

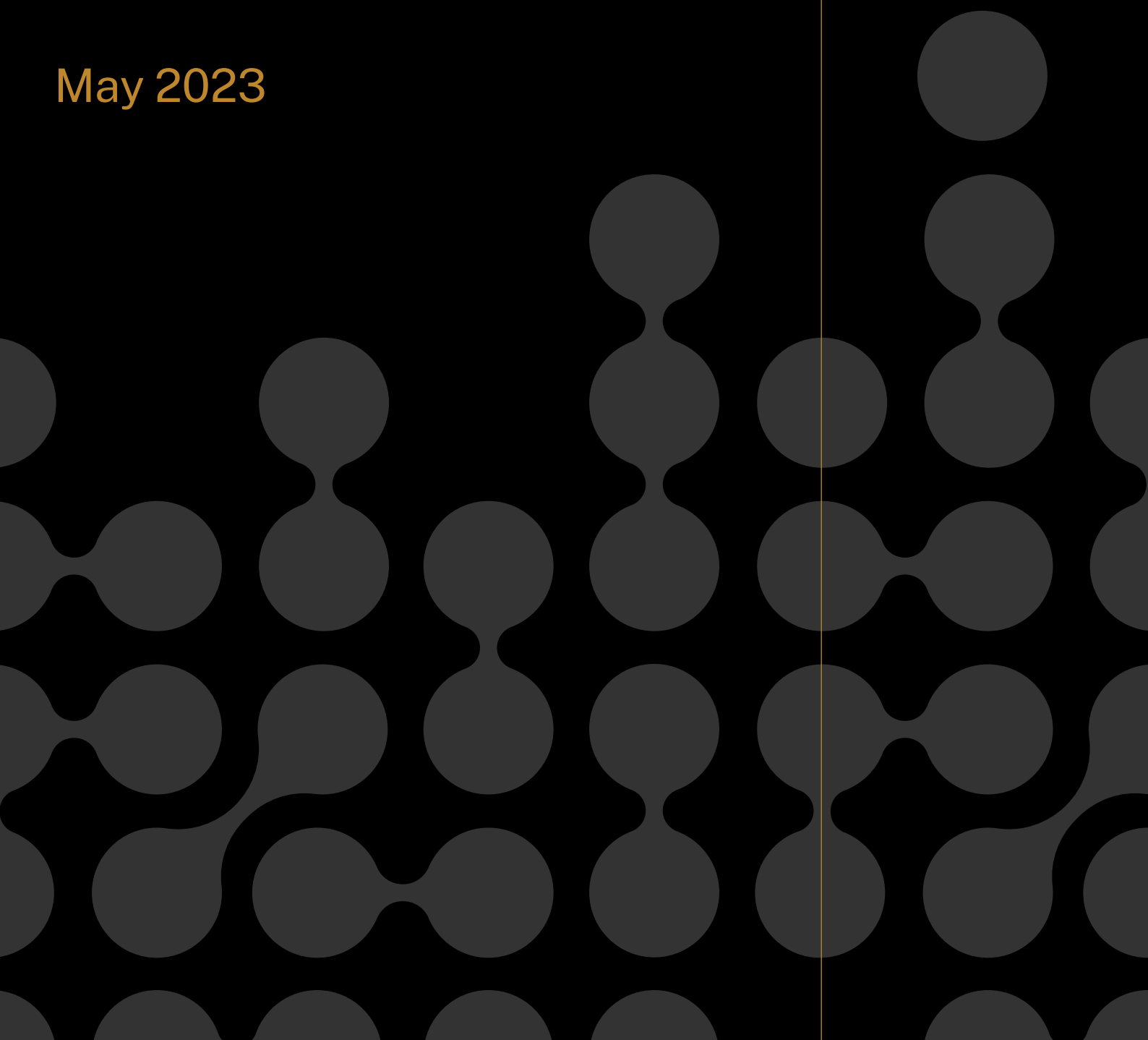
ANU Health, Safety and Wellbeing

2022 Sexual Misconduct Reports and Disclosures

May 2023



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Acknowledgements

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

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

If you need support, please contact the Student Safety and Wellbeing team (students) student.wellbeing@anu.edu.au or for staff the Employee Assistance Program (EAP) (services.anu.edu.au/human-resources/wellbeing or Staff Advisers staff.adviser@anu.edu.au)

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

Information on other support services can be found at:

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

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



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Glossary of terms

Balance of probabilities

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

Case management

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

Complainant

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

Decision maker

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

Denial of Access

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

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

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

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

Disclosure

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

DVC (A)

Deputy Vice-Chancellor (Academic).

DVC (SUE)

Deputy Vice-Chancellor (Student and University Experience).

Enrolment conditions

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

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

Exclusion

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

An action available to the Vice Chancellor (or their delegate) under the Discipline Rule 2021 following a finding of misconduct (r37(2)(j)).

Rule 45(2) of the Discipline Rule 2021 provides that, where a person is excluded from the University under the instrument:

45(2) The person ceases to be a student and, except with the written permission of the Vice-Chancellor:

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

First responder

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

Report

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

Reprimand

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

Respondent

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

Safe-making

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

SASH

An acronym of sexual assault and sexual harassment.

SVPS

Sexual Violence Prevention Strategy.

Sexual misconduct

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

Suspension

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

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

Undertaking

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

Victim/survivor

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

Australian National University, ANU Policy Library, ANU website, n.d., accessed 28 January 2022.

Background

The health, safety and wellbeing of our staff and students are at the forefront of our work. The publication of the second ANU Sexual Misconduct Reports and Disclosures report reflects our continued commitment to ensuring our study and work environments are safe, respectful and inclusive places. The University continues to adopt a trauma-informed and victim-centred approach to its policies and procedures related to the prevention, monitoring and reporting of sexual misconduct and remains committed to being transparent in our efforts to prevent and respond to incidents of gender-based violence that impact the University community.

The University will continue to meet the requirements set out in the [Sexual Violence Prevention Strategy \(SVPS\)](#) which outlines the University's long-term, evidence-based and strategic approach to effectively prevent and respond to sexual violence.

The Sexual Violence Prevention Strategy is being delivered over three phases of implementation spanning from 2019-2026, outlined below:

2019-2020	2020-2023	2023-2026
PHASE 1 Building on what works and scaling up	PHASE 2 Strengthening whole-of-community efforts	PHASE 3 Maintaining efforts and getting results
The first phase of the Strategy focused on building the foundations for effective prevention at ANU. This phase included establishing the Respectful Relationships Unit, recruiting a skilled prevention workforce, implementing an overarching Sexual Misconduct Policy, launching an online Sexual Misconduct Disclosure Form and expanding evaluation and monitoring efforts.	The second phase of the Strategy focuses on strengthening the foundations for effective prevention and developing a greater level of sophistication and saturation of prevention activities across ANU communities. During this phase, the University released its Student Safety and Wellbeing Plan , which is being delivered under the governance of a Student Safety and Wellbeing Committee of Council.	The third phase of the Strategy focuses on continuing to learn, innovate and maintain efforts in prevention. We expect to see noticeable gains in the third phase at individual, relationship community and organisational levels. This includes greater representation of our community in prevention efforts, both as participants and facilitators.



Part 1: University-wide actions undertaken since the last report

In 2022, the University significantly increased the staffing profile, improved the disclosure processes, developed and implemented new education programs and built greater awareness of support options to better respond to incidents of gender-based violence. Below is a snapshot of work completed in 2022.



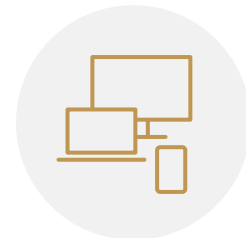
Online disclosure tool reviewed to align with trauma informed and person-centred practices and significantly reduce the steps for a student to make contact with support.

Student Safety and Wellbeing team staff increased by four to a total of seven FTE, including three extra Case Managers (total now four) and a Nurse Practitioner (women's health and sexual health).



Student Safety and Wellbeing Case Manager allocated as a pilot to participating student residences to provide a central point of contact with Student Safety and Wellbeing team.

Residential Community Safety Officers increased as a pilot in the student residences.



Reach-Out Campaign launched during semester 1 2022 Orientation Week to improve awareness and connection of students and staff to support services.

Sexual harassment and sexual assault webpage revamped to clarify support available and disclosure and reporting options.



Formal reporting of student misconduct webpage released clarifying the report process under the Discipline Rule with clear guidelines for complainants and respondents.

The Accommodational Declaration developed for implementation in Q1, 2023. Residential students are asked to disclose any criminal convictions, pending charges and unspent criminal convictions against the following categories:

- Sexual offences.
- Serious violence or assault.
- Stalking, harassment or bullying, either in-person and/or cyber.



ANU Rights, Relationships and Respect education program was developed in 2022 and released in February 2023.

A bespoke program comprising a one hour online module followed by face-to-face workshops with students in residence. Early feedback from students who have completed the module includes:

- 88% agreeing the course had helped them understand concepts more clearly,
- 95% trusting the ANU takes all forms of sexual assault and sexual harassment seriously.



A review of the ANU Discipline Rule by Honorary Associate-Professor Miriam Gani, ANU College of Law and Former ANU Dean of Students. The review included consultation with students and staff, and a consideration of best practice from across the sector. Draft recommendations are currently being considered for implementation during 2023-2024.



Part 2: Preventing gender-based violence

The Respectful Relationships Unit (RRU) supports ANU communities to change the systems and cultures that drive sexual violence, fostering a safe and respectful community. In 2022 the Respectful Relationships Unit grew by two full-time positions to a total of six full time staff, including the recruitment of a Senior Project Officer with a focus on working to develop specific programs for students in on-campus residences.

The RRU works in close collaboration with Student Safety and Wellbeing and Residential Services to provide comprehensive suite of programs. In 2022, the RRU's activities were primarily in the four domains of:

- Education and training
- Consultation and planning
- Community engagement and events
- Ally Network

With an additional focus on the development of an evaluation framework to measure the implementation and impact of the activities.

Education and training

Activity	Outcome
Enlivening Consent 1-hour face-to-face consent education	Delivered to >1500 commencing students. 95% of survey respondents would recommend it to a friend. 93% of survey respondents felt that the learning outcomes were achieved.
Understanding & Responding to Disclosures of Sexual Violence	Delivered to >600 staff and students. 100% of survey respondents would recommend it to a friend. 97% of survey respondents felt that the learning outcomes were achieved.
MATE Bystander Training	Delivered to >250 staff and students. 100% of survey respondents would recommend it to a friend. 100% of survey respondents felt that the learning outcomes were achieved.

Consultation and planning

Activity	Outcome
Restorative approaches	Professional development for ANU professional and academic staff. Delivered to 18 staff.
Bespoke consultations	Consultations in one-on-one and group settings. Engaged with >800 staff.
Rights, Relationships, and Respect program	Developed the online consent education program. Delivered to >4000 students. 64% of commencing students have started or completed the program.

Community engagement and events

The RRU developed and launched the [Sexual Violence Prevention Toolkit](#) with guest speakers Chanel Contos and Professor Meredith Nash at the launch event.

Ally Network

Activity	Outcome
LGBTQIA+ Ally Training	Delivered to >600 staff and students. 94% of survey respondents would recommend it to a friend. 97% of survey respondents felt that the learning outcomes were achieved.
Ally Network	Developed the Ally Network Leadership Stream Launch in 2023
Rights, Relationships, and Respect program	Developed the online consent education program. Delivered to >4000 students. 64% of commencing students have started or completed the program.



Part 3: Current priorities

Moving into 2023 and under the guidance of the Student Safety and Wellbeing Committee, ANU will focus on:

- Evaluating the new Rights, Relationships and Respect education program with options for new modules developed specifically for Higher Degree Research (HDR) students.
- Establishing the mid-term review of the Sexual Violence Prevention Strategy,
- Releasing a new sexual misconduct policy.
- Launching a Mental Health Strategy review project.
- Continuing development and improvement of student safety data collection and reporting mechanisms.
- A proposal for an after-hours support model in student residences that considers both student safety and operational requirements.
- Developing comprehensive and consistent processes on wellbeing, behaviour and conduct in the student residences that further enhance adherence to University policies and procedures.

- Implementing the recommendations from the ANU Discipline Rule review,
- Continuing to reinforce the collaborative partnerships established between Student Safety Wellbeing, Student Residences and Office of the Registrar.

Finally, ANU will continue to develop approaches to student wellbeing and inclusion, with a focus on reforming the current student safety data and reviewing the mental health strategy for staff and students.

The data work will establish key indicators to recognise patterns of student risk that will in turn inform and support wider prevention and response strategies. Specifically, the data will inform actions needed to improve the wellbeing of cohorts at high risk of mental ill health, sexual violence and other wellbeing issues, i.e., international students, people who identify as LGBTQIA+, people from low socio-economic backgrounds, and students who are from regional areas.

Part 4: Reports of sexual misconduct

This section provides data on formal reports of sexual misconduct, as defined under the [ANU Discipline Rule](#) and the [Sexual Misconduct Policy](#) made by ANU students to the Office of the Registrar.

The ANU [Discipline Rule](#) ('the Rule') is a legislative instrument that governs the University's formal process for inquiring into reports of all forms of student misconduct, including sexual misconduct, and making findings as to whether misconduct has occurred. The Rule affords students due process and allows penalties to be imposed where findings of misconduct have been made. In the context of sexual misconduct, the Rule relies on an impacted person to submit a formal report to the University—a separate process to that of a 'disclosure'.

Reporting process

The reporting process is based on the principles of procedural fairness, meaning that the respondent, against whom the allegations are made, is afforded a fair opportunity to view and respond to the report. The health, safety and wellbeing of the University community is a primary consideration in the application of the Rule and, as such, the formal reporting process may provide interim safe-making options as well as pastoral care and academic support.

Complainants in sexual misconduct matters, are encouraged to engage with the Student Safety and Wellbeing team for support. The University respects the rights of the complainant to choose not to proceed with a formal report until they are ready to do so. Reports of sexual misconduct can be made at any time (and are not subject to time limitations). Likewise, reports which complainants have chosen not to progress can also be reopened at any time by contacting the Office of the Registrar.

Outcomes and expectations

The University can only make a determination whether there has been misconduct or not, on the balance of probabilities, in accordance with the Discipline Rule. The University cannot make any determinations in relation to civil or criminal liability.

The University may not be able to take the complainant's preferred action(s), as set out in their report, and there may be legal or practical limits on what the University can do in given circumstances. There may be delays due to University closures or unforeseen circumstances, (see Timeframes for report finalisation in 2022).

Key findings

Data presented in this section was extracted from formal reports lodged with the Office of the Registrar for consideration under the Rule in 2022. The Office of the Registrar (formerly part of the University's Academic Standards and Quality Office), which supports nominated decision makers under the Rule, is responsible for collecting this data. All relevant materials are stored in accordance with the University's obligations under the Privacy Act 1988.

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

	2022
Reports considered at inquiry	14
Report withdrawn or approval to proceed was not provided	3
Deemed either beyond the jurisdiction of the University or action was taken under alternative processes	3
Total reports received	20

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

	2022
Exclusion	9
Suspension	1
Denial of Access	2
Conditions on Enrolment	1
Reprimand	1

Note: Respondents may have been issued more than one penalty as a result of a finding of misconduct.

Reports received in 2022

In 2022, the University received 20 reports of sexual misconduct under the Rule. Of the 20 reports submitted:

- 14 reports went on to inquiry and respondents to 10 reports were found to have engaged in misconduct;
- three reports were either beyond the jurisdiction of the University or were deemed inappropriate to proceed due to other processes having already been undertaken; and
- three reports were deemed not actionable in 2022 as the reports were either withdrawn by the complainant or consent to proceed to formal action was not provided.

The Office of the Registrar saw an increase in the volume of reports of sexual misconduct in 2021 and 2022 compared with the previous two years. This may not necessarily indicate an increase in incidents, but rather may signal that students have a better understanding of the reporting options available to them.

Interim measures applied in 2022

The University aims to take swift action in all reports of sexual misconduct, including the application of immediate safe-making measures. Interim safe-making actions were arranged for more than ninety per cent (90%) of reports that proceeded to inquiry in 2022.

Interim safe-making measures applied included separation instructions and/or a denial of the respondent's access to University facilities, and/or campus and/or activities on behalf of the University.

Timeframes for report finalisation in 2022

Sexual misconduct is not accepted at ANU, with the University committed to ensuring the safety of its community by responding to reports of sexual misconduct in a timely manner. The average time to finalise reports, from when a student submitted a report to an outcome issued under the Rule in 2022, was 54 working days. Note, this average has been skewed by a case where it had been assessed that no member of the University community was at immediate or long-term risk. Without the skewing case, the average time to finalise reports under the Rule in 2022 would have been 41 working days.

Findings and penalties applied in 2022

The Rule allows for penalties to be applied where a finding of misconduct has been made, ranging from a reprimand through to exclusion from the University.

In 2022, the penalties issued for cases with a finding of sexual misconduct were as follows:

- eighty two per cent (82%) of respondents were excluded;
- nine per cent (9%) of respondents were suspended for a specified period of time; and
- nine per cent (9%) of respondents were denied access to specified facilities of the University.

Over seventy-five percent (75%) of reports of alleged sexual misconduct heard at inquiry received a finding of misconduct. The majority of respondents found to have engaged in sexual misconduct were penalised with exclusion from the University, with inquiries finding that their conduct was inconsistent with the University's values and that they were no longer entitled to membership of the University community.

Support accessed in relation to reports of sexual misconduct

Both complainants and respondents are entitled to, and encouraged to, access support throughout the inquiry process under the Discipline Rule. The Student Safety Wellbeing Team and the Dean of Students Office play a vital role both in responding to disclosures of sexual misconduct and in ensuring that students feel supported to formally report to the Office of the Registrar.

The number of complainants and respondents engaging with these University services in 2022 supports this conclusion, with complainants in 11 out of 20 reports recorded as accessing primary support from Student Safety and Wellbeing and six complainants recorded as accessing primary support through other services such as the Dean of Students Office or their Residential Halls.

Of the 14 reports that proceeded to inquiry in 2022, respondents to 13 reports were identified as having sought support from the Dean of Students Office.

Part 5: Disclosures of sexual assault and sexual harassment

In 2022, the Student Safety and Wellbeing team received a total of 204 disclosures, 117 disclosures were identified and 87 de-identified.

All the identified disclosures (117) were contacted by a Case Manager within 48 hours of a disclosure being received. Case Managers provided support to 71 students with a further 10 students supported through the Student Safety and Wellbeing Nurse Practitioner. Of the students who provided identifying details, 36 declined support from Student Safety and Wellbeing at the time of contact.

Of the identified disclosures, 37 were made directly to a Student Safety and Wellbeing Case Manager or the Nurse Practitioner in the course of an appointment where the initial presentation to the service was not related to sexual assault or harassment.

The type of support provided by a Case Manager included:

- Provision of supportive counselling.
- Facilitation of warm referrals to Counselling (for students needing therapeutic mental health support), Office of the Registrar (for students who wanted to explore formal reporting) and the Office of the Dean of Students (particularly for students who required liaison with the academic colleges), external community services (Canberra Rape Crisis Centre, legal services and Police).
- Coordination of academic special consideration (extensions, exam deferrals and withdrawal without penalty) for students impacted and in liaison with the Office of the Dean of Students when required.
- Developing and implementing safety planning –on-campus (in liaison with on-campus residences, Office of the Registrar and ANU UniSafe), off-campus including supporting students with police reporting and court processes e.g. AVO).
- Assisting with alternative accommodation arrangements for students.
- Referring students to medical services, including direct access to the Student Safety and Wellbeing Nurse Practitioner (10 direct referrals from Case Managers).

Engagement with the Student Safety and Wellbeing Nurse Practitioner

In late September 2022, as part of the Student Safety and Wellbeing Plan 2022-2024, the Student Safety and Wellbeing team recruited a Nurse Practitioner with specialisation in women's health, sexual health and forensic nursing to further expand the trauma-informed supports available to students who have experienced sexual assault, thereby continuing to expand care pathways toward a whole-of-institution response.

A Nurse Practitioner is a registered nurse with additional training at the Master's Degree level and endorsement by the Nursing and Midwifery Board of Australia. This endorsement allows a Nurse Practitioner to practice independently toward the provision advanced clinical care including the diagnosis and treatment of illness or infection within a defined scope of practice. This new role also expands the team's scope into positive and healthy sexual relationships through the provision of accessible on-campus sexual health care and outreach education events.

The Student Safety and Wellbeing Nurse Practitioner is co-located with the ANU Medical Centre one day per week (expanding to two days in 2023). From the end of September to December 2022, the Nurse Practitioner saw 49 students for a number of presentations including ten presentations due to a disclosure of sexual assault.

Note: While trained in forensic nursing, the Student Safety and Wellbeing Nurse Practitioner will still refer to the appropriate external services for forensic examination for the purpose of lodging a report with the police.

Disclosure data

In line with the revised [ANU disclosure tool](#), the only information required to be provided as part of a disclosure process is the current age of the person who has experienced sexual assault or sexual harassment and their current safety status. All other questions are optional, hence the data provided below may not add up to the total disclosures received.

Figure 1: 2022 disclosures of sexual assault and sexual harassment

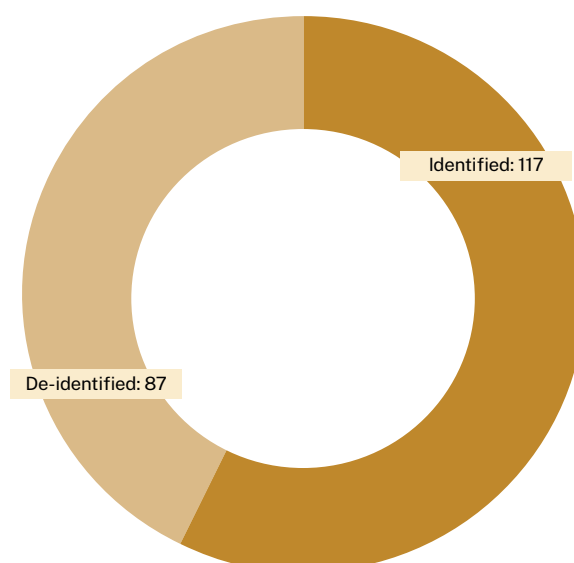
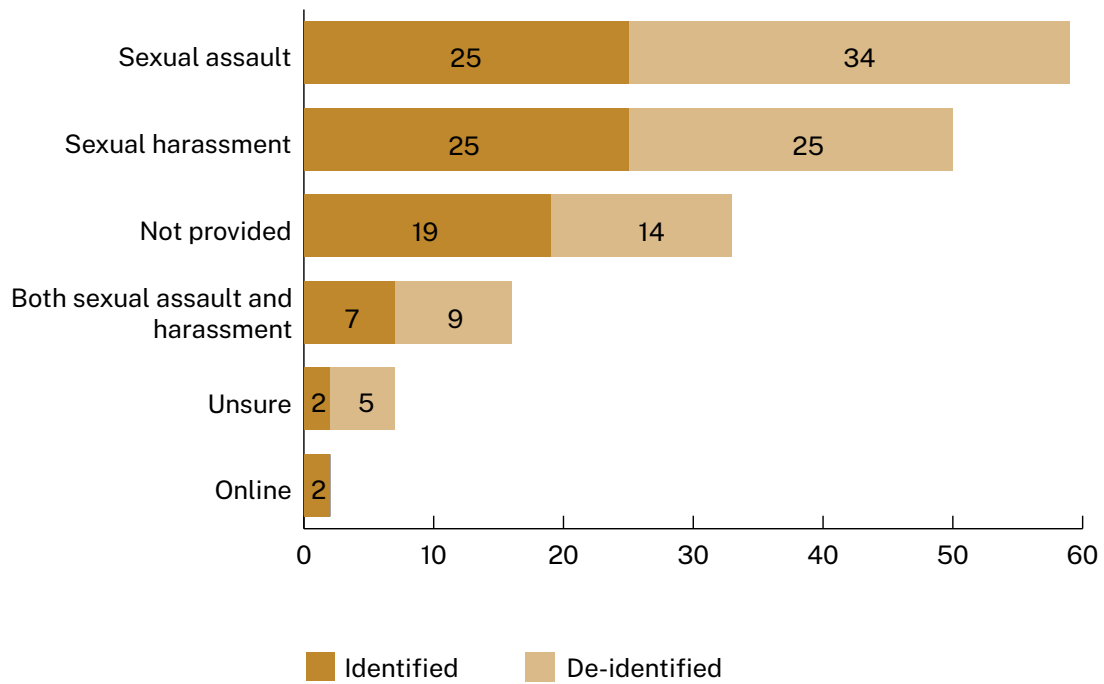


Figure 2: Behaviours disclosed



Behaviour disclosed - not required for engagement with a case manager in line with trauma-informed practices

Figure 3: Gender of person who experienced harm

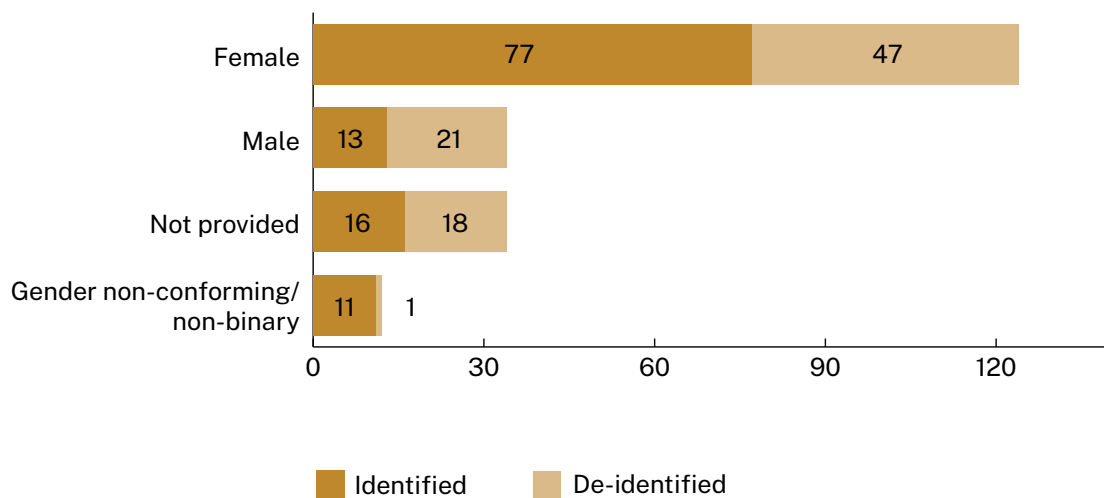


Figure 4: Disclosed location of Incident of sexual assault or sexual harassment

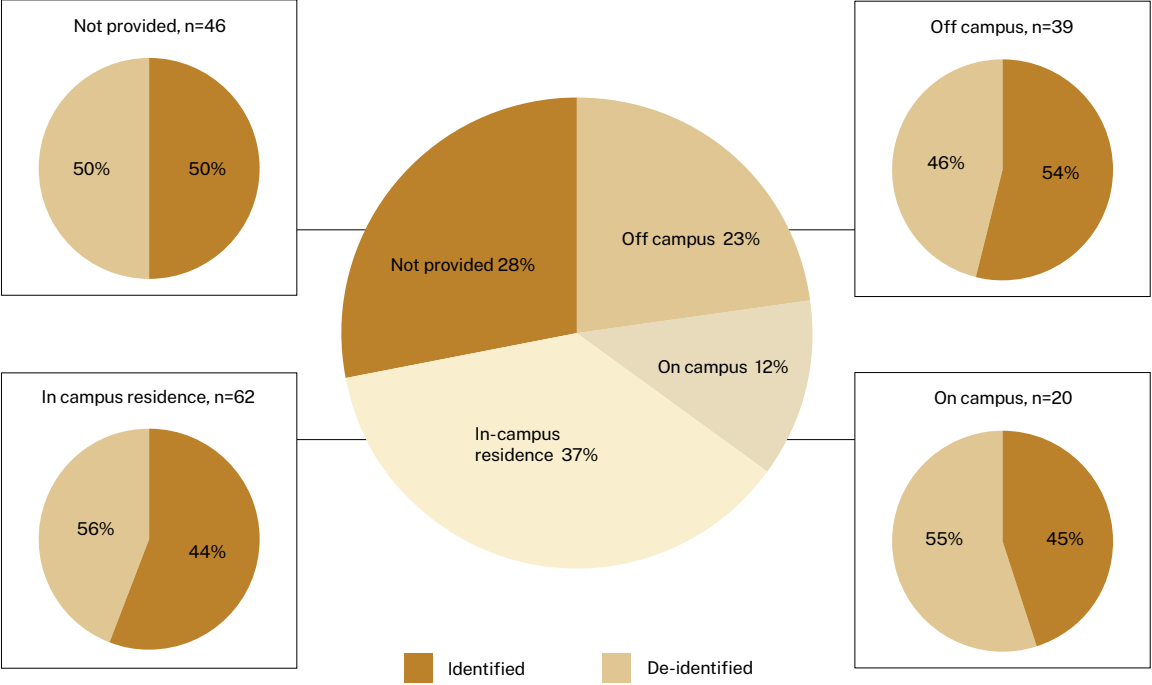


Figure 5: When did the disclosed incident take place?

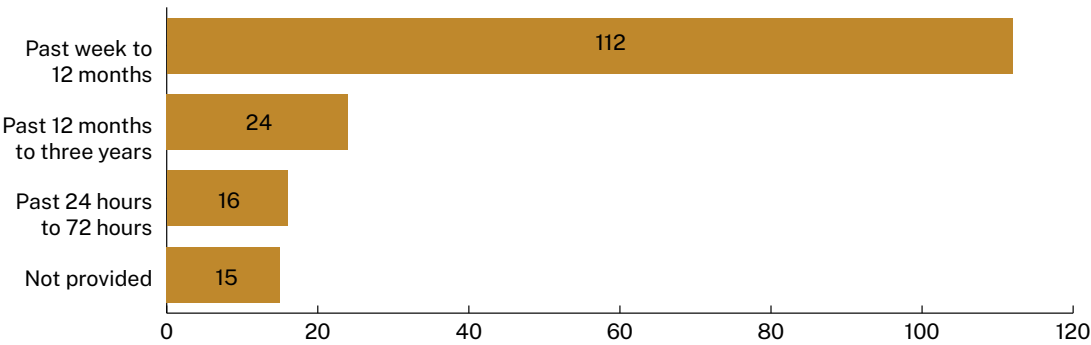


Table 3: Supports which the disclosing person requested (asked for identified disclosures)^

Support type	Number of responses
Contact from a Student Safety and Wellbeing Unit Case Manager	78
Information and support with formal reporting – ANU	23
Assistance to minimise contact with person who caused harm and other safety measures	21
Support with academic accommodations	14
Information / referral to ANU Counselling and/or Medical Services	11
Information and support with formal reporting – Police	5
Information and referral to Canberra Rape Crisis Centre	3
Not support required	7
Not provided	23

^person completing the disclosure can pick multiple options.

Table 4: Why did the person making the disclosure choose to make a de-identified disclosure? (Asked for de-identified disclosures)^

Reason	Number of responses
They just want the university to know, without any need for support	23
Feels embarrassed / ashamed	12
Don't want to get others in trouble	10
Scared of potential retaliation	8
Scared they won't be believed	6
They are an international student visa holder and have concerns about the potential impact on their visa.	3
They were told not to disclose	1
N/A lodged using 2021 form	22
Not provided	25

^person completing the disclosure can pick multiple options.



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Support provided to ANU staff

Case Managers provided information and guidance to nine academics/ professional staff who were directly supporting a student following a disclosure. Through this engagement, staff was able to support students using a trauma informed process while ensuring the student had access to the correct information and referral pathways.

Support provided to responders

Case Managers provided information and support to seven students who have been named as a respondent as part of an inquiry under the ANU Discipline Rule.

Part 6: Appendix

Appendix 1: October 2021 to December 2021 disclosures

The [2021 ANU Sexual Misconduct Reports and Disclosures report](#) only included disclosure data for January to September 2021. This appendix provides the October to December 2021 data.

Identified disclosures received	14
De-identified disclosures received	33
Total	47

Person who lodged the disclosure

Person who experienced sexual assault or sexual harassment	17
Residential staff on behalf of a student	12
First responder (staff, student)	8
ANU Counselling	7

What behaviours were disclosed (where provided)

Sexual assault	10
Sexual harassment	14

Where did the Incident take place (where provided)

On-campus	7
Off-campus	3

Contact us

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

For further information about this report, please contact:


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