Sexual harm good practice note consultation 2023

June 2023

## Background to consultation

TEQSA recognises sexual harm is a societal issue that continues to occur in many contexts, including Australia’s higher education sector.

As the regulator, TEQSA’s role is to ensure higher education providers safeguard the wellbeing and safety of all students across all locations (including online) where an Australian higher education qualification is delivered. Providers are required to comply with the [*Higher Education Standards Framework (Threshold Standards) 2021*](https://www.legislation.gov.au/Details/F2022C00105) (HES Framework) and have robust self-assurance processes and governance oversight that proactively identify and minimise risks to students. To assist with this requirement, TEQSA produces resources to better equip providers with an understanding of current good practice that is targeted at a particular risk.

In July 2020, TEQSA released the [*Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector*](https://www.teqsa.gov.au/guides-resources/resources/good-practice-notes/good-practice-note-preventing-and-responding-sexual-assault-and-sexual-harassment-australian-higher-education-sector) good practice note (the 2020 good practice note). This was developed in consultation with experts, students, peak bodies, departmental staff, and providers. It was developed in response to the Australian Human Rights Commission’s [*Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities (2017)*](https://www.humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual) and TEQSA’s subsequent analysis of provider responses to its recommendations.

Since the release of the 2020 good practice note, TEQSA acknowledges the significant work across the sector to embed strategies to prevent and respond to sexual assault and sexual harassment. However, as highlighted in the [*2021 National Student Safety Survey*](https://www.universitiesaustralia.edu.au/policy-submissions/safety-wellbeing/nsss/), this remains a key risk requiring the sector to maintain attentiveness and further mature its approach, in particular:

* incorporating recent research and expert knowledge in preventing and responding to sexual harm
* improving the awareness, delivery and management of support and reporting pathways
* providing tailored and more effective education to students about what constitutes sexual harm, and what are drivers for it
* challenging cultural norms that propagate sexual harm
* protecting students in the online sphere
* further embedding the student voice
* aligning the approach with Respect@Work[[1]](#footnote-2).

We invite you to contribute to the reworking of the 2020 good practice note. An outline of the sections under consideration, and what each will cover, can be found in the tables below.

## Consultation process

### Request for feedback and comments

This consultation paper is available on TEQSA’s website (www.teqsa.gov.au) and has been sent directly to peak bodies for higher education providers, students and other stakeholders.

Please submit your responses to the consultation questions and proposed changes along with other relevant feedback or queries, to **PolicyandResearch@teqsa.gov.au** before the due date.

Submissions close at **5:00pm on** **13 July 2023**.

### Consultation questions

1. Which (if any) proposed sections for a reworked good practice note are logical and useful, and why?
2. Which sections that are proposed to be removed from the reworked good practice note should be included, and why?
3. Which elements are missing from the 2020 good practice note and should be included in the reworked version, and why?
4. Which elements of the 2020 good practice note were most valuable and should be kept?
5. What recent examples of good practice in preventing and/or responding to sexual harm in higher education can you cite?

TEQSA intends to publish a summary of the submissions when the final version of the good practice note is published. If you do not wish for your submission (or part of your submission) to be published, please indicate this in your response. TEQSA may alter the format or content of submissions before they are published, or decline to publish particular submissions, having regard to the requirements for Australian Government websites.

### Table 1: Sections proposed for the reworked good practice note

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| --- | --- | --- | --- | --- |
|  | **Section 1Staff and student voice** | **Section 2****Organisational leadership** | **Section 3Risk mitigation** | **Section 4Culture** |
| What is covered in this section? | Providers partnering with staff and students to prevent and respond to sexual harm.Measuring whether students or staff have been genuinely partnered with on projects or initiatives. | The importance of and need for leaders, including CEOs and Vice-Chancellors of a provider to show leadership against sexual harm.This includes leaders:* understanding the drivers of sexual harm
* modelling positive behaviours
* implementing an effective sexual harm strategy
* publishing a leadership statement against sexual harm
* recognising and celebrating contributions to the institution’s sexual harm strategy.
 | The process of continuous identification and mitigation of sexual harm-related risks. This includes, but is not limited to, risks associated with:* the culture of an institution
* student accommodation
* interactions in physical and online spaces
* student-staff relationships
* power imbalances between PhD students and supervisors
* alcohol at student or staff events.
 | Fostering a culture of respect and inclusion for all staff and students within the institution, regardless of race, gender, age, disability, role, or employment status. |
|   | **Section 5Education** | **Section 6Support** | **Section 7Report and resolve** | **Section 8Measure and improve** |
| What is covered in this section? | Using an effective education strategy to ensure students and staff learn and retain knowledge about sexual harm and respect for others.This includes providing continuous sexual harm education via various methods throughout the lifecycle of the student or employee, rather than just a single training event. | Delivering support to survivors of sexual harm through clear policy frameworks and easy access to support services. | Delivering confidential and accessible policies and procedures for reporting and resolving grievances involving sexual harm.Ensuring students and staff understand how to access appropriate complaint bodies.  | Continuously measuring the efficacy of strategies to prevent and respond to sexual harm and using the data to inform improvement. |

### Table 2: Sections from the 2020 good practice note proposed not to be included in the reworked good practice note

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| --- | --- |
| **Section from 2020 good practice note** | **Reason for proposing removal from reworked good practice note** |
| Appendix A: The relevant HES Framework and National Code Standards | Duplicates information captured within TEQSA’s guidance notes and does not provide information specific to preventing and responding to sexual harm. |
| Appendix B: Summary checklist | Duplicates information contained with the good practice note itself and can appear prescriptive, which may limit opportunities for ongoing innovation in preventing and responding to sexual harm. |
| Appendix C: Prevalence | Includes information about the prevalence of sexual harm but does not provide information about best practice approaches to preventing and responding to sexual harm. |
| Appendix D: Knowledge resources | While there is merit to including links to other resources, this information can quickly become dated and unreliable. Including this information may also unfairly promote some resources/bodies above others of equal value. |
| The nine existing principles (to be consolidated into the proposed eight sections) | Some of the nine principles significantly overlap with one other and are not well aligned with resources and information arising from the Respect@Work report.Consolidating the information under the proposed eight sections will improve consistency between Respect@Work resources, will place greater emphasis on the importance of engaging staff and student voices on sexual harm (by making it a standalone section), and will reduce unnecessary overlap between topics. |

### Next steps

Following this consultation, TEQSA will:

* collate and consider submissions to inform its draft of a reworked good practice note
* share the final draft of the good practice note with peak bodies for providers, students (and their peak bodies), advocacy groups and relevant government agencies for feedback to inform further changes to the document
* publish a final version of the good practice note with a summary of the consultation feedback.
1. In November 2022, in recognition of the prevalence of sexual assault and sexual harassment in Australia workplaces, further resources and protections were introduced, such as:

	* the Respect@Work Council, chaired by National Sex Discrimination Commissioner Kate Jenkins, launching its [Respect@Work website](https://www.respectatwork.gov.au/). The website includes resources to support individuals and organisations to better understand, prevent and address workplace sexual harassment, and
	* Federal Parliament passing the [‘Respect at Work’ Bill](https://humanrights.gov.au/about/news/media-releases/passage-respectwork-bill-major-step-preventing-harassment), placing new obligations on employers to take meaningful action to prevent sexual harassment from occurring against staff. [↑](#footnote-ref-2)