Universities Accord – The Erasure of Indigenous Leadership and Governance

Gawaian Bodkin-Andrews (*D'harawal*) [1, 2], Maggie Walter (*palawa*) [1,3], Karen Martin (*Noonuccal, Quandamoopah and Bidjara*) [1], Sam Provost (*Yuin*) [1,4], Jacob Phren (*Worimi*) [1,3], Bobby Maher (*Yamatji*) [1,4], & Makayla-May Brinckley (*Wiradjuri*) [1,4]

[1] *Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective*

https://www.maiamnayriwingara.org/

[2] *Western Sydney University*

[3] *University of Tasmania*

[4] *Australian National University*

The *Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective* advocates for meaningful approaches to Indigenous Data Sovereignty and Indigenous Data Governance across government, business, and local community organisations. In essence we call for the right of Aboriginal and Torres Strait Islander peoples to exercise control over a wide diversity of Indigenous data ecosystems within Australia (Walter et al., 2021). Importantly, it may be argued that the higher education sector, and universities themselves, are not only 'creators' and 'managers' of such ecosystems, but in effect are part of an Indigenous data ecosystem itself (Foxworth & Ellendwood, 2023; Marley, 2019). As a result, we call for the greater Indigenous control and leadership within the higher education sector, and so we are now responding to the *Australian Universities Accord Panel Discussion Paper* (2023).

Within this paper, Aboriginal and Torres Strait Islander (First Nations) peoples were mentioned across seven of the 44 pages of the document itself. A more careful examination of these 'First Nations' pages within the discussion reveals that much of the dialogue was centred on Indigenous students' placement with other marginalised groups and the associated inequalities too often attached to this marginalisation (although largely ignoring the unique impacts of colonisation itself). Whilst important, we note that there was little recognition of meaningful strategies to overcome these systemically perpetuated disadvantages that arguably exist due to ongoing non-Indigenous governance mechanisms. In essence, the *Universities Accord Discussion paper* simply committed to dated deficit approaches to Indigenous higher education. This is evidenced by the coverage of 'Indigenous/First Nations people(s)' within the paper, where in the:

- *Introduction.* There was no acknowledgement of Aboriginal and Torres Strait Islander peoples, and the unceded lands and sovereignties they have held for time immemorial.

- *2.3 Equity, participation, and democracy.* Notedly the most detailed section of the report (yet limited to one paragraph) that briefly canvassed the importance of Indigenous peoples, knowledges and cultures, and how the Voice to Parliament could lead to Indigenous-led "development and expansion of culturally inclusive approaches to education and research." Both of these key issues though were arguably sequentially overridden by the subsequent highlighting of the existence of ongoing inequalities and associated barriers to increased individual wellbeing and opportunity, and the failure to meet equity targets highlighted in both the Bradley Review (framed in terms of

generalised SES disadvantage) and Behrendt Review (Indigenous student parity) – p. 10.

- 3.3.2. *Pathways for students*. A simple statistical representation that Indigenous students were more likely to enter the higher education system through VET pathways when compared to non-Indigenous students (19% and 11% respectively) – p. 19.

- 3.5. *Creating Opportunity for All Australians*. A simplistic representation of how Indigenous Australians are underrepresented across the higher education student population at 2.4% (as opposed to 3.98% 'parity rate' based on the 2021 census – ABS, 2022) – p. 24.

- 3.5.3 *System-wide approaches to increasing access and equity in the teaching and learning space*. Here cultural-safety initiatives were highlighted, with an emphasis on First Nations learning centres "to create and extend culturally safe learning opportunities and environments" – p. 26.

- 3.6 *Job Ready Graduates Package*. This section simply highlighted how Indigenous (and female) students are unfairly impacted by fee increases across the humanities and communications disciplines – p. 36.

- *Appendix A… 2. Access and opportunity*. Greater opportunity for First Nations (and other marginalised groups) students to have greater access and participation to higher education (the wording limits this to a student only focus) – p. 41.

- *Appendix A… Consultation*. A vague commitment that the voices of First Nations peoples (along with other marginalised groups) will be heard – p. 42.

Whilst section 2.3 highlights the importance of *"Strengthening the place of First Nations people, knowledges and culture in Australia's national life…"* there is a clear lack of commitment to this ideal in the discussion paper, for as already noted, the primary 'First Nations' focus of the Accord was on Indigenous students and a limited individualistic understandings of their marginalisation within the higher education sector. ***Clearly absent from the Accord was any meaningful consideration of Indigenous leadership and governance mechanisms within the higher education sector***. As a result, this response will now focus on Section 3.6 of the Accord discussion.

Section 3.6 Governance, accountability, and community

That universities *continue to develop and implement a range of strategies to:*

…increase the number of Aboriginal and Torres Strait Islander people in senior management positions

increase the number of Aboriginal and Torres Strait Islander people represented in the highest-level governance structures.

increase accountability of faculty leaders and senior management for achieving parity targets and improved outcomes.

(Recommendation 32 – Behrendt et al., 2012, p. 150)

Indigenous leadership, governance, and community relationships are central factors that drive higher quality and ***ethical*** Indigenous research and teaching and learning practices within the higher education sector (AIATSIS, 2020; Behrendt, Larkin, Grew, & Kelly, 2012; Coates, Trudgett, & Page, 2022; Indigenous Higher Education Advisory Council, 2011; NHMRC,

2018; Universities Australia, 2011, 2022). Yet despite the recommendations and foundations set through a wide diversity of Indigenous reports, policy documents, guidelines, and critical scholarship, it can be argued that progression towards establishing best-practice models of Indigenous leadership and governance within Australian universities is highly limited. This is evidenced by the lack of effective pathways toward Indigenous leadership through and within universities themselves.

Within the Universities Australia (2022) *Indigenous Strategy Annual Report*, considerable emphasis was placed on the growth-rates of Indigenous students enrolling in the higher education system since 2006 (undergraduate enrolments) and 2008 (postgraduate enrolments). Unfortunately, this type of reporting is a clear example of what *palawa* scholar Maggie Walter (2010 - and foundational member of *Maiam nayri Wingara*) labels as simplistic and undemanding statistical/political engagement that distorts the realities of Indigenous data. In the case of the Universities Australia report, when compared to non-Indigenous students, any celebration of progress should be substantially tempered when considering the pursuit of what should be recognised as the most up-to-date parity estimate of 3.98% (ABS, 2022). To more fully understand this, one has to instead draw from the *Universities Australia Facts and Figures* report (2022):

- The overall enrolment rate of Indigenous students at the undergraduate level sits at 2.04% in 2020 (p. 104).

- Comparative percentages for postgraduate *coursework* degrees were not offered, but it was reported that in 2020 there were 3,330 Indigenous students enrolled in postgraduate coursework degrees (p. 107), and when compared to the 201,586 non-Indigenous enrolments (p. 45), this falls well short of parity at 1.65%.

- Comparative percentages postgraduate *research* degrees were not offered, but the report noted that there were 751 Indigenous post-graduate research students in 2020 (p. 107), which when compared to the total HDR population of 42,325 students (p. 45), falls well short of parity at 1.77%.

- Indigenous peoples make up of 1.57% of the university professional workforce (p. 113).

- Indigenous peoples make up of 1.17% of the university academic workforce (p. 113).

Whilst it may be argued that such comparative statistics simply replicate deficit approaches, it is instead our position that such figures do not simply represent the 'participation rates' of Aboriginal and Torres Strait Islander peoples in all levels of the higher education sector, but rather must be seen as directly reflecting the systemic inequities still within the higher education sector itself. What these figures in reality suggest, and what has been repeatedly noted through Indigenous-led scholarship (Andersen, Bunda, & Walter, 2008; Behrendt, et al. 2012; Bin-Sallik, 2003; Fredericks, White, Bunda, & Baker, 2011; Moreton-Robinson, et al., 2011; Page, Trudgett, & Sullivan, 2017; Trudgett, Page Coates, 2021), is that the pathways to senior Indigenous leadership positions (and governance) within the higher education sector are systemically limited for Aboriginal and Torres Strait Islander peoples.

Further evidence for this can be found in a recent paper led by Wiradjuri scholar Stacey Coates (Coates, Trudgett, & Page, 2022), where it was noted that in 2003, highly respected Djaru Elder and educator MaryAnn Bin-Sallik called for every university within Australia to appoint an Indigenous Pro-Vice Chancellor. Coates et al. moved on to highlight that within the 2019 Universities Australia report, only 19 out of the 39 universities had appointed an Indigenous senior executive (Coates reported that there are now 24 Indigenous senior leadership positions

ranging from Dean to PVC/DVC levels across 42 universities). It should also be noted that such transparent reporting of Indigenous leadership is no longer evidenced in either the Universities Australia's *Indigenous Strategy Annual Report 2022* or their *Indigenous Strategy 2022-25*. Regardless, the Universities Australian Indigenous Strategy listed the following as a key responsibility for universities to commit to with regards to Indigenous advancement within the higher education sector:

> *Universities ensure Indigenous views are represented either directly or through a governance mechanism to the Council or Senate and to the senior executive* (p. 40).

In a paper led by Wongaibon scholar Ray Lovett (and foundational member of *Maiam nayri Wingara)*, it was highlighted that Indigenous Data Sovereignty and Indigenous Data Governance are intrinsically linked mechanisms for respecting and adhering to Indigenous peoples rights to control "the collection, governance, ownership, and application of data about their peoples, territories, lifeways and natural resources" (Lovett, Lee, Kukutai, Cormack, Rainie., & Walker, 2019, p. 26). Unfortunately, centuries of colonial representations and enforced governance of Indigenous peoples, communities and nations around the world has seen our traditional modes of governance, self-determination, rights, and very voices as Indigenous peoples be silenced and erased. It is our position that the higher education sector, as an ecosystem that systematically profits from Indigenous peoples, cultures, and lands, was – and in some cases still is – a major protagonist in the systemic processes of Indigenous marginalisation and erasure.

We recognise that Australian universities must operate under a framework of Australian government laws and regulations that require governance through academic councils, senates and/or boards. Regardless, after 173 years of university neglect for the potential of Indigenous leadership and governance within Australia, it is now imperative that such controlling mechanisms not only have senior Indigenous representation, but should also be informed by Indigenous governance/advisory mechanisms within and across each university (Universities Australia, 2022).

As a result, and in response to the Universities Accord Discussion paper, the *Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective* recommends that:

1. **That universities be required to commit to Article 14 of the *United Nations Declaration on the Rights of Indigenous Peoples*:**

   > *Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.*

2. **In line with recent advances towards the Voice to Parliament, and as a follow-up to the Behrendt Review (Behrendt, et al., 2012), that there be an official sector-wide Indigenous-led review of *Indigenous Higher Education Governance, Leadership, and Progress* be undertaken.**

3. **That universities identify clear pathways from not only Indigenous undergraduate to postgraduate degrees, but also transitional pathways from early career researcher to senior leadership positions (both within and across universities).**

4. **That the Indigenous Higher Education Advisory Council be reinstated with clear mechanisms for Indigenous majority control.**

5. **That there be mandatory Indigenous representation across all university governance committees (including HRECs) with a minimum of two Indigenous representatives within each committee.**

6. **A minimum of three-to-five Indigenous representatives within governing university academic senate/board/councils.**

7. **A mandatory Indigenous Governance/Advisory Committee that reports directly to university academic senate/councils/boards (to include Indigenous identified representation across senior leadership, research, teaching and learning, professional, student, local community, organisation, Elder, and Traditional Custodian positions).**

8. **Mandatory Indigenous identified PVC/DVC positions within every university.**

9. **Mandatory identified Indigenous Co-Chancellor position within every university.**

10. **All identified governance/leadership positions to be clearly recognised in the workloads of Indigenous staff, and ethical remuneration (say at casual Level D/E hourly rate) given to external members.**

References

Andersen, C., Bunda, T., & Walter, M. (2008). Indigenous higher education: The role of universities in releasing the potential. *The Australian Journal of Indigenous Education, 37*(1), 1-8.

Australian Bureau of Statistics (2022). *Estimates of Aboriginal and Torres Strait Islander Australians: Preliminary 2021 Census-based estimated resident population of Aboriginal and Torres Strait Islander and non-Indigenous Australians.* https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/latest-release#data-downloads (Accessed online 01/04/2023).

Australian Institute of Aboriginal and Torres Strait Islander Studies [AIATSIS], (2020). AIATSIS code of ethics for Aboriginal and Torres Strait Islander research. https://aiatsis.gov.au/sites/default/files/2020-10/aiatsis-code-ethics.pdf (Accessed online 01/04/2023).

Behrendt, L. Y., Larkin, S., Griew, R., & Kelly, P. (2012). Review of higher education access and outcomes for Aboriginal and Torres Strait Islander people. Department of Industry, Innovation, Science, Research and Tertiary Education. https://opus.lib.uts.edu.au/bitstream/10453/31122/1/2013003561OK.pdf (Accessed online 01/04/2023).

Bin-Sallik, M (2003) Cultural safety: let's name it! *Australian Journal of Indigenous Education 32*, 21–28.

Bradley, D., Noonan, P., Nugent, H., & Scales, B. (2008). *Review of Australian Higher Education: final report. https://apo.org.au/node/15776* (Accessed online 01/04/2023).

Coates, S. K., Trudgett, M., & Page, S. (2021). Indigenous higher education sector: The evolution of recognised Indigenous leaders within Australian universities. *The Australian Journal of Indigenous Education, 50*(2), 215-221.

Department of Education (2023). *Australian Universities Accord Discussion Paper: February 2023*. https://www.education.gov.au/australian-universities-accord/resources/australian-universities-accord-panel-discussion-paper (Accessed online 01/04/2023).

Foxworth, R., & Ellenwood, C. (2022). Indigenous peoples and third sector research: Indigenous data sovereignty as a framework to improve research practices. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 1-8.

Fredericks, B. L., White, N., Bunda, T., & Baker, J. (2011). Demonstrating Indigenous women's educational leadership: Tiddas Showin'Up, Talkin'Up and Puttin'Up!. *Journal of Australian Indigenous Issues, 14*(1), 3-8.

Indigenous Higher Education Advisory Council (2011) *National Indigenous Higher Education Workforce Strategy*. Canberra: Australian Capital Territory: Australian Government. https://www.education.gov.au/aboriginal-and-torres-strait-islander-higher-education/resources/national-indigenous-higher-education-workforce-strategy (Accessed online 01/04/2023).

Lovett, R., Lee, V., Kukutai, T., Cormack, D., Rainie, S. C., & Walker, J. (2019). Good data practices for Indigenous data sovereignty and governance. In A. Daly, S. K. Devitt, & Mann, M (Eds) *Good Data* (pp. 26-36). Amsterdam: Institute of Network Cultures.

Marley, T. L. (2019). Indigenous data sovereignty: University institutional review board policies and guidelines and research with American Indian and Alaska Native communities. *American Behavioral Scientist, 63*(6), 722-742.

Moreton-Robinson, A, Walter, M, Singh, D and Kimber, M (2011). *On stony ground: governance and Aboriginal and Torres Strait Islander participation in Australian Universities: Review of higher education access and outcomes for Aboriginal and Torres Strait Islander People*. https://docs.education.gov.au/system/files/doc/other/moreton-robinson_et_al_2011.pdf

National Health and Medical Research Council. *Ethical conduct in research with Aboriginal and Torres Strait Islander peoples and communities: guidelines for researchers and stakeholders*. https://www.nhmrc.gov.au/research-policy/ethics/ethical-guidelines-research-aboriginal-and-torres-strait-islander-peoples

Page S, Trudgett M and Sullivan C (2017) Past, present and future: acknowledging Indigenous achievement and aspiration in higher education. *HERDSA Review of Higher Education 4*, 29–51.

Trudgett, M., Page, S., & Coates, S. K. (2021). Talent war: Recruiting Indigenous senior executives in Australian universities. *Journal of Higher Education Policy and Management, 43*(1), 110-124.

Universities Australia (2011). *National Best Practice Framework for Indigenous Cultural Competency in Australian Universities*. Canberra, Australian Capital Territory. https://www.universitiesaustralia.edu.au/wp-content/uploads/2019/06/National-Best-Practice-Framework-for-Indigenous-Cultural-Competency-in-Australian-Universities.pdf

Universities Australia (2022). *Higher Education Facts and Figures: June 2022*. Canberra, Australian Capital Territory. https://www.universitiesaustralia.edu.au/wp-content/uploads/2022/09/220207-HE-Facts-and-Figures-2022_2.0.pdf

Universities Australia (2022). *Indigenous Strategy annual report: May 2022.* Canberra, Australian Capital Territory. https://www.universitiesaustralia.edu.au/wp-content/uploads/2022/08/UA_Indigenous_Strategy_Annual_Report_May-2022.pdf

Universities Australia (2022). *Indigenous Strategy 2022-25.* Canberra, Australian Capital Territory. https://www.universitiesaustralia.edu.au/wp-content/uploads/2022/03/UA-Indigenous-Strategy-2022-25.pdf

Walter, M. M. (2010). The politics of the data: How the Australian statistical Indigene is constructed. *International Journal of Critical Indigenous Studies, 3*(2), 45-56.

Walter, M., Lovett, R., Maher, B., Williamson, B., Prehn, J., Bodkin-Andrews, G., & Lee, V. (2021). Indigenous data sovereignty in the era of big data and open data. *Australian Journal of Social Issues, 56*(2), 143-156.