



SEXUAL MISCONDUCT (SEXUAL ASSAULT & SEXUAL HARASSMENT) RESPONSE PROCEDURE

Pertains To:	Residents, Staff, Guests – Burgmann College
Supported By:	Deputy Principal, College Dean – Burgmann College Staff – Burgmann College Pastoral Care Team – Burgmann College
Related Policy:	Burgmann College Sexual Violence Policy

This document outlines the procedure for reporting and responding to an incident of sexual harassment or sexual assault at Burgmann College. Burgmann College has a zero tolerance approach to all behaviours on the spectrum of sexual violence. We have a whole of community responsibility to promote a respectful culture, call out inappropriate behavior, and respond to instances in a timely and sensitive manner.

1. Procedures - Residents

- 1.1 Any resident who has been, or feels that they may have been subjected to any form of sexual violence is encouraged to report this to the Principal, Deputy Principal, College Dean or a member of the Pastoral Care Team.
- 1.2 Any resident who feels that they are likely to be accused of any form of sexual violence is encouraged to raise the issue and seek support from the Principal, Deputy Principal, College Dean or a member of the Pastoral Care Team. If there is a conflict of interest, the staff member or member of the Pastoral Care Team will refer the resident to an alternative appropriate support person.
- 1.3 Residents may also use an informal procedure if they would be willing to do so and the Principal determines that community safety is not of concern. This process may involve direct communication to the other person, by telling them that you do not like the behaviour and you want it to stop. Inform them that you feel their actions are in breach of College policy and direct them to the relevant policy if necessary. Residents are encouraged to seek support from a member of the College's trained Pastoral Care Team or external sources e.g. the ANU Student Safety and Wellbeing team, ANU Counselling, ANU Dean of Students, ANU Respectful Relationships Unit. If a resident does not wish to pursue this option, or if that approach fails, they are encouraged to report the incident.
- 1.4 Residents, who are ANU students, are also able to use the ANU policies and procedures if they consider that they are experiencing sexual harassment or are the complainant of a sexual assault by another ANU student. In this case:
 - i) They are encouraged to speak to the ANU Student Safety and Wellbeing Team, the ANU Registrar or the ANU Dean of Students, who are able to assist ANU-enrolled residents in matters pertaining to complaints under ANU policies.
 - ii) The outcome will be an ANU decision which does not affect Burgmann College, except in the case of an ANU student, who is also a resident, being excluded from the University, in which case they will also be excluded from the College.
 - iii) Regardless of the outcome of the ANU process, the College can provide support to the residents involved.



- 1.5 A resident can decide to not report an incident to the College and instead directly lodge a complaint with the Australian Federal Police. If they do so, and the complaint is about another Burgmann College resident, in the interests of community safety, the complainant must advise the Principal. If the alleged perpetrator does not live at Burgmann College, then the complainant is encouraged to seek support through Burgmann, however, notifying the College that they have lodged a complaint with the Police is at their discretion.
- 1.6 A resident who seeks and obtains a Protection Order (DVO or PPO) against a fellow resident at the College must provide the College with a copy of the Protection Order so that the College is in a position to assist in fulfilling the requirements of the Protection Order.
- 1.7 Any resident who is struggling to cope (physically, mentally and emotionally) after being the survivor of sexual harassment or sexual assault or is an accused person, should seek professional support services or ask the College for assistance to access these professional support services. The College Dean, Deputy Principal and Principal are all available points of contact when looking for support.
- 1.8 If any other resident (other than a Pastoral Care Team member) receives a disclosure of sexual violence from another resident, they should seek advice from the College Dean, Deputy Principal or Principal. It is important that they remember that it is not their role to help resolve the issue, they need to encourage the complainant to discuss the matter with the College, so that the College is able to support the complainant, provide appropriate referrals and support any other resident involved.

2. Responsibilities – Members of the Pastoral Care Team

- 2.1 The Pastoral Care Team is responsible for supporting the wellbeing of residents. In carrying out this role they:
 - Contribute to a college culture that opposes sexual violence
 - Proactively promote respectful relationships and intervene if they see behavior which breaches the Sexual Misconduct Policy. Sexual violence does not have any place at Burgmann College.
 - Ensure that any forms of sexual violence are not tolerated in the College, by making this clear to all residents.
 - Intervene as active bystanders and ensure that any form of behaviour or verbal or online statements that may lead to more serious behaviours are challenged and reported before they become misconduct.
- NB. Any behaviour that a resident leader or resident walks past, is the standard of behaviour they accept.
- 2.2 The Pastoral Care Team must also complete all training relevant to their position provided by the ANU and the College in responding to disclosures of sexual violence and the appropriate use and involvement of emergency services.
- 2.3 When a member of the Pastoral Care Team becomes aware of potential behaviour that may develop into inappropriate behaviour (e.g. an attempt to use peer pressure on a resident), they should step in and try and resolve the behaviour, before it develops into something more serious.
- 2.4 If any member of the Pastoral Care Team has any suspicions of, or receives a disclosure of sexual violence, they are to report this to the College Dean, Deputy Principal or Principal as soon as possible. This report may be de-identified in the first instance, if the Pastoral Care Team member is not provided with the names of those involved or the complainant wishes to remain anonymous. However, those involved must be aware that a de-identified report limits the formal procedures available to the College under this procedure.



2.5 In matters relating to Confidentiality and Privacy

- 2.5.1 Members of the Pastoral Care Team should never agree to keep a disclosure of sexual assault or harassment secret from the College. It must be clear to residents, both as a general principle and in specific situations, that the Pastoral Care Team have an obligation to report incidents of sexual assault and harassment to College staff so they can arrange appropriate help and ensure the safety of residents and the community.
- 2.5.2 All members of the Pastoral Care Team are expected to discuss all concerns about Critical Incidents and Serious Matters or potential grievances about allegations of sexual violence with the College Dean, Deputy Principal or Principal as soon as practically possible and then assist as required. At the same time, they are expected to refrain from discussing these concerns with other residents or other RAs, unless essential to assist in resolving a particular situation and with the approval of the College Dean, Deputy Principal or Principal.
- 2.5.3 Discussions between staff (College Dean, Deputy Principal or Principal) and any member of the Pastoral Care Team do not represent a breach of privacy legislation where the focus is on the wellbeing and safety of the community or individuals in the College. It is a necessary part of the professional management of the College that such issues are identified and managed appropriately. Respect for privacy is demonstrated by refraining from unnecessary or extensive disclosures of personal information or speculations about individual's motivations, behaviour or 'gossip' etc.

2.6 The Pastoral Care Team Responding to 'Critical Incidents' and 'Serious Matters':

- 2.6.1 The Pastoral Care Team are not trained to deal with incidents of sexual violence, only to act as a first responder, receiver of a disclosure and as a support person. Dealing with incidents of sexual violence, as a response to a formal report, is the role of the Principal or Deputy Principal. Thus, no member of the Pastoral Care Team is to attempt to resolve potential grievances about critical incidents and serious matters, such as sexual harassment or sexual assault.
- 2.6.2 All members of the Pastoral Care Team must complete training at the beginning of the year on how to initially respond to critical incidents / serious matters, receive disclosures and the expected reporting protocol. This includes the procedures to follow when managing a disclosure of sexual violence.
- 2.6.3 The Pastoral Care Team have limited responsibility in receiving disclosures and in the process of critical incidents and serious matters, with the focus being on responding appropriately when the situation is first reported to them. They are then to provide support and some initial guidance and then appropriately refer the matter onwards. Thus, their role in matters relating to sexual violence is only to identify, report and provide limited support and advice to those involved.
- 2.6.4 Members of the Pastoral Care Team must seek support after responding to all serious matters, including disclosures. They are encouraged to discuss the options available for this support with the College Dean, Deputy Principal or Principal. If needed, they should seek to debrief after the event with appropriate College staff or a counsellor.
- 2.6.5 Where someone at College is aware of an immediate threat to the life of a person, they are to ring and report the incident to emergency services, before following any other steps outlined in this policy.
 - The Police require the individual who is the subject of a threat or injury to report it directly to the Police, so they can assist as soon as possible. (Third party reports are not given the same priority.)
 - The RA on Duty, back up duty staff member, and ANU Security should be advised after Emergency Services have been contacted.



- The appropriate on-call residential staff team member (College Dean, Deputy Principal or Principal) should be immediately notified whenever ANU Security and/or Emergency Services have been brought into the College.
- 2.7 The safety of each member of the Pastoral Care Team is a primary concern of the College. All members of the Pastoral Care Team are expected to consider their own safety in any actions they take around critical incidents and serious matters.
- 2.8 In general, the members of the Pastoral Care Team involved in critical incidents and serious matters, such as disclosures of sexual violence, should listen carefully to the details being reported and make notes immediately after the discussion. Notes should be factual and include:
 - The nature of the incident/complaint,
 - The full names of people involved,
 - The dates and times, and
 - All actions taken, including who the incident was reported to.'Opinions' should be avoided unless they are noted as 'opinion'. These notes are then to be stored with confidential records maintained by the College Dean, Deputy Principal or Principal concerning the particular incident.
- 2.9 After reporting the critical incident or serious matter the member of the Pastoral Care Team's role is over, except in providing some minimal support to the residents involved or other roles as directed by the College Dean, Deputy Principal or Principal. Under no circumstances should members of the Pastoral Care Team assume ongoing responsibility to try and "make the situation right".

3. Responsibilities – College Staff

- 3.1 Sexual Harassment and Sexual Assault are criminal offences. The College staff will act immediately on reports of possible criminal offences and follow the procedures outlined in this policy.
- 3.2 The Principal, Deputy Principal, College Dean, Manager of Residential Services and Business Manager have a responsibility to:
 - Monitor the work, living and learning environment at College to ensure that acceptable standards of conduct are observed at all times.
 - Treat all formal reports or disclosures, that they receive seriously and confidentially and take immediate action to refer the staff member or residents to the relevant information and services indicated in the policy and procedures.
 - Support the complainant in making their next decision.
- 3.3 All College staff have a responsibility to:
 - Comply with this policy.
 - Offer support to anyone who makes a disclosure directly to them and let them know where they can get help and advice;
 - Report to the Principal information on disclosures of sexual violence. This report may be de-identified in the first instance.
- 3.4 The Deputy Principal and College Dean have the responsibility to:
 - 3.4.1 Notify the Principal of the incident and proposed actions.
 - 3.4.2 Comply with this policy.
 - 3.4.3 Handle all disclosures and formal reports with compassion, confidentially, promptly and fairly.
 - 3.4.4 Handle a disclosure by providing support and advice to the resident on where to get additional support.



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3.4.5 Handle a formal report by doing the following:

- Provide a supportive environment, so the complainant feels safe throughout the reporting process.
- Form a view of the formal report and determine:
 - Is the complainant at an immediate risk?
 - Is the residential community at an immediate risk? And if needed, put interim safety measures in place.
- The College Dean and/or Deputy Principal along with the complainant need to understand the process that the complainant would like the College to take. This may involve:
 - Take formal action – this does not stop the resident from asking the College to stop the action at any time.
 - Take no formal action
- Set up a pastoral care plan for the residents involved:
 - Support the complainant if they wish to make a report to the police.
 - Support the affected residents in gaining additional help e.g. medical and counselling support and support around impacts on their studies.
- Seek additional support and/or advice from the College's Employee Assistance Program or other professional services, when needed or wanted.
- Commence a disciplinary process, if that is requested or required.
- Keep the complainant updated on the College processes at different stages where possible and if they choose to receive it.
- Debrief the team member(s) who received the disclosure and provide ongoing support where needed.

3.5 The Principal is responsible for:

- Ensuring that all members of the Pastoral Care Team and staff are aware of the appropriate policy and procedures for managing and reporting critical incidents and serious matters, including disclosures.
- Monitoring the process that is being carried out by the College Dean or Deputy Principal, after receiving a formal report and assist where needed.
- Providing notice to the ANU Registrar of any sexual harassment or sexual assault complaint, within five days of receipt of complaint per the ANU (Residential Colleges Affiliation) Statute 2021. The Principal will report the incident with no contact or personal identification details unless consent has been given, or if a permission exists under The Privacy Act 1988.
- Facilitating any appeals processes which result from an outcome of this procedure. Managing any enquiries made by the media, in cases where the incident has come to the attention of the media.

NB. The ANU Communications and Engagement Director, not the Principal, should speak to the media if the incident has ANU implications.

3.6 If the complainant asks for the Police or ANU to be involved and to investigate the incident:

- The College will assist, as requested, all Police and University investigations into allegations of sexual violence.
- The College will continue to support the College residents involved; but will not commence or continue with any assessment or disciplinary process until the Police or ANU investigation is completed.



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- 3.7 All College Staff are responsible for the reporting of Critical Incidents and Serious Matters, including disclosures and formal reports, to the Principal.
- All critical incidents and serious matters require a formal record. The record is to be supplemented by the notes of the relevant member of the Pastoral Care Team, if they have been involved, or completed by the member of the Pastoral Care Team in conjunction with the responding staff member.
 - The formal record will be kept in a resident's confidential file maintained by the Principal.
 - The formal record should include information on:
 - The nature of the serious incident/complaint,
 - The full names of people involved,
 - The date with relevant times, and
 - All actions taken, including who the incident was reported to.



4. Procedure – Sexual Harassment and Sexual Assault

Principles forming the basis of the procedure:

- 4.1 When the College becomes aware of a disclosure or formal report that a resident has been sexually assaulted or harassed, it will support the physical and mental safety of the resident making the report.
- 4.2 The College will assess the possibility of any further threats against the complainant or others. If harm is imminent, then the College must act immediately to protect the Residents.
- 4.3 The College will be active in providing support to the resident, facilitating access to relevant services and assisting the complainant where possible including offering support when visiting these services.
- 4.4 The College respects the rights of all complainants to be in control of the decisions affecting them, especially their right to decide whether to seek medical, counselling, police or legal support. This is fundamental to this policy, as the College seeks to empower the complainant.
- 4.5 When dealing with an incident of sexual violence where both parties are residents at the College, an additional staff member will be involved, while dealing with the incident to support the second resident.
- 4.6 Third Party Reports: 'Notifiers'
 - Reports by third parties ('notifiers') can occur from witnesses or bystanders or from support persons who have received a disclosure or a parent, friend or health care provider.
 - These could be disclosures of possible sexual violence.
 - Disclosures of sexual violence can be categorised in four (4) ways:
 - Information only for College records – these reports are usually about unidentified complainants and unidentified accused persons.
 - Information seeking support for an identified complainant, where the accused person may or may not be identified.
 - Information seeking action after identifying the complainant and accused.
 - Information seeking action after identifying the accused, where the complainant may or may not be identified.
- 4.7 These disclosures should be assessed in the light of the:
 - Intent of the third party when they make the disclosure and
 - Information the 'notifier' is able to provide to support the claim and known information about the accused.
- 4.8 The notifier needs to be advised that:
 - The College cannot commence a disciplinary process with cases where one or both parties involved are anonymous. However, the College can provide support to the known parties.
 - The College can only formally deal with the incident, under this policy, if the notifier makes a formal report and is willing to discuss it with the College Dean, Deputy Principal or Principal.
 - The level of action taken by the College is limited unless the complainant also makes a report.
- 4.9 Notifiers are encouraged to take 'safe action'. Options include:
 - Provide reasonable support to the complainant with the incident.



- Notifiers should be asked to encourage the complainant to refer the incident to the College Dean, Deputy Principal, Principal, the ANU, the ANU Counselling Centre, the Police or other community services.

5 Involvement of Staff

5.1 While any staff member may be approached by a resident and receive a disclosure, it is the Principal who manages the Critical Incident or Serious Matter and associated reporting.

5.2 The staff member should follow the following steps:

- Provide support to the complainant;
- Encourage the complainant to speak to the College Dean, Deputy Principal or Principal and if needed, accompany the complainant as they either make a disclosure or formal report to the College Dean, Deputy Principal or Principal.
- Hand the incident over to a residential staff member to manage the disclosure or formal report.

5.3 At a later time, the Principal may ask a staff member to assist in the process; if it is needed.

6 The Process to be Followed by the Residential Staff Team when Managing a Disclosure or Formal Report of Sexual Assault or Harassment Incident from a Resident

Step 1 – Support the individual making the Disclosure or Formal Report

- Remain calm and listen
- If needed move to a private and safe area to give the resident privacy and security
- Allow the resident to share the disclosure or formal report with you
- Do not judge the individual or infer any judgement by verbal or non-verbal communication
- Clarify your understanding of the incident if necessary, reflecting back to the individual your understanding of the information they are sharing

Step 2: Provide Initial Options

Provide the individual with information about immediate options which may include:

- Visiting the hospital immediately for a medical assessment
- Making a report to the Police
- Calling upon a support person
- Calling on a member of the Residential Staff Team for support
- Seeking counselling or support from an appropriate external organization such as the Canberra Rape Crisis Centre or ANU Student Safety and Wellbeing Team
- Seeking legal advice

Step 3: Provide Follow-up Options

- a. Remember that a person who makes a disclosure may not want to make a formal report and may just be seeking information about resources and support. It is important to allow the complainant the time and space to decide what steps they would like to take.



- b. Identify if this is a Disclosure or Formal Report. The complainant may request:
- i. No follow up to be commenced at this stage and express a desire to leave it as a disclosure to College for noting and support, or
 - ii. That the College take an unofficial approach to the incident and only counsel the people involved, or
 - iii. That the College proceeds with its disciplinary processes, or
 - iv. That the disclosure is passed on to another service. This includes:
 - taking the disclosure to the ANU,
 - taking the disclosure to the Police,
 - Something else that is arranged between the College Dean, Deputy Principal or Principal and the resident that seems appropriate to the situation.

The College Dean, Deputy Principal or Principal should help empower the complainant to make this decision and ensure a fair response, by sharing the expectations of what may come from the possible decisions.

- c. If the complainant only requests that the information is treated as a disclosure and selects (b) (i) or (ii) above then:
- i. This decision needs to be confirmed in writing.
 - ii. This option is only available at the discretion of the Principal, in the event that community safety may be of concern.
 - iii. The complainant may notify the College that they have changed their mind at a later date.
 - iv. The complainant also has the option, at a later date, to take the incident to ANU or the Police.
- d. If the complainant requests that the matter be treated as a formal report and selects (b) (iii) above then:
- i. The College cannot begin this step if the ANU or the Police have been contacted and are likely to investigate the incident.
 - ii. The College will stop its processes, if a process is commenced with the ANU or the Police.
 - iii. These decisions (i) or (ii) are made to support the ANU and the Police and not interfere with their processes.
- e. If the complainant is only making a disclosure to the College and selects (b) (iv) above, then:
- i. If requested the College will support the complainant in making their disclosure to the other agency.
 - ii. The College will not begin any disciplinary processes against the alleged perpetrator.
 - iii. The College will offer support to the complainant.
 - iv. The College will record that it received a disclosure and the complainant's request.
 - v. After the other agency completes their process and reports their finding, the College will assess the ongoing wellbeing of the people involved and seek to determine if any further action is warranted.
- f. Once the complainant has made a decision on the follow-up options, the Principal will do an immediate risk assessment.
- i. If the resident and the College community are not at immediate risk, the College will support the resident's decision of their desired option.
 - ii. If the College assesses that there is a risk, it will put in place any strategy needed to ensure the



safety of the complainant, accused or any other residents in the College.

- If the Principal is of the opinion that the continued presence of the resident alleged to have perpetrated the sexual misconduct represents an imminent threat to the mental or physical safety of any other resident of the College, the Principal may require that person to leave college immediately and before the completion of the College's complaints process.

Step 4: Establish the Resident's Immediate Safety

- a. Ask the complainant how you can assist with their immediate safety.
- b. Consider any immediate risks.
- c. On the basis of (a) and (b) above consider organising some interim safety measures (during the disciplinary process) to protect those involved. These measures may include:
 - i. The immediate suspension of the alleged perpetrator if there is a significant concern about the safety of the complainant, witnesses or other residents, or
 - ii. Provide one or both parties with alternative accommodation, prioritising the needs of the victim.
 - iii. Relocating those involved to different areas of the College where possible, or
 - iv. Placing limitations on the opportunities for contact between the parties involved (eg. Not sitting at the same table in the Dining Room, going to the Dining Room at different times, restrictions of participating in sport or other College activities).

Step 5: Provide Information and Access to Possible Areas of Support

- a. The College will be active in its support of the resident by providing the support and information that they may need, including facilitating access to relevant services and offering support when visiting these services.
- b. The following are possible support services that might be used to support a resident who is a complainant of Sexual Violence. These should be suggested but not forced onto a resident – it is their decision.

Medical Support Where Relevant

Communicate the importance of medical attention to the resident and discuss if assistance is needed at this time. Medical attention for sexual assault complainants is vital for detecting and treating a range of medical concerns, including sexually transmitted infections, pregnancy, and both apparent and internal injuries.

Ideally people who have alleged being the complainant of sexual assault should be seen as soon as possible to address these health concerns.

This can be provided by the Canberra Hospital's Forensic and Medical Assault Care (FAMSAC).

- a. FAMSAC provides forensic and medical sexual assault care to people who have been sexually assaulted.
- b. FAMSAC provides a 24-hour, 365 day a year on-call service. Access to the on-call doctor is through:
 - Canberra Rape Crisis Centre (CRCC), or
 - Canberra Sexual Health Centre (CSHC), or
 - Canberra Hospital – switch board is available 24 hours; or
 - Australian Federal Police.



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- c. A medical examination is offered to all FAMSAC clients in day-time hours. In addition, forensic examination can be conducted if the client presents within the appropriate time frame.
 - A forensic medical examination may be conducted up to 5 days after a sexual assault.
 - Forensic specimens may be collected and stored at FAMSAC for a period of 2 weeks after their collection.
- d. This time frame gives the client time to decide whether to proceed with the legal pathway.
- e. Emergency contraception is available from them, if required.
 - It is extremely efficacious if given within 48 hours of unprotected sex. It may be given up to 120 hours after unprotected sex.
- f. PEP (Post-exposure prophylaxis) is a 4-week course of anti-HIV medication that is shown to be effective in preventing HIV infection if started within 72 hours of exposure. Access to PEP can be through SHFPACT or hospital emergency departments.

Counselling

Communicate the importance of counselling to the Resident and discuss if assistance is needed at this time. A counsellor can also accompany the Resident to College meetings, such as when they are making the report to the College.

- a. ANU Student Safety and Wellbeing Team
 - The Student Safety and Wellbeing team offers free and confidential support for students who have been impacted by sexual assault or sexual harassment (directly or indirectly) as well as a range of other concerns.
 - The service's Case Managers have backgrounds in health, social work, counselling and human services. Case Managers work from a person-centred and trauma informed clinical framework and aim to provide coordinated support, information and referrals for students.
- b. Canberra Rape Crisis Centre
 - The Canberra Rape Crisis Centre is the specialist service within the ACT and has expertise in working with people who have made allegations of sexual assault. This includes providing crisis and ongoing counselling support, information about medical options, legal options, victim's compensation through to court preparation and court support.
 - The resident can use the centre without reporting the allegations to the police. The services are free and confidential.
- b. ANU Counselling Centre or a Private Provider (both during business hours)
 - The ANU Counselling Centre provides counselling and referral for ANU students who have experienced sexual violence. This can be complementary to counselling provided by Canberra Rape Crisis Centre or if the ANU student prefers to seek counselling on-campus.
 - If an ANU student attends the Counselling Centre the counsellor will:
 - Provide a safe, supportive environment for the student to discuss any concerns,
 - Establish that the student is aware of their options for support
 - Provide information as required,



- Facilitate access to other services according to the student's decisions,
- Provide ongoing counselling if preferred by the student (within the guidelines of service).

The ANU Counselling Head of Centre (or delegate) is also available for consultation about allegations of sexual assault and harassment.

- v. The College Dean, Deputy Principal or Principal are able to refer residents who have experienced trauma from their experience to the College's Employee Assistance Provider for support. Residents can access continuity of care at an affordable rate from this service by obtaining a Mental Health Care Plan through their GP.

Police/Legal

- Sexual Harassment and Sexual Assaults are criminal actions that can be investigated thoroughly by the Police and when there is sufficient evidence can lead to criminal charges being laid against the perpetrator.
- The decision to proceed with making a complaint to the Police is the decision of the resident who has alleged the sexual assault. The Canberra Rape Crisis Centre can provide information for residents considering reporting the sexual assault.
- The Police require the complainant to make a report and then make a statement before they can investigate the complaint.
- When charged the perpetrator would then face court to answer the charges.

7 The Process to be Followed by the Principal Managing a Formal Report of Sexual Assault or Harassment Incident from a Resident

Step 6: The College Disciplinary Process (if required)

- a. If the complainant makes a formal report the College will begin the Disciplinary Process carried out according to the Burgmann College Appeals and Grievance Policy. Both parties need to be aware that:
 - i. This process is not a detailed investigation – that is for the Police to do.
 - ii. It is not the intent of the process to find anyone guilty or innocent.
 - iii. In any of its disciplinary processes the College does not make a determination about the ultimate facts of the issue. It makes a reasonable decision based on the information it has at hand.
 - iv. The College has obligations to both parties; the complainant and the person complained about.
 - v. The College will take all steps to ensure that the outcome is satisfactory to both parties. However, they recognise that this may not always be possible.
- b. During the disciplinary process, the College shall use:
 - i. One designated staff member to work with and support the complainant and their supporters.
 - ii. One designated staff member to work with and support the person complained about and their supporters.
 - iii. The disciplinary process is managed by the Principal.



- c. To ensure fairness to all parties the aim of the process is to:
 - i. Clarify any information that can be provided, including but not limited to, any information from any witnesses that are known and from any College CCTV footage.
 - ii. Provide an opportunity for the complainant and the person complained about to give their version of events.
 - iii. Ensure both parties are treated fairly.
 - iv. Determine an outcome.
- d. When deciding on the outcome of the disciplinary process and any follow-up actions, the Principal will decide:
 - i. If there has been a breach of the College's policies.
 - ii. On the appropriate College response.
- e. The outcome and follow-up actions could include:

Sanctions

 - i. Suspension or exclusion, and / or
 - ii. Movement of one or more residents to another form of accommodation, and / or
 - iii. A formal warning, and / or
 - iv. Any other penalties outlined in the Burgmann College Appeals and Grievance Policy.
 - v. No penalty.

Support

 - i. Counselling, and / or
 - ii. Establishment of a follow-up plan, including ongoing support to those involved in the incident,
 - iii. Debriefing for those involved in dealing with the critical incident; this can be provided by College staff or a counselling service.
- f. As the College assessment process is not a detailed Police investigation, it is possible that the outcome would be a decision that there is 'not enough information to justify taking any action'. If this occurs the College will seek to find a resolution between the two parties.

Step 7: Notifications

- a. The Principal is required to provide notice to the ANU Registrar of any sexual harassment or sexual assault complaint, within five days of receipt of complaint per the ANU (Residential Colleges Affiliation) Statute 2021. The Principal will report the incident with no contact or personal identification details unless consent has been given, or if a permission exists under The Privacy Act 1988.
- b. At the end of the formal report process the Principal will provide the ANU Registrar with a summary of the incident and the College's response to the incident.
- c. The ANU may approach the Board to request the identity of a resident be provided to the Registrar in certain circumstances.

Step 8: The Appeal Process

- a. After the decisions of the disciplinary process are finalised the complainant and the person complained about may appeal the decisions of the Principal.
- b. Appeal processes are set out in the Burgmann College Appeals and Grievance Policy and can only be made on the following grounds:



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- i. That the Principal did not follow the stated policy or procedures;
 - ii. That the Principal did not take into account certain 'evidence' or circumstances in reaching a decision;
 - iii. The inconsistency of the sanction with the nature of the breach.
- a. This appeal must be lodged with the Principal within 7 days of the Principal's written response detailing the original decision.
 - b. The appeal must be in writing and must specify the grounds of the appeal and provide an explanation that supports their claim.
 - c. Where a resident is appealing a decision to exclude them from the College, the appeal procedure is set out in the *College Orders* which are available on the College website.
 - d. Appeal panels reviewing decisions made by the Principal of allegations of sexual violence will not reassess the incident but will consider the grounds of the appeal and the explanation provided in the appeal. A copy of the *Guidelines for appeal panels when considering appeals of decisions relating to sexual violence* is found in Attachment B of this procedure and should be followed.

Step 9: The Rights of the Residents

- a. Regardless of the College outcome:
 - i. Residents are ANU students and are entitled to take the incident to the ANU to be addressed under their policies and procedures. This option is available while the parties involved are still students at ANU.
 - ii. As sexual harassment and sexual assault are criminal acts, the complainant is entitled to take the incident to the Police at any time.

Step 10: Finalising the College Processes

- a. The College staff are required to document the process followed.
- b. At the end of the process the College shall collate and safely store all reports related to the incident.

Review: This document will be reviewed as needed, with the next review date being no later than November 2024.



Attachment A: SUMMARY OF CONTACTS FOR SERIOUS MATTERS & CRITICAL INCIDENTS

Emergency Services 000	Fire, Police, Ambulance (where there is immediate risk to life and safety of residents).
ANU Security 6125 2249	For assistance during emergencies. For assistance with situations where safety may become an issue. For out of hours contact details for Registrar; Director University Accommodation; Head of Counselling; Student 21 access; Director Marketing and Communication etc.
AFP 13 14 44	The Australian Federal Police are on call 24 hours a day. For cases that may constitute a criminal sexual offence, the Police should be contacted
Canberra Rape Crisis Centre 6247 2525	For counselling and advice on medical and legal issues. They also provide advice of compensation and preparing for court cases. They are open 7 days per week (7.00am to 11.00pm).
Canberra Sexual Health Centre 6244 2184	For advice on sexual Health issues, during business hours.
Canberra Hospital 6244 2222	The switch board is open 24 hours a day.
ANU Student Safety and Wellbeing Team 6125 2211	The Student Safety and Wellbeing team offers free and confidential* support for students who have been impacted by sexual assault or sexual harassment (directly or indirectly) as well as a range of other concerns.
ANU Counselling Centre 6125 2442	Contact for assistance with the management of student and staff well-being following critical incidents.
ANU Health Centre 6125 3598	For medical support during business hours.
ANU Chaplaincy 0407 866 777	The Chaplaincy service is endorsed by the University and is provided by a team of chaplains of diverse faiths. The Chaplaincy is open from 10am-4pm during term periods.
ANU Dean of Students 6125 4184	Provides confidential and impartial advice to students of the ANU.
FAMSAC 5124 2185	FAMSAC provides forensic and medical sexual assault care to people who have been sexually assaulted. A forensic medical examination may be conducted up to 5 days after a sexual assault.
1800RESPECT 1800 737 732	This is a 24/7 National Sexual Assault, Domestic Violence and Family Violence Counselling Service. All calls are free and confidential. Their website is www.1800respect.org.au
SHFPACT 6247 3077	SHFPACT delivers sexual and reproductive health services to the Canberra community.
Lifeline Crisis Support 13 11 44	This is a 24/7 crisis support and suicide prevention service. Their website is www.lifeline.org.au
Mensline 13000 789 978	This is a 24/7 professional telephone and online support and information service for Australian men. All calls are free and confidential. Their website is www.mensline.org.au



ATTACHMENT B: Guidelines for Appeal Panels when considering appeals of decisions relating to alleged sexual violence

Appeal panel members are expected to be aware of and adhere to these guidelines.

Support can be arranged by contacting the Principal or Deputy Principal:

- Access to College EAP for individual panel members and note taker/s; support persons accompanying the appellant or other interviewees; the appellant and other interviewees

Selection of panel members

- Consideration should be given to gender representation of panel members
- Panel members should be informed of the nature of the allegation when approached to participate and are welcome to decline if they are not comfortable to assist with the subject matter
- Conflicts of interest must be declared and ideally avoided entirely

Compulsory pre-reading for panel members

- The 'Resources' section of the Canberra Rape Crisis Centre website
- The ANU Respectful Relationships Unit's sexual violence prevention toolkit (2022)
- *Burgmann College Sexual Violence Policy* and *Burgmann College Sexual Harassment and Sexual Assault Response Procedure*

Venue for review panel meetings

- Meetings should be conducted in neutral comfortable settings with no legal overtones.
- Where a resident is uncomfortable with the venue, they are encouraged to speak with the Chair of the panel to arrange an alternate venue where possible

Note taker at meetings

- An impartial note taker should be present

Meeting Guidelines for panel members

- Conduct a pre-meeting where panel members meet one another and come to a shared understanding of the required procedure and scope. This is not to discuss the incident itself, rather an opportunity to ensure the panel is prepared and has understood the process and requirements.
- Timing of meetings with residents affected should be spaced appropriately to ensure absolutely no overlap or incidental contact could occur between the relevant parties.
- Panel members should avoid legalistic style questioning, probing questions, or questions not relevant to the grounds of review
- Panel members should be informed by pre-reading material with the aim of providing a safe environment and process for participants in all meetings. At the start of any meeting, Panel Members should introduce themselves and outline the amount of time available for the meeting. They should also remind participants they may take a break or terminate the meeting at any time, that they are not required to answer any questions, and that support persons present may not speak on behalf of the resident they are supporting.