



Independent Review of Monash University’s Sexual Harassment and Sexual Assault Policies and Response Pathways

Contents

Summary of Findings and Recommendations	2
A. Awareness of support services and reporting avenues amongst students	3
B. Existing university policies, processes, practices and response pathways	5
C. University residential colleges and university residences	17
Appendix 1 Terms of Reference	21
Appendix 2 Student survey	22
Appendix 3 Stakeholders consulted	23

Summary of Findings and Recommendations

Monash University has taken a proactive response to the AHRC *Change the Course* report. We commend the significant work and commitment demonstrated by Monash University's senior leadership and those engaged in the delivery of services in relation to the issues of sexual harassment and sexual assault.

Significant data was gathered in this project, including over 2,000 responses to the student survey, interviews with 55 individual stakeholders, and 13 focus groups with students and Residential Advisors in residential colleges. The stakeholders were detailed and constructive in their contributions. Worklogic has considered all data critically, and assessed Monash University's efforts against best practice in the prevention and handling of sexual assault and sexual harassment.

With respect to future improvements in the three key areas of exploration in the Terms of Reference (Appendix 1), we have identified the following themes for our recommendations:

1. Increasing student knowledge and awareness of support services and reporting avenues (recommendations 1 – 4);
2. Clarifying the roles and inter-relationships of relevant complaint and support units (recommendations 5-9, 12);
3. Clarifying the Student General Misconduct Procedures and the Guidelines (recommendations 10 and 11);
4. Clarifying responsibility for the triage, investigation and management of complaints by students (recommendations 13-18);
5. Improving relevance, effectiveness and focus of training and supports for student groups at higher risk (recommendations 19-25); and
6. Providing continuous opportunities for student learning at university residences (recommendations 26-30).

By way of context, a specific report for Mannix College has been prepared and passed on to the College, which contains those recommendations above which are relevant for the College.

A. Awareness of support services and reporting avenues amongst students

Student Survey

The student survey that was conducted to inform this project is described in Appendix 2. Noting the low survey response rate of 3% of students, of this motivated group of students who responded, the majority were aware that they could make a report about sexual harassment that they experienced (70.5%) or witnessed (63.2%), and that support services would be available at Monash University (51.4%).

Students' reported knowledge of the avenues of reporting and support was far lower. 41.0% claimed to be 'a little or somewhat knowledgeable' about Monash University support services for anyone reporting sexual harassment and assault, and 4.5% knew 'a lot' or 'everything' about these services. (50.3% did not answer the question.) Even fewer students reported that they knew that the Safer Community Unit (21.3%) or the Office of Student Conduct (14.1%) are reporting avenues for sexual harassment and assault.

Among the students who did know about one or more reporting avenues for sexual harassment and assault, the most popular sources of information were Monash University Orientation and emails from the university.

Noting the low response rate to the survey, and the likely higher motivation of those students who did respond, it is possible to make the following observations on the responses of certain demographic groups (without drawing statistically reliable extrapolations or conclusions).

- **Gender** – Men were more likely than women to indicate that they knew about university services for reporting sexual harassment and assault, the SCU and the OSC, and men were also more likely to indicate that they knew that they could report sexual harassment and assault if they witnessed or experienced it at Monash University.
- **Students living on campus** were more likely than those students not living on campus to indicate that they knew about university services for reporting sexual harassment and assault, the SCU and other support services, and that they could report sexual harassment and assault if they experienced it at Monash University.
- **International students** were more likely than domestic students to indicate that they knew about the SCU and the OSC.
- **First-year undergraduate** students were more likely to know about reporting avenues for sexual harassment and assault than any other students.
- **Campus location** (Clayton, Parkville, Caulfield, Peninsula) did not seem to distinguish student responses.
- **Postgraduate and Higher Degree by Research (HDR) students** were more likely than undergraduate students to know that they could report sexual harassment and assault if

they witnessed it on campus, and they were also more likely than undergraduate students to know that the OSC was a reporting avenue for sexual harassment and assault.

Stakeholder interviews

The students interviewed in this project were all in representative positions, yet the majority of them did not demonstrate a clear understanding about pathways for reporting, response and support when incidents of sexual assault/harassment arise, and in particular the role of the SCU (consistent with survey results, summarised above).

Interview data gathered in this project indicates that the incidence of sexual harassment and sexual assault is greater than is formally reported, both within university residences and in the broader university. In 2017, there were officially 4 sexual assaults and 12 sexual harassment matters reported. The reported incidents in 2016 were of similar number.

Reported Incidence of Sexual Harassment and Sexual Assault

The responses of Monash students to the AHRC survey (<https://www.monash.edu/about/respect-now-always/survey-results>) indicate that 22% of responding students experienced sexual harassment (excluding on public transport) in 2016, and 1.5% were sexually assaulted at university in 2015 and/or 2016. This data indicates that a far higher number of students experienced sexual harassment or sexual assault than they formally reported to Monash University.

While the extent of underreporting of incidents at Monash was not within scope of this project, it is possible that students' low knowledge of pathways for reporting could be a contributing factor. The AHRC survey indicates that the majority of students who had experienced sexual harassment (as distinct from sexual assault) and did not report it (72%) regarded the incident to be not serious enough to warrant a report. Only 11% of students who had experienced sexual harassment and did not report it 'did not know where I had to go/what I had to do to make a formal report or complaint'. Other factors potentially contributing to underreporting include the victim's:

- Fear of the consequences for their job, study arrangements, social standing
- Wish to avoid any further contact with the harasser
- Denial or downplay of the gravity of the situation
- Wish to forget the behaviour or 'put it behind me'
- Feeling shame or humiliation
- Fear of not being believed

Improving students' knowledge of pathways for reporting and support should increase the proportion of incidents which are reported, both *directly* (students know how to report and so are more likely to do so) and *indirectly* (communications campaigns that support victims to come forward should help to address the other factors listed above).

Recommendations

1. That additional work be undertaken to promote the support services and supporting pathways, and specifically the existence and roles of the SCU, the OSC and the Respectful Communities Unit;

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| 2. That the promotion targets in particular women, students in their second and subsequent undergraduate years, and students who are not living on campus; |
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B. Existing university policies, processes, practices and response pathways

Commendations

It is clear that Monash University has taken a clear stance and undertaken significant work in response to the AHRC 'Change the Course' report. We commend Monash University's senior leadership and operational staff for the commitment they have demonstrated in relation to the issues of sexual harassment and assault. Refinements and improvements are being considered on an ongoing basis, which is excellent.

- **Centralising student general misconduct** – With respect to structure and accountabilities for support and complaint, the centralisation of misconduct under the Student Misconduct Policy has clarified and simplified the process for all. Critical incident management protocols are also reportedly working well.
- **Respectful Communities Unit** – The introduction of Respect Now Always Day, and the creation of the Respectful Communities Unit within SCU ('RCU'), are also very positive initiatives which are gaining traction, recognition and impact.
- **Cooperation between units and support providers** – Internal and external partnership arrangements, and formal and informal networks for regular, informal information exchange between Monash staff who work with students who report sexual assault or harassment, are effective and productive. Good linkages between the relevant units have been forged, for example the Risk Management Group (which includes SCU, Security, Counselling, MRS, Office of the General Counsel, the International Student Office and others). The South East Centre Against Sexual Assault and Family Violence ('SECASA') has strong mutual referral relationships with other support services, such as RCU, SCU, Counselling and the Disability Student Unit (DSU). Campus security is excellent, as are critical incident management protocols.

1. Immediate response when allegations are made: Access to safety and wellbeing assistance, clear and accessible information, specialist support

Observations

Once Monash University receives an allegation of sexual assault or sexual harassment, it responds appropriately and quickly, and provides a range of support services. The support services that are available to complainants are very good, including security, counselling and other health services. Their responses are sophisticated, with triage, clear response timeframes, risk level classifications, graduated responses and liaison with other agencies and services (e.g., within 72 hours, forensic, transport to counselling, hospital).

The Respectful Communities Unit and Safer Community Unit both have a solid reputation amongst staff and students. The RCU works closely with SECASA, and has also forged valuable links with security and student associations, which is excellent. RCU demonstrated a sincere awareness of diversity issues and making their advice accessible. Both the SCU and RCU should be commended for their harm-minimisation approach, and focus on providing information and support to empower victims to make their own choices.

a) Safety and wellbeing assistance

The Office of Student Conduct operates on the basis of a trauma-informed, “do no further harm” approach to dealing with complainants, which is best practice. The OSC is still building its recognition across Monash, having only commenced its operation in late February 2018. The OSC’s presence on the Monash website is minimal (<https://www.monash.edu/students/general-misconduct/the-office-of-student-misconduct>) and sits under the ‘General Misconduct’ material. As a decision-maker and complaints-handler, it is less important that this Office is ‘promoted’ to students, however there should be more information available about its role, functions and processes (confirmed by the low recognition of this Office demonstrated in the student survey).

Best practice requires that every student who is involved in any way in a misconduct matter (complainant, respondent, witness, support person) can:

- easily and quickly identify the mandate and terms of reference of the OSC;
- anticipate how the OSC will deal with the matter, including its decision-making powers; and
- understand their rights and how to assert or defend themselves, or otherwise participate in the process.

There is widespread misunderstanding amongst students about the role of Safer Community Unit. Some students who were interviewed believe that this unit is the same as security; other students said that the SCU is “more about bullying and assault” and would not consult SCU for assistance with matters of a sexual nature. Further, SCU is perceived by students to be more supportive of complainants than respondents. Many staff and students are unclear whether SCU undertakes investigations, which is believed by some to be exclusive responsibility of newly-established Office of Student Conduct.

SCU’s presence at Caulfield one day per week is not widely known. Focus groups reported that students at Caulfield often report sexual harassment or sexual assault to ‘Student Rights Service’ run by MONSU Caulfield (<https://www.monsu.org/srs/>) or the Monash University Health Service (Caulfield).

SCU’s view is that a victim has a right to determine whether or not to make a formal report (complaint) to Monash University, and consistent with this, SCU does not notify the ROGM of every disclosure of alleged sexual assault or harassment. This approach is well-intentioned and appropriate, however technically it is inconsistent with the Student General Misconduct Procedures which require staff to report contact that is a breach of policy. We recommend that a ‘disclosure’ is formally recognised as different to a ‘complaint’ or ‘report’, to allow this practice to continue consistent with the Procedures.

b) Clear and accessible information

We commend Monash University for:

- The ability of students to make a report online;
- The clear prominence of Respect Now Always issues on campus this year, including the Respectful Communities Unit's participation and initiatives in O Week;
- The bystander training and the Responding to Disclosures of Sexual Harassment training are very highly regarded, including the general entry level program and the more sophisticated program for those providing specific front-line services (such as counselling and SCU staff);
- Developing a new version of Responding to Disclosures of Sexual Harassment training (underway) that is student-centric;
- The introduction of RNA Day, held every semester to raise awareness of the RNA campaign and activities;
- The Respect Now Always App and the significant attempts to promote it (big screen, ads in student papers, posters);
- RCU's active involvement of students to develop and deliver training, and to develop resources, including student focus groups to test the proposed revised version of the Respectful and Responsible Behaviours training online module;
- The consent video, which is excellent: It is a well designed, high quality production which is simple in its messaging and easily accessible (publicly available on YouTube); and
- The requirement that all MRS residents, staff, residential advisers and those attending any overnight events watch the consent video.

The opportunities for improvement in the provision of information are as follows.

- The 'General Misconduct' website (<https://www.monash.edu/students/general-misconduct/home>) is quite clear, although in our view this and other online information should be consolidated in one clear place on the internet. There is lots of information online, but there are still 'gaps', for example in relation to sexual harassment (discussed below). Our data indicates that students often do not know where to find information, as they must navigate separate and related webpages which interlink.
- The SCU website (<https://www.monash.edu/safer-community/problem-behaviour/sexual-harassment>) defines sexual harassment and provides examples, then refers to the Guidelines. The website clearly states that SCU can offer support and advice, but there is no information about pathways.
- SCU has just published a detailed information booklet for students who have reported a sexual assault, which sets out help and support, medical care, information about campus safety, and reporting options including to police or university. SCU should publish equivalent information for respondents, to help address the perception of SCU being biased towards complainants.

- The message in the consent video is simple and strong, however it does not address the complex, longer term, power-based situations that postgraduates face. Given that postgraduate students are known to experience sexual harassment and assault in a very different context to undergraduates, and their average age is 32, communications must be tailored for them. We also note that the consent video may not resonate sufficiently with a culturally diverse student population, given that all students shown in the video are domestic students, and only one of them (an Asian male, who speaks with an Australian accent) is not from an Anglo-Saxon background.

c) Specialist support

Counselling services are reported to be very responsive to the needs of complainants, well used, and known by international students also. All counselling staff are trained as Allies to the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community, and have had SECASA training in 'Responding to Disclosures of Sexual Harassment'.

The longstanding relationship that Monash University has built with **SECASA** is strong, practical and based on firm shared values. SECASA counsellors, who are highly trained and experienced, offer specialised sexual assault counselling onsite at Clayton and Caulfield campus.

As a matter of course SCU refers all matters to SECASA, but SECASA does not liaise with SCU about what happens following this referral, or inform SCU of the outcome. Appropriately, all details of client visits to SECASA are strictly confidential.

We note that SCU provides significant **support to complainants**, which damages its perceived impartiality and may conflict with its role in providing support to respondents. Respondents are sometimes highly distressed, are isolated and have complex needs. Respondents have more difficulty than complainants in obtaining urgent support from the counselling service. It is concerning that the OSC reported that the only immediate support option available during a misconduct process was calling the CAT team to support a very distressed student, although eventually the Monash Postgraduate Association assisted. A lack of clear support options for staff to offer distressed respondent students creates a risk for both staff and students, and should be addressed. Urgent support must be available to respondents to disciplinary matters, as well as to complainants who are making a report of sexual harassment or sexual assault.

Recommendations

Safety and wellbeing assistance

3. That SCU increases its efforts to promote its services and supports, increases its visible presence at campuses other than Clayton, and ensures that its services, publications and promotional material equally support students who make complaints and students who are the subject of complaints, to build its perceived independence and neutrality;
4. That the OSC publishes more information about its role, functions and processes on the Monash website;

Clear and accessible information

5. That Monash University creates a dedicated webpage for sexual assault and sexual harassment, with clear links to all resources and supporting units on the one page and a diagram representing different reporting options;
6. That all students receive key messages on enrolment, by the required completion of the online module on respectful behaviour and watch the consent video;
7. That all faculty representatives and student leaders leading overnight study trips (for example, Science faculty field trips or similar) be required to complete the Responding to Disclosures of Sexual Assault training and Critical Incident Management training, consistent with the approach of TeamMonash;
8. That versions of the consent video specific to postgraduate students and to international students are developed, which confront openly and bravely the issues that they face (see further below), and that a culturally diverse student population is represented in all future videos and online training;

Specialist support

9. That connections between the OSC, counselling and external crisis response are strengthened to ensure access to urgent support is available to respondents to disciplinary matters;

2. Ready access to a confidential method of making an allegation

Observations

There is unanimous support for the centralisation of misconduct under the Student Misconduct Policy and the creation of the RCU. Critical incident management protocols are also working well.

Partnership arrangements, formal and informal networks and referrals between relevant Monash units work well, supporting students through reporting channels for sexual assault or harassment, and making support available. Critical incident management protocols are excellent.

a) Policy Framework

The regulations, policies and procedures provide that the basis of a complaint is:

- the Student General Misconduct Policy and Procedures – for sexual harassment or sexual assault by a student; or
- the Behaviours in the Workplace Procedure, the Resolution of Unacceptable Behaviour Procedure and/or the relevant Enterprise Agreement – for sexual harassment or sexual assault by staff.

Both have application if the alleged perpetrator is both a staff member and a student.

In our view, the **Student General Misconduct Policy and Procedures** and the related provisions of the *Monash University (Council) Regulations* (amended 26 February 2018; https://www.monash.edu/_data/assets/pdf_file/0011/1292825/Monash-University-Council-Regulations-26-Feb-2018.pdf) are in places unclear. The definition of General Misconduct in clause 30(3) of the *Monash University (Council) Regulations* provides that a student must not “harass”

another person or engage in “non-consensual sexual contact with another person”, but does not refer to or define harassment of a sexual nature. Some conduct that would amount to sexual harassment (such as repeated requests for dates, or being shown sexual content in digital form) would not technically be covered by “non-consensual sexual contact” as stated in the Regulations, and might not be understood by students to be “harassment”. Misconduct panels are apparently advised to include such sexual harassment, but the Regulations could still use clarification.

We understand that a review of all University policies and procedures is scheduled for April 2019. That review should ensure that standards of behaviour in the above Policy and Procedures are set out more clearly, and include and define “sexual harassment”.

A similar opportunity for improvement exists in the definitions of the **Guidelines for the University’s Response to Allegations of a Sexual Offence** (‘Guidelines’). The Guidelines include the SECASA definition of sexual assault, which encompass sexual harassment, although the Guidelines otherwise state that they cover “sexual assault”. The Guideline’s coverage of “sexual harassment” would be clearer if it were referred to in their Purpose (1.2) together with “sexual offence”, and be better defined and explained elsewhere in the Guidelines.

When the Guidelines are next amended, best practice requires that key stakeholders with relevant expertise (HR, SCU, Governance, SECASA, OSC) are consulted further on the content. Multi-faceted issues such as confidentiality vs transparency, and victim-centred choice of whether to proceed with a complaint vs the University’s legal obligation to take action (OHS) should be further explored, to ensure such issues are well covered in the Guidelines.

b) Case Management and Complaints Process

We acknowledge that the types of complaint of sexual harassment or sexual assault reported at Monash University can vary hugely, and incorporate: varying levels of seriousness and harm; individuals who are staff, students or both; allegations of other types of misconduct being included (including academic misconduct, bullying, etc); and other complexities. What is important for complainants and respondents is that the standards of behaviour, the avenues of complaint, the case management process and the decision-makers are clearly identifiable and able to be easily understood.

While some discretion in complaints-handling is always necessary – to protect people’s rights and wellbeing, to allow complex cases to be handled well, and when overlapping areas of the University are involved – the number of discretion points in the process should be limited, and the ‘decision-tree’ that dictates how cases are handled must be clear.

One ‘triage’ point for complaints

Data collected from stakeholders indicates that the reporting pathways are, in general, unclear to students. Students can report matters either to SCU or to OSC, and might also raise a complaint with someone in a faculty, Counselling, RCU or elsewhere. There has very recently been a change in process to ensure that complaints of sexual harassment and assault that are lodged on-line are automatically forwarded to both SCU and OSC.

Best practice dictates that one person or entity receives all complaints of sexual harassment and sexual assault (forwarded, as necessary, by the Office or person who initially received it from a

student, whether that be OSC, ROGM or otherwise) and is responsible for the decision about what body will handle the complaint. This responsibility should be stated in a policy or procedure.

Investigation of complaints against a student

There is a lack of clarity in the current policy framework about where responsibility sits in relation to the investigation of matters involving sexual harassment and sexual assault by a student. Under the Student General Misconduct Procedures, the Responsible Officer, General Misconduct (ROGM) has responsibility to investigate all alleged student misconduct. We are aware of a current proposal to delegate the ROGM's statutory investigative function to SCU in relation to matters including sexual offences, sexual harassment, assaults, blackmail, stalking and related matters. Stakeholders we interviewed described different understandings of whether this is a standing delegation of all such matters, or whether the delegation would be at the ROGM's election on a case-by-case basis.

Clause 2.8 of the Student General Misconduct Procedures states that where a report involves both general and research misconduct, the procedures do not apply. Instead of the ROGM (or SCU delegated by the ROGM), the Responsible Office of Research Conduct within a faculty manages these matters, including any investigation. Similarly, clause 2.9 of the procedure gives the ROGM a discretion to refer matters where general and academic misconduct is reported to the responsible office of the faculty. While we do not have data on frequency of this occurring, it would be unfortunate for such cases to miss the recognised expertise of the SCU and ROGM. The referral back to a faculty also runs contrary to the goal of consistency of handling in a centralised function, which was a significant reason for the reform of the process and responsibilities decided in November 2017. We recommend that this is corrected in the Procedure by way of consolidation into the one office (ROGM directly or by delegation to SCU), which we are informed is the current practice in any case, when the complaint comprises 'mainly' sexual misconduct.

Investigation of complaints against a staff member

The responsibility for investigation of complaints is less certain if a staff member is accused. Since a recent operational change, every complaint by a student against a staff member of sexual assault or sexual harassment is reviewed by the Executive Director, Campus Community Division, then referred to SCU for investigation. Previously, the Manager of Ethical Conduct, a role that sits in Human Resources, conducted such investigations.

SCU is highly respected in managing sexual harassment and stalking. However they are not experts in workplace relations, trained as investigators of workplace misconduct or knowledgeable about employment law, the Monash University Enterprise Agreement etc. We understand that because SCU does not interview staff members and cannot assess their credibility, SCU does not make a finding that can be relied upon from a workplace relations perspective and on which disciplinary action could be taken.

The new practice is believed to be that, if a student needs to be interviewed, SCU should conduct that interview, but that Workplace Relations will continue to conduct interviews with staff, for the purposes of determining any disciplinary outcome. This means that there is not one decision-maker about a staff member's alleged wrongdoing – the investigation is effectively undertaken by two parts of the university. This creates unnecessary risks.

It is important that the evidence about a staff misconduct matter needs only be collected once, and that the evidence collected (and the means by which it was obtained, including procedural fairness to the respondent) can be utilised for all necessary purposes, including meeting employment law standards. Best practice in the investigation of workplace misconduct requires that, wherever possible, one investigator collects and assesses all the evidence, applying a procedurally fair process, in order to make a finding of fact on the balance of probabilities (*Workplace Investigations*, CCH).

In our view, there is no particular reason why the complainant (student) should be not be interviewed by Workplace Relations staff who conduct misconduct investigations, with SCU or another person present to support the student. Workplace Relations, as specialists in employee misconduct, industrial relations, the EBA, procedural fairness and behavioural expectations of the staff respondents, undertake investigations involving staff conduct as one of their core functions. Complexities in sexual assault and sexual harassment cases are common – mental health and disability issues, other forms of misconduct existing at the same time, and relationships at the time of the incident being unclear (for example, a supervisor is accused of sexually harassing an HDR student, who is also employed on staff as a tutor) – and Workplace Relations deals with these issues regularly. Workplace Relations is best skilled to investigate alleged sexual misconduct by staff, including conducting the student interviews.

Handling of complaints by associations, clubs and societies

Processes for how the 106 affiliated associations, clubs and societies manage and escalate reports of misconduct to the University are not clear or widely understood by staff and students. It is believed that clubs and societies must report sexual offences (assaults, but not sexual harassment) to SCU, but compliance in practice is mixed; Critical Incident Protocols require sexual assaults to be reported to Campus Community Division ('CCD'). In our view, Monash University should formally require clubs and societies to report all incidents of student general misconduct (which should include sexual harassment) to SCU, and then SCU would triage with the alleged victim whether they wish to proceed with a formal complaint. This approach increases the transparency of clubs and societies' complaints-handling, enables the University to better manage risk, and respects victim autonomy.

Restorative justice conferences

One possible pathway mentioned in the RNA App is restorative justice conferences as a means of resolving sexual assault matters, conducted by SECASA. Effectively, in order to participate a respondent must admit to having engaged in possibly unlawful behaviour for which they could later be prosecuted and for which the respondent is offered no immunity. It is usually the case that restorative justice processes are used after a finding has been made, rather than as an alternative. We recommend that the reference to restorative justice conferences in the RNA App be deleted.

c) Panel processes

There is no express provision to allow for hearings in absentia (namely, when the complainant or respondent are not in attendance), which should be amended.

Where students have been accused of misconduct of a sexual nature that is also potentially a crime, their options for low-cost legal advice are limited. Springvale Legal Service does not provide assistance to students in matters where Monash University is also a party, Legal Aid is not available, and Monash Student Associations does not provide advocacy or advice to respondents in criminal

matters. It is concerning that respondents in sexual assault matters have little support or advice (except private solicitors at their own cost) to respond to allegations.

d) Reforms being considered or underway

Monash University has already given significant consideration to many of the issues identified above. We understand that proposed changes in policy, procedural, regulations and operations are currently under consideration, including by University Council and the Office of the General Counsel, none of which form part of the scope of this review. In interviews in this project, stakeholders reported that these changes are being considered:

- Establishment of specialist panels to deal with sexual offence/harassment matters;
- Allowing for the outcome of misconduct investigations to be advised by the Panel to “any other affected person”, rather than just the complainant and respondent;
- The delegation of the ROGM’s powers (as a standing delegation or at the ROGM’s election) to investigate sexual harassment, assault, stalking, blackmail and other serious matters to the SCU (the ROGM would retain investigations of alleged theft, property damage, taking a mobile phone to an exam, etc);
- Allowing the SCU to interview respondents and not just take statements from complainants;
- Further specialised training for panel members;
- Granting Monash University the right to appeal panel findings when it considers the panel’s determination to be manifestly wrong; and
- Empowering alleged victims to elect not to be questioned in hearings face-to-face by the alleged perpetrator of the assault (for example, questioning via CCTV or the use of shields so that the complainant cannot see the accused person, similar to the criminal justice system), and other protocols in highly sensitive matters.

Recommendations

In addition to the above reforms that Monash University is already considering, we recommend that:

Policy content and awareness

10. That when the Student General Misconduct Procedures are next reviewed, they are amended to refer to, define and explain “sexual harassment” (together with “harass” and “sexual offence”), to more clearly articulate that a student can make a complaint about sexual harassment that they experience from another student in a University context;
11. That the Guidelines refer to “sexual harassment” in their Purpose (1.2) together with “sexual offence”, that “sexual harassment” is explained elsewhere in the Guidelines, and that the Guidelines are reviewed for clarity, application/enforceability, audience and other issues of importance, involving further consultation from staff with expertise;
12. That the reference to restorative justice conferences in the RNA App be deleted;

Reporting pathways; Responsibility for complaints-handling and investigation

13. That clause 2.8 and 2.9 of the Student General Misconduct Procedures are amended, to remove faculties having any role in investigating or determining student misconduct matters which involve alleged sexual assault or harassment;
14. That a formal distinction is made between a 'disclosure' of sexual assault or harassment and a formal 'report', and disclosure to SCU be quarantined from the general requirement under Student Misconduct Procedure for staff to report contact that is a breach of policy;
15. That Workplace Relations (only) is responsible for the factual investigation of students' allegations of sexual misconduct by staff members, either by internal or external investigation, due to its expertise and experience in staff misconduct investigations, and that the investigator takes the student's detailed statement in the presence of a representative of SCU or a support person of the student's choice;
16. That clubs and societies are required to report to SCU any allegation of sexual harassment or sexual assault;

Panels and decision-makers

17. That students who are responding to allegations of conduct that also fall under the Crimes Act are informed of avenues for accessible legal advice;
18. That proceedings in absentia are specifically allowed, so that the respondent cannot prevent the hearing occurring by not appearing, and the hearing will proceed even if the complainant or respondent is too unwell, traumatised or fearful to attend;

3. Accommodating the needs of students from a diverse range of backgrounds

Observations

The specialised units and groups within Monash University which supporting particular student groups – including the Disability Support Unit (for students with disabilities), the Diversity Inclusion Unit (focusing on LGBTIQ students, indigenous students, those from financially and socially disadvantaged backgrounds and from CALD communities), which are all part of Campus Community Division, and the Ally Network and MSA Queer Office (LGBTIQ support) – were previously informal triage points for students who raise harassment or discrimination issues. They now direct students to the OSC or SCU, which is appropriate given that the OSC and SCU staff are appropriately trained in cultural and other sensitivities.

Higher Degree by Research students

This group has a particular vulnerability, especially those embedded in laboratory environments or other small, remote workplaces. There is a real reluctance to report sexually inappropriate behaviour or other inappropriate behaviour, for a range of reasons including the difficulty in finding a replacement supervisor. These working relationships can last more than 4 years, include overseas and interstate travel together, and can involve blurred boundaries. Focus group and interview data

indicates that poor behaviour (including of a sexual nature) is tolerated by senior staff, on the basis of the valuable funding, profile and status that some academics attract.

We note that a large number of post-graduate students were among those who responded to the AHRC Change the Course survey, and only 18% of those post-graduate respondents knew where to report.

LGBTIQ students

Stakeholders did not report a large amount of LGBTIQ-specific information and training available.

SCU staff advise that they treat all students 'the same' irrespective of sexual orientation, transgender, disability, overseas students etc. This focus on strict equality should be balanced by specific offers of support for LGBTIQ students, indigenous students and international students, to ensure that they have access to appropriate support persons.

Indigenous students

About a third of the 219 indigenous students across all Monash campuses engage with the Yulendj Indigenous Engagement Unit. "Cultural safety" is identified generally as a key barrier for aboriginal people making reports of inappropriate behaviour or making complaints. Work undertaken by the Victorian Government found that people are more comfortable coming forward to someone of the same cultural background, and aboriginal people are disproportionately affected by mental health issues. Yulendj Indigenous Engagement Unit staff do provide support to students who disclose sexual assault or sexual harassment. We suggest that these staff also complete the disclosure training and contribute to the development of it, to ensure it incorporates the needs of indigenous students.

Study abroad, overseas trips and placements

Study abroad programs (inbound and outbound semester exchanges) and overseas trips bring specific risks. Approximately 4,500 of Monash students annually undertake some form of outbound international study experience. International research shows that students are at a significantly increased risk of sexual assault whilst undertaking study abroad programs. Whilst we recognise that Monash students who are transferring (even temporarily) to another university are hosted by those institutions and subject to their rules and procedures, other Monash students on overseas trips (e.g. a faculty-run study tour) are subject to Monash policies and deserve the same supports that they would have in Australia.

Monash Abroad gives a good briefing to students pre-departure, although it does not include the Respect Now Always module or the consent video. Students on faculty-run trips do not get the same pre-departure briefing. We recommend that faculties provide the same pre-departure preparation of students as Monash Abroad provides. Monash should also consider providing all students undertaking industry placements and other placements with pre-placement training, covering harassment by a staff member or client of the host organisation.

International students

Representing almost a third of all Monash enrolments, and 58% of the student population at the Caulfield campus, international students were a particular focus in student Focus Groups and stakeholder interviews. It is important to recognise that this group of students is diverse, from a range of cultural backgrounds, and cannot be grouped as a homogenous entity.

International students have been widely and consistently identified as vulnerable, including by SECASA. International students are less likely to report sexual assault or sexual harassment for reasons including: shame; fear that they will have to return home overseas; impact on their visas or university studies; culture-specific barriers prevent female students from reporting; a lack of sex education.

There are some special measures in place for overseas students, although the approach is not consistent. The tab for international students on the Respect Now Always app is recognised to be a very good initiative. Some faculties have an international student worker. The RCU provides resources to be included in the orientation program run for international students at the commencement of each semester, however sexual assault and harassment issues are not discussed in detail. These sessions are not compulsory, and an estimated 60% of new students participated in previous years.

Recommendations

19. That SCU ensures that specific support is available to LGBTIQ students, indigenous students and international students, including access to appropriate support persons;

Higher Degree by Research students

20. That the training session on 'managing the supervisor relationship' is made compulsory for HDR students and supervisors, and fully explores the breadth of difficult issues and scenarios that can arise, together with information and strategies on how to respond, duty of care, victimisation, and professional obligations;

LGBTIQ students

21. That Monash consider developing LGBTIQ-specific resources about respectful behaviour, like the consent video;

Indigenous students

22. That the SCU and indigenous unit continue to build referral pathways, connections, referrals and support opportunities;

Study abroad students and students on placements

23. That there be mandatory, uniform training, including specific information about consent, the particular risks of sexual harassment and assault, reporting and support options overseas or off-campus, LGBTI issues (noting that students arrive from some countries in which homosexuality is discouraged or even criminal, such as Malaysia) and other Respect Now Always content, for:

- * all students going overseas,
- * inbound students on orientation, and
- * all students undertaking placements;

International students

24. That ongoing information is provided to international students during the course of the academic year (after Orientation), including sexual health and consent webinars tailored for overseas students, which state that if students make a disclosure of sexual assault or harassment, this information will not be shared with their parents or faculty without their consent;
25. That international students are actively encouraged to deliver training and resources, to increase student involvement (such as RNA Day);

C. University residential colleges and university residences

1. Appropriate responses by a college or university residence to reports of sexual assault and sexual harassment; Level and adequacy of training to equip RAs to serve as first responders

Observations and Commendations

MRS is engaged and proactive with respect to preventing and addressing sexual assault and sexual harassment. All data collected indicates that MRS complies with Monash University's policies and procedures.

In our observation, the community cultures found in the MRS halls are strong and supportive of their residents. We note that MRS has done and is doing significant work in clarity of expectations, information-sharing and training, to prevent hazing, excessive drinking and sexual harassment and assault.

In our view, university residences referring complainants of sexual harassment or sexual assault to the Monash University procedures, and the central Monash pathways for reporting and support, is appropriate. There is no indication from the data we collected that the Monash University reporting, response and support pathways are inconsistent with the approach taken by residences, or that special procedures or pathways for residents are needed. The alternative would be for university residences to set up their own, internal complaints-handling and support mechanisms, which would potentially be:

- inefficient – given that SCU and SECASA are already well-equipped, skilled and experienced;
- of lower quality – given the high level of skill and sensitivity required to handle such matters;
- inconsistent with the Monash University approach of centralised and consistent complaints-handling;
- vulnerable to changes in staff at university residences; and
- by their nature (internal to the college) more susceptible to peer pressure, rumour and gossip influencing the complaints-handling, which puts both complainants and respondents at a disadvantage.

RAs, and sometimes the College Head or Deputy, act as first responders to any reports or complaints of sexual harassment or sexual assault. They provide information and support but never handle the

complaints, which are always referred to SCU. The Head and Deputy Head check the Critical Incidents steps that are being followed by RAs, and have regular meetings with Residential Support Team Officers (College Heads, Deputies and Assistants) to share information about all incidents. SCU and MRS communication about investigations and complaints-handling is reasonable.

Our observation is that while the training adequately equips RAs to serve as first responders, they face challenges in managing complex issues of privacy and confidentiality, while building a healthy culture, providing support for the complainant, and modelling a strong response to incidents. This can be complicated in small, closed communities where gossip and rumour can thrive. RAs would also benefit from a better understanding of the trajectory of complaints-handling once SCU takes over the case.

Education on alcohol, safe drinking, consent, respectful relationships, fostering an inclusive culture and support networks/services is compulsory for all incoming residents. Residents must also sign a Conditions of Residency when accepting a place at a Hall, which spells out conditions, plus disciplinary consequences if breached.

We note that the Change the Course report found that international students (and other groups) experienced a higher level of sexual harassment and sexual assault. MRS is comprised of 58% international students, many of whom reportedly have never attended sex education before arriving in Australia.

When a matter is raised with senior MRS leaders, it is referred to SCU. MRS can also resolve complaints if wrongdoing is in breach of their conditions of residency.

Recommendations

26. That MRS create regular, informal channels (such as Sunday shared lunch) for refresher training and/or to initiate peer-led discussions about local sexual culture and reinforce all students' right to have their personal choices respected (including discussion opportunities for international students);
27. That MRS Heads and RAs are offered training in managing privacy and confidentiality, leadership of a healthy culture and complaints-handling;
28. That feedback from stakeholders about responding to reports of sexual assault and sexual harassment and training for RAs is passed on to Mannix College;

2. A trauma-informed and rights-based approach in a situation in which an allegation of sexual assault has been made

Observations and Commendations

The Director stated that MRS takes a victim-centred approach, with an emphasis on care, support, empowerment (options), and harm minimisation.

Some students still feel reticent to speak up about sexual harassment and sexual assault. While they are given a lot of information about avenues of reporting, there is still a culture of victim-blaming

and rumour. Again, we note that the Change the Course report found that around 90% of sexual harassment/assault incidents are not reported.

Recommendations

29. That MRS affirms an environment that encourages people to speak up about inappropriate behaviours and protects them when they do, including for example:
 - * communicating clearly their policies and procedures,
 - * reinforcing the University's Respect Now Always campaign,
 - * sharing de-identified case studies of complaints-handling, given that under-reporting is likely an ongoing issue, and
 - * offering 'active bystander' training to residents and RAs;
30. That feedback from stakeholders about RA training is passed on to Mannix College;

3. Hazing practices and other college 'traditions' which may increase the likelihood of sexual assault/harassment

Observations and Commendations

All staff, RAs and residents who were interviewed credibly stated none of these behaviours occur at MRS.

Recommendations

31. That feedback from stakeholders about preventing hazing is passed on to Mannix College;
32. That Mannix and MRS work together to develop and communicate to students a stand-alone policy on hazing, which prohibits all practices and activities that are objectively degrading, demeaning, humiliating or put a student at physical, psychological or emotional risk;

4. The role of alcohol and other substances

Observations and Commendations

MRS has a stand-alone policy on alcohol, and provides significant training on responsible drinking and harm minimisation. MRS restricts the provision of alcohol when parties are officially held in hall – such as RAs limiting residents to one drink per hour – which discourages people who wish to drink from attending.

MRS bans drinking games and spells out consequences of any breach, and it offers many 'dry' events which are well attended. It makes effort to monitor students on the two weekly pub nights, such as ensuring they have dinner, go in groups to pubs and look after one another.

Recommendations

33. That feedback from stakeholders about drinking culture is passed on to Mannix College.

5. Level and nature of supervision in a twenty-four hours residential setting

At Mannix and MRS residences, all students reported feeling safe, supported and cared for.

We make no recommendations for improvement with regards to supervision in residences.

6. Level and adequacy of training required to equip residential advisors to serve as first responders

This matter is addressed above at C(1).

Worklogic

9 October 2018



Appendix 1 Terms of Reference

“The review will consider the following:

- Examining the awareness of support services and reporting avenues amongst students.
- Existing university policies, processes, practices and response pathways in relation to sexual assault and sexual harassment, including university policy, processes and practices for:
 - Responding to allegations of sexual assault and sexual harassment (including student – student interactions, student – staff interactions, HDR students – academic supervisor interactions) including access to immediate safety and wellbeing, clear and accessible information, specialist support;
 - Ready access to a confidential method of making an allegation of the relevant conduct and appropriate support for persons affected throughout that process, support for studies, flexibility and control;
 - Accommodating the needs of students from a diverse range of backgrounds (including culture, gender, sexual orientation and other protected attributes) and study modes (including exchange and abroad students)
- The factors, which contribute to sexual assault and sexual harassment in University residential colleges and university residences. Specific to residential colleges and university residences, the review will additionally consider:
 - Appropriate responses by a college or university residence to reports of sexual assault and sexual harassment;
 - A trauma-informed and rights-based approach in a situation in which an allegation of sexual assault has been made;
 - Identify whether hazing practices are evident in university residences and residential colleges and their impact;
 - The ways that college ‘traditions’ facilitate a culture which may increase the likelihood of sexual assault/harassment;
 - The role of alcohol and other substances in facilitating a culture which may increase the likelihood of sexual assault/harassment;
 - The level and nature of supervision in a twenty-four hours residential setting in which large numbers of young people are living away from home, and
 - The level and adequacy of training required to equip residential advisors to serve as first responders or in response to matters of sexual assault and sexual harassment.
- The review will make recommendations about each of these elements for the consideration of the University’s senior management group.”

Appendix 2 Student survey

Of the 70,000 (approx.) students enrolled at Monash University's Australian campuses in 2018, a total of 2,127 responded to the survey as part of this independent Review.

The response rate of 3% is low, and means that the responses are not reliably representative of the overall student cohort. Further evidence for this is the higher rate of response of:

- women compared to men;
- students at the Clayton campus compared to students from Peninsula, Parkville and Gippsland;
- international students compared to domestic students; and
- first-year students compared to third-year students.

Postgraduate and higher degree by research (HDR) students were fairly represented in the survey respondent cohort. 6.82% of the responding cohort, and 6.24% of the overall 2018 student population, were postgraduate students. 32.96% of the responding cohort, and 31.27% of the overall 2018 student population, were HDR students.

The response rate of 3% might be typical of student surveys. We are not aware of recent survey fatigue, frequency of use of Monash email by students or other factors which might have impacted on the response rate. It is possible that the sensitive and potentially upsetting nature of the subject-matter has been off-putting to some students, or alternatively that students do not regard this topic to be of relevance to them, despite its clear importance.

A useful way to frame the survey results is to regard the responding population as being like a motivated group among the student population with respect to this topic, hence their completion of the survey.

Not all students who commenced the survey completed it. 30% of the cohort of responding students stopped answering the survey questions once questions were posed about specific units at the Monash University that provide avenues for reporting and support services. The response rate continued to drop off, with only 14% of students answered the final question about how knowledgeable they were about Monash university avenues for reporting sexual harassment and assault.

It is difficult to account for this attrition rate, especially given the brevity of the survey. It is possible that students were unfamiliar with specific Monash centres (the SCU and the OSC), or that they expected the survey to be focused on different themes, such as sexual harassment in the wider community or the #metoo movement.

Appendix 3 Stakeholders consulted

Vladimir Prpich – Executive Director, Campus Community Division
Fiona Marshall – Team Manager, Respectful Communities Unit
Joanne Calmer – Deputy Director, Student and Education Business Services
Thomas Perry – Manager, Disability Support Services
Michelle Woods – Disability Adviser, Disability Support Services
Russell Gammie – University Security Manager and Crisis Team Coordinator, Monash Security
Christopher Henderson – Deputy Security Manager
Carolyn Worth – Manager, South Eastern Centre Against Sexual Assault (non-Monash employee)
Peter Muling – Deputy Principal, Mannix College
Samantha Young – Director, Quality (TEQSA compliance)
Mitchell Bown – Acting Director, Workplace Relations
Kevin Reddy – Manager, Ethical Conduct
Sue Elliott – Deputy Vice-Chancellor and Vice-President (Education)
Jane Prior – Faculty General Manager, Faculty of Law
Minto Felix – Project Co-ordinator, Office of COO
Bridgid Connors – Chief Human Resources Officer
Bryn Dodson – President of the Monash Caulfield Students Association
Jennifer Reeder – Executive Officer, Monash Postgraduate Association
Lowan Sist – Executive Officer, Monash Students Association
Hannah Littler - President Peninsula (MONSU)
Susan Anderson – Deputy General Counsel, Office of the General Counsel
Jonathon Rhall – Senior Lawyer, Office of the General Counsel
Simon Kupec – Manager, Safer Community Unit
Jane Field – Team Leader, Safer Community Unit
Laura McDonough – Senior Manager, Office of Student Contact, Responsible Officer Student Misconduct
Belinda Campain – Director, University Health Services
Andrew Marks – Director, Counselling Services
Martin Doulton – Manager, TeamMonash
Michael Jones – TeamMonash
Trisha Prpich – Director, Monash Residential Services
Emma Fletcher – Deputy Director (Residential Support, Development and Engagement), Monash Residential Services
Sean Brito-Babapulle – Principal, Mannix College
Timothy Stephens – Faculty General Manager, Faculty of Medicine



Matthew Gillespie – Vice-Provost, Graduate Research Office
Michael Fisher – President, Monash Student Association (MSA)
Eniola Damilola Ibraheem – President, Monash Postgraduate Association (MPA)
Whitney Etheve – Coordinator, Diversity and Inclusion
Wendy Blastock – Manager, International Student Support
Jamil Tye – Manager, Yulendj Indigenous Engagement Unit
Nick Stewart – College Head, South East Flats
Tom Holdsworth – College Head, Holman Hall
Laura Swift – College Head, Jackomos Hall
Andres Villamizar Maldonado – College Head, Normanby House
Toby Maxwell-Wright – Manager, Residential, Support, Development
Khalia Barker – College Head, Roberts Hall
Rachel Wellam – Senior Manager, Monash Abroad
Craig Wallace – Development Manager, Learning Abroad
Millie Dalton – MSA Women’s Officer
Aishwarya Raju Solaki – MPA Women’s Officer
Ahmed Mohammed Mahil – MPA Vice President, HDR student representative on the Monash Academic Board
Akash Varma – Monash International Intercampus Student
Phillip Zheng – MPA International Student Officer
Kirsty Walsh – MSA Student Advocacy and Support
Eugene Moore – MSA Student Advocacy and Support
Lauren Scott – MSA Student Advocacy and Support