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# Consultation for proposed reworked sexual harm good practice note, and the associated wellbeing and safety guidance note, and student grievances and complaints guidance note

## End Rape on Campus Australia

July 2023

### About End Rape on Campus Australia

End Rape on Campus Australia (EROC Australia) is a not-for-profit organisation that works to end sexual violence at universities and residential colleges through direct support for survivors and their communities; prevention through education; and policy reform at the campus, state, and federal levels.

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EROC Australia wishes to make clear that making a submission to the review of TEQSA's Guidance or Good Practice Note(s) does not imply that it endorses the contents of these, or any future versions of the Guidance or Good Practice Note(s). Furthermore, EROC Australia wishes to note that nobody from our organisation was an "author" of the previous version of TEQSA's *Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector*, despite being listed as such.



### **TEQSA's proposed reworked guidance note**

EROC Australia believes that TEQSA's proposed reworked sexual harm good practice note - and the associated wellbeing and safety guidance note, and student grievances and complaints guidance note - will be insufficient to address sexual assault and harassment within Australia's higher education sector.

We note that the existing sexual assault and harassment note was released in 2020, prior to the 2021 *National Student Safety Survey*. The NSSS demonstrated that little, if any, progress had been made by the university sector in reducing the prevalence of sexual assault or sexual harassment, in improving student's knowledge of where to access university policies or where to seek support at their institution, or in university responses to formal reports or complaints. This suggests that TEQSA's existing guidance was, at best, ineffectual.

Additionally, we wish to highlight that most university students are unaware of TEQSA's existence, let alone the existence of its guidance or good practice notes. Much more work would need to take place to raise student awareness of TEQSA and its functions for the guidance or good practice notes to have any impact on the group most impacted by the issues the notes seek to address.

### **Recommendations**

EROC Australia recommends, that if TEQSA is intending to meaningfully engage in this issue, that instead of reworking the existing guidance note, it strongly considers undertaking extensive and meaningful consultations with a view to producing a guidance note that:

- is driven by experts in sexual violence prevention and response,
- considers the views and experiences of students, including students who have been impacted by sexual assault and harassment within higher education settings,
- enables genuine oversight of the higher education sector's prevention and response efforts, and
- embeds mechanisms for enforcement and accountability.

### **The need for genuine oversight and accountability**

The scale of sexual violence experienced by Australia's university students has been well established by two national surveys and accompanying reports – the Australian Human Rights Commission's 2017 *Change the Course* report and the 2022 Social Research Centre's *National Student Safety Survey* (NSSS) report.



The NSSS revealed that the prevalence of sexual violence had remained unacceptably high, and highlighted concerning low levels of knowledge among students about their institution's sexual assault and harassment policies or how they could seek support from their university. Additionally, the NSSS demonstrated that very few students who filed a report were satisfied with their university's processes (see Appendix A).

The findings of the NSSS contradict claims by the university sector that it had taken substantial steps to prevent and improve responses to sexual assault and harassment in the five years since the release of the *Change the Course* report. It has become abundantly clear that without oversight, enforcement and accountability, Australia's universities have not, and will not make the concrete steps needed to prevent and improve responses to sexual violence within their communities.

It is EROC Australia's position that without enforcement and accountability, TEQSA's reworked guidance note will be, at best, ineffective in delivering any meaningful improvement in the higher education sector's response to sexual assault and sexual harassment.

### **The need for genuine engagement and consultation**

In addition to the need for oversight and accountability, it is EROC Australia's position that to be effective, TEQSA's reworked guidance note must be informed by the results of wide and proper engagement and consultation with a range of stakeholders, including:

- experts in sexual violence prevention and response,
- student representatives, including those from groups who are disproportionately impacted by sexual assault and harassment within education contexts, such as students with disabilities, LGBTQ+ students, Aboriginal and Torres Strait Islander students and international students, and
- students who have experienced sexual assault and sexual harassment within a higher education context, including students who have engaged with their institution's formal complaints processes.

This consultation must be thorough and genuine and consist of more than simply asking for feedback on existing documentation.



## Appendix A

The Australian Human Rights Commission's 2017 *Change the Course* report revealed that 1.6% of Australia's university students were sexually assaulted in a university setting on at least one occasion in 2015 or 2016. With approximately 1.4 million students attending Australian universities in that period, which equates to 215 sexual assaults occurring within a university setting *per week*. In that same period, 6.9% of all university students were sexually assaulted across any context<sup>i</sup>.

The results of the second national survey, the *National Student Safety Survey* (NSSS) which was undertaken in 2021, confirmed that little progress has been made in reducing the prevalence of sexual violence within university communities, despite the promises made by universities following the release of the *Change the Course* report in 2017. The NSSS found that 1.1% of the 1.3 million students studying at an Australian university had been sexually assaulted within a university context within the previous 12 months – equating to 14,300 sexual assaults per year, or a staggering 275 sexual assaults occurring within a university context each week, every week.

Strikingly, at the time the survey was conducted in 2021, just one in three student respondents were taking some or all of their classes on campus as a result of the pandemic. It is likely that the prevalence of sexual assault within a university context would likely be much higher now that students have returned to campus full time.

The NSSS also highlighted that disturbingly few students know about their institution's sexual assault and harassment policies or where to seek support, with more than half of the respondents saying that they knew "very little or nothing" about the policies or where to seek assistance within the university.

Concerningly, of those who reported an incident of sexual assault in 2021, just 29.7% were satisfied with their university's processes. Perhaps more concerningly, reporting rates for both sexual assault (5.6%) and sexual harassment (3%) *decreased* from rates in the *Change the Course* survey period of 2015/16, when 6% of students who experienced sexual harassment and 15% of those who had been sexually assaulted reported it to their institution<sup>ii</sup>.

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<sup>i</sup> Australian Human Rights Commission. (2017). *Change the course: National report on sexual assault and sexual harassment at Australian universities*, pp. 3-5. ('Change the Course').

<sup>ii</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*. Melbourne: The Social Research Centre, pp.1-8. ('NSSS Report').