2017

© Elizabeth Broderick and Co 2017

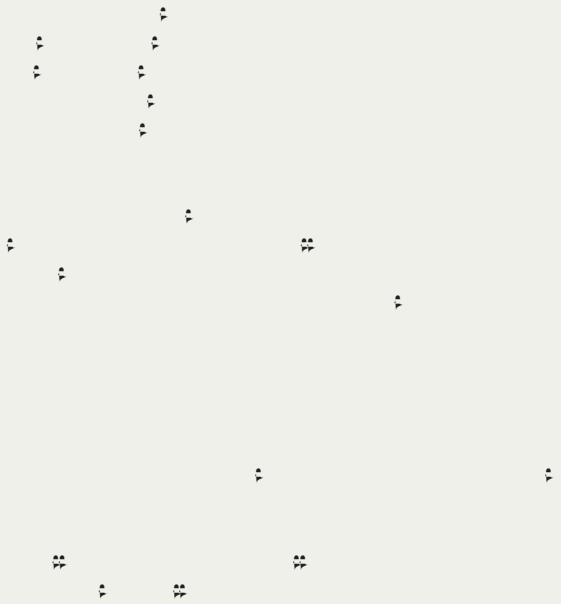
This work is protected by copyright. Apart from any use permitted under the *Copyright Act 1968* (Cth), no part may be used or reproduced by any process.

Design and layout:
Dancingirl Designs

ELIZABETH BRODERICK & Co.

Chapter Three: Gender Equality as an Enabling Environment 31

Chapter Four: What We Heard 32



Chapter Five: Comparative Analysis of P1_0 TEMC2iG.jnActSpan Langcn GS0 gs30en-o9 8 52

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

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.

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

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

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.

[illegible]

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 ty make sure that s

- 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]
-

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

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 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.

Develop an institution-wide approach

It is recommended that:

1.

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.

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.

CLanp)]TJEmed to anyo8(.)TdsAesDCrnBOewsEnded838ey re-sign the Code of Conduct, aa536.1538 Tsduct, aa5h45hmtde uh

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.

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

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 survey;
- JCU's own data on reported incidents; and
- the international body of evidence regarding effective responses to sexual harassment and sexual assault.

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.

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.

JCU-specific and national prevalence data was drawn from the findings of the 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.

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.

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.

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.

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.

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 [illegible] (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 [illegible] *011*, https://www.worksafe.qld.gov.au/laws-and-compliance/workplace-health-and-safety-laws/laws-and-legislation/work-health-and-safety-act-2011.

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:

12 Universities UK, ibid, pp 17-18.

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 support and outcomes; 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.

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

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:

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:

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:

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.

4.3

Student to student sexual harassment

The [illegible] 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:

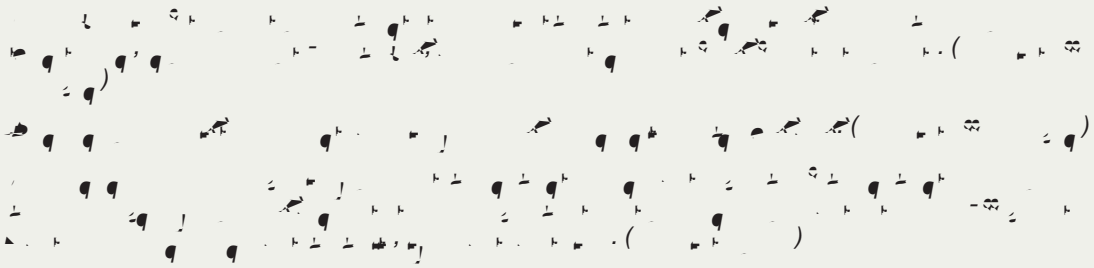
A number of participants in focus groups identified a particular cohort of male students on campus as repeatedly demonstrating inappropriate behaviour.

We heard:

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:



The survey found that ‘a tutor or lecturer from your university’ was the perpetrator in 10% of most

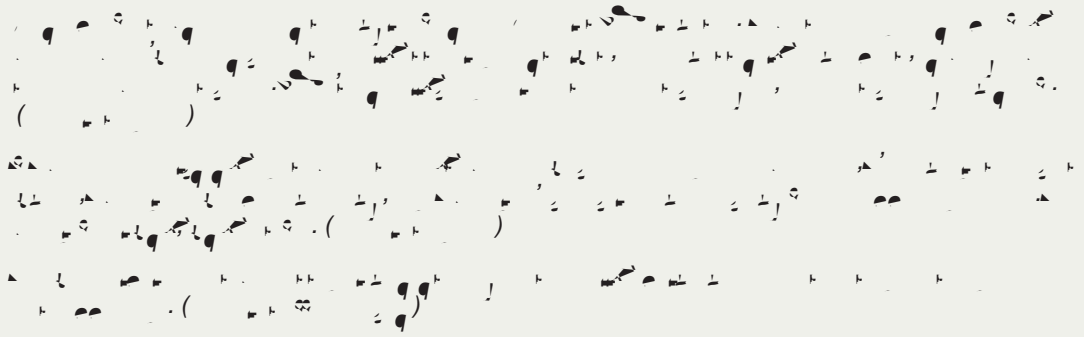
Students told us:

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:

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



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 [redacted] 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%).

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:

4.4.5 Sub-populations of students

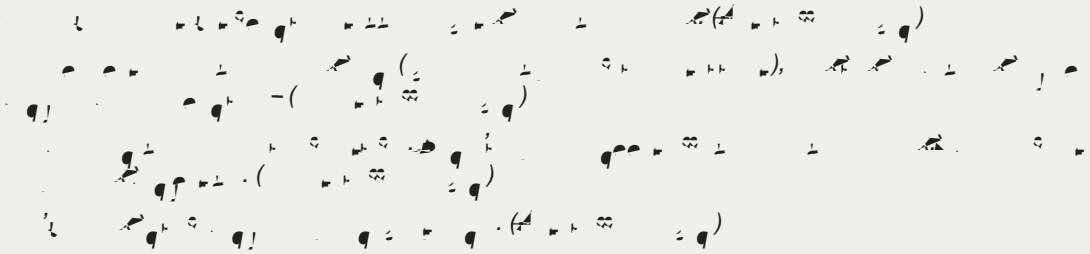
Participants indicated that there are particular issues for sub-populations of students.

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 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:

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:

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:

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:

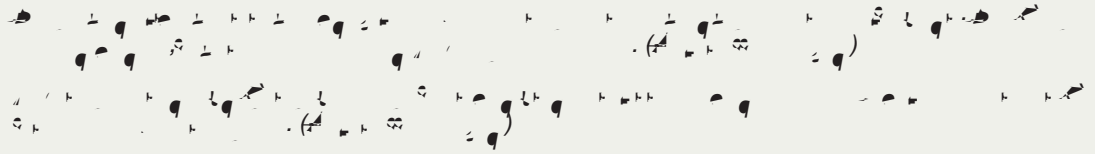
These findings are consistent with the prevalence data from the survey, in which:

- '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:



17 UTS: Institute for Public Policy and Governance (2016) 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.

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:

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

4.5 -

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:

4.6

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:

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:

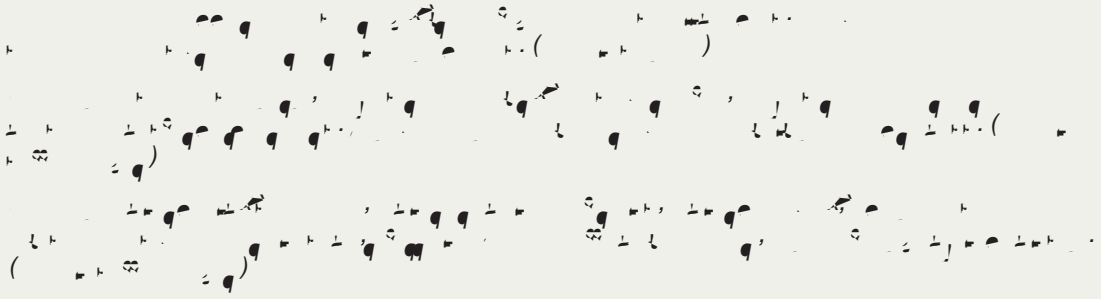
4.7

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.

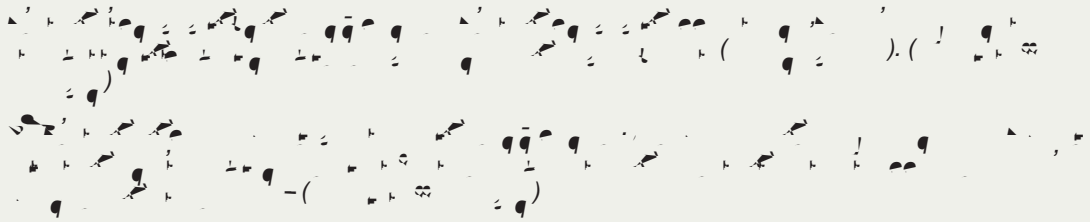
The majority of participants felt that JCU's existing mechanisms for reporting, investigating and resolving sexual harassment and sexual assault are deficient, and that clearer policies and pathways are needed.

We heard:



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:



18

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 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:

4.7.1.2 Limited confidence in the policies

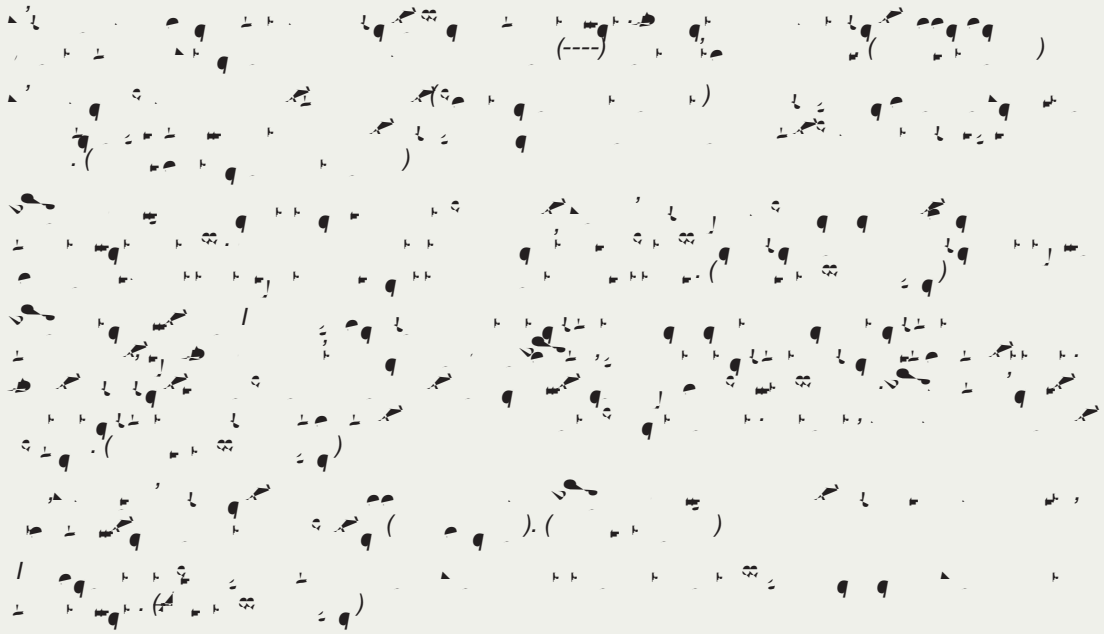
Students and staff expressed reservations about how complaints or allegations would be received.

We heard:

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:

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.

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

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
- consist3Tmemgtursexjuinvce.and

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:

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:

4.8.1.3 Interim measures

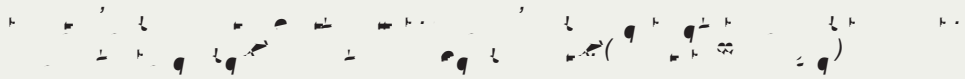
The majority of staff and students who participated in interviews and focus groups felt very strongly that interim measures should be put in place while an allegation of sexual harassment or sexual assault was being investigated. This was seen as important for both protecting the alleged survivor and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

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:

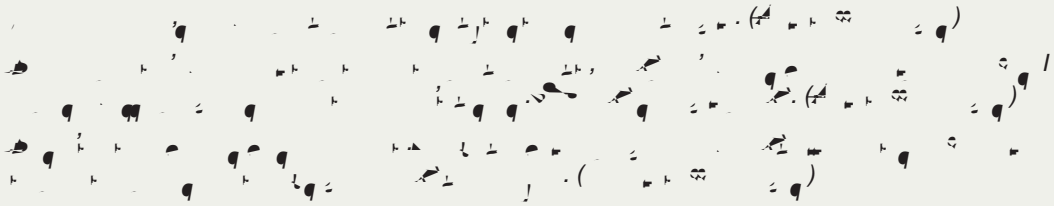


Given this view among some staff members, it would be useful to include the rationale for interim measures in communication and training materials designed to support the revised policies and procedures.

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:



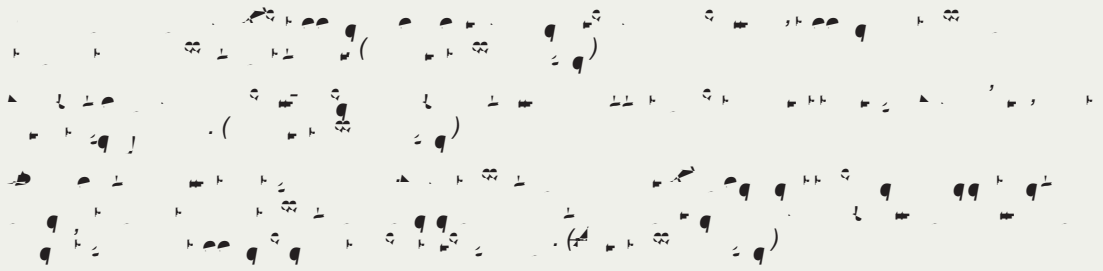
4.8.2 Staff capability to provide an effective response

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:



4.

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:

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

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.

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.

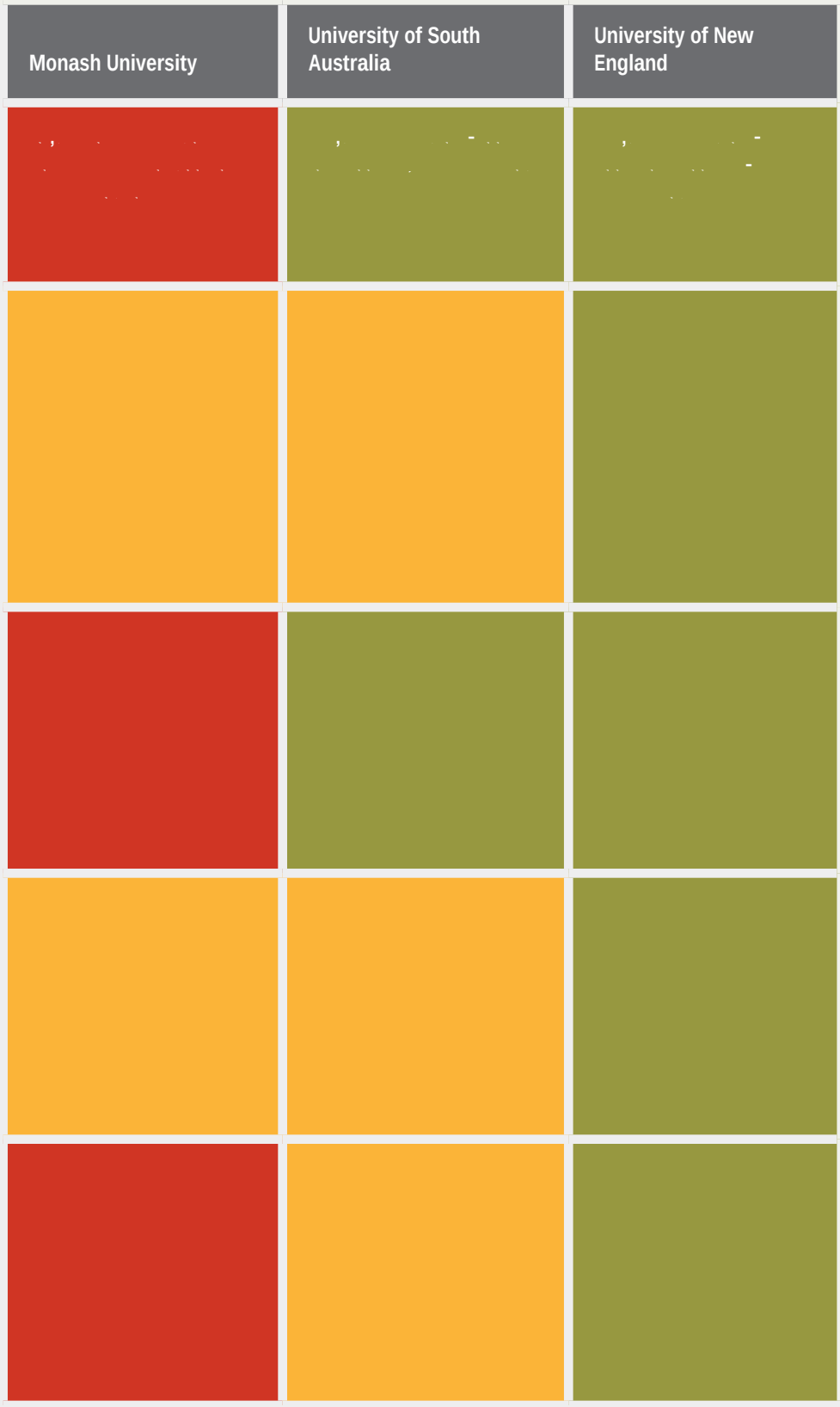
The comparator universities have been selected on the basis of their location, state and profile in terms of size and share of international students.[21]

The policy dimensions for comparison are:

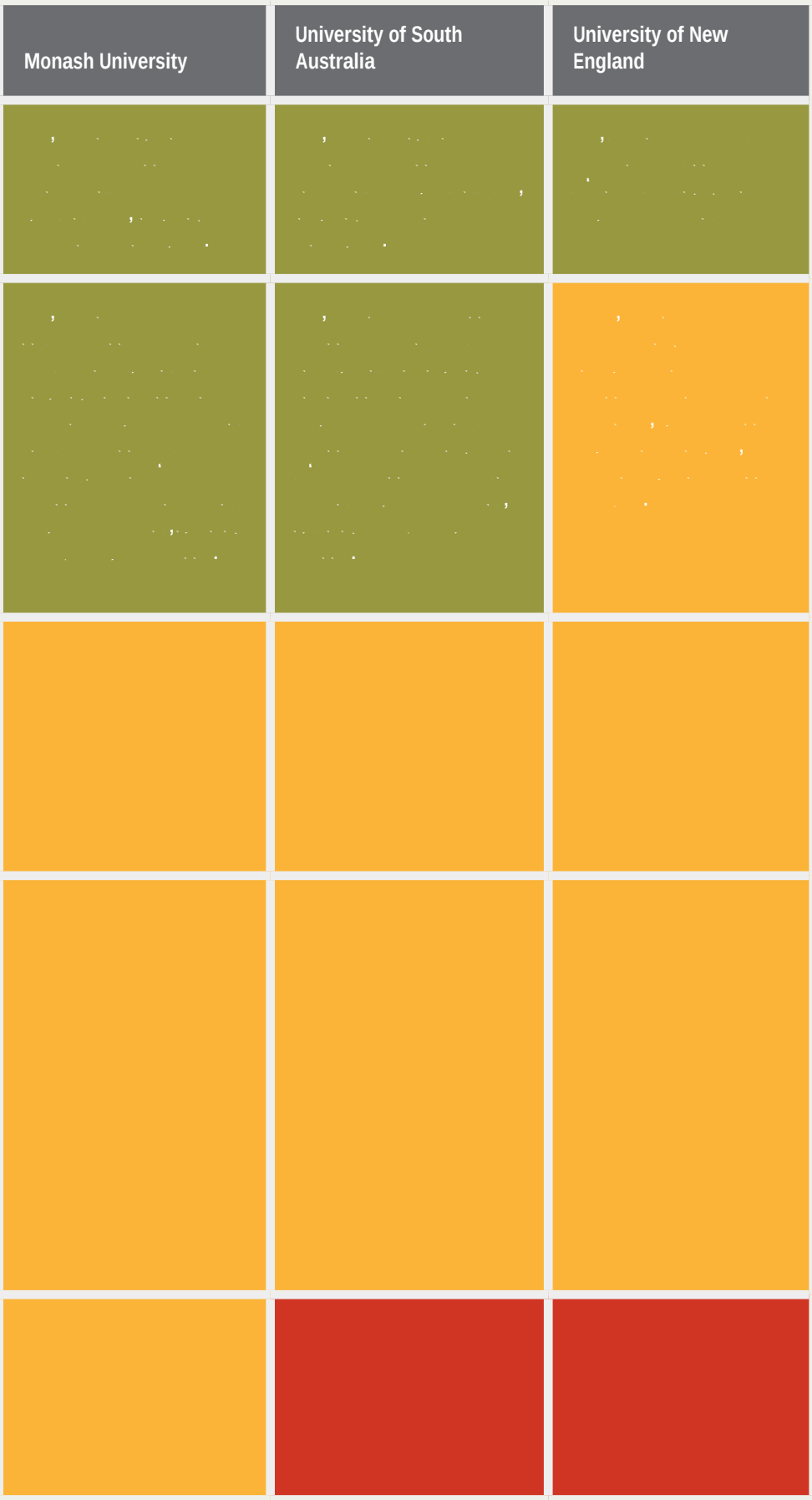
1. Is there a stand-alone sexual harassment policy that is easily accessible to students and staff?
2. Is there a strong statement communicating zero tolerance of sexual harassment and a statement commitment to eliminate sexual harassment in the university environment?
3. Does the policy outline the university objectives to prevent and respo21h89ETEMC /Spaa741 Tm(1.)Tj/Span<Actualu5

1.

	JCU (New draft policy)	JCU (Current agreed policy)	University of Queensland
01			
02			


Monash University
University of South Australia
University of New England

JCU (New draft policy)


Monash University
University of South Australia
University of New England

The following table assesses JCU sexual assault policies in comparison to other university policies. Despite being a long-

2.

Policy dimension	JCU (also reflects current draft policy)	University of Queensland	

University of New England	University of South Australia
(*Respect. No . Al a s*).	(*Respect. No . Al a s*).

The comparative analysis of sexual harassment and sexual assault policies shows that each university that has been

Approach

The review will be based on the principle of gender equality, understanding sexual harassment and

ELIZABETH
BRODERICK