



Australian
National
University

Sexual Misconduct Reports & Disclosures

March 2022

This report can be found in electronic format on the University's website at:

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

For further information about this report, please contact:

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CRICOS Provider No. 00120C

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

If you need support, please contact one of the following ANU or external services:

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

- For students:
 - [Health, safety & wellbeing - ANU](#)
 - [Urgent student support services](#)
- For staff:
 - [Employee Assistance Program and urgent staff support services](#)

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Glossary of terms

Alleged perpetrator: a person who has been named as part of a disclosure as having inflicted sexual assault or sexual harassment.

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 for sexual misconduct disclosures are initiated and coordinated through case managers in the Student Safety and Wellbeing team at ANU.

Disclosure: information provided about an incident that the person making the disclosure believes to be sexual assault and/or sexual harassment. A disclosure is not a formal complaint, can be anonymous, and the person reporting is able to, but does not have to, identify the other person/people involved. The main purpose of a disclosure is to provide the victim/survivor – either directly or through the person lodging the disclosure – with information and support. Lodging a disclosure does not prevent someone from looking at their reporting options both within the University and directly to the police.

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 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 policy¹ or the **Discipline Rule 2021**.² A report under the Discipline Rule is lodged with the University Registrar's Office.

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

Safe-making/safety-planning: 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.

Sexual misconduct: instances of sexual harassment or sexual assault that the University is notified of, or is responding to.

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

¹ Australian National University, [ANU Policy Library](#), ANU website, n.d., accessed 28 January 2022

² Federal Register of Legislation, [Discipline Rule 2021](#), Federal Register of Legislation website, 2021, accessed 28 January 2022.

Introduction

The Australian National University (ANU) is committed to providing a safe, respectful and inclusive study and work environment for our community. We put the health, safety and wellbeing of those impacted by sexual assault and sexual harassment at the centre of our response and processes.

The University has taken progressive steps to meet the recommendations found within the Australian Human Rights Commission's *Change the Course Report*³ and the *ANU Sexual Violence Prevention Strategy (SVPS)*⁴, but we must continue to improve our approach to sexual violence prevention and response.

In September 2021 the Senior Management Group endorsed a three-phased operational plan to rebuild our internal capacity, begin reporting meaningful data on sexual violence and commence rolling actions based on an independent assessment of the SVPS. Importantly, the three-phase operational plan has incorporated recommendations from previous reports, independent advice and the Broken Promises Report.

As one of our commitments endorsed under the three-phase plan and the SVPS, this report provides information on reports and disclosures of sexual misconduct lodged with the University between 2019 and 2021. The release of this report is a significant step towards improving institutional transparency and accountability at ANU.

We acknowledge and thank the students and staff in our community who have trusted us with their stories and information through making a disclosure and/or report.

Responding safely and effectively to violence requires a survivor-centred approach that prioritises the safety and wellbeing of students and staff providing data. Every experience of violence is different, so each individual case requires a response tailored to the needs, experiences and choices of the victim/survivor.

We acknowledge that disclosing and reporting sexual harassment or sexual assault can be a difficult decision, and that a person must feel safe and confident that any disclosure and report will be treated appropriately. Our commitment is to continue to improve our support and processes, be victim/survivor-centred and improve the data we report on.

The data found in this report is not representative of any sample group, nor can the data be extrapolated to form generalisations or patterns. ANU welcomes the release of the second National Student Safety Survey (NSSS), which will provide a comprehensive report regarding the landscape of disclosures and help-seeking behaviours at the University.

In summary, the report indicates the following:

- Year on year, more individuals are coming forward to report and disclose incidents of sexual misconduct.
- In 2021, all reports of alleged sexual misconduct heard at inquiry received a finding of misconduct and the majority of respondents were penalised with exclusion from the University.
- The majority of individuals contacting ANU through confidential disclosures are doing so to seek support through our specialist case managers or to inquire about formally reporting sexual misconduct to the University.
- The majority of incidents disclosed happened on campus in residential halls/colleges and off campus, usually in a nightclub, bar or private residence.

³ Australian Human Rights Commission, [Change The Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities \(2017\)](#), AHRC website, 2017, accessed 28 January 2022.

⁴ Australian National University, ['ANU Sexual Violence Prevention Strategy 2019-2026'](#), Australian National University, 2019, accessed 28 January 2022.

This report is presented in two parts. Part one provides data on formal reports of sexual assault or sexual harassment made by ANU students to the University Registrar's Office that are followed by an inquiry under a particular University policy⁵ or the *Discipline Rule 2021*.⁶ Part two provides data on disclosures of sexual assault and/or sexual harassment made by ANU students and staff to the University through the ANU Sexual Misconduct Disclosure Form. A disclosure is not a formal complaint, and the main purpose of the form is to provide support and guidance through dedicated case managers.

5 Australian National University, [ANU Policy Library](#), ANU website, n.d., accessed 28 January 2022.

6 Federal Register of Legislation, [Discipline Rule 2021](#), Federal Register of Legislation website, 2021, accessed 28 January 2022.

Part 1: Reports of sexual misconduct

This section provides data on formal reports of sexual misconduct made by ANU students to the University Registrar's Office. A report is an official complaint and a documented formal process. Reporting to the University triggers a review into the allegation of sexual misconduct and a decision as to whether to proceed with an inquiry under a particular University policy⁷ or the *Discipline Rule 2021*.⁸

The ANU Discipline Rule ('the Rule') is a legislative instrument that governs the University's formal process for inquiring into reports of student misconduct, including sexual misconduct. The Rule affords due process and allows actions to be taken when findings of misconduct have been made. The Rule relies on an impacted person to submit a formal report to the University – a separate process to that of a disclosure.

The reporting process (see Appendix 1) 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 the complainant with safe-making options and pastoral and academic support.

Data presented in this section were extracted from reports lodged with the University Registrar and considered under the Rule between 2019 and 2021. The University's Academic Standards and Quality Office, which supports nominated decision makers under the Rule, collected the data. All relevant materials are stored in accordance with the University's obligations under the *Privacy Act 1988*.

Key findings

In 2019, the University received four reports of sexual misconduct under the Rule. Three reports went on to inquiry and all respondents were found to have engaged in misconduct. A penalty of suspension was applied to each, ranging from six to 12 months. The fourth report was withdrawn prior to an inquiry being held.

In 2020, ANU received nine reports of sexual misconduct under the Rule. Six reports went on to inquiry and all respondents were found to have engaged in misconduct. Penalties were applied to five of the reports ranging from reprimand, conditions on enrolment and suspension. The three reports that did not go to inquiry were due to the report either being withdrawn or suspended as a result of other proceedings.

In 2021, the University received 31 reports of sexual misconduct – a significant increase compared to previous years. An increase in the number of reports might not necessarily indicate an increase in incidents. Rather, the increase instead may signal that victim/survivors feel more equipped and have a better understanding of the reporting options available to them, and that they feel safe and empowered to report to the University through the Rule.

Of the 31 reports submitted under the Rule in 2021:

- twenty-one reports went on to inquiry and all respondents were found to have engaged in misconduct
- seven reports remained in progress and were yet to be heard at inquiry (at the time of writing)
- three reports were either beyond the jurisdiction of the University or were deemed inappropriate to proceed due to other processes having already been undertaken.

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 80 per cent of reports in 2021, including separation instructions, revocation of licence and/or a denial of access to University facilities and/or campus.

Sexual misconduct is not accepted at ANU, and we are committed to the safety of our community by responding to reports of sexual misconduct in a timely manner. The average time to finalise reports under the Rule in 2021 was 27 working days.

⁷ Australian National University, [ANU Policy Library](#), ANU website, n.d., accessed 28 January 2022.

⁸ Federal Register of Legislation, [Discipline Rule 2021](#), Federal Register of Legislation website, 2021, accessed 28 January 2022.

The Rule allows for penalties to be applied where a finding of misconduct has been made, ranging from a reprimand to exclusion from the University. In 2021, the penalties issued for cases with a finding of misconduct were as follows:

- ten per cent of respondents received conditions on their enrolment
- thirty-eight per cent of respondents were suspended or denied access to the University for a specified period of time
- fifty-two per cent of respondents were excluded from the University.

Our values are reflected in the outcomes issued under the Rule in 2021. All reports of alleged sexual misconduct heard at inquiry received a finding of misconduct. The majority of respondents 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 our community.

Part 2: Disclosures of sexual misconduct

This section provides data on disclosures made to the University between October 2019 and September 2021 through the ANU Sexual Misconduct Disclosure Form. A disclosure is information provided about an incident that the person making the disclosure believes to be sexual assault and /or sexual harassment. A disclosure is not a formal complaint, can be anonymous, and the person reporting is able to, but does not have to, identify the other person/people involved.

The main purpose of a disclosure is to provide the victim/survivor – either directly or through the person lodging the disclosure – with information and support. Lodging a disclosure does not prevent someone from considering their reporting options both within the University and directly to the police. A secondary purpose of the form is to improve the University's understanding of the prevalence of sexual misconduct through improved data collection.

Following a disclosure, the Respectful Relationships Unit and the Student Safety and Wellbeing team at ANU provide information to the victim/survivor on support available, implement safety interventions in residences, learning and research spaces on campus and online (when possible), and facilitates academic special consideration. We provide support to a victim/survivor during this process according to their choices, and they maintain control of the process throughout (see Appendix 2).

ANU Sexual Misconduct Disclosure Form

This report contains data on disclosures lodged via the ANU Sexual Misconduct Disclosure Form from 24 October 2019 to 30 September 2021. The data have been presented as two twelve-month periods: October 2019 to September 2020, and October 2020 to September 2021.

The Respectful Relationships Unit (RRU) designed the form in consultation with the Planning and Performance Measurement Division (now the Planning and Service Performance Division). The form is built on an ANU-licensed software platform called Qualtrics.

The form comprises 66 questions across four broad categories of user:

1. The person impacted by the incident
2. A support person
3. A witness
4. ANU service provider

There are a number of mandatory questions in the form, however the majority of questions are optional (see Appendix 3). This means a user may choose to not respond to questions or sections as they complete the form.

Limitations

The data provided through the disclosure form is service related and does not represent any sample of people, or a specific location or timeframe for incidents of sexual misconduct. For example, people may disclose incidents that happened a long time ago and incidents that happened either on or off campus. Therefore, it is not appropriate to use the data presented in this report to extrapolate or create a snapshot of events on campus, or to propose any generalisations or patterns regarding sexual misconduct at the institution.

The disclosure form is available to victim/survivors, support persons, witnesses, bystanders and support services, and can be filled out anonymously or in a de-identified manner. As a consequence, the disclosures lodged through the form may include multiple disclosures by the same person and/or multiple disclosures of the same incident by different people. All disclosures are important to enable the University to respond. However, the data on disclosures does not indicate the number of incidents of sexual misconduct.

While this report provides data lodged using the ANU Sexual Misconduct Disclosure Form, we acknowledge other disclosures may have been made during this period. For example, a victim/survivor may disclose an incident to a peer, ANU staff member or student associations and clubs. Disclosures not made through the ANU Sexual Misconduct Disclosure Form have not been captured in this report.

Manual corrections and updates have been made to improve data quality. For example, some demographic information is not reported here as it may inadvertently identify the person who made the disclosure.

Further information on data collection and management is outlined in the Privacy Impact Assessment.⁹

The NSSS is a purpose-built sample assessment of the prevalence of sexual assault and sexual harassment at ANU. The NSSS is due to be released in early 2022, and will be a single source of truth regarding the prevalence of sexual violence at ANU. The data from the disclosure form and presented in this report is not a replacement of or an alternative to the comprehensive sampling found within the NSSS.

Key findings

Number of disclosures and immediate safety

Table 1 below summarises the disclosures lodged with ANU through the form. The number of disclosures lodged in the first year (October 2019 – September 2020) was 250 and in the second year (October 2020 – September 2021) was 366. As outlined in the limitations section above, the number of disclosures lodged through the form does not represent the number of incidents of sexual misconduct for any particular group of people, in any particular location or in any given time period. However, all of these disclosures are important to allow ANU to respond and support survivors/victims.

Establishing the immediate safety of the person using the disclosure form is paramount, and so the first question is: “Are you safe right now?”

Those that answer “no” are prompted to:

- contact emergency services and other support services
- provide an email address for the University to use to provide them with further information
- cease completing the form to focus on their safety and return to it later.

Table 1 – Are you safe right now?	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Total disclosures lodged	250		366	
Disclosures discontinued after Question 1 as they did not feel safe	7	2.8%	10	2.7%
Disclosures that did not provide further details after Question 1 despite stating they felt safe	69	27.6%	48	13.1%

⁹ Australian National University, [‘Privacy Impact Assessment of the ANU Sexual Misconduct Disclosure Form’](#), Australian National University, 2021, accessed 28 January 2022.

Reasons for completing the form

The top two reasons for completing the disclosure form in both periods (summarised in Table 2 below) was personal experience (22 per cent of responses in 2019–20; 35 per cent in 2020-21) and disclosures by ANU service providers (half of the responses in 2019–20; 34 per cent in 2020–21).

Table 2 – Reasons for completing the form	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Personal experience	45	22%	107	35%
Supporting someone with a disclosure	36	17.6%	78	25.5%
Witness	21	10.2%	16	5.2%
ANU services:	103	50.2%	105	34.3%
- ANU Counselling	32	15.6%	34	11.1%
- ANU Residential Hall/College	33	16.1%	66	21.6%
- Other (including RRU and Dean of Students)	38	18.5%	5	1.6%
Total responses	205		306	

Relation of the person impacted to ANU

Data presented in Table 3 shows that the person impacted by the incident was most frequently disclosed as being an undergraduate student (72 per cent of responses in 2019–20; 81 per cent in 2020–21).

While the form is open to staff and students, there is limited utilisation of the form by staff, possibly due to their understanding of pathways for support and reporting of misconduct under industrial relations instruments. The ‘other’ category may be misconstrued by respondents as *their* relationship with ANU, rather than the person impacted. Additionally, the ‘other’ category may unintentionally mask other affected groups from being recognised in this data.

Table 3 – Relationship (of the person impacted) to ANU	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Undergraduate student	104	72.2%	193	81.1%
Postgraduate	27	18.8%	27	11.3%
Other	13	9.0%	18	7.6%
Total responses	144		238	

Residence of the person impacted

Table 4 shows that in the 2019–20 period, 24 disclosures were made by people who reside on campus. In the 2020–21 period, 130 disclosures were received from the University from people who reside on campus. Disclosures for people who reside off-campus also increased across the two reporting periods from 17 to 55.

An important milestone for the University to support SASH prevention was the establishment of the RRU and education, training and intervention at the University residential halls and colleges. This work may have contributed to the increase in disclosures observed.

Table 4 – Where does the person impacted live?	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Off-campus	17	41.5%	55	29.7%
On-campus	24	58.5%	130	70.3%
Total responses	41		185	

Age of the person impacted

Where the age of the person impacted was disclosed, the vast majority were aged over 18 (154 in 2019–20, 220 in 2020–21), with one person (0.6%) identified as underage in 2019–20, and five people (2.2%) in 2020–21 (see Table 5 below).

In the case of disclosures involving underage people, the University, by law, has mandatory reporting obligations. In the ACT, mandatory reporting is regulated by the *Children and Young People Act 2008*. Under the Act, a person working in their professional capacity has a legal obligation to report any concerns of children or young people being abused or neglected to ACT Child and Youth Protection Services. A child or young person is a person who is under 18 years of age.

Table 5: Age of the person impacted	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Over 18	154	99.4%	220	97.8%
Under 18	1	0.6%	5	2.2%
Total responses	155		225	

Gender of the person impacted

The data presented in Table 6 shows that the majority of people impacted by incidents were female with 82 per cent of disclosures in 2019–20 and 76 per cent of disclosures in 2020–21 relating to female victim/survivors. The collection of data around non-binary and non-conforming gender identities is important to ensure tailored support service information can be provided to the affected individual.

Table 6: Gender of the person impacted	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Prefer not to say	5	3.9%	7	3.8%
Non-binary	1	0.8%	6	3.2%
Male	15	11.6%	30	16.2%
Female	107	82.9%	141	76.2%
Gender non-conforming	1	0.8%	1	0.5%
Total responses	129		185	

Time of incident

About one third of disclosures in 2020–21 happened within: the previous 24 hours to one week; within the past 1-3 months, and within the past one to three years prior to the time of the disclosure. These responses documented in Table 7 below, indicate that while the form is used for timely and immediate support and advice, it may also illustrate the time it takes victims/survivors to process their trauma and come forward with a disclosure.

Understanding the needs of victim/survivors in relation to the timing of an incident is vital to providing immediate support, but also to assisting in their navigation of the process if the incident occurred in the past. Understanding the delay in disclosing an incident is important for the University to ensure appropriate, trauma-informed support and processes.

Table 7: When did the disclosed incident occur?	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Past 24 hours	12	9%	22	12%
Past 72 hours	12	9%	13	7.1%
Past week	24	18%	30	16.4%
Past month	23	17.3%	28	15.3%
Past three months	11	8.3%	29	15.8%
Past year	31	23.3%	47	25.7%
Past three years	13	9.8%	9	4.9%
More than three years ago	7	5.3%	5	2.7%
Total responses	133		183	

Location of the incident

The majority of incidents disclosed happened on campus in residential halls/colleges and off-campus, usually in a nightclub, bar or private residence (see Table 8).

This data provides important information to enable the University to improve safe-making, education and training around sexual assault and sexual harassment and consent for students who live on campus. In addition, the data may help the University identify gaps in awareness of the disclosure form for other groups in the ANU community who are not living in residential colleges or halls.

Table 8 – Where did the incident occur?	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Online	1	5.3%	2	4.1%
On campus (Acton)	2	10.5%	4	8.2%
On campus (Residential Hall or College)	9	47.4%	25	51%
Off campus	7	36.8%	18	36.7%
Total responses	19		49	

Disclosed behaviour

The responses regarding disclosed behaviour were detailed and specific. In order not to identify particular incidents or distress readers, the data presented in Table 9 have been clustered into broader categories of behaviour. In each reporting period, sexual harassment and sexual assault accounted for the majority of disclosed behaviours. As this question uses multi-choice responses, the data might not represent the complexity of the behaviours experienced.

Table 9 – Disclosed behaviour	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
Sexual harassment	50	42.4%	89	55.3%
Sexual assault	53	44.9%	70	43.5%
Domestic and family violence	11	9.3%	2	1.2%
Bullying and harassment	4	3.4%	0	0%
Total responses	118		161	

Alleged perpetrator's relationship to ANU

Across both reporting periods, the alleged perpetrator's relationship to ANU was most likely to be an undergraduate student (56 per cent of disclosures in 2019–20; 74 per cent in 2020–21), as summarised in Table 10.

Table 10 – Alleged perpetrator's relationship to ANU	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
	Undergraduate	25	56.8%	63
Postgraduate	3	6.8%	11	12.9%
Staff	0	0.0%	2	2.4%
Unknown	8	18.2%	5	5.9%
No relationship	8	18.2%	4	4.7%
Total responses	44		85	

Alleged perpetrator's gender

In both reporting periods, the majority of disclosures submitted indicated the alleged perpetrator's gender to be male (see Table 11).

Table 11: Alleged perpetrator's gender	Oct 2019 – Sept 2020		Oct 2020 – Sept 2021	
	Male	41	82%	76
Female	3	6%	10	11%
Unknown	6	12%	0	0%
Gender non-conforming	0	0%	2	2.2%
Non-binary	0	0%	3	3.3%
Total responses	50		91	

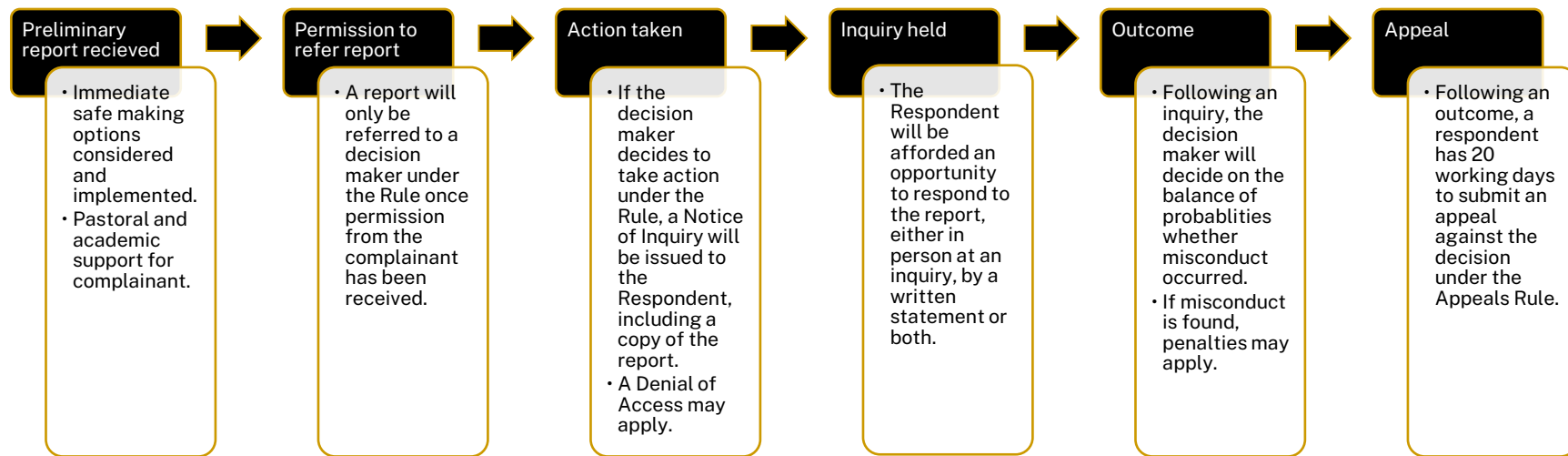
Conclusion

This report is one of many steps the University has committed to taking to support victims/survivors and prevent sexual harassment and sexual assault on our campus and in our wider community. We recognise and acknowledge the need for continuous improvement and to continue our work in partnership with all those impacted by sexual violence, advocacy groups and support services.

The University will continue to publish information about reports and disclosures of sexual misconduct in our community on an annual basis. The data provided in this report and subsequent papers will allow us to better identify barriers to students reporting and disclosing incidents of sexual misconduct and areas where we can improve our prevention work through the Respectful Relationships Unit. The report will also enable us to review data collection processes and our approach to case management.

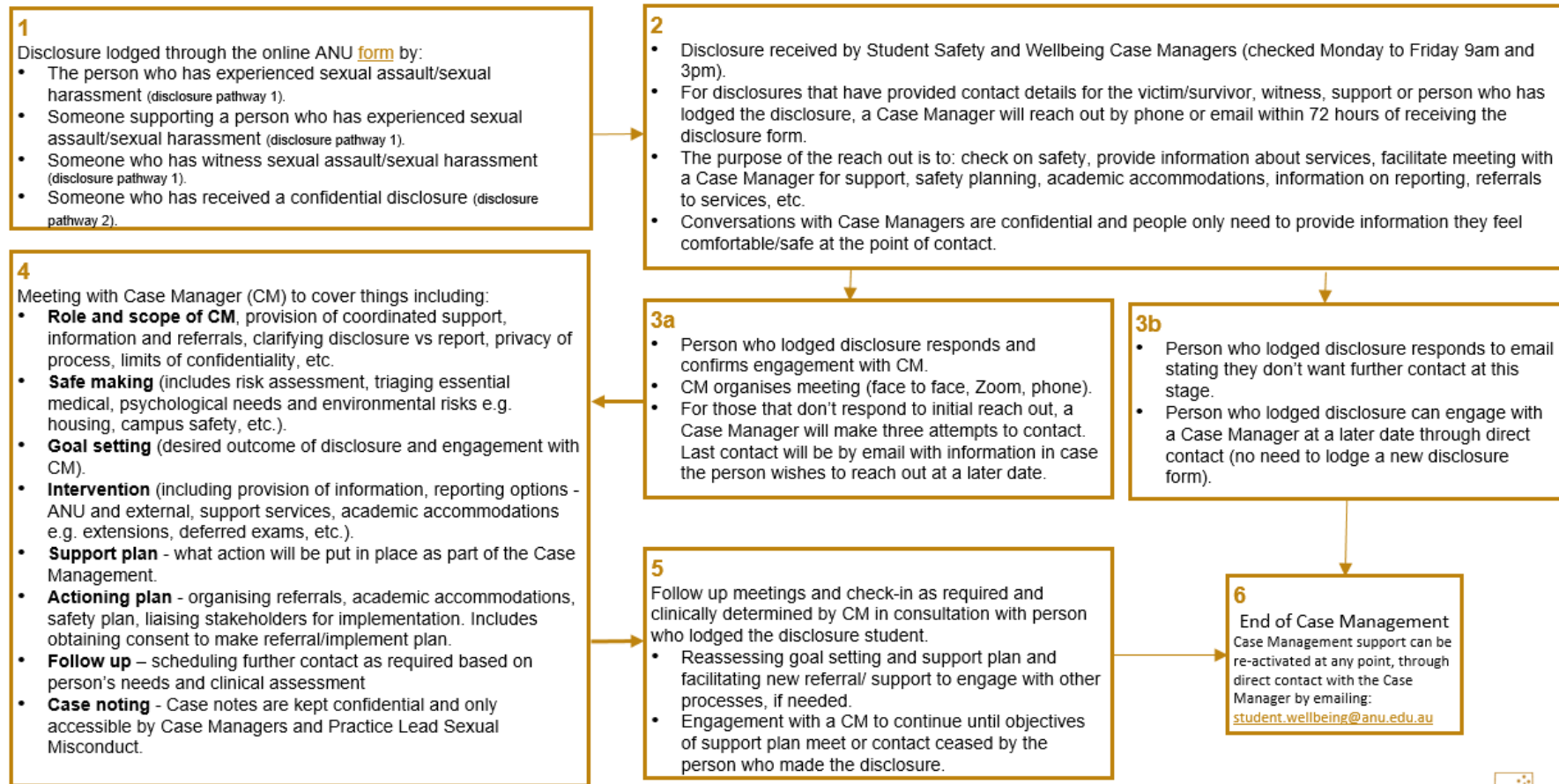
Appendix 1 – Formal reporting process

Source: Office of the Registrar, ANU



Appendix 2 - Case management support available at ANU following a sexual assault/sexual harassment disclosure

Source: ANU Student Safety and Wellbeing





Appendix 3 - Guide to ANU Sexual Misconduct Disclosure Form Questions

Source: Privacy Impact Assessment of the ANU Sexual Misconduct Disclosure Form¹⁰


Respectful Relationships ANU
 anu.edu.au/respect

ANU Sexual Misconduct Disclosure Form

Users	 Person who experienced incident	 Support Person	 Witness	 ANU Service Provider
Questions				
Safety	✓	✓	✓	✓
Reason for completing form	✓	✓	✓	✓
Relationship to ANU	✓	✓	✓	
Consent of Person who Experienced Misconduct		✓		
Service Provider				✓
Key Information	✓	✓	✓	
Details of person completing form				
Name		✓	✓	✓
Contact Email/Phone		✓	✓	✓
Details of person who experienced incident				
Under/Over 18	✓	✓		✓
Name	✓	✓		✓
Contact Email/Phone	✓	✓		✓
Relationship to ANU	✓	✓	✓	✓
Gender	✓	✓	✓	✓
Details of Incident				
When	✓	✓	✓	✓
Where	✓	✓	✓	✓
What	✓	✓	✓	✓
	Option to End Form or Provide Additional Information		End of Form	
Additional Information	✓	✓		
Communities with which person who experienced incident identifies	✓	✓		
Further Details of Incident				
Ongoing issue	✓	✓		
Support/Advice already accessed	✓	✓		
Desired support from University	✓	✓		
Person(s) believed to be responsible for Sexual Misconduct	✓	✓		
Anything else	✓	✓		

Information for Disclosure

Additional Information for Report

Key

✓ Optional

✓ Required

¹⁰ Australian National University, '[Privacy Impact Assessment of the ANU Sexual Misconduct Disclosure Form](#)', Australian National University, 2021, accessed 28 January 2022.