

The Independent Review of the University of Tasmania's management of issues surrounding Peter Rathjen's leadership

On August 26, 2020, South Australia's Independent Commissioner Against Corruption (ICAC) found former University of Adelaide Vice-Chancellor Peter Rathjen committed serious misconduct by sexually harassing two women. Commissioner Bruce Lander also found Professor Rathjen did not reveal he was also being investigated about historical allegations he sexually harassed or abused a postgraduate student at the University of Melbourne.

The University of Tasmania appointed Maree Norton, an independent barrister at the Victorian Bar to independently review the University of Tasmania's management of issues surrounding Peter Rathjen's leadership between 2011-2018. Ms Norton received eleven formal complaints as part of that process. The complaints concerned allegations of sexual misconduct, bullying and other forms of Unacceptable Behaviour under the University Behaviour Policy. Three of the complaints made allegations directly concerning Professor Rathjen. The remaining eight complaints did not involve him directly, but broadly concerned culture and complaints handling at the University during his tenure as Vice-Chancellor. All complaints were made on a confidential basis.

The University did not ask Ms Norton to investigate the complaints nor speak to Professor Rathjen or others named in complaints. Each of the complainants now has an opportunity to request the University to investigate their complaint; if they choose to do so.

Ms Norton then reported the complaints to the University but made no findings as to the allegations made.

At a general level, the complaints raise questions concerning conduct which, if proved, would constitute Unacceptable Behaviour, enabled by a bystander culture and failures at times in complaints reporting and handling at the University, particularly in relation to the conduct of senior University community members.

Having regard to these matters, best-practice materials, and the recent recommendations of the South Australian ICAC, Ms Norton made seven recommendations to the University as to the steps we should take to strengthen our governance structures, policies, procedures and training to better serve its community in future. These recommendations are set out below. The University Council has accepted all of the recommendations and endorsed an action plan for full implementation of the recommendations by 1 July 2021.

Recommendations

1. The University ensure that all University community members can easily access the University's definition of sexual misconduct and examples of behaviour that may constitute sexual misconduct.
2. The University review its policies, procedures and education program to ensure that they provide appropriate guidance on the steps that should be taken to avoid conflicts of interest where two staff members enter into a relationship.

3. The University review its policies, procedures and education program to ensure that appropriate emphasis is given to the circumstances in which Unacceptable Behaviour (as defined in the University Behaviour Policy) might constitute improper conduct by a public officer in respect of which a disclosure may be made under the *Public Interest Disclosure Act 2002* (Tas).
4. The University review its existing complaints procedures and governance frameworks to ensure that they provide effective pathways for complaints concerning senior University community members to be made and investigated.
5. The University review its education program to ensure that it provides appropriate education on the new University Behaviour Policy and University Behaviour Procedure.

As part of that review, the University consider whether the existing education program should be expanded to provide education (or enhanced education) in the following key areas:

- (a) Education to members of University Council and the University Executive Team on their role in providing cultural leadership concerning the University's intolerance for Unacceptable Behaviour, and in responding to any such behaviour they observe or of which they are made aware.
 - (b) Education on upstander awareness and intervention strategies more generally, to encourage all University community members to act in response to Unacceptable Behaviour they observe or of which they are made aware.
 - (c) Education to staff and student representatives who are most likely to receive or be required to deal with complaints about Unacceptable Behaviour, including on the features of a victim-centred and trauma-informed approach and the need to take appropriate action to enable complainants to feel safe attending the University while complaints are investigated.
6. The University ensure that the University Behaviour Policy, and the University Behaviour Procedure that is currently in development, make appropriate reference to the following procedures and commitments in relation to formal complaints:
 - (a) Where a University community member wishes to make a formal complaint, the University will offer to appoint a support person to provide practical guidance and support throughout the complaint process.
 - (b) Support persons appointed under (a) will be appropriately trained to receive complaints in a victim-centred and trauma-informed way and will be familiar with the University's processes for dealing with complaints and available counselling services.
 - (c) When a formal complaint is submitted, the complainant will be given a timeframe within which they can expect a response. If it becomes apparent that a longer period will be required, the complainant will be advised of the revised timeframe.
 - (d) Persons responsible for investigating formal complaints will be appropriately skilled to conduct investigations and make findings.

- (e) Complainants will be advised in writing of the outcome of their complaint. Where a complaint is substantiated, the University will take appropriate action against the perpetrator. Where a complaint is dismissed, the University will provide a meaningful explanation of the reason(s). In all cases, the University will outline any steps it has taken, or proposes to take, in response to the complaint and will inform the complainant when those steps have been taken. All complainants will be given an opportunity for a verbal “debrief” in relation to their complaint.
- (f) The range of actions or sanctions that may be applied where a complaint is made or substantiated will be communicated so that University community members can better understand the potential consequences of Unacceptable Behaviour.

7. The University:

- (a) review its internal reporting processes in relation to complaints of Unacceptable Behaviour to ensure that members of University Council and the University Executive Team are appropriately informed of the potential prevalence of such conduct; and
- (b) commit to regular anonymised public reporting of complaints of Unacceptable Behaviour to provide greater transparency regarding the number and type of complaints received and the steps taken in response to substantiated complaints.