underway.

13. JCU develop a specific policy on staff-student relationships that aligns with the forthcoming Universities Australia Principles for Postgraduate Student-Staff Relationships.

14. All relevant JCU policies and procedures (including but not limited to Human Resources policies) be revised to align with and give effect to the JCU Policy on Sexual Harassment and Sexual Assault.

15. JCU identify positions where the completion of a Working with Children Check (Blue Card) should be a requirement of employment due to ongoing contact with students under the age of 18 and implement a process by which incumbents and future appointees are assessed for Blue Cards as a mandatory requirement of the position.

Response to survivors

It is recommended that:

16. All JCU policies and procedures regarding sexual harassment and sexual assault put the wellbeing of the person who has experienced sexual harassment or sexual assault at the centre of the response. This should include:

» Guaranteeing fast-tracked access to trauma-informed counselling and holistic support;

» Establishing a case-management approach to supporting survivors, so that each individual has one person able to support them through the entire process and keep them informed of how the university is progressing with their case;

» Augmenting the capacity of the counselling service, paying attention to the need for specialist sexual assault and trauma expertise and the provision of culturally competent counselling services to Indigenous students and staff and international students;

» Providing all clinical staff with training in trauma-informed care and holistic support; and

» Providing all staff with training on the revised JCU policy framework and mechanisms for making and resolving complaints, so that that information can be provided to survivors when appropriate.

17. JCU develop a partnership with key local services to whom survivors may be referred, including the Women's Centre in Townsville, local Indigenous Health and Legal Services, HeadSpace and others as appropriate.

18. JCU identify and engage all external partners who have specialist expertise that can support JCU to strengthen its response to sexual harassment and sexual assault. Key external partners could include: The Women's Centre in Townsville, Indigenous community organisations, Indigenous community leaders, Police, Sexual Health Services and other Health Services.

Physical environment

It is recommended that:

19. JCU commission an independent audit of the physical environment in relation to personal safety and student and staff risk of sexual violence and identify priorities for action. This audit should include campuses and field sites, with particular attention to areas reported to be unsafe such as the library, car parks and isolated areas between the University and residential colleges.

Residential Colleges

It is recommended that:

20. JCU, in consultation with Residential Colleges, commission an independent review to identify the nature and prevalence of sexual harassment and sexual assault in Colleges and to recommend initiatives to eliminate sexual harassment and sexual assault in Colleges and Residential Halls.

21. JCU work with Residential Colleges to ensure that policies align with JCU and Universities Australia on sexual harassment and sexual assault; and that procedures be developed to ensure that Residential Colleges report any incidents of alleged sexual harassment or sexual assault to JCU. This agreement should be formalised in a Memorandum of Understanding.

22. JCU enter a Memorandum of Understanding with the Cairns Student Lodge which establishes appropriate mechanisms and processes for reporting of and responding to incidents of sexual assault and sexual harassment, reflective of JCU's policies.

23. All staff and student leaders in Residential Colleges receive regular training on strategies to establish a safe and respectful culture.

Data, monitoring and evaluation

It is recommended that:

24. JCU, with due attention to privacy protections, establish a central repository for data on sexual harassment and sexual assault and create a systematised approach to data collection. All incidents should be entered into this database regardless of whether the survivor has made a formal complaint. Key variables should include:

    » The gender, (where relevant) College or role, and any key demographic characteristics (such as Indigenous status, international student or postgraduate student) of the alleged victim;

    » The name, gender, (where relevant) College or role of the alleged perpetrator;

    » The type of incident; and

    » The location of the incident and university section.

25. JCU develop a monitoring and evaluation framework that allows the University to track activity toward the goal of eliminating sexual harassment and sexual assault, and to evaluate the impact of that activity. That evaluation should provide the impetus for ongoing refinement of the overall JCU strategy to address these issues.

26. JCU develop a mechanism to evaluate implementation of the recommendations of this Review and the Plan of Action.

Principle Three: Education underpins behaviour change to create a safe, respectful and inclusive culture

Prevention and awareness

It is recommended that:

27. JCU develop and implement evidence based training modules for staff and students to be integrated into staff development programs, staff induction and student orientation programs. Those modules should incorporate: consent and respectful relationships, the definition of sexual harassment and sexual assault, the legal dimensions of sexual harassment and assault and JCU policy; the role of bystanders, and include an assessment component, so that respondents are required to apply the knowledge provided rather than simply read it.

28. Ethics training be provided to PhD supervisors, to reinforce JCU's commitment to the elimination of sexual harassment and sexual assault and to raise awareness of the revised policy and accountabilities as they relate to supervision of higher research degree students; and that each time a PhD supervisor takes on a new student they re-sign the Code of Conduct, affirming their commitment to eliminating sexual harassment and sexual assault, and meeting JCU standards in relation to appropriate staff-student relationships, bullying and academic integrity. Consequences for breaches of that Code could include: removal from the supervisory relationship with that student in the first instance, and disciplinary proceedings.

29. First-responder training be provided to anyone in the University whose role may make them a likely first responder. This should include Deans, Associate Deans, PhD supervisors and staff within the Students Association.

30. Specialist training be provided to Equity Contact Officers on an annual basis that covers the skills of being an effective first responder, JCU policies and processes, referral pathways for survivors and their legal obligations under anti-discrimination law; and that a designated Unit within HR maintain responsibility for providing ongoing mentoring and support to the ECOs.

31. JCU develop and implement an evidence-based communications strategy which is deployed through a variety of modalities, including the JCU website, social media, signage and posters. That campaign should target both staff and students and include information on the university policies including: the definitions of sexual harassment and sexual assault, the University's commitment to a safe and respectful environment for all and the elimination of sexual harassment and sexual assault, the role of bystanders, how to lodge a formal complaint about sexual harassment and sexual assault, support services for survivors, and consequences for perpetrators.

32. The risk assessment process for field trips and placements be modified to incorporate a risk assessment for sexual harassment or sexual assault.

Introduction

James Cook University is one of Australia's leading universities and is highly ranked in the respected Academic Ranking of World Universities by the Shanghai Jiao Tong University.[3]

James Cook University (hereafter, JCU or the University) is rightly proud of its track record as a world-leader in research and teaching related to tropical environments, tropical societies and tropical health and medicine. In addition, JCU provides substantial value to the Far North Queensland region, both as an education provider and a significant employer.

In line with its commitment to excellence, JCU has identified the need to improve the University's policies and culture as they relate to sexual harassment and sexual assault.

Elizabeth Broderick and Co (hereafter, 'the Review Team' or 'the Project Team') was engaged to review the University's policies and cultures and to provide guidance on strategies to strengthen the University's response to these issues. The deliverables for the Project are included at Appendix A.

From this review, it is evident that JCU is well-placed to improve its response to sexual harassment and sexual assault. Whilst there is clearly a need for immediate and sustained action to build an institution-wide approach to these issues, there are many passionate and skilled staff and students who are committed to JCU and willing to contribute to the University's effort to create a safe and respectful environment for all.

---

3   About James Cook University – see www.jcu.edu.au/about-jcu.

Definition of sexual harassment

For the purposes of this Project, we have used the definition of sexual harassment under the Commonwealth Sex Discrimination Act (2011):

Meaning of sexual harassment

(1) For the purposes of this Division, a person sexually harasses another person (the ***person harassed***) if:

    (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or

    (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;

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.

(1A) For the purposes of subsection (1), the circumstances to be taken into account include, but are not limited to, the following:

    (a) the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;

    (b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;

    (c) any disability of the person harassed;

    (d) any other relevant circumstance.

(2) In this section "conduct of a sexual nature " 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 .

The Australian Human Rights Commission identifies the following as examples of sexually harassing behaviour:

- Unwelcome touching;
- Staring or leering;
- Sexually explicit pictures or posters;
- Unwanted invitations to go out on dates;
- Requests for sex;
- Intrusive questions about a person's private life or body;
- Unnecessary familiarity, such as deliberately brushing up against a person;
- Insults or taunts based on sex;
- Sexually explicit physical contact; and
- Sexually explicit texts or SMS text messages.

Methodology

The findings and recommendations contained in this report are underpinned by a range of evidence, including:

- qualitative data obtained from 145 individuals via focus groups, group consultations, one to one interviews and written submissions;

- JCU-specific prevalence data obtained via the *Respect. Now. Always* survey;

- JCU's own data on reported incidents; and

- the international body of evidence regarding effective responses to sexual harassment and sexual assault.

A. Focus groups, group consultations and interviews

26 semi-structured focus groups and 6 group consultations were attended by 50 students and 46 staff from the Townsville and Cairns campuses. Focus groups were convened for:

- Aboriginal and Torres Strait Islander Female staff
- Aboriginal and Torres Strait Islander Male staff
- Student association representatives
- Male staff (professional, technical and academic)
- Professional and technical female staff
- Academic female staff
- Female students
- Male students
- Female postgraduate students
- Female international students
- Aboriginal and Torres Strait Islander Female Students
- Students – non-gender binary

Focus groups and group consultation meetings were facilitated by members of the Project Team using a semi-structured methodology. This methodology was chosen because it: allowed for exploration of a wide range of themes relevant to the scope of this project (including personal experiences of sexual harassment or sexual assault, knowledge of the University's policies and procedures on sexual harassment and sexual assault, and observations of the University's culture in relation to sexual harassment and sexual assault); allowed for specific themes to be investigated in depth where appropriate; and provided consistency in data collection across focus groups, group consultations and interviews.

Individual interviews were held with 28 staff and 6 students. Almost all those individual interviews occurred at the request of the interviewee. As with focus groups, the interviews were undertaken by members of the Project Team using a semi-structured methodology.

The focus groups, group consultations and interviews included staff and students with very diverse experience in relation to sexual harassment and sexual assault, including: survivors of sexual harassment or sexual assault; staff and students with no personal experience of sexual harassment or sexual assault, but a desire to contribute to improving JCU culture; staff and students who had been a support person or advocate for a survivor; staff who had been a support person for a colleague accused of sexual harassment or sexual assault; and staff drawn from key functions across JCU (including the University Executive, Deans and Associate Deans, Human Resources, Student Wellbeing, and the Students Association).

Most of the focus groups were tape-recorded with the permission of participants, and transcribed. The remaining focus groups, the group consultations and the interviews were documented by the Project Team. Quotes used in this report are taken directly from the transcripts and/or notes made by Project Team members.

All participants in this process were informed that the process was a confidential one, and that statements would not be attributed to individuals, nor would individuals be identified through the reporting process.

It should be noted that the methodology did not extend to investigating or making determinations regarding specific incidents.

B. Written submissions

A total of 15 written submissions were received from students and staff via the Elizabeth Broderick and Co email address established specifically for this project.

C. Prevalence data

JCU-specific and national prevalence data was drawn from the findings of the *Respect. Now. Always* survey conducted by the Australian Human Rights Commission and Universities Australia.

Some 833 JCU students participated in that survey, of whom:

- 478 were female and 343 were male;
- 301 were commencing students and 532 were continuing students;
- 575 were domestic students and 258 were international students; and
- 421 were undergraduates and 412 were postgraduate.

D. JCU policies and procedures and data

The Project Team reviewed a range of JCU documentation, including current JCU policies and procedures on sexual harassment and sexual assault, and JCU data on reported incidents of sexual harassment and sexual assault.

In line with the Terms of Reference for this Project, the Project Team undertook a benchmarking exercise, whereby JCU policies on sexual harassment and sexual assault were benchmarked against policies at other relevant universities. The findings of that benchmarking exercise are contained in Chapter Four and have been used to inform the recommendations.

E. Domestic and International Literature

The Project Team undertook a review of domestic and international literature on best practice strategies to address sexual harassment and sexual assault on university campuses.

Chapter One: Why This Matters

Universities are fundamental to an Australian society increasingly driven by knowledge, information and ideas.

For students a university education enables them to develop the skills, knowledge and values needed to thrive in a rapidly changing world, helping them achieve their full potential. In Australia, knowledge is an important driver of economic growth, with education being a foundation for individual prosperity and social mobility. A university education can greatly enhance the lives of students. Likewise employment within a university brings immense opportunities for staff to develop their expertise, to continue their growth and learning and to be part of a world-class research and teaching program.

For these significant benefits to be realised however, it is critical that a safe, inclusive and respectful environment is provided for all staff and students.

As such, there are both moral and business imperatives for JCU to eliminate sexual harassment and sexual assault, and to improve outcomes for survivor victims.

The moral imperative

At its heart, JCU is a community of students and staff brought together by a passion for learning. Each member of that community has an obligation to be contributing to a safe, inclusive and respectful environment for the entire University community.

The legal and policy imperative

Creating a safe, inclusive and respectful environment free of sexual harassment and sexual assault is also consistent with JCU's obligations under policy and law:

- Institutional responsibilities to eliminate sexual harassment and sexual assault. Whilst the findings of The Royal Commission into Institutional Responses to Child Sexual Abuse have not yet been handed down, the Royal Commission has brought significant attention to the particular responsibility which institutions – including but not limited to educational institutions – have to taking action to eliminate sexual harassment and sexual assault;

- Under the Higher Education Standards Framework, all higher education providers have a responsibility to promote and foster a safe environment for students both on campus and online, and to have clearly defined complaints policies and procedures. The draft Guidance Note produced by the Tertiary Education Quality and Standards Agency (TEQSA) notes that failure to meet the Standards concerned with wellbeing and safety constitute a risk to the individual student; and to the educational performance of the provider; and that the provider may be exposed to legal action and/or reputational damage; and that TEQSA or another regulator may need to intervene;[4]

- Under the *Queensland Work Health and Safety Act* (2011), James Cook University has an obligation to ensure the health and safety of workers;[5]

4   TEQSA (2017) 'Draft Guidance Note – Wellbeing and Safety', http://www.teqsa.gov.au/sites/default/files/ GuidanceNote_WellbeingandSafety1.0.pdf.
5   Queensland Government *Work Health and Safety Act 2011*, https://www.worksafe.qld.gov.au/laws-and- compliance/workplace-health-and-safety-laws/laws-and-legislation/work-health-and-safety-act-2011.

- As with all major institutions across Australia, JCU has responsibilities under the *Third Action Plan* of the Australian *National Plan to Reduce Violence Against Women and their Children 2010-2022*, which commits to reducing sexual violence in Australia as an integral component of keeping women safe and improving outcomes for future generations;

- JCU also has responsibilities under the *Sex Discrimination Act* (2011), which requires organisations engaged in public activity (including but not limited to education" to eliminate discrimination against persons on the grounds of sex, marital status, pregnancy or potential pregnancy";[6] the Act also deems employers liable for acts of sexual harassment unless they have taken all reasonable steps to prevent it from taking place;

- The right to education, to be enjoyed without discrimination on the basis of sex, is enshrined in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which Australia has ratified.

The business imperative

There are also significant organisational benefits to creating a safe and respectful learning environment. Universities which can provide a physically and psychologically safe learning environment for students and a physically and psychologically safe working environment for staff are likely to have higher satisfaction and higher engagement, and thus benefit from improved productivity, and greater engagement in achieving collective and corporate goals.[7] [8] [9]

One staff member commented:

> I'm very concerned with organisational performance, and our cultural norms and social license to operate are very important parts of that proposition. (Female staff member)

The cost of sexual harassment and sexual assault

Conversely, the costs of sexual harassment and sexual assault are high – both for the individuals affected and for the organisation in which sexual harassment or sexual assault occurs.

It is well documented through the international literature that sexual harassment and sexual assault can significantly affect individuals through serious and in some cases lifelong impacts on student and staff health and wellbeing; impact on academic attainment; impact on student and staff retention; impact on institutional reputation; and impact on future student and staff recruitment.[10]

Likewise, the cost of sexual harassment to organisations is potentially very high. In a literature review written for the IZA World of Labor, Hersch (2015) noted that "The adverse consequences for victims of sexual harassment translate into a less productive work environment. The costs to organizations include increased turnover and absenteeism, lower individual and group productivity, loss of managerial time to investigate complaints, and legal expenses, including litigation costs and paying damages to victims".[11]

---

6   Australian Human Rights Commission (2017) 'About Sex Discrimination' https://www.humanrights.gov.au/our-work/sex-discrimination/about-sex-discrimination.

7   J Hersch (2015) 'Sexual Harassment in The Workplace' IZA World of Labour https://wol.iza.org/uploads/articles/188/pdfs/sexual-harassment-in-workplace.pdf.

8   J Lacoe (2013) 'How Feelings of Safety at School Affect Educational Outcomes', University of Southern California Lusk Centre https://lusk.usc.edu/research/working-papers/how-feelings-safety-school-affect-educational-outcomes.

9   C Duhigg (2016) 'What Google Learned from Its Quest to Build the Perfect Team', *The New York Times Magazine*, February 2016 https://www.nytimes.com/2016/02/28/magazine/what-google-learned-from-its-quest-to-build-the-perfect-team.html.

10   Universities UK (2016) *Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students,* p 5.

11   Hersch, J (2015), 'Sexual harassment in the workplace', IZA World of Labor, https://wol.iza.org/articles/sexual-harassment-in-workplace/long.

There is little doubt that sexual harassment and sexual assault at JCU are adversely affecting the well-being of staff and students; preventing staff, students and the University as a whole from reaching their full potential; and damaging JCU's reputation as a leading tertiary institution. Action on these issues will enable the University to better meet its obligations to students and staff and in so doing achieve its corporate goals.

JCU is already a world-leader in many ways. The University is internationally recognised for its research into tropical environments and tropical societies, research which will be critically important for shaping the global and national debate on urgent challenges such as climate change and environmental degradation. Similarly, JCU has the potential to transform its response to sexual harassment and sexual assault and in so doing become a leader for Australian and International Universities in eliminating sexual harassment and sexual assault on university campuses.

Universities need to foster a culture that rejects this behaviour in all its forms. It is during formative university years that young people often shape their views and understanding of relationships and consent. As such, the higher education sector is in prime position to challenge cultures that normalise or excuse sexual assault and sexual harassment with a far-reaching and positive impact on wider society.[12]

As one student stated in a focus group:

> *You would think an institution like JCU would be a leading light in this. That they (universities) should be probably a little bit stronger than other institutions… (Male student)*

---

12   Universities UK, ibid, pp 17-18.

Chapter Two: The Importance of Strong Leadership

Why strong leadership matters

The path to an effective response to sexual harassment and sexual assault in any organisation starts at the top. Strong leadership, along with well-designed policies, can set the tone and expectations of the behaviour that is expected in the organisational environment.

Senior leaders at JCU have a unique opportunity and obligation:

- Members of the University Executive are key role models within the University. A meta-analysis of the impacts of sexual harassment on organisations showed that organisational tolerance is the single most important influence on whether sexual harassment occurs in a workplace. The visible commitment and actions of senior leaders to eliminate sexual assault, improve support for survivor victims, and reform the reporting pathway will be read as signs of a zero-tolerance approach across the University. However, the corollary is that if the University Executive is perceived as unwilling to act on these issues, it may undermine their commitment to eliminating sexual harassment and sexual assault;

- The University Executive is uniquely placed to direct resources – financial and in-kind to efforts to reduce sexual harassment and sexual assault and create better supports for survivors; and

- Together, the University Executive and Council share responsibility for achieving the corporate goals of the University. Ultimately, they have accountability for addressing any barriers to the University fulfilling its mission and expressing its values.

Leading from the top

There is a range of ways in which senior leaders at JCU can demonstrate their commitment to a safe, inclusive and respectful University environment:

- what they say (that is, what values they emphasise, how they frame the elimination of sexual harassment and sexual assault as either a core responsibility for the university or a peripheral concern, whether they make a compelling case for change, how they craft messages, how frequently they mention the issues, the tone and emphasis given to the messages, how they name and celebrate successes, and how they respond to survivors, including the tone and frequency of communication);

- how they act (that is, the behaviours they adopt, how they role model commitment to an inclusive culture, the focus they bring to building gender-balanced leadership teams, and how they call out behaviours and decisions that may undermine efforts to eliminate sexual harassment or sexual assault);

- what they prioritise (including what they embed in policy and in recruitment decisions); and

- what they measure and reward (including how they manage accountability to make progress toward the goal of eliminating sexual harassment and sexual assault; how they hold others to account; and how they respond to breaches of the respective Codes of Conduct) [13]

---

13   Chief Executive Women and Male Champions of Change (CEW and MCC) (2014) *It Starts With Us: The Leadership Shadow,* March 2014, p 4.

Positive, purposeful and sustained leadership exercised by the JCU Executive and Council in addressing these issues will powerfully reverberate across the whole University community.

We heard, for instance:

> For me it's probably about modelling the expectations and behaviours…right from the top down. So you know that when something happens it isn't pushed aside and we can see from the leadership of the university what kind of culture they expect. (Female student)

> If the Uni looks like they are taking it seriously then I'm likely to take it seriously. (Male student)

What we heard about leadership

The vast majority of staff and students indicated that they would welcome the University Executive taking a stronger leadership role on eliminating sexual harassment and sexual assault and improving support for survivors. In an echo of the literature, many felt that progress at JCU would be limited without deep and visible commitment from senior leaders.

Some staff and students expressed confidence in senior leaders, indicating that senior leadership team are well placed to implement advice received via this Project.

Students and staff told us:

> The Vice Chancellor really understands these issues. She is ideally placed to drive change at JCU. (Female staff member)

> [It's not that they can't do it]. It could just be the gap between good policy and management knowing what to do. (Male student)

On balance, however, many expressed the need for a greater willingness or capability of the senior executive to exercise visible and sustained leadership on eliminating sexual harassment and sexual assault.

We heard:

> One thing I did notice was the fact that it was being reported, and it could be an error, that this was the only university that had not shown the Hunting Ground film. What does that tell you? (Male staff member)

> There is a trust deficit here…we've lost some of our confidence in senior management. (Female staff member)

> At the moment, there's not a strong culture of senior leaders participating in equity-type activities. Senior leaders being very visible on this issue will start to send a different signal about the University's refusal to tolerate these behaviours. (Male staff member)

> Senior leadership needs to be stronger. Strong leadership equals taking responsibility. (Female staff member)

Rebuilding trust will require courageous, sustained and visible leadership on this issue.

Distributed leadership and shared responsibility

The central role of senior leaders notwithstanding, shifting the culture in relation to sexual harassment and sexual assault at JCU will require the collective leadership of many students and staff across the university.

It is apparent from the consultations that there are students and staff who are well-placed to take on the role of cultural ambassadors – that is, individuals who can exercise informal leadership to shape attitudes and behaviours across the University. The potential pool of cultural ambassadors includes students and staff who are recognised as peer opinion leaders; and JCU staff who are experts on either gender equality and/or the elimination of sexual harassment and sexual assault.

In addition, College Deans, Associate Deans and Directors have a significant role to play. They are often the first to hear about incidents of sexual harassment or sexual assault and are charged with operational responsibility for responding to allegations of harassment and assault. It is imperative that they are empowered and skilled to fulfil the University's zero-tolerance approach to sexual harassment and sexual assault as well as understanding their responsibilities and requirements under JCU policies and procedures. The actions of College Deans, Associate Deans and Directors in pursuing and resolving individual reports of sexual harassment or sexual assault has an exponential impact – it both provides comfort and resolution to those individuals involved, but it also sends an unequivocal message that the university will back what it says about zero tolerance with action.

As with senior leaders, students and staff commented that there is significant variability in the willingness and skill of Deans, Associate Deans and Directors to address these issues:

> *Fighting (the faculty) culture from the inside is virtually impossible, because yes there are students (within the faculty) who want to do something to change it, but our dean's response…to us when we brought this stuff up was very much, keep it quiet…they just basically pressure (survivors) to shut up. (Female undergraduate student)*

Inclusive leadership

Creating a safe and respectful environment requires inclusive leadership. This means seeking and valuing diverse perspectives as well as taking deliberate steps to actively include voices that are otherwise excluded.

In the context of eliminating sexual harassment and sexual assault, this means ensuring that survivor's voices and survivor's experiences are heard at the highest levels. This will ensure that they are part of the solution. There are a number of dimensions to this: seeking out and hearing the stories of individual survivors, particularly in relation to their experience in reporting; and collaborating with experts and advocates.

Listening to the voice of those who have experienced sexual assault and sexual harassment is critical for a number of reasons, not least of which is demonstrating compassion for and commitment to the individual affected. A number of survivors consulted in this Project have spoken positively about the willingness of the Senior Deputy Vice Chancellor in particular to meet with them and to hear their stories. This has provided great comfort to some of those women. However, survivors and others affected by sexual harassment and sexual assault also have unique insights into what is working well and what requires improvement in the cultural, policy and systemic responses to incidents. They are often able to identify the areas where even small changes would radically improve the experience of survivors. A commitment to hearing those stories, an openness to respecting the impact of sexual harassment and sexual assault on those individuals, and to taking action to support resolution for individuals will be critical for improving outcomes for survivors.

Inclusive leadership on these issues also requires recognising the different ways in which sexual assault and sexual harassment may impact on different groups and ensuring that their perspectives are incorporated into University responses.

An inclusive approach to addressing sexual harassment and sexual assault will also require consulting and collaborating with experts and advocates. This element is important as experts and advocates have decades of experience in designing systemic responses to survivors. JCU is well-placed in this regard, with a number of nation-leading researchers in the fields of sexual harassment, sexual assault and gender equity working within the University already; there is also potential for collaboration with Women's support and advocacy organisations in Townsville.

One staff member told us:

> *The university has some very highly skilled women who think and teach about this stuff all the time… we need to invite them to be part of the dialogue. (Female staff member)*

There is a range of other partners who are well-placed to contribute to strengthening the culture and policies at JCU, including the Student Union and the National Tertiary Education Union. Strong leadership isn't about going it alone – it is about being able to strategically partner with internal and external partners to create an integrated response. Again, the commitment of these potential partners to strengthening the culture and working with JCU to make progress bodes well for the future.

Chapter Three: Gender Equality as an Enabling Environment

Gender equality is the foundation for the elimination of sexual assault and sexual harassment. Gender inequality provides the underlying social conditions for sexual harassment and sexual assault due to entrenched norms regarding gender roles in economic, social and political spheres. For example, the fact that women are less likely to be represented in public decision-making roles sends a message about the value of women's voices and entrenches the idea of men having control and power over decisions and resources.[14]

As such, any strategy to eliminate sexual harassment and sexual assault should be placed in a broader gender equality framework. In addition to the legal and moral obligation to pursue gender equality, there is a wide body of research which shows that gender equality is a driver of improved business performance and has been demonstrated to contribute to: increased organisational innovation, productivity, agility and risk management.[15] [16]

A number of participants in this Project felt that gender equality at JCU is something of a paradox: many commented very positively on having a female Vice Chancellor and the number of women on the University Executive, but also noted that the dominant masculine culture at JCU reflects entrenched gender norms, with a normalisation of everyday sexism. Some participants observed that making progress on gender equality more broadly was essential to eliminating sexual harassment and sexual assault.

We heard:

> Younger male students see me as a human, not as a girl or something lesser. (Female staff member)

> Young female scientists are already underrepresented. We need to have a system that doesn't disadvantage them. (Male staff member)

> I am the only senior female in my College and in my building and my colleagues demean me, and they humiliate my female students. (Female staff member)

> We need to identify female talent and pull them up. We need women in leadership, especially in the Colleges. We need to empower women. We need to support women in their leadership role. We need to incentivise women to stay. All the Rockstar academics are male, we need to address that. (Female staff member)

> After I announced my pregnancy, resources started being taken away from my area. (Female staff member)

> If I could do just one thing, it would be to start the conversation on the kind of casual sexism that pervades this place, and the negative impact that has on young women and young men both. (Male staff member)

> There's generally a lot of machismo here…it's not overtly sexual but it's setting that environment where I think it increases the risk of sexual harassment. (Female staff member)

---

14   Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) Change the story: A shared framework for the primary prevention of violence against women and their children in Australia, Our Watch, Melbourne, Australia.

15   Australian Human Rights Commission (2010), *Gender Equality Blueprint* https://www.humanrights.gov.au/our-work/sex-discrimination/publications/gender-equality-blueprint-2010#why.

16   Australian Government Workplace Gender Equality Agency *Gender Equality Toolkit* https://www.wgea.gov.au/sites/default/files/Gender_Strategy_Toolkit.pdf.

Chapter Four: What We Heard

This Project has benefited greatly from the willingness of students and staff members across JCU to share their experiences and observations. Those insights paint a picture of both existing strengths and areas requiring attention at JCU.

This data was gathered during the period April to July 2017. It should be noted that JCU has already initiated action on some of the issues raised by staff and students, including:

- A review of the Discrimination, Harassment and Bullying Policy;

- A review of the Student Code of Conduct;

- A Physical Safety Review;

- The development of an app to facilitate emergency responses;

- Providing more information about sexual assault and avenues for seeking support on its website;

- Reinvigorating the Equity Contact Officer role, with a five-fold increase in the number of ECOs and a focus on training and mentoring for that role; and

- Providing more senior leadership and oversight of the response to sexual harassment and sexual assault.

4.1 Pride in JCU and commitment to change

Both staff and students expressed a strong desire to contribute to making JCU a safe environment and to building a more effective response to sexual harassment and sexual assault. This was demonstrated through the number of individuals who approached the Project Team seeking an individual interview, and was directly expressed by a number of participants:

> *Yeah that's probably just motivated me to come to learn more about it so that… I mean we've got a lot of kids who are undergraduates here (from my country of origin) and I might be able to talk to them…talking to them they might be able to get that information…better". (Male student)*

> *It's a serious issue, it's important. (Male student)*

> *One of my guy friends who lives on campus, if I'm studying at uni and if he knows I'm studying at uni…he's like "you can't walk home alone. I don't trust the guys that live on campus". So he would rather walk me home. (Female student)*

> *I think it's important for everyone to be involved with this if we want to make a change. (Female postgraduate student)*

> *I would love to see a promise from uni saying that they would do something about it. (Female postgraduate student)*

> *I care about the culture and our values. I want to contribute.*

4.2 JCU as a world-leading facility

Many students and staff identified JCU as a world-leading institution. Particular mention was made of: JCU's world-leading research on tropical environments, tropical societies and tropical medicine and public health; and JCU's innovative approach to experiential learning.

4.3 The need for a whole of institution response

There was a general impression that there are some areas within the University that provide effective support to students who have experienced sexual harassment and sexual assault at JCU but overall the response is patchy and inadequate and there is not an institution-wide approach to these issues.

Participants in this project told us:

> We need to set an expectation and act on it. At the moment, people are left to their own devices. (Female staff member)

> We need a culture of people being braver and having confidence in the process. (Female staff member)

> We haven't put a culture in place to draw out the issues and deal with them. (Male staff member)

> We need to build a culture of personal accountability, so that every student and every staff knows what is expected of them, what is unacceptable behaviour, and how to act if they are either a bystander or a first responder. (Female staff member)

> We tend to treat this as an individual issue, we need to also assess the structural elements that allow these issues to occur. (Female staff member)

> At the moment, there is a lack of accountability for students – we need to induct them into our culture. (Female staff member)

4.4 The harmful impact of sexual harassment and sexual assault

4.4.1 Experiences of sexual harassment and sexual assault

Over the course of this Project, the Team heard from many JCU students and staff who had experienced sexual harassment. Most, although not all, of these experiences, directly involved other JCU students or staff and/or occurred on JCU sites. Participants spoke openly about the nature and impact of those experiences, with many indicating that what occurred, and the failure of the institution to respond properly and promptly to complaints or disclosures, had had detrimental effects on their wellbeing and their confidence in JCU.

- 27% of JCU students who responded to the *Respect. Now. Always* survey were sexually harassed at or travelling to/from university in 2015/2016 (National Average: 26%).

- Women were twice as likely as men to be sexually harassed.

- Of those students who reported they were sexually harassed at university in 2015/2016, 10% reported the perpetrator was a tutor or lecturer from JCU (National Average: 7%) and 6% reported that the perpetrator was a non-academic university staff member (National Average: 3%).

- 1.8% of JCU students were sexually assaulted at or travelling to/from university (National Average: 1.6%).

Respondents described a wide range of experiences of sexual harassment in the university context. The most commonly cited forms of sexual harassment in the *Respect.Now.Always* survey were:

- Sexually suggestive comments or jokes that made you feel offended (27%)
- Inappropriate staring or leering that made you feel intimidated (18%)
- Intrusive questions about your private life or physical appearance that made you feel offended (14%)
- Unwelcome touching, hugging, cornering or kissing (10%)

Student to student sexual harassment

The *Respect. Now. Always* survey found that 'a student from your university' was responsible for 73% of sexual harassment at JCU. Students who participated in the Review shared experiences of sexual harassment from other students in the university context. We heard:

> I've seen a little bit of it when the college students and Uni students and whatever, they've gone from the pub here and then they go into town and things kind of escalate… I have known cases…where they've been stalked I guess a little bit and people won't leave them alone. (Male student)

> And when I was doing the (Australian Human Rights Commission) survey I'm like wait a minute I never actually thought that was (sexual harassment)…you just kind of cop it and you know suck down your feelings and you just walk on. (Female student)

> The upper year guys…in our course…take advantage of the first-year girls…and then those girls get in trouble, and then gossip happens and everybody finds out and it becomes this big thing. And it's really sad but a couple of girls actually tried to commit suicide within the last month. I'm not sure if the guy drama was a part of it, but I think it played a huge role. (Female student)

A number of participants in focus groups identified a particular cohort of male students on campus as repeatedly demonstrating inappropriate behaviour.

We heard:

> There is a group of boys who are always in the library and they make me uncomfortable. (Female student)

> (The same students) circled me in their car… They circled me in the car park, yelling out to me. I spoke to security informally (about the guys) and they go "yep, we know who you're talking about". (Female student)

> You guys [meaning the current students] have a group now, but there's a group like that every generation. [When I first started] they were called the boy's club, my sister's generation…there were a group of boys who followed her around and would drunk dial her at 3am to tell her they were going to get her unveiled by the end of the year, and no one did anything. (Female student)

Staff to student sexual harassment

A number of incidents recounted to the Project Team involved sexual harassment of students by University staff.

From focus groups and interviews we heard:

> My (PhD) supervisor said to me "I don't want to be your boyfriend or anything but I want to know what's going on in your personal life." When I refused to divulge, the relationship went sour. He started making accusations that I was behind, that I didn't have the skills I needed and threatened to stop supervising me. But he had known me for (a number of years) and never raised an issue. And he owns my data, there's a power relationship there… When I raised it with the university, the person said 'is this a middle-aged man?' and told me 'you need to manage your supervisor'… The last thing I want is to let my PhD go…(Female student)

> One of the lecturers points out each year which girls he wants to sleep with, says he'll only help pretty girls. Another colleague pulls people out and demeans them. Nothing ever happens. When I told my boss he said 'oh, he needs a holiday'. It makes it hard to keep students. (Female staff member)

> We had a tutor in (–) who insisted that the girls had to take their tops off to mark in the muscle groups on their own bodies. But we had already checked with the lecturer, who said that girls could do it on the dummy. But the tutor was very insistent. (Female student)

> We have a lot of students doing courses in health sciences – they are always getting changed into sports gear, or doing hands-on activity, we need to ensure the safety of these students. (Female staff member)

> There are definitely some tutors who look at the younger girls in a creepy way. (Female staff member)

> Another area that might be looked into is contractors…there was a bunch of contractors that had come on a break and they were just sitting on benches outside there and it was just a one-off but as I was going there there was catcalls, like it was whistling. (Female student)

The *Respect. Now. Always* survey found that 'a tutor or lecturer from your university' was the perpetrator in 10% of most recent experiences of sexual harassment for JCU students.

Staff to staff sexual harassment

There were a small number of cases of staff to staff sexual harassment raised with the Review Team.

We heard:

> There is a staff member at JCU well known for being a bully, and having 'wandering hands' with younger female staff. I have raised this to my detriment. I got a sympathetic hearing but nothing was done about it. (Female staff member)

> I have heard talk of a staff member who has been involved in several incidents of what is referred to as 'wandering hands'. If he is innocent of these allegations…the talk is entirely damaging to him and very inappropriate. If [he] is in fact guilty then why is the university turning a blind eye to his behaviour? (Female staff member)

Student to staff sexual harassment

Some staff shared experiences of being sexually harassed by students involving either one-off or repeated incidents.

We heard:

> I've had a stalker following me home (from here) A student, who was clearly enchanted by me. And I'm like 'I know you don't live on my street, so what are you doing here?' So it was just – I mean, because of that, my lease was up, so I moved and I then I just started to take steps of my address is unreported, my phone lines are private, everything. (Female staff member)

Sexual assault

Some 8% of JCU students who participated in the *Respect. Now. Always* survey were sexually assaulted in 2015 or 2016; 1.8% were sexually assaulted at JCU.

Through the course of this Project, the Team spoke to a number of female students at JCU who had experienced sexual assault. The impact of these experiences was devastating, and the experience of trauma for individuals was often exacerbated by the university's poor response to disclosures.

Students told us:

> The assault happened to me in first year, when I was 19 or 20. The perpetrator is in my year. I had such an innocent mind, people take advantage. The coordinator from the school said "have you spoken to the perpetrator and confirmed it was rape?" It was hard for the first 2-3 years, I shied away from attending class…it's a constant battle to get through the degree…I felt suicidal, the school doesn't accept it, every time I have to appeal (so that we are not in the same work group), it takes so much energy, this is not what I deserve. (Female student)

> A random guy was an arsehole but the uni could have looked after me…It would have made a big difference if the uni had acknowledged the impact of the rape on my studies. I've gone down to the bottom and brought myself back up…I've never felt so uncared for in my life. (Female student)

> Going through with the sexual assault can be a safer option than fighting back – you worry about getting hit if you fight back. (Female student)

> Student survivors pay the price – they can't be on campus, they move on. (Female student)

4.4.2 The impact of sexual harassment and sexual assault

Individuals who had experienced sexual harassment indicated that it had negatively impacted their wellbeing and had disrupted their ability to study and to work at JCU.

Staff and students told us:

> I feel really safe during the day but I would never come here at night anyway but I know there is not much lighting so that's why I wouldn't come here. (Female student)

> Because this guy would turn up everywhere I went on campus and at night when I'd study in the library I stopped doing assignments at uni for a long time and I would stay home. (Female student)

> One of the examples was I changed where I would study at night cause…there were sometimes… unwanted attention. And it really, it took me, got me off my guard because I didn't expect, like you know, this to happen. (Female student)

> But it is complex. My two examples, one with a staff member, and I didn't have the tools of understanding what I had to do, it's only in a chance blurting out to someone who was in HR, "I'm not sleeping, I'm taking medication, I have to do something about that". (Female staff member)

Staff and students also indicated that past experiences of sexual abuse or sexual assault had made them particularly concerned about safety on campus:

> A group of us [wrote to Chris Cocklin after the Douglas Steele case]. It was me and a group of young women who've either been sexually assaulted ourselves, not necessarily on campus, or we know someone who has been. So it's a really big deal to us that this be taken, that this be taken care of. (Female student)

> If I went to the library and saw those guys [who have been intimidating women], I'm a child sex abuse victim, I would have a panic attack, and I wouldn't be able to come back if that happened to me. I would feel very, very unsafe. (Female student)

> I have multiple times witnessed lecturers making sexually explicit comments to students and nothing has happened. (Female staff member)

4.4.3 Physical environment and specific locations on campus

Staff and students told us that they appreciate the physical environment of the Townsville campus, particularly the spaciousness and the bush setting but that these features also create actual and perceived safety issues.

The *Respect. Now. Always* survey found that the site of the most recent experience of sexual harassment at university was as follows:

- University grounds (15%);
- University teaching space eg lab, tutorial rooms, lecture theatres, computer labs (16%);
- University library (7%);
- University or residence social event eg student club, pub crawl (8%).

We heard:

> It's an interesting campus in that it's long, skinny and I've spoken to women who there are areas they don't like to go at night because, yeah, and it's a long way from one end to another and there's sort of long, lonely pathways. (Male student)

> And beyond that point it's completely, it's like pitch dark and you never know if someone's there and since it's an open campus anyone can be, get in there. (Female student).

> The thing is it's a bush setting so we go, so look at where the library is, then you've got this big carpark and then you've got the indigenous school and beyond that it's just bushland. So that environment in itself creates a sense of fear. (Female student)

> Like the Green Plate, the Green Plate is the classic example of…it's not open anymore, but there's no lighting there and there's a path that lead to the science areas (Female student)

> Well because I guess I haven't walked around too much at night or whatever but does the university have callboxes on campus? So where I went to undergrad we had callboxes in areas that they had a light as and soon as you pressed the button it shined this light down on you and then it connected to campus security. (Female student)

> We need to relook at environmental design – some of the new buildings don't have lockable rooms. It would make me feel safer when I am in the building at night if that option existed. (Female staff)

Participants in this Review identified the library as an area in which female students feel particularly unsafe, especially at night time.

We heard:

> I often study up in the library and last year especially I noticed one particular group of …male students (and they would all gather around someone's computer or phone) and then it would be a female's Facebook page and …you could tell what they were saying was really kind of sexualised and they were putting that person down…Even now when I see them I think you don't make me feel very safe. (Female student)

> We see a lot of issues in the library. Our young female staff get hassled all the time, and there's nothing for us library staff to fall back on. (Male staff member)

> When you get out of the 24-hour space at the library by the time you get to the car park I remember feeling unsafe. And I never thought that this would be a thing I'd be experiencing in my thirties…this is not something I thought I'd find at university. (Female student)

It should be noted that the *Respect. Now. Always* survey found that 7% of most recent experiences of sexual harassment at JCU had occurred at the library; nationally, only 4% of most recent experiences of sexual harassment had occurred in a university library.

4.4.4 Field trips and placements

Students and staff commented that a number of the specific programs offered by JCU have elements which may create additional risks of sexual harassment and sexual assault for staff and students. Those elements include: field trips, placements (where a student is supervised by someone who is either not a full-time university employee) and courses such as medicine and health sciences.

In particular, the Project heard a range of feedback about field trips – most staff and students spoke very positively about the opportunity that field trips provided, including the opportunity to learn in quite remarkable settings (including remote islands and remote communities) and the opportunity to work in a less formal and more collaborative team comprising staff and students.

Yet a number of staff highlighted field trips as a site of particular vulnerability – that the very nature of the field trip – which is removed from the day to day routines and structures of the University, with a dilution of the formal relationship between staff and students can result in a blurring of boundaries. It was also noted that students and junior staff in particular would find it difficult to assert their own right to physical and psychological safety if the senior staff or indeed fellow students on the trip were harassing or predatory. The frequency with which field trips were raised suggests that there has been a history of inappropriate behaviour on field trips, and a concern that there are still not appropriate mechanisms in place to provide psychological and physical safety.

We heard:

> *I've never experienced it and I have really great supervisors but I'm one-on-one with them in the field as well and I don't know about you guys in the field but I share a bedroom with my supervisor or you're on a tiny little vessel and you have to strip to bikinis and pee off the side of the boat. (Female student)*

> *On field visits, we are trying to get informal interactions without anything inappropriate happening. (Male staff member)*

> *Apparently there is male staff member who says "Real biologists swim naked on field trips". (Male staff member)*

> *We need to set a clear standard on use of alcohol during field trips. (Male staff member)*

> *We need to link the Code of Conduct for students and staff to the Student Placement Contract. It is hard to insist that anyone the student might come into contact with on placement has completed training on sexual harassment and sexual assault – hospitals struggle to get people to complete mandatory fire training, let alone anything else. (Female staff member)*

> *There is a long term culture of male staff behaving inappropriately towards female students on field trips – the behaviour is condoned and almost expected. (Male staff member)*

4.4.5 Sub-populations of students

Participants indicated that there are particular issues for sub-populations of students.

Indigenous staff and students

The majority of Indigenous students and staff consulted during this Project felt that it is particularly difficult for their voices to be heard. This is particularly the case for Indigenous women. This proves a barrier to getting action on allegations of sexual harassment or sexual assault.

Aboriginal and Torres Strait Islander staff and students told us:

> (Indigenous) staff were too frightened to say anything (about the Steele case)…There were people who wanted to say more but felt pressured not to speak. (Female student)

> There's a racial issue here. (Female staff member)

> We have Indigenous students from remote areas hearing racist and sexist remarks. (Female staff member)

> And that's why I think our Indigenous, our potential students leave our region and go to other universities because you know, it just doesn't, it doesn't what do you call it? Just doesn't present itself as a very culturally appropriate place. (Female student)

> There aren't any Indigenous counsellors, JCU just doesn't get it. (Female staff member)

Indigenous staff also commented on the difficulty of dealing with the scrutiny from the community regarding these issues, and the loss of trust in JCU as an institution following the Steele case.

We heard:

> We have a high level of personal accountability to the community. (Male staff member)

> When people in the community hear (about an incident of sexual assault), they say "how can you keep working with that person? (Female staff member)

> We want our communities to feel safe. There's a definite ripple effect in the community. I want to feel good at my workplace. (Female staff member)

> We've got years of work ahead to rebuild here. (Male staff member)

International students

A number of participants commented on the particular issues for international students.

In relation to the impact of sexual harassment and sexual assault for international students, we heard that their experiences are often compounded by isolation and vulnerability around immigration status:

> It was hard for the first 2 years because I told nobody (about the rape). I felt suicidal until I found the Rape Victims On-Line service. After some counselling, then I told my family, they gave me comfort. I had to return home (to my coutry of origin) to get that care. (Female international student)

> It is hard for us as international students – we are so alone, away from our family, so many girls drop out because of social things. (Female student)

> International students are especially vulnerable as their visa is attached to study and to the institution.

A number of individuals commented that international students may be especially vulnerable to predatory behaviours by potential supervisors, and it may be particularly difficult for them to report this if the staff member involved assisted them with securing their place and scholarship.

One student commented:

> This man was doing his Masters (in his home country)…and he ran into this woman supervisor here… And he asked "can you supervise me?"… She got him a scholarship…he was under her. And in her department…She wants him (sexually)… She had asked him to move to her house… The woman tried all ways and means of getting him. (Female student)

Some staff also expressed concern that international students may have less access to essential services owing to the conditions of their visa, and that makes it particularly important that JCU provides robust support.

Research shows that safety is one of the top 5 priorities for international students when choosing an institution at which to study, reinforcing that improving the University's response to these issues will bring specific benefits in both meeting the moral obligation to students, but also protecting the university's future.[17]

Students living in residential colleges

Whilst not a specific part of the Project's terms of reference residential colleges were also raised frequently as a particular concern. Participants commenting on a range of issues, including the dominant cultures of some of the colleges, the tradition of 'hazing' and other Orientation Week activities, the vulnerability of college residents to sexual harassment and sexual assault by fellow residents, the vulnerability of students when travelling the path between the university campus and the colleges, and the variability in responses to disclosures.

We heard:

> And what really did it for me, what made me (report it to the university) was that they had an event called quad cricket, where the boys could play cricket, and there could be one female in each team. And the girls had 2 choices: they could walk around as bikini girls and serve sandwiches and beers to the boys, or they could perform something called a slut dance where they danced in their underwear for the boys…If you looked up (the College) on Youtube, the second video that showed up showed a group of mainly under age women dancing in their underwear and they didn't know they were being filmed… That was in 2015… I don't know if quad cricket still happens. (Female College resident)

> Like we had 4th years sleeping with underage first years when I was a first year at JCU events. (Yeah, the girls were over 16) so they were over the age of consent but drunk and not really able to consent. And it was older students in positions of power. It was older students on the exec". (Female college resident)

These findings are consistent with the prevalence data from the *Respect. Now. Always* survey, in which:

- 'a student from your place of residence' was the perpetrator in 21% of the most recent experiences of sexual harassment for JCU students, compared to 8% nationally; and

- 9% of JCU students who had experienced sexual harassment identified 'University residence/Halls of Residence' as the site of their most recent experience of sexual harassment in 2015/2016. This is three times higher the national average.

It is recommended that specific work be undertaken to examine and address culture and practice within those facilities in the immediate future.

Higher research degree students

Staff and students shared that there are specific risks and vulnerabilities associated with post-graduate study, particularly around PhD supervision. During the consultations, we heard:

> The doctoral space is such a problem – women students get coerced into sexual favours. They tend not to report it, focus on getting their PhD and getting out. (Male staff member)

> PhD students are very disadvantaged if a supervisor has less than pure intent… Exploitation is easy if someone wants to do it. (Male staff member)

---

17   UTS: Institute for Public Policy and Governance (2016) *Research into the Wellbeing of International Students in the City of Sydney* http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0005/277682/Research-into-the-Wellbeing-of-International-Students-in-the-City-of-Sydney_Final_27-July-2016.pdf.

The panel arrangement doesn't work – the primary supervisor still has too much sway. (Female student)

He (the student being harassed) had a second supervisor but the primary supervisor refused him contact. So when she was harassing him, he had no one to turn to. (Female student)

Your entire future depends on your supervisor… Maybe it would help to have a mentor or buddy system for HRD students. (Female staff member)

Moving a supervisor involves giving up on your data and possibly your career. (Female student)

I went to Graduate Research School and talked to them. They were very supportive but told me there is nothing they can do. (Female student)

In retrospect, there are lots of things that would have helped: a commitment to strict confidentiality when a student raises an issue; more advice to HRD students up front about selecting your own panel, recognising when things are starting to go awry and how to seek help, constructive training on conflict resolution for students, consider establishing an Ombudsman-type role, some other options than making an official complaint, and decent advice about how to navigate the IP issues. (Female student)

When I raised issues, I was told "you need to manage your supervisor." But the power relationship has all sorts of elements, including the fact that technically he owns my data. (Female student)

I felt like I was flung around with no real results. I was left with make a complaint and end your career or suffer through it. The last thing I want to do is let my PhD go". (Female student)

LGBTI students and staff

LGBTI students and staff were underrepresented in the consultation process. We had a single interview with an intersex student, who described very difficult experiences at JCU. That student told us:

I won't go into the toilets on campus because security hunt me. I feel like Uni is the only place I can be me, but there are groups of students and groups of staff who make that very difficult and very unsafe. (Female student)

A transgender student approached the Review to provide input, commenting:

Because of my concern about safety, I am studying as an external student rather than on campus. (Female student)

4.5   Lack of clarity regarding consensual staff-student relationships

A number of participants raised staff-student relationships as a key area of concern.

It was noted that there is a long history of staff-student relationships at JCU, predominantly involving academics and postgraduate/higher research degree students.

Participants in this Project noted that staff-student relationships can often become problematic owing to the power differentials which exist in the relationship which creates a possible context for coercion and abuse; and that these issues become particularly acute if the staff member works in the field in which the student is studying. Staff-student relationships are unethical if the staff member has any role in supervising or supporting the student's progression.

JCU currently has a policy that staff-student relationships should be disclosed (and documented in a register held by the local manager). There is an expectation that staff in a supervisory relationship with a student with whom they are also romantically involved will remove themselves from that supervisory role. In reality, however, the register is not well-managed, and staff and students are often reluctant to disclose the nature of their relationship. This may be for a range of reasons, including a desire to keep working together on an area of shared passion and shared expertise. In practice, this means that the nature of the relationship is not known by the relevant managers.

Most participants were of the view that issues frequently arise following turmoil within the relationship or the break-up of the relationship. It was generally agreed that students were often very vulnerable in that situation, as their former intimate partner remained in a position of significant formal power over them and has the capacity to influence the success of a higher research degree and thus ultimately their future career.

Some participants also noted that internationally, some universities have taken a zero-tolerance approach to romantic relationships between staff and students with for example Harvard University recently announcing that it would dismiss any staff member having a romantic/sexual relationship with a student. Others observed that the standards of ethics that were applied to research should be applied to relationships between staff and students in the University context.

What we heard from the consultations was:

> *Most people get that undergraduates are out of bounds. But the lines are more blurry with postgraduates. (Male staff member)*

> *It's so normalised here, male staff partnering with their female students. (Male staff member)*

> *Every case where there has been an issue that I can think of, it started with a consensual relationship (between student-staff member or two staff members) that's broken down. (Male staff member)*

> *We need to work out how to support a PhD student's candidature if something goes wrong – the IP belongs to their supervisor. (Male staff member)*

> *Lots of time the relationships (between a PhD supervisor and their student) is a genuine relationship. But I can think of at least one example of a predatory relationship. That wasn't a normal relationship. In fact, that man went on to have relationships with a number of his PhD students. (Male staff member)*

> *We had an academic here a while back who would ask PhD students back to his place. The girls were pretty savvy and found a way to decline. But you don't want them to be in that situation in the first place. (Male staff member)*

4.6 Low levels of knowledge and awareness

The consultations identified a wide variation in knowledge and awareness of sexual harassment and sexual assault, including variations in understanding what constitutes sexual harassment and assault (ie definitional issues) and variation in awareness of the prevalence and impact of sexual harassment and assault on students and staff at JCU.

For some female students, there is a perception that sexual harassment and sexual assault are prevalent at JCU. What we heard was:

> *So I started at JCU ten years ago, and when I started…it was very much: girls shouldn't walk around campus at night. There was a number floating around, saying that there was a rape a week on campus. That was pretty unsubstantiated but that was the stat that was quoted at students, by students, all the time. Definitely we had an incident in my third year where we had some students who were sexually assaulted (by students in the same school/faculty) but not on campus and the school's response was very much: it didn't happen here, washing our hands of it, no disciplinary action. (Female student)*

> *)*

A number of female students commented that sexual harassment and sexual assault education is largely directed at women rather than promoting broader behavioural change. They commented:

> *Yeah, and I'm curious to know, we are obviously educated as women, to say don't walk around at night, don't wear revealing clothes, but there's all these things to protect us, but I'm curious what guys are actually taught to say: this is not appropriate? (Female student)*

> *Now a lot of these things that we put into universities and situations are often protective measures. So we're protecting women. But I'm just…would it be more beneficial to do more of a preventative strategy and approach men and say: these are the things you shouldn't be doing and we're going to educate you on how not to do it? (Female student)*

> *Just keeping bringing (education and awareness raising about sexual harassment and sexual assault) on, don't let it be like a short minute list and then after that it dies down. (Female student)*

Male staff and students generally had a lower awareness of sexual harassment and sexual assault. Students told us:

> *I suppose it's prevalent in any organisation really so that [the Douglas Steele case] just happened to be a major case that it got publicity. But no, I haven't really seen it in my day to day. (Male student)*

> *I reckon assault's a lot clearer than harassment… From my understanding there's a lot of confusion as to what constitutes harassment, well maybe like different kinds of interpretations of what that might mean from the severe to the mundane. (Male student)*

Both male and female participants agreed that there is a need for a more systematic approach to raising awareness of sexual harassment and sexual assault, of the university's commitment to eliminating sexual assault and sexual harassment, of the university's policies, and of pathways for support for anyone affected by these issues.

We heard:

> *The men are always like, what? That's like we didn't realise that was sexual harassment. I had a guy that I went on a couple of dates with and he's not at uni but he kept sending me pictures of his penis and I was not asking for them, he just was randomly sending them to me and I kept asking him to stop and he wouldn't stop until I told him he was sexually harassing me and then all of a sudden I don't get any more pictures of his penis. Thank goodness, I never wanted them. (Female student)*

> *I'd absolutely say (the university does not have a zero tolerance to sexual harassment, sexual assault). Compared to other unis even the presence of information, panic buttons, intercoms whatever you know the messages are much stronger in some of those bigger universities. And I think you'd struggle to find any information around here that's visible and accessible for people about sexual assault. (Female student)*

> *I heard about a system in the postgraduate sector in the US where you could not progress, you couldn't remain enrolled if you hadn't committed, done this (sexual harassment and sexual assault) module and it was intensive and the assessment, and I do think it needs to be assessment based, was sufficiently difficult that you had to be engaged with the material. (Female student)*

> *I'm surprised there isn't more education by the Uni. (Male student)*

> *It's one of those things I think that, I'm actually taking a couple of first year classes and it's not brought up. (Female student)*

> *(We need) education. As you've heard, none of us seem to know the processes and yeah, I'm sure that education of those policies and how to access them, it would be a good thing I think. (Male student)*

> *We need to teach people about bystander behaviour and how to intervene as a bystander. (Male staff member)*

We need to catch those behaviours early – there have been a couple of incidents with mature-aged male students. We had one full-on case, a male student…began following a female student around. They were study friends. He became aggressive when she put up boundaries. She went to someone in Complaints. Complaints looked at the case. They reviewed the case but decided against following it up. The male student pulled back from pursuing the female student but has shifted his attention to female staff. We are not allowed to take action ourselves. (Female staff member)

4.7 Inadequate responses to disclosures and reports of sexual harassment and sexual assault

Sexual harassment and sexual assault are generally under-reported both in Australia and internationally. Australian data indicates that just over 20% of people who are sexually harassed in the workplace report it[18]; and that less than 20% of female victims of sexual assault report the incident to police[19]. This is for a range of reasons, including shame, fear of retribution, lack of knowledge of reporting pathways and lack of confidence that reporting will lead to a productive result.

Given that context, strong and effective policies which provide for clear pathways for investigation and resolution of complaints are a key element of creating a safe and respectful university environment. As policy is discussed substantively in Chapter 4, the focus of this section is on students' and staff's views on the current mechanisms for reporting and resolving complaints at JCU.

The majority of participants felt that JCU's existing mechanisms for reporting, investigating and resolving sexual harassment and sexual assault are deficient, and that clearer policies and pathways are needed.

We heard:

You get amazing opportunities here by virtue of being on a small campus. But when something goes wrong there are limited options. (Female student)

We need to set the standard, make sure that everyone is aware of it, make sure that there are consequences for perpetrators. And we need to have more women involved in the process. (Female staff member)

We need a clear policy statement, a clear articulation of roles, a clear pathway, expeditious investigations with natural justice, referral to HR in an effective manner, and the feedback loop closed. (Female staff member)

4.7.1 Sexual harassment and sexual assault is under reported at JCU

The overwhelming majority of participants believe that sexual harassment and sexual assault (of both students and staff) is under reported at JCU. For instance, staff members told us:

I'd say it's probably very under-reported…I'd say it probably happens here, I don't think Cairns is necessarily special or excluded…but there may not be avenues (to hear about it). (Female staff member)

So I'd say my opinion would be its highly under-reported. And when they do take it through – I would also say there's not clear guidelines if a student comes to you and says 'this has happened to me' – where do you send them? (Female staff member)

---

18   Australian Human Rights Commission *Sexual Harassment – Serious Business* (2008) https://www.humanrights.gov.au/publications/chapter-3-extent-sexual-harassment-australia-sexual-harassment-serious-business.

19   J Phillips and M Park (2006) *Measuring domestic violence and sexual assault against women: a review of the literature and statistics* http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/archive/ViolenceAgainstWomen.

They attributed the underreporting to a range of factors, including: lack of knowledge about the mechanisms and pathways; lack of confidence in those mechanisms to deliver a reasonable outcome; and concern about adverse consequences from involvement in reporting an issue.

This is supported by the findings of the *Respect. Now. Always* survey, in which 91% of JCU students who had experienced sexual harassment reported that they **did not** seek support or assistance from the university following that experience; and 90% **did not** make a formal report or complaint.

4.7.1.1 Limited knowledge of policies

There was limited knowledge of JCU's current policies on sexual harassment and sexual assault.

Students told us:

> *Well, I suppose that I would Google them. (Male student)*

> *I think it (the university's policies) is something that if you maybe sat down and searched the web page for it and looked for it but I don't think it's something that's necessarily very clear. Where I would automatically be like, oh yes, I need to go talk to this person. (Female student)*

> *I think some visibility and some further understanding of reporting and what it is and where do you go and what's you know, what mechanisms are there for you if you ever feel threatened. And some of that also becomes that OH and S kind of space… Okay when something happens deal with it, deal with it effectively, be honest about it. Take action but post what's the level of support you need to provide. And for me then the other thing they need to be looking at is the prevention measures. (Female student)*

4.7.1.2 Limited confidence in the policies

Students and staff expressed reservations about how complaints or allegations would be received.

We heard:

> *I didn't report it because I was worried that the response would be "she is too sensitive, it was just a joke, why does she take everything so seriously?". (Female student)*

> *I don't know if you guys feel like this but sometimes I feel if I were to make a complaint or to make a, report something I'd have to be really justified in my actions or else it's like oh there's that crazy girl or she's too sensitive or…There's that stigma of women complaining all the time…(there's this attitude) that we're just going to cry wolf at everything. Nothing's taken seriously. (Female student)*

> *I have heard that some staff say "oh, these girls, they are perfectionist and overly-anxious". It makes me wonder what kind of hearing they get. (Female staff member)*

> *And I think the thing that the university's been hung up on is the fear of legal proceedings. And so they're almost at a standstill because they don't want to [hear] anything that might put them at risk. (Female staff member)*

Staff and students also queried whether complaints or allegations would be acted on. We heard:

> *I remember working [with a student who had been sexually assaulted by another student in her faculty], as a student advocate, and it was really difficult to get faculty to take her concerns seriously… So definitely felt like there was a bit of a brick wall whenever it came to actually addressing things like that. (Female student)*

> *I heard about an incident where a student reported that she was being stalked by someone in her class. No action was taken. When it came to the exam he was sitting in front of her. She fainted. She failed the exam. (Female staff member)*

And that's one of the reasons why I never thought, even crossed my mind that I should go to someone. 'Cause I was like so do I take myself to security office and tell this man hey there's a dude who's making unwanted you know advances on me and I feel unsafe. How do you even begin that? How do you quantify that? And how will my information be treated you know, anonymously, privately… You know then that means I have to confront him again. How, so I wouldn't feel safe that there was any structures in place or that I will be safe, my information will be safe… So that's why I didn't do it and I was happy just to change my patterns and stay out of his way. (Female student)

We need to empower people to make decisions so that we get progress on complaints. Otherwise it just feels like they disappear into the ether. (Female staff member)

The referral process is broken…there is no feedback process when you report up the line…it is not a transparent process. (Female staff member)

My male colleague who made inappropriate comments toward female students left because he retired, not because of any JCU effort. (Female staff member)

Really what's the point of having a place that's safe for you to go if there's gonna be no follow-up from there? (Female student)

Which I think is another issue in reporting as well because then you see the person…like my friend who I mentioned earlier who had been sexually assaulted by a fellow student, he's still here and he works in the same realm as she does and we all have common group of friends and it's hard because he's very well-liked. (Female student)

4.7.1.3 Fear of reprisals

Staff and students expressed concern that there would be reprisals for reporting sexual harassment or sexual assault.

We heard:

My heart is beating so fast just talking to you about my friend's experience, that is how concerned I am about the consequences of speaking up. (Female student)

Yeah, if you get a reputation for speaking out, then that sticks. (Female student)

Reporting and advocating for your students comes at a cost. (Female staff member)

At least in part, staff and students attributed this to a fear of reputational damage associated with complaints of sexual assault and sexual harassment, and a culture of interpreting the university's role through the narrowest of legal frameworks:

Staff also told us:

So really we ought to be more proactive in picking up these things. So rather than waiting for the student to get to the point where they're so distressed that they want to speak to somebody face to face, we're looking at other things that they're putting in saying "I'm deferring an exam because I'm being harassed by a lecturer" then someone needs to say at that point "Oh hang on, we need to flag this". (Female staff member)

Progressions and remissions are often when issues are raised, when students come seeking consideration for the impact that sexual assault or sexual harassment have had on their ability to learn. (Female staff member)

4.7.2 First responders

The tone and action taken by a first responder can significantly shape the next steps a survivor will take, with a supportive response makes it more likely that the survivor will seek additional support and/or make a formal complaint or whether they will endeavour to 'cope' alone. As such, anyone who may be in a position of being a first responder should have a good awareness of appropriate responses and the key referrals to offer someone making a disclosure.

Most students told us that they would rely on existing personal relationships with trusted people within the university (such as lecturers or tutors). One student told us:

> *Because I have her as a lecturer…if I had an issue with a staff member I would feel very comfortable going to her first because from my experiences with her, she keeps things confidential, she's incredibly supportive…and she's very student-orientated and in touch with a lot of other resources in the university… I can't sing her praises highly enough. (Female student)*

However, many students and staff **did not** want to rely on personal relationships. Some commented that they would seek support from a Dean of Teaching and Learning, or from the Equity Contact Officer. Those students and staff indicated that it would be very helpful to have identified contact people in each academic College and each functional area of the University. We heard:

> *Just as a general student, who would I actually go to? I could go to a lecturer but I don't have a personal relationship with them…if I ever encountered a situation like that I wouldn't feel comfortable going to a lecturer or tutor, and even then who would I go to? Because this is not advertised to us. (Female student)*

> *Maybe we just need to go down to the basic level of someone's my, this is your safe person and this is their email, their contact, the information will be treated with privacy and you know that whole thing. (Female student)*

> *Like in my previous university back home we had like a women's cell, basically any sort of complaints around harassment, abuse, anything, if you are feeling unsafe you could just go to this one place where there's officials who actually take the complaint to higher authorities and also security…and they acted as your advocates as well. (Female student)*

> *We need a very simple flowchart that spells out a clear procedure about what to do and what will happen. (Female staff member)*

The important role of first responders was emphasised by individuals who indicated that the response they had received when they disclosed their experience of sexual assault had been sub-optimal and that this had discouraged them from taking further action or pursuing a formal complaint.

We heard:

> *I told the Dean in my College that I had been sexually assaulted by someone in my year, in my course and her first response was "are you sure? Maybe you should talk to him to make certain it was rape". (Female student)*

> *I was sexually assaulted on a field trip. When I told the safety officer, they said "I don't know how to deal with this". When I told the head of safety they said "if you say that this has had a significant impact the risk assessment people will shut down field trips. But we will get you counselling"… I'm still waiting. (Female student)*

> *You know, (I didn't report the stalking) I was so – I was completely burnt by (my previous experience of reporting an issue to the university), and I had no faith in the university supporting me. (Female staff member)*

> *I contacted HR to raise an issue about a colleague making inappropriate comments to me. When I spoke to HR the response was "oh yeah, I know him, he's a top bloke". It didn't make me feel very confident about proceeding. (Female staff member)*

4.7.3 Access to specialist services

At present, survivors of sexual harassment or sexual assault have access to JCU support services, including: the Student Wellbeing Centre; the Employment Assistance Program (EAPS); the Psychology Clinic; the Student Complaints Office; and the Graduate Research Centre.

Some individuals commented very positively on their experience of accessing support through those services, with a number of participants mentioning the same counsellor by name.

This praise sat alongside other comments regarding the limited capacity and capability of support services. We heard:

> I've had two experiences with 2 very different counsellors. The first one…was very inappropriate… And since then I started going to a woman named (----) and she's phenomenal. (Female student)

> I'm aware of women in my community (of postgraduate students) that have been raped and I realised the incredible challenges that they have been through and the inadequacy of what is available to them. (Female postgraduate student)

> Student Wellbeing here is so reliant on soft money – I don't even know if there are any permanent counsellors on staff. What that means is that there's a lot of staff turnover and no one ever gets skilled up to deal with issues like sexual harassment and sexual assault. (Female staff member)

> Students really need JCU to be providing these services – there are some great services in the community, like The Women's Centre and HeadSpace, but those services have real capacity issues. They have very limited funding and they find it really hard to keep a full staff team. So we can't rely on those services to have the capacity to meet the needs of our students. Besides, we owe them a duty of care. (Female staff member)

> Oh, I wouldn't even try to get an appointment with Student Wellbeing – they have a long waiting list, especially around this time of year (exam period). (Female student)

> JCU prides itself on being committed to Indigenous students and staff but there are no Indigenous counsellors. (Male staff member)

Participants also indicated that there is a need to raise the profile of JCU and community-based services which are available for students and staff.

4.8 The need to strengthen processes for investigation and resolution of complaints

Staff and students identified the need to streamline and simplify the processes by which disclosures and complaints are investigated and resolved.

> The process [of investigating an issue] is clunky and difficult. When I had to conduct an investigation, the process didn't have clear endpoints. It was all shadowy and belaboured. (Male staff member)

4.8.1 Procedures

Procedures for investigating and resolving allegations of sexual harassment and sexual assault should be:

- survivor-centred and trauma informed (that is, focused on maximising the safety, wellbeing and support provided to the survivor);
- safety-oriented (that is, focused on identifying and removing any further risks of sexual harassment or sexual assault of members of the JCU community); and
- consistent with natural justice.

There is a perception among some staff and students that, on some occasions in the past, JCU has placed a disproportionate emphasis on managing reputational risk (to the university, to Colleges, or to individual academics) rather than supporting survivors.

We heard:

> We fear complaints because we see them as a negative, so we don't encourage complaints to come forward. And then when they do occur, we move straight into reputational risk management and legal risk management, not addressing the needs of the person making the complaint, or process improvement. (Female staff member)

4.8.1.1 Survivor centred, trauma-informed and safety oriented

Students and staff told us that they want JCU's procedures to be survivor centred, trauma-informed and safety-oriented.

Confidentiality

Procedures must give priority to protecting the confidentiality of the survivor and the accused. We heard that historically this has been an issue at JCU:

> Where was the protection for the victim? Where was the protection for her privacy? (Female student)

Streamlined reporting

Every effort should be made to minimise the number of people to whom the survivor has to tell their story. A number of participants noted that JCU processes currently require survivors to share and describe their experience of sexual harassment or sexual assault to multiple people which places an unreasonable burden on survivors and adds to their trauma.

We heard:

> Having so many people to report to was re-traumatising. (Female student)

Single point of contact

Each survivor should have a single JCU employee responsible for liaising between the survivor and the University.

We heard:

> We just need one email address, one phone line, one person who will support us through the whole process. (Female survivor)

Regular communication

The procedures should hard-wire in regular communication with the survivor, so that the survivor is aware of the action being taken to investigate the issue and the likely timeframes for completion of the investigation.

We heard:

> We need good feedback loops – it is very stressful not to be told anything. (Female staff member)

> Even when we did take action on the issue, there was not communication back to the complainant. (Female staff member)

> The feedback loop on complaints is never closed. (Female staff member)

> I made a complaint of academic misconduct against a staff member. I've never heard anything back. (Female student)

Trauma-informed processes

The procedures should remove any suggestion that an allegation of sexual harassment or sexual assault should be resolved in the first instance between the survivor and the accused. Every allegation of sexual harassment or sexual assault should be investigated and finalised. Grievance resolution processes such as informal or formal mediation should not be used.

We heard:

> At present, the process starts with informal mediation between the alleged survivor and the alleged victim. That is going to make it pretty tough for someone to come forward and make a complaint of sexual harassment or sexual assault. (Female staff member)

> I am old-school. I start with mediation. (Male staff member)

Adjustments for survivors

The revised procedures should include adjustments for survivors (such as extensions on deadlines for submission of assignments) in recognition of the impact of sexual harassment or sexual assault on their capacity to fulfil their role as a student or staff member.

We heard:

> Students who have experienced sexual harassment or sexual assault have had trauma. We need to put adjustments in place for them, provide flexibility. (Female staff member)

4.8.1.2 Natural justice

Several participants also raised the issue of natural justice, indicating that their experience had been that JCU's existing processes for investigating allegations did not provide natural justice for the accused party.

As such, the revised procedures should ensure that:

- the accused individual/s should receive a fair hearing;
- the accused should be informed of the case against them in a timely manner;
- the accused should have the opportunity to gather evidence to support their case;
- there should be no bias in the investigation; and
- action should only be taken based on evidence that is logically probative.[20]

We heard:

> The process was (unreasonable). There was no support structure for him (the accused). There were long delays. There was an uneven capacity to gather evidence and respond. It was not transparent. The university is a law unto itself. (Male staff member)

A number of staff raised the need to also be mindful of the wellbeing of the staff member or student accused of sexual harassment or sexual assault:

We heard:

> The allegation has destroyed (my colleague) personally and professionally. There was no support structure for him to gather evidence to defend himself… He is heavily medicated…and he won't recover. (Male staff member)

---

20   A material fact must generally be based on logically probative material and not merely on a suspicion or speculation.

4.8.1.3 Interim measures

The majority of staff and students who participated in interviews and focus groups felt very strongly that interim measures should be put in place while an allegation of sexual harassment or sexual assault was being investigated. This was seen as important for both protecting the alleged survivor and for protecting other students or staff.

A student from the Australian Aboriginal and Torres Strait Islander Centre commented that she felt 'institutional betrayal' when Douglas Steele was allowed to continue to supervise students after being charged.

A staff member commented:

> *We need to stand someone down if an allegation is made. We can't have someone in a student-facing role while an investigation is underway. (Male staff member)*

However, some staff expressed concern about the University taking action based on allegations, recommending that the University not take action until there was a criminal finding against a staff member or student.

We heard:

> *We shouldn't dive in until the police tell us. We don't have the resources to do investigations. We need to consider everyone innocent until proven guilty. (Female staff member)*

Given this view among some staff members, it would be useful to include the rationale for interim measures in communication and training materials designed to support the revised policies and procedures.

4.8.1.4 Consequences for perpetrators

Many participants felt that the revised procedures should set substantial but proportional consequences for perpetrators. It was widely agreed that this would be a strong signal that the university is genuinely committed to eliminating sexual harassment and sexual assault at all JCU campuses.

We heard:

> *At the moment, renowned academics – rockstars – are untouchable. (Male staff member)*

> *The Uni doesn't want to lose distinguished academics, they don't want reputational damage [for JCU] and are worried about ruining someone's career. So they turn a blind eye. (Male staff member)*

> *There's just no point reporting things. I have complained about how my colleagues treat female students and there has never been any action taken. (Female staff member)*

4.8.2 Staff capability to provide an effective response

There was a general perception that staff may lack the practical knowledge and skills required to respond to disclosures and implement a revised protocol on investigating allegations.

We heard:

> *It was an unproven allegation, I can't do anything. I need role clarity – what does the University expect of me (in those circumstances)? When do I escalate it outside the College? (Female staff member)*

> *And he [the senior staff member] was, he seemed really like he wanted to do something but very unsure about how to do it, and so very hesitant to take anything seriously. (Female College resident)*

> *Bad behaviour gets left because people don't know what to do. (Female staff member)*

> *We need all line managers to know and understand the process, so that they can act on it. (Male staff member)*

> *We need training for academics in how to recognise sexual harassment and sexual assault, support students and refer them on. (Female staff member)*

> *A lot happens at the coalface. We need people skilled up to deal with it. At the moment the response is compartmentalised, we need it not to be piecemeal. (Female staff member)*

> *We need to integrate awareness into training at every step of the way – I know they are working on the induction process, it should be raised as part of the induction process. (Female staff member)*

Revising the University's policies and procedures should thus be accompanied by training for all senior staff in all Colleges and Divisions about their roles and responsibilities in responding to a complaint of sexual harassment or sexual assault. In addition, specialist training should be provided to those staff more directly involved in investigating complaints or supporting survivors.

4.8.3 Support for the affected College or Division

A number of staff members noted that an allegation of sexual harassment or sexual assault can have a 'ripple effect' – that is, it can have a negative impact on students and staff beyond those directly involved. This ripple effect may include: emotional distress among students or staff familiar with the case; increased workload for staff if a colleague is taken off-line during an investigation; and disruption in studies for higher research degree students if their supervisor is taken off-line during an investigation. Thus, there is a need for the University to provide support for colleges or divisions when an incident occurs.

We heard:

> *We need to find a way of supporting people who are left with the fall out, supporting staff and students in the affected school. (Female staff member)*

> *I have coped with [the fall-out from having a colleague accused of sexual assault] but I won't lie, it has almost broken me. (Female staff member)*

> *The impact on all us has been huge. It was affected the quality and progress of our higher research degree students…it has affected undergraduate teaching and learning…we have all had to fill in and there's been no support for those of us left behind. (Male staff member)*

4.9   Systematised data collection to track patterns

Data is vital to enable the University to track patterns in risks and to monitor the effectiveness and appropriateness of their response to sexual harassment and sexual assault over time. However, at JCU, there is no central data collection system that tracks the nature of incidents.

In discussing data systems, we heard:

> *We need to be careful with RiskWare. There are issues with confidentiality. The information goes here, there and everywhere. (Female professional staff member)*

In developing a centralised data collection system, it is important to provide for:

- Protection for the confidentiality of the alleged survivor and the alleged perpetrator;

- Capacity to collect data on both formal complaints and on disclosures; and

- Capacity to collect data on the average amount of time students or staff are required to wait to see a counsellor.

4.10 Bullying

Whilst the scope of this Project was limited to sexual harassment and sexual assault, participants also brought forth a range of experiences and observations about the broader culture of the university. A number of staff in particular commented on issues related to bullying and intimidation, and how this broader culture both allows sexual harassment to occur and blocks people who are have experienced harassment and assault from raising it.

Chapter Five: Comparative Analysis of Policies and Procedures

Strong and effective policies to prevent and respond to sexual harassment and sexual assault are critical in fostering an underlying culture that creates safe and respectful university environments. Policies that are clear and unambiguous around the behaviours that are acceptable and unacceptable in the university environment can support efforts to eliminate sexual harassment and sexual assault.

Benchmarking, the process of comparing systems, policies, practices and outcomes, is an established tool for improving performance in the private and public sector. The process enables organisations to identify strengths and weaknesses, learn from each other and improve their approaches. Benchmarking has been used at the global level, by the OECD for example, to look at the quality of secondary education and the performance of higher educational institutions.

The intention of benchmarking in this report is not to rank universities, but to draw attention to the areas where JCU can strengthen its policies and where it can learn from others. The comparative assessment focusses on formal policy provisions and supporting mechanisms and does not seek to assess the implementation of policies or organisational culture (addressed in detail in section 3.9 of this report). The best-designed policies will not properly address sexual harassment and sexual assault if they are not implemented and enforced. The exercise also does not seek to assess the level of input and consultation with key stakeholders, particularly women, in the development of policies which should be a key consideration in any policy review or development process.

The comparator universities have been selected on the basis of their location, state and profile in terms of size and share of international students.[21]

Benchmarking JCU sexual harassment policies and responses

The following table assesses JCU sexual harassment policies in comparison to other university policies according to 10 policy dimensions that build upon the essential elements outlined in the Australian Human Rights Commission publication, "Effectively preventing and responding to sexual harassment: A Code of Practice for Employers".[22] The Code of Practice sets out best practice standards for designing and implementing sexual harassment policies to meet legal obligations under Australia's Sex Discrimination Act (2011).

---

21 University of Queensland is based in the same state at JCU as has a comparable share of international students; University of New England has a similar profile as a regional university; Monash University is Australia's largest urban university, but has a similar proportion of international students; University of South Australia was ranked in the world's top 50 young universities in 2015.

22 Australian Human Rights Commission (2008) Effectively preventing and responding to sexual harassment: A Code of Practice for Employers, available at http://www.humanrights.gov.au/sites/default/files/content/sexualharassment/employers_code/COP2008.pdf.

The policy dimensions for comparison are:

1. Is there a stand-alone sexual harassment policy that is easily accessible to students and staff?

2. Is there a strong statement communicating zero tolerance of sexual harassment and a statement commitment to eliminate sexual harassment in the university environment?

3. Does the policy outline the university objectives to prevent and respond to sexual harassment?

4. Does the university define sexual harassment clearly and in line with the Sex Discrimination Act and state that sexual harassment is against the law?

5. Does the policy provide relevant examples of what sexual harassment is, the circumstances where it may occur in the university context, and what it is not?

6. Does the policy outline consequences if the policy is breached?

7. Does the policy make clear the responsibilities of management, staff and students in relation to preventing and responding to sexual harassment?

8. Is there clear information on where individuals who experience sexual harassment can get help, support, advice and make a complaint?

9. Does the policy explain the options for dealing with sexual harassment? Does it set expectations regarding the timeliness of responses to complaints?

10. Does the policy mandate compulsory training on sexual harassment for all staff?

Key to analysis

Yes	The university policy meets this benchmark • The policy dimension is clear
Partly	The university policy partly meets this benchmark • The policy dimension exists but not easily found • The policy dimension exists but needs to be strengthened • The policy dimension exists
No	The university policy does not meet this benchmark • The policy dimension does not exist • The policy dimension exists but is inappropriately formulated

Table 1: Benchmarking university sexual harassment policies

		JCU (New draft policy)	JCU (Current agreed policy)	University of Queensland
01	Is there a stand-alone sexual harassment policy that is easily accessible to students and staff?	No, the policy is part of a broader discrimination, bullying and harassment policy	No, the policy is part of a broader discrimination and harassment policy	Yes, there is a stand-alone policy and guidelines.
02	Is there a strong statement communicating zero tolerance of sexual harassment and a statement commitment to eliminate sexual harassment in the university environment?	Partly, the policy states that discrimination, bullying and harassment will not be tolerated, but does not mention sexual harassment specifically.	Partly, the policy states the university is committed providing an environment for effective work and study, free from unlawful and unacceptable discrimination and harassment. Does not specify sexual harassment and zero tolerance.	Yes, there is a statement of commitment that specifies sexual harassment and a statement communicating zero tolerance.
03	Does the policy outline the university objectives to prevent and respond to sexual harassment?	Partly, the policy clearly sets out its intent around providing a safe and healthy workplace and learning environment. It does not specifically refer to preventing and responding to sexual harassment	Partly, objective is stated around legal compliance and dealing with breaches. It does not specifically refer to preventing and responding to sexual harassment.	Yes, the policy is clear on its objectives to prevent and respond to sexual harassment.
04	Does the university define sexual harassment clearly and in line with the Sex Discrimination Act and state that sexual harassment is against the law?	Partly, sexual harassment is defined in line with the SDA but the policy does not explicitly state that sexual harassment is against the law.	Partly, sexual harassment is defined in line with the SDA but does not state that sexual harassment is against the law.	Yes, sexual harassment is defined in line with the SDA, and the policy specifies it is unlawful.
05	Does the policy provide relevant examples of what sexual harassment is, the circumstances where it may occur in the university context, and what it is not?	Partly, the policy provides some examples of what sexual harassment is, but more university specific examples could be provided along with an example of what it is not.	No, the policy does not provide relevant examples of what sexual harassment is (and is not) in the university context and the circumstances where it can occur.	Yes, the policy and guidelines provide specific examples and circumstances where it can occur in the university context, and also explains what it is not (consensual relationship).

Monash University	University of South Australia	University of New England
No, the policy is part of a broader discrimination and harassment policy	Yes, there is a stand-alone policy on sexual harassment	Yes, there is a stand-alone policy on sex-based harassment
Partly, the policy states the university is committed providing an environment for effective work and study, free from unlawful and unacceptable discrimination and harassment. Does not specify sexual harassment and zero tolerance.	Partly, the policy states the university is committed providing an environment for effective work and study, free from sexual harassment. There is no zero-tolerance commitment.	Yes, there is a statement of commitment that about the responsibility of the university in providing an environment free from sexual harassment and a statement communicating that all forms of harassment are unacceptable.
No, there are no stated objectives for the policies.	Yes, the policy states that the university will take all reasonable steps to eliminate sexual harassment.	Yes, the policy is clear on its objectives to prevent and respond to sexual harassment.
Partly, sexual harassment is defined in line with the SDA but does not state that sexual harassment is against the law.	Partly, sexual harassment is defined in line with the SDA but does not state that sexual harassment is against the law.	Yes, sexual harassment is defined in line with the SDA, and the policy specifies it is unlawful.
No, the policy does not provide relevant examples of what sexual harassment is (and is not) in the university context and the circumstances where it can occur.	Partly, the policy provides some examples of what sexual harassment is and is not, but does not fully elaborate the circumstances where it may occur in the university context.	Yes, the policy and guidelines provide specific examples and circumstances where it can occur in the university context, and also explains what it is not (consensual relationship).

		JCU (New draft policy)	JCU (Current agreed policy)	University of Queensland
06	Does the policy outline consequences if the policy is breached?	Yes, the policy is clear that any breach will be dealt with under disciplinary procedures	Yes, the policy outlines appropriate actions if complaints are substantiated, including disciplinary procedures.	Yes, the policy is clear that disciplinary action will be taken if staff or student engage in sexual harassment
07	Does the policy make clear the responsibilities of management, staff and students in relation to preventing and responding to sexual harassment?	Yes, the policy includes a section on accountabilities and responsibilities.	No, there is no section on the responsibilities of management, staff and students.	Yes, the policy is clear on the responsibilities of all staff and students in ensuring an environment free from sexual harassment and the responsibility of managers to take all reasonable steps to prevent sexual harassment, outlining specific required actions.
08	Is there clear information on where individuals who experience sexual harassment can get help, support, advice and make a complaint?	No, the information is not clear on where staff and students should go if they experience sexual harassment.	No, the information is not clear on where staff and students should go (there is a section on discrimination and harassment contact officers, but not guide on how to contact them).	Partly, the policy clearly directs students and staff to discrimination and harassment officers, but does not reference any support services.
09	Does the policy explain the options for dealing with sexual harassment? Does it set expectations with regards to the timeliness of responses to complaints?	Partly, there is a section on making a complaint, but the options are not elaborated clearly. The policy states that complaints will be dealt with in a timely manner, but does not provide specifics. Some of the specific issues around sexual harassment are not dealt with, for example, that it may be inappropriate to suggest mediation in contexts of sexual harassment.	Partly, the options relate to discrimination and harassment broadly. Some of the specific issues around sexual harassment are not dealt with, for example, that it may be inappropriate to suggest mediation in contexts of sexual harassment. There is no specific information on the timeliness of responses.	Partly, the policy refers to the grievance resolution policies. The guidelines provide illustrative examples of how different forms of sexual harassment have been dealt with. The policy states that complaints should be dealt with in a timely manner, but does not provide specifics.
10	Does the policy mandate compulsory training on sexual harassment for all staff?	No	No	Yes, the policy makes it the responsibility of managers to ensure that all staff are trained on preventing sexual harassment.

Monash University	University of South Australia	University of New England
Yes, the policy outlines appropriate actions if complaints are substantiated, including disciplinary procedures.	Yes, the policy outlines appropriate actions if complaints are substantiated, including disciplinary procedures.	Yes, the policy is clear that disciplinary action will be taken if staff engage in sexual harassment
Yes, the policy is clear on the responsibilities of all staff and students in ensuring an environment free from sexual harassment and the responsibility of managers to take all reasonable steps to prevent sexual harassment, outlining specific required actions.	Yes, the policy is clear on the responsibilities of all staff and students in ensuring an environment free from sexual harassment and the responsibility of managers to take all reasonable steps to prevent sexual harassment, outlining specific required actions.	Partly, the policy states that all managers and supervisors have responsibility to implement this policy, but the actions required of managers, staff and students are not specified.
Partly, the policy clearly directs students and staff to specific advisers, but does not reference any support services. There is no link to where the contact details of advisers can be found.	Partly, the policy clearly directs students and staff to equity contacts and relevant university bodies (with links), but does not reference any support services.	Partly, the policy clearly directs students and staff to specific advisers, but does not reference any support services. There is no link to where the contact details of advisers can be found.
Partly, the policy clearly outlines the various stages of making a complaint and includes a flow chart. There is an assessment about whether conciliation is appropriate. The policy states that complaints should be dealt with in a timely manner, but does not provide specifics.	Partly, the policy clearly outlines the various stages of seeking advice and making a complaint. The policy notes that an assessment is needed on the action that is appropriate given the circumstances of the case. The policy does not state that complaints will be dealt with in a timely manner.	Partly, the policy clearly outlines the various stages of seeking advice and making a complaint. The policy notes that sorting out the problem informally may not always be appropriate in situations of sexual harassment. The policy does not state that complaints will be dealt with in a timely manner.
Partly, the policy makes it the responsibility of managers to ensure that all staff are trained, but does not specify sexual harassment.	No	No

Benchmarking JCU sexual assault policies and responses

The following table assesses JCU sexual assault policies in comparison to other university policies. Despite being a long-standing concern of female students and staff, the development of policy responses to sexual assault in the university context in Australia is at very early stages and there are no examples of universities that have introduced specific, clear and robust policies to specifically address sexual assault.

Against this background, the ten policy dimensions for the following analysis build upon international standards including a comprehensive investigation into university responses to violence against women[23] in the UK and the report of a White House Task Force on addressing sexual assault and sexual misconduct at colleges and universities.[24] Model responses to sexual assault in university contexts have also been proposed by the Australian advocacy organisation, End Rape on Campus.[25]

The policy dimensions for comparison are:

1. Is there a stand-alone policy on sexual assault that is easily accessible to students and staff?

2. Is there a strong statement communicating zero tolerance of sexual assault within the university context and in the broader community?

3. Does the policy state the responsibility of the university in providing a safe and respectful environment for all staff and students?

4. Does the policy define key terms, including sexual assault and consent?

5. Does the policy identify a senior official in the university who is responsible for overseeing its implementation and receiving reports?

6. Does the policy provide clear guidance and options (internal and external) for survivors/victims to seek support, counselling, health services?

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)?

8. Is there an option to make an anonymous report of sexual assault?

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 survivor/victim safe, and a clear explanation of investigation and disciplinary action processes?

10. Does the policy provide information for students and staff on how to appropriately respond to and support someone who has experience sexual assault?

23   Universities UK (2016) Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students, available at http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf.

24   White House Task Force to Protect Students From Sexual Assault (U.S.) 2014. *Checklist for Campus Sexual Misconduct Policies*, available at https://www.justice.gov/ovw/page/file/910271/download.

25   End Rape on Campus (2017) https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/58b3d08ddb29d6e7a2b8271d/1488179368580/Connecting+the+dots.pdf.
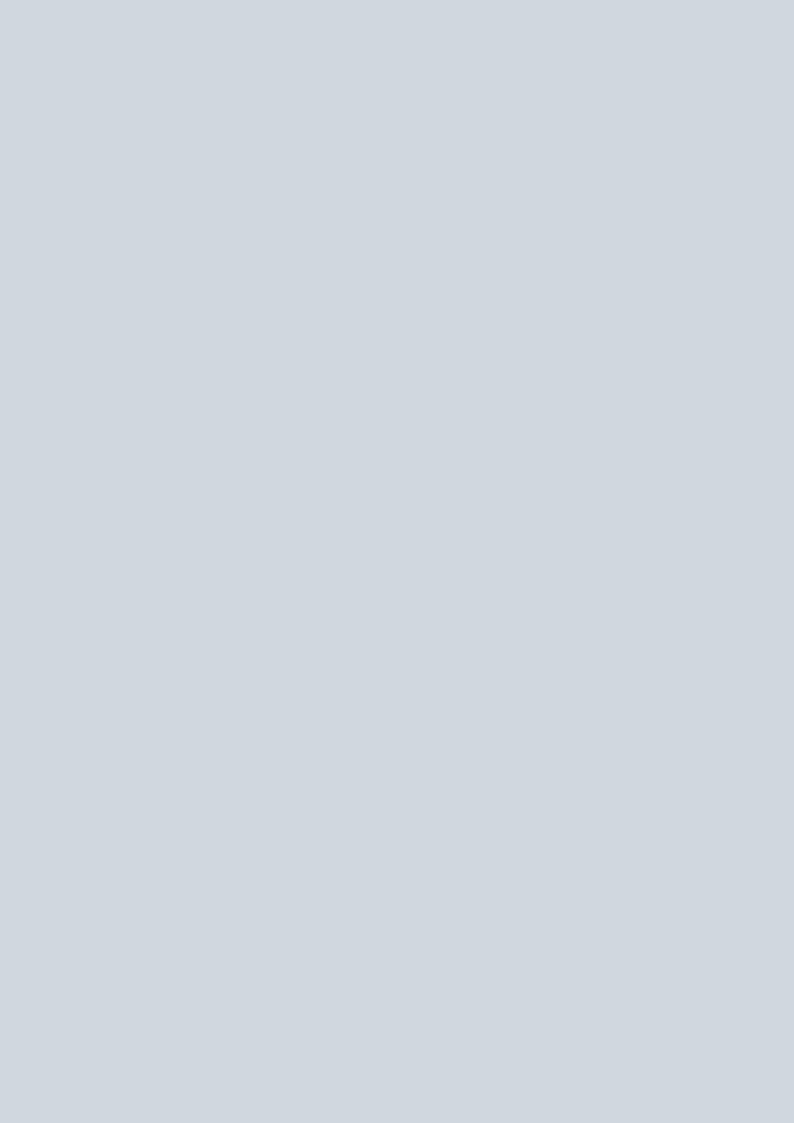
Table 2: Benchmarking university sexual assault policies

Policy dimension	JCU (also reflects current draft policy)	University of Queensland	Monash University
01 Is there a stand-alone policy on sexual assault that is easily accessible to students and staff?	No, there is no specific policy, but a webpage (*Respect. Now. Always*) and a draft policy on discrimination, harassment and bullying	No, there is no specific policy, but a webpage (*Respect. Now. Always*).	No, there is no specific policy but a page on sexual offences as part of the Safer Communities Unit
02 Is there a strong statement communicating zero tolerance of sexual assault within the university context and in the broader community?	No, this is not communicated on the university webpage with information on sexual assault or the draft policy	Yes, the webpage is clear that rape and sexual harassment are not tolerated and the university is committed to ending sexual assault in the university and the broader community.	No, this is not communicated.
03 Does the policy state the responsibility of the university in providing a safe and respectful environment for all staff and students?	Partly, the webpage states JCU's commitment, rather than responsibility, and the draft policy states that all people have a right to an environment free from discrimination, bullying and harassment	Partly, the university emphasises the right of all to feel safe.	No, this is not communicated.
04 Does the policy define key terms, including sexual assault and consent?	Partly, this information is not available on the university web page, but sexual assault and consent are defined in the draft policy	Partly, the university defines sexual respect and consent.	Yes, these are clearly presented and the university has developed a specific educational initiative around consent.
05 Does the policy identify a senior official in the university who is responsible for overseeing its implementation and reports?	No, this information is not clearly available	No, this information is not clearly available.	No, this information is not clearly available.

University of New England	University of South Australia
No, there is no specific policy, but a webpage (*Respect. Now. Always*).	No, there is no specific policy, but a webpage (*Respect. Now. Always*).
Partly, there is a visible statement that sexual assault will not be tolerated at UNE, but not in the broader community.	Partly, the webpage said that sexual assault is never ok, but is not clear that sexual assault will not be tolerated.
Partly, the webpage states that UNE wants safety and respect to be central to the university culture.	Partly, the webpage states that the university strives to ensure the campus is free from sexual assault.
No, there are no key concepts or definitions provided.	Partly, the webpage defines sexual assault and sexual harassment, but not consent.
No, this information is not clearly available.	No, this information is not clearly available.

Policy dimension	JCU (also reflects current draft policy)	University of Queensland	Monash University
06 Does the policy provide clear guidance and options (internal and external) for survivors/ victims to seek support, counselling, health services?	Partly, a downloadable information sheet provides this information	Yes, information on internal and external support and services is available.	Yes, the webpage refers all survivors to the Safer Communities Unit as a one-stop service to access internal and external support and services.
07 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)?	Partly, this information is available in an information sheet, but does not make clear what the university will do in response to a report and any further follow up.	Partly, the university uses an online portal and details of students\ services to support students who want to report to police. No contact details are provided for specific individuals who can take a report.	Partly, the webpage suggests this could be part of the role of the Safer Communities Unit, but it is not clear.
08 Is there an option to make an anonymous report of sexual assault?	Partly, this is provided as an option, but requires contacting the university directly by phone or email rather than through an anonymous online portal	Yes, through an online portal.	No, this option is not clearly available.
09 Does the policy outline a clear process and pathway for responding to formal reports and complaints, including interim action to support and keep the survivor/victim safe, and a clear explanation of investigation and disciplinary action processes?	No, this information is not provided in relation to sexual assault	No, this information is not provided.	No, this information is not provided.
10 Does the policy provide information for students and staff on how to appropriately respond to and support someone who has experience sexual assault?	Partly, there is a downloadable information sheet available on the website	Partly, the webpage refers those who are supporting survivors to 1800 Respect.	Partly, this information is not clearly available, however the Safer Communities Unit highlights a number of student education initiatives.

University of New England	University of South Australia
Partly, there is limited information on reporting concerns and making a complaint, but no clear referrals to support services for those who experience sexual assault.	Partly, the university provides three options - reporting to the police, an external support service and university counselling, and some links to external services.
Partly, there is a link to a general complaints page, but no specific information on making a disclosure or report of sexual assault.	No, there is no information about making a report or disclosure of sexual assault.
Yes, this is an option through the general complaints protocol.	No, this option is not available
No, there is an overview of the general complaints process, but no information specifically on how complaints/reports of sexual assault will be responded to.	No, this information is not provided.
No, this information is not clearly available.	No, this information is not clearly available.

Opportunities for strengthening policy responses to sexual harassment and sexual assault

The comparative analysis of sexual harassment and sexual assault policies shows that each university that has been reviewed has a range of areas where they can improve their policy response. Across all the universities, sexual harassment policies are better developed than sexual assault policies which remain broadly non-existent in Australian universities. It is instructive to look at international examples of universities that have developed specific policies to address sexual assault (see Box: Manchester University and University of London (SOAS) policies on sexual assault).

Manchester University and University of London (SOAS) policies on sexual assault

Manchester University in the UK has developed a specific policy addressing sexual misconduct. Features of the policy include:

- Definitions of the range of behaviours and actions that fall under the category of sexual misconduct in the university context
- A name and contact details for the person who is responsible for the policy
- Two clear reporting options, including an online option for anonymous reporting and formal reporting option
- A commitment that all reporting incidents will be investigated and a clear pathway for the reporting and investigation process
- A commitment to keep students safe and provide support in the interim while reports are being investigated
- Referrals to a range of support agencies
- A question and answer section with relevant scenarios

The School of Oriental Studies (University of London) in the UK has developed a specific policy on preventing and responding to gender-based violence. Features of the policy include:

- Definitions of what constitutes gender-based violence
- Commitments on actions to prevent violence, including awareness raising, training, working with student bodies and monitoring
- A commitment to fast track support for students who have experienced sexual assault and deal with reports in a way that does undermine the credibility of the victim
- Clear options for seeking advice and support for those who have experienced sexual violence, including on and off campus
- A guide on supporting victims of gender-based violence, with specific guidance on supporting international students
- An empowering message that it is up to the victim to decide what action they take

---

For JCU, the comparative analysis reveals several areas where policies can be strengthened. First, policies should be unequivocal and clear in establishing that both sexual harassment and sexual assault are not acceptable under any circumstances. Second, JCU should be clear in its commitment and responsibility to provide a safe and respectful educational environment for all students free from discrimination, sexual harassment and sexual violence. Defining key terms and concepts with relevant examples can help staff and students strengthen their understanding of what sexual harassment, sexual assault and consent is and is not.

In accordance with the terms of reference of this Review, the policy dimensions address sexual harassment and sexual assault. However, policy responses should also be responsive to the broad spectrum of sexual violence and abuse that students and staff may experience, such as stalking, sexual threats online, sexting and revenge porn. Some universities also have a specific policy addressing staff and student relationships, outlining key concepts of power and coercion and settings out key steps and processes for disclosing such relationships and consequences if the policy is breached. As the Review team heard, there is confusion around JCU's policy on staff and student relationships which should be clarified in a stand-alone policy (see Box: Key elements of policies to respond to staff and student relationships).

Key elements of policies to respond to staff and student relationships

Some universities have specific policies addressing staff and student relationships. The benefit of having a specific policy is that is increases visibility of the issues and accountabilities, rather than being subsumed under a broader discrimination and harassment policy. Based on a review of policies from the University of Queensland, Monash University, University of South Australia and Manchester University (UK), the key elements of a policy addressing staff and student relationships including the following:

- An explanation of the relevant principles and obligations regarding staff relationships with students, including the acknowledgement of the position of power, and the overall objective of creating a quality learning, research and teaching environment;
- An explanation of the potential ethical issues raised including the potential abuse of power, trust, and access to resources which can create risks for both staff and students;
- Clearly articulated expectations of staff with respect to professional and appropriate behaviour with students, including close personal and sexual relationships;
- A clear procedure for disclosing relationships and declaring a conflict of interest where there is a staff and student relationship, for example, in selection for entry into a program, assessment, selection of awards, scholarships or prizes, academic supervisions or determining access to resources;
- Procedures for making alternative arrangements in the event of a conflict of interest arising from a staff and student relationship;
- An explanation of the consequences for breaching the policies;
- A reference to policies addressing sexual harassment and the staff and student code of conduct.

Policies should be clear on the consequences of actions that are unacceptable and they should be complemented with clear disciplinary processes to demonstrate that the university takes sexual harassment and sexual assault very seriously. Having clearly articulated responsibilities for managers, staff and students in the policies with specific requirements is critical for signalling that everyone has a role to play in creating a safe and respectful university environment.

Given the broad range of barriers that students and staff face in reporting sexual harassment and sexual assault, it is vital that policies clearly signpost options for reporting and making confidential disclosures, seeking information and support within the university and through external services. Providing different options to make reports, including anonymously, can help survivors navigate the process depending on their personal circumstances. It is important that universities place priority on the safety and well-being of survivors, and as such it is not appropriate to suggest that complaints of sexual harassment and sexual assault should be resolved by informally approaching the perpetrator.

Survivors of sexual violence often feel powerless after their experiences. Providing easy to access information in a central place with specific contact details of a person who can guide students and staff through the reporting and complaints process can help empower survivors. Survivors also need confidence in the reporting process and to know when and how action will be taken. Therefore, providing clear information on how reports are received, timeframes for responses, and processes for investigations is important. Policies also need to make clear how alleged perpetrators will be dealt with and what interim measures will be taken to keep survivors safe.

Finally, particularly in relation to sexual assault, first responders are most likely to be fellow staff or students. Policies should clearly signpost how to support someone who has experienced sexual assault and how they can seek support themselves.

The key to effectively preventing and responding to sexual harassment and sexual assault is to make it clear to all staff and students that those actions and behaviours are unacceptable in the university environment. Having clear policies is the first step, however they need to be effectively communicated to all staff and students so everyone understands their roles and responsibilities. A policy on its own is never enough – it needs to be implemented and enforced through communication, education and training. Any policy must also be matched with strong leadership from the top that models the behaviour that is expected.

Reference List

1   Australian Human Rights Commission (2017), *Profile of University Respondents: James Cook University*, https://www.jcu.edu.au/safety-and-wellbeing/ahrc-survey/documents/James-Cook-University-Summary-Tables-V25b25d.pdf.

2   Australian Human Rights Commission (2017), *Change the course: National report on sexual assault and sexual harassment at Australian universities,* Australian Human Rights Commission, Sydney.

3   Universities Australia (2017), *Respect. Now. Always Ten Point Action Plan: An initial response from Australia's universities to the national student survey on sexual assault and sexual harassment*, https://www.universitiesaustralia.edu.au/uni-participation-quality/students/Student-safety/Respect--Now--Always-#.WZL9w-m6RM0.

4   End Rape on Campus (2017), *Connecting the Dots: Understanding Sexual Assault in university communities*, https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/58b3d08ddb29d6e7a2b8271d/1488179368580/Connecting+the+dots.pdf.

5   Australian Human Rights Commission (2010), *Gender Equality Blueprint*, https://www.humanrights.gov.au/our-work/sex-discrimination/publications/gender-equality-blueprint-2010#why.

6   Australian Government, Sex *Discrimination Act* (2011), https://www.humanrights.gov.au/our-work/sex-discrimination/about-sex-discrimination.

7   Queensland Government, *Work Health and Safety Act 2011*, https://www.worksafe.qld.gov.au/laws-and-compliance/workplace-health-and-safety-laws/laws-and-legislation/work-health-and-safety-act-2011.

8   Australian Government (2010), *Third Action Plan* of the *Australian Action Plan to Reduce Violence Against Women and Their Children 2010-2022*.

9   James Cook University, About JCU, www.jcu.edu.au/about-jcu.

10   J Hersch (2015), 'Sexual harassment in the workplace', IZA World of Labor, https://wol.iza.org/articles/sexual-harassment-in-workplace/long.

11   Universities UK (2016), *Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students*.

12   Chief Executive Women and Male Champions of Change (CEW and MCC) (2014), *It Starts With Us: The Leadership Shadow,* March 2014, p 4.

13   *Tertiary Education Quality and Standards Association (2017)*, *Draft Guidance Note on Student Wellbeing and Safety*, http://www.teqsa.gov.au/sites/default/files/GuidanceNote_WellbeingandSafety1.0.pdf.

14   C Duhigg (2016), 'What Google Learned from Its Quest to Build the Perfect Team', *The New York Times Magazine*, February 2016, https://www.nytimes.com/2016/02/28/magazine/what-google-learned-from-its-quest-to-build-the-perfect-team.html.

15   https://lusk.usc.edu/research/working-papers/how-feelings-safety-school-affect-educational-outcomes.

16   Australian Human Rights Commission (2017) 'About Sex Discrimination', https://www.humanrights.gov.au/our-work/sex-discrimination/about-sex-discrimination.

17   Australian Human Rights Commission (2008), *Sexual Harassment – Serious Business*, https://www.humanrights.gov.au/publications/chapter-3-extent-sexual-harassment-australia-sexual-harassment-serious-business.

18   J Phillips and M Park *Measuring Domestic Violence and Sexual Assault Against Women (2006)*, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/archive/ViolenceAgainstWomen.

19   J Lacoe (2013), 'How Feelings of Safety at School Affect Educational Outcomes', University of Southern California Lusk Centre, https://lusk.usc.edu/research/working-papers/how-feelings-safety-school-affect-educational-outcomes.

20   White House Task Force to Protect Students From Sexual Assault (U.S.) (2014) *Checklist for Campus Sexual Misconduct Policies*, available at https://www.justice.gov/ovw/page/file/910271/download.

21   UTS: Institute for Public Policy and Governance (2016) *Research into the Wellbeing of International Students in the City of Sydney*, www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0005/277682/Research-into-the-Wellbeing-of-International-Students-in-the-City-of-Sydney_Final_27-July-2016.pdf.

22   Manchester University (2015) Policies and Procedures for Sexual Misconduct, https://www.manchester.edu/docs/default-source/default-document-library/manchestertitleixpolicy3-24-15.pdf?sfvrsn=2.

23   University of London (2015), *Preventing and responding to gender based violence: Guidance for SOAS students and staff*, https://www.soas.ac.uk/equalitydiversity/gender-based-violence/.

24   Australian Government Workplace Gender Equality Agency, *Gender Equality Toolkit*, https://www.wgea.gov.au/sites/default/files/Gender_Strategy_Toolkit.pdf.

Appendix A

Schedule: Services

Approach

The review will be based on the principle of gender equality, understanding sexual harassment and sexual assault against women as a cause and consequence of gender inequality. A culture that values gender equality goes hand in hand with fostering respect and safety in University settings and in the broader community.

The review will be evidence based: building on national and international standards to benchmark the policies; employing qualitative research methodologies to investigate the knowledge, understanding and use of the policies; and drawing on available quantitative data to illuminate the context in which the policies are implemented.

The review will place emphasis on the process of evaluating the policies as well as on the outcomes, ensuring meaningful engagement with staff and students. The methodology of the review will meet the highest standards of integrity and confidentiality.

The review will build on existing knowledge and learning within the University on key challenges. It will identify what has been effective and where gaps lie, recognising the importance of engaging stakeholders at all levels (internal and external) to deeply understand the specific context of JCU.

The University must be an equal participant in the process with a strong commitment at the highest levels to step up and lead change.

Methodology

The review will have two components:

A. Insights into the cultural context and how policies responding to sexual harassment and sexual assault are understood, perceived and used

This component will involve qualitative research involving targeted focus groups and in-depth individual interviews to examine the perception, understanding and knowledge of sexual harassment and sexual assault policies amongst students and staff. The research will also consider broader gender equality and sex discrimination policies to understand the gender equality context. The focus groups and interviews will engage with key stakeholders (internal and external) and formal bodies in the University including for instance, the University Council, student representative bodies, women's collective and staff union. The qualitative research will also provide insights into the experience of those who have been subject to sexual harassment or sexual assault in the University environment and their experience of JCU's policies, complaints mechanisms and procedures.

Findings from existing quantitative research including the JCU data from the *Respect. Now. Always* National University Student Survey on sexual assault and sexual harassment' and other staff/student surveys will be analysed to provide further insights on the content in which policies are implemented.

The qualitative and qualitative research will distil recommendations to develop strong and effective responses to sexual harassment and sexual assault and fostering a culture of equality, respect, inclusion and safety.

B. Benchmarking policies against national and international best practice

This component includes benchmarking JCU policies, processes, complaints and disciplinary procedures against national and international best practice, including emerging research and findings from major University reviews in comparable contexts. Based on the benchmarking exercise, the review will propose reforms for strengthening JCU policies and procedures responding to sexual harassment and sexual assault. Recommendations will also propose processes for periodic monitoring and evaluation the effectiveness of the policy reforms.

Schedule 2 - Services

Deliverables

- Up to 20 focus groups with staff and students (10-15 participants in each focus group, 1.5 hours).
- Up to 25 interviews with key informants and stakeholders.
- Key findings from the benchmarking analysis.
- Monthly progress report provided with each monthly invoice.
- A final report of the review.
- A summary report of key messages and recommendations for change.