Framework to improve accessibility of sexual assault information on Australian university websites

Introduction

Sexual assault is an issue prevalent on Australian university campuses, both in occurrence and in discourse. Reports of sexual assault reached a six-year high in 2016,¹ and the issue is brought into sharp focus by complaints of universities mismanaging sexual assault disclosures.²

The Australian Human Rights Commission ‘University Sexual Assault and Harassment’ Project, the findings of which are to be released in July, represents an important step in having external scrutiny of university services, policies and procedures that aim to address sexual assault on campus.³ To date such scrutiny has been limited; however, there has been research, predominantly in the United States, examining the accessibility and content of sexual assault policies.

Overview of the framework

The interaction between the criminal law and university procedure is one that is complex in nature, and often scary for those who try to navigate it.

This framework, acknowledging that today’s university-aged students turn to digital technology as their primary source of information, centres on university websites as a tool to convey information and change attitudes and culture. It is comprised of four elements:

- Acknowledgement of the context in which sexual assault occurs, and the context of student needs for information about student assault
- Understanding of the perspectives of stakeholders involved in a sexual assault disclosure
- Recommendation of the sexual assault content that should be readily available on university websites
- Suggestion of how that information should be best presented to aid accessibility

The framework uses the Australian National University’s website as an example of how to best present information and resources. An important note to make, however, is that the framework aims only to recommend the type of content that should be included on university websites. It does not aim to make any substantive policy recommendations.

² See, for example, Eryk Bagshaw, ‘Devastating’ report shows universities are ‘failing’ students’ The Sydney Morning Herald (online), 27 February 2017 <http://www.smh.com.au/national/education/devastating-report-shows-universities-are-failing-students-20170222-guj84k.html>
The context of sexual assault in universities

This framework uses the Australian Bureau of Statistics’ definition of sexual assault, being an act of a sexual nature carried out against a person's will through the use of physical force, intimidation or coercion, and including any attempts to do this. Importantly for universities, the majority of their student populations are among those most in danger. While there is little concrete evidence on the exact rate that sexual assault is occurring on Australian university campuses, there is enough to indicate that the rate is highly concerning, with females aged between 15 and 19 seven times more likely to experience sexual assault than the overall population. In the US, the sexual assault prevalence for women on college campuses is alarmingly high, between 19% and 25%. Further, women at university are at a higher risk of rape than their same-aged, non-student peers. While males experience sexual assault at a lesser rate than their female peers, it is vitally important to recognise their experiences, their voices, and their need for information.

The prevalence of sexual assault on campuses means that when students need information – both on the crime that has been committed and how the university may help them to move forward – this need arises with urgency. However, university systems should recognise that the need to respond to an assault is not the only case in which access to information on sexual assault is necessary. There is a further need: for students to educate themselves, address on-campus cultures, and prevent the crime from happening in the first place. Universities should recognise this, providing information that does not just explain reporting and disciplinary processes, but also encourages campus communities to address the attitudes and misconceptions that surround the topic and committing of sexual assault.

The influence of culture

A phrase that has risen to prevalence in sexual assault discourse is “rape myths”. These are narratives built on attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women. Rape myths, are, unfortunately, still commonly held perceptions, and perpetuate ideas about the personal and situational characteristics of sexual assault. These commonly revolve around conceptions of what makes a “good victim”, and reinforce the idea that sexual assaults must be violent in nature, and committed by someone who is a stranger to the survivor.

Such mythology is not reflective of the reality of sexual assault on university campuses, but it is a discourse that perpetuates the existence of attitudes that tolerate sexual assault and silence the voices of survivors.

In stark contrast to the “masked stranger” perpetrator stereotype, 16% of all Australian women and 3.2% of men have experienced sexual violence by someone known to them, as opposed to 5% and 1.9% respectively having experienced sexual violence by a

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5 Australian Bureau of Statistics, 4510.0 - Recorded Crime - Victims, Australia, above n 1.
7 Ibid.
8 1 in 25 Australian men have been sexual assaulted since the age of 15, as compared to 1 in 6 women (Australian Bureau of Statistics, 4906.0 - Personal Safety, Australia, 2012, above n 4.
stranger. Further, approximately two thirds of sexual assault occur in a residential location. This is particularly relevant in a university context, where a strong on-campus residential culture is common and where students are of an age where they are likely to be sexually active.

The “good victim” - someone unknown to the perpetrator who did not “provoke” or “resist” their assault - has limited applicability in the reality of sexual assaults on campus. The mythology commonly argues that someone’s alcohol consumption, dress, or actions were in some way to blame for a subsequent sexual assault. Rape culture here twists the truth of sexual assault – a crime of power and control – into a narrative where the survivor was responsible for their own assault.

The truth of the university campus lifestyle is that students have large social networks, alcohol is a common part of social life, and students are rightly in an environment where they are free to dress and act as they please. False beliefs about sexual assault may result in survivors blaming themselves, or not believing that their assault occurred or was “serious” enough to warrant a report. This becomes linked with their identity; a misconception that they were not “strong enough” to prevent the assault.

Rape myths and rape culture have serious consequences. They distort the reality of sexual assault into a narrative that makes the issue more difficult to understand and address. First, a rape culture that attributes sexual assault to the “uncontrollable sexual urges” of a perpetrator is one that provides an environment in which sexual assault is more easily joked about, condoned, and perpetrated. Further, it leads to a reluctance of survivors to report their assault: only 25 sexual assaults were reported to ANU in 2015. While data does not exist comparing this to the number of sexual assaults in this year, the University of Sydney’s Creating a Safer Community for All Report provides a useful indication, having found that less than 1.4% of survivors made a report to the university. This not only prevents individual sexual assaults from being appropriately responded to: a problem that isn’t reported, or respectively discussed in public discourse, is one that isn’t addressed in the broader culture and context it sits in.

Stakeholder perspectives
When a sexual assault is disclosed to a university, there are three obvious stakeholders: the survivor, the alleged perpetrator, and the university itself. All three come with their own perspectives, and there is a complex interaction of the outcomes they would most like to see result from the resolution process. Their respective stakes create a wicked problem – they have conflicting goals and varying levels of knowledge, which make both assaults and the cultural context in which they occur resistant to resolution.

The survivor
A survivor of sexual assault is likely to experience both acute and long-term consequences. Examples of these are physical trauma, sexually transmitted infections, post-traumatic stress disorder, depression, and substance abuse. Sexual assault is a crime against the person: taking place with an absence of consent, it takes away someone’s authority over their own body and can rip apart their identity. It is therefore in survivors’ immediate interests that they be provided the appropriate supports to ensure they feel that they are validated and safe.

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11 Australian Bureau of Statistics, 4510.0 Recorded Crimes – Victims, Australia, 2015, above n 1.
However, survivors are often fearful of possible retaliation resulting from reporting someone that they know.\textsuperscript{15} This is a clear indicator of the rate at which sexual assault is perpetrated by individuals known to the victim, and, in university communities, where they will likely have further interaction with them. Further reasons for reluctance to report include embarrassment, a perception of insufficient evidence, or a belief that the incident was not duly “serious”.\textsuperscript{16} These thoughts evidence a lack of understanding of the definition of sexual assault, and have obvious links to rape myths: that the survivor’s experience was somehow their fault, and that it didn’t warrant reporting.

While it is important that survivors feel that they are supported through immediate emotional trauma and that their personal safety is protected in the first interest, they also need to have university information regarding sexual assault policies easily accessible. This not only guides them through the reporting process, it provides them with the information to understand that they have been the victim of a crime.

The alleged perpetrator

In addition to the obvious desire to prove innocence, protection of reputation and status is necessarily the priority of someone who faces an allegation of sexual assault. Further, not only is the way they are perceived by others important to alleged perpetrators, so too is the way they see themselves. Put simply, they do not want to view themselves as a criminal predator.

For this reason, processes that informally convince perpetrators to leave university residences or otherwise accept “quiet” modes of discipline\textsuperscript{17} are favourable to them. However, such processes can be criticised for “concluding” a complaint when an alleged perpetrator meekly accepts an informal punishment, failing to offer transparency of process or clear avenues of review for either student.

It is therefore in the interests of perpetrators that any adjudication or dispute resolution process that they are subject to affords them procedural fairness, and a clear process of review. It is important that information detailing this is available to them, in a clear and structured format.

The university

The broad primary goal of a university, in relation to all of its students, is to foster a safe learning environment. This becomes complicated in instances where sexual assault is reported to the institution, as the resolution process begins to overlap with the principle aim of the criminal justice system; the adjudication of guilt.

Universities face reputational damage if instances of sexual assault are brought to light. Particular to ANU, the group Restorative ANU criticises university policy for focussing on covering university liability, rather than treating survivors “with respect and sensitivity”.\textsuperscript{18} Universities’ past objections to national collation and sharing of data on on-campus sexual assault has additionally been attributed to reputational risk.\textsuperscript{19} However, this risk is arguably heightened when instances of poorly-managed procedures come to light, as has been increasingly prevalent in recent years. Rather than pushing for quick and quiet resolution of sexual assault reports, the attitude or “goal”

\textsuperscript{15} Hartmann, above n 9, 316.
\textsuperscript{17} Ellie Greenwood, \textit{Studying in the shadow of sexual violence: Re-orienting Australian university responses to sexual assault} (Honours Thesis, The Australian National University, 2016), 17.
\textsuperscript{18} Restorative ANU, \textit{What is wrong with ANU’s current policy?} (20 April 2017), Restorative ANU <https://www.facebook.com/RestorativeANU/photos/a.403752553319678.1073741828.398860183808915/409526672742266/?type=3&theater>
of universities should be realigned to promoting a process of fair and transparent adjudication that protects the rights of both survivors and alleged perpetrators. Sharing this information accessibly and online would not only aid respect of the process, it would be a step towards addressing the underlying contextual and cultural problems of sexual assault.

**Recommendations for policy and procedures**

The context of sexual assault in universities and the wicked problem created by competing and conflicting perspectives can culminate in insufficient understanding of individual rights, and a lack of confidence in a university’s ability and willingness to respond.

**Recommended format of information**

The content relating to sexual assault that universities provide on their websites should cover two key areas:

- The university’s sexual assault policies and procedures; and
- Educational information explaining sexual assault and how a positive culture can be promoted on campus

The information should clearly provide a zero-tolerance approach to sexual assault, and ‘encourage a culture of accountability and respect that ultimately provides the best safeguard against sexual violence’. This allows universities to not only have a clear platform through which to respond to instances of sexual assault; it aids them in taking a proactive approach to reducing sexual assault’s prevalence on campuses.

**Accessibility**

Information that assists survivors, addresses rape culture and raises awareness about sexual assault is not effective unless it reaches the intended population. It is recommended that universities have an easily searchable and well-directed subpage on sexual assault. The information should be prominently displayed, and provide clear pathways to both internal and external sources of care and support.

This is important not only for survivors and their supporters seeking to find information immediately following a sexual assault. It would enable an alleged perpetrator to access the information and be aware of the process that they may be subject to, and the rights they have under this. Further, it would

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20 Greenwood, above n 17, 1.
21 Rebecca M. Hayes-Smith and Lora M. Levett, ‘Student Perceptions of Sexual Assault Resources and Prevalence of Rape Myth Attitudes’ (2010) 5 Feminist Criminology 335, 335.
22 Elizabeth Englander, Meghan McCoy and Sherry Sherman, ‘Sexual Assault Information on University College Websites’ (2016) 3 Violence and Gender 64.
23 Hartmann, above n 9, 318.
help staff members to whom a sexual assault may be disclosed to know of the process they must follow, and to point students in the right direction.

Finally, accessibility would aid any individual seeking to inform themselves of the crime to readily find information on its definition, ANU’s stance, and how they may be able to assist in addressing it within the university community.

**Guidelines for content**

**Survivor-centred**

While it is important to consider all stakeholders in the development of sexual assault content on the ANU website, information is most likely to be accessed by those who have experienced sexual assault and require immediate help. Content should therefore be in language that refrains from victim blaming. This is particularly important in debunking rape myths. Information that cautions students to “watch the amount they drink” and “stay with friends” focuses on the actions a potential victim may take to prevent their own assault, rather than promoting an understanding that the assault is the crime of the perpetrator. Thus, information should explain the broad definition of what sexual assault is, reassure the survivor that an assault is not their fault, and clearly list reporting and support avenues.

Content should also emphasise the survivor’s autonomy in deciding whether and how to proceed with a report. Restorative justice is an example of this, a system of criminal justice which places the survivor in control of the process and addresses their need for information, validation, restitution and support. This further addresses the underlying issues leading to a culture of domestic violence and victim-blaming.

A focus on what a survivor wants improves perceived clarity and responsiveness of the reporting process, an increased level of trust which may result in more sexual assaults being reported to the university. The accessible provision of such information would assist university officials in understanding concerns survivors may have regarding the reporting process, and prepare them to proactively discuss options with a survivor.

Further, there is evidence that exposure to information that dispels rape myths is effective at decreasing rape myth acceptance and tolerance.

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26 Hartmann, above n 9, 316.

27 Lund and Thomas, above n 6, 531.
provides can therefore also involve an educative platform. This can assist in changing attitudes and reducing rates of sexual assault, therefore providing a safe and equitable educational environment for all students. When there is a broad community understanding of the rights of the survivor, the broad context of sexual assault becomes easier to address.

**Emphasis on Procedural fairness**
When an alleged perpetrator has access to information that details the reporting process and any disciplinary procedure they may be subject to, they are likely to have more respect for the system.

Procedural fairness is a fundamental component of administrative law, ensuring that persons accused are fairly heard and that decision makers are held accountable. It is something that directly applies to university disciplinary procedures, as they are generally created under enactments and therefore subject to common law judicial review. Thus, the content available on university websites should emphasise the way in which policy focusses on timeliness, transparency, support, fairness, and the involvement of trained personnel in the adjudication process.

As procedural fairness information is directly related to the law, a subject in which the general population has limited literacy, the content should take care to explain university policy and legal jargon in plain English. This enables the information to be read and understood, serving as both an educational tool and a document of support.

Additionally, when this information makes clear that the university is committed to addressing sexual assault through dispelling rape myths and a culture in which assault is perpetuated, there is hope that a perpetrator may be able to be rehabilitated.

**Conclusion**

Sexual assault in universities does not occur in a vacuum: the discourse surrounding it and its prevalence is evidence that it is a crime committed in a context that still fails to properly understand it. Universities have a key role to role to play. They must not only effectively respond to sexual assault when it occurs, but in prevent it from occurring. In this respect, the goal of sexual assault policies and procedures must first be prevention, and, if necessary, fair adjudication.

An easily searchable webpage that includes all relevant information in a clear and visually appealing manner is essential for universities. It supports those struggling with the immediate aftermath of sexual assault, directing them to relevant places that provide help. It also makes available the procedures which survivors may choose to go through, should they make the decision to report their assault. This creates transparency, with survivors knowing what their rights are and how the reporting process will likely proceed, and thus provides many of the necessary requirements for a survivor to be able to trust the system.

This clarity is additionally beneficial for perpetrators and the university, protecting their interests as well as those of the survivor. Information that clearly stipulates a process

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29 Ryerson University in Canada is a high-quality example of how this information may be outlined. Board of Governors, Sexual Violence Policy (2016) Ryerson University <http://www.ryerson.ca/policies/board/sexualviolencepolicy/>
of procedural fairness to be followed ensures that an alleged perpetrator’s rights are respected, and that the university is less likely to be accused of mismanaging reports. Providing all stakeholders with access to relevant information assists in breaking down the complexity resulting from their competing perspectives.

After zooming out and understanding the context in which sexual assault occurs, universities can zoom back in to address the issue with an understanding of the information they should provide to stakeholders. Their websites, with modern accessibility and adaptability, become obvious tools for change.

The ANU example

Content relating to sexual assault on the ANU website

As noted, this framework does not aim to provide substantive recommendations for the reform of any ANU policy and procedure. What it does advise is that information is accessible through clear paths on the university’s website, and that this information is provided in clear, victim-centred language. An emphasis on procedural fairness, as outlined above, is desired.

ANU currently does not have a policy or procedure dedicated to sexual assault. The university’s sexual assault policy is only noted as a subsection of the “student critical incident” policy. This seems illogical, and makes relevant information difficult to find. Further, little information is provided in the policy to explain what sexual assault is, the university’s stance against it, and how the university responds when an incident is disclosed to them. Information that is included is in complex legal jargon, with no explanation of law and procedure in plain English that would be easily understood by a survivor or perpetrator urgently in need of information and support.

Thus, in taking into account the recommendations below as to how ANU should present sexual assault information in a logical and cohesive format on its website, it is relevant to keep in mind how that information may be amended to better address the whole context in which the need for that information arises.
ANU’s homepage currently provides no direct link to any university policies. This means that if someone is in need of information on how they may report a sexual assault, and how that report will proceed, the information is not clearly accessible. Placing oneself in the position of someone looking for university policy, in relation to any matter, the logical place to search for a link would be under “current students”, one of the main tabs on the ANU homepage.

The below images demonstrate how such a link may easily be included.

**ANU’s current homepage**

![ANU's current homepage](image1)

**The ANU homepage, with an additional link having been created in the “current students” tab**

![The ANU homepage](image2)

*All credit for original HTML goes to the Australian National University*
Location of sexual assault policy and procedure*

The first result of a “sexual assault policy” search on the ANU’s website redirects the searcher to the ANU’s policy library. Searching “sexual assault” in this library returns no results. Currently, ANU’s sexual assault policy is located as a subsection of the “student critical incident” policy.

Sexual assault, as a critical incident important and prevalent enough to warrant its own policy and procedure, should be listed and stored as such in the ANU’s policy library.

The current location of ANU’s student critical incident policy and procedure, within its policy database listed by title.

An example of how separate sexual assault policies and procedures may be created, and listed on the database.
A centralised webpage

While clearly locating relevant documents within the ANU’s policy library is a key step to ensuring the accessibility of information relating to sexual assault, a further one needs to be taken. All information regarding policy, procedure, and support services should be placed in a dedicated subpage that is easy to find and follow.

ANU’s current subpage, “Finding help and support if you have been sexually assaulted”, is a commendable example of a page that provides links to internal and external support services, and explains what sexual assault is, and what the rights of the survivor are. Further, there is a link to a companion subpage, “Supporting someone who has been sexually assaulted”. However, neither page links to university policy or procedure, or explains what steps may be taken should the survivor choose to report. These are links that should be added, to centralise information and make the content easy to follow.

ANU’s current sexual assault subpage
Education of the community is also a key part of the framework, as a step universities should take to address cultures that perpetuate rape myths and lead to further instances of sexual assault. When all students are aware of the issue and of how the university addresses it, not only is a more positive culture supported, but it is likely that both survivors and perpetrators will understand their rights, and trust that the university will respect them.

ANU this year released a consent module, which is now available to all students through Wattle (the course administration website). While residential halls made the module compulsory for first years, it is likely that most students were not directed to it, or are aware of its existence.

The ANU consent module

![Consent Module](image)

To aid the education of the student body, a link to this module should also be included in the subpage.

The image to the right, utilising the previous “related guidelines” tab of the “finding help and support” webpage, demonstrates how all relevant information may be included in a centralised manner on the ANU’s website.

While simple, these formatting changes demonstrate the way university websites can be amended to present relevant, victim-centred and procedurally fair information in a way that can be easily accessed and understood. Not only would this assist those in need of support, it would enable communities to be educated and lead changes in university communities.

Further information and guidance
- Supporting someone who has been sexually assaulted
- University Policy
- University Procedure
- Consent Matters: Boundaries, Respect and Positive Intervention
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