

## **National Higher Education Code to Prevent and Respond to Gender-Based Violence 28 June 2024**

Key takeaways:

1. The National Higher Education Code should be one component of a society-wide systemic approach to address gender-based violence.
2. A principles-based framework may be effective in driving change while recognising the diversity of operating models and institutional profiles in the higher education sector.
3. The proposed standards and data requirements under the Code should be harmonised with existing frameworks.
4. Shared resources would provide consistent messaging and reduce resourcing constraints.

The Australian Technology Network of Universities (ATN Universities) welcomes the opportunity to provide feedback on the standards proposed under the National Higher Education Code to Prevent and Respond to Gender-Based Violence. We recognise that universities are well-placed to drive change at scale on this issue; our members are dedicated to providing safe, supportive and vibrant campuses for students and staff, and to being positive agents for change in the community as we collectively work to reduce harm.

### **The National Higher Education Code should be one component of a society-wide systemic approach to address gender-based violence**

As noted in the issues paper, gender-based violence is endemic and, alarmingly, increasingly prevalent across Australia. All of us have a role to play in tackling this issue; prevention and response efforts will not succeed unless implemented broadly and consistently. **ATN Universities supports the establishment of a National Higher Education Code as one component of a whole-of-society response.**

Gender-based violence does not start and end within universities. **Culture change can only be achieved through a comprehensive systemic approach: it is essential that similar action plans, codes and standards are developed for other sectors as well.** We would welcome further detail from the Department of Education on how the Code will fit within a broader national response. Setting outcomes and data requirements across all sectors and monitoring and evaluating these in a consistent way would facilitate the development of a collective body of evidence from which to assess whether any given intervention or program to reduce gender-based violence was working.

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ATN Universities would be pleased to work with the Department on a shared theory of change to facilitate a national framework.

**Approaches to address gender-based violence, whether within the higher education sector or more broadly, should prioritise considerations of intersectionality and consultation with a diverse range of voices.**

The 2021 National Student Safety Survey<sup>1</sup> indicated that female students (62.9%), transgender students (62.8%) and non-binary students or identified as another gender (76.8%) were more likely to have experienced sexual harassment in their lifetime than male students (26.0%). In an Australian university context, younger students aged 18 to 21 years (11.7%) were more likely to have experienced sexual harassment in the past 12 months compared with those aged 22 to 24 years (8.4%), 25 to 34 years (5.5%), or older. Similarly, students with a disability (13.7%) were more likely to be a target of sexual harassment than other students (7.0%).

**A principles-based framework may be effective in driving change while recognising the diversity of operating models and institutional profiles in the higher education sector**

The issues paper seeks feedback on whether the standards proposed under the Code will have the desired impact of driving change and reducing gender-based violence. In our view, as currently drafted, **the standards would impose additional administrative burden on universities without certainty that such requirements would lead to tangible, evidence-based actions that effectively prevent or respond to gender-based violence.**

We acknowledge that this is no easy feat, given this is a highly complex area for which effective interventions are difficult to identify. For example, a recent study assessing primary prevention efforts to reduce sexual violence between 1985 and 2018 concluded that ‘currently interventions are quite successful at changing ideas about sexual violence but are less successful at changing rates of perpetration’.<sup>2</sup> ATN Universities would support further work between the Government, the higher education sector and experts in gender-based violence to develop evidence-based prevention and response strategies.

**A principles-based framework similar to the *Higher Education Standards Framework 2021* would be more effective and easily scalable for each institution in the sector depending on their capacity.**

Such a framework would provide more scope to recognise the huge diversity in operating models and institutional profiles – for example, the variety of student accommodation arrangements that exist on- and off-campus – and allow each provider to make their own risk assessments and proportionate decisions to implement the objectives of the Code. A principles-based

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<sup>1</sup> Heywood, W; Myers, P; Powell, A; Meikle, G & Nguyen, D (2022) *National Student Safety Survey: Report on the prevalence of sexual harassment and sexual assault among university students in 2021*

<sup>2</sup> Porat, R; Grantman, A; Green, SA; Pezzuto, JH & Paluck, EL (2024) *Preventing Sexual Violence: A Behavioural Problem Without a Behaviourally Informed Solution*

framework could also better accommodate the particular nuances of duty of care in the higher education environment: namely, that harm can occur offline or online in environments beyond an institution's control, but it will provide support to victim-survivors nonetheless.

## **The proposed standards and data requirements under the Code should be harmonised with existing frameworks**

ATN member universities recognise the importance of regulatory and compliance frameworks for accountability and fully support these where they are directly related to, and support, achievement of clear objectives and outcomes. **We note the proposed standards are extensive and appear to overlap with existing regulatory frameworks**, including the *Higher Education Standards Framework 2021* and the *National Code of Practice for Providers of Education and Training to Overseas Students 2017*. We strongly encourage harmonisation and streamlining of the proposed standards so that they are consistent with and not duplicating reporting that is already required elsewhere.

**The Code would also benefit from a reconsideration of the data requirements it would impose, to make clear what it is seeking to measure and for what purpose.** As mentioned above, setting consistent data requirements within a national framework across all sectors would enable comparable information to be collected and assessed, leading to improved outcomes.

## **Shared resources would provide consistent messaging and reduce resourcing constraints**

**As currently drafted, implementation of the standards proposed under the Code would require significant additional resources even at those universities with dedicated functions to address gender-based violence.** A principles-based framework would facilitate providers meeting their obligations in ways that account for differing sizes, student and staff profiles, locations and other relevant considerations.

More broadly, **opportunities for synergies and consistent approaches to addressing gender-based violence should be encouraged and actively sought out.** For example, the newly established expert unit within the Department of Education could develop shared guidance and training materials and toolkits, such as templates, examples of best practice and clear instructions around obligations and methods of implementation. This would ensure consistency of messaging and training material and enable ongoing tracking of which approaches were proving effective and which could be improved.

ATN members are committed both to addressing gender-based violence on campus and to influencing positively broader community attitudes and behaviours which lead to harm. We are available to work with the Government on appropriate evidence-based strategies and on the proposed standards under the Code as they are developed further.

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