



Systems to prevent and manage the risk of sexual misconduct

An analysis at WA public universities

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Executive summary

The management and administration of public authorities in WA, which includes four public universities, carries a range of risks. One of these is the risk of sexual misconduct by public officers employed by the universities that impacts on members of the university community, including other employees, students, visiting professionals, and members of the public. Inadequate management of this risk may compromise staff and student welfare and public trust in a university's accountability for public safety.

The universities are ultimately responsible for deciding the best approach to managing sexual misconduct risks. This includes implementing systems such as clear policies and practices, management support, comprehensive staff training, effective detection systems, and independent oversight and advisory bodies reporting to senior leadership.

However, the Public Sector Commission also plays a part under the *Corruption, Crime and Misconduct Act 2003* (CCM Act) in supporting public universities to prevent sexual misconduct by public officers. Our jurisdiction extends only to the conduct of public officers (not students).

Following media reporting in mid-2019 about sexual misconduct¹ at WA universities, we began analysing systems that control this risk in universities. We considered a sample of policies, processes and other information from the University of WA, Curtin University, Murdoch University and Edith Cowan University.

Our analysis found WA public university systems to be mature in preventing and managing the risk of sexual misconduct by public officers. Some suggestions were made to the respective universities for consideration as part of their planning activities. These centred on enhancing the extent of:

- policy guidance
- employment practices
- staff surveys
- risk management.

It remains critical that the universities continue to communicate how inappropriate behaviour should be reported by the university community.

The universities' responses to the suggestions were positive and they supported them being further considered. Those in leadership, management and governance roles are encouraged to reflect on how the risk of sexual misconduct by public officers is continually addressed in their organisation.

¹ Sexual misconduct is defined in this report as including sexual harassment and sexual assault behaviours.

Terms and definitions

Key term	Definition
FTE	Estimated full-time equivalence of full-time and fractional full-time staff. Includes some casual staff.
Misconduct	Misconduct is defined in section 4 of the CCM Act (WA).
Misconduct prevention and education	It is a function of the Public Sector Commissioner to help to prevent misconduct. Without limiting the ways the Commissioner may perform that function, section 45A(2) of the CCM Act outlines ways the Commissioner performs that function.
Minor misconduct	Minor misconduct is defined in section 3 of the CCM Act.
Public authority	Public authorities are defined in section 3 of the CCM Act. They include public sector entities, local governments, government trading enterprises and public universities.
Public officer	Public officer is defined in section 1 of the <i>Criminal Code Act Compilation Act 1913</i> (WA). Examples include: university staff as defined; university contractors exercising a statutory power or authority.
Serious misconduct	Serious misconduct is defined in section 3 of the CCM Act.
Sexual assault	Sexual assault is defined in this report as any unwanted sexual act or behaviour which is threatening, violent, forced or coercive and to which a person has not given consent or was not able to give consent. ²
Sexual harassment	In WA, legislative provisions in relation to sexual harassment exist both under the state <i>Equal Opportunity Act 1984</i> and the federal <i>Sex Discrimination Act 1984</i> . Sexual harassment is defined in the <i>Sex Discrimination Act 1984</i> (Cth) as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature towards another person in circumstances where a reasonable person could have anticipated that the person harassed would be offended, humiliated or intimidated. Sexual harassment is defined in the <i>Equal Opportunity Act 1984</i> (WA) as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature with another person where there are reasonable grounds for believing that a rejection, refusal or objection would disadvantage, or has disadvantaged, the person's employment, possible employment, education or accommodation. Examples include: inappropriate staring or leering; sexually suggestive comments or jokes; sexually explicit pictures, emails or texts; repeated or inappropriate invitations to date; intrusive questions about private life or physical appearance.
Sexual misconduct	Includes sexual assault and sexual harassment as defined in this report.

² https://healthywa.wa.gov.au/Articles/A_E/About-sexual-assault [accessed 12 February 2020]

The risk of sexual misconduct

Setting the scene: the national inquiry

On 20 June 2018, Australia's Sex Discrimination Commissioner, Ms Kate Jenkins, announced a national inquiry into sexual harassment at work.

The purpose of the inquiry is to develop better guidance for Australian employers to respond to sexual harassment and make workplaces safer and more inclusive.

There have been a number of public submissions to the inquiry, including ones from academics and the University of Sydney. Outcomes and recommendations are expected to be released in early 2020.

The risk in workplaces across Australia

In 2018, the Australian Human Rights Commission (AHRC) undertook a sexual harassment survey of more than 10,000 Australians, aged 15 years and over. It was reported that:

- two in five women and one in four men had been sexually harassed in the workplace in the previous five years
- fewer than one in five people made a formal report or complaint.

Given the low reporting rate, the AHRC found a need for employers to improve awareness about the existence and potential benefits of internal reporting and complaint mechanisms.

At the same time, the AHRC indicated employers need to focus on proactively addressing sexual harassment, as well as ensuring they respond appropriately when a report is made.

Some factors have been found to contribute to the risk of sexual misconduct (see Appendix 1 for examples). An awareness of contributing factors may help employers to enhance prevention and education activities.

A focus on the risk in Australian universities

In 2015, the 'Hunting Ground' documentary³ explored the response of American university administrations to sexual assault on campus. This shone a spotlight on the risk in Australian universities and drew some media attention.

³ A 2015 documentary film about the incidence of sexual assault on college campuses in the United States. It premiered at the 2015 Sundance Film Festival and was released on Netflix in March 2016.

Sexual misconduct is not unique to university settings. However, certain groups of people appear to be at increased risk in the Australian community (e.g. younger age groups, such as under 25 years⁴). Younger people make up a large component of the Australian university student cohort.

The expectation that universities provide a safe environment for all staff and students as part of their institutional 'duty of care' is one factor supporting the focus on sexual misconduct risk management at Australian universities.

Action taken by Australian universities in recent years

This section of the report describes work undertaken over several years to respond to the risk of sexual misconduct within universities, including the four WA public universities considered as part of our analysis.

'Respect. Now. Always.' and Change the Course

In February 2016, Universities Australia commenced the 'Respect. Now. Always.' campaign to prevent sexual misconduct in Australian university communities; improve how universities respond to and support those affected; and assist universities to share best practice. This campaign built on work by individual Australian universities over many years to develop policies, reporting procedures and support services.

As part of the campaign, the AHRC surveyed more than 30,000 students across Australian universities. The survey data informed a 2017 report, *Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities* (Change the Course), which contained recommendations for the universities, including establishing an internal advisory body to guide implementation of the recommendations and periodic and public reporting on progress.

In response to the recommendations, the universities (including the four WA public universities) have worked with Universities Australia on an action plan to prevent and address sexual misconduct, including the development of training resources. The universities have also taken significant local action by creating initiatives and building on those already in place.

The next student survey of sexual misconduct has been commissioned by the Australian universities and is set to run in 2020. This survey is not anticipated to capture the perceptions of staff or other members of the university community who may have been subject to sexual misconduct by public officers.

⁴ Australian Bureau of Statistics, 4906.0 – Personal Safety, Australia, 2016

Higher education sector response to sexual misconduct risk

In response to the 2017 Change the Course report, the then Minister for Education and Training, Senator the Hon Simon Birmingham, requested that all Australian universities inform the Tertiary Education Quality and Standards Agency (the Agency) about their approach to the issues raised.

An analysis of this information in the 2019 *Report to the Minister for Education: Higher Education Sector Response to the Issue of Sexual Assault and Sexual Harassment* found the majority of Australian universities have accepted the Change the Course recommendations and are comprehensively responding to the risk of sexual misconduct. It was observed that the universities have been well-supported by Universities Australia and its 'Respect. Now. Always.' campaign.

The Agency will continue to monitor higher education providers for the effective implementation of policies and procedures to ensure wellbeing and safety within the learning environment. The Agency offers guidance and support to providers in taking further action, and will rigorously investigate any complaints it receives.

The issue in Australian and WA universities

This section of the report outlines readily available data that illustrates the incidence and reporting of sexual misconduct at universities.

Reports of sexual misconduct experienced by Australian university students

The 2017 Change the Course report surveyed student views. There was no data on the perceptions of staff or other members of the university community who may have been subject to sexual misconduct by public officers.

That aside, one in five university students reported being sexually harassed and two per cent reported sexual assault (including travel to and from) in a university setting in 2015 or 2016.

Where students who reported being sexually harassed knew the perpetrator, it was most often another university student (68% of those who reported harassment), whereas seven per cent reported the perpetrator was a member of the university staff. Sexual assault was reported as most often committed by another student (57%) or stranger (30%); assault by staff was not reported, although some survey respondents preferred not to say.

The Change the Course report indicates that most students who reported being sexually harassed (94%) and most who reported sexual assault (87%) did not make a formal complaint or report to their university.

Commonly stated reasons for not reporting were that the students:

- did not feel their experience was serious enough to warrant making a report
- did not think they needed help
- did not know to whom to report
- did not know how to report.

Less than 10 per cent of students thought their university was doing enough to provide and promote clear and accessible information on sexual misconduct procedures, policies and support services.

While some matters may not warrant reporting in this way, raising awareness in the university community of how members can report (and what type of behaviours to report) is important to prevent and address sexual misconduct in universities.

Media reporting about sexual misconduct at WA universities

On 9 July 2019, *The West Australian* reported there were 88 complaints of sexual misconduct received at WA public universities since the start of 2018. Our analysis of this data indicated not all of these complaints were substantiated.

The majority (80%) related to the alleged conduct of students, with 17 matters relating to university staff (including contractors). Clear information on outcomes was reported for 13 of the 17 matters:

- three substantiated
- three unsubstantiated
- four resignations
- one referred to another authority for investigation
- two still under investigation at the time of analysis.

Looking at this data, it is unclear how many of these complaints against public officers might be classified as 'serious misconduct' or 'minor misconduct' under the CCM Act. Some complaints may not meet the threshold of minor misconduct under the CCM Act.

Allegations of sexual misconduct by public officers at WA universities

Our jurisdiction extends only to the conduct of public officers (not students). We capture information about allegations of minor misconduct related to sexual misconduct by public officers. This occurs through notifications from public authorities and reports from individuals. The Corruption and Crime Commission (CCC) handles any allegations of serious misconduct.

In 2018, there was a total workforce of close to 11,000 FTE across the four WA public universities. An analysis of sexual misconduct data held by us and the CCC shows:

- Over the last two years, the CCC received one in-jurisdiction allegation of serious misconduct related to sexual misconduct by a public officer at a university. This was not investigated by the respective university as the officer resigned.
- For the same period, we received five allegations of minor misconduct related to sexual misconduct. The outcomes included two recommendations for termination (resulting in termination of one public officer for the two allegations), one resignation and one training/counselling action. One allegation was unsubstantiated.

This is a total of six allegations against nearly 11,000 FTE over a two-year period. While this suggests a low likelihood of sexual misconduct by public officers, the consequences of this behaviour may have a long-lasting, detrimental impact. This means a risk that requires frequent observation and appropriate action.

As mentioned previously, this low number could also reflect some reluctance to report. Some reasons for not reporting are included in Appendix 2. An awareness of these motivations may help inform university activities.

Actions taken in WA universities

For several years, WA public universities have focused on ways to prevent and manage the risk of sexual misconduct.

Supporting the reporting of misconduct

As part of our annual integrity and conduct survey of public authorities, the WA public universities indicate ways in which they encourage public officers to report unethical conduct. These include:

- contact names for reporting are accessible to staff
- public interest disclosure procedures are accessible to staff
- code of conduct states that victimisation of those reporting is not tolerated
- way to report is published in the code of conduct
- way to report is communicated in other ways (e.g. newsletters, global emails)
- managers are trained in how to handle reports
- a confidential phone or email service has been set up to encourage reporting.

The universities also indicate how they ensure any public officers reporting unethical conduct are supported. This occurs through providing staff who report with confidential:

- acknowledgement and appreciation
- advice on counselling/support services
- follow up check after several months.

Some ways that the universities advise other members of the university community about how to report include websites, posters, flyers, presentations at orientation, and news items or messages for students.

More specific actions

Specific systems in the universities for managing the risk of sexual misconduct are described in the 'Our analysis of systems in the WA universities' section of this report.

Method applied for our analysis

Catalyst and authority for the analysis

Some time has passed since we analysed systems within WA public universities to help prevent and manage misconduct by public officers. Our *Evaluation of Arrangements in Public Authorities to Manage Misconduct and Notify Minor Misconduct* was completed in 2016. That evaluation considered arrangements at two of the four WA universities.

Following media reporting about sexual misconduct at universities, we commenced an analysis of systems at WA public universities in September 2019.

The analysis was conducted under section 45A of the CCM Act, which states:

- (1) It is a function of the Public Sector Commissioner (the prevention and education function) to help to prevent misconduct.
- (2) ...the Public Sector Commissioner performs that function by doing the following—
 - (a) analysing systems used within public authorities to prevent misconduct;
 - (c) providing information to, consulting with, and making recommendations to, public authorities;
 - (g) reporting on ways to prevent and combat misconduct.

Anticipated benefits

The anticipated benefits of the analysis were:

- identification of good practice and further insight into how WA public universities prevent and manage the risk of sexual misconduct by public officers, and notify minor misconduct
- enhanced systems to prevent and manage the risk of sexual misconduct by public officers where any issues were identified
- reduced risk of sexual misconduct and increased confidence in its management.

Scope

The scope of the analysis was the four WA public universities:

- University of Western Australia
- Curtin University
- Murdoch University
- Edith Cowan University.

The analysis only considered systems as they relate to the conduct of public officers at WA universities. It did not extend to the conduct of university students (who are not public officers) as they are outside our jurisdiction.

Our analysis process

Our main activities included:

- analysis of a sample of WA public university policies, processes and data against any compliance requirements and better practice
- site visit and meetings with public officers in key university positions to discuss practices and other information
- seeking input from the universities on the draft observations and suggestions.

No individual allegations about public officer misconduct, or particular processes related to these, were investigated by us during this analysis. Further information about the process is included in Appendix 3.

The analysis was not conducted as a compliance audit. Information collected by us was indicative rather than conclusive. For this reason, our observations are not exhaustive or individual university-based, and may not cover all relevant matters.

The analysis framework

The nine focus areas in the following table informed our collection of information and the observations made. These focus areas were derived from frameworks used in previous reviews and evaluations conducted by the Public Sector Commission.

The WA public universities were asked to provide a sample of policies, processes and data for each focus area. This information was assessed to identify any possible risks and determine the maturity of systems used by the universities to prevent and manage the risk of sexual misconduct by public officers. The analysis is described in the next section of this report.

Analysis framework – focus areas

Leadership commitment

Leadership and corporate expectations and commitment are communicated regarding preventing, managing and reporting sexual misconduct

Culture of engagement

Public officer conduct, and perceptions about conduct, are measured and inform commitment to preventing, managing and reporting sexual misconduct

Accountability

Roles and responsibilities for preventing, managing and reporting sexual misconduct are clearly defined and appropriately assigned

Guiding behaviour

Policies and procedures guide public officers about expected standards of conduct, including addressing sexual misconduct and how to report it

Employing for integrity

Personal integrity is sought and reinforced through employment practices

Workforce knowledge and skills

Public officers have the skills and knowledge to prevent, manage and report sexual misconduct

Risk management

The risk of sexual misconduct has been identified, assessed and controls/treatments applied

Physical and technical controls

There are physical/technical controls to protect against and detect sexual misconduct

Continual improvement

There are corporate monitoring and reporting activities to help inform improvement and prevent sexual misconduct

Our analysis of systems in the WA universities

Maturity of WA university systems

Overall, we observed that WA public university systems are mature in seeking to prevent and manage the risk of sexual misconduct by public officers. This means specific practices are integrated with broader organisational processes and systems are monitored and evaluated to feed back into continuous improvement.

While mature, our analysis indicated some focus areas may benefit from further enhancements. These are represented by the largest rectangles in the below treemap i.e. 'employing for integrity' and 'guiding behaviour', followed by 'culture of engagement' then 'risk management'. The greatest number of suggestions for consideration by the universities were made in these areas.

Treemap based on our observations from the analysis of university information



Our specific observations for each of the nine focus areas are discussed in the following pages.

Analysis of systems by focus area

1. Leadership commitment



Leadership and corporate expectations and commitment are communicated regarding preventing, managing and reporting sexual misconduct.

All four WA public universities were observed to publicly communicate 'zero tolerance' for sexual misconduct and their support for the reporting of any misconduct within universities.

University values are clearly stated in corporate documents such as strategic plans and ethical codes. Public officers are reminded regularly of expectations through university websites, 'town hall' meetings, global emails, staff newsletters, media releases, Guild news, flyers, presentations, induction and training, apps and posters.

Some ways that the universities advise other members of the university community about how to report include websites, posters, flyers, presentations at orientation, and news items or messages for students.

2. Culture of engagement



Public officer conduct, and perceptions about conduct, are measured and inform commitment to preventing, managing and reporting sexual misconduct.

All four universities were observed to capture data from formal reports about allegations of sexual misconduct by public officers. This enabled monitoring and reporting on trends for follow-up action.

Staff survey responses show most public officers agree sexual misconduct is not tolerated in their workplace. Only some surveys explored related issues in depth. Responses suggested some public officers may be unaware of relevant policies and the majority who reported experiencing sexual misconduct did not make a complaint about it, despite corporate communications of commitment and support.

Surveys can be an effective and confidential way to monitor reasons for not reporting misconduct and perceptions of inappropriate behaviour. While this approach can help inform staff education needs, it must be balanced with competing priorities for survey questions and the burden of completing lengthy surveys. Other ways to engage with public officers include suggestion boxes, hotlines, informal workshops, town hall-style meetings, confidential interviews and 'open-door' policies.

3. **Accountability**



Roles and responsibilities for preventing, managing and reporting sexual misconduct are clearly defined and appropriately assigned.

All four universities were observed to have an effective span of control for preventing, managing and reporting sexual misconduct. In structuring the workforce, key roles carried relevant responsibilities, with a clear line of reporting to the Vice-Chancellor and oversight bodies internal to the universities, such as governance committees.

An appropriate management framework for the prevention, management and reporting of sexual misconduct was observed to be in place, even where the campuses were geographically dispersed (both regionally and internationally).

4. **Guiding behaviour**



Policies and procedures guide public officers about expected standards of conduct, including addressing sexual misconduct and how to report it.

While all four universities had policy frameworks in place, some were observed to be past their scheduled review date. Review is important to ensure policies are achieving their purpose; ensure advice remains contemporary and consistent with obligations, research and best practice; identify any changes needed to improve clarity or effectiveness; and ensure appropriate staff education is occurring.

The university codes of conduct require public officers not to engage in sexual misconduct and report any unethical behaviour witnessed. The codes refer to personal relationships between staff and students and the management of any conflicts of interest that may arise.

The guidance in specific policies for preventing and managing the risk of sexual misconduct varies across the universities. Some university policies have a stronger emphasis on zero tolerance and the consequences (e.g. termination) in the event of such behaviour, which is a strong prevention strategy.

Some university policies did not clearly refer to the requirement to notify us in relation to any allegations of minor misconduct. Others used different terminology (i.e. not 'misconduct'). It is suggested that better alignment with the CCM Act would help support the transparency of the complaint-handling process for complainants, including the obligation for the universities to provide us with some details of relevant complaints.

5. Employing for integrity



Personal integrity is sought and reinforced through employment practices.

Periodic reminders of the corporate values help in reinforcing culture throughout the employment lifecycle, from attraction and on-boarding through daily supervision and performance development activities.

Most position descriptions were observed to explicitly require public officers to comply with codes of conduct, helping the four universities to seek personal integrity before and during recruitment. Most employment offers also require staff to confirm acknowledgement of ethical codes and policies.

Only some staff performance review processes require discussion of the university values, ethical codes and appropriate behaviour. There are opportunities to embed this across all universities.

There are also opportunities to improve induction practices in different ways, such as:

- increasing information about the university's commitment to preventing sexual misconduct
- ensuring induction extends to all public officers, including casual officers
- monitoring and following up lack of participation in induction.

Approaches to police checks vary across the universities. All universities require police checks at employment for deemed 'positions of trust', such as legal, counselling and security roles. It is suggested that the universities review the need for police checks for other positions and the required frequency of checks.

6. Workforce knowledge and skills



Public officers have the skills and knowledge to prevent, manage and report sexual misconduct.

All four universities were observed to have training and education programs for public officers that cover issues such as appropriate relationships, bystander education, complaints procedures, responding to disclosures, case studies, support services and reporting matters. The training is brand new or has been periodically delivered (e.g. every two to three years).

Training occurs through online and face to face methods, with customised sessions delivered to managers and frontline staff.

7. Risk management



The risk of sexual misconduct has been identified, assessed and controls/treatments applied.

Our analysis of systems showed a good level of awareness and consideration of sexual misconduct risks across the four universities. However, the identification and management of such risks are not always clearly spelled out in strategic risk registers or risk appetite statements. In some cases, risk management for ‘poor staff performance’ could also consider the impact and mitigation of inappropriate conduct.

Some older risk treatment plans were also observed, which were past their scheduled review date.

8. Physical and technical controls



There are physical/technical controls to protect against and detect sexual misconduct.

Our site visits to the four universities observed how systems are being applied in practice. There are many good examples of physical and technical security measures, such as security patrols, intercoms and call buttons, courtesy rides, improved lighting, safety apps, awareness posters and visual aids, and closed circuit cameras. Some lighting and cameras had been reviewed or were being reviewed for improvement.

The universities have an intricate network of building access controls due to the public safety imperative.

9. Continual improvement



There are corporate monitoring and reporting activities to help inform improvement and prevent sexual misconduct.

Corporate monitoring and reporting activities help measure the effectiveness of systems to prevent and manage misconduct and identify any areas for improvement.

Many good examples of mechanisms for improvement were observed across the universities. These structures and practices are longstanding and well-established. Relevant examples include:

- ‘Respect. Now. Always.’ groups discussing lessons learnt from incidents of sexual misconduct and progress on action plans
- auditing of the management of conflicts of interests, complaints management and integrity culture
- reporting on sexual misconduct, action taken and controls gaps (such as policy changes) to audit committees.

Suggestions that might enhance systems

Based on our observations of the mature systems within WA public universities, we offered some suggestions to the universities for consideration in future planning activities. The universities' responses to those suggestions were positive and supported for further consideration.

The following list summarises the suggestions we made. As discussed in the previous section of this report, not all suggestions apply to all universities due to differing arrangements. The suggestions include:

- continue to remind public officers of behaviour policies, the duty to report misconduct and the role bystanders can play in challenging norms
- review behaviour policies for currency and adequacy, including:
 - clarify no tolerance for sexual misconduct and possible sanctions
 - ensure consistent use of terminology for sexual misconduct
 - clarify obligations to notify minor misconduct to us
- consider other types of positions that may require police checks and the frequency of those checks
- emphasise compliance with codes of conduct in some position descriptions
- require acknowledgement of codes in some employment offers/contracts
- include more information about zero tolerance for sexual misconduct in inductions
- consider whether all public officers are covered by induction programs
- consider how conduct expectations are made clear during performance reviews
- use staff surveys to assess awareness of policies and confidence to report
- emphasise misconduct risk and conduct expectations in strategic risk documents.

In general, it is suggested that public officers in key misconduct prevention and management roles in WA universities could seek more opportunities to learn from their colleagues in other WA universities, as well as other Australian universities and oversight bodies.

In proactively addressing the risk of sexual misconduct, it is critical that there is a continued focus on communicating what types of behaviour should be reported by members of the university community and the ways in which it can be reported. This will help encourage staff, students and other members of the community to make reports; allow for more accurate information about the incidence of sexual misconduct; and ensure the response to any systemic issues is appropriately targeted.

Appendix 1 – Factors contributing to the risk of sexual misconduct

The below examples are derived from sources such as the United States Centers for Disease Control and Prevention⁵ and the 2017 Change the Course report.

Perpetrator factors

- Health issues
- Need for power or control
- Lack of empathy
- Antisocial personality
- Unsupportive family or poor social influences
- Hostility or aggression
- Attitude to gender roles
- Exposure to sexually explicit media
- Previous experience of violence or abuse
- Substance abuse

Workplace factors

- Cross-cultural workforces (differing views on appropriate behaviour)
- Younger workforces (less awareness of obligations and norms)
- 'High value' workforces (reluctance to challenge behaviour)
- Entrenched cultures of prejudice or discrimination
- Lack of diversity
- Power imbalances or patronage
- Geographically isolated work spaces or residential settings
- Workplaces where work is monotonous or routine
- Lack of consequences for inappropriate behaviour

Community factors

- Cultural and social norms
- Financial disadvantage
- Lack of employment opportunities
- High levels of crime and other forms of violence

⁵ <https://www.cdc.gov/violenceprevention/sexualviolence/riskprotectivefactors.html> [accessed 29 January 2020]

Appendix 2 – Reasons why people do not report sexual misconduct

AHRC research⁶ indicates a reluctance by some Australian employees and university students to formally report or complain about allegations or experiences of sexual misconduct.

Most common (in order) reasons given by Australian employees include:

- People would think I am over-reacting
- Easier to keep quiet
- Would not change things/nothing would be done
- Not serious enough
- Complaint process would be embarrassing/difficult
- Took care of the problem myself
- Feared negative consequences for the perpetrator
- Lack of confidentiality of complaint process
- Afraid for career aspirations
- I would not be believed
- Not aware of how to complain or who to report to
- Thought I would get fired
- Moved to another place of work
- Thought I would be blamed
- Too scared or frightened
- Already being dealt with
- Friends/co-workers advised me not to complain

Most common (in order) reasons given by Australian university students include:

- Did not think it was serious enough
- Did not think help needed
- Did not know who could make a report/complaint to
- Did not know where to go/what to do to make a report/complaint
- Thought too hard to prove
- Did not want to hurt the perpetrator/cause trouble
- Occurred off campus/nothing to do with the university
- Felt embarrassed/ashamed
- Worried might not be believed
- Did not think the matter would be kept confidential
- Did not want anyone to know

International students were more likely than domestic students to say they did not know who to report to or to say they felt embarrassed or ashamed.

⁶ AHRC 2018 sexual harassment survey and 2017 Change the Course Report

Appendix 3 – Terms of reference for our analysis

As part of our misconduct prevention and education role, an analysis of WA public university systems to prevent and manage the risk of sexual misconduct by their public officers is proposed. This will be undertaken in accordance with section 45A (2) of the CCM Act.

Policies, processes and other information will be analysed to identify any possible risks and determine the maturity of systems in place. The analysis will also consider the approach taken to notify minor misconduct to us under the Act.

The analysis could use various approaches to analyse systems to prevent and manage the risk of sexual misconduct, such as:

- considering the responses to activities such as the Tertiary Education Quality and Standards Agency's 2019 *Report to the Minister for Education: Higher Education Sector Response to the Issue of Sexual Assault and Sexual Harassment*; Universities Australia's 'Respect. Now. Always.' campaign; and the Australian Human Rights Commission's national inquiry into sexual harassment in Australian workplaces
- considering any actions and activities designed to promote staff knowledge and understanding about their obligations
- considering mechanisms in place, including education/awareness programs, to ensure the community is comfortable to report any sexual misconduct by staff
- assessing internal policies and processes against any compliance requirements and better practice
- interviewing key officers responsible for operational management of misconduct matters and for providing relevant support/training
- considering staff perception data (where available) as it relates to their knowledge of, and confidence in, misconduct management and reporting regimes
- reviewing a sample of management and notification processes undertaken for sexual misconduct matters to assess against requirements.

The analysis will seek to report on good practices and any opportunities for change in existing WA university systems.

Appendix 4 – Management comments in response to this report

University of Western Australia

UWA welcomes the report and the opportunity that this project has provided for UWA to review and continue development of the strategies that support its commitment to maintaining a safe and supportive environment.

Curtin University

Curtin University believes the report provides a helpful synopsis of the work undertaken within WA and welcomes the suggestions that flow from that analysis.

With respect to actions being taken in response, these will be monitored via the Respect. Now. Always. Steering Committee, and they have been included on the 2020 Work Plan, which is to be considered by the Committee later this month.

Murdoch University

Murdoch University thanks the Commission for undertaking an analysis and providing a report on *Systems to prevent and manage sexual misconduct risk by public officers in public universities*.

It is pleasing to note the Commission's observation that the University's systems to prevent and manage sexual misconduct by its officers are mature.

Murdoch's leadership welcomes the suggestions to further enhance the systems and will consider them in conjunction with an overall assessment of risks and priorities.

Edith Cowan University

Edith Cowan University has found the document to provide a useful analysis of the risks and issues in this area and appreciates the balanced and helpful suggestions arising from the analysis.