

# **Australian Universities Accord**

## **Joint Submission on priorities**

**Fair Agenda  
End Rape on Campus Australia**

(December 2022)

## About Fair Agenda

Fair Agenda is an independent community organisation campaigning for a fair and gender equal future. Our 43,000 members campaign on a broad range of gender equity issues, including women's safety, economic security and agency. We are focused on addressing gender-based violence in all contexts, including educational settings.

## About End Rape on Campus Australia

End Rape on Campus Australia (EROC Australia) 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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Together with the National Union of Students, and The Hunting Ground Australia Project, survivor advocates and students, Fair Agenda and EROC Australia have been at the forefront of efforts to address and prevent sexual assault and sexual harassment in Australian universities and residential colleges, and to improve institutional accountability.

### Contact

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# Executive Summary

The distressing level of sexual assault and sexual harassment at Australian universities has been well established by two recent and comprehensive national student safety surveys.<sup>1</sup> This sexual violence is having adverse impacts on student wellbeing, educational outcomes, and survivors' future prospects.<sup>2</sup>

Australian universities and residential colleges made commitments in response to the first national student survey, undertaken by the Australian Human Rights Commission in 2016 (with results published in the Commission's 2017 *Change the Course* report) – but in many institutions there has been minimal substantive change.

The second national student survey, the National Student Safety Survey (NSSS), undertaken in 2021 with results released in March 2022, confirmed that actions taken by universities in the five years since the first survey have delivered little improvement in either reducing the rates of sexual violence experienced by students, or student confidence in institutional responses.

At the same time, the national higher education regulator TEQSA, tasked by the former government to lead action in this area, has proven ineffective. Since 2017 TEQSA has not found any university in breach of the Threshold Standards, despite the continuing high levels of sexual violence reported in the NSSS. We believe that TEQSA is impotent in holding universities accountable on this issue and ill-equipped to lead future work in this area.

In 2018 Fair Agenda, End Rape on Campus, the National Union of Students and The Hunting Ground Australia Project (under the leadership of now UNSW doctoral candidate Allison Henry, who has provided a complementary submission to the Expert Panel), came together as a coalition of advocates for student safety and proposed the establishment of an independent expert-led Taskforce to provide students, parents and the broader Australian community with greater confidence in universities commitments to substantive and sustainable change.<sup>3</sup> Our collective experience, campaigning around the issue of campus sexual violence, indicated that real, across the board change on this issue only occurred with external pressure on universities.

Our analysis of the systemic problems and university failures in this area in the intervening years has proven that a Taskforce or similar independent accountability mechanism is still desperately required to deliver meaningful improvements to student safety and wellbeing as it relates to sexual violence.

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<sup>1</sup> [Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities](#), Australian Human Rights Commission, 1 August 2017, see [https://humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual](https://humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual) . [National Student Safety Survey](#), Social Research Centre, released 23 March 2022, see <https://www.nsss.edu.au/results>

<sup>2</sup> In the Australian context see AHRC, *Change the Course*, pp.98-100; EROC Australia, [Connecting the Dots: Understanding sexual assault in university communities](#), pp. 15-20. EROC Australia, [The Red Zone Report](#). See also Gray, M.J., Hassija, C.M. and Steinmetz, S.E., *Sexual Assault Prevention on College Campuses*, 2017, Routledge: Oxfordshire, Ch.3, pp.20-32; Humphreys, C.J. and Towl, G.J., *Addressing Student Sexual Violence in Higher Education: A Good Practice Guide*, 2020, Emerald Publishing: UK, pp.30-33; Stermac, L., Horowitz, S. and Bance, S., 'Sexual coercion on campus: The impact of victimization and disclosure on the educational experiences of Canadian women', Ch.1 in Quinlan, E., Quinlan, A., Fogel, C. and Taylor, G (eds), *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*, 2017, Wilfred Laurier University Press: Ontario.

<sup>3</sup> [Joint statement: Fair Agenda, End Rape on Campus Australia, National Union of Students, The Hunting Ground Australia Project](#), 22 February 2018.

# Recommendations

We recommend that sexual violence be considered as a priority issue across the breadth of the review, given its pervasive impact on students' access to educational outcomes, future pathways, experience, safety and wellbeing.

We make this recommendation with the support of more than 712 Fair Agenda members, who share concern about the rates of sexual violence at universities, and the failures of many universities and residences to enact appropriate reforms. These people share the belief that action to improve student safety and to hold institutions accountable in this area are critical to the future of our education system.

We urge the Expert Panel to review the findings and recommendations of the Australian Human Rights Commission's findings in the *Change the Course* report, data about student safety outcomes, and recommendations for reform; and the subsequent 2021 National Student Safety Survey results, which showed minimal progress on these issues.

We encourage the Expert Panel to particularly focus on this issue in relation to the specific terms of reference concerning:

- Access and opportunity
- Governance, accountability and community
- Quality and sustainability

Given the particular impacts of sexual assault, sexual harassment and all gender-based violence on women, gender diverse people and those facing intersecting marginalisations; we recommend the Expert Panel consider particularly the experiences and needs of these groups; and access and opportunity implications faced by those students, including international students.

Fair Agenda and EROC Australia particularly recommend that the Expert Panel determine that TEQSA is ill-equipped to lead future work in managing and preventing sexual violence in university settings and give particular consideration to the need for the introduction of independent accountability mechanisms to deliver meaningful improvements to student safety and wellbeing as it relates to sexual violence.<sup>4</sup>

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<sup>4</sup> See Appendix 1 for further details.

# The problem: sexual violence at universities

The latest data: 2021 National Student Safety Survey

The NSSS results showed that:

- Sexual violence in Australian universities remains at alarming levels
  - 1.1% of the 1.3 million students studying at Australian universities had been sexually assaulted within a university context within the previous 12 months. **This equates to 14,300 sexual assaults per year, or 275 sexual assaults each week, every week.**
  - One in twenty students had been sexually assaulted in an Australian university context since starting university.  
One in six students have been sexually harassed within a university context.
- Residential colleges continue to be an area of concern
  - 16% of students living in student accommodation or residences had experienced sexual assault in a university context in the previous 12 months, compared with 0.8% of students living on their own with others or 0.8% of students living with their parents, guardian or other family.
- Students are not aware of, or do not have confidence in, university reporting processes and support services
  - More than half of all students know little or nothing about how to report an incident of sexual harassment (51%) or sexual assault (53%) to their university.
  - 74.5% of students who were sexually assaulted did not seek support or assistance from their university.
  - Only 5.6% of students who were sexually assaulted made a formal complaint to their university.
  - Of those who reported sexual assault in 2021, only 29.7% were satisfied with the university's process. For those reporting sexual harassment, this went up to 41.3%.  
**These figures indicate thousands of students are not seeking out or receiving the support they need following distressing incidents.**

At the time the survey was conducted, 58.5% of students who participated were taking all of their classes online, with just one in three taking some or all of their classes on campus. It is therefore likely that the prevalence rates of sexual assault in a university context in the previous 12 months were significantly impacted and would likely be much higher when students returned to campus full-time.<sup>5</sup>

Previous data: first student survey, 2016

The methodology for the 2016 survey and the 2021 National Student Safety Surveys varied significantly, so do not give directly comparable data. However, the 2021 results do not show significant improvement from the initial survey results.

The 2017 Change the Course report detailing the 2016 survey data revealed:<sup>6</sup>

- 1.6% of students were sexually assaulted in a university setting on at least one occasion in 2015 or 2016 (2.4% of women). There were approximately 1.4 million students on

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<sup>5</sup> [National Student Safety Survey](#), Social Research Centre, released 23 March 2022.

<sup>6</sup> [Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities](#), Australian Human Rights Commission, 1 August 2017.

Australian university campuses in 2015/16, which means there were 22,400 sexual assaults in university settings in that period, which equates to 215 per week.

- In the same period, 6.9% of all university students were sexually assaulted across any context.
- 1.1% of students witnesses other students being sexually assaulted in a university setting in 2016. Of those, only 37% took action in response.
- Of students sexually assaulted in a university setting, 87% did not make a formal report or complaint, and 79% did not seek support or assistance from their university in following the most recent incident.
- 62% of students did not know where they could go to formally report or make a complaint about sexual assault.

It is worth noting that both the 2011 National Student Safety Survey and 2016 Australian Human Rights Commission survey only surveyed those aged 18 and over. In 2017, there were more than 58,000 students enrolled at Australian universities who were aged under 18<sup>7</sup>.

The Royal Commission into Institutional Response to Sexual Abuse didn't include universities or residential colleges, so we don't actually know the prevalence rates among under 18 university students. Australian Bureau of Statistics data, however, tells us that the group of people with the highest sexual assault victimisation rates are females aged 15 to 19<sup>8</sup>. In 2016-17, 15% of sexual assault offenders were aged between 15 and 19. Those aged 20-24 made up 10% of offenders.<sup>9</sup> A quarter of all recorded sex offenders in 2016-17 were aged 15-24, but research about university assaults excludes those aged under 18.

### The systemic problems

Fair Agenda and EROC Australia contends that there are serious gaps in the current processes that impede the major improvements needed in student safety.

To our mind there are six broad categories of problems that need to be addressed:

1. The burden on student survivors
  - There is an overwhelming burden on students to identify and call out failings in the system. Often issues are only identified when brave student survivors come forward and seek assistance or redress. This is an unfair and harmful burden to place on young people who are retraumatised by these processes.
2. Processes focused entirely on universities (such as those led by TEQSA) excludes consideration of problems with residences, where the 2016 and 2021 surveys suggest many incidents of sexual violence occur.
3. The absence of any robust assessment / evaluation of whether the prevention and response interventions proposed and implemented by universities and residences meet good practice, and whether they are achieving meaningful improvements to student safety and wellbeing.
4. Lack of transparency: most universities and residential colleges do not proactively publish information about how they are seeking to manage and prevent sexual violence (e.g., number of incidents reported, outcomes and disciplinary measures for perpetrators; as well as student complaints about unsatisfactory outcomes from initial reports).

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<sup>7</sup> [Higher education all student enrolment tables for the 2017 year](#), Department of Education, 14 September 2018

<sup>8</sup> Recorded crime - Victims, Australia, 2017, Australian Bureau of Statistics, 28 June 2018

<sup>9</sup> Recorded crime - Offenders, 2016 - 2017, Australian Bureau of Statistics, 8 February 2018

There is also a lack of transparency around whether commitments made by universities and residences to prevent and improve responses to sexual violence are actually being implemented and if they are, what level of success they've had. We're frequently seeing a gap between what universities say they're doing and what they're actually doing, which means self-reporting mechanisms fail by design.

- The lack of transparency effectively masks the scale of the problem and the failings of systems to support students at universities and residences
- 5. Many universities engage with sexual violence primarily as a public relations issue:
  - Universities and residential colleges have a financial and reputational interest in reports of sexual violence not being made public, so are not always transparent about issues of sexual violence within their campus; and when they are raised, their responses are often obstructionist and defensive.
  - When reports are publicised, some universities and residences are responding to this problem through a reputational lens, rather than seeking to solve the actual problems. This includes providing solutions that look good on paper, but which aren't being implemented on the ground, or which don't reflect good practice.
- 6. Absence of consequences:
  - There is no public accountability or consequence when universities, residences or other institutions fail to make necessary improvements, and continue to put student safety and wellbeing at risk.

## Priority focus area #1: access and opportunity

*Term of reference: Improve access to higher education, across teaching, learning and research. This will include recommendations for new targets and reforms to support greater access and participation for students from underrepresented backgrounds (including First Nations Australians, those from low socio-economic backgrounds, people with disability, and regional and rural Australians).*

The failure of universities to prevent and appropriately respond to sexual violence has a major impact on student wellbeing; access to higher education; and the full enjoyment of opportunities associated with university involvement and completion.

The data shows that sexual violence is particularly targeted at women and gender diverse students and – as with all gender-based violence – will have impacts on those with intersecting identities and marginalisations.

The 2021 National Student Safety Survey data showed, for example, that:

- 10% of students with a disability had been sexually assaulted in a university context; compared with 3.4% of other students.
- 7.8% of Aboriginal or Torres Strait Islander students had been sexually assaulted in a university context compared with 4.5% of other students.

Of those who did not report sexual assault to their university:

- Students with a disability were more likely than other students to report a large number of barriers, including 'I thought it would be too hard to prove', 'I was worried I might not

be believed', and 'I was worried it would affect my studies or career opportunities' (22.5%)

Of the students who did not have confidence in their university's reporting process for sexual assault:

- 29.7% of students with a disability reported that they were 'not at all or slightly confident on their university's reporting process (compared to 22.3% for other students).

Female students were less likely than male students to agree that they felt safe at their university (83%).

Aboriginal and/or Torres Strait Islander students were less likely than other students to agree they felt safe (76.2%).

While there is a dearth of research regarding the academic impacts of sexual violence in higher education settings in Australia, research from abroad shows that:

- Students who are sexually assaulted while enrolled at a higher education institution experience significant drops in their grade point averages;<sup>10</sup> and
- Sexual assault significantly affects a student's ability to focus, complete tasks, and attend class;<sup>11</sup> and
- Women who had experienced sexual violence in their teens earn lower grades during their first year in higher education than women who had not experienced sexual violence.<sup>12</sup>

Over the past seven years EROC Australia have supported more than 100 students who have been subjected to sexual violence while enrolled at Australian universities. During this period, EROC Australia has observed that:

- The impacts of sexual violence have a direct impact on many students' educational outcomes
  - Most student survivors will fail or withdraw from at least 50% of their courses in the semester following their assault as a direct result of the trauma that they have experienced;
  - Students who are sexually assaulted by a fellow student or university employee experience heightened levels of fear that prevent them from attending their campus to access library services, academic support services, or other forms of learning assistance;

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<sup>10</sup> Mengo, Cecilia, and Beverly M. Black. "Violence victimization on a college campus: Impact on GPA and school dropout." *Journal of College Student Retention: Research, Theory & Practice* 18, no. 2 (2016): 234-248.

<sup>11</sup> Walter, Jon Douglas. "The Effect of Sexual Victimization on the Academic Performance of College Women." PhD diss., Washington State University, 2009.

<sup>12</sup> Jordan, Carol E., Jessica L. Combs, and Gregory T. Smith. "An exploration of sexual victimization and academic performance among college women." *Trauma, Violence, & Abuse* 15, no. 3 (2014): 191-200.

- Engaging with university processes and reporting sexual violence is often re-traumatising, and more severely impacts educational outcomes
  - Accessing special consideration or academic accommodation processes requires a student to re-tell their story multiple times, to several different university employees.
- In EROC Australia's experience, student survivors of sexual violence who engage with their university's formal complaints or reporting processes are more likely to fail or withdraw from at least 50% of their courses in subsequent semesters. This is due to those processes taking an average of three to twelve months to be completed, often without any interim measures being put in place to ensure a student survivor's safety on campus.
- Demonstrating that being sexually assaulted has adversely affected their academic performance requires student survivors to continually provide documentation from a treating mental health practitioner, such as a psychologist, which presents a substantial financial challenge to students who are unable to afford treatment, or who have already used their ten Medicare-subsidised mental health appointments in that year.
- The impacts of sexual violence used against students during their university studies, and the inadequate and harmful responses of universities have ongoing consequences for those students' access and opportunity.
  - "The students that we support often tell us that the 'fail' or 'withdrawal' grades on their transcripts serve as a permanent reminder of their assault. They worry about how those grades will impact their ability to apply for graduate study, get internships, or gain employment in their chosen careers."
  - In EROC Australia's experience, student survivors who are not appropriately supported to finish their studies or deal with the trauma associated with the sexual violence are often unable to gain regular employment as a result of those ongoing trauma impacts.
    - For example, one student survivor supported by EROC Australia had hoped to become a lawyer when she graduated. She was assaulted [REDACTED]. She filed a complaint against the offending student with her university, but this complaint took more than 12 months to resolve. The offending student was only issued with a warning and the student survivor was not provided with any additional safety mechanisms to assist her to complete her studies. As a result of her trauma, the lack of support from her institution and the toll that a drawn out complaints process took, the student survivor was unable to continue her studies. [REDACTED] and was unable to secure future employment in her field of studies.
  - "That distress is compounded by the fact that they will often graduate with higher HECS-HELP debts than their peers; essentially leading to student survivors being burdened with financial penalties for being assaulted."

Fair Agenda has been campaigning around campus sexual violence since 2017. During that period many of our members have disclosed their experiences:

“I was sexually assaulted, and uni will never be a safe environment for me again. Victims have little chance of seeing the perpetrator removed from campus. Students know this, as do perpetrators. You can't make victims or other students safe when those who commit sexual violence of any type are allowed to continue living on and/or attending campus. Victims are left with two choices - remain at uni and face further harm, or drop out. Consent modules are touted as these great preventative measures when they are not. Unacceptable.”

“I quit uni because I was raped and stalked by my tutors, and the uni did nothing in their investigation.”

“My niece had to leave university because of unrelenting sexual harassment that wasn't taken seriously. Her education has been curtailed while her harassers are free to pursue theirs unimpeded. That's not right.”

## **Priority focus area #2: governance, accountability and community**

*Terms of reference:*

*Enhance regulatory and workplace relations settings to support universities to meet their obligations to both staff and students.*

*Explore the contribution that higher education makes to the Australian community, national security, and sovereign capability.*

The current regulatory arrangements around sexual assault and sexual harassment are failing students.

Following the release of the *Change the Course* report in 2017 the former government directed TEQSA to take a lead in the sector's response to campus-based sexual violence, with Minister Tehan declaring that it was “the best-placed institution to hold universities and higher education providers to account and to ensure they are meeting their legislative requirements and community expectations when it comes to addressing sexual assault.”<sup>13</sup>

In order to fall within TEQSA's remit, a higher education provider's response to sexual violence is assessed against the legislated Higher Education Standards Framework (Threshold Standards). The relevant Student Wellbeing and Safety Standard requires universities to “foster a safe learning environment”.

Within this remit, TEQSA has:

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<sup>13</sup> The Hon. Dan Tehan MP, Minister for Education, Skills and Employment, ‘Statement on TEQSA report’, Media release, 25 January 2019, accessed at <https://ministers.dese.gov.au/tehan/statement-teqsa-report>

- collated higher education responses to the *Change the Course* recommendations and published its [Report to the Minister for Education: Higher education sector response to the issue of sexual assault and sexual harassment](#) in January 2019,
- issued [good practice guidance](#) to the sector,
- established a complaints mechanism, and
- proactively investigated issues raised in media reports and implemented [enhanced registration assessments](#) around the Student Wellbeing and Safety Standards.

However, as the NSSS results have demonstrated, TEQSA have not been able to drive the systemic changes that are needed.

TEQSA are ill-equipped to ensure universities are meeting community expectations around sexual violence. They don't have relevant expertise in sexual violence and the Threshold Standards around student wellbeing and safety are too general to deal with the complexities associated with campus based sexual violence.

In the five years since TEQSA has been involved in this area it has not held a single university to account. According to information provided by TEQSA to Senate Estimates, on 56 separate occasions from September 2017 to 30 April 2022, TEQSA examined university policies, procedures and responses to sexual assault and sexual harassment-related matters against the Student Wellbeing and Safety Standard requirements. This comprised:

- 24 finalised complaints (with a further seven complaints pending);
- eight occasions when TEQSA engaged with five universities in relation to sexual assault and sexual harassment-related matters raised in media reports;
- 20 assessments of the quality of 14 individual university's sexual assault and sexual harassment prevention and response measures as part of the TEQSA's registration renewal processes;
- four instances where universities had themselves notified TEQSA, as required under section 29 of the Tertiary Education Quality and Standards Agency Act 2011, of a material change/s in relation to a sexual assault or sexual harassment matter – flagging their own concern that this may affect their university's ability to meet the Threshold Standards to 'foster a safe learning environment'.

On not one of these occasions did TEQSA find a university's non-compliance with the Threshold Standards. Nor did TEQSA apply enforcement action in relation to sexual assault and sexual harassment-related matters. The strongest sanction applied by TEQSA, on a handful of occasions, has been "monitoring and annual reporting" of universities.

**TEQSA's findings stand in stark contrast to the results of the National Student Safety Survey, ongoing and unresolved complaints received by EROC Australia, and contemporaneous media reports highlighting continuing shocking sexual violence and the failure of institutional responses.**

Such reports include:

- The University of Tasmania allowed Nicolaas Bester, the former high school teacher convicted of raping the 2021 Australian of the Year Grace Tame, to remain enrolled and on campus, despite Bester having committed, been convicted and imprisoned for child sex offences while enrolled as a PhD student. The University received multiple additional

complaints about Bester's "predatory" behaviour in the campus gymnasium but still no action was taken.<sup>14</sup>

- A male student accused of stalking, watching one woman shower and sexually assaulting another was then hired as a tutor by the University of Queensland, despite a temporary protection order having been issued against him by one of his alleged victims.<sup>15</sup>
- "Sex tours" of colleges; hard core porn displayed during student orientation; male students masturbating in front of other students; and naked male students giving a female staff member a lap dance at a residential college.<sup>16</sup>
- A female student being intoxicated to the point of almost unconsciousness, being carried to a room by a male student and raped while a group of other students chanted her name outside the door.<sup>17</sup>
- Reports that when an allegation of sexual assault was raised with the management of a residential college they responded that it was "all part of growing up".<sup>18</sup>
- Reports of degrading initiation rituals, humiliating bullying, students being pressured to take their tops off, and sexual assaults at university residential colleges, and Administrators of the colleges looking the other way<sup>19</sup>
- The University of Adelaide's mishandling of misconduct by the former Vice-Chancellor Peter Rathjen, who the South Australian Independent Commission Against Corruption in August 2020 found had groped two female staff against their will at a university function in April 2019.<sup>20</sup>

In preparing for this submission many Fair Agenda members expressed their concerns about university governance and accountability in relation to sexual violence:

"Unfortunately our universities, known internationally for their academic excellence, have a deplorable record of ignoring the rates of sexual violence at Universities. This must become a priority."

"I am a retired A/Prof of [REDACTED]. Of course this is an extremely important issue for the future of our education system. It sets the tone for their later life in responsible positions. What has been going on in some well-known universities in Sydney was disgraceful."

"Universities: places where mainly young people are setting out on a journey to an exciting future. They should not have to try to cope with sexual violence along the way. Please help safeguard their future."

"Prioritising and integrating sexual respect among our future academics and professionals throughout their learning environments and beyond is a matter of urgency that cannot be ignored."

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<sup>14</sup> [A petition is calling for a convicted sex offender to be banned from a Tasmanian university](#), News.com.au, 17 May 2017.

<sup>15</sup> [Stalked, spied on, assaulted: women reveal how the University of Queensland failed to take them seriously](#), The Australian, 21 May 2021.

<sup>16</sup> [F For Fail](#), 60 Minutes, 5 June 2018.

<sup>17</sup> [F For Fail](#), 60 Minutes, 5 June 2018.

<sup>18</sup> [F For Fail](#), 60 Minutes, 5 June 2018.

<sup>19</sup> [D for Disgrace](#), 60 Minutes, 4 March 2018.

<sup>20</sup> [ICAC Statement About An Investigation - Misconduct by the Vice-Chancellor of the University of Adelaide](#), 26 Aug 2020.

“For 70 of my 90 years I have been associated with national and international universities and have seen these institutions use every technique to save their reputations while fobbing off victims, allowing perpetrators space to save themselves. The cost to the victims has been great and finally the universities are hopefully being brought to account.”

“When I was at university, not long ago, sexual violence was common. It happened, it was joked about, even seen by some as something to brag about. It was done in private and even in busy public places on campus with just a quick glance around to see if anyone was watching. There were no consequences. They knew they could get away with it. Sexual violence ruins lives in so many ways. When it happens at university, it can also easily ruin someone's chance of completing their higher education, affect their career prospects, their future income, and their quality of life as well as their mental and physical health. Safety at university plays a huge role in a person's life, their prospects for the future, and their ability to trust and work with others. University life is a microcosm of society, and if we cannot trust other students and staff to treat us with respect, then how can we have faith that our future participation in society will be any different?”

## **Priority focus area #3: quality and sustainability**

*Terms of reference: Support a competitive and resilient international education sector, reflecting the important role international students play in our society and economy, and Australia's interest in deepening partnerships abroad.*

Universities are aggressively recruiting students to come to Australia to study but they are not ensuring student safety once they get here.

The 2021 National Student Safety Survey showed that sexual violence in university contexts also impacts on international students:

- 1.7% of international students reported being sexually assaulted in a university context;
- 0.6% of international students reported being sexually assaulted in a university context in the past 12 months.
- 44.6% of international students indicated they knew 'nothing or very little' about the reporting and complaint processes for sexual assault.
- Only 81% of international students reported feeling safe at their university.

EROC Australia have observed the particular vulnerabilities faced by international students, including:

- Not understanding what behaviour is the result of cultural differences, or when someone is acting predatorily towards them;
- Not understand their legal rights to pursue charges;
- Not having the social supports around them that are so vital to recovering from trauma and violence

- Students who are concerned that they themselves could be charged if they reported to police
- Students who have been threatened by perpetrators that if they report the assault they will have their visa cancelled.

Universities should be aware of the additional vulnerabilities and challenges faced by international students. They should be ensuring international students are receiving adequate information, specialised prevention training, and that international students are involved in and represented in university responses to sexual violence.

To support a competitive and resilient international education sector, international students in Australia need to be supported with targeted information, including orientation programs covering sexual violence and Australian cultural behaviours, and specific support services that recognise and address their particular vulnerabilities.

# Appendix 1: Proposal for an accountability mechanism on sexual violence

Noting the recommendation that the Expert Panel consider an independent accountability mechanism, we note the specific proposal that Fair Agenda and EROC Australia (in partnership with UNSW doctoral candidate Allison Henry, who has provided a complementary submission to the Expert Panel) have been advocating for since 2018; and which, in our opinion, remains the best avenue to deliver meaningful improvements to student safety and wellbeing as it relates to sexual violence.

## **Proposal: An independent expert-led Taskforce on campus sexual violence**

The Taskforce should:

- include independent experts who have relevant professional expertise in matters related to the prevention and response to sexual violence, and incorporate expertise from sexual assault services;
- be independent from university administrations and representative bodies; and
- incorporate student involvement and consultation.

The functions of this Taskforce should include:

- A mandate that encompasses both universities and residential colleges.<sup>21</sup>
- Providing an effective mechanism to review complaints about a university or residences' handling of an incident.
- Requiring universities to regularly and publicly report on incidents of sexual assault and sexual harassment reported to the institution, providing an anonymised account of the circumstances; outlining actions taken including disciplinary measures taken against perpetrators and special consideration measures adopted; listing dates of incident, report, action and outcome.
- Requiring universities to regularly and publicly report on the measures they and their associated entities (including residences and colleges) are taking to address and prevent sexual violence – including the policies and procedures in place.
- Consolidating existing advice on standards/best practice guidelines for universities and residential colleges relating to reporting and disciplinary frameworks; support services and prevention strategies.
- Providing independent, ongoing monitoring and evaluation to assess whether or not universities and residential college polices and procedures meet good practice in sexual violence prevention and response.
- Publicly reporting on these assessments, including making public recommendations to strengthen university and residential college policies and procedures; and
- Providing accountability through sanctions (such as Title IX in the US)

The Taskforce should report annually. All reports should be made publicly available.

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<sup>21</sup> While we do not have the same level of information or familiarity with the way sexual violence is dealt with in TAFE and apprenticeship contexts, we unfortunately expect that students in these contexts would face similar challenges. We would strongly support a Taskforce with a mandate to address sexual violence beyond university and residence contexts.

# Appendix 2: Fair Agenda member testimonies

Fair Agenda shares these additional personal testimonies contributed by Fair Agenda members in support of the call for sexual violence to be dealt with as a priority in this review:

“There is no quality, accountability or access without safety for all students and staff. Please make addressing gendered violence a priority, along with equity regardless of race and class.”

“I experienced so much sexual violence when living on campus, as did most of my friends.”

“I have seen first hand how college administration's prioritise reputational damage over student safety. “

“University campuses should be about enlightenment not trauma.”

“I have never had the opportunity to tell my daughter's story before. She attended university in the late 90s. I wanted her in one college but she wanted to go to another. The very first night, she spent the night on the floor of her room, keeping out scum that were looking for virgins. She rang me early the next morning, as she didn't have a mobile phone and begged me to get her out of there... My daughter is dead now and I make this submission on her behalf.”

“Students need to concentrate on their studies in a safe environment without the threat of rape and other forms of sexual and physical violence. It's vital that they are able to enjoy their time at universities and TAFE colleges and finish their courses by graduating with degrees and diplomas which allow them to contribute to our society in the career that each of them has worked hard to enter into.”

“It is critical that University students and staff are safe from sexual violence. Student safety should be a fundamental right within all Australian university environments. This review process should also take into account university-related operations that are separate entities, such as residential colleges where sexual violence persists.”

“There are too many power imbalances in the tertiary education sector and, where such imbalances occur, they are apt to be exploited by predators. More checks and balances are needed to mitigate this situation.”

“Sexual violence affects all students yet the universities continue to let students down with empty promises or by simply dismissing students who are trying to implement better systems of support. It is then placed on 20 year olds to do the job of institutions, which is

incredibly taxing on young, vulnerable people. Universities need significant reform across a range of spaces, but none more important than the sexual violence response space for the well-being of all students. “

“I have, unfortunately, known several women who have been sexually assaulted in the past. Each time they were assaulted in places they should have been safe in. Each time the perpetrator was never investigated or charged by the police. Each time the women were left emotionally and interpersonally scarred for the rest of their lives. This is not good enough, and we owe it to our sisters, our daughters and our partners to stop sexual assaults, and bring the perpetrators to justice.”

“Universities should be safe, fair and accountable places to study. University staff responses and institutional policy should reflect best practices around supporting survivors of sexual violence and harassment, whether this occurred during a student’s studies or outside of this context, and not perpetuate ongoing societal problems with disbelieving and victimising survivors, furthering their trauma. Enough is enough. “

“Going to University should be a wonderful positive experience - not marred by the threat of sexual violence!”

“I saw some of the fall out from rape on campus at university in 1968, It seems nothing has changed.”

“Every educational institution should be focused on prioritising the safety of students. This includes providing education and prevention tools against gendered sexual violence.”

“As a survivor of sexual assault, I know how much this damages people's lives. Everyone deserves to be safe.”

“My experience is that sexual violence is rife in Australia and poorly managed when it occurs. To turn this around it is vital that graduates understand sexual violence, how to support survivors, and that managing sexual violence when it occurs is by empowering survivors not protecting organisations.”

“The 2021 report from the NSSF, and the reports previous (2016) by the NSSF and the human rights commission confirm the unfortunate unchanging finding that sexual violence is still a prevalent reality in higher education. With the risk being notably exacerbated in already vulnerable communities in higher education. From women, to LGBTQIA+, to BIPOC members, to migrant students and researchers in higher education communities. Knowing that the sphere of higher education is a microcosm of society as a whole, it is clear to see that Australian society has failed its populace immeasurably, with an apathetic direction which inspires, unfortunately, little confidence.

The forms of sexual violence and harrasment that is currently prevalent on campuses, endanger the safety of researchers and learners, the academic integrity of institutions through unchallenged blatant abuse of power, and the fostering of fear upon new learners.

It is not a question, but a mandatory necessity to properly eradicate sexual violence at the root where it occurs without hesitation.”