

Consultation on the Draft Action Plan addressing gender-based violence in higher education

30 January 2024

The Australian Technology Network of Universities (ATN) welcomes the opportunity to contribute to the Department of Education's consultation on the Draft Action Plan addressing gender-based violence in higher education.

Universities have been a significant focus for recent discussions regarding the prevention of sexual harm and other forms of gender-based violence. Universities sit at a unique nexus, as sites where high numbers of young people come together; as sites of knowledge generation and research into sexual harm and gender-based violence; and as institutions with a duty of care to students and staff.

In Australia, the prevention and response to sexual harm and gender-based violence are shaped by surveys and research conducted by state and federal governments, and by universities, including the National Student Safety Survey (NSSS).

Universities have a commitment to work collaboratively and to align their work with principles of best practice set out in the:

- Australian Human Rights Commission (AHRC) *Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities* (2017)
- Tertiary Education Quality and Standards Agency (TEQSA) *Good Practice Note Preventing and Responding to Sexual Assault and Harassment in the Higher Education Sector* (2020)
- *Respect. Now. Always Guidelines for University Response to Sexual Assault and Sexual Harassment* (2016)
- AHRC *Respect@Work: Sexual Harassment National Inquiry Report* (2020)
- Universities Australia (UA) *Principles for Respectful Supervisory Relationships* (2018)
- Universities Australia, Our Watch, Victorian Government *Educating for Equality* (2021); and
- Our Watch *Workplace Equality and Respect Standards* (2022).

The *Draft Action Plan addressing gender-based violence in higher education*, released on 22 November 2023, highlights actions for respective governments, accountabilities for higher education providers, and a set of principles for their implementation, including a code for higher education providers, and requirements relating to data collection.

As a response to the Draft Action Plan, ATN would like to draw attention to additional considerations that will enhance and inform an evidence-based approach to prevention and response.

This submission includes an examination of the characteristics and contexts of incidence of sexual harm amongst the university cohort, a brief summary of the evidence base relating to prevention measures, and university approaches to responding to allegations.

This submission also provides some suggested approaches to improve coordination of primary prevention efforts and evidence to inform future activity and collaboration across sectors.

info@atn.edu.au
www.atn.edu.au
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Incidence of Sexual Assault and Sexual Harassment (National Student Safety Survey)

Prevalence

The [National Student Safety Survey \(NSSS\)](#) found that of students who responded that they had experienced sexual assault, 1 in 20 (4.5 per cent) had experienced the sexual assault since starting university. Though not directly comparable, this is the same rate reported in the [Australian Bureau of Statistics' \(ABS\) 2016 Personal Safety Survey \(PSS\)](#) as the annual prevalence rate for women aged 18 – 24 years in the general Australian population. This finding highlights that supporting national efforts to address gender-based violence is imperative and underscores the importance of a whole-of-society approach to prevention.

The NSSS also found that of students who responded that they had experienced sexual assault, female students (41.8 per cent), transgender students (42.9 per cent) and students who were non-binary or identified as another gender (56.1 per cent) were more likely to have experienced sexual assault in their lifetime than were male students (14.1 per cent). Again, there are important messages here about how we need to target our intervention efforts, both within universities and in broader society.

Finally, the NSSS report also highlights that in addition to gender, the prevalence of sexual harassment in a university context in the past 12 months varied by student demographic characteristics including “sexuality diverse” students, younger students aged 18 – 21 years, and students with a disability. These data support the intersectional approach that many universities have as a core tenet of their sexual harm prevention and response, including a mix of tailored initiatives for particular student cohorts, and broad initiatives that acknowledge and are inclusive of individual needs.

Universities will continue to focus on specific needs of their own local communities, while leading and supporting national efforts to address gender-based violence. Given the data described above, a similar approach should be taken in other settings (e.g., secondary schools, workplaces, government, etc.) where sexual violence occurs.

Locations

The NSSS report identified that “the most common locations students reported experiencing their most impactful incident of sexual assault in an Australian university context were clubs and societies events and spaces (25.8 per cent), university student accommodation or residences (25.3 per cent) and private homes or residences (18.4 per cent).” The [Australian Human Rights Commission \(AHRC\) Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities](#) also suggested that public transport was a key setting for these experiences.

With these data in mind, it is clear that universities play a role in addressing incidents of sexual harm that occur in universities spaces, or by those associated with the university. We must also acknowledge that members of universities’ communities are affected by many instances of sexual harm that occur in settings (such as public transport and private residences) beyond universities’ influence or are the result of behavioural norms formed before students reach university.

Taking a Whole of Institution Approach

First and foremost, universities are places of education. Given this, primary prevention has become a crucial element in how universities address sexual harm in their settings. Prevention of gender-based violence occurs at three levels, primary, secondary and tertiary. Primary prevention deals with social and cultural factors at a whole of society level, secondary prevention refers to work with at-risk groups, either at risk of experiencing or perpetrating gender-based violence and tertiary prevention refers to actions taken after violence has occurred to reduce the effects or the likelihood of recurrence.

Universities need to take a whole of institution approach to addressing gender-based violence, ensuring that these three levels of prevention are addressed and that policies, processes, and services are comprehensive and fit for purpose. Extensive work has been achieved in these areas. We provide two examples of evidence-based, whole-of-institution responses that may be of interest (see Appendix A and B). We are happy to provide others for discussion.

Education and Prevention

Universities can play a role in primary prevention through research and through education – for example by building primary prevention into the curriculum to prepare graduates for the prevention of sexual harm (and gender-based violence) in schools, businesses, industry and other professional fields such as law, medicine and social work (and others).

Kindergarten, primary and secondary schools and workplaces, are like tertiary institutions, also widely recognised as key settings in which to promote respectful relationships and gender equality. During their schooling, children and young people are in their formative years, during which gendered roles and expectations are heavily reinforced and adolescents often experience their first intimate relationships. At the same time, students can be impacted by attitudes, structures and practices that perpetuate gender inequality and that manifest and intersect with other forms of discrimination such as racism and ableism.

To equip students to deal with the inequalities they can face and to raise the next generation to form healthy relationships, schools are important settings for the prevention of gender-based violence. Respectful relationships education is a holistic approach to school-based, primary prevention of gender-based violence that aims to comprehensively address the drivers of violence and create a future free from it.¹ There is an opportunity for Governments at all levels to work across Education, Health, Justice, and specialist services within the Community Sector (i.e., Sexual Assault and Family Violence Services) to develop an evidence-based program of work implemented concurrently across all sectors to impact real societal change.

Universities can also play a vital role in developing evidence-based programs and curricula. Universities are places of education and research – both domains can be more actively involved in primary prevention within university settings and in society more broadly.

1 From <<https://education.ourwatch.org.au/resource/evidence-paper-respectful-relationships-education-in-schools/>>

Recommendations

Given the degree of understanding that recent data collection has provided, there is an argument for shifting investment in this area into some or all of the following areas of focus:

Theory of change

Many universities have begun to develop theories of change, a process used to outline the theoretical connections between on-the-ground activities and desired population outcomes. Working with universities in the development of a shared theory of change would enable the evidence base across the sector to be refined, allowing the opportunity to assess the effectiveness of a given intervention or program. Adopting this approach would also allow for wider evaluation across settings and providers, further developing an evidence base and providing a better understanding of what works, what might work, and what doesn't, in fact, lead to shifts in behaviour. This approach would also allow other settings (schools, specialist services, and other organisations) to begin to implement evidence-based initiatives that are supportive of and aligned with these shared objectives.

Appropriate resourcing

In order to be successful, universities will need to co-design solutions with both students and staff and additional funding will be required to support the development and evaluation of evidenced-based solutions. Similar approaches will also be required in other sectors.

Collaboration across the lifespan, and sectors and organisations

Attitudes and behaviours regarding respect and sexual harm prevention are formed at an early age. Universities are in a unique position to support the development of evidence-based primary prevention for early years, primary and secondary education settings, ensuring that young people are receiving robust and effective messages that shape positive long-term behaviours. There would be benefit to an evidence-based program, delivered by universities in secondary schools, that would seek to reinforce expectations of respectful behaviours for young adults in adult learning and working environments to promote respect, and personal and social responsibility. Consultation across all levels and services would ensure proposed activities align with specific needs and provide valuable and tangible outcomes while avoiding any duplication of existing work. Any such program would need to be embedded into curriculum to compliment or replace existing respectful relationships and consent education. The design of such a program could be led by academic experts from within universities, working in collaboration with specialist services such as sexual assault and family violence, child protection and youth justice.

Data collection

Options are being explored through the Victorian Tertiary Primary Prevention Network (a volunteer group of sexual harm prevention and response practitioners) for coordinated and consistent data collection in regard to sexual harm incidents and prevention work. Collecting data in this way would enable meaningful comparisons across time, data sets and locations to better measure the effectiveness of interventions. Greater consistency and coordination of data at a national level, utilising consistent and nationally agreed definitions (e.g., sexual assault, sexual harm, sexual violence, sexual harassment, indecent assault and rape, are some of the many terms used interchangeably), has the potential to improve measurement of the various interventions, ensure responsiveness to trends and reflect consistent understanding of sexual harm prevention. It is also vital that our responses to allegations of sexual harm do not supersede the principles of natural justice.

Our Commitment

ATN Universities are committed to addressing issues of sexual assault and sexual harm on our campuses, but we are equally committed to positively influencing broader, community-wide attitudes, beliefs and behaviours that contribute to sexual assault and sexual harm in the first place. And although there is increasing evidence of the connection between societal attitudes, norms and behaviours, and incidence of gender-based violence, further research is required into what approaches constitute best practice for changing problematic behaviours.

We are committed to furthering this research to determine and implement best practice in collaboration with Government and other sectors, to reduce incidents of sexual harm and other forms of gender-based violence in the community.

See appendices for case studies

Further enquiries should be addressed to:

Executive Director

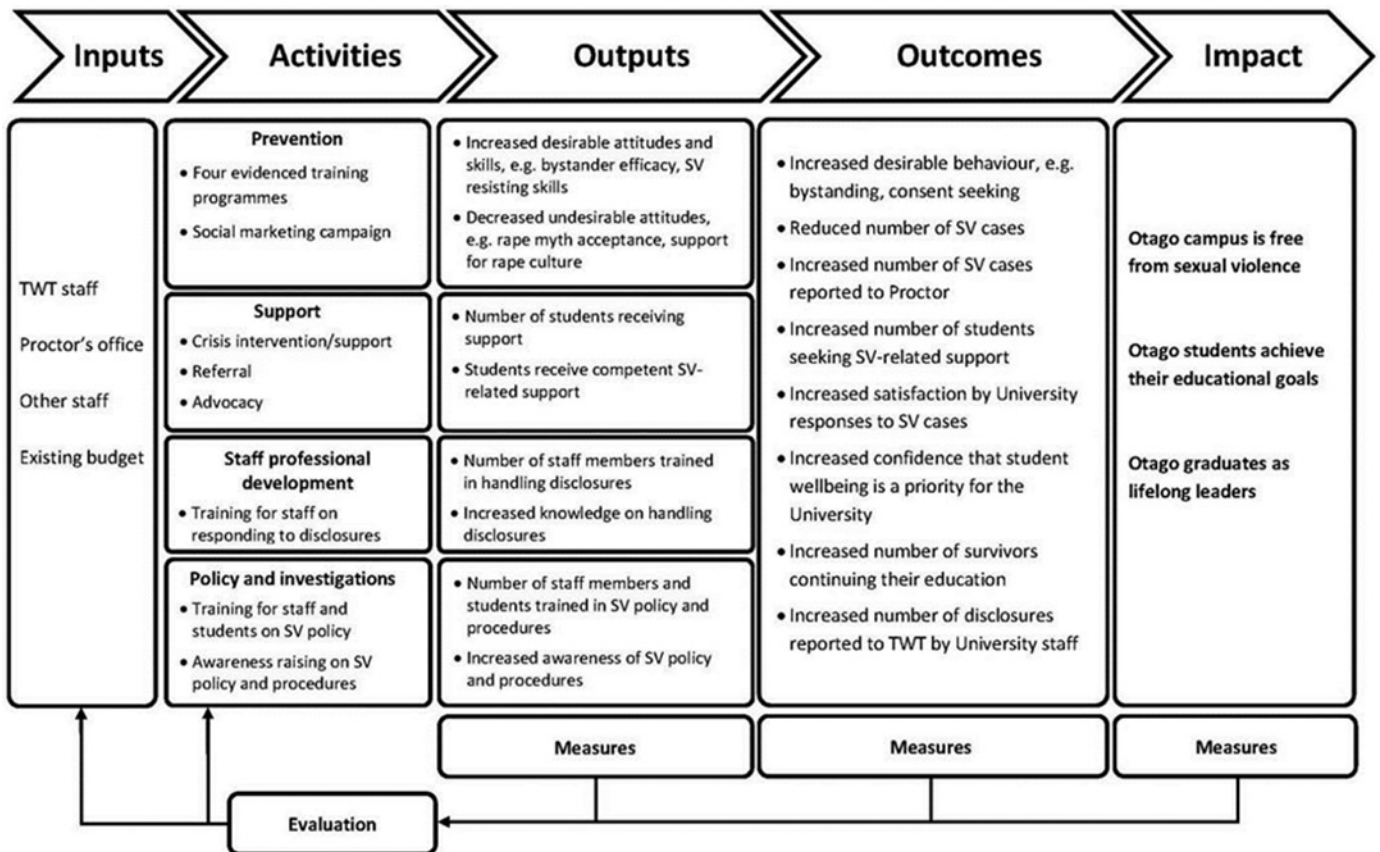
Australian Technology Network of Universities

info@atn.edu.au

Appendix A - University of Otago Theory of Change Case Study

Professor Harlene Hayne is currently the Vice-Chancellor at Curtin University and the Chair of ATN. Prior to coming to Australia, she was the Vice-Chancellor at the University of Otago in Dunedin, New Zealand. During her tenure as Vice-Chancellor, the University of Otago developed a whole-of-institution approach to sexual violence.

A review undertaken by the University of Otago¹ of their whole of campus approach, tested and evaluated a range of prevention activities which had showed promise or previous evidence of success. These included a range of programs looking at rape resistance, bystander intervention, consent education, campaigns, program integration, effective and appropriate support services, case management and policy, inclusive and culturally relevant approaches. Their overall approach was outlined in a Theory of Change model and associated evaluation framework (crucial for ongoing improvement in prevention). Professor Hayne would welcome the opportunity to discuss these initiatives in greater detail and summarise some of the lessons learned.



1 Beres, M. A., Treharne, G.J., & Stojanov (2019) A whole campus approach to sexual violence: the University of Otago Model, Journal of Higher Education Policy and Management

Appendix B – Deakin University Treatment of Allegations Case Study

One of the most difficult areas for further work in universities and other sectors is what happens when an allegation of sexual assault is made. Although one course of action may be to refer the matter to the Police, in some instances the alleged victim does not choose to take that path and universities must consider what actions should be taken while respecting the principles of natural justice. This is possibly the most complex and contentious issues facing universities right now.

At Deakin University, Safer Community provides advice, support and information to students, staff and associates impacted by sexual harm, family violence and/or behaviours of concern. Safer Community Advisers also act as the central point of contact where there is concern a student may be missing. Finally, Safer Community Advisers support members of the Deakin community to ensure compliance with child protection reporting obligations. Students, staff, and associates may engage with Safer Community regardless of whether harm has occurred on campus, online or in their private lives.

Services offered by Safer Community can be broadly defined under four categories: Precautionary Measures (Safety) Plans, Communication Plans, Behavioural Management Plans and Advice/Referral. Students, staff, and associates may choose to make a disclosure or a report to Deakin University. A disclosure is made for the purpose of accessing one of the above services, while a report is made for the purpose of enacting relevant complaint or misconduct procedures. Students, staff and associates are not required to make a report in order to access Safer Community services.

At Deakin, allegations of sexual harm where a student is the respondent are considered by a specialist Sexual Harm Student Misconduct Committee (the Committee), chaired by staff with professional experience and active research interests in justice or health and wellbeing settings. All members of the Sexual Harm Student Misconduct Committee receive in-depth, tailored training from the Diversity, Equity, and Inclusion team prior to commencing their roles, ensuring that their work is informed by, and compliant with, Deakin's policies and practices in the sexual harm and student welfare spaces.

Allegations of sexual harm by a student where a staff member is the respondent are considered under the Student Complaints Resolution policy and procedure in the first instance, with investigations into such allegations conducted by a specialist external investigator due to the seriousness of the alleged misconduct. Allegations of sexual harm by a staff member where the respondent is another staff member are considered under the Complaints: Discrimination, Sexual Harassment, Victimization and Vilification (Staff) Procedure, with investigations into such allegations conducted by a specialist external investigator where appropriate. In either of these circumstances the People and Culture Division may be engaged to explore whether it is appropriate to suspend the staff member under the misconduct provisions of the enterprise agreement or the staff member's contract of employment (as applicable). If the investigation substantiates the allegations, the findings are provided to the University's People and Culture Division for appropriate actions under the Staff Discipline procedure, the enterprise agreement and/or the staff member's contract of employment (as applicable).

We would welcome the opportunity to discuss this model further.