



Transcript

National Higher Education Code to Prevent and Respond to Gender-Based Violence

Standard 4 - Safety and Support & Standard 5 - Safe Processes

November 2025

The transcript of this (and all further webinars) webinars should be read with the *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025* (the Act) and the *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025* (the National Code), which are the primary sources of requirements with which providers must comply. To the extent there is any inconsistency between the transcript of the webinar and the Act and the National Code, the Act and the National Code will prevail. The transcript of the webinar is intended to provide general guidance only and is not intended as, and should not be relied on, as legal advice. Providers should seek their own legal advice to understand their obligations under the Act and the National Code.

Presented by:

- Joanna Brislane - Director, Education and Engagement, Higher Education Gender-based Violence Regulator, Department of Education
- Beth Jones - Director, Strategy and Regulatory Enforcement, Higher Education Gender-based Violence Regulator, Department of Education

[Opening visual of slide with text saying 'Australian Government with Crest (logo)', 'Department of Education', 'Welcome', 'National Higher Education Code to Prevent and Respond to Gender-Based Violence', 'WEBINAR: Standard 4: Safety and Support and Standard 5: Safe Processes']

[The visuals during this webinar are of each speaker presenting in turn via video, with reference to the content of a PowerPoint presentation being played on screen]

Jo Brislane:

Good morning everyone and welcome to today's webinar on the National Higher Education Code to Prevent and Respond to Gender-Based Violence with a focus on Standard 4, Safety and Support and

Standard 5, Safe Processes. My name is Jo Brislane and I'm the Director of Education and Engagement in the Gender-Based Violence Reform Branch in the Department of Education and I'm joined today by my colleague Beth Jones, a Director of Regulatory Strategy and Enforcement.

This webinar forms part of our ongoing series guiding the sector to understand and implement the requirements of the National Code. I'd like to thank those that have joined us for our previous webinars and remind you that the transcripts and presentations for these are up on our website, and the one from today will be made available shortly and we'll post a link in the chat.

I'm joining you today from the lands of the Wurundjeri people of the Kulin nation. I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community, and pay my respects to Elders past, present and extend that respect to any Aboriginal and Torres Strait Islander people joining us today.

As we begin, we honour the strength, courage and resilience of those who have experienced gender-based violence. Their lived experiences and tireless advocacy have been instrumental in shaping the National Code. When gender-based violence occurs the higher education sector services and processes must prioritise safety, minimise harm and support healing. This is the focus of Standards 4 and 5 and our session for today. Between myself and Beth we'll aim to cover between 20 and 25 minutes of content, looking at an overview of Standards 4 and 5, key requirements for higher education providers relating to safety and support services for both disclosers and respondents, reporting pathways, investigations and disciplinary processes. We'll conclude with about ten minutes of Q&A so please feel free to submit your questions via the Q&A function and we'll respond to as many as we can. Those that we don't get to we'll group into themes and add to our website iteratively in the FAQ section.

I'll now pass over to Beth to provide an overview of Standards 4 and 5.

Beth Jones:

Gender-based violence can have profound impacts on students and staff. It can significantly affect mental health and wellbeing, erode a sense of safety and disrupt a person's engagement in education and work. Across the higher education sector there are examples of good practice, and some students and staff receive appropriate and high quality support when gender-based violence occurs.

Evidence indicates however that not all have received the support and care that they need and deserve from providers. Some respondents have not adequately been held to account and some providers have not always been transparent. The National Code sets standards for higher education providers to coordinate and improve response at the interpersonal and systemic level and by doing so foster environments where people who experience gender-based violence do not endure additional harms and further trauma after disclosing their experience.

Standard 4 of the National Code requires providers to deliver safe, trauma informed and person centred support to students and staff who experience gender-based violence. Standard 5 requires providers to establish and maintain safe, accessible and fair processes for handling disclosures, formal reports, investigations and disciplinary processes related to gender-based violence. Taken together with the broader National Code Standards 4 and 5 clearly establish that providers are responsible for delivering support that prioritises the safety and dignity of both staff and students.

I will now cover off on Standard 4 requirements around access to safety and support services.

Gender-based violence can have significant mental and physical impacts as well as affecting educational and career progress. The trauma caused by gender-based violence can result in lower academic performance, increased absences and even withdrawal from study, thus impacting lifetime employment, financial and health outcomes. When gender-based violence occurs engaging meaningfully with support services can help reduce immediate harm and prevent future impacts. Standard 4 requires providers to ensure that all responses, practices and support services are safe, person centred and aligned with trauma informed principles and best practice.

Trauma informed and person-centred approaches are distinct but related concepts central to the National Code. Trauma informed means an approach that applies the core principles of physical, psychological and emotional safety, trust, choice, collaboration and empowerment. It should minimise the risk of re-traumatisation and promote recovery and healing to the greatest extent possible. Understanding the way trauma presents is core to taking a trauma informed approach. This includes understanding how trauma can affect a person's behaviour, memory and health and wellbeing. Trauma affects everyone differently. People impacted by trauma may appear confused, distant, irrational, emotional, illogical or unaffected. Sensitivity to these potential impacts can support a discloser's recovery journey.

Person centred means ensuring that the discloser's needs and preferences are at the centre of decisions made in response to the disclosure, the response systems, policies and procedures affirm the discloser's dignity and support their healing by genuinely considering their wishes and the impact that decisions may have on them.

Trauma informed and person centred approaches extend beyond interpersonal experiences. Systems, processes and institutions themselves can be trauma informed and person centred. What this means is they can be deliberately designed and implemented in a way that centres a person's agency and allows the flexibility in responding to specific and evolving needs and experiences of a discloser.

Standard 4.2 requires providers to facilitate access to support to people making disclosures or formal reports and to respondent. This includes explaining the available support services including educational outcomes.

In practice this may look like providing the service yourself or having an agreement in place so you can ensure there is access elsewhere. Facilitating access goes beyond referring a staff member or student to a support service where we know they may sit on a waiting list, be required to repeat their disclosure multiple times or not receive the specific support they need. It is about having the knowledge, relationships and agreements in place to do warm referrals and feeling confident as providers that your staff and students will be supported. This may require multiple agreements and connections to services as we know support is not one size fits all. Providers should build relationships with culturally appropriate services depending on their staff and student cohorts as well as making sure they can refer to appropriate specialists for example sexual violence, family violence or workplace sexual harassment.

Standard 4.3 underscores a provider's responsibility to proactively promote access to services by making information widely available about how students and staff can access policies and procedures and internal or external gender-based violence support services including supports for

academic adjustments and educational outcomes. A provider's community demographics needs to be accounted for in tailoring approaches to make information accessible. For example translation into languages frequently used by the provider's community or sharing messages where your audience already engage such as social media pages of student clubs and associations.

I will now pass to Jo to speak to the requirements regarding risk assessments.

Jo Brislane:

Thank you Beth. Standard 4.4 requires providers to undertake risk assessment in response to every disclosure or formal report of gender-based violence and to manage and monitor any identified risks on an ongoing basis. When conducting a risk assessment context is critical. Those undertaking the assessment need to consider is this an emergency situation or not, what risk is being assessed – risk of violence happening again, escalation or serious harm or death – and is the risk being assessed to the individual or to broader staff and students.

Key priorities for risk assessments are the safety of the discloser and the provider's duty of care to other staff and students. Providers need to approach risk assessment and safety management collaboratively so that the process respects and builds on a discloser's own assessment of their safety as well as drawing on other sources of information. A discloser's knowledge of their own risk should be central. Critically risk assessment needs to consider the current and past behaviour of respondents rather than focusing solely on the protective strategies of the discloser. Risk assessment is part of a continuum of support and will need to be updated on an ongoing basis as Standard 5 requires. Risk assessment is complex work that needs to be supported and overseen by staff with relevant expertise as is outlined in Standard 3 of the National Code.

We'll now look at the requirement for providing safety and support to disclosers. Standard 4.5 and 4.6 outline requirements related to support for a discloser following a disclosure or formal report. Under the National Code providers are required to provide support wherever a disclosure or formal report is made by students, staff or third parties where the respondent is a student or staff member of the provider. In line with a person centred approach Standard 4.5 of the National Code requires providers to seriously consider the views of the discloser when implementing safety measures in response to any disclosure or formal report.

Standard 4.6 requires providers to assign staff with relevant expertise and experience to develop collaboratively with the discloser a tailored support plan that includes necessary measures to ensure the safety of the discloser, when requested or needed urgent access to support services, accredited specialists or translation and interpreter services, implementing work or academic adjustments as needed, undertaking ongoing risk assessment and sharing information with the discloser on investigation and disciplinary processes.

Standard 4.6 also outlines the need for providers to ensure to the extent possible that a discloser is not required to repeat their experience at multiple times to multiple people given the re-traumatising impact this can have.

We'll now turn to the requirements for providers to provide support to respondents. The National Code specifically includes provisions to provide procedural fairness to respondents, codifying this important principle alongside other trauma informed and person centred principles. Procedural fairness in practice means that respondents need to know and understand what allegations have

been made and what steps will be taken, be informed of decisions along the way and have the right of reply and appeal. Support for respondents is included in the National Code to embed procedural fairness and draws attention to the opportunity providers have to limit the impact of current harms or interrupt trajectories of possible future harms while simultaneously centring the safety of disclosers and holding respondents to account.

Standard 4.7 requires providers to assign staff with relevant expertise and experience to develop a tailored support plan collaboratively with the respondent. Support plans for respondents are to cover access to necessary supports and adjustments as well as explaining investigation and disciplinary processes including possible outcomes and the respondent's rights and responsibilities. Support plans for respondents need to include implementing any measures necessary to ensure the safety of the discloser even if they may adversely impact the respondent. In practice this may look like for example requiring a respondent to attend classes online while an investigation is finalised.

Finally support plans for respondents must include undertaking ongoing risk assessments to manage and monitor any identified risk to the discloser and broader staff and students. To minimise procedural bias and maintain confidentiality providers must prohibit the same staff member from engaging with both the discloser and the respondent. To meet the requirements of Standards 4.7 to 4.8 providers may need to update and implement response and support procedures or practice guides, ensure access to staff with required experience and expertise and maintain staff assignment protocols that track which staff are supporting which party when a disclosure or formal report is made.

The final requirements of Standard 4 relate to monitoring and evaluating the effectiveness of support services and I'll now pass back to Beth to cover off on this.

Beth Jones:

Thanks Jo. Standard 4.9 requires providers to monitor and evaluate support services at least once every three years and to use the findings to inform changes and improvements. In practice this may look like collecting feedback including anonymous feedback from disclosers, respondents and staff to gauge their accessibility, quality and effectiveness of support services. When assessing the effectiveness providers may look for indicators such as timelines of support, cultural safety, trauma informed practice, clarity of information provided and whether the service helped reduce harm and supported recovery. Providers are also responsible for determining on an ongoing basis whether their support services require change to ensure they maintain their duty of care to students and staff.

We will now turn to requirements under Standard 5, Safe Processes. So I will first cover off on accessible and anonymous reporting. What evidence tells us is that policies and procedures are often difficult to locate and this can be a barrier to reporting. Clear accessible information on where and how to make a disclosure or formal report is essential. This information should be proactively shared with students and staff and easy to find if an incident does occur. Standard 5.1 requires providers to make clear where and how a disclosure or formal report of gender-based violence can be made by students and staff or third parties where the respondent is a student or staff of the provider.

To remove barriers to reporting providers are required to have multiple reporting channels including in person, email, phone and online, ensure disclosures and formal reports can be made anonymously

and take reasonable and proportionate action in respect of anonymous disclosures or formal reports where possible. For example this may include noting any trends in anonymous reporting like location, faculty or type of violence and using this to consider risk or inform prevention activity.

In practical terms what meeting these requirements may look like is developing a clear, accessible web page that explains the difference between a disclosure and a formal report with step by step instructions, contact points and links to immediate support services, designated trained contact officers or case managers as the first point of contact for students, staff or third parties wishing to disclose or report on gender-based violence, and regularly reviewing and testing reporting systems to ensure they are trauma informed, easy to use and functioning effectively.

Next I will cover off the requirements for multiple pathways to manage disclosures. Not all disclosers seek punishment or disciplinary action. Many simply want the harmful behaviour to stop. Some prefer not to engage in formal processes as these can feel burdensome and may hinder healing. Some just want to be heard. The objective should be to implement a system that encourages people to disclose regardless of what they seek.

As such Standard 5.5 requires providers to have multiple pathways for managing disclosures including a resolution that is implemented with the agreement of the discloser and respondent, the implementation of safety measures without progressing to an investigation, a decision to progress the disclosure to an investigation or not.

In line with the person centred and trauma informed approach Standard 5.6 makes clear that providers must have regard to the wishes of the discloser in determining management pathways. In practice managing disclosures in line with these requirements may look like facilitating mediation or restorative practices with all parties' consent, documenting agreements and implementing mutually agreed outcomes such as apologies, training or behavioural commitments, or implementing no contact orders, class or timetable adjustments or temporary access restrictions.

Jo will now cover off on the requirements related to investigations and disciplinary processes and appeals.

Jo Brisbane:

Under the National Code requirements related to investigations are distinct depending on whether a disclosure or formal report is made. A disclosure can proceed to an investigation if the provider determines this is necessary for the safety and wellbeing of students and staff. In line with Standard 5.7 a provider must seek and consider the views of a discloser before progressing to an investigation and ensure they are aware that the disclosure may be progressed to investigation. Where a formal report is made where the respondent is a student or staff member a provider must investigate regardless of the context in which the gender-based violence occurs. Where a formal report has no connection to the provider other than the status of the respondent as a staff member or student a provider must consider the safety and wellbeing of staff and students in determining the scope of the investigation.

Implementing the requirement to investigate all formal reports may involve significant administrative effort but it is critical to ensuring safety, accountability and compliance with the National Code. In practice aligning to this Standard may look like creating or reviewing standard operating procedures to detail how investigations are initiated and managed, developing

agreements with external investigators or specialists to ensure independence and impartiality in cases involving staff/student power imbalances or where there are conflicts of interest, and regularly reviewing investigation outcomes and processes to identify systemic risks and inform prevention initiatives.

Finally consistent with evidence informed approaches and to avoid re-traumatising disclosers Standard 5.12 makes clear that providers must not require a discloser or respondent to provide physical evidence relating to an alleged incident of gender-based violence. Following investigations providers need to have multiple safe and proportionate pathways available including resolutions, safety measures and decisions on whether to proceed to disciplinary processes or not. Unless a discloser requests otherwise Standard 5.14 requires providers to notify them of the outcome of the investigation including if a disciplinary process will be commenced.

I will now turn to the requirements for disciplinary processes and appeals. Consultation with victim survivors around the development of the National Code made clear the significant negative impacts of drawn out investigations and disciplinary proceedings. Standard 5 requires that provider procedures must be designed to allow formal reports to be finalised within 45 business days including the finalisation of disciplinary processes. Procedures must also be designed to allow appeals to be finalised within 20 business days. A provider must only permit extensions to these timeframes where required in a particular context and the higher education principal executive officer must be satisfied that these extensions are only being permitted when really required.

Provider processes need to be set up to meet these timelines but there is discretion that can be exercised as needed on a case by case basis as we know unintended delays can occur and that sometimes these are in service of taking a genuine trauma informed or person centred approach. The system should be set up so that in most cases these timelines are met and exemptions should be the exception. Where the timelines need to be exceeded providers should keep detailed records of rationale and approvals to ensure this is justified. This documentation may be requested by the Department particularly where patterns of extensions are noted.

With regards to undertaking disciplinary procedures Standard 5 makes clear that the provider must impose sanctions proportionate to the conduct substantiated in the disciplinary process which may include exclusion or expulsion. In terms of process Standard 5 also includes requirements for providers to provide procedural fairness to respondents throughout the disciplinary process, update disclosers and respondents throughout the process and have regard to their views, give written notice to the discloser within two business days of an appeal being lodged and give written notice to the discloser of the outcome of the disciplinary process or appeal and their right to make an internal or external complaint including to the National Student Ombudsman.

Thank you everyone for attending today's session and the other webinars. And we're really grateful for people continuing to engage in these sessions. The higher education sector is a critical partner in this national effort to prevent and respond to gender-based violence and we look forward to working alongside you to continuously build environments where safety is the norm and disclosure leads to support and every member of the community can flourish. Thank you all and have a lovely day.

*[Closing visual of slide with text saying 'Thank you',
'<https://www.education.gov.au/highereducationGBVcode>', image of QR code]*

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