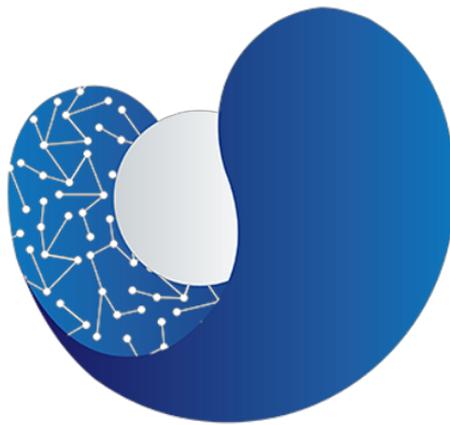


FAMILY VIOLENCE
AND
THE SPECIAL CONSIDERATION POLICY

A PROPOSAL FOR REFORM



Later Law Students' Network

Mature Age Students - Parents and Carers
Working Professionals - Life Experience

OVERVIEW: STUDENT EXPECTATIONS AND KNOWLEDGE OF FAMILY VIOLENCE AS A GROUND FOR SPECIAL CONSIDERATION

The Later Law Students' Network is a within Melbourne Law School representing parents, carers and mature age students.

In 2016, we became aware that a number of our members were experiencing family violence were unaware of their consequent eligibility for special consideration. In addition, we came to understand that they were reluctant to apply for special consideration because they thought it was too difficult.

As a result, we put forward a proposal to the Special Consideration Academic Advisory Group requesting the Special Consideration Policy be amended to specifically mention family violence as a ground for eligibility along with various supporting procedures. This was rejected on the basis that:

- the student body was aware that family violence was a ground for special consideration;
- the policy was worded in such a way that made eligibility on the ground of family violence clear; and
- appropriate procedures surrounding applications for special consideration on the ground of family violence were already in place.

We categorically reject such a conclusion. We have surveyed the students body and our results overwhelmingly support this view. So far, the survey has attracted 235 responses. **When asked if family violence was a ground for special consideration at the university of Melbourne 90% of the students surveyed said “no” or “I do not know”.** While 72% stated that they thought people would not be comfortable reporting family violence to the University for the purposes of special consideration.

The manner in which the policy is currently worded deters victims of family violence from accessing equitable support. The language sets a high threshold for eligibility that is incongruent with the prevalence of family violence within our community. As such, it silences victims.

Furthermore, the University webpage regarding special consideration contains no mention of family violence, reassurances of confidentiality or assurances that applications will be handled with professionalism and by appropriately trained staff. The webpage for the safe community program contains a *single* link to a third-party support service and does not prompt students to seek special consideration.

If ‘cultural, sporting, military, emergency service or legal domains that require your participation’ can be specified, so too can family violence. We suggest the policy and associated sources of information include examples such as illness, family violence, sexual assault and the death of a relative.

Our request is informed by the Royal Commission into Family Violence where all sectors were tasked with changing the response to family violence in our community.¹ The University is failing on this front.

Changing the wording of the policy, and increasing student awareness around family violence via meaningful dissemination of information will enable victims to access equitable adjustments. It will help victims secure the benefits of a higher education and provide an avenue for referral to expert support services.

We ask that our request be re-considered. You will find an outline of our survey results attached as well as our original proposal.

Laura Blandthorn

President
The Later Law Students' Network

¹ Victoria, Royal Commission into Family Violence, *'Summary and Recommendations'* (2016) 7.

2017 SURVEY RESULTS

The LLSN surveyed students of the University of Melbourne both in person and online. Thus far, we have received 235 responses.

We note that we have discussed the issue of family violence within the Special Consideration Policy at several of our events this year and received an overwhelmingly positive response to our proposal.

KEY FIGURES

- **Only 10%** of respondents said family violence was a ground for eligibility under the Special Consideration Policy (Figure 1).
- 22% of respondents said family violence was **not** a ground for eligibility under the Special Consideration Policy (Figure 1).
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- 68 % Percent of Respondents said they **did not know** if family violence was a ground for eligibility under the Special Consideration Policy (Figure 1).
- 72% of respondents said they thought victims would be reluctant to report family violence to the University of Melbourne (Figure 2).
- 96% of respondents said they had an expectation that family violence be included as a ground for eligibility under the Special Consideration Policy (Figure 5.)
- When asked to list all the grounds for special consideration that they could recall respondents primarily mentioned illness, mental health, the death of a loved one and sport. **Family violence was specifically mentioned 3 times, “family issue” was mentioned 7 times and “domestic issue” was mentioned once²** (Figure 6).

² Please see the **‘Figure 6’** below demonstrating that family circumstance and family matters were also listed by a very small number of respondents.

Figure 1.

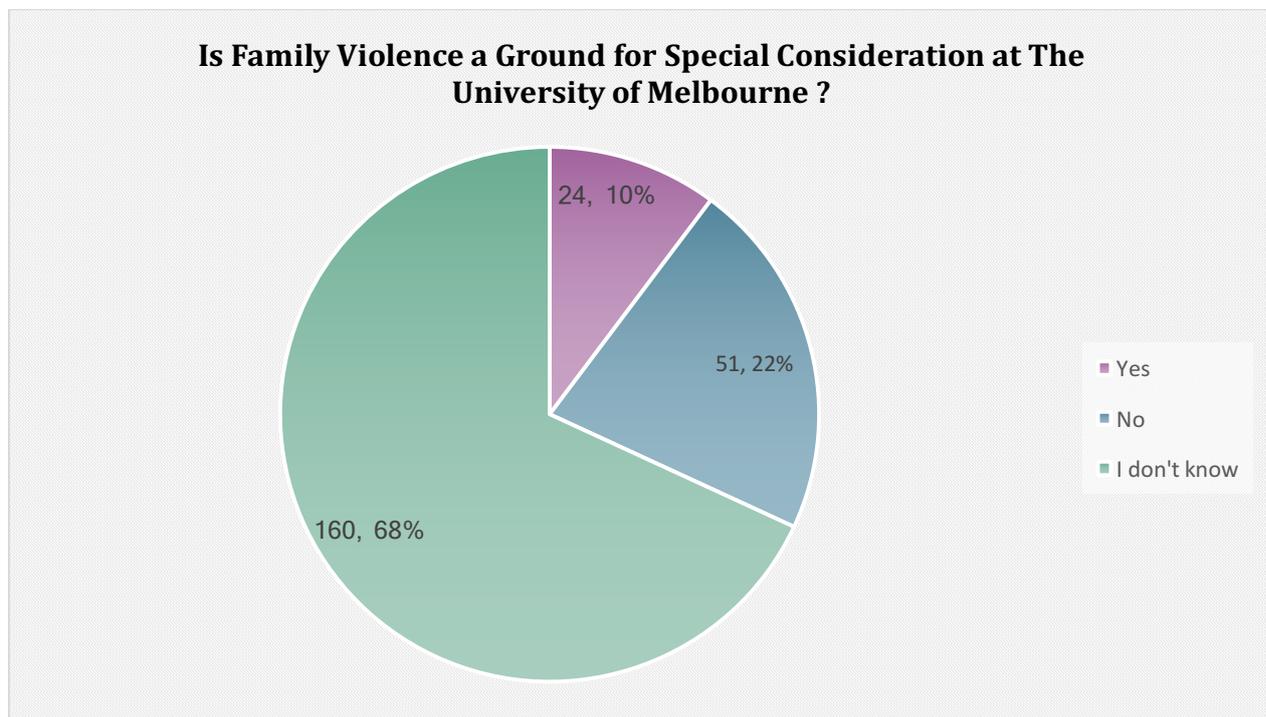


Figure 2.

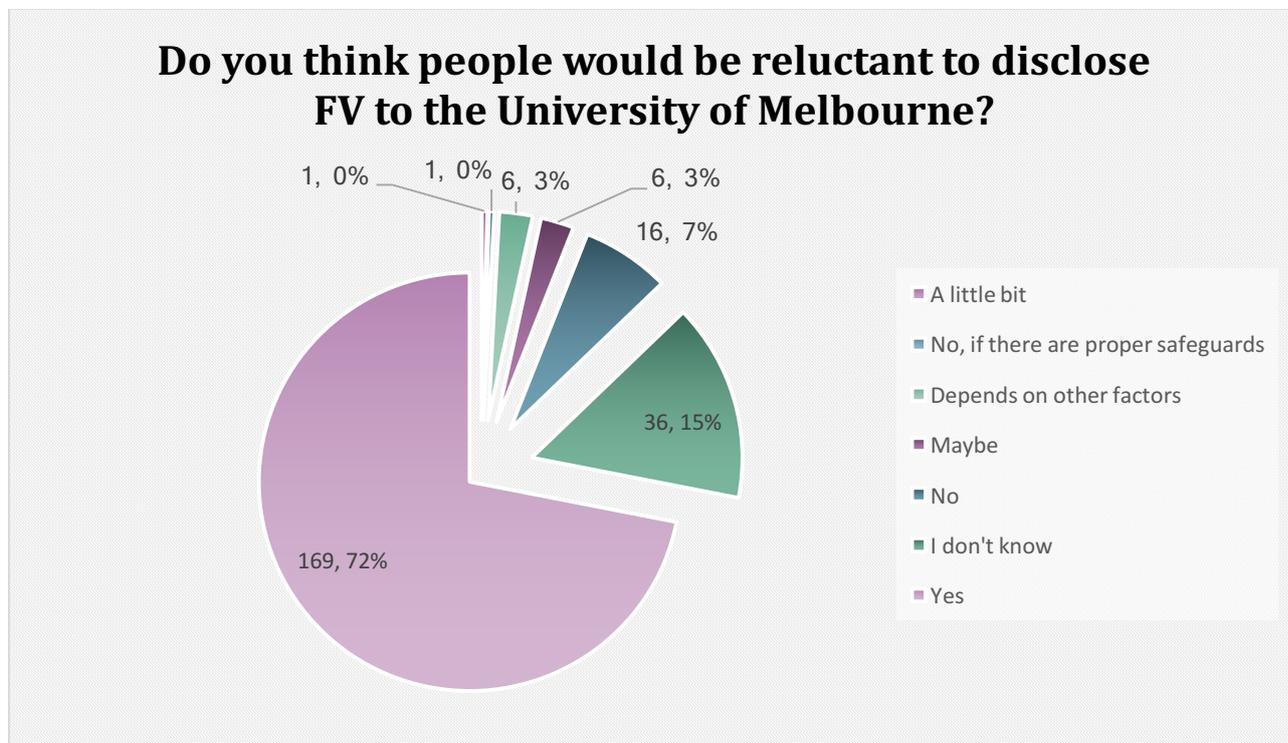
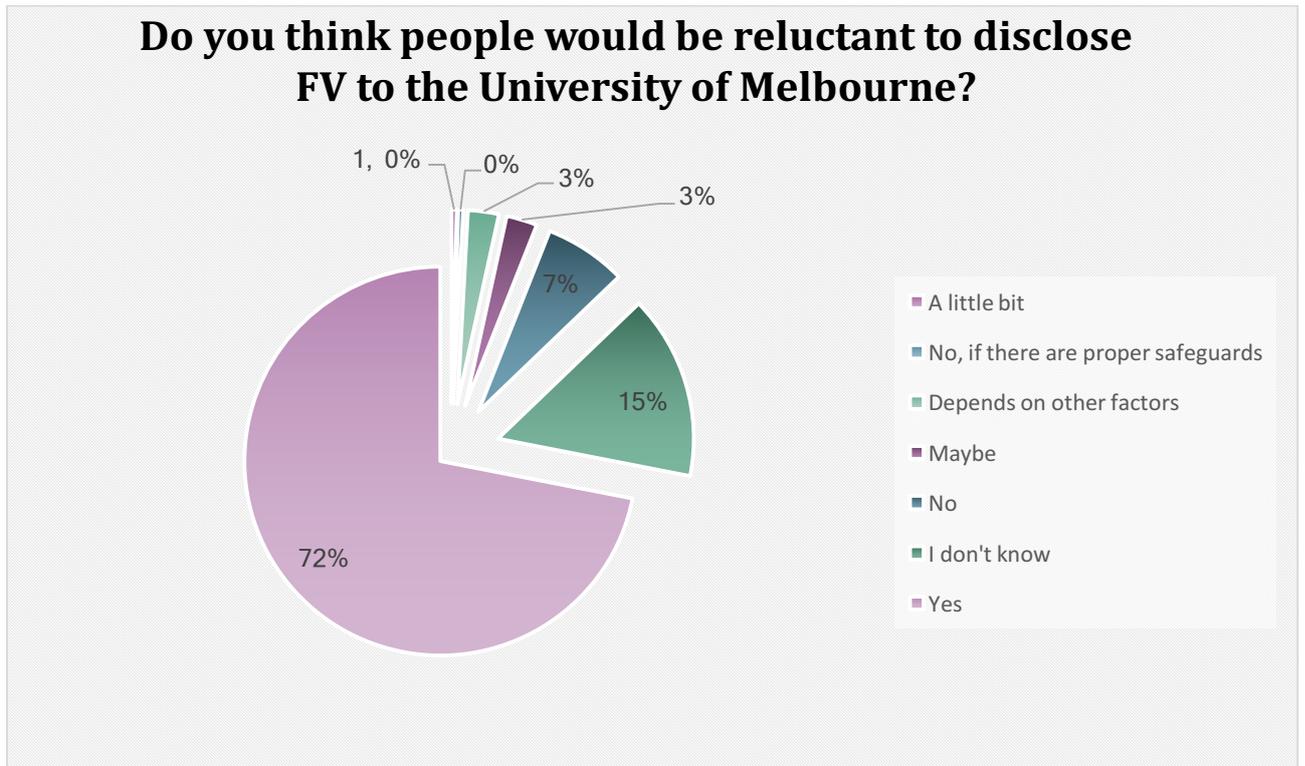


Figure 3.



Figure

4.

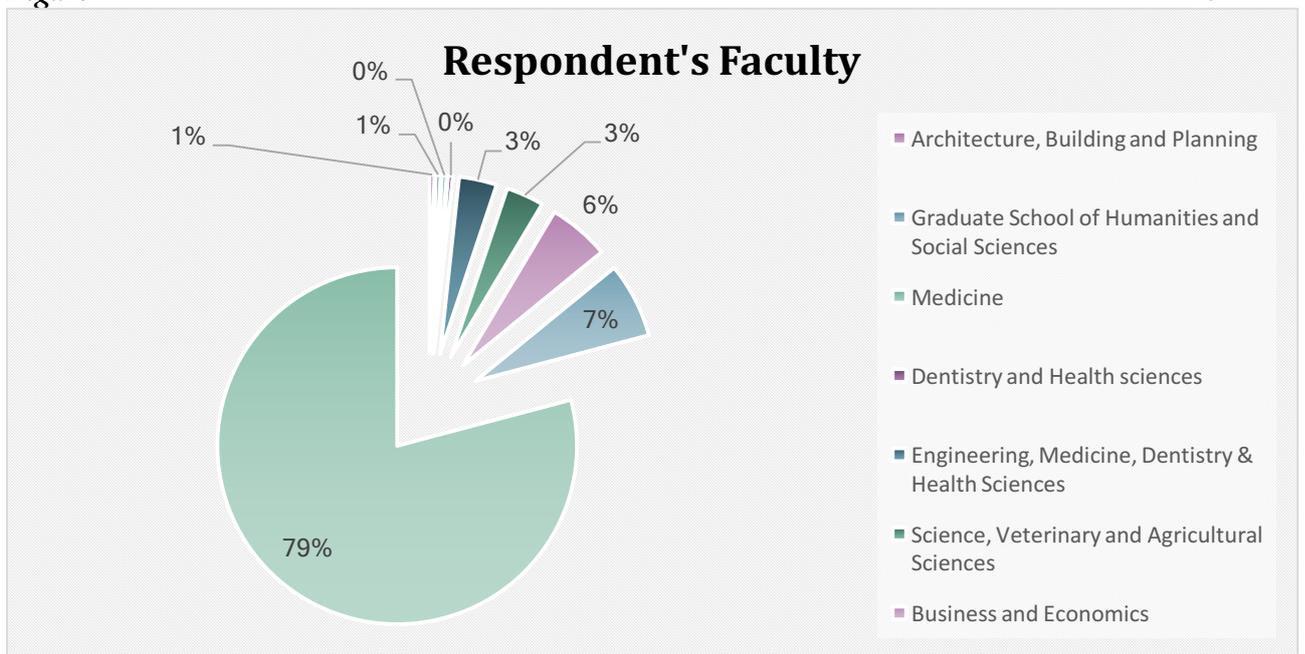
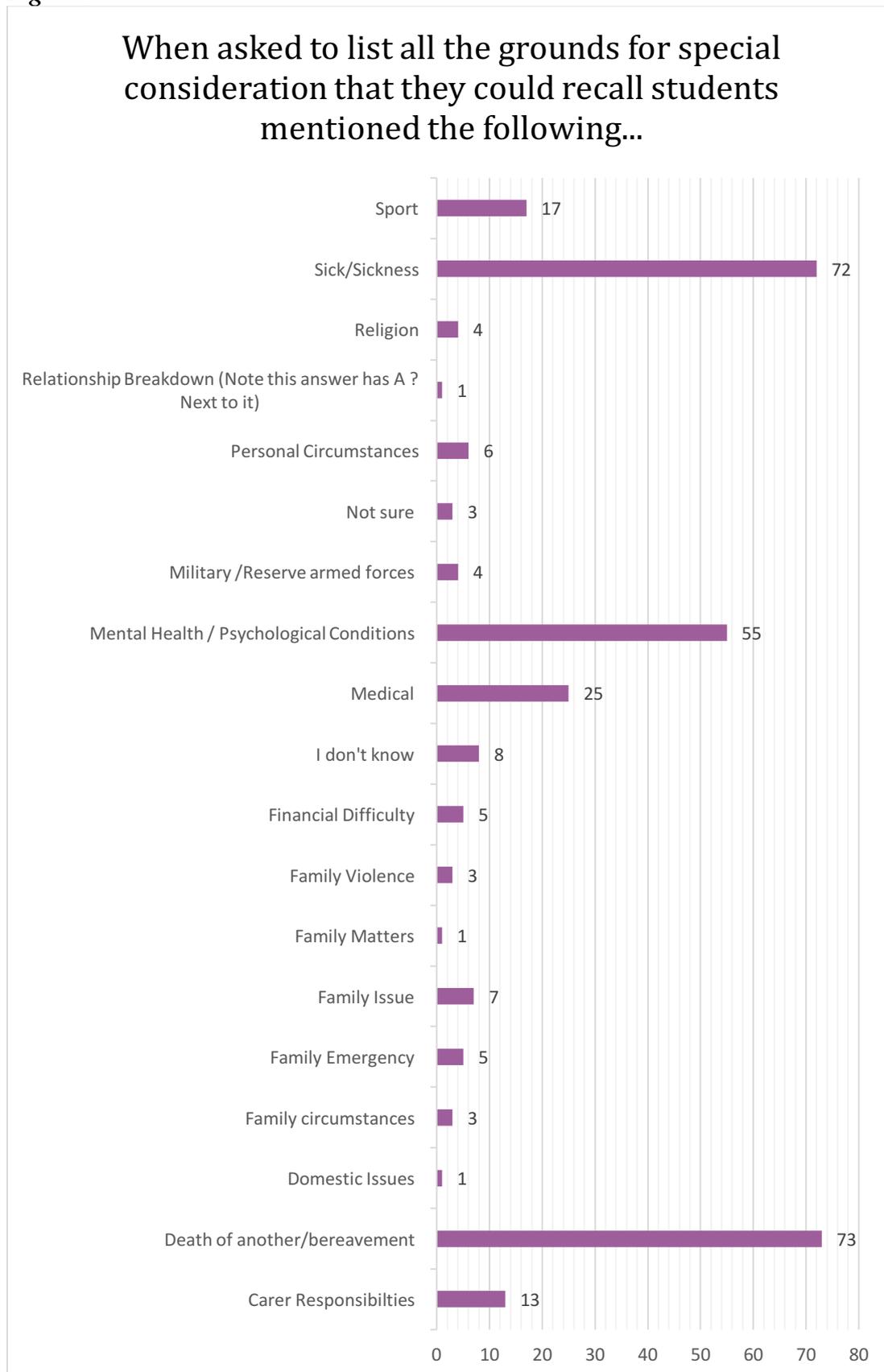


Figure 5



Figure 6.³



³ Please note that not all respondent provided a response to this question.

The Later Law Students' Network

Special Consideration: Family Violence

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Background

The Later Law Student Network (LLSN) is a student group. We represent mature age students, parents and carers, working professionals and those with life experience who are undertaking the Juris Doctor at Melbourne Law School. In light of the Melbourne Model we represent a small proportion of JD students attending MLS.

The Committee Executive is currently as follows:

President: Laura Blandthorn
Secretary: Georgia Percy
Treasurer: Marionne Tolentino
Wellbeing Director: Dimity Payten

Wellbeing and Equity Survey

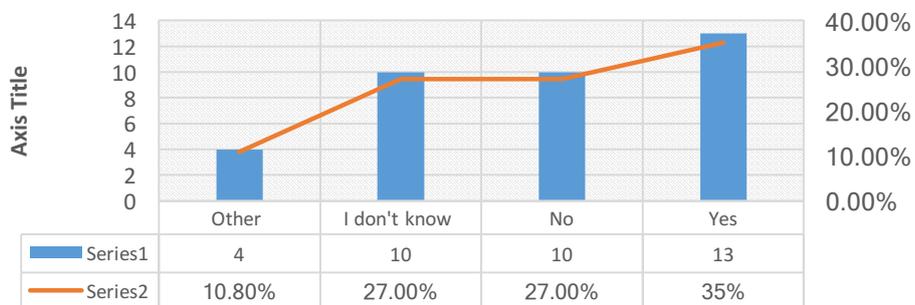
The LLSN distributed a survey on a range of issues in Semester one of 2016. We included a section on family violence because of:

- The continued and increasing awareness of the issue in the community;
- The committee's awareness of individual stories from students; and
- The nature of our membership base.

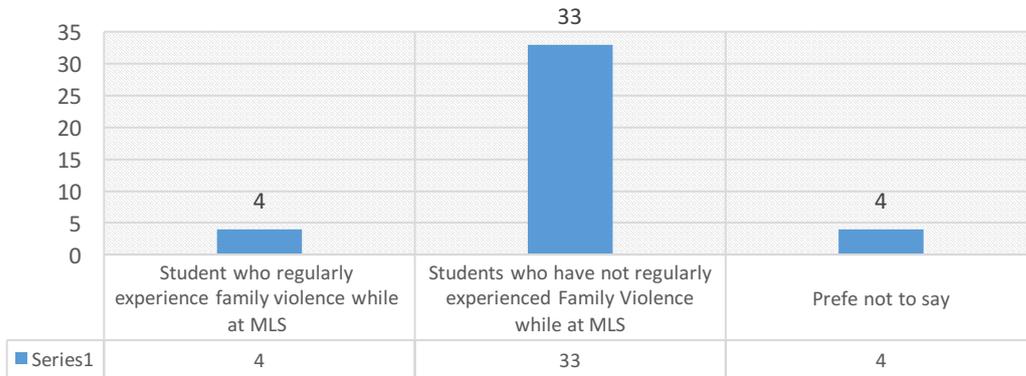
We received 44 total responses from a membership base of approximately 150. Respondents could choose not to answer questions within the survey. That data, despite being a small sample, demonstrates that special consideration arrangements are not adequately meeting the needs of those suffering family violence. This is not acceptable.

The results of our survey are as follows:

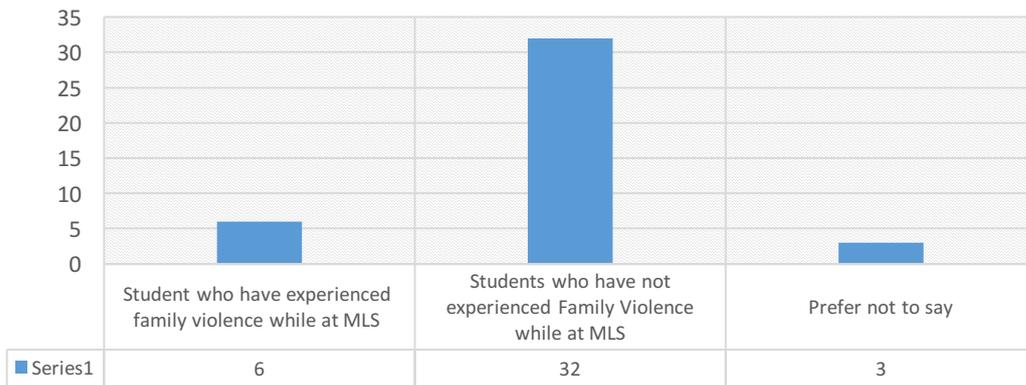
Responses to 'I believe I have the right to special consideration because of family violence' (37 responses)



Responses to 'I regularly experience family violence'



Responses to 'I have Experienced Family Violence while at MLS'



Proposal

1. The University should formally acknowledge the importance of education for victims of family violence. The completion of a degree provides victims of family violence with a tool to use in building a positive and safe future for themselves. It is a means of empowerment.¹
2. The special consideration policy should specifically describe family violence as a reason for receiving special consideration. Examples of various types and forms of family violence should be included. Presently, family violence is not even mentioned.
3. The extension policy should specifically describe family violence as grounds for an extension.
4. Leave of absence applications should acknowledge family violence.
5. These policies should provide examples of family violence, a simple and straightforward avenue for application and **account for the stress of and impact of family violence in their design.**

Evidence requirements are to be carefully thought out. For example, a statutory declaration might be more appropriate than a medical certificate. Wellbeing officers can provide a letter of evidence rather than having a victim write the impact of their experience down which can be mentally taxing. Wellbeing officers, and staff members processing special consideration, extensions and other such applications should be trained in assessing family violence.

6. The course hand books should include family violence in the sections about special consideration and extensions.
7. Staff members should be made aware of family violence services so they can refer students on should family violence be disclosed. It would be appropriate that staff members receive training on sensitive and appropriate reactions when coming across students experiencing family violence. It would also be appropriate that staff members have referral materials on

¹ *Royal Commission into Family Violence: Summary and Recommendation*, pg. 15. Available at <http://files.rcfv.com.au/Reports/Final/RCFV-All-Volumes.pdf>

hand.

8. The law school is already equipped with a wellbeing officer, we are aware that this is not the case in other faculties, arrangements should be made so that students can confidentially seek support in an appropriate environment from a staff member with adequate training.
9. Services for students experiencing family violence (whether internal or external) should be promoted regularly throughout the university.
10. Staff should be understanding of the fact that students may be missing class and falling because of family violence. This should be reflected in their teaching practices and expectations.

The Impact of Family Violence – Some anecdotes from MLS

LLSN Member One

My father is an angry alcoholic. Typically, my father gets home from work at around 6pm he is drunk by 7pm. He spends most of the evening verbally abusing various family members. I lived at home during the first year of my JD. This was a pragmatic decision because the full time load would not allow me to earn enough to survive. It was also a decision made to support my mother and younger sisters. At the time I spent my nights, lingering around the house calming my father down, giving him stern words. I am the only one he listens to. I could not study in this environment. I used to wait until he fell asleep at around 9.30 to begin studying. Sometimes later after making sure the family was okay.

I have four brothers one with a nasty personality and mental illness. Two others who among other things think a woman's place is in the kitchen. I probably called the police 3 times in the first semester of my JD. I cannot count the times I was physically shaking after an argument that erupted out of sheer frustration mixed with an attempt to calm down a male family member. In 2016, I have had my door kicked in and have been physically assaulted once. This is an immense improvement from previous years.

As a result:

- I was sleep deprived, engaging in study patterns that were not ideal and emotionally drained. I was not able to adequately switch off. My capacity to concentrate was severely affected.
- I would spend long nights in the library, dragging three meals along to Uni for the day. I was deprived of a genuine opportunity for a break.
- I have moved out; this has been difficult financially. I applied for a housing bursary from that has been helpful but was done after a desperate search on the Melbourne Uni Website. I won't get the academic bursary as my life situation is not amenable to good grades at MLS.
- I am working three days a week to support myself. I reduced my study load.
- There are some weekends and days where I get zero study done because the phone calls messages and family dramas are too much.
- Sometimes I sit in class and get long text messages from my mum about my father. Usually she hasn't contacted me for a few days because she knows I'm trying to study but she's so upset she reaches out. This is upsetting on so many levels and disrupts my capacity to listen.
- I did not apply for extensions or special consideration as it was too difficult, daunting, and humiliating to explain my position.
- I have fallen behind on readings and been subsequently humiliated by lectures calling on me in class. On more than one occasion, questioning and comments continues when I clearly and politely said "I am sorry I am not prepared for today's class".
- I have missed classes because I have been too tired to come to uni as I have been up late studying or so stressed and anxious that I cannot sleep.
- I have missed classes because I am so behind on my work and felt the need to catch up.
- It took me a good year at MLS to feel comfortable enough to speak up about my personal experience.
- Early on friends told me to apply for special consideration but I did not think it was a valid reason and did not want to make a big fuss.

LLSN Member Two

My father suffered a debilitating medical incident during my first year of Uni. Between the hospital visits, family expectations, the need to work so I can provide for my family and the trauma of my fathers debilitated state the complex task of applying special consideration was simply overwhelming and too difficult.

My father is now very depressed. He is also very difficult to deal with. There's a fair amount of emotional abuse. He is angry at the world. He is angry at us. Recently, my sister lost her temper with and attacked him.

As a result:

- My father has taken a restraining order out on my sister
- I am trying to study while acting as the mediator
- I am accompanying my sister to court on a regular basis – my gorgeous gentle sister snapped and she needs my help.
- I am missing classes so I can be there for my family, my classes are not recorded
- I am finding it difficult to concentrate and manage my workload.
- I do not have the courage to tell the wellbeing officer about this.
- I do not have the mental strength to write this down, the thought of putting it in paper is just too much. I have not sought the help I need.
- I do not know where to go for support within the law school or the university.

Relevant Work at Other Universities

A. Deakin University – Domestic and Family Violence (Student Support) Procedure

Link: <https://policy.deakin.edu.au/view.current.php?id=00178>

SECTION 5 - PROCEDURE

(6) The University will adopt a collaborative approach to supporting students experiencing domestic or family violence. The University's Safer Community Services will act as the central point of enquiry for information, advice and support and will work positively with other internal and external avenues of assistance and the affected student so that the student can continue to study.

Requesting support

- (7) A student experiencing domestic or family violence can elect to contact:
- a staff within the University's Safer Community Services; or
 - b an academic or general staff member; or
 - c a harassment and discrimination contact officer; or
 - d a University health professional; or
 - e a member of Deakin University Student Association
- to discuss their situation and access support.

(8) The University recognises that students experiencing domestic or family violence may also disclose their experience to a trusted friend, peer or an external support agency, or in a crisis situation may seek the assistance of Deakin Security.

Confidentiality

(9) All staff and students involved in supporting a student experiencing domestic or family violence must treat the matter as confidential. To protect the safety of others or as agreed with the student, members of the University community who are providing support can discuss the matter with the University's Safer Community Services but must not discuss the matter outside of the University unless there is a legal obligation to do so.

Managing requests for support and responding to a disclosure

- (10) Any individual receiving a disclosure will:
- a respect the right of the student to make their own decisions regarding their personal affairs and avoid judgement; and
 - b bring the Domestic and Family Violence (Staff and Student Support) policy and this procedure to the attention of the affected student.

(11) Additional requirements apply to specific roles:

- a staff members or students who receive a request for support from a student experiencing domestic or family violence must
 - i act in accordance with their responsibilities under the Health, Wellbeing and Safety Policy to manage operational health, wellbeing and safety matters and notify or directly engage with the University's Safer Community Services
 - ii offer support to the student, as well as any affected colleagues or students, by referring them to the University's Health and Wellbeing

services or Employee Assistance Program.

- b Staff members, Harassment and Discrimination Contact Officers and University health professionals should notify the University's Safer Community Services in order to provide appropriate support for the student.
- c The University Safer Community Services will work directly with the person and other areas of the University to coordinate the support provided to the student by the University.

(12) Students may request a support person to attend any meetings in relation to matters of domestic or family violence.

(13) The University will co-operate with all legal orders protecting students experiencing domestic or family violence.

Types of support available to students

(14) Safer Community Services, in consultation with other relevant areas of the University, will consider any request for support from a student experiencing domestic or family violence. Students experiencing domestic or family violence may have access to a range of support measures, which may include:

- a academic accommodation to facilitate ongoing study, which may include applications for special consideration; intermission and withdrawal
- b accommodation regarding attendance
- c where available and reasonable transfer of tutorials/lectures
- d changes to student email address
- e assistance from University Security while on campus or arriving or leaving campus
- f safety provisions, support and accommodation where reasonable for students on placement
- g the right to have a support person accompany them when attending any internal matters or issues arising out of domestic or family violence, and
- h other reasonable provisions determined on a case by case basis, such as advice, information and referrals to appropriate support agencies.

Academic accommodations

(15) A request for academic accommodation can be submitted to the student's Head of School or other nominated Faculty staff member.

(16) The Head of School or other nominated staff member will take into account the individual's situation in consultation with the student and the University's Safer Community Services in assessing and determining any academic accommodation.

(17) Academic accommodation may be granted for a range of reasons, including but not limited to:

- a seeking medical, legal and financial assistance
- b attending court appearances
- c making arrangements for children or other people for whom the student has carer responsibilities
- d organising alternative accommodation
- e counselling or other related appointments.

Safety Plans

(18) When a student raises a concern regarding domestic or family violence, Safer Community Services, with input from the Head of School or nominated staff member, may

be required to put in place strategies to ensure the safety of the student and other members of the University community.

(19) When developing a personal safety plan the following must be considered:

- a the plan must have the student's consent
- b it must be reviewed with the student member on a regular basis
- c the student's emergency contact details must be kept up to date
- d all reasonable attempts should be made to ensure the student is able to participate in ongoing study
- e compliance with legal orders (e.g. Intervention or Personal Safety Orders)
- f the plan may require consultation with other areas within the University such as Security and Division of eSolutions, which will be coordinated by Safer Community Services on a confidential basis, and
- g what action will be taken if the student does not respond to contact and there are reasonable concerns for their safety.

(20) If a member of the University community becomes aware that a person is in attendance at a University precinct and reasonably believes that person to be in breach of an intervention order or personal safety order, the University member should:

- a initiate the University's emergency response procedures by contacting security by dialing 222 and request assistance and immediate police attendance if necessary;
- b notify the University Safer Community Services or the University Solicitor as soon as practicable
- c document any incident as soon as possible.

(21) Safer Community Services will follow up with impacted members of the University community by ensuring all relevant notifications, referrals and documentation, including lodgement of Incident Form (OHS) are made to support students and staff.

(22) In situations where there is a report of domestic and family violence occurring between two members of the University community, the University will make reasonable arrangements to support and maintain the safety of both parties.

(23) When applying for support under this procedure evidence may be required by Safer Community Services or the Head of School or nominated staff member. Evidence can be in the form of a document issued by:

- a the police
- b a court
- c a medical practitioner
- d a government agency
- e a counselling professional, or
- f a statutory declaration from the student.

Record keeping

(24) Any notes of meetings, discussions and actions proposed or taken must be stored in a secure location in accordance with the Privacy Policy. All information pertaining to a student's personal circumstances in terms of domestic or family violence must be kept confidential and not be placed on their student file.

Responsibility of Head of School or nominated staff member

(25) Heads of School or nominated staff members are responsible for:

- a offering support to students who have disclosed and may require assistance as a result of experiencing the effects of domestic or family violence;
- b providing advice to students about the University's Health and Wellbeing services;
- c seeking advice as necessary from specialist staff such as the University's Safer Community Services;
- d being familiar with processes to support people who may be experiencing domestic or family violence and participating in relevant training provided by the University, and

ensuring that all personal information concerning the student's circumstances is used solely for the purpose of assessing the student's needs and determining and applying the appropriate support mechanisms and is otherwise kept confidential.

B. RMIT University – Special Consideration Policy

Link: <https://www.latrobe.edu.au/policy/documents/special-consideration-guidelines.pdf>

In their example of ground for special consideration section:

'abuse (e.g. incident of domestic violence, flight from an abusive situation)'