

Please note that this is an annotated version of the individual submissions five members of the NCSA when provided with the Master's preliminary response to the Australian Human Rights Commission Recommendation 9. The annotations denote the response of New College to their review. All annotations are shown in red.

Respondent I

REVIEW: Preliminary Response to the NCSA CAR

This review should consider:

- **Appropriate responses** by a college or university residence to reports of sexual assault and sexual harassment
- A **trauma-informed** and **rights-based** approach in a situation in which an allegation of sexual assault has been made
- The ways that hazing practices and **college 'traditions' facilitate a culture** which may increase the likelihood of sexual violence
- The **role of alcohol** in facilitating a culture which may increase the likelihood of sexual violence
- The **level and nature of supervision** in a twenty-four hour residential setting in which large numbers of young people are living away from home, and
- The **level and adequacy of training** required to equip residential advisors to serve as **first responders** or in response to matters of sexual assault and harassment."

Section 2 - Definitions:

- I think that this section needs to more clearly outline what sexual harassment is. Although it is briefly mentioned towards the end, you only list the definitions of sexual assault and indecency, which does not adequately cover the very broad spectrum of sexual offences. It would be good for the college to also have non-legal definitions that can be communicated clearly to students and residential advisors. It would also be good for students to understand the criminal implications of each action.

The preliminary response document is not designed for collegians. Present college practice is to provide collegians with an abridged version of the college Harassment Policy within the "Welcome to College" document provided during O'Week. The policy is careful with its definitions.

A principal challenge is that the wording of the Crimes Act is difficult and has been interpreted by common law. There is a risk that multiple definitions will create its own confusion as residents compare different wordings.

The intention is to use the "Welcome to College" document during O'Week to get incoming residents to work through several practical scenarios. This will be an active learning environment in which residents will be required to interpret wording with feedback from staff.

Rather than creating more written documents, improvements will be made for the 2018 academic year which will be subject to review and further improvement for future years.

- The importance of this is highlighted in the the original community action report, as anonymous collegians who listed the factors that were seen as barriers that complicate the formal reporting process for them state one key factor as "a lack of understanding as to what defines 'harassment' and how to recognise it without hindsight".

The purpose of the O'Week workshop is to provide practical examples for collegians of what situations might arise and how College would respond to these.

- Students should also understand that this isn't only a college-based investigation if sexual offences occur in college. It is a criminal investigation whether the offences occur outside or inside college. The horrible stories from the US of rape being swept under the carpet to protect college reputations can't be allowed to happen at New College.

The present Master has had discussions with all living previous Masters and has been assured that no matters at New College have ever been "swept under the carpet".

During the O'Week workshop, residents will be confronted by a range of scenarios that will highlight how college policy and practice addresses the concerns raised at this point.

Section 6 - Process For Dealing With Allegations:

- Not sure on opening of this section the way that it has been. I think for emphasis it is important to foreground that those who come forward with allegations will be protected, taken seriously and their identity kept confidential at all costs - after all the reporting process is completely undermined if alleged victims do not feel comfortable coming forward in the first place.

Understood

- To ensure that victims are comfortable with the reporting process, and feel like they will not be dismissed, it is important to validate the sensitive and traumatic nature of victims coming forward in such instances and reinforce that they will be taken seriously. To quote the original NCSA Community Action Report, anonymous interviewees felt concerns regarding evidence of whether "the Master, Dean and RA team [can] handle the sensitive situation with due respect for the victims wishes, specifically in regard to a lack of understanding and knowledge of rape and consensual sex".

The importance of these issues has been recognised within the longstanding New College Critical Incident Policy.

New College has continued to highlight the differences between rape and consensual sex via the longstanding presentation by Brent Sanders on the Monday of O'Week.

As stated in our preliminary response to the AHRC Recommendation 9, Section 6, point 2, discretion is a key aspect of handling all sensitive issues within our colleges. To look for "evidence" is unlikely to be fruitful.

I refer readers back to the numbered list in Section 6 of the preliminary response for guidelines on how any allegations of misconduct are handled.

- How New College protects and deals with both the accused victim and perpetrator needs to be elaborated on and thought about carefully. Whilst it is not right for a victim to have to see the perpetrator in everyday life, to remove one or both parties also leaves many questions for the rest of the college communities, leaving space for inevitable gossip and rumours to spread. How does College also deal with the friends and social circle of the victim and perpetrator? Are there any procedures to inform and support these parties whilst also protecting the alleged victim and perpetrator?

I refer back to the New College Critical Incident Policy in this regard. It provides firm guidelines for the college administration on how such issues should be handled. The present review process has shown that this policy is state-of-the-art.

Every incident is unique. The principles of natural justice and procedural fairness must guide the process. Please refer to the NSW Ombudsman's report in this regard.

- There is also no mention of the NSW Police Force becoming involved with allegations as serious as rape, for instance. Reporting sexual assault to police should be of utmost importance to the college to ensure that the case is treated professionally and appropriately, as I'm sure that we can both agree and New College Admin are not well enough equipped to deal with something as serious as a rape charge justly. There is also a very strong history, particularly in the US, of colleges only dealing with rape allegations internally (and unfairly) to protect the college's reputation, and whilst I am sure that New College does not have these intentions it is still important for there to be procedures in place to ensure that the protection of victims is of utmost priority over concerns of reputation.

Please refer back to Section 6 of the Preliminary Response. The Charter makes it clear that College Heads will advise residents that the Police will be notified when the Law appears to have been breached.

- See this article: <https://www.theguardian.com/australia-news/2017/feb/27/universitiesactively-covering-up-sexual-assault-and-harassment-report-says>

Thank you. The present Master has been careful to confirm with all previous Masters that no matters of sexual misconduct at New College have been covered up.

Section 7 - Preliminary Response to the Specific Concerns of Rec. 9:

- *The role of alcohol in facilitating a culture which may increase the likelihood of sexual violence:*
- Unfortunately, alcohol is always going to play a role in college life whether it is *forbidden* or not. That's just the reality of putting a large group of young people together in a building who want to have fun!

I would gently remind the respondent that the well-being of each individual is the responsibility of every member of college. Further, NSW Criminal Law does not recognise abuse of alcohol as mitigation of a breach of the Law. Abuse of alcohol is never an excuse for sexual misconduct.

- As stated in the CAR, I think that there needs to be some mention of the fact that pastoral care will be prioritised above disciplinary matters and the inherent contradiction of these dual roles that the RA's have. Especially in regard to 'feared victim blaming and admonishment for disobeying college alcohol bans'.

Please refer to the list of principles in Section 6 of the Preliminary Response.

Additional Comments:

- Whilst I understand that this may not align with New College's fundamental Christian values, there is no denying that a significant proportion of the residents who stay within the walls of our community identify as DSG (Diverse Sexuality or Gender) or LGBTQIA+, as was touched on in the NCSA Community Action Report. This needs to be addressed to make sure that these people feel safe, accepted and validated. As the original NCSA CAR mentions there is a strong problematic history that does not go unnoticed in regards to the administration's history with employing Residential Advisors who subscribe to a set of values that many community members perceive as judgmental or particularly insensitive to issues of members of the diverse sexuality and gendered community.

As stated in the response to the NCSA CAR, New College intentionally employs residential advisers who are as representative of the community as possible. This is, of course, subject to the applicant pool and the track record of the applicant for pastoral concern and responsible behaviour.

The second most important commandment identified by Jesus is (Matthew 22:39) is “to love your neighbour as yourself” and is the fundamental Christian operating principle in relation to others. New College welcomes people of all faiths and none without any requirement that they engage in Christian religious practice.

I refer the reader back to the list of principles in Section 6 of the preliminary response.

- As a side note, I think that the inclusion of Mental Health First Aid training for RA's would be very positive and am excited for it to be explored, as I think that this would better equip our RA's as *first responders* to matters of sexual assault and harassment, but also all matters of mental health.

As discussed in my preliminary response, the Dean is the principal investigator in relation to such matters and therefore is the focus of sexual harassment and assault response training. Both Deans have been trained and are recognised by UNSW as first responders. As stated previously, the Deans do not act as counsellors but refer to residents to qualified professionals.

The role of the RAs is to encourage appropriate disclosure and to refer alleged victims and any witnesses to the Dean.

Each year, UNSW CAPS train the RAs in *Managing Students in Distress*: recognition of distress as well as common mental health issues.

Specialist training of SRs/RAs to encourage disclosure is being introduced to the Pastoral Training Retreat for the 2018 academic year.

The two Deans and the New College 2018 SRA completed Mental Health First Aid in November 2017.

- Whilst this report presents what the current policies and procedures are, there needs to be some kind of reflection regarding whether the current landscape is sufficient.
- As stated in my cover letter to the NCSA President dated 7 November 2017, this is part of an entire process of reflection college policies and practices in response to the AHRC Recommendation 9.

Respondent M

Bill's response to Community Action Report – Feedback

1. Diversity:

- a. It should be made clearer who someone can talk to if they are not comfortable with, or have had an issue with, the RA team. While having a female SRA is great normally, in the event of someone having an issue with the SRA they need to know who to talk to instead. I assume that some might not be comfortable talking to the male Dean (if at NC) or Master - is the next step is to talk to someone from the university, or a female member of the board?

Staff roles were specified in Section 5 of the response.

The "New College O'Week 2017" document said on page 1 "Every resident or staff member should feel free to immediately contact the Master or Dean if they have any health, safety and well-being concern anywhere at college."

The College Board monitors the performance of college staff and does not intentionally become involved in operational matters. These are the responsibilities of the staff.

Page 8 of the "New College O'Week 2017" document introduced residents to the UNSW Counselling and Psychological Services group on campus.

- b. I don't think that many people know the board members – this could/should be changed?

It may be appropriate to include a summary of the Board on the college websites, they regularly attend formal dinners and freely mix with the college community on these occasions. I refer to the previous response.

2. Dean/Master's response:

- a. I had very little idea of what training the RA team undertook for most of the year. Letting the whole college know what training the RA team, Dean and Master have undertaken would inspire more confidence.

Thank you for this comment. This will be addressed for the 2018 Academic Year. We are planning workshops for incoming residents and this information will be presented within these.

- b. I think it would also be helpful to emphasise that the RA team, Dean and Master are working *together* to deal with this. When the Dean gives a speech once off, then fades into the background, we need to know (through the RA team, etc.) that he is still working in the background.

I refer the respondent back to page 1 of "New College O'Week 2017". This will be further clarified for 2018.

- c. As a community I think we don't realize how tightly the RAs and SRA (and prez, in this instance) work with the Dean and Master.

Please refer to the previous response.

3. Better education for collegians:

- a. Make sure that both
 - i. Reporting procedures to college leadership, and;
 - ii. Reporting procedures to higher authorities (university, police) for problems with the college leadership are covered.

Thank you for this comment. This will be addressed for the 2018 Academic Year. We are planning workshops for incoming residents and this information will be presented within these.

- b. Explaining things in person (as well as in the handbook for later reference) would be helpful; as I am sure some people don't read/remember the handbook so well.

The purpose of the workshops is to expose collegians to college procedures in practice.

- c. Will said workshops be one-off or consistent throughout the year?

They will be compulsory and held at the beginning of each semester.

4. Intercollege consultation

- a. As above, keeping college updated on training and consultation undertaken, to show that the issue is being worked on, could help gain the trust of the community.

This seems to be an oversight on behalf of college. It has been a long-standing objective to have the best possible staff and state-of-the-art training. We have never been secretive about our training practices but these have not been actively communicated with residents. Thank you.

5. Expanded RA training

- a. RA team definitely has the greatest need of training, but should some pastoral care training be made available for other trusted positions in college (AT team, NCSA executive, NCCF committee, etc.)? Seems wise to have a critical mass of people well equipped to at least look out for issues, and help collegians to get help when they need it.

The RAs have a designated role.

I refer the respondent back to page 1 of "New College O'Week 2017": "we would gently remind everyone at New College that we all have a responsibility for the health and safety of ourselves and others."

- b. Regarding confidentiality issues, it does need to be made clear who needs to be informed if we report something, but also that no-one else will be told.

This was dealt with in the Preliminary Response. I refer the respondent to the NSW Ombudsman's guideline which states "Private or confidential information about any individual should be kept confidential and only used or referred to where this is necessary to address the complaint."

6. External counsellor?

- a. As above, procedures to secure external counselling need to be clarified, and recorded in the handbook, so that collegians know that they can get help from outside of college if they need, particularly if they are uncomfortable talking to the RA team, Master or Dean.

Page 8 of the "New College O'Week 2017" document introduced residents to the UNSW Counselling and Psychological Services group on campus.

Respondent J

Bill's response to Community Action Report – Feedback

Recommendation 1

- The diversity recommendation is a positive notion. However, it needs to be clear who people can talk to particularly if they are not comfortable with the RA team.

The “New College O’Week 2017” document said on page 1 “Every resident or staff member should feel free to immediately contact the Master or Dean if they have any health, safety and well-being concern anywhere at college.”

Page 8 of the “New College O’Week 2017” document introduced residents to the UNSW Counselling and Psychological Services group on campus.

Recommendation 2

- There needs to be transparency with the training that was undertaken by all RA’s

This seems to be an oversight on behalf of college. It has been a long-standing objective to have the best possible staff and state-of-the-art training. We have never been secretive about our training practices but these have not been actively communicated with residents. Thank you.

Recommendation 3

- The O-Week conversation must be open, honest and positive. It should emphasise our community, rather than just outlining the no tolerance policy, which can have a polarising effect.

Thank you for this comment. This will be addressed for the 2018 Academic Year. We are planning workshops for incoming residents which will be an opportunity for residents to explore how to college procedures work in practice.

- It is a fact that sex, drugs, assault occur so it better to address it openly.

The “New College O’Week 2017” document was a new initiative for 2017. It addresses these issues directly.

- o I have found that one of the best things about new college is that you always know that if you need, you will be looked after on a night out. It is important to highlight this standard of care and a positive culture of respect

Excellent.

- o I would suggest that this conversation is led by both oldies and RA’s (to make it an open dialogue, that is consistent throughout the college), rather than a disciplinary message from the leaders.

Involvement of the RAs in the O’Week workshop is intentional. We will consider involvement of the Oldies in these discussions.

- **Clearly define what constitutes assault.** Many people incorrectly associate assault with rape.

The longstanding Brent Sanders O’Week presentation has included this.

The Preliminary Response was also very careful with its definitions.

- There also needs to be more conversations that occur in semester two

There will be workshops for incoming freshers in Semester 2. The possibility of expanding these to the entire community will be considered.

Recommendation 4

- There needs to be an ongoing conversation with other colleges.

As discussed in point 4 of the letter from the Master to the NCSA President dated 7 November 2017, this has and will continue.

- Take on Weerona's recommendations

New College practice has been reviewed in terms of Weerona documentation and on the basis of a meeting with the residence manager on 26 September 2017. Acknowledging differences in college culture and practices, the principal difference identified was greater transparency in college discipline procedures and this will be addressed with New College residents during O'Week 2018.

Recommendation 5

- In Semester One the freshers need to become more familiar with their RA, at times they appear distant which makes individuals less likely to approach them when having trouble

Thank you. This comment will become a highlight of the RA/SR retreat. Its origin will remain undisclosed.

Recommendation 6

- Introduce this councillor to all residents.

Thank you for this comment. This will be addressed for the 2018 Academic Year. We are planning workshops for incoming residents and UNSW CAPS has agreed to participate.

Respondent C

Response regarding Sexual Assault and Harassment considering:

- Australian Human Rights Commission *Change The Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities (2017)*
- NCSA Executive report to the Master and
- The Master's response to the NCSA recommendations

Intro: Firstly; it is clear all facets of New College (Master, Dean, Executive and RA Team) are considering and taking time to review the current policies and procedures with integrity and responsiveness. Thank you to these people, especially Bill, for taking the Australian Human Rights Commission *Change The Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities (2017)* data and findings seriously as well as listening to the feedback received from the College community through the NCSA Executive Report. Thank you for working with the NCSA, the New College Alumni and current residents.

The following are some of my personal thoughts in response to the recommendations of the NCSA (and are numbered in the same way)

1. Equal gender roles in administrative and executive positions –
 - a. Overall College has appropriate respect for women and men in and out of leadership roles – we should strive to maintain this culture

Agreed

- b. I believe that it is important to choose the best person for the job/task/role without any gender or sexual bias/discrimination - this is applicable for discrimination against both males and females

Agreed

2. Lack of Adequate knowledge of reporting procedures –
 - a. I agree with the NSCA report that more explicit communication to residents is needed

Thank you and agreed. This will be addressed for the 2018 Academic Year. We are planning workshops for incoming residents accordingly.

- b. It would be helpful for multiple times and session of the specific New college procedures to be explained in full; beyond a short description of the 'no tolerance policy' given in O-week

The 2018 Staff Student Group will discuss how to do this.

4. Use of other College's resources –
 - a. It is good to continue to 'check and balance' the New College policies against other residential colleges across Australia to ensure up-to-date and best practise are being utilised

We have and continue to do so. As we have not reported this to the community, the community has not been reassured at this point.

- b. It is good to inquire and research other methods of reporting and due process to integrate improvements

The 2018 Staff Student Group will discuss how to do this.

- c. This may also lessen the expense of Administration time as New will not be 're-inventing the wheel' so to speak

See previous comment.

5. Changes to Residential Advisor training and confidentiality policy

- a. Make the current policies widely available and understandable for collegians

This was the intention of The "New College O'Week 2017" document which was a new initiative for 2017. The 2018 Workshops will expand this.

- b. Continue to train, equip and support the RA team (who year to year, do a fabulous job) and consider adding additional Mental Health, Sexual Harassment and Assault Response training

College has not communicated to the community the training undertaken by the RAs. This will be made explicit in 2018 and beyond.

- c. Acknowledge that RA's are in a unique position of both staff and resident and this requires some allowance and forgiveness for growth and personal development in this area

Thank you for this perceptive comment.

One of my focusses since becoming Dean in 2015 has been to think through the issue of self care for RAs.

As Master, I requested that the Dean and RAs determine some specific changes in RA duty that would improve this aspect of RA life. Some significant changes to the Duty Roster and college pastoral care have been made for 2018.

I share your concerns and be assured that I carefully monitor the well-being of all pastoral carers in college. Principal changes for 2018 will be changes to roster operation and debriefing with CAPS at the end of each semester.

The effectiveness of these changes will be assessed prior to the 2019 academic year.

6. Access to a College Counsellor –

- a. Bill's response to this was of great insight - conflict of interest with a counsellor/psychologist employed by New College

Thank you.

- b. As a result, I believe that easier access to and knowledge of how to access the UNSW Counselling and Psychology Services should be distributed to collegians

Page 8 of the "New College O'Week 2017" document introduced residents to the UNSW Counselling and Psychological Services group on campus and their availability.

This will be further addressed for the 2018 Academic Year. We are planning workshops for incoming residents and UNSW CAPS has agreed to participate.

Other points noticed for further comment - The AHRC report highlighted the risks and incidents associated with:

- Mixed gender bathroom and shower facilities: New College should continue to have separate, gender specific amenities and general separation as is done now with group corridor segregation

There is no intention to change this.

- Older Male residents escorting younger female residents who are inebriated home: I know that this does occur at New College. I understand that not all people can be under surveillance at all time and some level of personal responsibility must be maintained, however higher vigilance should also continue and this highlighted/addressed specifically at some point in the year (whether with RA's or the collegiate body)

Thank you for this insight. I have incorporated this in the RA training and the O'Week workshop for 2018.

- Hazing traditions: New College must have careful communication regarding 'compulsory' O-week activities and how to resist peer pressure

The RAs should be explicit about this. It is explicit in the college Harassment Policy.

- Other traditions: this was highlighted in the report as a high incident place. At New College I thought of 2 specific traditions that may need consideration/review
 1. Silly NCSA Exec Awards at the end of the year (after VD). Some of these awards ask the resident body to choose/name those who we believe are most sexually active etc. This was one aspect of rumour/slander that was addressed in the AHRC report

The 2018 Staff Student Group will discuss this.

2. Love Week. This is such a fun College event – I am in NO way suggesting it be removed from the social calendar. There is however pressure placed on the 'hen' and 'buck' to kiss at the party and throughout the week Lovers can 'stalk' and send 'inappropriate' messages to their assigned person. As harassment is not only actual but also perceived harm or intention to harm or abuse these messages could be a 'slippery slope' for some people

The 2018 Staff Student Group will discuss this.

Once more to close I would like to personally thank the NCSA Executive of 2017 for compiling a response and recommendations and Bill for your well thought out and helpful responses to the concerns that Collegians raised.

Respondent B

Community Action Report

Overall, I feel that the current system is effective in dealing with harassment, especially with the proposed reforms. This will be improved by the improved transparency of the process as outlined in *Response to NCSA*. I'll break below into 2 sections; sexual harassment and harassment

Sadly, in terms of sexual harassment, I feel there is little that the college can do to further reduce rates of incident occurrence. The only pre-emptive measure I feel could be implemented is a conversation early/prior to the semester ensuring that the no tolerance toward harassment is known, and also so people know which part of the body count as indecent assault in the case of an incident arising. Should an incident arise, the response policy is solid, if vague due to how difficult such incidents are to manage. Access to a psychologist should be made available for a victim of sexual assault as a first priority, and should be specifically outlined within college procedures.

Thank you. We continue to be committed to improving community life. This will be addressed for the 2018 Academic Year. We are planning workshops for incoming residents which will be an opportunity for residents to explore how to college procedures work in practice.

The college Critical Incident Policy requires the Master to recognise and address **effects** on victims. Psychological support is part of this.

Pure harassment is harder to detect, more common, and generally tricky. O-week is the period that harassment is most likely to occur. As such, prior to O-week should have the dean clearly define the line between hazing and what would be defined as an acceptable prank. Harassment is in the grey zone between what the victim considers to be harassment and what the reasonable person would consider harassment, and that means pushing the role of the RAs further to the general community, to ensure someone who is in that grey area is noticed.

Thank you for this comment. This will be addressed in the preparation for O'Week, especially during the Pastoral Team retreat.

Finally, to reflect the fact that RAs will work with different groups, and a resident may be comfortable with one RA but not another, I feel all RAs should receive mental first aid training, rather than some of them. The Master and dean should also touch base with the RAs at the end of the year to find which piece of training best helped them for the year to ensure that the training is optimal

Thank you.

Each year, UNSW CAPS train the RAs in *Managing Students in Distress*: recognition of distress as well as common mental health issues.

Specialist training of SRs/RAs to encourage disclosure is being introduced to the Pastoral Training Retreat for the 2018 academic year.

The two Deans and the New College 2018 SRA completed Mental Health First Aid in November 2017.

CAPS will be holding briefings/debriefings with Deans and the college Pastoral Teams at the end of each Semester/Trimester.

We are open to further changes in college training and procedures but significant changes have been made for the 2018 academic year which will be subject to review prior to the 2019 academic year.