

# THE HUNTING GROUND AUSTRALIA PROJECT

**Submission to the Australian Human Rights Commission's  
University Sexual Assault and Harassment Project**

**February 2017**

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## ***The Hunting Ground***

*The Hunting Ground* (100mins, 2015) is a critically acclaimed US feature-length documentary that chronicles the personal stories of students who have reported sexual assault on campuses, and the failure of a number of American universities to respond effectively and appropriately to these reports.

It is the latest film by Oscar-nominated and Emmy Award-winning filmmakers Kirby Dick and Amy Ziering who made *The Invisible War* – a film directly responsible for influencing government policy and laws on how the US armed forces responded to and prevented sexual assault.

## **The Hunting Ground and Good Pitch<sup>2</sup> Australia**

*The Hunting Ground* was acquired for distribution in Australia by Madman Entertainment after premiering at the Sundance Film Festival 2015 and was one of six documentary films selected for the 2015 philanthropic Good Pitch<sup>2</sup> Australia initiative held at the Sydney Opera House on 16 September 2015.

Good Pitch brings together filmmakers with foundations, not-for-profits, campaigners, philanthropists, policy-makers, brands, educators, broadcasters and media to forge powerful alliances around ground breaking films that will have a significant impact in relation to issues of social importance – and benefit the partners, the development of the films and society as a whole.

From the outset, the objective of the impact campaign around *The Hunting Ground* was to use the documentary as a catalyst to involve the whole sector – both staff and students – in taking a positive leadership role in the creation of a collaborative, comprehensive and unified campaign, around the incidence of, and responses to, sexual violence within Australian university communities.

At the Good Pitch event, in conversation about the possibilities that The Hunting Ground Australia Project presented, were:

- Elizabeth Broderick (Former Sex Discrimination Commissioner, Australian Human Rights Commission (AHRC)),
- Dr. Michael Spence (Vice-Chancellor & Principal, University of Sydney),
- Dr. Damian Powell (Principal, Janet Clarke Hall, University of Melbourne),
- Hannah Smith (2015 National Education Officer, National Union of Students (NUS)),
- Anne-Marie Lansdown (then Deputy Chief Executive Officer, Universities Australia),

- Professor Andrea Durbach (Director, Australian Human Rights Centre (AHRCentre) at UNSW),
- Adair Donaldson (Shine Lawyers and Consent Trainer) and
- Anna Kaplan (Madman Entertainment, distributor).

## **The Hunting Ground Australia Project**

Significant philanthropic pledges grants and in-kind pledges made at the Good Pitch event provided support for the formation of a campaign team to drive and implement the impact campaign.

The Hunting Ground Australia Project is run by Campaign Director and Impact Producer Allison Henry, supported by Mary Macrae (Producer THGAP) and Anna Kaplan (Madman Entertainment, THGAP Campus Screenings Producer). Producer of *The Hunting Ground*, Amy Ziering, is international consultant to the project. Ian Darling, Chair and Moderator of Good Pitch<sup>2</sup> Australia, is also actively involved in the project.

Representatives of the organisations who attended the Good Pitch event, together with other relevant organisations and institutions, immediately began working collaboratively across the multi-faceted campaign.

The Hunting Ground Australia Project's key partners have included:

- NUS
- AHRCentre at UNSW
- Madman Entertainment
- Full Stop Foundation
- Fair Agenda
- AHRC
- Universities Australia

This collaboration included a strategic planning retreat hosted by The Hunting Ground Australia Project and Good Pitch<sup>2</sup> Australia in March 2016.

### ***The Australian context***

The Hunting Ground Australia Project has always acknowledged that there are significant cultural, financial and structural differences between American and Australian universities and student life. However, our early research and discussion with experts in gendered violence quickly indicated that there were many issues raised by *The Hunting Ground* that were relevant in an Australian context.

We were alarmed by the National Union of Student's *Talk About it Survey* findings.<sup>1</sup> We knew that the 2011 *Review into the Treatment of Women at the Australian Defence Force Academy* had determined that ADFA was “not alone” in facing challenges around the incidence of sexual violence and that “other tertiary institutions and residential colleges have similar concerns.”<sup>2</sup>

We understood the damning mainstream statistics around sexual violence in the Australian community<sup>3</sup> and were advised by the Sex Discrimination team at the Australian Human Rights Commission that there was no reason to believe that universities were any better or any worse than other sectors of the Australian community.

We were aware of decades of advocacy efforts by students, women's groups and sexual assault services to bring attention to the incidence of, and responses to, sexual violence within Australian university communities – without much success. And we knew that universities were not particularly interested in proactively dealing with these issues – as evidenced by the Group of Eight's shelving of the ADFA Review's recommendations<sup>4</sup> and the complete absence of any reference to addressing sexual violence in Universities Australia's 2014-2016 Strategic Plan.<sup>5</sup>

*While University campuses are not the only locations where sexual assault and sexual harassment is a common and reoccurring criminal event, the slow engagement over years by so many of our tertiary bodies in ensuring that policies, support and prevention are key components of University practice has been very surprising.*

*The Hunting Ground raised the issues in such a graphic way, and the work of the accompanying Australian impact campaign has really*

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<sup>1</sup> Courtney Sloane assisted by Keelia Fitzpatrick, National Union of Students Women's Department, *Talk About It Survey: Results and Recommendations*, 2011, [www.whiteribbon.org.au/uploads/media/talk-about-it-survey-results-and-recommendations.pdf](http://www.whiteribbon.org.au/uploads/media/talk-about-it-survey-results-and-recommendations.pdf); NUS Women's Department, *Talk About It 2015 survey*, released 2 February 2016, [www.nus.org.au/talk\\_about\\_it](http://www.nus.org.au/talk_about_it)

<sup>2</sup> Australian Human Rights Commission (AHRC), *Report on the Review into the Treatment of Women at the Australian Defence Force Academy: Phase 1 of the Review into the Treatment of Women in the Australian Defence Force* (Phase 1 Report), 3 November 2011, p.xxv.

<sup>3</sup> For example, the Australian Bureau of Statistics' 2012 *Personal Safety Survey* (PSS), ABS cat. no. 4906.0, Introduction, [www.abs.gov.au/ausstats/abs@.nsf/Lookup/4906.0Chapter1002012](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4906.0Chapter1002012)

<sup>4</sup> Kate Stanton, *Survey of sex assaults on university campuses shelved*, Sydney Morning Herald, 16 November 2014, [www.smh.com.au/national/survey-of-sex-assaults-on-university-campuses-shelved-20141114-11na07.html](http://www.smh.com.au/national/survey-of-sex-assaults-on-university-campuses-shelved-20141114-11na07.html)

<sup>5</sup> Universities Australia, *Universities Australia's 2014-2016 Strategic Plan*, <https://www.universitiesaustralia.edu.au/About-Us/our-role/strategic-plan>

*encouraged the university sector – still with some resistance and delay – to start responding.*

*I do hope that once the current round of work is completed that Universities will finally begin to act in a way that is transparent and respectful, and that some of the victim blaming and avoidance becomes a bad story of the past.*

*Karen Willis AO, Executive Officer,  
Rape & Domestic Violence Australia*

## **Attachment 1 – The Hunting Ground Australia Project – Australian context**

### ***Approach to the impact campaign***

The strategy underpinning The Hunting Ground Australia Project was devised between May and September 2015 and was premised on the documentary providing an opportunity to initiate conversations and drive progress around issues including but not limited to:

- the effectiveness of existing procedures, protocols and institutional responses;
- the issue of victim blaming;
- the impact of alcohol;
- interpretations of consent;
- bystander engagement;
- the prevalence of sexual crime and reporting of those crimes; and
- the need for comprehensive data to inform the conversation.

Implementation of our multi-dimensional campaign commenced later in 2015.

The key streams were:

#### **1. Campus Screenings**

The Hunting Ground Australia Project's first objective was to offer campus screenings of *The Hunting Ground* to encourage conversations about the subjects and experiences portrayed in the documentary and how they related to the Australian context.

Generous philanthropic funding raised through Good Pitch enabled The Hunting Ground Australia Project and Madman Entertainment to offer all universities the opportunity to host a free "event screening" in the first year of the campaign.

Flexible licensing packages were developed for individual universities who, in addition, wished to purchase multiple year screening options.

It was decided to use the 58 minute international version of *The Hunting Ground* for Australian campus screenings in order to facilitate post screening discussions and The Hunting Ground Australia Project developed a Screening Toolkit and Discussion Guide to assist universities with their screenings, together with promotional materials and support.

**Attachment 2 – The Hunting Ground Australia Project Screening Toolkit**

**Attachment 3 – The Hunting Ground Australia Project Discussion Guide**

To facilitate organisation of the campus screening program, The Hunting Ground Australia Project reached out to Universities Australia, the peak body for Australia's university sector. With Universities Australia's assistance a series of staff previews were held around Australia in late 2015. To facilitate student screenings following the release of *The Hunting Ground* in Australia in late February 2016, a system was devised whereby Vice-Chancellors nominated a delegate to act as contact person for the Project at each university.

As at February 2017, The Hunting Ground Australia Project has facilitated and supported some 25 staff previews and more than 70 campus and residential college screenings<sup>6</sup>, providing an opportunity for thousands of Australian university staff and students to see and consider the documentary.

*The Hunting Ground screenings have been absolutely crucial to engaging students about the prevalence of sexual assault and harassment on campus. While there has been an enormous amount of work done around these issues by women and student organisations over many years, that work has been constantly blocked by university administrations. The fight for effective measures – the implementation of effective preventative strategies and financial support for student services – has been led by women at university campuses and The Hunting Ground Australia Project.*

*If we are to see real, effective, concrete change we need to be enlisting the help of women on campus, and we need to see an even greater collaboration between the project and student organisations this year. It is vital that The Hunting Ground screenings continue.*

*Abby Stapleton,  
2017 National Womens Officer,  
National Union of Students*

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<sup>6</sup> See the Hunting Ground Australia Project's website at <http://www.thehuntinggroundaustralia.com.au/participating-universities/>

Our screenings have usually been supported by an interactive Q&A session following the documentary, with panellists including student representatives, sexual assault specialists, trauma support, university staff, local police and educators. Many (but not all) of these screenings were supported by materials from Universities Australia's *Respect.Now.Always* campaign. On occasion screenings were erroneously branded as *Respect.Now.Always* screenings.

#### **Attachment 4 – The Hunting Ground Australia Project campus screening information**

To support the broader objectives of the impact campaign, The Hunting Ground Australia Project also pursued opportunities to screen the documentary at sector-related conferences. To date these have included:

- Australia New Zealand Student Services Conference – Hobart, 8 December 2015
- Australasian Association of College and University Housing Officers Conference – Sydney, 22 April 2015
- National Union of Students Education Conference – Sydney, 6 July 2016
- National Association of Australian University Colleges National Conference – Sydney, 8 July 2016
- Network of Women Students Australia's (NOWSA) Annual Conference – Sydney, 13 July 2016

The Project's observations relating to the staff previews, campus and conference screenings are detailed below.

### **2. Independent Survey**

In undertaking our initial research in May 2015 – in collaboration with Professor Andrea Durbach, Director of the AHRCentre at UNSW – The Hunting Ground Australia Project recognised the need for comprehensive independent statistical information specifically about the incidence of sexual assault, sexual threats and sexual harassment on Australian universities.

Our second campaign objective was therefore to facilitate the development of an independent survey on the prevalence, reporting experiences and responses to sexual violence in Australian university settings. Our aim was to fill the information gap for the community and provide Australian universities with the knowledge required to better understand, prevent and respond to sexual violence.

In May 2015 The Hunting Ground Australia Project commissioned Professor Durbach to implement the Centre's *Strengthening Australian University Responses to Sexual Assault and Harassment Project*. The AHRCentre project consisted of two distinct components: the design of a national student survey, the *Australian Universities' Sexual Assault and Harassment Survey*, in collaboration with the AHRC; and the development of a good practice policies and procedure report (which would draw on the Commission's analysis of the survey data and comparative research undertaken by the AHRCentre) for use and adaptation by Australian universities. It was recognised that the Commission had the experience and independence to partner with the AHRCentre on the design of the survey and then implement the survey across various Australian universities.

Early discussions with the AHRCentre and the Commission, from October 2015, indicated that philanthropic funding available to The Hunting Ground Australia Project would provide the basis for the development of a pilot survey and implementation in around 8-11 universities.

In The Hunting Ground Australia Project's initial discussions with Universities Australia, also in late 2015, we were advised that Vice-Chancellors across the country were very interested in being involved in the proposed survey. Subsequent discussions between the Australian Human Rights Commission and Universities Australia saw the independent survey expand to all 39 Australian universities, supported by a significant financial investment from Universities Australia.

The Hunting Ground Australia Project welcomed the national university student survey and open submission process when it was launched by the Australian Human Rights Commission and Universities Australia in August 2016.

#### **Attachment 5 – The Hunting Ground Australia Project media release**

Notably, The Hunting Ground Australia Project's initial investment has since been described as "seed funding", reflecting its crucial role in instigating this landmark survey.<sup>7</sup>

We are looking forward to the publication of results from the survey and submissions in May 2017, which we believe will provide the Australian community with the robust independent evidence base to hold perpetrators and institutions to account and serve to inform good practice.

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<sup>7</sup> Australian Human Rights Commission, *Universities partner on sexual assault survey*, Media release, 23 August 2016.



### **3. Policies, Protocols and Procedures Project**

A key theme explored in *The Hunting Ground* is the devastating long-term impact that sexual violence can have if the response to a disclosure has been inappropriate or inadequate. Reflecting this issue, in August 2015 The Hunting Ground Australia Project – with funding provided by The Caledonia Foundation – commissioned the AHRCentre to implement the two components of the *Strengthening Australian University Responses to Sexual Assault and Harassment Project*, namely: the independent survey and the *Policies, Protocols and Procedures Project*, noted above

Building on research undertaken by the National Union of Students, the *Policies, Protocols and Procedures Project* focuses on the development of effective and appropriate institutional responses to sexual assault and harassment in Australian universities, with a focus on the needs of women, LGBTQI students and international students.

The project's aim is to develop a good practice policy and procedures framework – informed by comparative research and the survey data and analysis – which will be available as a resource for use and adaptation across the university sector.<sup>8</sup>

It is anticipated that this work will be completed in June 2017.

### **4. Ethics and Consent Training**

The fourth stream of The Hunting Ground Australia Project's impact campaign was preventative in nature, and involved the development of education materials and programs to better equip university students and staff to respond to victims of sexual violence. By educating young people, their educators and carers about respectful relationships, consent laws and ethical choices, we hoped that Australian students would have a framework to take into their future workplaces and families.

The Hunting Ground Australia Project in early 2016 engaged the Full Stop Foundation, led by Professor Moira Carmody and Karen Willis OAM, to adapt existing ethics and consent training programs to the Australian university context. The *Sex, Safety & Respect* program and training materials comprise material around healthy relationships, sexual ethics, consent and bystander strategies, and have already begun to be employed in Australian universities and residential colleges.<sup>9</sup>

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<sup>8</sup> See <http://www.ahrcentre.org/topics/strengthening-australian-university-responses-sexual-assault-and-harassment>

<sup>9</sup> See <http://www.fullstopfoundation.org.au/MainMenu/Training/Sex-Safety-Respect>

The Hunting Ground Australia Project subsequently partnered with community campaigning organisation Fair Agenda to ascertain what sexual violence prevention training Australia's university residential colleges are offering. In September 2016 Fair Agenda approached Australia's 214 university residences with a questionnaire regarding what, if any, training they provided staff and students to prevent sexual violence. To date almost half of Australia's residential colleges have responded to Fair Agenda's residence survey.<sup>10</sup>

## **The Hunting Ground Australia Project's observations relating to the staff previews, campus and conference screenings**

### ***University responses to the documentary and Project***

- In preparing for our initial preview screenings with staff we were surprised to discover how differently each university managed issues of sexual violence. There was no standard approach across universities nor, often, a single point of contact or responsibility within individual universities. We were variously directed towards Vice-Chancellors' officers, university security departments, counseling teams, university student services departments, media teams, student unions and residential colleges.
- At some of our initial preview screenings with staff we encountered strong resistance from some university staff, particularly around *The Hunting Ground* being an American film. There were suggestions that the contextual differences between the US and Australia rendered the documentary irrelevant to Australian universities. Notably, these assertions were virtually always challenged by other staff in the audience who most frequently asserted along the lines that staff "were kidding themselves if they thought this wasn't happening in Australia."
- To date The Hunting Ground Australia Project has positively engaged with 33 of Australia's 39 universities. As noted above, to facilitate our campus screenings, a system was devised whereby Vice-Chancellors nominated a delegate to act as contact person for the Project at each university. We experienced a wide variety of engagement with the documentary and Project through these delegates.

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<sup>10</sup> See a summary of the results at [www.fairagenda.org/residences](http://www.fairagenda.org/residences)

- Around a third Australia’s universities enthusiastically embraced *The Hunting Ground* and the opportunity to use the documentary and the resources available through The Hunting Ground Australia Project to address issues of sexual violence within their institutions. Several universities went to some lengths and invested significant resources to ensure that *The Hunting Ground* screened at all of their campuses. A number of universities integrated The Hunting Ground into their existing programs – or created new programs that featured the documentary. These universities were generally more focused on involving students in the screenings – including student representatives on panels and actively promoting the screenings – and tended to have strong support from their senior leaders, often including explicit endorsement from the Vice-Chancellor.

**Attachment 6 – The Hunting Ground Australia Project Progress Report, July 2016** – please note this report showcases the efforts of five universities in tackling issues of sexual violence on their campuses.

- After the launch of Universities Australia’s *Respect.Now.Always* campaign we encountered a few universities who appeared to be adopting a ‘tick and flick’ approach to the documentary and Project. While still hosting screenings, these universities were less interested in involving students in the panels and proved reluctant to promote the screenings.
- On several occasions university representatives were rude and/or dismissive of the documentary and Project. In one instance a delegated Deputy Vice-Chancellor and his office actively resisted providing any support for the screening – a second screening was more successful after intervention with the university’s Chancellor and Vice-Chancellor. To date, only one university – James Cook University – has formally declined the offer of a free “event screening” of *The Hunting Ground*.
- The degree of resistance experienced by The Hunting Ground Australia Project team varied depending on the staff we engaged with. Generally we experienced less resistance when we were engaging with university staff who had first-hand student

interaction – for example, student services, counseling services and residential college managers. In our experience, staff that interacted with the student body directly agreed that there were issues to be addressed, while those with less student interaction were less likely to recognise the issues as being relevant.

- The timing of many screenings was impacted by universities' desire to review and organise their policies and support services ahead of their screening/s. Many of the university representatives that The Hunting Ground Australia Project engaged with noted that an imminent screening of *The Hunting Ground* had encouraged them to look for, and become aware of, their university's policies in responding to sexual violence. A significant proportion of these university staff revealed to our team that they immediately recognised that their university's policies were deficient and in need of urgent review, many expressing an interest in the *Policies, Protocols and Procedures* project being undertaken by the AHRCentre as part of The Hunting Ground Australia Project. Alongside *The Hunting Ground* screenings virtually every university made their sexual violence policies and support services more prominent on their website, usually under the banner of *Respect.Now.Always*.
- University representatives frequently participated in panel discussions – usually moderated by a The Hunting Ground Australia Project team member – following screenings of the documentary. These representatives included Vice-Chancellors, various Deputy Vice-Chancellors, student service representatives, security and counseling staff.
  - Most – but not all – university representatives participating in panel discussions were prepared to share statistics with the audience about reported incidents of sexual violence at their institution. Those who resisted were usually strongly pressured by students in the audience. Some university representatives openly recognised that the statistics they offered were likely to be affected by a significant level of under-reporting. On a number of occasions – when university representatives attempted to downplay the extent of sexual violence at their institution – representatives from local sexual assault services countered, stating that universities were usually unaware of the number of their students they assisted.

Occasionally local police also provided sobering statistics about the extent of reported sexual violence in the community where the university was located.

- While many university representatives were well informed about their policies and procedures, a number demonstrated a concerning lack of familiarity with existing policies and protocols and how they operated from their students' perspective. At one screening a Vice-Chancellor spent most of the panel discussion time insisting that an assistance hotline and reporting website operated a particular way before being corrected by his own staff, who supported the critical comments being offered by students in the audience.
- There was a tendency among a significant proportion of university representatives, and particularly among security staff, to conceptualise sexual violence as a police matter. On a number of occasions during panel discussions university representatives emphasised the need to promptly involve police, while representatives from sexual assault services always stressed that reporting to police was one of a range of measures available to students. Alongside this emphasis on police reporting was a general reluctance to consider university disciplinary measures as an appropriate course of action, particularly in situations where there was no police report or court process in play. Many university representatives commented in panel discussions on the 'grey area' experienced by universities in responding to allegations of sexual misconduct.
- At a number of screenings university representatives were asked about residential colleges associated with their university, with students in the audience often highlighting concerning behaviour and poor institutional responses. A number of university representatives, including at least one Vice-Chancellor, rejected any capacity to impact on the operations of residential colleges associated with their university, stressing that they were independent entities that the university could not direct or control.

## ***Student responses to the documentary and Project***

When asking questions of panelists and making comments following *The Hunting Ground* screenings, there were a number of key areas that students focused on:

### *Institutional*

- The number of reported incidents at the relevant university, and university responses eg number of disciplinary measures actioned in response.
- What were the university's policies and procedures – what could students expect from the university if they made a report. In particular:
  - accessibility – where students could find information
  - point of contact / responsibility within university
  - concerns about confidentiality after a disclosure / report
  - concerns about survivors not being kept informed by the university of how their complaint was being dealt with
- What is known of proportion of perpetrators who are staff, rather than students.
- What disciplinary measures were in place for staff and student perpetrators.
- How repeated incidents / reports were treated by the university / residential college.
- What advice was available to students / residents.
- What particular support was available to support international students.
- What particular support was available to support LGBTQTI students.
- Whether universities in Australia had the same central reporting requirements as shown in *The Hunting Ground*, ie Title IX.
- What preventative measures were in place across the university to tackle sexual violence, beyond *The Hunting Ground* screening.
- How to prevent the “lockdown” mentality within university administrations and leadership.
- How to focus on prevention and bring about cultural change in universities.
- Noting that students don't always seek help, or seek to report, at the time

of incident – what connections there were between campus and community agencies, to help with longer-term provision of information and assistance.

### *Reporting*

- From a legal point of view, how to reduce / stop false reports.
- From a forensic point of view, the timeframes for collection of particular kinds of evidence.
- What proportion of reported cases went forward ie to court and conviction.
- What was the statute of limitations on reporting, and on compensation.

### *Consent*

- What constitutes consent in particular jurisdictions
  - does consent have to always be verbal
  - what about consent when both parties are very intoxicated
  - how to ensure consent (“how to do it”)
- What was being done to educate perpetrators around consent.
- The need for greater training around issues of consent.

### *Perpetrators*

- What was being done to challenge the behaviour of perpetrators.
- How to empower men to call out poor behaviour.

### *Disclosures*

- How to react if a friend or peer discloses.
- The need for greater staff and student leader training around supporting survivors and responding appropriately.

### *Victim blaming*

- How to stop victim blaming.

### *Bystanders*

- What to do if you’re a bystander.
- The need for greater training around bystander strategies.

### *Student involvement*

- The best ways for students to protect themselves.

- Campaigns and actions that students could get involved in.

*Respect. Now. Always.*

- What was the impetus for the *Respect.Now.Always.* campaign – did it come from the universities organically or in response to *The Hunting Ground* being released in Australia.

### ***Observations from The Hunting Ground screenings at conferences***

- Discussions at student and housing conferences revealed that many student survivors across the country have similar experiences when reporting, that victim blaming is still prevalent, and staff have no trauma training in this area.
- Student conferences particularly revealed that student leaders and leadership groups were keen to have durable procedures in place so that student turnover was not seen as a way of ‘dealing with the issue’ in residences. Student leaders noted that the cyclical nature of student enrolments meant that perpetrators / survivors usually transitioned through over the course of one to two years.

## **Attachments**

***Attachment 1 – Australian context***

***Attachment 2 – Screening Toolkit***

***Attachment 3 – Discussion Guide***

***Attachment 4 – Campus screening list***

***Attachment 5 – Media release***

***Attachment 6 – Progress Report***