

Bullying, Harassment, Discrimination and Sexual & Physical Assault Serious Matter & Critical Incident Procedure & Guidelines

Version: 1st

Responsible To: Head of College & CEO – John XXIII College

Pertains To: Residents (Accommodation Agreement Holder) – John XXIII College

Supported By: Deputy Head of College – John XXIII College
Staff – John XXIII College
Collegiate Team – John XXIII College

Monitored By: Head of College & CEO – John XXIII College

Procedure - Residents

1. Any Resident who feels that he or she has been subjected to any form of bullying, harassment, discrimination or hazing should raise their complaint to the attention of the Head of College, Deputy Head of College or a member of the Pastoral Team.
2. Residents may also use the Grievance Policy if they consider that they are experiencing discrimination, harassment or bullying.
3. Residents, who are ANU students, are also able to use the ANU policies and procedures if they consider that they are experiencing discrimination, harassment or bullying by another ANU student. In this case they should speak to the ANU Dean of Students, who is able to assist ANU enrolled Residents in matters pertaining to complaints under ANU policies. In this case, the outcome will be an ANU decision which does not affect John XXIII College.
4. A Resident is also able to lodge a complaint with the Australian Federal Police. If they do so, then advising the College of that complaint is entirely at the discretion of the Resident.

Procedure – Members of the Pastoral Team

1. The Pastoral Team is responsible for the well-being of the Residents under their care. To help fulfil this role they need to:
 - a. Continually monitor their corridor for harassment, hazing or initiations do not have any place at John XXIII College,
 - b. Ensure that assaults (physical or sexual) are not tolerated in the College.
2. When a member of the Pastoral Team becomes aware of potential behaviour that may develop into inappropriate behaviour such as bully or hazing, such as an attempt to use of peer pressure on a Resident, they should step in and try and resolve the behaviour (as a Level 2 Intervention – see Resident Behaviour Policy), before it develops into something more serious.
3. If any member of the Pastoral Team has any suspicions of, or receive any reports of assaults, bullying, harassment or hazing they are to report this to the Deputy Head of College as soon as possible.
4. All members of the Pastoral Team are to follow the following procedures:
 - 4.1 *Confidentiality and Privacy*
 - a. They should never agree to keep secret or confidential a Resident's serious harmful behaviours towards themselves or others. It needs to be clear to Residents, both as a general principle and in specific situations, that the Pastoral Team have a responsibility to speak with the Deputy Head of College so they can arrange appropriate help and/or safety for Residents.
 - b. All members of the Pastoral Team are expected to discuss all concerns about Critical Incidents and Serious Matters or potential grievances about allegations of harassment etc with the Deputy Head of College as soon as practically possible. At the same time, they are expected to refrain from discussing these concerns with other Residents or other Senior Residents (SRs), unless essential to assist in resolving a particular situation and with the approval of the Deputy Head of College.



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- c. Discussions between staff and any member of the Pastoral Team do not represent a breach of privacy legislation where the focus is on the well-being 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 etc or 'gossip'.

4.2 Responding to 'Critical Incidents' and 'Serious Matters'

- a. All members of the Pastoral Team must complete training on how to respond to serious incidents and the expected reporting processes. They must also complete College and ANU training in the appropriate use and involvement of emergency services and the College Emergency Response Protocol.
- b. The Pastoral Team have limited responsibility in the management of serious matters, with the focus being on responding appropriately when they first become aware of the incident, and then referring the matter onwards.
- c. Members of the Pastoral Team must, through the appropriate channels and in a timely fashion, report and seek support in responding to all serious matters. They should also, if needed, seek to debrief after the event with appropriate College or University staff members.
- d. Where someone at College is aware of an immediate threat to the life of a person or a serious threat to property (such as a fire), they are to ring and report the incident to emergency services, before following any other steps outlined in this policy.

NB.

- i) 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 ASAP (third party reports are not given the same priority),
- ii) ANU Security should be advised after Emergency Services have been contacted,
- iii) The Deputy Head of College should be immediately notified whenever ANU Security and / or Emergency Services have been brought in to the College.
- e. The Safety of each member of the Pastoral Team is a primary concern of the College. All members of the Pastoral Team are expected to consider their own safety in any actions they take around critical incidents and serious matters e.g. not being alone with a person who may be dangerous, not driving a person who is very ill to hospital on their own, etc.
- f. No member of the Pastoral Team is to attempt to resolve potential grievances about critical incidents and serious matters, such as assaults or harassment. This is the role of the Deputy Head of College.
- g. In general, the members of the Pastoral Team involved in critical incidents and serious matters, such as allegations of harassment, discrimination or bullying should keep notes. Notes should be factual and include:
 - i) The nature of the incident/complaint,
 - ii) The full names of people involved,
 - iii) The dates and times and
 - iv) 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 Deputy Head of College concerning the particular incident.



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- h. After reporting the critical incident or serious matter the member of the Pastoral Team's role is over, except in providing support to the Residents or other roles as directed by the Deputy Head of College.

Procedure – Staff

1. The Head of College, Deputy Head of College, Operations Manager and Business Manager have a responsibility to:
 - a. Monitor the work, living and learning environment at College to ensure that acceptable standards of conduct are observed at all times,
 - b. Treat all complaints seriously and confidentially and take immediate action to refer the staff member or Residents to the relevant policy and procedures.
2. College staff have a responsibility to:
 - a. Comply with this policy,
 - b. Offer support to anyone who claims that they are experiencing discrimination, harassment or bullying and let them know where they can get help and advice; and consult with the Deputy Head of College on reports of discrimination, harassment, hazing and bullying.
3. The Deputy Head of College has the responsibility to:
 - a. Inform the Head of College of the incident.
 - b. Investigate all serious matters that are reported to them.
 - i) Complaints are to be handled confidentially, promptly and with procedural fairness, and
 - ii) Form a view of whether or not a Resident has bullied, harassed, hazed or unlawfully discriminated against any other Resident and
 - iii) The complainant is to receive prompt advice of the outcome of the College investigation.
 - c. If the Deputy Head of College forms the view that there has been harassment, bullying, hazing or discrimination then they are to commence intervention at Level 3 (see Resident Behaviour Policy) and to impose those sanctions reserved for the most serious breaches of College Policies and Guidelines.
 - d. Allocate one or more members of the Pastoral Team to monitor the wellbeing of the victims of any serious matters and receive and assess their reports.
 - e. Manage the well-being of the Residents and the respondents (a member of the Pastoral Team).

NB.

 - i) During working hours, the ANU Counselling Centre may be contacted for advice/ support.
 - ii) After hours, advice may be sought from the After-hours Health Services that are listed in Attachment A.
 - iii) ANU Security also has after-hours contact numbers for the Head of ANU Counselling and the ANU Adviser to Staff.
4. The Head of College is responsible for:
 - a. Ensuring that all members of the Pastoral Team and staff are aware of the appropriate procedures for managing and reporting critical incidents and serious matters.
 - b. Monitoring the process being carried out by the Deputy Head of College and assist where needed.
 - c. Inform the Deputy Vice Chancellor (Academic) (DVC(A)) in writing of the occurrence the proposed action and later report the outcome of the College processes.
 - d. Carry out any appeals that result from the College process.
 - e. Speaking to the Media if needed.



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NB.

The ANU Communication and External Liaison Director should speak to the media if the incident has ANU implications.

5. The College will assist Police and University investigations into allegations of harassment, bullying, hazing and/or discrimination at the College, including sexual harassment and racial discrimination.
6. The Recording and Reporting of Serious Matters
 - a. All serious matters require a formal record. The record is to be supplemented by the notes of the relevant member of the Pastoral Team, if they have been involved, or completed by the member of the Pastoral Team in conjunction with the Deputy Head of College.
 - b. The formal record will be kept on a confidential personal file or a Serious Matters file by the Deputy Head of College.
 - c. The formal record should include information on:
 - i) The nature of the serious incident/complaint,
 - ii) The full names of people involved,
 - iii) The date with relevant times, and
 - iv) All actions taken, including who the incident was reported to.

Procedure – Criminal Offences

1. Assault and some forms of discrimination, harassment and bullying can also constitute criminal offences. These offences are:
 - a. Physically assaulting a person, including sexual assault,
 - b. Stalking and
 - c. Obscene communications including through E-Mails, phone calls etc.
2. The College staff will act immediately on reports of possible criminal offences.

Procedure – Critical Incidents – Assault (Physical and Sexual)

1. Physical Assault and Threats of Violence towards Others
 - a. Violent behaviour, assault, or threats of violence should always be considered as matters requiring police involvement. Even where the behaviour may appear to be a result of a mental health problem or drug misuse, the Police and/or Security should be considered as the first points of contact.

NB.
The Police require the victim to make the complaint.
 - b. The safety of the victim of assault is the primary concern of the College.
 - c. The seriousness of threats against others can usually be assessed against the following criteria:
 - i) Motivation,
 - ii) Recent past history of violence to self or others,
 - iii) A specific plan,
 - iv) Access to means and
 - v) Knowing how to use them.
 - d. If harm is imminent, then the relevant emergency services should be contacted with all available information ASAP.



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2. Sexual Assault

- a. When it becomes aware of an allegation that a Resident has been sexually assaulted, the College will:
 - i) Ensure the safety of the Resident making the allegations – this is the primary concern of the College,
 - ii) Be active in its support of the Resident by providing the support and information that they may need, including facilitating access to relevant counselling, medical, police or legal services.
- b. The College respects the rights of all survivors of alleged sexual assault to be in control of the decisions affecting them, especially the Resident's right to decide whether to seek police, legal, medical or counselling support.

3. Third Party Reports: 'Informants'

- a. Reports by third parties ('informants') – e.g. other Residents, friends of Residents - of harmful behaviours by a Resident to themselves or others or by others should be assessed in the light of the detail the 'informant' is able to provide to support the claim, and known information about the possible 'perpetrator'.
- b. In the main, informants should be encouraged to take 'safe action'. Options are:
 - i) Informant may talk directly with the individual about their concerns,
 - ii) Informant may be given assistance in framing words that will assist in referring the Resident to a member of the Pastoral Team or the Deputy Head of College, the ANU Counselling Centre, or other community services.

4. The Process to be Followed by the Staff Member Managing the Critical Incident

- a. Allow the claimant to clearly state their version of events (see steps below).
- b. Clarify your understanding of the incident.
- c. Give support and advice – medical, police, counselling.
- d. Confirm the information provided and carry out a risk assessment – is the claimant or any other Resident at risk and did the incident occur as claimed.
 - i) This is not a detailed investigation – that is for the Police to do,
 - ii) It is not the intent to find anyone guilty or innocent.
- e. Provide an opportunity for the alleged perpetrator to give their version of events.
- f. Decide on the follow-up actions. These actions could include:
 - i) Suspension or exclusion, or
 - ii) Movement to another form of accommodation, or
 - iii) Counselling, or
 - iv) A warning, or
 - v) Establishment of a Follow-up plan or
 - vi) Any other penalties outlined in the College Disciplinary Policy.
- g. Provide ongoing monitoring and support to those involved in the incident.
- h. Provide a debriefing for those involved in dealing with the critical incident.
 - i) This can be provided by ANU Counselling.
- i. Document the process followed.



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5. The Initial Response to a claim of a recent Sexual Assault

Step 1: Take the report

- a. Remain calm and provide an empathic response.
- b. If needed move to a private area to discuss the matter further.
- c. In asking questions about the incident focus on collecting only what is needed to establish what the Resident says has occurred and that the Resident is physically and medically safe.

NB.

Remember sexual assault is an abuse of power and control by one or more people using sexual means over another person. It is a traumatic incident that overwhelms a person's capacity to cope.

- d. If needed, ask the Head of College for help or contact the ANU Counselling Centre for advice.
- e. Speaking clearly, calmly and compassionately can assist the Resident to begin to feel safe which will help them to begin the process of working out what they want to have happen next.

NB.

Supporting a Resident who alleges a recent sexual assault can have a major influence on their recovery, their willingness to proceed with legal action and to seek medical and counselling services.

Step 2: Establish the Resident's Immediate Safety

- a. Assess the immediate risks to the Resident's safety.
- b. If you believe that there is an immediate danger from the alleged perpetrator or an immediate medical or physical emergency:
 - i) Organise for the alleged perpetrator to have alternative accommodation for the time being,
 - ii) Ring and report the incident to emergency services, then call ANU Security.

Step 3: Provide Information and Access to Possible Areas of Support

The following are possible support services that might be used to support a Resident who is a victim of Sexual Assault. These should be suggested but not forced onto a Resident.

Counselling

1. Canberra Rape Crisis Centre

- a. The Canberra Rape Crisis Centre 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.
- b. The Canberra Rape Crisis Centre is the specialist service within the ACT, funded to support people who have experienced sexual violence.
- c. The student can use the centre without reporting the allegations to the police. The services are free and confidential.
- d. Ask the student if they want immediate assistance from Canberra Rape Crisis Centre and assist them to make contact if needed.
 - i) Direct referral to Canberra Rape Crisis Centre is possible between 7am -11pm seven (7) days per week,
 - ii) After 11pm, a counsellor can be contacted by contacting FAMSAC or the police.
- e. If the student does not want immediate contact with Canberra Rape Crisis Centre, provide contact details of the service.



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2. ANU Counselling Centre

- a. The ANU Counselling Centre also provides counselling and referral for ANU students who have experienced sexual assault. This can be complementary to counselling provided by Canberra Rape Crisis Centre or if the ANU student prefers to seek counselling on-campus.
- b. If an ANU student attends the Counselling Centre the counsellor will:
 - i) Provide a safe, supportive environment for the student to discuss any concerns,
 - ii) Establish that the student is aware of their options for support,
 - iii) Provide information as required,
 - iv) Facilitate access to other services according to the student's decisions,
 - v) Provide ongoing counselling if preferred by the student (within the guidelines of service).
- c. The ANU Counselling Head of Centre (or delegate) is also available for consultation about allegations of sexual assault.
- d. The ANU Counselling Centre is only available during business hours.

Medical Support

1. Communicate the importance of medical attention to the Resident and discuss if assistance is needed at this time.
 - a. Medical attention for sexual assault victims is vital for detecting and treating a range of medical concerns, including sexually transmitted infections, pregnancy, and both apparent and internal injuries.
 - b. Ideally people who have alleged being the victim of sexual assault should be seen as soon as possible to address these health concerns.
2. 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 days a year on-call service. Access to the on-call doctor is through:
 - i) Canberra Rape Crisis Centre (CRCC), or
 - ii) Canberra Sexual Health Centre (CSHC), or
 - iii) Canberra Hospital – switch board is available 24 hours; or
 - iv) Australian Federal Police.
 - 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.

NB.

 - i) A forensic medical examination may be conducted up to 5 days after a sexual assault,
 - ii) 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 make a decision about whether to proceed with the legal pathway.
 - e. Emergency contraception is available from them, if required.

NB.



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It is extremely efficacious if given within 48 hours of unprotected sex. It may be given up to 120 hours after unprotected sex.

3. The ANU Health Centre
 - a. The ANU Health Centre can facilitate access to medical care.

Legal Support

1. The decision to proceed with making a complaint to the police is the decision of the Resident who has alleged the sexual assault.
2. The Canberra Rape Crisis Centre can provide information for Residents considering reporting the sexual assault.
3. Some Residents prefer to go directly to the police as they are clear that they wish to make a report. If this is the case, contact the Australian Federal Police.

Step 4: Notifications

- a. Inform the Resident that the Head of College is required to report the incident to DVC (A) and the Registrar (Student Services).
- b. Request permission from the Resident to release their name and contact details to the Registrar (Student Services).

NB.

The Registrar will ensure the University follows up with the Resident regarding their support needs. If the Resident does not give their permission the Head of College must not release their name and contact details, unless there is a threat to the safety of the individual or others.

- c. If there are no immediate safety issues and you do not have permission to release their personal contact and identifying details, then inform the student that the Head of College will report the incident with no contact or personal identification details. The report will be used for statistical purposes and contains only the nature of the incident and the location and date of occurrence.
- d. If there is a threat to safety of the individual or others ring the Police and call ANU Security.

6. Formal Notification to ANU

- a. The Head of College is required to provide a written report to the DVC(A) of any critical incident or serious matter that may lead to suspension or expulsion as well as the proposed action.
- b. A follow up email to the DVC(A) is to summarise the College's response to the incident.

Attachment A: SUMMARY OF CONTACTS FOR SERIOUS MATTERS

Emergency Services 000	Fire, Police, Ambulance (where there is immediate risk to life and safety of Residents).
ANU Security X 52249	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 131444	The Australian Federal Police are on call 24 hours a day.
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).



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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 Counselling Centre X 52442	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.
College Chaplains X56912	The College Chaplain can provide spiritual support and assistance with memorial services if required.
ANU Dean of Students X 54184	Provide advice in the management of harassment, discrimination, bullying, victimisation and vilification incidents.

By accepting a John XXIII College Accommodation Agreement, Resident accepts and agrees to abide by all of the terms and conditions of John XXIII College's Policies and Procedures. Residents should contact the College for further clarification if required.

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