

SUBMISSION

Submission to the Tertiary Education Quality and Standards Agency (TEQSA)

Submission to the Sexual Harm Good Practice Note consultation

20 July 2023

The Australian Academy of Technological Sciences and Engineering (ATSE) is a Learned Academy of independent, non-political experts helping Australians understand and use technology to solve complex problems. Bringing together Australia's leading thinkers in applied science, technology and engineering, ATSE provides impartial, practical and evidence-based advice on how to achieve sustainable solutions and advance prosperity.

Addressing sexual assault and harassment in higher education institutions requires sustained and decisive action and cultural change, driven from the highest levels of institutional leadership and embodied by management at all levels. TEQSA's update to their 2020 Good Practice Note communicates its long-term commitment to supporting cultural change and institutional transparency. It provides an opportunity to capture recent research developments and changes to educational institutions, and to showcase best practice in creating and applying policies that shift cultural norms. ATSE makes the following recommendations to strengthen the updated Good Practice Note on sexual harm in higher education:

Recommendation 1: Support institutions to meet their obligation to provide a safe learning and teaching environment by providing guidance on sexual harm risks specific to discipline and level of study.

Recommendation 2: Recommend that higher education institutions establish policies barring sexual or romantic student-supervisor relationships.

Recommendation 3: Provide guidance for governing bodies to understand their responsibility for risk management of sexual harm.

Recommendation 4: Include good practice examples of leadership accountability for cultural change, including publication of sexual harm statistics.

Recommendation 5: Align best practice higher education policies on sexual harm to interventions from high-risk sectors.

Recommendation 6: Recommend that higher education institutions establish an independent authority that can receive and address complaints of bullying and sexual harm on a confidential basis ("Safe Place").

Understanding sexual harm as a barrier to diversity in STEM (science, technology, engineering and mathematics)

STEM is male-dominated: women make up only 15% of STEM-qualified occupations, 36% of enrolments in university STEM courses and 16% of enrolments in vocational STEM courses (DISR 2022). Women and minorities also disproportionately face sexual assault and harassment, both as students and into their careers.

The Women in STEM Decadal Plan highlighted that sexual harassment is a significant issue in STEM organisations and for university students, impacting women at a higher rate than men (Australian Academy of Science and ATSE 2019). Science & Technology Australia's (STA) recent survey of over 300 STEM professionals found that half of female participants, and one in ten male participants, had experienced sexual harassment at work, and that harassment was more prevalent in highly male-dominated STEM workplaces. LGBTQIA+ individuals were 1.5 times more likely to experience workplace sexual harassment. Fieldwork, conferences and events – which both professionals and students participate in – were identified as requiring policies and procedures in place for their unique risks (STA 2019). While there are limited surveys of the experience of LGBTQIA+ STEM professionals in Australia, a large United States study found that LGBTQ STEM professionals were 30% more likely to experience workplace harassment and more likely to intend to leave STEM (Cech and Waidzunus 2021). In general (outside the STEM sector), experiencing workplace sexual harassment is more prevalent among those who are under 30, part of the LGBTQIA community, Aboriginal and Torres Strait Islander, have a disability, from a culturally and linguistically diverse background, migrants, and in insecure working arrangements (AHRC 2020). These groups experience higher rates of sexual harm across a lifetime, not just at work.

Sexual harm is one of many factors contributing to disproportionately low participation of women and the LGBTQIA+ community in STEM careers. Experiences of sexual violence, whether within or outside the university environment, impact students' ability to engage with their studies. A United States meta-analysis found that sexual assault had a significant negative impact on students' grades and graduation rates (Molstad et al. 2023). Addressing sexual assault and harassment in universities, and having robust processes in place for reports, is therefore critical to support participation of women, LGBTQIA+ individuals, and other minorities in STEM and in higher education more generally.

It cannot be assumed that reaching gender parity will reduce incidence of sexual violence in higher education. A United States study of undergraduate women found that those in gender balanced STEM disciplines (biology, chemistry, and mathematics) experienced sexual violence at greater rates compared to women in male-dominated STEM courses (engineering, physics and computer science), as well as

compared to women in both gender-balanced and male-dominated non-STEM courses. The authors interpreted this as a backlash effect against women's gains in these fields (Reidy et al. 2023). This suggests that guidance for preventing sexual assault and harassment in STEM is needed for gender-balanced fields, and that reaching gender parity in imbalanced fields will not be a solution to eradicating sexual harm.

Including discipline-specific risks and actions

ATSE supports the inclusion of a new risk mitigation section and considers that the effectiveness of the Good Practice Note can be increased by highlighting the specific risks and actions attached to disciplines. Within a United States context, four factors have been identified as creating a high-risk environment for sexual harassment in STEM: a male-dominated environment¹, organisational tolerance for sexual harassment, hierarchical and dependent relationships, and isolating environments (Johnson et al. 2018). The research also provided evidence for institutions tolerating or minimising inappropriate behaviour from "superstar" researchers who bring in publicity and funding (Johnson et al. 2018). The Good Practice note must outline an approach that does not allow such offenders to continue to leverage power imbalances and have opportunities to victimise students and colleagues.

The Good Practice note should, as a priority, require a stronger onus of responsibility for student safety, on both institutions and on their professional and academic staff. Institutions must address sexual harms experienced by and perpetrated by any members of their community, including leadership, faculty, visiting faculty, professional staff, contractors, and students. It should include actions to prevent sexual harm in all contexts (including online and off-campus) in which students are expected to interact in the normal course of their studies. It should require universities and research institutes to have policies that clearly state it is unacceptable for research supervisors, chairs and advisory committee members to engage in sexual or romantic relationships with their students (either consensual or non-consensual), and that clearly articulate the consequences of breaching such policies. This could include (but not be limited to) removing supervision responsibilities and the ability to receive government grant funding as lead investigators from researchers who have contravened the policy or have been found (through formal processes) to have harassed or bullied students.

Science and engineering students working in a laboratory environment face the risks of an isolating environment, as well as severe consequences for their studies if they experience and/or report sexual assault and harassment, such as being unable to complete experiments, access supervision or be part of a team. Research students across all disciplines are likely to attend conferences, which usually involve travel, drinking, networking events, and networking outside of the official conference program, including with researchers from other institutions. This may include high-profile or established academics, creating a power imbalance.

Students undertaking degrees with a compulsory placement or internship component (e.g., engineering, teaching, nursing, and medicine) encounter risks relating to being offsite, and around professionals and members of the public (e.g., patients, students) not affiliated with their educational institution. Being unable to complete their placement requirements due to experiencing sexual harm has significant consequences for students, both in terms of trauma and psychological harm, and in terms of future career pathways (graduation may be delayed or not possible).

These risks should be elucidated in the updated Good Practice Note, along with recommendations for crafting policies to support students who experience offsite sexual harm in the course of carrying out and attending their academic activities, and enable course progression for students who need to move to a different laboratory or placement site. The Good Practice Note must place responsibility on institutions, not on victims, to prevent adverse academic outcomes resulting from reports of sexual assault and harassment.

Recommendation 1: Support institutions to meet their obligation to provide a safe learning and teaching environment by providing guidance on sexual harm risks specific to discipline and level of study.

Recommendation 2: Recommend that higher education institutions establish policies barring sexual or romantic student-supervisor relationships.

¹ 'Male-dominated' is defined by the authors as men outnumbering women among staff or at the leadership level, and/or occupations that are considered masculine.

Enhancing the role of leadership, management and governance

The 2020 Good Practice Note emphasises the role of leadership in creating institutional culture in higher education institutions, and the consultation paper proposes to retain this in the updated Good Practice Note. ATSE welcomes the prominence of leadership in visibly effecting cultural change.

The updated Good Practice Note should explicate that primary responsibility and accountability for risk management should sit with the institution's governing body (e.g. the University Council) though it may delegate this responsibility to management. The Higher Education Standards Framework requires that the corporate governing body assures itself that risks are monitored and mitigated, and the occurrence and nature of formal complaints and misconduct allegations are monitored, and action is taken to address underlying causes. Guidance for University Councils and their equivalent bodies would assist these bodies in understanding and monitoring this responsibility.

The advice provided for management in the 2020 Good Practice Note can also be strengthened by highlighting policies such as: requiring inclusive leadership training through all levels of management; creating Key Performance Indicators for senior management linked to role modelling inclusive behaviour and values; sexual harm statistics and their transparency to the community; and preventing receipt of and application for awards, grants, and senior management positions for individuals who have been censured in a formal bullying or harassment investigation process. The need for senior management to be committed to diversity, inclusion and allyship must be embedded throughout the Good Practice Note.

Recommendation 3: Provide guidance for governing bodies to understand their responsibility for risk management of sexual harm.

Recommendation 4: Include good practice examples of leadership accountability for cultural change, including publication of sexual harm statistics.

Highlighting suitable sexual harm policies

Policies and procedures are central to preventing and addressing sexual harm in higher education settings. Conversely, poorly designed or outdated policies can obstruct staff and students' ability to report sexual assault and harassment, or to have suitable outcomes from reporting. This is particularly a risk for emerging issues that policies may not explicitly consider, such as harassment in the online learning and teaching environment. ATSE considers that the Good Practice Note should retain a section on policies and their implementation, rather than absorb this into other sections as the consultation paper proposes. Inclusive and competently implemented policies and procedures are an essential part of an organisation's culture in minimising sexual assault and harassment.

The section on policies should also clearly outline advice for higher education institutions that is aligned with Respect @ Work and draws on recommendations from reports into high-risk sectors in government and industry, including defence, policing, mining, aviation and the Antarctic Program (e.g. AHRC 2012; Broderick 2016; Broderick 2020; Broderick 2022; Nash 2022). These recommendations are quickly becoming established practice in these sectors.

Crucially, the Good Practice Note must recommend the establishment in higher education institutions of units for students and staff to confidentially disclose bullying and sexual harassment and assault. The purpose of this unit would be both to respond to disclosures and to allow the institution to identify risk and inform organisational responses. This would bring higher education in line with the approach being implemented in the Airservices of a 'Safe Place'. This unit should be independent from the human resources and legal departments of the organisation and have the authority to confidentially address disclosures, supported by specialist staff (Broderick 2020). Higher education institutions can also learn from the issues identified in the Airservices post-implementation review of their Safe Place unit, such as having sufficient staff training, increasing management awareness of the unit, and defining a threshold for referring cases to external service providers such as police (Airservices 2021). This unit must also be able to accommodate disclosures concerning people who are not employed by the institution, such as contractors, visiting scholars, and other visitors to campuses and online spaces.

Recommendation 5: Align best practice higher education policies on sexual harm to interventions from high-risk sectors.

Recommendation 6: Recommend that higher education institutions establish an independent authority that can receive and address complaints of bullying and sexual harm on a confidential basis ("Safe Place").

ATSE thanks the Tertiary Education Quality and Standards Agency (TEQSA) for the opportunity to respond to the consultation on the 2023 sexual harm good practice note. For further information, please contact academypolicyteam@atse.org.au.

Level 2, 28 National Circuit
Forrest ACT 2603
Australia

+61 2 6185 3240
info@atse.org.au
atse.org.au

ABN 58 008 520 394
ACN 008 520 394

PO Box 4776
Kingston ACT 2604
Australia



Australian Academy of
Technological Sciences
& Engineering

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