TEQSA Social Cohesion Roundtable Meeting with Vice-Chancellors – 31 October 2024 (12:00-2:00pm AEDT)
Meeting summary

Opening remarks – Minister for Education the Hon Jason Clare MP

- The Minister observed while issues around social cohesion within universities is largely in response to conflict in the Middle East, the issue of social cohesion in Australia is a subset of a larger challenge that needs to be addressed: addressing racism, in all its shapes and forms in our institutions.

- The Minister noted challenges to creating a safer environment at our universities, included racism, discrimination, and gender-based violence and noted the Australian Government's work to address these challenges through:

  - initiatives such as the appointment of special envoys to combat antisemitism and islamophobia

  - legislation to establish the National Student Ombudsman

  - study into racism within Australian universities

- The Minister also spoke to the intent of meeting: ensure improvements in the sector, establish best-practice, and to enable a uniform approach across the sector and the likely need for a further meeting early next year.

Outline of TEQSA's work – Dr Mary Russell, CEO

Please note Dr Russell's slides are available on the TEQSA website at teqsa.gov.au/socialcohesion

- Dr Russell outlined how TEQSA's approach was evolving, noting the agency's work earlier in 2024 focused on responding to critical incidents stemming from protest activities at universities.

  - TEQSA took a regulatory stance intentionally on the front foot, working with universities to understand what was happening in the sector and the issues emerging, with the aim being to provide real-time guidance and share what TEQSA was learning.

  - TEQSA is still working actively with universities where there are ongoing matters of concern, speaking to vice chancellors and senior leaders.

  - TEQSA recognises that people impacted by trauma may not wish to make a complaint via traditional mechanisms within universities or organisations such as TEQSA. TEQSA received very few complaints or concerns directly from students and staff, and it therefore drew on a range of other sources to inform its regulatory inquiries.

- The next phase of TEQSA's work is ongoing and is focused on system learning and system improvements being implemented, with regulatory expectations and requirements reflecting what has been learnt and what we recognise needs to be improved in systems and processes going forward.

- The Minister for Education directed TEQSA to work actively with the sector and peak bodies to develop updated guidance to support safer universities.

- The focus in the coming months will be to continue engaging across the sector in order to provide guidance on ensuring safety and welfare on campus.

- This initial meeting will help TEQSA to establish areas of focus.

- TEQSA will also be consulting with students – to help identify areas of improvement, particularly around concerns surrounding difficulty accessing grievances and complaints processes or difficulties getting academic adjustments.

- TEQSA is also working with the Special Envoys to Combat Antisemitism and Islamophobia, the Australian Human Rights Commission and the National Student Ombudsman about important and ongoing work being done by those bodies.

- Information gained from these sources along with public statements made at the Senate Inquiry into Antisemitism will help to inform how TEQSA pulls together information and analysis. The aim is to take a longer-term view on what needs to be done to ensure the safety of staff and students in universities.

Special Envoy to Combat Antisemitism in Australia – Ms Jillian Segal AO

- The Special Envoy noted the impact of the Hamas terror attacks on 7 October 2023 and their aftermath on the Jewish community and the resulting rise in incidents of antisemitism in Australia.

- Ms Segal outlined the findings of her work with Jewish students and staff to date, expressing particular concern about how antisemitism was being dealt with by university complaint mechanisms and reiterating her Senate submission finding that Jewish students didn't feel safe[1].

- Ms Segal also raised universities updating their policies to ensure institutions have better understandings of and power to take action against violence and against third parties who enter on to their campuses.

- Ms Segal spoke about current work between her office and the Group of Eight universities to develop a definition of antisemitism and identify training for university staff. This definition and the training once developed will be shared with all universities via Universities Australia.

Race Discrimination Commissioner – Mr Giridharan Sivaraman

- This is being checked with the Race Discrimination Commissioner and will be included once they have provided feedback.

- The Race Discrimination Commissioner outlined the Australian Human Rights Commission's study on racism in Australian universities, with a particular focus on antisemitism, islamophobia, and racism faced by First Nations people.

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[1] The Special Envoy's submission can be accessed at: Submissions – Parliament of Australia. It is submission number 422.

- This study is consistent with recommendations from the Australian Universities Accord and will be both a qualitative and quantitative research program that is informed by global literature and research[2].

- Mr Sivaraman noted racism in the Australian university sector is not new, with Australian Human Rights Commission publications discussing racism in universities for decades.

- Mr Sivaraman noted understanding racism in universities involves understanding all stakeholders on campus, including academics, non-academic staff, and students.

- Mr Sivaraman supported collaboration to address these complex issues, noting the path to strengthening social cohesion begins with combatting all forms of racism.

Summary of discussion

Upholding freedom of speech and academic freedom

- Freedom of speech and academic freedom have a legal basis in Australia.

- Freedom of speech is a more general right protected in some enterprise agreements. There are also constitutional powers on limiting free speech, as well as human rights Acts and discrimination Acts that are relevant. Generally it is easier to restrict freedom of speech than academic freedom.

- Australian courts have shown that there is a high bar that universities need to clear before staff can have actions taken against them when it is in their core areas of researching or teaching.

- Freedom of speech and academic freedom are subject to limitations like defamation, hate speech, and a duty of care to other staff and students. Freedom of speech does not extend to violence or intimidation which we have seen on some campuses.

- Most complicated restrictions on free speech are those to the rights and freedoms of others. It becomes particularly complicated when there are multiple genuine interpretations.

- Consideration should be given to the consistent applicability of principles that can apply to a range of contentious issues.

- Discourse now features questions around how employers can guarantee psychosocial safety. Consideration is needed for how longstanding traditions of academic freedom, freedom of speech, the French Model Code, traditional work health and safety as well as this new responsibility related to psychosocial safety can be applied.

- Universities need to ensure that when students do express a different view i.e. to their tutor, they are not criticised and left feeling too intimidated to express free speech. Both staff and students need to be able to speak freely (without engaging in hate speech).

Supporting student wellbeing and vulnerable students through contested and personalised issues

- Reinforce institutional messaging about safety wellbeing.

- Actively listen to students about their wellbeing issues.

- Foster strong relationships across the student representative groups.

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[2] Details about this study are available on the AHRC's website. See: A Study into the Prevalence and Impact of Racism in Australian Universities

- Engage with student representatives' groups to ensure that they have safe spaces and check in regularly.
- Trauma informed approaches can be integrated into staff training.

Managing and responding to protest activities, including outside actors

- Interest overseas in Australia's approach to de-escalate protests without mass-arrests or scenes of violence seen in other countries.
- Consider issues from a national perspective and take learnings, where possible, from international counterparts.
- Management responses include:
  - updating policies and implementing new policies, especially with regard to campus access, intimidation and encampments on campus
  - notice periods for protest activities to manage multiple protests occurring simultaneously
  - appropriate use of protest equipment such as amplifiers and megaphones outside actors on university campuses.
- New or adjusted policies require ongoing monitoring and review to ensure long-term efficacy.
- Important to understand the legal status of universities in their particular State or Territory with regard to the classification of land/property, such as enclosed lands.

Managing conduct and misconduct

- Benefit of rapid and constant involvement from those at the top. Having a critical management team as well as senior executives meeting on issues regarding safety, complaints, and demands from students proved effective.
- De-escalation was a key feature of activity.
- The more conversations had with students the better. Having a line of communication with Jewish students and staff during the protests, particularly those raising concerns, was crucial. Finding learning opportunities to provide education. Finding ways to negotiate and engage with students.
- Diverse approaches in the sector include providing transparency around partnerships and investments, signing an MOU with the student guild/association, or engaging but choosing not to cede to student demands.
- Discipline is not necessarily the best way to change people's behaviour, however, enforcing bylaws is also key. Many universities may have powers that they did not know about previously.
- A particularly difficult scenario arises when the university has no jurisdiction over students from other universities coming on to campus.
- A requirement that supervisors discuss with new researchers where the money for their research is coming from and what potential uses might be made of their research is one strategy.

Strengthening social cohesion

- Work with student representatives' groups closely and collaboratively.

- Institutions should be focused on student dialogue, facilitating and ensuring peacebuilding between different groups of students

- Institutions should take the lead in brave conversations – skill building for staff, teaching difficult issues in a safe and respectful environment

- Training with a focus on microaggressions.

- **Student complaint and grievance processes**

  - Student awareness of complaint and grievance processes is fundamental to social cohesion as it creates trust.

  - Ensuring a positive interaction between complainant and the university is key.

  - There can be a difficulty for universities to communicate the effectiveness of their complaint and grievance processes to students due to the sensitive nature of the process, e.g., universities cannot discuss examples or case studies. However, effective communication with students is key.

  - Universities saw a significant increase in complaints after 7 October 2023.

  - Students have expressed deep concerns about the effectiveness of many university's complaint and grievance processes, and there is a need to build trust.

  - Need to recognise unconscious biases exist and to embed training to address this.

Post-meeting actions:

- Curtin University to share MOU with Curtin Student Guild with TEQSA – <mark>Done</mark> – This MOU available on the Curtin website see: Signed-MOU-Curtin-Student-Guild-23052024.pdf

- TEQSA to engage with Australian Human Rights Commission to ensure dates for planned university racism study survey instrument are shared with the sector.

- University of Sydney to share updated policy suite

Further TEQSA roundtables:

- 15 November (virtual) – with invited universities (invites have been sent).

- 20 November (virtual) – with students (independent facilitator has engaged with students) and the National Student Ombudsman.

- 24 February 2025 (in person) – with Vice-Chancellors in Canberra – details to come shortly.