

Australian Universities Accord

Discussion Paper

Consultation

Joint Submission:

Fair Agenda

End Rape on Campus Australia

(April 2023)

FAIR
AGENDA



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.

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.

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Executive summary

Sexual assault and sexual harassment are significant, entrenched issues within Australian university contexts. For decades students and advocates have been speaking out about unacceptable rates of violence; enabling university environments; and harmful institutional responses that sabotage the educational outcomes of survivors.¹ Fair Agenda and End Rape on Campus Australia welcome the inclusion of this critical issue of in the Australian Universities Accord Discussion Paper; and see addressing it as foundational to ensuring students are physically and culturally safe; and able to enjoy a quality student experience.

The Discussion Paper notes that the Universities Accord needs to address how providers can deliver most effectively to achieve national priorities and imperatives, including solving complex social problems. Higher education institutions cannot effectively deliver outcomes if students' educations and academic outcomes are derailed by failures to address sexual violence. What's more, sexual and gender-based violence is itself a serious and complex social problem, progress on which has been set as a national priority by Australian Governments in the *National Plan to End Violence Against Women and Children 2022-32*. Far short of contributing to the goals set in this National Plan; right now, the contributions of universities are an active hindrance to it.

Universities are currently the laggard and disruptor between primary and secondary education, and workplaces - both of which have undergone major reforms in how they respond to, and work to prevent, sexual assault and sexual harassment. Despite a landmark report and reform roadmap laid out by the Sex Discrimination Commissioner in 2017; universities have refused the call for meaningful transformation, and instead focused on giving the illusion of action while they protect their institution's reputations above student safety and the wellbeing and education of student survivors.

Prevention efforts have been uneven across the sector, with some universities providing detailed training to sections of their student bodies, while others fail to provide any formal prevention education programs to the majority of their students. Students who file formal reports

¹ See Appendix B for a sample of media coverage spanning almost 50 years.

with their university after being raped by a peer or university staff member are still being forced to navigate lengthy complaints processes and complex systems in order to request basic academic accommodations or support, all while dealing with the impact of the trauma of sexual assault that too often derails their education entirely. What's worse, perpetrators continue to learn that their university will take more severe action if they cheat on an exam than if they harm one, or multiple, classmates.

Students who are sexually assaulted but manage to continue studying are often hit with additional HELP fees for courses that they fail or are forced to withdraw from, because the impact of their trauma is too great or because they're not able to sit in the lecture theatre with the person who raped them. If a student survivor fails more than half their courses while dealing with the trauma of being raped, measures in the Job-Ready Graduates package remove their access to Commonwealth support, effectively creating a further financial penalty for being sexually assaulted.

The regulator, the *Tertiary Education Quality and Standards Agency* (TEQSA), has proven ill-equipped to hold universities to any reasonable standard; or to incentivise or enforce improvements. In fact, it has failed to take meaningful action in response to any of the 60 incidents brought to their attention via complaints, media reports, or by the universities themselves, between September 2017 and 30 November 2022.²

The university sector has an opportunity to make a positive contribution to the prevention of gender-based violence in our country. Universities and residences are in the position to continue and expand upon the evidence-based relationship and sexuality education principles that are now being rolled out in schools; and to support students to carry respectful values, beliefs and practices through to work environments where there is a legal expectation that employers will prevent similar sexual harassment, discrimination and victimisation.

² TEQSA has revealed in Senate Estimates that it has undertaken more than 60 individual assessments of universities' sexual assault and harassment policies and procedures, including 29 finalised complaints, 12 occasions where TEQSA engaged with seven universities in relation to media reports, and five occasions where universities had notified TEQSA of a matter of concern related to sexual assault or sexual harassment.

See: Senate Standing Committees on Education and Employment, Parliament of Australia, *Budget Estimates 2022–2023*, Question on Notice SQ22-000390, Question on Notice SQ22-000173, and Question on Notice SQ22-00039.

This submission details the systemic problems with sexual violence that are manifesting and repeating in university contexts - and focuses on why an expert-led independent accountability and oversight mechanism focused on sexual violence - such as a Taskforce on University Sexual Violence - is needed to shift these systems.

Recommendations

Sexual assault and sexual harassment have significant impacts on students' safety, educational experiences and outcomes, and on their futures. Fair Agenda and EROC Australia recommend that the Panel includes action to address sexual violence as priority areas for reform in the Universities Accord.

Specifically, we recommend that the Panel support the creation of an independent, expert-led accountability and oversight mechanism, such as a Taskforce, with a mandate to address sexual violence in university contexts.

Based on seven years of engagement on sexual violence in university contexts - a period during which universities have claimed to be treating this as a priority, while still actively perpetuating harm - we believe such a body is necessary to achieve meaningful improvements to student safety and equitable access to quality education.

Fair Agenda and EROC Australia believe substantive reforms are needed to multiple areas of university policy and practice in this area. Our proposed solutions are similar to those put forward by other experts and groups, including the Australian Human Rights Commission, and the University of New South Wales's Australian Human Rights Centre. As these recommendations have not been actioned by universities in the five years since they were released; it affirms belief that a dedicated oversight and accountability mechanism is necessary to create these changes.

With a focus on ensuring the safety of students and the quality of their educational experience, we recommend interventions to drive the following changes:

- Ensuring a national minimum standard for sexual violence prevention education, consistent with good practice standards, including the introduction of holistic, ongoing relationship and sexuality education programs for all students, and targeted programs for groups of students who are at higher risk of violence perpetration; and students who are particularly vulnerable to experiencing violence.
- Ensuring a minimum standard for responses to victim-survivor disclosures and reports.
- Requiring institutions to do basic screening to ensure staff being hired into positions that give them opportunity and access to perpetrate sexual violence do not have a history of violence, or unresolved sexual violence complaints against them.
- Ensuring a minimum standard is met when processing complaints of sexual violence by students and staff on campus; with a focus on serving the safety of the reporting student and others on campus.
- Ensuring standard practices that support basic academic accommodations for survivors of sexual assault; and that remove barriers to them continuing and completing their studies.

As addressed in detail in the body of our submission, we believe that an independent accountability and oversight mechanism is needed to achieve these changes. The results of two national student safety surveys have demonstrated the inadequacy of university and residence actions to date; as well as the inadequacy of TEQSA to have any impact as the regulator.

Despite both TEQSA and the universities having an explicit mandate and focus on these issues for the five years between the release of the 2017 survey findings and those released in 2022, the 2022 National Student Safety Survey findings show that there has been little to no improvements in the sector's efforts to prevent or better respond to sexual violence within their communities.

Our experience is that where transparency around institutional actions in this area was increased and maintained; there was a significant improvement to the policies of a significant number of the institutions put in focus.³ We believe such transparency and oversight is needed

³ See: *Prevention training in residential colleges* below.

across the higher education sector; and is best achieved by an independent and expert-led body with an explicit focus on sexual violence.

We recommend that such transparency includes:

- De-identified data about the reports of incidents of sexual violence received by the institution - including the disciplinary measures taken against the perpetrator; and measures adopted to support the survivor.
- Regular reporting on the measures universities and their associated entities are putting in place to prevent sexual violence (and whether these meet good practice).

Further, we believe that improved oversight and accountability will be vital to achieving meaningful change in this area. Specifically, we emphasise the importance of:

- The creation of an effective system for reviewing complaints about university or residences' handling of a sexual violence report and associated educational impacts for student survivors.
- The provision for meaningful sanctions to shift the incentives currently shaping institutional responses.

We provide further detail for such a mechanism in the body of our submission.

Given the lack of progress by the university sector, and TEQSA's ineffectiveness, we believe that an independent accountability mechanism - such as an independent, expert-led Taskforce on University Sexual Violence - is desperately required. This Taskforce would enable the changes needed to ensure that all students are physically and culturally safe from sexual violence while studying, and that all students have a quality student experience both inside and outside of the lecture theatre.

We don't believe TEQSA is currently equipped to deliver this function - from a mandate, capacity, or expertise perspective. We would encourage the Panel to consider any and all other options for delivering independent, expert-led accountability on this issue.

The problem(s)

Overview

After decades of student and survivor advocacy drawing attention to the crisis of rape on university campuses; and a national project focused on raising awareness of the issue⁴ - in 2016 the Australian Human Rights Commission collected the first ever data about student experiences of sexual violence in university contexts.

The resulting *Change the Course* Report confirmed unacceptably high rates of sexual assault and sexual harassment in university contexts; and major institutional failures to adequately prevent and respond to such violence. It stated the need for major change at universities and residences to address it.

Universities responded with grand commitments to action; and lofty promises of a 'zero tolerance approach.' But survivors, students and advocates have not seen the meaningful change actually needed in the intervening five years.

Five years after the release of the first report, new student survey data confirms advocates' concerns - proving that despite the lip service, universities have delivered little improvement in reducing the rates of sexual violence experienced by students, or student confidence in institutional responses.

The impacts of this sexual violence on a student's educational experience and educational outcomes can be devastating. Research demonstrates that students who have been sexually assaulted experience higher rates of post-traumatic stress disorder, and clinically significant depression and anxiety than students who have not been sexually assaulted, resulting in higher rates of non-attendance, delayed academic progression and higher academic failure rates.⁵ Student statements from the National Student Safety Survey (NSSS) confirm these findings, with students reporting that their academic performance was negatively affected by disruptions

⁴ See 'The Hunting Ground Australia Project': thehuntinggroundaustralia.com.au

⁵ Molstad, T. D., Weinhardt, J. M., & Jones, R. (2023). *Sexual assault as a contributor to academic outcomes in university: A systematic review*. *Trauma, Violence, & Abuse*, pp.218-230.

to sleep, an inability to concentrate, the fear they felt when on university grounds, and difficulty with course materials that reminded them of their assault.⁶

In addition to the direct impacts of the sexual violence itself, students who are subjected to sexual violence on campus are also experiencing harm from the responses of their university and residence. This often includes a failure by the institution to provide an appropriate protective or responsive action to support the student's educational needs emerging from the assault; and also re-traumatisation or compounded harm from the university or residence's response to a report or complaint being filed.

Given the scale of failure and harm caused by some institutions, some student survivors have attempted to secure change to dysfunctional systems, in the hope that they could protect other students from the same harm and re-traumatisation. They have also been met with institutional failures - this time from the regulator.

TEQSA has proven itself ill-equipped to ensure universities are meeting community expectations around sexual violence. They don't currently have relevant expertise in preventing or responding to sexual violence, and the existing Threshold Standards around student wellbeing and safety are too general to deal with the complexities associated with campus based sexual violence. TEQSA is not currently equipped to deliver this function - from a mandate, capacity, or expertise perspective.

Unacceptable rates of sexual violence on campus

The advocacy of student survivors has shone a light on the nature and extent of sexual violence in university and residential contexts over decades.

Recent examples of particular instances include:

- A male student accused of stalking, assaulting, and watching one woman shower, as well as sexually assaulting another, was then hired as a tutor by the University of

⁶ Nisbet, L., Halse, G., van Esbroek, E., Heywood, W., Powell, A. & Myers, P. (2022). [*National Student Safety Survey: Qualitative research on experiences of sexual harassment and sexual assault among university students in 2021*](#). Melbourne: The Social Research Centre, pp.27-31 ('NSSS Qualitative research').

Queensland, despite a temporary protection order having been issued against him by one of his alleged victims. ([The Australian, May 2021](#)).

- “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 (60 Minutes, “[F for Fail](#)”).
- 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. (60 Minutes, “[F for Fail](#)”).
- 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” (60 Minutes, “[F for Fail](#)”).
- 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 (60 Minutes, “[D for Disgrace](#)”).
- The University of Adelaide’s mishandling of misconduct ██████████ ██████████ who the South Australian Independent Commission Against Corruption in August 2020 found had sexually touched two female staff against their will at a university function in April 2019. ([ICAC, August 2022](#)).

Horrifying rates of violence have also been confirmed, first through the Australian Human Rights Commission’s 2017 *Change the Course Report* (detailing the survey data collected in 2016).

This revealed:

- 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 Australian university campuses in 2015/16, meaning 22,400 sexual assaults occurred within a university setting during the period the survey focused on. This equates to 215 sexual assaults in a university setting each week.
- 1.1% of students witnessed other students being sexually assaulted in a university setting in 2016. Of those, only 37% took action in response.⁷

Five years later, a second survey of student safety showed that:*

⁷ 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’).

- 1.1% students had been sexually assaulted within a university context within the previous 12 months.
 - Of the 1.3 million studying at Australian universities, that's 14,300 sexual assaults per year, or 275 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.
 - 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.

*At the time that the 2021 student 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's 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.⁸

The 2021 data also shows that such violence is particularly targeted at women and gender diverse students; and - as with all gender-based violence - has greater impacts on those with intersecting identities and marginalisations. In particular 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.

The methodology for the 2016 survey and the 2021 National Student Safety Surveys varied significantly, so do the two not give directly comparable data. However, the data sets do make clear that there is a significant problem with rates of sexual violence on campus, and with institutional responses to it. The data also demonstrates that there has not been any significant improvement in student safety in the past five years.

⁸ 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').

The university sector itself has acknowledged that these rates of sexual assault and sexual harassment within their communities are unacceptable, and the need for the sector to do more to prevent incidents from occurring, as well as to improve responses when incidents are reported. While announcing the results of the 2021 National Student Safety Survey in March 2022, the Chair of peak body Universities Australia and the Vice Chancellor of La Trobe University, Professor John Dewar, stated:

“The results of this significant survey are distressing, disappointing and confronting... This situation is unacceptable. No instance of sexual harassment or sexual assault should be tolerated, and our institutions must set the tone for what is expected from our future graduates.”⁹

The general community agrees that the current situation is unacceptable; and is not reflective of the quality experience our universities should be offering. On this topic, Fair Agenda members have shared:

“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.”

“I am a retired A/Prof of SCU. 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.”

⁹ Dewar, J. (2022). [Response to the 2021 National Student Safety Survey](#). Universities Australia. Accessed 7 April 2023.

Residences

University residences, and particularly residential colleges, are sites where a significant portion of university-related instances of sexual assault and sexual harassment occur.

In 2018 End Rape on Campus Australia published *The Red Zone Report: An investigation into sexual violence and hazing in Australian university residential colleges*.¹⁰ The 200-page report exposed examples of a culture of misogyny and sexual violence enabled in these institutions, including case studies such as:

- An annual event at St John's College called 'The Purge' where students were encouraged to post embarrassing and graphic photos and other details online about other students' sexual activity.
- Male students from St John's reportedly surrounded a distressed female resident chanting "No means yes, yes means anal".
- A male student at King's College tried to protect younger students from hazing and reported being systematically bullied, assaulted, and ultimately raped by students who wanted to continue the hazing rituals.

The scale of sexual violence in residential contexts was also confirmed in student surveys. The *Change the Course* report showed that:

- Students who lived in a residential college in 2015 or 2016 were seven times more likely than non-college students to have been sexually assaulted in a university setting.
- 12% of all women and 3% of all men who were sexually assaulted at university in 2015 and/or 2016 said that it occurred in a residential college or hall.
- Students who lived at a college in 2015 or 2016 were at a higher risk of being sexually harassed than students who lived in a non-college setting.¹¹

Similarly, the NSSS found that:

- One in two students (45.5%) who had been sexually assaulted in a university context reported that student accommodation or residences was the location of their most impactful incident.¹²

¹⁰ See "[The Red Zone Report: An investigation into sexual violence and hazing in Australian university residential colleges](#)".

¹¹ *Change the Course*, p.187.

¹² *NSSS Report*, p.38.

Universities and residences provide inadequate and ineffective prevention

Despite being institutions of higher education, too often university and residences provide 'sexual violence prevention training' that does not meet good practice standards in the area.

Good practice prevention

On Safe Ground: a good practice guide for Australian University responses to sexual assault produced in 2017 highlighted the importance of training to prevent sexual violence. It recommended:

"Australian universities and residential colleges should implement evidence-based sexual violence prevention education programs that are specifically designed for the student university environment, relevant and applicable to diverse student groups, and delivered by professionally trained experts.

These programs should be delivered as widely as possible within the university, and should be particularly encouraged for staff and students in leadership and pastoral care roles.

Sexual violence prevention education programs should be delivered via diverse methods, including online and face-to-face. They should cover topics such as definitions of sexual assault harassment and consent, sexual ethics, bystander intervention, responding to disclosures, and myths around sexual violence.

Sexual violence prevention education programs should be conducted over multiple periods rather than in single sessions, and must be implemented each year to cover new student intakes and changes in university leadership and staff.

Such programs should be regularly evaluated to ensure ongoing utility."¹³

¹³ Durbach, A., & Keith, K. (2017). [On Safe Ground: Strengthening Australian university responses to sexual assault and harassment](#). Australian Human Rights Centre

Prevention training in universities

Recommendation Two of *Change the Course* stated that universities should, among other things “develop a plan for addressing the drivers of sexual assault and sexual harassment that... provides students and staff with education about: behaviours that constitute sexual assault and sexual harassment.”¹⁴

Sexual violence prevention education offerings differ at each institution, however there is presently no centralised information about this entails at each university. While some institutions provide detailed information about their prevention education programs, others don't. The completion of a “violence prevention” module may be mandatory at some universities, but this may only be for new (typically first year) students.

TEQSA's 2019 *Report to the Minister for Education* revealed that online modules were provided at 39 universities, with 26 using the *Consent Matters* program. Completion of an online training program was only mandatory at ten universities.¹⁵

In August of 2020, the third anniversary of the *Change the Course* report, Sex Discrimination Commissioner, Kate Jenkins, requested that the universities provide an update on the implementation of the report's recommendations.

In response to the request made by the Commissioner, just five universities noted that they had implemented mandatory prevention education programs for students. Four universities did not mention prevention education aimed at students at all. Other institutions noted that online modules were available but either explicitly stated that these were voluntary or did not state whether they were required or not. The University of New England and Bond University appear to have failed to provide a response, while the link provided for the Australian National University was broken.¹⁶

¹⁴ *Change the Course*, p.12.

¹⁵ Tertiary Education Quality and Standards Agency (2019) [Report to the Minister for Education: Higher education sector response to the issue of sexual assault and sexual harassment](#) Accessed 3 April 2023.

¹⁶ Australian Human Rights Commission (2020) [Change the Course - 3 year milestone](#), accessed 8 April 2023.

The 2021 NSSS results highlighted ongoing student concerns about existing attempts at prevention education, particularly in relation to online modules such as *Consent Matters*. Multiple critiques have been levelled at such modules in the years since *Change the Course*, including that they lack: information about consent, information about which acts qualify as sexual harassment and/or sexual assault, and that they lack advice for LGBTQI+ students.¹⁷

Students have also raised concerns that online sexual assault prevention modules are only required for first year students and that they're most often required to have been completed within the first week of the university year - a time of the year that is not only particularly overwhelming, but that is also the time when students are most likely to experience sexual violence.¹⁸

In addition, there is little consistency in prevention efforts across the sector, with some universities offering only a one-off, online module for new students, while others provide more robust, ongoing and/or in-person prevention programs for students. Little to no information has been made publicly available about what, if any, prevention efforts have included university staff as well as students. This is particularly concerning given that the NSSS revealed that one in twenty sexual assaults that occurred in a university context was perpetrated by a university staff member.¹⁹

To date, there has been no sustained attempt at a sector-wide prevention campaign across universities either. In 2016, Universities Australia launched its Respect.Now.Always campaign, which included the distribution of posters to universities across the country. These posters included an image of a person, accompanied by slogans such as "I felt unsafe around him" and "a group of guys took it too far." Each slogan was followed by the phrase "So, here's what I did." It was not clear if the target audience for the campaign was bystanders, student survivors or another group. In small print at the bottom of each poster was the telephone number for university security services and/or external services, such as the national sexual assault hotline, 1800Respect.²⁰

¹⁷ NSSS *Qualitative research*, p.36.

¹⁸ Haghghi, A. (2023). [Why the university's existing consent module fails students](#). Honi Soit, accessed 8 April 2023.

¹⁹ NSSS *Report*, p.3.

²⁰ End Rape on Campus Australia (2017) [Connecting the Dots: understanding sexual assault in university communities](#), p.25.

While this was widely touted by the sector as a “prevention campaign,” it did not meet basic principles of evidence-based sexual violence prevention, such as addressing the underlying drivers of sexual violence - including cultural norms, attitudes and/or behaviours around gender, or addressing structural inequalities, such as gender inequality, poverty or discrimination. The campaign also failed to meet basic principles of secondary prevention, such as targeting high-risk populations and focusing on responses to sexual violence²¹.

Prevention training in residences

Fair Agenda conducted periodic surveys of Australia’s university residences between September 2016 and early 2020, to ascertain what, if any, sexual violence prevention education was being provided to their students and staff.

This focused in particular on whether training:

- Was provided in person (at least in part),
- Involved a sexual assault service,
- Amounted to at least two hours of training,
- Provided training in what constitutes sexual consent,
- Included Ethical bystander training - which teaches students who might witness someone perpetrating, or about to perpetrate sexual violence, how they can respond to prevent that assault and assist the victim to get help.
- Was provided to staff responsible for resident welfare
- Trained staff in how to appropriately respond to disclosures of sexual violence; and how to create a zero tolerance environment for sexual violence; and in evidence-based approaches to violence prevention.

From September 2016 to early 2020, Fair Agenda contacted university residences across Australia with a survey asking what, if any, training they will provide to students and relevant

²¹ Hooker, L., Ison, J., Henry, N., Fisher, C., Forsdike, K., Young, F., & Taft, A. (2021). [Primary prevention of sexual violence and harassment against women and girls: combining evidence and practice knowledge.](#)

staff. The results of this survey of residences were then published on Fair Agenda's website, providing transparency around residences' training in this area.

This transparency intervention led to dozens of residences improving and increasing their training across relevant indicators between the surveys conducted at the end and beginning of each year. But many residences still refused to respond; or indicated the training they provide does not meet the evidence-based standard.

When this survey was last conducted in February 2020 - of **234** residences contacted:

- 117 residences answered Fair Agenda's survey questions, of which:
 - 117 residences indicated that all their students will be trained in consent and preventing sexual violence.
 - 47 residences confirmed a sexual assault service will be involved in training all students. A further 23 confirmed a sexual assault service would be involved in training at least some of their students.
 - A further 37 residences indicated they would involve a sexual assault service in training at least some of their students - but would not respond to requests for information on which service was involved, preventing confirmation that the service was appropriately qualified.
 - 92 residences indicated they would train at least some students in how to be an "ethical bystander" (that is, to safely intervene if they think someone be at risk)
 - 114 residences indicated they will train all staff responsible for student welfare in preventing sexual violence.
 - 66 residences have confirmed they will involve a sexual assault service in training for all staff. A further 11 residences confirmed they would involve a sexual assault service in training at least some staff.
 - A further 34 residences indicated they would involve a sexual assault service in training at least some staff - but would not respond to requests for information on which service was involved, preventing confirmation that the service was appropriately qualified.
 - 117 residences did not provide a response to the survey questions.

Student survivors are unable to get the support they need from their university

The university's role in responding to sexual violence

Students who are sexually assaulted or harassed in a university context have needs that can only be met by their education institution. For this and other reasons, universities have an undeniable role to play in responding to sexual violence that happens in university contexts.

The many student survivors who may not feel comfortable navigating the process of filing a criminal complaint with police may still have safety and wellbeing needs from their university. A student's ability to access safety and accountability should not require them to pursue criminal or police intervention; nor can their immediate wellbeing needs be met by the legal system.

Even when a survivor decides to navigate the process of pressing criminal charges; they can expect to wait years for any kind of finding or conclusion.

For student survivors to have equitable access to educational outcomes, universities must have appropriate processes in place to respond to reports of sexual violence. They cannot rely on or wait for criminal processes or findings to meet students' safety and wellbeing needs.

Reporting a sexual assault to your university

If a student survivor knows how to access their university's complaints process and has the time and courage to file a report of their sexual assault, they often find that the complaints process itself is harmful to their educational progress and their overall wellbeing.

The latest National Student Safety Survey showed that still:

- Only 5.6% of students who experienced an incident of sexual assault reported it to their university.
- Fewer than half (43.7%) of those who did report to their institution said that the university explained the reporting process to them.
- Just 29.7% of those students who reported an incident of sexual assault to their university were satisfied with the reporting process.²²

²² *Ibid.*, p.45.

The National Student Safety Survey results also indicate that a significant portion of students do not have faith in their university's reporting processes or responses:

- More than half (53.6%) of students did not think other people would think the incident was serious enough;
- One in five (19.4%) did not think it would be kept confidential;
- One in five (19.4%) did not know who to report to; and
- Almost one in five (17.4%) were worried that filing a formal complaint would affect their studies or career opportunities.²³

The 2021 National Student Safety Survey also reflected that students who did file a formal report with their university found their university to be reluctant to take their report seriously, that the reporting processes were slow, and in some cases were mishandled. These students stated that this compounded the trauma of the original incident of sexual violence. One student testimony in the NSSS noted:

"I felt like I wasn't taken seriously or believed, and felt like I was the only one scared for the safety of other students as [the perpetrator] continued to be allowed in the environment he first approached me in. I was told repeatedly like they were taking it seriously, but their actions didn't match... honestly, I regret reporting in the first place."

Additional issues raised by students in the National Student Safety Survey were:

- Insufficient interim safety measures instigated by the university, leaving student survivors solely responsible for ensuring their own safety on campus;
- A lack of consequences for offending students and staff; and
- Broader issues of cultures of disbelieving survivors while protecting offending students and staff, even when the perpetrators were known to be repeat offenders²⁴.

Inadequate institutional responses and educational outcomes

Right now, universities' failures to appropriately respond to students reporting sexual violence has a major detrimental impact on those student survivors. Their inadequate responses harm

²³ *Ibid*, p.47.

²⁴ NSSS Qualitative Research, pp.23-24.

survivor wellbeing; their access to education; and the opportunities that should be associated with university involvement and completion.

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;²⁵
- Sexual assault significantly affects a student's ability to focus, complete tasks, and attend class;²⁶ 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.²⁷

Since forming in 2015, EROC Australia has provided support to hundreds of students who have experienced sexual assault and/or sexual harassment within a university context. EROC Australia acts as support for student survivors, sometimes acting on their behalf in complaints processes, as well as connecting them with external support services such as counselling and legal services.

The student survivors that EROC supports typically seek our assistance after reporting, or attempting to report, to their university only to have their existing trauma compounded by institutional betrayal.²⁸

The student survivors EROC supports most often state that the practical measures they are seeking from their university in order to be able to continue their studies following a sexual assault include:

²⁵ Mengo, C., & Black, B. M. (2016). *Violence victimization on a college campus: Impact on GPA and school dropout*. *Journal of College Student Retention: Research, Theory & Practice*, pp. 234-248.

²⁶ Walter, J. D. (2009). *The Effect of Sexual Victimization on the Academic Performance of College Women* (Doctoral dissertation, Washington State University).

²⁷ Jordan, C. E., Combs, J. L., & Smith, G. T. (2014). *An exploration of sexual victimization and academic performance among college women*. *Trauma, Violence, & Abuse*, pp.191-200.

²⁸ Institutional betrayal refers to the harm that an individual experiences when organisation or institution, such as a university, fails to respond appropriately to a report of sexual assault. This can include a lack of support, inadequate resources, or even retaliation against the individual for speaking out. See: Smith, C., and Freyd.J. (2014) *Institutional betrayal*. *American Psychologist*.

- Academic accommodations such as extensions on assignment due dates. This may be needed because they find that the effects of trauma impact their ability to concentrate, and/or because they're attempting to navigate internal university complaints processes or external processes such as the criminal justice system.
- Alternative exam arrangements. This may be because the effects of trauma impact their ability to concentrate, and/or because the person who has harmed them will be in the same exam location.
- Timetable changes, such as switching tutorial sessions. This is to avoid encountering the person who harmed them, or to enable them to attend counselling or other appointments.
- Alterations to their enrolment, such as changing to part-time studies or deferring to a future semester if they find that effects of trauma are impacting their ability to succeed academically.
- The removal of the person who assaulted them from the university. So that they can feel safe in the campus community again - including being able to utilise library services and academic support service spaces. This is often also so that the risk of future harm to other students is minimised.
- Special considerations that will allow them to feel safe while continuing or completing their studies, such as allowing international students to return to their home country and complete their studies remotely.

When asked what sorts of outcomes they're seeking from EROC's help, the majority of student survivors state that they just want to be able to undertake their studies safely and that they want to try to ensure that what happened to them doesn't happen to anyone else. Amongst the commonly cited reasons for student survivors seeking EROC's assistance are:

- Reports that have gone unresolved for months - students often file formal sexual assault and/or harassment reports using their university's reporting processes only to find that the process can take up to three months or more to be investigated and finalised. During this period, they are typically not provided with any interim measures to ensure their safety on campus while the university is investigating their complaint, leaving them too fearful to attend classes.
- Inadequate interim safety measures - universities typically do not implement adequate safety measures while they investigate a complaint, leaving student survivors afraid of physically encountering the perpetrator on campus, and being subject to intimidation.

- Insufficient academic support - students have experienced significant barriers and difficulties in seeking to access academic accommodations or special consideration while dealing with the impacts of their assault. In order to access this support, many students are forced to disclose their assault to multiple staff, such as their tutor or course coordinator for each subject (to ascertain accommodations for that class), and also staff in the disabilities or equities office and counselling staff to access exam accommodations and arrange for ongoing wellbeing support. A student survivor is often required to undertake this process each semester, even if they have been diagnosed with a chronic condition as a result of their assault, such as post-traumatic stress disorder.
- A lack of information or updates being provided following a report of sexual assault - most students do not receive updates from their university after making a report. Students have to proactively seek further information about the status of their complaint, including when they can expect a resolution, and/or what, if any, sanctions the offending student will face. Seeking these updates is time-consuming, and the uncertainty causes student survivors' additional stress.
- A lack of transparency - students are regularly told that they cannot find out the outcome to their report due to "privacy reasons." This not only leaves them in the dark about their ongoing safety on university grounds but makes them feel as though the reporting process has been a waste of their time.

As a result of the sexual violence they experience during their universities studies; the student survivors that EROC supports often also have non-academic concerns that impact their ability to enjoy their overall student experience, including: mental ill-health, financial concerns and a general sense of lack of safety on campus.

The student survivors EROC supports note that their university could address the barriers to their access and enjoyment of their education, by:

- Providing access to regular, ongoing trauma-informed counselling. As students, they often have limited financial resources to be able to access external psychological support services, and the government only provides ten Medicare-subsidised sessions.

- Providing on-campus safety measures, such as no-contact orders or security escorts. This would allow them to have access to campus services and social events without fear of being harmed or intimidated by the perpetrator.
- Assisting with locating alternative housing if the assault occurred in university housing or a residential college.
- Addressing the financial implications of sexual violence, through the waiving of HECS or FEE-HELP liabilities for units that they were unable to successfully complete as the result of being assaulted.
- Assisting them financially through the provision of emergency loans to cover unexpected expenses that can arise following an assault, particularly if the assault results in them needing to move to a different residence.

We note that such university responses, or lack thereof, fall far short of community expectations. In a survey of 197 Fair Agenda members; 95% of respondents indicated that they believe universities have a duty to support students harmed by sexual violence during their studies to complete their education - including by implementing measures to ensure their safety on campus, such as no-contact orders or ensuring students don't have to attend tutorials with someone who has used violence against them; and through the provision of academic accommodations while students are dealing with trauma.

The experience of international students

The impact of inadequate university measures to address sexual violence is particularly impacting international students.

The 2021 National Student Safety Survey showed:

- 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 university²⁹.

In End Rape on Campus Australia's experience, international students come up against additional and unique challenges when subjected to sexual violence in a university context, including:

- That they may not understand what behaviour is the result of cultural differences, or when someone is acting predatorily towards them;
- That they may not understand their legal rights to pursue charges; and may be afraid of consequences for their ability to remain in the country / visa status if they do report to the police;
- That they often don't have the social support systems around them that are vital to recovering from trauma and violence.

Universities harmful responses to student reports of sexual assault

In EROC Australia's experience supporting student survivors to navigate their universities complaints process, it found those who have been impacted by sexual assault or sexual harassment are likely to fail or withdraw from at least one of their units in the semester of their assault. But those students who engaged with their university's formal complaints or reporting processes were more likely to fail or withdraw from at least half of their units in the semester following their assault (and subsequent semesters, if they remain enrolled at all).

As noted by a Fair Agenda member, the impacts of such sexual violence on a student's education can be significant. This impact can be exacerbated by university responses:

"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."

²⁹ NSSS report, p.20.

Universities and residences have proven unwilling to make the changes required

Media attention driven by student survivors and advocates, as well as the results of the *Change the Course* report in 2017, highlighted that changes were desperately needed across the university sector to address sexual violence.

Change the Course, among other reports, made a suite of specific recommendations to drive improvements in both prevention and response to sexual violence. In response, universities made strong commitments to action. But despite this significant lip service, as a whole, universities have delivered little substantive change.

Vice-Chancellors from all 39 universities agreed to implement the nine overarching recommendations from the 2017 *Change the Course* report, but the results of the 2021 NSSS show that universities have failed to deliver the promised changes to outcomes in the subsequent five years. Indeed, the NSSS results demonstrate that even simple improvements, such as ensuring students are able to easily find information for reporting an incident of sexual assault or sexual harassment, have not been made.

Specifically, recommendation 3 of *Change the Course* stated that universities should:

- Widely disseminate information about university reporting processes to students and staff;
- Ensure that information about internal reporting procedures and support services are displayed clearly and in logical places on the university website;
- Ensure that information about internal reporting processes and support services are provided to students as part of their orientation; and
- Ensure that they evaluate the effectiveness of activities undertaken to increase student awareness of reporting processes and available supports.³⁰

The 2021 NSSS results make it clear that universities failed dismally on what should have been an easy recommendation to implement. One in two students know nothing or very little about

³⁰ *Change the Course* p.180.

the formal reporting process for sexual assault at their university, while two in five know nothing or very little about where to seek support at their university following sexual assault.³¹

When asked about their confidence in their university's reporting processes for sexual assault, more than one in five students (23.5%) said that they were not at all, or only slightly confident³². This is despite universities having had five years to improve their reporting processes after the release of the *Change the Course* report.

TEQSA's failure to regulate

At the same time as many universities have demonstrated an unwillingness to make even basic changes to ensure student safety, the regulator, TEQSA, has proven ineffective at holding them accountable for these failures.

Following the release of the Australian Human Rights Commission's *Change the Course* report in 2017, the former Education Minister Simon Birmingham directed TEQSA to take the lead in the sector's response to campus-based sexual violence.

But TEQSA has failed to deliver the accountability or change needed in this area. It is our analysis that TEQSA is not currently equipped to deliver the intervention necessary to address sexual violence at universities - from a mandate, capacity, or expertise perspective.

According to information provided by TEQSA to Senate Estimates, on more than 60 separate occasions from September 2017 to 30 November 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:

- 29 finalised complaints from student survivors or their representatives;³³

³¹ *NSSS Report*, p.3.

³² *Ibid*, p.60.

³³ Senate Standing Committees on Education and Employment, Parliament of Australia, *Budget Estimates 2022–2023*, Question on Notice SQ22-000390.

- 12 occasions when TEQSA engaged with universities in relation to sexual assault and sexual harassment-related matters raised in media reports;³⁴
- 20 assessments of the quality of individual university's sexual assault and sexual harassment prevention and response measures as part of the TEQSA's registration renewal processes;³⁵ and
- 5 instances where universities had themselves notified TEQSA of a matter of concern related to sexual assault or sexual harassment.³⁶

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 End Rape on Campus Australia, and contemporaneous media reports highlighting shocking sexual violence and the failure of institutional responses.

The Student Survivor Experience of TEQSA

It is EROC Australia's experience that student survivors who have tried to engage with TEQSA to address egregious university responses to their sexual assault have suffered further harm and report significant new or worsening mental and physical health concerns as a result of trying to navigate that process.

EROC have found engaging with TEQSA's complaints/concerns process to be so detrimental to the wellbeing of student survivors' that we actively advise students not to engage with the process and will no longer assist students to file a complaint/concern.

³⁴ *Ibid.*

³⁵ Senate Standing Committees on Education and Employment, Parliament of Australia, *Budget Estimates 2022-23*, Question on Notice SQ22-000173

³⁶ Senate Standing Committees on Education and Employment, Parliament of Australia, *Budget Estimates 2022–2023*, Question on Notice SQ22-000390.

Case study:

On 8 September 2017, on behalf of a student, EROC filed the first complaint against a provider for non-compliance with the *Higher Education Standards (Threshold Standards) 2015* as they related to sexual assault and sexual harassment.³⁷

The complaint, which was 17 pages long and accompanied by more than 120 pages of supporting documentation, asserted that the University of Tasmania had been noncompliant with seven of the *Threshold Standards* that related to student safety, complaints handling, record keeping, and governance. The complaint was accepted, and an investigation was initiated by TEQSA.³⁸

While the University of Tasmania did eventually write to the student EROC was acting for to apologise for the harm it had caused her, we did not receive any information regarding the steps TEQSA had taken in response to our complaint, and we raised a number of concerns with then TEQSA CEO, Anthony McClaran, about how the complaint had been handled. Those concerns related to the time taken to address the complaint, concerns about confidentiality, the impact of high staff turnover at TEQSA, a lack of outcome for the complaint and a lack of transparency about the steps TEQSA had taken to address the issues with the university.

Having received advice from then-Minister for Education, Simon Birmingham, that TEQSA was the appropriate body to submit complaints to, EROC supported or submitted complaints on behalf of a number of other students between 2018 and 2020. The concerns that had been raised with Mr McClaran following the first complaint were replicated with each subsequent complaint.

³⁷ Baker, E. (2018). [TEQSA to contact university in relation to enrolled convicted sex offender](#). The Canberra Times, Accessed 8 April 2023.

³⁸ While our submission refers to TEQSA complaints, TEQSA changed the language used in relation to this process sometime in 2020, and now refers to “concerns” that are raised about a provider, as opposed to a “complaint” that has been filed.

Lack of Timeliness

Student survivors are frequently expected to navigate university complaints processes that take between three to twelve months to resolve, despite Standard 2.4.2 of the *Threshold Standards* requiring institutions to have in place policies and processes that deliver a timely resolution of formal complaints about administrative decisions. Non-compliance with this standard featured in almost all the complaints EROC filed with TEQSA.

Despite TEQSA requiring institutions to resolve complaints in a timely manner, TEQSA's complaints process often took as long, if not longer, than the university process that was the subject of the complaints.

Case study one: On 12 June 2018, the office of then-Minister for Education, Simon Birmingham, referred a complaint to TEQSA on behalf of EROC Australia and the student EROC were representing.

The student had been subjected to multiple instances of sexual assault, harassment and stalking by a fellow student at the University of Queensland, and the university had grossly mishandled the student's attempts to report the incidents and seek support.

On 29 October 2020, EROC received a letter from TEQSA advising that it had found "some opportunities for improvements" to the University of Queensland's "accessibility of information about sexual misconduct, information sharing arrangements with residential colleges, the administration of its Student Integrity and Misconduct Policy and pre-employment screening". TEQSA also noted that the University had "acknowledged that it could have better handled your initial complaint." Despite this, TEQSA advised that it had not found the University to be at risk of non-compliance with the *Threshold Standards* and that it would not be taking any further action. It was a further nine days before TEQSA wrote to the student with the same information.

The time TEQSA took to arrive at their conclusion was 867 days. The time it took for them to advise the student survivor of that conclusion was 880 days, or two years, four months, and 27 days.

Case study two: [REDACTED]



Lack of outcome

Following the filing of EROC's first complaint about a university's harmful response in relation to sexual violence, we were advised that TEQSA was unable to inform us, or the student that we were representing, of any outcomes or action they had taken without the permission of the university that was the subject of our complaint. It was explained to us that this was because of provisions in the TEQSA Act.

In a letter to Deloitte Access Economics in August of 2016, as part of Deloitte's *Review of the impact of the TEQSA Act on the higher education sector*, TEQSA itself proposed the introduction of a new section to the TEQSA Act which would enable it to disclose information to complainants. Deloitte noted that in its letter, TEQSA argued that such an amendment:

would facilitate better engagement between TEQSA and students at higher education providers. In many cases, it may also be in a provider's interest for TEQSA to be able to inform a complainant of the steps TEQSA has taken to satisfy itself that a provider continues to meet the Threshold Standards. Currently TEQSA can publish such information (see sections 196 and 198) but cannot disclose information to individual students.³⁹

TEQSA's proposed amendment to the Act was to include a new section:

"195B 'Disclosing information in relation to complaints': Where TEQSA receives a complaint which relates to a regulated entity's compliance with:

- (a) this Act; or
- (b) the Education Services for Overseas Students Act 2000; or
- (c) the legislative instruments made under those Acts;

TEQSA may, with the consent of the regulated entity, disclose higher education information in relation to that regulated entity to the person who made the complaint. "

³⁹ Deloitte Access Economics (2018) *Review of the impact of the TEQSA Act on the higher education sector*, Department of Education and Training, pp.77-78.

In its response to the review in November 2018, the Commonwealth Government noted that requiring the consent of a provider to release such information to complainants compromised TEQSA's regulatory independence. The Commonwealth stated that it proposed to amend the Act to enable TEQSA to release such information with the relevant entity's consent.

This amendment was made to the Act in 2019. However, to date, EROC has not been informed of the outcome of any complaint that we have filed with TEQSA against a university.

Case study

In June of 2021, after failing to get a response to a complaint that EROC Australia had filed with TEQSA some 600 days earlier, EROC raised the complaint outcome amendment to the Act with TEQSA. TEQSA advised that the amendment facilitated sharing information to complainants where the information relates to the subject of the complaint, but that TEQSA does not resolve individual complaints, so their actions in response to our complaints are not subject to the provisions of Section 195B.

Following the response from TEQSA in June 2021, EROC Australia determined that It would not be ethical for us to continue to encourage students to engage in a process that could take several years, that we know is likely to cause them additional harm, and would not result in any outcome (see Appendix A or testimonies by students who we supported, or filed complaints on behalf of, between 2017 and 2021).

Confidentiality

Filing a complaint/concern with TEQSA requires a submission to be made via an online form. It's not made clear who has access to the information that is submitted via the form, or what confidentiality measures are in place to ensure the protection of sensitive, personal information.

When EROC Australia has filed complaints with TEQSA in the past, we have been asked to have the student we're acting on behalf of provide their consent for their information to be

shared with the university they're complaining about. TEQSA does not provide clarity on which staff at the university will receive the information, or the extent of the information that will be shared with them.

Currently, TEQSA's online form also requests permission to disclose information to another government agency (if applicable). It does not provide any information about what agency, what kind of information would be shared or which staff it would be shared with, nor does it provide any further indication about the circumstances in which such sharing may occur. This request is concerning for students whose complaints may contain information of a highly sensitive nature, including medical information.

International students who have experienced sexual violence are often afraid of the possibility of implications for their visa status should they report their rape, or complain about their university's handling of their report, to any authority.⁴⁰ This fear is heightened if they have failed to meet the class attendance requirements of their visa as a result of being assaulted. Requesting that students provide their permission to disclose information to another government agency is likely to deter international students from raising a concern with TEQSA at all.

Staff turnover

It was EROC Australia's experience that high staff turnover was a concern at TEQSA, and that it was common for the staff member we had been working with to move on from TEQSA without complainants being informed. This turnover meant that multiple staff were given access to personal information of student survivors, without them consenting to that information being shared with yet another person, and that we were continuously having to reshare stories and information and fill knowledge gaps.

When staff that EROC had been working with departed, we were not immediately provided with an alternative contact, nor did the departed staff include a contact name or email address on any automatic email replies. This resulted in us sending emails that went unanswered, sometimes for several weeks, before we were notified of a new contact.

⁴⁰ Callan, A. (2018). [*Afraid, ashamed and alone: Raped while studying in Australia*](#). Al Jazeera, accessed 9 April 2023.

High staff turnover at TEQSA has been an ongoing issue, with stakeholders identifying it as a problem in the 2021 and 2022 TEQSA stakeholder surveys,⁴¹ and with the agency itself noting that it was a concern in its annual reports in 2016-2017, 2017-2018, and 2021-2022.⁴²

Q40 What changes are needed to ensure all students are physically and culturally safe while studying?

To ensure students are safe from sexual violence during their studies, vital changes to primary and tertiary violence prevention measures are needed across the university sector, including within university residences. These prevention measures must be data-driven, and designed and delivered by experts, with input from key stakeholder groups including student survivors.

Good practice approach to **preventing** violence

To prevent violence, universities need to be engaging in evidence-based primary prevention that meets good practice standards.

According to Australia's violence prevention foundation Our Watch:

“The aim of primary prevention is to stop violence before it happens. This means primary prevention is different to other kinds of interventions that address violence against women. Interventions that occur when the risk of violence is already there are often called ‘early intervention’ or secondary prevention. Doing something about violence that is currently happening is often called ‘response’ or tertiary prevention.”

“Primary prevention requires changing the social conditions, such as gender inequality, that excuse, justify or even promote violence against women and their children.”⁴³

⁴¹ Tertiary Education Quality and Standards Agency. (2022) [Stakeholder survey for higher education providers](#), accessed 10 April 2023.

⁴² Tertiary Education Quality and Standards Agency. (2022) [Annual Reports](#), accessed 10 April 2023.

⁴³ Our Watch. (2023). [What is 'primary prevention' of violence against women?](#) Prevention in Action. Accessed 7 April 2023.

The results of the 2021 NSSS show that there's been little to no improvement in the prevalence of sexual assault and sexual harassment at Australia's universities in the five years since the *Change the Course* report, which suggests that universities' current primary prevention measures aren't working. Additionally, in that same NSSS students specifically noted their belief in the need for improved prevention efforts, arguing that the reactive nature of their university's policies were responsible for placing the burden of prevention on women students and victim-survivors.⁴⁴

Fair Agenda and End Rape on Campus hold concerns that prevention efforts focused on consent and respectful relationships education in this context are also failing.

We note that there is a general expectation from the community that universities have a duty to prevent sexual violence. A survey of Fair Agenda members showed that 94% think that universities should have a duty to prevent their students being subjected to sexual violence on campus, including by providing all students with respectful relationships and sexuality education that meets national standards.

We believe that prevention education should target cohorts who are at risk for perpetrating violence (e.g. male students who hold regressive attitudes towards gender equality), while also accounting for the experiences of students who are particularly vulnerable to experiencing violence (e.g. LGBTQI+ students, students with disabilities, Aboriginal and Torres Strait Islander students, and international students).

Given the additional vulnerabilities and challenges faced by international students, we also recommend universities ensure international students are receiving adequate and targeted information, including orientation programs covering sexual violence and Australian cultural behaviours, and specific support services that recognise and address their particular vulnerabilities and cultural needs.

⁴⁴ NSSS *Qualitative Research*, p.35.

Recommendation: Universities should provide sexual violence prevention education consistent with good practice standards - including the introduction of holistic, ongoing relationship and sexuality education programs for all students, and targeted programs for groups of students who are at higher risk of violence perpetration; and students who are particularly vulnerable to experiencing violence.

Over the past five years universities have chosen not to make the scale of changes required to drive the necessary change in this area.

Where there were notable improvements in quality and quantity of such training (tracked in the report collated by Fair Agenda) this was the result of targeted advocacy to create transparency and accountability for such measures.

We believe that improvements to prevention will require incentives and accountability around the implementation of good practice guidelines for sexual violence prevention across the university sector; and a rigorous evaluations of existing prevention efforts to ensure a nationally consistent, evidence-based approach to all prevention activities.

If changes that improve sexual violence prevention efforts are to be impactful, it is clear that a mechanism that enables transparency and accountability will be required. Fair Agenda and EROC believe that an independent, expert-led body such as a Taskforce on University Sexual Violence is needed to deliver this function.

Recommendation: An accountability and transparency intervention that enforces a nationally consistent minimum standard for sexual violence prevention education (amongst other functions).

Specifically, Fair Agenda and End Rape on Campus recommend the creation of an independent, expert-led accountability and oversight mechanism - such as a Taskforce on University Sexual Violence.

Good practice tertiary Prevention - responses to violence

Improved responses to victim-survivor disclosures and reports

Recommendation: Universities should provide responses to victim-survivor disclosures and reports that meet basic standards. This standard should include not compounding the trauma of student survivors; and a focus on enabling the student survivor to continue their education.

Following the release of the *Change the Course* report in 2017, there were an abundance of guidance documents released that Australian universities could have used to improve their responses to reports of sexual assault and harassment, including:

- The Australian Human Rights Centre's 2017 report, *On Safe Ground: Strengthening Australian University responses to sexual assault and harassment*⁴⁵.
- TEQSA's guidance notes, including the *Guidance Note: Wellbeing and safety*, which was first released publicly in 2017, and the *Guidance Note: Grievance and complaint handling*, which was released in 2019⁴⁶.
- TEQSA's 2020 *Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector*⁴⁷.
- Universities Australia's 2018 *Guidelines for university responses to sexual assault and sexual harassment* (a revised version of which was released in 2023, with the new title *Sexual Harm Response Guidelines 2023*)⁴⁸

In addition to Australian-based resources, there have been copious resources produced by international academics and experts that Australian institutions could have used to frame their response policies and processes⁴⁹.

⁴⁵ Durbach, A., & Keith, K. (2017). [On Safe Ground: Strengthening Australian university responses to sexual assault and harassment](#). Australian Human Rights Centre, accessed 6 April 2023.

⁴⁶ Tertiary Education Quality and Standards Agency. (2022) [Guidance Notes](#), accessed 10 April 2023.

⁴⁷ Tertiary Education Quality and Standards Agency. (2022) [Good Practice Notes](#), accessed 10 April 2023.

⁴⁸ Universities Australia. (2023, March 7). [Respect. Now. Always.](#), accessed 6 April 2023.

⁴⁹ See, for example: Towl, G., and Walker, T. (2019) *Tackling sexual violence at universities: An international perspective*. Routledge, and Humphreys, C., and Towl, G, eds (2022) *Stopping Gender-based Violence in Higher Education: Policy, Practice, and Partnerships*. Taylor & Francis.

Despite the wealth of good practice information available to them, evidence shows that as a sector, universities have chosen not to take the action required to improve their responses to reports of sexual assault and/or sexual harassment in the five years between the release of the *Change the Course* report and the NSSS.

All too often, university's responses to students who have been raped are inadequate. What's worse, as we have outlined earlier in our submission, they are actively harmful and can have disastrous impacts on a student survivor's educational outcomes.

Recommendation: An oversight intervention that enforces a minimum standard for responses to victim-survivor disclosures and reports of sexual violence (amongst other functions).

Specifically, Fair Agenda and End Rape on Campus recommend the creation of an independent, expert-led accountability and oversight mechanism - such as a Taskforce on University Sexual Violence.

Improved responses to reports that students or staff are using/perpetrating sexual violence

In their *Educating for Equality* guide, Our Watch, the national leader in gendered violence prevention states that:

A safe, appropriate and adequate response system is one that holds perpetrators to account for violence, harassment and abuse. This sends important messages about what is and isn't acceptable in the university's culture and community, and is an important element in broader primary prevention efforts.⁵⁰

⁵⁰ Our Watch (2021), [Educating for Equality](#), accessed 3 April 2023.

Despite spending several years preaching “zero tolerance for sexual assault and sexual harassment,” the university sector has demonstrated an unwillingness to take steps to hold perpetrators accountable. In some instances, they have enabled known perpetrators to remain enrolled as students or employed as staff. In one horrifying occurrence, a university hired a student who they knew to have sexually assaulted and stalked a fellow student as a tutor.

In 2016, freedom of information (FOI) requests revealed that Australian universities had received 575 reports of sexual misconduct in the previous five years, resulting in just six expulsions and 14 suspensions.⁵¹ Other outcomes for those found to have engaged in sexual misconduct included formal warnings, censures, and “severe reprimands”.⁵²

Universities have not only failed to ensure that students who commit sexual assault or sexual harassment are held accountable. They have also failed to ensure that appropriate sanctions are given to staff who engage in sexual misconduct, and to ensure that future employers of known offenders are informed of their actions.

Case study: In 2020, South Australia’s Independent Commissioner Against Corruption found that [REDACTED] had sexually touched two junior colleagues without their consent. The ICAC commissioner found the original complaints made by the two women were not referred by university management to the University Council.

During the ICAC investigation, it was revealed that [REDACTED] [REDACTED] received a formal complaint from a former student, who alleged that [REDACTED] had committed serious sexual misconduct against her [REDACTED] [REDACTED] between 2006 and 2008. These allegations were investigated by an independent barrister, who upheld the complaint. The University of Melbourne did not pass on

⁵¹ Funnell, N. (2016). [Full list of universities exposed by sexual assault investigation](#). News.com.au, accessed 6 April 2023.

⁵² Sunday Night. (2016). [Less than 2% of sexual assaults led to expulsion, SN University Foi reveals](#). Yahoo! News, accessed 5 April 2023.

the findings to the University of Adelaide, despite them being described as more serious than the incidents investigated by ICAC⁵³.

Case study: In 2018, EROC Australia began to act as support people for a student survivor from the University of Queensland. The student survivor had filed multiple complaints with their residential college and the University about their ex-partner, who lived at the same college. The complaints entailed multiple instances of sexual assault, harassment and stalking, in addition to other abusive behaviours, including instances where the male student had been caught climbing onto the student survivor's balcony at night and multiple occasions where he had been caught looking over shower cubicles while the student survivor showered.

The University had failed to take any action against the student who was the subject of the complaint but had advised him that he needed to stay a "respectful distance" away from the student survivor. After he repeatedly breached this requirement without any sanctions, the student survivor sought protection via the Queensland Courts, who granted a Temporary Protection Order in December 2018, with a hearing on a longer Order to be held in April 2019. The University then issued a requirement that the student must remain at least 25 metres from the student survivor at all times on campus.

This requirement, and the Temporary Protection Order, were breached at a student club event in March 2019. The student refused to leave the event and the University's security services were called and had to remove the student from university grounds. Despite at least a dozen instances where he had breached the University's rules, and despite the breach of the requirements of the legal TPO on campus, the University refused to suspend or expel the student.

In April 2019, the Queensland Courts provided the student survivor with a five-year Domestic Violence Order, prohibiting the student from:

- Committing any form of Domestic Violence against the student survivor

⁵³ Worthington, E., & Duffy, C. (2020). [University of Melbourne investigation finds Professor Peter Rathjen committed serious sexual misconduct](#). ABC News, accessed 10 April 2023.

- Contacting, attempting to contact, or having someone else contact the student survivor
- Using the internet or other communication device to communicate with, publish pictures of, or making comments about the student survivor
- Following or approaching within 25 metres of the student survivor, except in the course of attending court in relation to the Domestic Violence Order or while attending classes at the University

After receiving a copy of the Order, the University stated that it would maintain the 25-metre restriction on campus, however no further sanctions were applied to the student.

On 8 August of 2019, the male student was reported to the University of Queensland by a second student survivor. This student reported to the University that the male student had sexually and physically assaulted her in May of 2019 while they had been on a date on campus.

On 11 August 2019, the first student survivor that EROC had been supporting was informed by a peer that the male student had been hired by the University as a sessional tutor, despite the complaints that had been made against him and despite them being aware that an active Domestic Violence Order against him was in place.

EROC Australia filed TEQSA complaints against the University of Queensland on behalf of both student survivors. TEQSA's investigations of the complaints were protracted, but in October of 2020, they determined that while there was 'room for improvement', the University had not breached the Threshold Standards. When questioned about this finding in Senate Estimates in October 2020, TEQSA's then Chief Commissioner, Nick Saunders, stated

The resolution was that we felt that the university's policies and procedures (a) were adequate, and (b) had been followed in that matter, although there had been breaches of one or two of their policies in relation to the alleged perpetrator actually being employed as a casual teacher at the university. That should not have happened because it was in contravention of the university's policies.⁵⁴

⁵⁴ Senate Education and Employment Legislation Committee, Parliament of Australia, *Estimates 28 October 2020*, Hansard, p.138.

We note that these current university responses are also wildly out of step with community expectations of their duty to students. In a survey of Fair Agenda members:

- 90% of respondents agree that universities should have a duty to ensure that students are safe from students and staff known to be using sexual violence on campus and in university settings.
- 94% of respondents believe that universities should have a duty to ensure those they hire onto staff - including as tutors - do not have a history of sexual violence, including unresolved complaints that have been made against them.

Recommendation: Universities should conduct basic screening to ensure staff being hired into positions that give them opportunity and access to perpetrate sexual violence do not have a history of violence, or unresolved sexual violence complaints against them.

Universities should ensure a minimum standard of process is met when processing complaints of sexual violence by students and staff on campus; with a focus on serving the safety of the reporting student and others on campus.

Recommendation: An oversight intervention that enforces a basic standard for responses when sexual violence is used by staff or students (amongst other functions).

Specifically, Fair Agenda and End Rape on Campus recommend the creation of an independent, expert-led accountability and oversight mechanism - such as a Taskforce on University Sexual Violence.

Transparency and accountability as a critical lever to deliver this change

Current voluntary approaches have clearly not been successful at driving change on these issues. We believe that - as with other issues of quality and compliance - transparency and accountability are levers that should be utilised to drive change on this issue.

As the Sex Discrimination Commissioner said in the *Change the Course Report*:

“Swift and deliberate action with clear accountability is required by universities to improve their response to sexual violence.⁵⁵”

Accountability in this area is not being delivered by TEQSA. Equally as clear as universities’ reluctance to improve their responses to reports of sexual violence has been TEQSA’s reluctance to enforce compliance with the *Threshold Standards* as they relate to student safety, wellbeing and complaints handling, in relation to sexual violence. Fair Agenda and EROC strongly believe that in its current form TEQSA is ill-equipped to deliver change or ensure basic standards are met in this area. It does not deliver the accountability or transparency needed to shift practice in this space.

We strongly believe an expert-led independent accountability mechanism is needed to not only provide ongoing advice, monitoring, and evaluation of university’s responses to sexual violence, but to also hold universities who fail to improve to account.

We note that this also has the support of Fair Agenda members, with 3,926 of them having signed their support to a petition calling for the federal government to “*address the scourge of sexual violence on university campuses by establishing an independent expert-led taskforce to track, assess and publicly report on university and residences’ measures to prevent, and improve responses to sexual violence.*”

Q39 What reforms are needed to ensure that all students have a quality student experience?

Students cannot have a quality experience if their university environment puts them at risk of sexual violence. They cannot have a quality university experience if they are prevented from: achieving academic success; completing their studies; or attending lectures, tutorials, or

⁵⁵ *Change the Course*, p.2.

campus resources like libraries - because their institution does not appropriately respond to a report of sexual assault by another student or staff member.

Recommendation: Universities should be expected to meet standards that support basic academic accommodations for survivors of sexual assault; that remove barriers to them continuing and completing their studies.

The university sector's failure to deliver any meaningful improvement to the impact of sexual violence on students' experience in the five years between the 2016 student survey and the 2021 National Student Safety Survey prove that universities cannot be trusted, or left to mark their own work, in this area.

Reforms to deliver transparency, monitoring, evaluation and accountability in this area are needed to deliver meaningful change for the student experience; and address the detrimental impact of sexual violence on individual students; and student outcomes as a whole.

Recommendation: An oversight intervention that enforces a basic standard in responses to sexual assault survivors (amongst other functions).

Specifically, Fair Agenda and End Rape on Campus recommend the creation of an independent, expert-led accountability and oversight mechanism - such as a Taskforce on University Sexual Violence.

Reforms to address the lack of transparency, monitoring, oversight and evaluation

The need for **transparency**

The higher education sector's responses to sexual assault and harassment have often been opaque, with little access to information about their approach to dealing with sexual violence - including how many students had reported the use of sexual violence by staff or students, and what if any action was taken as a result (including whether or not rapists are continuing to be employed and given positions of power and opportunities to cause further harm).

This means students and parents cannot easily identify which institutions are more or less likely to provide an environment that enables sexual violence; or know whether they can be confident in pursuing a report.

As a Fair Agenda member noted in testimony regarding this issue:

"I was raped last semester. The first thing I wanted to know was how many sexual assault complaints my uni receives per year and the outcomes. Specifically, if and what action was taken against the perpetrator. I felt I needed this information to make an informed decision about reporting, yet it isn't available."

To even begin to understand the scale of the problem, students and advocates have had to continually fight to push universities, colleges, and the regulator to gain information. On most occasions, universities and residences have not been willing to provide basic information about this issue; and it has only been able to be secured through advocates' use of freedom of information requests and Senate Estimates processes.

Currently, there is no way for students or their families to assess how seriously a university or residence is about responding to and preventing sexual violence. There is insufficient information that's readily available regarding prevalence rates, outcomes for perpetrators, whether or not policies and processes adhere to good practice, or whether a university has

been subject to a complaint or investigation by the higher education regulator for non-compliance with the *Threshold Standards*.

We note that respondents to Fair Agenda's member survey on this issue indicated strong support for a requirement of universities to publicly disclose de-identified data about complaints of sexual assault and harassment; including what if any action was taken against the person reported.

Recommendation: Universities be required to report de-identified data about the reports of incidents of sexual violence received by the institution - for example including the disciplinary measures taken against the perpetrator; and measures adopted to support the survivor.

Recommendation: A transparency intervention that enforces reporting in such areas.

Specifically, Fair Agenda and End Rape on Campus recommend the creation of an independent, expert-led accountability and oversight mechanism - such as a Taskforce on University Sexual Violence.

The need for Oversight

There has been no systematic monitoring of university responses to the findings of *Change the Course* or the National Student Safety Survey. Nor has there been any rigorous evaluation of policies, practices, or prevention efforts to date. University residences, including residential colleges, remain without any oversight or accountability. This includes the absence of a functional mechanism for a student to file a complaint about their institution's handling of a formal report of sexual abuse.

Multiple previous Education Ministers indicated that TEQSA was an appropriate mechanism for complaints in this area; and TEQSA accepted and investigated multiple student complaints about breaches of the relevant threshold standards.

But in 2020 TEQSA updated its website and removed the previous versions of its “Complaints” page. In November of 2019, this page on its website had stated that “TEQSA accepts complaints about Australian higher education providers to gather information that assists us in the regulation of the sector”. In 2020 TEQSA replaced this page with information about “raising a concern”, specifically stating “**we are not a complaints resolution body** and typically do not have a role in addressing individual complainants’ request [sic] or grievances”⁵⁶.

We note that in the *Discussion Paper*, the Accord Panel stated:

It is also important to provide appropriate oversight and addressing of student complaints and concerns. The Panel heard that there are challenges for students who have issues they wish to pursue. Confusion around the roles and remit of consumer protection laws, ombudsman, the Human Rights Commission and TEQSA, as well as different pathways for international students, can make the system hard to navigate.

We strongly agree with the Panel that existing options for addressing student complaints are complex and unclear and we hold significant concerns about what this has meant for the oversight of institutions.

Recommendation: The creation of an effective system for reviewing complaints about university or residences’ handling of a sexual violence report and associated educational impacts for student survivors.

Again, we believe an alternate, independent, and expert-led mechanism is needed to deliver such transparency and accountability functions.

An independent, expert-led accountability mechanism such as a Taskforce would provide an effective system for driving transparency across the sector, and provide an effective system for publicly reporting on key issues such as the number of reports received, actions taken in

⁵⁶ Tertiary Education Quality and Standards Agency. (2022). [How to raise a concern](#), accessed 2 April 2023.

response to those reports (including sanctions issued against perpetrators) and the policies, practices, support services and prevention strategies in place at each institution.

Recommendation: An oversight intervention that provides for independent, expert-led review and investigation of complaints about university or residences' handling of a sexual violence report, and associated educational impacts for student survivors.

Specifically, Fair Agenda and End Rape on Campus recommend the creation of an independent, expert-led accountability and oversight mechanism - such as a Taskforce on University Sexual Violence.

The need for Enforcement

To date there has been little consequence for universities who fail to comply with TEQSA's *Threshold Standards* in this area; or to meet basic standards of good practice prevention or response. This means there has also been little impetus to change.

Universities and residential colleges have a financial and reputational interest in reports of sexual violence not being made public. They are often not 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 PR lens - seeking to solve a PR problem, rather than 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.

The existing enforcement tools are not sufficient; nor have they been effectively utilised by the regulator.

Recommendation: Provision for meaningful sanctions to shift the incentives currently shaping institutional responses.

TEQSA, as outlined above, does not have the requisite expertise, and the absence of any repercussions for clear instances of non-compliance with the *Threshold Standards* suggests that they are unwilling to ensure accountability in this area.

As outlined above, where external bodies such as Fair Agenda have been able to draw attention to residence policies as they relate to prevention of violence; this form of accountability has prompted changes to institutional behaviour.

As noted in our Recommendations, we believe an independent accountability mechanism, such as a federal Taskforce, would drive the changes that are sorely needed to ensure that universities are taking appropriate steps necessary to reduce the number incidents of sexual violence within their communities and that they're responding appropriately when students report incidents to them.

We believe a critical part of this function should include a mandate and power to administer sanctions where basic standards are not met. We note that a survey of Fair Agenda members also showed overwhelming support for sanctions being put in place - with 98% indicating their support when asked 'should universities face sanctions if they fail to take sufficient action to prevent sexual violence or fail to appropriately respond to reports of sexual violence'.

More than 87% of respondents to Fair Agenda's survey indicated that they believe the sanctions available should include additional monitoring by independent experts in sexual violence; and 63% indicated their support for universities being subject to fines in these circumstances.

Recommendation: An accountability intervention that provides for sanctions where basic standards are not met by universities or residences.

Specifically, Fair Agenda and End Rape on Campus recommend the creation of an independent, expert-led accountability and oversight mechanism - such as a Taskforce on

Q49 Which aspects of the JRG package should be altered, and which should be retained?

Student support measures

EROC Australia and Fair Agenda support measures to ensure that HELP debts can be forgiven if a student's progress has been affected by special circumstances.

The students that EROC supports often struggle academically following their assault, due to the impacts of trauma and the challenges they encounter in formal reporting processes at the university and in external processes, such as the criminal justice system or the TEQSA process. Many will fail or withdraw from one or more of their units, and it is our experience that 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. Similarly, the student survivors EROC has supported to file TEQSA complaints against their university have experienced negative academic outcomes due to the additional stress of the lengthy, opaque TEQSA processes.

Students who fail or withdraw from units of study after the Census Date are liable for the student contribution for those units. If the units are required to complete the student's course of study, they must repeat the unit, and pay the student contribution once again. Student survivors often tell us that simply seeing the 'fail' or 'withdrawal' grades on their academic transcript serves as a devastating permanent reminder of what happened to them, and that distress is compounded by the fact that they will have to pay for the units twice and graduate with higher HELP debts than their peers. Ensuring that HELP debts can be forgiven if a student's education is impacted by

sexual assault would help to ensure that student survivors are not financially penalised for being assaulted.

Low completion rate

We remain deeply concerned by the JRG measures regarding low completion rates that remove access to a Commonwealth Supported Place, HECS-HELP or FEE-HELP if a student fails more than 50% of attempted units.

Research demonstrates that:

- Sexual assault significantly affects a student's ability to focus, complete tasks and attend class⁵⁷; and
- Students who are sexually assaulted while enrolled at a higher education institution experience significant drops in their grades.⁵⁸

Testimonies including in the NSSS align with the findings of this research, with students noting that their reduced mental health following an assault was detrimental to their studies, resulting in failed assignments and even withdrawing from studies completely. One student noted:

*Not a day goes by where I don't think about it. Sometimes I cannot sleep at night because I can't stop thinking about it, and I still have nightmares. Because I can't sleep, I struggle to focus on anything, whether it be assignments, classes or even exams. I struggle to keep up with the workload, and it has caused me to consider dropping out as I'm not sure I'll be able to make it through the course if I can't complete the work because of my lack of focus.*⁵⁹

While working with student survivors, EROC Australia has observed that:

- Students who were sexually assaulted by a fellow student or a 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;

⁵⁷ Walter, J. D. (2009). *The Effect of Sexual Victimization on the Academic Performance of College Women* (Doctoral dissertation, Washington State University).

⁵⁸ Mengo, C., & Black, B. M. (2016). *Violence victimization on a college campus: Impact on GPA and school dropout*. *Journal of College Student Retention: Research, Theory & Practice*, pp. 234-248.

⁵⁹ NSSS Qualitative Research, p.29.

- Accessing academic accommodation or special consideration processes requires student survivors to re-tell their story multiple times, to several different university employees. As a result, many student survivors are reluctant to make applications;
- At some institutions, demonstrating that being sexually assaulted has adversely impacted their academic performance requires student survivors to continually provide documentation from a mental health practitioner such as a psychologist, which presents a financial challenge to students who are unable to afford treatment or have already used their ten Medicare-subsidised mental health appointments that year. As a result, some student survivors are unable to provide the requisite documentation and are therefore unable to access academic accommodations or special considerations; and
- Student survivors are often unable to gain regular employment due to the effects of trauma. As such, they lack the financial capacity to pay non-Commonwealth support tuition rates, or to be able to pay their tuition upfront.

Measures in the JRG package that relate to academic performance may have a significant impact on the ability of students who have experienced sexual violence to gain an education. They must be altered or removed entirely to avoid punishing students who have been sexually assaulted.

Recommendation: Alter or remove measures in the JRG package that relate to academic performance where they impact students who have been sexually assaulted.

Proposal: A Taskforce on University Sexual Violence

Fair Agenda and EROC believe that an independent, expert-led accountability and oversight mechanism is necessary to drive improvements to ensure student safety and wellbeing as they relate to sexual violence.

We believe this is best delivered through the creation of a Taskforce on University Sexual Violence, with:

- A mandate that encompasses both universities and residential colleges.
- An effective system for reviewing complaints about a university or residences' handling of an incident.
- A requirement for 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.
- A requirement for 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.
- Capacity to provide advice on standards/best practice guidelines to universities and residential colleges relating to reporting and disciplinary frameworks, support services and prevention strategies.
- The provision of independent, ongoing monitoring and evaluation to assess whether or not universities and residential college policies and procedures meet good practice in sexual violence prevention and response.
- Public reporting on these assessments, including making public recommendations to strengthen university and residential college policies and procedures; and
- Power to provide accountability through sanctions.

We believe that this is best achieved through a standalone Taskforce led by experts in this area; and with capacity to perform all these functions in unison.