

# Briefing: addressing sexual violence at universities

- From Fair Agenda & End Rape on Campus Australia -

## The experiences and needs of student survivors

The distressing level of sexual assault and sexual harassment at Australian universities has been well established by two comprehensive national student safety surveys (conducted in 2016 and 2021).

This violence, and institutional failures to appropriately respond, are having adverse impacts on student wellbeing, educational outcomes, and survivors' future career prospects.

If a student who has been sexually assaulted in a university context decides to navigate the process of pressing criminal charges; they can expect to wait years for any kind of conclusion or conviction. In the meantime, they have needs that can only be met by their education institution. For student survivors to have equitable access to educational outcomes, universities must have appropriate processes in place to respond to reports of sexual violence.

In addition to the direct impacts of the sexual violence itself, students who are subjected to sexual violence on campus are also experiencing harm from the responses of their university and residence. This often includes a failure by the institution to provide an appropriate protective or responsive action to support the student's educational needs emerging from the assault; and also re-traumatisation or compounded harm from the university or residence's response to a report or complaint being filed. A common theme among the student survivors supported by End Rape on Campus Australia being "my rape was bad but the way my uni responded was worse".

## University failures

Universities and residential colleges had six years since the release of the *Change the Course* report in 2017 to make substantive change, but the 2021 NSSS results confirmed that there has been little improvement in reducing the rates of sexual violence experienced by students, or student confidence in institutional responses.

The NSSS conducted in 2021 showed: 1.1% of the 1.3 million students studying at Australian universities had been sexually assaulted within a university context within the previous 12 months. This equates to 14,300 sexual assaults per year, or 275 sexual assaults each week, every week.

If a student survivor knows how to access their university's complaints process and has the time and courage to file a report of their sexual assault, they often find that the complaints process itself is harmful to their educational progress and their overall wellbeing.

The NSSS results confirmed the inadequacy of current university complaints systems:

- fewer than half of current students know about their university's policies on sexual assault and sexual harassment, or where to seek support or assistance at their uni.
- Only 5.6% of students who experienced an incident of sexual assault reported it to their uni.
- Just 29.7% of those students who reported an incident of sexual assault to their university were satisfied with the reporting process.

## The key systemic problems with uni & residence approaches

- 1) Failure to screen staff hires and student leadership appointments for prior convictions of sexual assault; active or prior protection orders; and active complaints of sexual violence.
- 2) Failure to remove known perpetrators of violence on campus; or provide basic protections against them causing further harm.
- 3) Actively harmful and traumatising responses to student reports of sexual assault - including:
  - a) Interviews which involve investigation staff asking student survivors what they were wearing at the time of the assault and how much they had been drinking
  - b) Failure to provide any clarity or updates on what is being done as a result of your complaint / report while the process is underway.
  - c) Not providing any interim safety measures while investigations are underway
  - d) Threatening to sanction student survivors if they tell anyone other than a designated support person that they have made a complaint about sexual assault.
  - e) Survivors being unable to find out what is being done as a result of their complaint
- 4) Systemic barriers to student survivors accessing relevant academic accommodations - such as onerous processes that require new medical evidence of trauma impacts each semester, which force student survivors into a position where they face a potential fail mark (and associated HELP debt), if they don't withdraw.
- 5) Absence of a functional independent mechanism for students to make complaints about their university or residences' harmful actions in response to a report of sexual violence; which also prevents the easy identification and resolution of systemic issues.
- 6) Failure to utilise and listen to experts in sexual violence prevention and response, and to implement evidence-based or good practice policies.
- 7) The overwhelming burden on student survivors to identify and call out systemic harm - too often issues are often only identified when brave student survivors come forward.
- 8) Many institutions fail to provide adequate and evidence-based prevention initiatives. Prevention efforts have been uneven across the sector, with some universities providing detailed training to sections of their student bodies, while others fail to provide any formal prevention education programs to the majority of their students.
- 9) The absence of any robust assessment / evaluation of whether the university's declared prevention and response policies meet good practice; if they are actually being implemented; and whether they are achieving meaningful improvements to student safety and wellbeing.
- 10) Lack of transparency around how institutions (universities and residences) manage and prevent sexual violence (e.g, number of incidents reported, outcomes and disciplinary measures for perpetrators; as well as student complaints about unsatisfactory outcomes from initial reports); and oversight of whether they are doing what they claim to.
- 11) The absence of consequences when universities, residences or other institutions continue to put student safety and wellbeing at risk; and no systemic disincentive for them to continue doing so.
- 12) The tendency for some institutions to treat this as primarily a public relations and reputational issue; rather than seeking to solve the actual problems.

## What's needed to address the issue?

Given the failures of the university sector in this area, for the past six years Fair Agenda and End Rape on Campus Australia have been calling for an independent oversight and accountability mechanism - such as an expert-led Taskforce.

### **The core interventions we believe are necessary to improve student safety are:**

- Oversight that is independent of universities and residences and led by experts in sexual violence prevention and response,
- Accountability for institutions when basic standards aren't met,
- Transparency around which institutions are providing appropriate and effective responses and prevention initiatives, and
- Avenues for concerns to be raised by students, survivors and other stakeholders.

We believe that this can be achieved through a standalone Taskforce led by experts in this area and with capacity to perform all these functions in unison. We are also open to the provision of these functions across different reforms delivered through the Universities Accord process.

### **The key functions we envisage would need to be delivered - by a Taskforce or through other mechanisms, are:**

- An effective and expert-led system for reviewing student or staff complaints about a university or residences' handling of a report of sexual violence.
- Transparency around the measures universities and their associated entities (including residences and colleges) say they are taking to address and prevent sexual violence – including the policies and procedures in place.
- Independent and expert-led ongoing monitoring and evaluation of whether or not the policies and procedures universities and residences say they are delivering meet good practice in sexual violence prevention and response, and are delivering outcomes for students.
- Public reporting of these evaluations - including making public any recommendations made to strengthen a university or residential college's policies and procedures.
- Expert-led oversight of whether the measures universities and residences report they are delivering in prevention and response are actually being implemented, and are actually accessible to students.
- Accountability - through the provision of meaningful sanctions where appropriate standards are not met.
- Transparency from universities on incidents of sexual assault and sexual harassment reported to the institution, and the actions taken - including disciplinary measures taken against perpetrators, special consideration measures adopted.
- Ongoing expert-led advice to institutions and governments on the latest standards/best practice guidelines relating to reporting and disciplinary frameworks, support services and prevention strategies.

## Appendix: Student support needs and experiences

Since forming in 2015, EROC Australia has provided support to hundreds of students who have experienced sexual assault and/or sexual harassment within a university context. EROC Australia acts as support for student survivors, sometimes acting on their behalf in complaints processes, as well as connecting them with external support services such as counselling and legal services.

The student survivors EROC supports most often state that the practical measures they are seeking from their university in order to be able to continue their studies following a sexual assault include:

- **Academic accommodations** such as extensions on assignment due dates. This may be needed because they find that the effects of trauma impact their ability to concentrate, and/or because they're attempting to navigate internal university complaints processes or external processes such as the criminal justice system.
- **Alternative exam arrangements.** This may be because the effects of trauma impact their ability to concentrate, and/or because the person who has harmed them will be in the same exam location.
- **Timetable changes**, such as switching tutorial sessions. This is to avoid encountering the person who harmed them, or to enable them to attend counselling or other appointments.
- **Alterations to their enrolment**, such as changing to part-time studies or deferring to a future semester if they find that effects of trauma are impacting their ability to succeed academically.
- **Special considerations that will allow them to feel safe** while continuing or completing their studies, such as allowing international students to return to their home country and complete their studies remotely.
- **The removal of the person who assaulted them from the university**, so that they can feel safe in the campus community again - including being able to utilise library services and academic support service spaces. This is often also so that the risk of future harm to other students is minimised.

Amongst the commonly cited reasons for student survivors seeking EROC's assistance are:

- **Reports that have gone unresolved for months** - students often file formal sexual assault and/or harassment reports using their university's reporting processes only to find that the process can take up to three months or more to be investigated and finalised.
- **Inadequate interim safety measures** - universities typically do not implement adequate safety measures while they investigate a complaint, leaving student survivors afraid of physically encountering the perpetrator on campus, and being subject to intimidation.
- **Insufficient academic support** - students have experienced significant barriers and difficulties in seeking to access academic accommodations or special consideration while dealing with the impacts of their assault.

- **A lack of information or updates** being provided following a report of sexual assault - most students do not receive updates from their university after making a report. Students have to proactively seek further information about the status of their complaint, including when they can expect a resolution, and/or what, if any, sanctions the offending student will face.
- **A lack of transparency** - students are regularly told that they cannot find out the outcome to their report due to “privacy reasons.” This not only leaves them in the dark about their ongoing safety on university grounds but makes them feel as though the reporting process has been a waste of their time.

The student survivors EROC supports note that their university could address the barriers to their access and enjoyment of their education, by:

- **Providing access to regular, ongoing trauma-informed counselling.**
- **Providing on-campus safety measures**, such as no-contact orders or security escorts.
- **Assisting with locating alternative housing** if the assault occurred in university housing or a residential college.
- **Addressing the financial implications of sexual violence**, through the waiving of HECS or FEE-HELP liabilities for units that they were unable to successfully complete as the result of being assaulted.
- **Assisting them financially** through the provision of emergency loans to cover unexpected expenses that can arise following an assault, particularly if the assault results in them needing to move to a different residence.

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**For further information, contact:**

**Renee Carr, Fair Agenda,** [REDACTED]

**Sharna Bremner, End Rape on Campus Australia,**  
[REDACTED]

25 May 2021

The Hon. Catherine Branson and Professor Peter Høj  
The University of Adelaide  
South Australia 5000

Via email: [REDACTED]  
[REDACTED]

Dear Chancellor Branson and Vice-Chancellor Høj,

I am writing in response to comments made by the Vice-Chancellor at a Student Forum held on 4 May 2021, a recording of which was subsequently uploaded to YouTube by the University of Adelaide on 5 May 2021 and reported on by *The Australian* on 24 May 2021.

The comments made by Prof Høj included the following:

*Let me say that it's true that there was an organisation called End Rape on Campus that made some comments about UQ and about my time at UQ... There were some findings made of misconduct, but not serious misconduct, which was not to the liking of End Rape on Campus. So therefore, they complained to TEQSA, which is the federal government's Tertiary Education Quality Standards Agency [sic], and over an 18-month period they investigated that and concluded that UQ had done absolutely nothing wrong. And I have shared extracts from the findings, the letter to UQ from TEQSA with On Dit. So that's all I can say. It's unfair and unfounded allegations against UQ.*

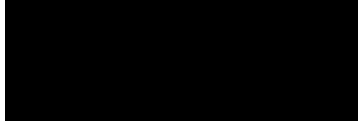
As one of End Rape on Campus Australia Limited's Directors, I wish to offer the following corrections to Prof. Høj's comments:

1. The complaint against the University of Queensland was initially referred to TEQSA by then-Minister for Education, Simon Birmingham, on 12 June 2018.
2. The referral of the complaint by the Minister to TEQSA was made some six months prior to an initial outcome from the University of Queensland.
3. The referral of the complaint by the Minister to TEQSA was made some 18 months prior to the student receiving a final outcome to subsequent complaints that were filed due to the continued misconduct of the student who was the subject of the complaint.
4. The complaint was not about the University's findings or outcome, which had not been made at the time the complaint was referred to TEQSA.
5. TEQSA did not conclude that the University of Queensland had "done absolutely nothing wrong". In fact, TEQSA found several deficiencies in UQ's handling of the matter. This was communicated to End Rape on Campus Australia, both student complainants and was publicly confirmed by TEQSA's Chief Commissioner during Senate Estimates in 2020.
6. The allegations we made against the University of Queensland were neither unfair, nor unfounded, as evidenced by TEQSA's correspondence and public remarks.

We are deeply concerned that the Vice-Chancellor not only discussed complaints of the most serious and sensitive nature made by a student without her consent, but that he has also made incorrect and misleading claims about our organisation in a public forum.

We request that the University publicly correct the comments made by the Vice-Chancellor, and that the Vice-Chancellor issues an apology to our organisation.

Kind regards,



Sharna Bremner  
Founder & Director  
End Rape on Campus Australia Ltd



Sharna Bremner [REDACTED]

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**Vice-Chancellor's Student Forum**

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**Chancellor** [REDACTED]

Mon, Jun 7, 2021 at 6:11 PM

To: Sharna Bremner &lt;[REDACTED]&gt;

Dear Ms Bremner

Thank you for your letter dated 25 May 2021. I am aware that the Vice-Chancellor has responded to you separately regarding his comments at the University of Adelaide student forum and issues relating to the University of Queensland.

However, I would also like to take this opportunity to reiterate my personal dedication to creating meaningful change at the University of Adelaide. I have written to you previously outlining the University's response to the Independent Commissioner Against Corruption's (ICAC) Public Statement about the actions of the former Vice-Chancellor, and we hope to be able to announce the next stage in our program of work soon.

The University Council and I have every confidence in Professor Høj and his dedication to addressing the issues identified in the ICAC statement and in ongoing consultation with staff, students, alumni and volunteers. I also support and endorse his remarks in his letter to you. His apologies for his comments, both to you and publicly in *The Australian*, are genuine and express his true regret and remorse.

Through our leadership, Professor Høj and I are championing the University's response to the ICAC's recommendations, and to build a stronger culture of support and respect within the University. I am confident that we can bring about lasting change.

Thank you again for your ongoing advocacy on these very important issues.

Yours sincerely

Catherine Branson

**The Honourable Catherine Branson AC QC**

Chancellor

The University of Adelaide

**From:** Sharna Bremner <[REDACTED]>

**Sent:** Tuesday, 25 May 2021 7:55 AM

**To:** Chancellor <[REDACTED]>; Vice-Chancellor <[REDACTED]>

**Subject:** Vice-Chancellor's Student Forum



Dear Chancellor Branson and Vice-Chancellor Hoj,

[Quoted text hidden]

2021/875

Sharna Bremner  
Founder & Director  
End Rape on Campus Australia Ltd

Via email: [REDACTED]

4 June 2021

Dear Ms Bremner

Thank you for your letter dated 25 May 2021, addressed jointly to the Chancellor and me. I appreciate your writing to us about these very important issues.

I wanted to respond to this personally, as the issues you have raised relate to my former institution, the University of Queensland (UQ), as well as my comments made at the recent University of Adelaide student forum.

At the outset, I would like to apologise for any distress I may have caused the students involved in sexual misconduct investigations at UQ by referring to those cases in the student forum. I made those comments in terms that I recognise as being inappropriate.

I also acknowledge that the use of the phrase 'she said/he said' was regrettable. I should not have said this. It is insensitive to the parties and particularly to any victim of such conduct. It does not reflect my genuinely held views that much more has to be done to combat sexual misconduct in all its forms. I am deeply committed to that cause.

My intention is always to be respectful of victims' circumstances and not to compound their distress. It was wrong to refer to those investigations. My comments went further than necessary. I apologise sincerely for this.

An apology in these same terms was published in The Australian on Monday 24 May 2021.

In relation to my comments about TEQSA, while it is true that TEQSA investigated the handling of those cases as detailed in The Australian's recent story, I agree that I did not phrase my comments accurately. The public record reflects (in Hansard) Professor Saunders' comments that TEQSA considered UQ's policies and procedures to be "adequate" with respect to UQ's investigations, and that those policies and procedures "had been followed" as they related to the investigations. The Vice-Chancellor of UQ, Professor Deborah Terry AO, has spoken for UQ. It is not appropriate for me to make any further comment about UQ or its handling of these matters.

I regret the words I used in discussing the matter, both in relation to the particular circumstances as well as in reference to End Rape on Campus and your ongoing advocacy work.

At the University of Adelaide, we are critically looking at our systems of reporting, training, policies, and the entire investigation process from the very first moment of a report. This goes hand-in-hand with work to combat the wider cultural influences that lead to sexual assault and sexual harassment.

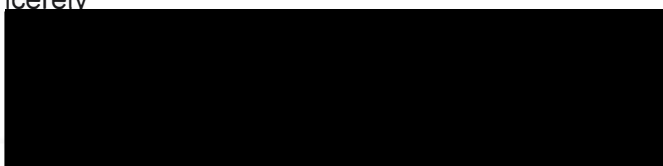
As you know, the University committed to implementing all eight recommendations made in the Independent Commissioner Against Corruption (ICAC) Public Statement last year. This work is being led by the ICAC Response Steering Committee, chaired by Professor Katrina Falkner, Executive Dean of the Faculty of Engineering, Computer and Mathematical Sciences. The Committee consists of staff, student and alumni representatives, as well as two independent external members with expertise in diversity and inclusion.

The University has also appointed KPMG as the external independent consulting group to ensure staff, students, alumni and volunteers may safely and confidentially engage in the benchmarking and consultation process.

This is about more than policies and procedures: it is about culture. Changing culture takes time but it is a journey of improvement that, together with the Chancellor, I am committed to leading.

Universities must be places of genuine respect and collegiality. As a sector, we have made progress in dealing more appropriately with sexual assault and harassment issues, and in building a culture that makes it clear that such conduct is not accepted. However, I also know we have a long way to go. End Rape on Campus has an important contribution to make. Thank you for your efforts to bring about lasting change in our sector.

Yours sincerely



PROFESSOR PETER HØJ AC FTSE FNAI (US)  
Vice-Chancellor and President

cc: The Honourable Catherine Branson AC QC  
Chancellor, The University of Adelaide