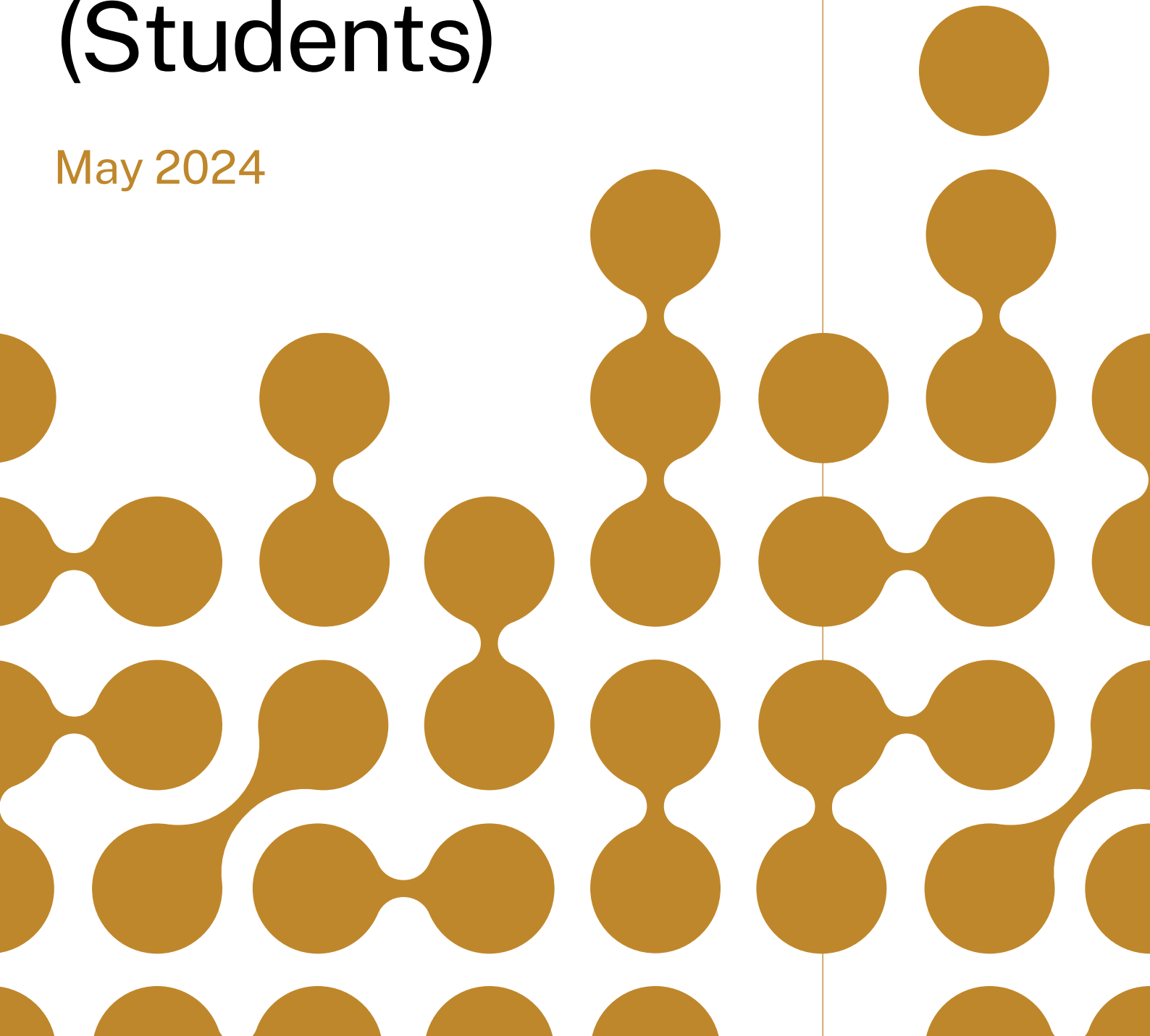


2023 Sexual Misconduct Reports and Disclosures (Students)

May 2024



Australian
National
University



Acknowledgements

ANU continues to acknowledge and thank students who trusted us with their disclosures and reports of sexual misconduct. We also thank the voices of the many student advocates and their commitment to supporting the University to continually make our campus a safe and welcoming place for students to live and learn.

This report contains information about disclosures of sexual assault and sexual harassment and reports of sexual misconduct, which may be distressing for some members of our community.

If you are a student and need support, please contact the Student Safety and Wellbeing team at student.wellbeing@anu.edu.au.

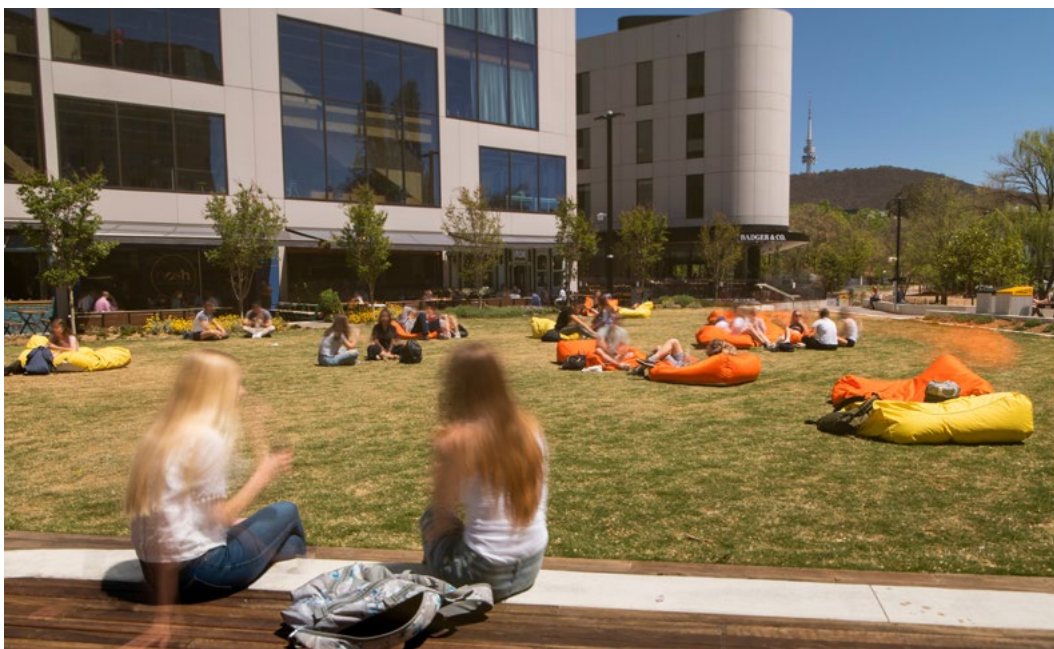
For staff, contact the Staff Adviser at staff.adviser@anu.edu.au or access the Employee Assistance Program (EAP) via services.anu.edu.au/human-resources/wellbeing.

For time-critical assistance, please call emergency services on **000**.

Information on other support services can be found at:

www.anu.edu.au/students/health-safety-wellbeing/getting-help-at-anu/sexual-harassment-and-sexual-assault-response

www.anu.edu.au/students/health-safety-wellbeing/getting-help-at-anu/urgent-support



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Glossary of terms

Balance of probabilities

The civil standard of proof, which requires that, on balance of information, it is more probable than not that the allegation is substantiated.

Case management

A collaborative process that assesses, plans, implements, coordinates, monitors and evaluates the options and services required to meet a student's safety, wellbeing and academic needs. Case management is provided through the ANU Student Safety and Wellbeing team.

Complainant

A person(s) who makes a report under University Policy and/or Discipline Rule.

Decision maker

Under the Rule, where sexual misconduct is at issue, the decision maker is the Registrar or Deputy Vice-Chancellor (Academic) acting as Vice Chancellor's Delegate.

Denial of Access

An action available to a Prescribed Authority (r34(2)(c)), under the Discipline Rule 2021, following a finding of misconduct to:

'deny the respondent access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period of no longer than 12 months'

An action available to the Vice-Chancellor (or their delegate) (r37(2)(c)), under the Discipline Rule 2021, following a finding of misconduct to:

'deny the respondent access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period (including a period of longer than 12 months).'

Disclosure

information provided about an incident that the person making the disclosure believes to be sexual assault and/or sexual harassment. The University encourages (although does not require) this to occur via lodging an online disclosure form. A disclosure is not a formal complaint or report, can be anonymous, and the person disclosing is able to, but does not have to, identify the other person/people involved. Lodging a disclosure does not prevent someone from looking at their reporting options both within the University and directly to the police and may be a precursor to doing so. The University makes a clear distinction between making a disclosure and making a report. **The University makes a clear distinction between making a disclosure and making a report.**

DVC (A)

Deputy Vice-Chancellor (Academic).

Enrolment conditions

An action available to a Prescribed Authority (r34(2)(e)) and Vice-Chancellor (or their delegate) (r37(2)(e)), under the Discipline Rule 2021, following a finding of misconduct to:

'determine the conditions under which the respondent may attend classes or lessons, use any facility of the University, or otherwise continue with the respondent's studies or research program'.

Exclusion

A University initiated termination of a student's program or career. Definition under the Discipline Rule:

An action available to the Vice Chancellor (or their delegate) under the Discipline Rule 2021 following a finding of misconduct (r37(2)(j)). Rule 45(2) of the Discipline Rule 2021 provides that, where a person is excluded from the University under the instrument: 45(2) The person ceases to be a student and, except with the written permission of the Vice-Chancellor:

- a. must not be enrolled again; and
- b. must not use any University facility, or enter any University premises or the part of any University premises, that the Vice-Chancellor, by written notice given to the person, prohibits the person from using or entering; and
- c. must not engage in any activities conducted by or on behalf of the University at the University or at a place other than the University.

First responder

A person who is the first to become aware (or is confided in by another) that a person has experienced or is currently experiencing an incident/s of alleged sexual harassment or sexual assault.

Report

An official complaint and a documented formal process. Reporting to the University triggers a review into the allegation and a decision as to whether to proceed with an inquiry under a particular University policy or the Discipline Rule 2021. A report under the Discipline Rule is made to the Office of the Registrar. The University makes a clear distinction between making a disclosure and making a report.

Reprimand

An action available to a Prescribed Authority (r34(2)(b)) and Vice-Chancellor (or their delegate) (r37(2)(b)), under the Discipline Rule 2021, following a finding of misconduct to give formal expression of disapproval for behaviour as found.

Respondent

A person(s) against whom a report has been made under a University policy or the Discipline Rule.

Safe-making

Refers to actions that can be taken to improve the safety of a person living with, or at risk of, violence and/or abuse.

SVPS

Sexual Violence Prevention Strategy.

Separation instruction

A formal order or direction from a decision maker under the Discipline Rule 2021. A separation instruction is available to the decision maker as an interim action, upon receiving the formal report but before a hearing of the matter has occurred.

Sexual misconduct

Instances of sexual harassment or sexual assault that the University is notified of or is responding to. Note that this term is defined in the Sexual Misconduct Policy as follows: Sexual misconduct is a term encompassing any unwelcome behaviour of a sexual nature including sexual assault, sexual harassment, an act of indecency, making or distributing sexually explicit photos or videos without consent, and any other non-consensual sexual conduct if a reasonable person would consider that conduct to be an invasion of their privacy, indecent or otherwise unacceptable conduct.

Suspension

An action available to a Prescribed Authority (r34(2)(d)) and Vice-Chancellor (or their delegate) (r37(2)(d)), under the Discipline Rule 2021, following a finding of misconduct to:

‘Suspend the candidature or enrolment of the respondent in a program or course in which the respondent is admitted or enrolled, and prohibit the resumption of candidature or enrolment, for a specified period of no longer than 12 months’.

Undertaking

A promise about future action made by the respondent once a finding of misconduct has been made under the Discipline Rule 2021. Accepting an undertaking from the respondent is a permissible penalty to impose on a respondent under the Rule.

Victim/survivor

The person who experienced the sexual assault and/or sexual harassment incident(s).

Background

The health, safety and wellbeing of our staff and students are at the forefront of our work. The publication of the third ANU Sexual Misconduct Reports and Disclosures report reflects our continued commitment to ensuring our study and work environments are safe, respectful and inclusive places.

The University continues to adopt a trauma-informed and victim-centred approach to its policies and procedures related to the prevention, monitoring and reporting of sexual misconduct. We remain committed to being transparent in our efforts to prevent and respond to incidents of sexual misconduct that impact the University community.



University-wide actions undertaken since the last report

- Independent **review of the Sexual Violence Prevention Strategy**. In 2023, ANU engaged the Gendered Violence Research Network (UNSW, Sydney) to undertake the mid-term review of the Sexual Violence Prevention Strategy (SVPS). Led by Professor Jan Breckenridge, the team from the Gendered Violence Research Network worked closely with students, staff, and the wider ANU community to ensure our next plan builds on previous work while embedding best practice.
- Development of a **Sexual Violence Prevention Toolkit** in 2023, a tool to help users tackle existing cultural action plans or gender equity strategies. The self-assessment tools and educational resources are grounded in established theory and research and, when used in conjunction with training and consultation by the RRU, have the potential to make a significant, positive impact across ANU communities.
- Development and launch of a bespoke consent training for ANU students - **Rights, Relationships and Respect** as part of stream 3 of the Student Safety and Wellbeing Plan. Through the leadership of our experts in the Respectful Relationships Unit (RRU) and the Student Safety and Wellbeing Team (SSWT) this primary prevention program comprises of an online module, face-to-face training, and peer led programs. In December 2023, the RRR program won the Gold QS Education Innovation Award (Nurturing Values and Ethics category).
- Improving staff capacity and confidence to support someone following a disclosure of sexual misconduct through the implementation of training by the Student Safety and Wellbeing team in collaboration with Lifeline and development of the **Supporting Students in Distress Guide**.
- In 2023 the **Accommodation Declaration** was implemented. Residential students are now asked to disclose any criminal convictions, pending charges and unspent criminal convictions against the following categories: sexual offences, serious violence or assault, stalking, harassment, or bullying, either in-person and/or cyber.

Prevention activities in 2023



The Respectful Relationships Unit (RRU) supports ANU communities to change the systems and cultures that drive sexual violence, fostering a safe and respectful campus. The RRU proudly hosts the ANU LGBTIQ+ Ally Network which aims to promote an inclusive and respectful environment for people who identify as lesbian, gay, bisexual, transgender, intersex, queer and asexual (LGBTIQ+).

As a unit dedicated to primary prevention of sexual harm, the RRU actively engages in proactive measures aimed at addressing the drivers of sexual violence and cultivating a culture of respect, safety and consent on campus. This includes implementing comprehensive education and training programs for students, colleges and staff covering topics like healthy relationships, consent, and bystander intervention. Additionally, the RRU supports local areas in leading their own cultural change projects to tackle the norms and behaviours that make sexual violence more likely to occur.

Comprising a team of six full-time staff, the RRU operates across various domains, including residential engagement, education and training, research and policy, and community engagement. In close collaboration with Student Safety and Wellbeing, Residential Services, and Colleges and Schools, the RRU provides a comprehensive array of programs, interventions and community-led initiatives.

Key deliverables and achievements in 2023 included:

Education and training

- Launched the Rights, Relationships and Respect (RRR) online program, engaging >7000 students.
- Engaged over 1200 students and staff in central training sessions (LGBTIQA+ Ally training and Understanding Sexual Violence and Bystander Intervention).
- Delivered HDR candidate and supervisor training to 250 community members.
- Developed an online module for HDR candidates and their supervisors, to be launched in early 2024.

Residential engagement

- Delivered Enlivening RRR face to face education to >1500 commencing residential students.
- Developed and implemented Rights, Relationships and Respect face to face pilot program (a 3x2 hour workshop series) in three pilot residences, engaging over 400 students.

Capacity-building and engagement

- Delivered bespoke training and consultations to over 800 staff and students.
- Three major events engaging over 700 community members, with Wear it Purple Day being our flagship celebration event.
- Launched Local Area Allies Network, a LGBTIQA+ peer support program. Local Area Allies can be contacted for additional support for LGBTIQA+ staff or students in local areas.

Sharing our knowledge and practice

- Collaborated with researchers at the Centre for Social Policy Research (POLIS), ANU College of Arts and Social Sciences to evaluate the RRR program and published Preliminary Evaluation Report in June 2023.
- Awarded Gold QS Education Innovation Award (Nurturing Values and Ethics category) for the RRR Program.
- Piloted the Enhanced Assess, Acknowledge, Act (EAAA) Sexual Assault Resistance program in partnership with two other Australian Universities.

Reports of sexual misconduct lodged under the ANU Discipline Rule

Data presented in this section were extracted from formal reports lodged with the Office of the Registrar in 2023 (1 January–31 December). The Office of the Registrar supports nominated decision-makers under the Discipline Rule and is responsible for collecting this data. All relevant documentation is stored in accordance with the University’s obligations under the **Privacy Act 1988**.

Table 1: Reports made to the Office of the Registrar of alleged sexual misconduct

	2023
Reports received	15
Reports considered at inquiry	14
Report withdrawn or approval to proceed was not provided	0
Deemed either beyond the jurisdiction of the University or action was taken under alternative processes	1

In 2023, 14 reports went on to inquiry in relation to 8 individual respondents* of which:

- 6 respondents were found to have engaged in misconduct;
- 2 respondents were not found to have engaged in misconduct.

*Please note: multiple reports were submitted against 3 respondents.

Table 2: Penalties issued following a finding of misconduct in cases of reported sexual misconduct

	2023
Exclusion	2
Suspension	1
Denial of Access	4
Conditions on Enrolment	3
Undertaking	1
Reprimand	2

*Please note: respondents may have been issued more than one penalty as a result of a finding of misconduct.

The University aims to take swift action in relation to reports of sexual misconduct, including the application of immediate safe-making measures. Interim safe-making actions were arranged for all reports that proceeded to inquiry in 2023.

Interim safe-making measures applied included separation instructions and/or a denial of the respondent’s access to some/all University facilities, premises, or activities. Four individual respondents were removed from their residential accommodation and offered alternative non-residential housing during the course of the inquiry.



Disclosures of sexual misconduct

In 2023, the Student Safety and Wellbeing team received a total of 157 disclosures lodged through the ANU Disclosure form. Eighty-seven disclosures were identified and 70 de-identified. This is a decrease from the 204 disclosures received in 2022.

All those who identified disclosures (87) were contacted by a Case Manager within 48 hours of a disclosure being received to offer support and information. Fifteen students declined an appointment with a Case Manager stating no further support or information was required.

The types of support provided through engagement with a Student Safety and Wellbeing Case Manager remain similar to those provided in the 2022 report including:

- Provision of supportive counselling.
- Facilitation of referrals to Counselling, Office of the Registrar, medical services, and external community services (Canberra Rape Crisis Centre, legal services and Police).
- Coordination of academic support (extensions, exam deferrals and withdrawal without penalty) for students impacted.
- Developing and implementing safety plans.

Figure 1: Behaviours disclosed through identified and de-identified pathways

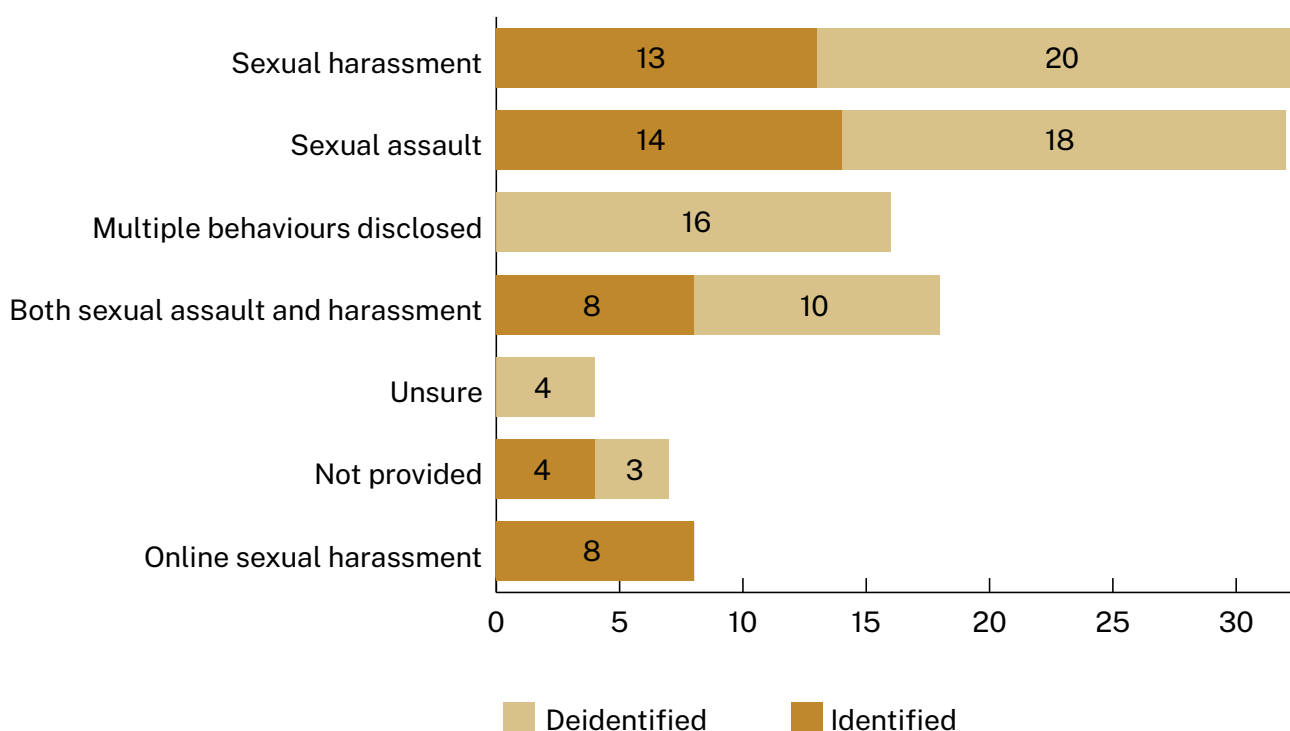


Figure 2: The time period between the incident and disclosure

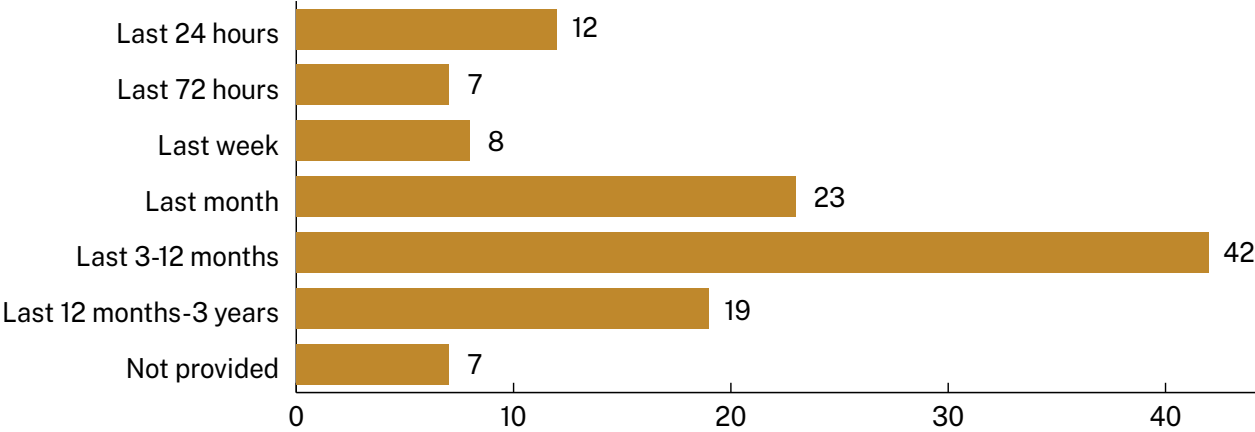
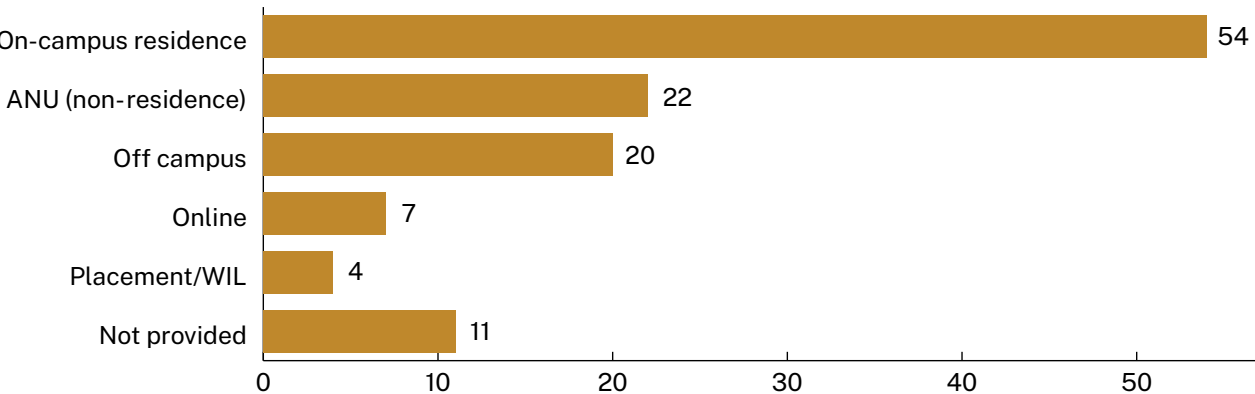


Figure 3: The locations where the disclosed incidents occurred



2024 priorities

The University will continue to work with the student and staff community under the guidance of the Student Safety and Wellbeing Committee to further develop approaches to support student wellbeing, safety and inclusion. In 2024, ANU will focus on:

- Develop a new Student Safety and Wellbeing Plan.
- Implementation of the endorsed SVPS review recommendations.
- Launch an expanded disclosure tool to also support disclosures of other harmful behaviours including racism, ableism, and other forms of discrimination.
- Launch of the Rights, Relationships and Respect in Research online module for HDR candidates and supervisors.
- Finalisation the review of the Sexual Misconduct Policy and Procedure.

Links and resources

ANU sexual violence prevention and response, contains all current resources in relation to prevention and response at ANU

www.anu.edu.au/sexual-violence-prevention-and-response

Sexual harassment and sexual assault support information (students)

www.anu.edu.au/students/sexual-harassment-and-sexual-assault-response

Harmful behaviours information and support

www.anu.edu.au/students/harmful-behaviours-disclosure-response



Contact us

This report can be found in electronic format on the University's website at: anu.edu.au/about/strategic-planning/sexual-violence-prevention-and-response

For further information about this report, please contact:

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