

Submission Number	Submission from <b>s 47G(1)(a)</b>	Category	Date received	Information added to Feedback Log	Submission uploaded to Shared Drive
	Australian Human Rights Commission <b>s 47G(1)(a)</b>	College Accommodation	28-Jun-24		
		University	28-Jun-24		
		University	27-Jun-24		
		Higher Education Bodies	28-Jun-24		
		Government	28-Jun-24		
		University	28-Jun-24		
		Organisations	28-Jun-24		
		Student Organisation	2-Jul-24		
		University	28-Jun-24		
		University	12-Jun-24		
		Organisations	28-Jun-24		
		Advocates	7-Jun-24		
	Higher Education provider	Higher Education provider		4-Jun-24	
	Higher Education provider	Higher Education provider		19-Jun-24	
	Higher Education provider	Higher Education provider		25-Jun-24	
	Higher Education provider	Higher Education provider		26-Jun-24	
	Higher Education provider	Higher Education provider		26-Jun-24	
	Higher Education provider	Higher Education provider		28-Jun-24	
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	Higher Education provider	Higher Education provider		28-Jun-24	
	Higher Education provider	Higher Education provider		28-Jun-24	
	Higher Education provider	Higher Education provider		28-Jun-24	
	Higher Education provider	Higher Education provider		28-Jun-24	
	Member of the public	Member of the public		26-Jun-24	
	Other	Other		4-Jun-24	
	Other	Other		28-Jun-24	
	Other	Advocates		28-Jun-24	
		University		26-Jun-24	
		University		27-Jun-24	
		Student Organisation		28-Jun-24	
		Advocates		28-Jun-24	
		College Accommodation		28-Jun-24	
	Student	Student		20-Jun-24	
		College Accommodation		28-Jun-24	
		College Accommodation		28-Jun-24	
		University		2-Jul-24	
		University		28-Jun-24	
		University		28-Jun-24	
		University		28-Jun-24	
		University		28-Jun-24	
		Advocates		28-Jun-24	
		Advocates		27-Jun-24	

## Attachment D - Targeted consultation groups

Targeted Consult Group	Examples of key organisations and individuals
1. Students/Young people	<p>s 47G(1)(a)</p> <ul style="list-style-type: none"> <li>Individual student associations/guilds</li> </ul>
2. Staff	<p>s 47G(1)(a)</p> <ul style="list-style-type: none"> <li>Safer communities units</li> </ul>
3. LGBTIQ+	s 47G(1)(a)
4. Disability	
5. CALD/migrant refugee women	
6. First Nations	

	<b>s 47G(1)(a)</b>
7. Lived experience	
8. GBV groups and experts	<b>s 47F(1), s 47G(1)(a)</b>
9. Universities /NUHEPS	<b>s 47G(1)(a)</b>
10. Accommodation providers	

Expert Reference Group  
National Higher Education Code to Prevent and Respond to  
Gender--based Violence

Members

s 47F(1), s 47G(1)(a)



**Australian Government**  
**Department of Education**

## **National Higher Education Code to Prevent and Respond to Gender-based Violence**

### **Expert Reference Group**

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Time/Date      09:30-10:30, 17 January 2025

Location      Microsoft teams

Attendees      s 47F(1), s 47G(1)(a), s 22(1)

s 22(1), s 47C(1), s 47F(1), s 47G(1)(a)

s 22(1), s 47C(1), s 47F(1), s 47G(1)(a)

## ERG meeting discussions and feedback – consolidated by standard and definitions

Standard 1 – Governance and Leadership	
Summarised feedback and discussion points	Further feedback or points raised relevant to standard
<ul style="list-style-type: none"> <li>• The need to separate leadership and governance.</li> <li>• The governing body needs to have direct oversight of the whole-of-organisation approach.</li> <li>• The Code should be explicit about the individual (Vice-Chancellor or CEO equivalent) with ultimate accountability.</li> <li>• The person with ultimate accountability should report to the governing body at regular intervals.</li> <li>• Terms such as third parties and whole-of-organisation need to be clearly defined.</li> <li>• A need for a clearer accountability structure for "third parties" including student clubs/ societies not created or managed by the higher education provider.</li> <li>• Alignment of language to reflect governance arrangements of public and private providers.</li> <li>• Consider how students are appointed to and supported to meaningfully participate in governance structures.</li> </ul>	<p><b>s 47F(1)</b></p> <ul style="list-style-type: none"> <li>• Standard should include requirements for governing bodies (GBs) to include an action plan to provide visibility of success and challenges</li> <li>• Clarify what GBs should be reviewing/reporting on and require GBs to signoff/have oversight of policies and procedures</li> <li>• Code must effect cultural change</li> </ul> <p>Multiple members:</p> <ul style="list-style-type: none"> <li>• Code should clarify expectations with institutions with which they do and do not have contractual arrangements with</li> <li>• Need to be clear on scope of whole-of-organisation</li> <li>• Work must be resourced properly</li> </ul> <p><b>s 47F(1)</b> GB (Senate, board, etc) has specific representatives, including: someone with sexual violence prevention or response expertise, student representatives, and staff from frontline support team</p>
Standard 2 – Policies	
Summarised feedback and discussion points	Further feedback or points raised relevant to standard
<p>Policies:</p> <ul style="list-style-type: none"> <li>• need to be clearly communicated and accessible</li> <li>• need to be easy to find whether on websites, Learning Management System platforms or other places</li> <li>• should be intersectional, and should embed a gender lens</li> <li>• should be trauma-informed</li> <li>• should be robust, meaningful, and created by experts</li> <li>• should be outcomes focused.</li> </ul> <p>The Code should be specific about review cycles for policies.</p>	<ul style="list-style-type: none"> <li>• <b>s 47F(1)</b> suggested language needs to be embedded across policies and on websites – ie. Intersectionality</li> <li>• <b>s 47F(1)</b> Back-in policies with culture, education and training</li> <li>• <b>s 47F(1)</b> Roles and responsibilities across at all levels needs to be clear</li> <li>• Policies need to be standalone documents (multiple)</li> <li>• <b>s 47F(1)</b> Need to 'face-up-to' legal environment and limitations on. Versus what providers can offer as support</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>s 47F(1)</b> Students must be involved in a meaningful way and privy to similar levels of information as others involved in co-design/development</li> <li>• <b>s 47F(1)</b> Need a method and methodology in code to drive policies so they lead to repeatable, measurable outcomes <b>s 47F(1)</b></li> </ul>
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### Standard 3 – Procedures

Feedback and discussion points	Specific feedback or points raised
<p>The standard should delineate between:</p> <ul style="list-style-type: none"> <li>• Response: a clearly articulated trauma-informed, flexible response and</li> <li>• Process: a detailed process that includes timeframes for complaint resolution.</li> </ul> <p>The intent of this standard should be to ensure responses and procedures prioritise making the victim-survivor feel safe.</p> <p>A timeframe for action on complaints is required, however, should include guidance on how this is applied and where this can be extended to ensure a trauma-informed process is followed.</p> <p>Reporting standards should focus on:</p> <ul style="list-style-type: none"> <li>• giving information on support in clear, accessible language</li> <li>• giving information on how students and staff can report to an external agency</li> <li>• sharing data/information with the victim-survivor's consent</li> <li>• sharing outcomes (and sanctions) of disciplinary processes with the victim-survivor.</li> </ul> <p>Non-disclosure agreements can pose a risk to the safety of others and impede transparency – prohibiting their use should be considered.</p>	<ul style="list-style-type: none"> <li>• <b>s 47F(1)</b> Code should focus on a comprehensive response, recognising that responding to/supporting a victim-survivor may not be linear</li> <li>• <b>s 47F(1)</b> recommend the Code recognise some behaviours are illegal</li> <li>• <b>s 47F(1)</b> Recommend the Code reflect the need for the victim-survivor to be empowered with the communication with and the self-determination of the victim-survivor at the centre of a response.</li> <li>• <b>s 47F(1)</b> recommend the Code contain provisions for informal complaints or disclosures, which are more common when the perpetrator is not a cis man.</li> </ul>

### Standard 4 – Education and training

Feedback and discussion points	Additional or Specific feedback or points raised
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<p>Education and training required under the Code should:</p> <ul style="list-style-type: none"> <li>• be evidence-based, trauma-informed and developed in conjunction with relevant experts</li> <li>• build capacity across the organisation to actively prevent gender-based violence</li> <li>• contribute to culture change across the organisation</li> <li>• have learning outcomes that aim to shift problematic attitudes and behaviours</li> <li>• be scaffolded across levels and roles</li> <li>• consider the different contexts of online and offshore students</li> <li>• be monitored and evaluated.</li> </ul> <p>The Code should identify priority groups to whom in-depth education and training must be delivered, including</p> <ul style="list-style-type: none"> <li>• those likely to receive disclosures/ complaints</li> <li>• support staff</li> <li>• those conducting investigations</li> <li>• security guards</li> <li>• 24h student accommodation staff</li> <li>• clubs</li> <li>• HDR supervisors.</li> </ul> <p>Education and training delivered by providers needs to be framed by the National Plan.</p>	<ul style="list-style-type: none"> <li>• <b>s 47F(1)</b> recommended the standard include the requirement for training to be intensive and include positive messaging. It should also be data-driven and have an in built evaluation. This could include training on trauma-informed practice and intersectional language in the classroom, delivered in lectures in short, succinct manner.</li> <li>• <b>s 47F(1)</b> recommended the standard make it compulsory for student leaders to receive training. Define buzz words and ensure these words are meaningful.</li> <li>• <b>s 47F(1)</b> recommended supervisors of HDR students be required to undertake training and that training be linked to particular academic roles.</li> <li>• <b>s 47F(1)</b> recommended the Code consider existing gaps that may exist with providers delivering education overseas, or overseas providers delivering into Australia.</li> <li>• <b>s 47F(1)</b> recommended the department consider contexts where a provider is present in an online or offline context where teaching of principles related to sex or sexuality or trauma are illegal. As governed by the arrangements between providers, or providers and a government.</li> </ul>
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Standard 5 – Support services	
Feedback and discussion points	Specific feedback or points raised
<ul style="list-style-type: none"> <li>• Supports are broader than counselling, this standard needs to include supports such as academic and medical support, and consider how all these services work in conjunction, including how supports are offered to 'first reports' or witnesses.</li> <li>• There should be a comprehensive support plan, including an academic support plan, that should be accepted without question.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>s 47F(1)</b> noted that the support required by victim-survivors and perpetrators is different, this should be reflected in the standard.</li> <li>• <b>s 47F(1)</b> suggested the standard recognize the cadence of the academic calendar and consider how providers may scale up at critical moments.</li> </ul>

<ul style="list-style-type: none"> <li>• This should not be a minimum standard, more of a 'you must do no less than xxx'.</li> <li>• There is a separation of where you report and where you receive support, and who provides support to the victim-survivor and the alleged perpetrator.</li> <li>• Support services should be continuously reviewed and informed by experiences of students and staff.</li> <li>• Support services should be accessible and available in language other than English.</li> </ul>	<ul style="list-style-type: none"> <li>• Many members commented on the importance of ensuring providers in regional and rural areas have access to support services.</li> <li>• <b>s 47F(1)</b> suggested that the standard be clear on what support means. Support services are broader than counselling, need to extend to academic, residential, financial and legal support.</li> <li>• <b>s 47F(1)</b> suggested the Code consider how to ensure equality of access and service provision given the diversity or provider size and location.</li> <li>• <b>s 47F(1)</b> suggested the Code consider that different support services for alleged perpetrators, and substantiated perpetrators. For example, with alleged perpetrators, acknowledging that counselling may be helpful to support them with the process at that time. For substantiated perpetrators, employ behavioural change programs.</li> </ul>
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#### Standard 6 – Data and reporting

Feedback and discussion points	Specific feedback or points raised
<ul style="list-style-type: none"> <li>• Data should be collected annually.</li> <li>• Data collected needs to align with the National Plan and other national datasets.</li> <li>• Data definitions will be required to support providers.</li> <li>• Data should be provided to governing bodies and they should provide a response to the Minister.</li> <li>• Private providers may need extra guidance.</li> <li>• Providers must publish their data.</li> <li>• Providers must prepare their publication for provider governance endorsement.</li> <li>• Student and staff knowledge of and satisfaction with processes needs to be collected.</li> <li>• Providers should collect data on all gender-based violence incidents regardless of the location of the incident as their</li> </ul>	<ul style="list-style-type: none"> <li>• <b>s 47F(1)</b> suggested: (1) the Code be explicit on publication requirements, including the level of detail, (2) Code call out the tabling of the report in Parliament by the Minister so this is a legislated requirement and (3) any future surveys, collect data aligned with the National Plan.</li> <li>• <b>s 47F(1)</b> suggested: (1) the Code require providers to include a response from the board in their annual reporting to the unit and (2) the Code define what is counted as an incident.</li> <li>• <b>s 47F(1)</b> suggested the Code: (1) not need to collect data on whether there was an investigation following a report, as this should be mandatory always, (2) the mechanism used to collect data on the student experience be the same as what's used to collect data on the staff experience, (3) require providers be required to monitor an entire population or cohort, as representative samples aren't always helpful.</li> </ul>

<p>experiences impact their ability to engage in study and work.</p> <ul style="list-style-type: none"> <li>The Department should do a bi-annually systemic analysis on reporting.</li> </ul>	<ul style="list-style-type: none"> <li><b>s 47F(1)</b> suggested: (1) rephrasing 'safety planning' to focus more on safety and wellbeing measures, (2) the Code should <i>avoid</i> collecting data which is broken down by incidents as it is too identifiable.</li> <li><b>s 47F(1)</b> suggested the Code data collection include under 18s.</li> <li><b>s 47F(1)</b> suggested the Code collect data on student status (eg. HDR, international).</li> </ul>
<b>Standard 7 – Student accommodation</b>	
<b>Feedback and discussion points</b> <ul style="list-style-type: none"> <li>Considerations, constraints and importance of homestays and how to bring accountability across all student accommodation settings</li> <li>Importance of accountability for the governing bodies and owners of student accommodation providers/businesses, identification of 'who' holds responsibility</li> <li>Complexities of balancing higher education provider responsibilities and accommodation provider responsibilities: accommodation providers must <i>abide</i> by the HEP policies, and the Code</li> </ul>	<b>Specific feedback or points raised</b> <ul style="list-style-type: none"> <li><b>s 47F(1)</b> This is an area where we need some 'counseling' (ie. Legal, jurisdictional) and some <i>facilitated conversations</i> with HEP and student accommodation providers, including companies and their boards.</li> <li><b>s 47F(1)</b> had concerns about some points being raised and gave some specific suggestions around training, levels of prevention training and using evidence based methods to educate perpetrators</li> <li><b>s 47F(1)</b> suggested the Code consider including 'amnesty' clauses for residents which have the potential to reduce inconsistent approaches to students breaking rules.</li> </ul>
<b>Definitions</b>	
<b>Feedback and discussion points</b> <p>Whole-of-organisation</p> <ul style="list-style-type: none"> <li>Need to consider community, workplace culture, "all levels" including industry partners, suppliers, key stakeholders, contract staff</li> <li>Will need technical definitions but need to go back to 'community' protection, safety</li> </ul> <p>Students</p> <ul style="list-style-type: none"> <li>Consider including former student because of subject matter</li> </ul>	<b>Specific feedback or points raised</b> <ul style="list-style-type: none"> <li><b>s 47F(1)</b> commented that the definition for student needs to include 'former' students and that the TEQSA definition is inadequate.</li> <li><b>s 47F(1)</b> suggested to also define NDAs, disclosure and report</li> </ul>



**Australian Government**  
**Department of Education**

## **National Higher Education Code to Prevent and Respond to Gender-based Violence**

### **Expert Reference Group**

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Time/Date **14:00-17:00, 11 July 2024**

Location **Microsoft teams**

Attendees **s 47F(1), s 47G(1)(a), s 22(1)**

s 22(1), s 47C(1), s 47F(1), s 47G(1)(a)

s 47C(1), s 47F(1)

s 47C(1)



**Australian Government**  
**Department of Education**

## **National Higher Education Code to Prevent and Respond to Gender-based Violence**

### **Expert Reference Group**

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Time/Date **14:00-17:00, 27 June 2024**

Location **Microsoft teams**

Attendees **s 47F(1), s 47G(1)(a), s 22(1)**

s 22(1), s 47C(1), s 47F(1), s 47G(1)(a)

s 47C(1), s 47F(1)

s 47C(1), s 47F(1)

s 47C(1), s 47F(1), s 47G(1)(a)

s 47C(1), s 47F(1)

## Feedback on Standards 3 & 4 – National Higher Education Code Expert Reference Group

The following table is the actionable feedback following Meeting 2 of the National Higher Education Code Expert Reference Group (13 June 2024) and action taken.

Standard	Actionable feedback	ERG member	Action taken
Regulation consideration	The department must consider what goes into standards, policy and guidelines. Less is more with standards, they must be implementable and monitorable.	s 47F(1)	
3- Safety first procedures	Cautioned against conflating trauma-informed and safety-first. An institution-owned response isn't trauma-informed. Recommended amending the title of the standard - There are six key principles to being trauma informed, safety is one of them.		Outcome for standard and 'short title' have been amended.
3- Safety first procedures	Recommended the standard reflect the need for the victim-survivor to be empowered and allow for victim-survivor's determination at centre of response.		
3- Safety first procedures	Recommended providers utilise risk threat assessments which are reliable and have decent predictive validity.		Awaiting s 47F(1) advice
3- Safety first procedures	Recommended the standard require risk assessments to be trauma informed.		
3- Safety first procedures	Consider timeline of 30 days as "too short", 90 days "too long".	Multiple	To decide

3- Safety first procedures	Recommended trauma informed responses and safety first be separated into two standards.	s 47F(1)	We've used subheadings to create sections. Does the first 'section' represent trauma-informed response sufficiently?
3- Safety first procedures	Standard should require a provider to provide updates to a victim-survivor.		Will be included in standard.
3- Safety first procedures	Recommended the provider be required to list exclusionary powers including cancelled enrolment in the proportionate sanctions.		Will be included in standard.
3- Safety first procedures	Recommended the standard consider information sharing between institutions where complaints have been raised but the alleged perpetrator moves before the complaint is resolved.		This is under consideration.
3- Safety first procedures	Recommended the standard provide guidelines on use of NDAs as well as a requirement for transparency around when and how often they're being used.		Included but will need to cross-check in Standard 6.
3- Safety first procedures	Providers use a matrix as a tool to guide a response to a victim-survivor.		This can be included in support material developed by the GBV unit.

3- Safety first procedures	Recommend the standard reflects the expectation for providers to consider and meet the educational needs of students.	s 47F(1)	Addressed in #5, is this sufficient (?)
3- Safety first procedures	Recommend the standard includes interim safety measures which may be required while a complaint is investigated, keeping victim-survivor safe after reporting.	Multiple	Will be included in standard.
3- Safety first procedures	Recommend the standard limit the need for victim-survivors to retell their story.	Multiple	Will be included in standard.
3- Safety first procedures	Recommend the standard be explicit about information sharing.	Multiple	Might need to go back to this one
3- Safety first procedures	Importance of access to support services for victim-survivors before, during and after processes.	Multiple	Will be included in standard.
3- Safety first procedures	Recommended the standard consider actions such as threats against people (particularly students) who've received a disclosure or advocates.	s 47F(1)	Not addressed here, will be added to support/guidance material. (would go to providers complaints resolution ?)
3- Safety first procedures	Recommended the Code include penalties for parties who make victim-survivors feel	s 47F(1)	Not addressed here, will be added to support/guidance

	intimidated, blamed, betrayed or threatened.		material. (would go to providers complaints resolution ?)
3- Safety first procedures	Recommended the Code provide guidance on informal silencing as well as NDAs.	s 47F(1)	Will be included in standard.
4- Education and training	Recommended the standard focus on the learning outcomes.		
4- Education and training	Cautioned against conflating education and training.		
4- Education and training	Recommended providers be required to provide an annual training plan.		
4- Education and training	Recommended training be tailored to the individual roles within the provider and take a tiered approach.	Multiple	
4- Education and training	Recommended that higher education providers not design the training.	s 47F(1)	

4- Education and training	Recommend training be data-driven and have an in-built evaluation or ability to monitor effectiveness.	Multiple	
4- Education and training	Recommended supervisors of higher degree research students be required to undertake training, and that training should be linked to particular academic roles.	s 47F(1)	
4- Education and training	Recommended the standard consider the unique context of online students, and that safety in the online environment should be considered equally with the offline environment.		
4- Education and training	Recommended the Code consider existing gaps that may exist with providers delivering education overseas, or overseas providers delivering education in Australia.	Multiple	
4- Education and training	Recommended the standard make it compulsory for student leaders to receive training.	s 47F(1)	
4- Training	If institutions expect student leaders to be part of the supporting infrastructure, vicarious trauma training must be required.		

## Feedback on Standards 1 & 2 – National Higher Education Code Expert Reference Group

The following table is the actionable feedback following Meeting 1 of the National Higher Education Code Expert Reference Group (30 May 2024) and action taken.

Standard	Actionable feedback	ERG member	Action taken
1 – Governance & leadership	Governance and leadership should sit in two separate standards	s 47F(1)	The standard has been amended to separate these into two standards
1 – Governance & leadership	Reporting to governing bodies should include an action plan to provide visibility of successes and challenges		The standard will include requirements for governing bodies to include an action plan in reporting.
1 – Governance & leadership	Be specific about how is accountable and where responsibility will sit eg Vice-Chancellor/CEO		The standard has been amended to cite only the Vice-chancellor or CEO.
1 – Governance & leadership	The need for flexibility in who is responsible to allow for individuals with expertise who are not VCs to be assigned the responsibility.		Not actioned – accountability will rest with VC/CEO
1 – Governance & leadership	Clarify what governing bodies should be reviewing/reporting on and require governing bodies to sign off/have oversight		The standard will clarify reporting requirements and mechanisms.

	of policies and procedures. Requiring Vice Chancellor to report to Council would be an effective strategy.		
1 – Governance & leadership	Code must effect cultural change – currently some institutions have no concept of what good culture looks like	s 47F(1)	We are considering how to best address this.
1 – Governance & leadership	Leadership sits with everyone – roles and responsibilities at all levels need to be clear.		Responsibilities will be clarified in Standards 1 and 2.
1 – Governance & leadership	Institutions must be responsible and have a level of accountability – students are not accountable for students		Standard 1 addresses accountability.
1 – Governance & leadership	The Code should clarify expectations with organisations with which they do not have a contractual arrangement as well as the role of student associations, clubs and societies.	Multiple	We are considering how to best address this.
1 – Governance & leadership	Recommend a definition of/the scope of whole-of-organisation and 3 <sup>rd</sup> party providers.	Multiple	Whole-of-organisation will be defined in the Code.
1 – Governance & leadership	Recommend standalone gender-based violence prevention and response bodies/committees	s 47F(1)	No action taken

1 – Governance & leadership	Ensure students on boards, committees, etc, are not exploited, are supported (not based on performance)	<b>s 47F(1)</b>	We are considering how to best address this.
1- Governance & leadership 2 – Policies	Need to be clear on whole-of-organisation boundaries and shared responsibilities and the differences between providers (ie. Provider's student associations)		We are considering how to best address this, particularly around student associations (or similar) that do not have contractual agreements with the provider.
1 – Governance & leadership	Work must be resourced properly.	Multiple	No action taken – action rests with providers
2 - Policies	Language needs to be embedded across policies and websites – ie. intersectionality	<b>s 47F(1)</b>	This will be addressed in standard 2.
2 - Policies	Policies need to be co-designed with students, staff, victim-survivors and experts. Training is key to backing in policies.	Multiple	The standard will include requirements for “co-design”.
2 - Policies	Policies need to be designed with gender-lens and intersectionality.	Multiple	This has been incorporated.
2 - Policies	Policies are out of date and need to be reviewed and renewed. Specific timings on when policies need to be reviewed need to be incorporated.	<b>s 47F(1)</b>	This has been incorporated.

2 - Policies	Students <b>must</b> be involved in a meaningful way and be privy to similar levels of information as others involved in the co-design	s 47F(1)	The standard will clarify requirements for engaging with victim-survivors, staff, students and experts on the development and review of policies and procedures.
2 - Policies	Policies need to be easily accessible on website in plain English and be standalone documents	Multiple	The standard will clarify requirements for communication and accessibility of policies and procedures.

## Feedback on the National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code) Issues Paper

### Background

- On 23 February 2024, Education Ministers agreed to and released the Action Plan Addressing Gender-based Violence in Higher Education (the Action Plan). The Action Plan recognises the unique role that higher education providers can and must play in driving the broader social change needed to address gender-based violence, as well as the distinct responsibilities they hold in relation to creating safe study, work, social and living environments
- The Action Plan seeks to create higher education communities free from gender-based violence through 7 actions:
  - establishing a National Student Ombudsman
  - requiring higher education providers to embed a whole-of-organisation approach to prevent and respond to gender-based violence
  - introducing a National Higher Education Code to Prevent and Respond to Gender-based Violence
  - enhancing the oversight and accountability of student accommodation providers
  - identifying opportunities to ensure legislation, regulation and policies can prioritise victim-survivor safety
  - increasing data transparency and scrutiny
  - regularly reviewing of progress against the Action Plan

### Action 3: The National Higher Education Code to Prevent and Respond to Gender-based Violence

- The National Code will fill identified gaps in the current regulatory architecture for student and staff safety by establishing best practice standards that all providers must meet in preventing and responding to gender-based violence.
- The National Code will apply to all higher education providers registered by the Tertiary Education Quality and Standards Agency.
- The Department of Education consulted on the development of the Code through targeted consultations, the establishment of an Expert Reference Group and the public release of an Issues Paper.

### Targeted Consultation

- Between May and August 2024, the Department undertook over 20 targeted consultation meetings with more than 70 organisations. Target consultation meetings were held with students (x2), LGBTQIA+ stakeholders (x2), University peak bodies, students with disability (x2), Culturally and Linguistically Diverse stakeholders (x2), **s 47G(1)(a)** **s 47G(1)(a)** University Colleges, Vice-Chancellors (x2), eSafety, **s 47G(1)(a)** **s 47G(1)(a)** , First Nations stakeholders, the **s 47G(1)(a)** , victim-survivors and the **s 47G(1)** Sexual Assault and Sexual Harassment working group.
- Stakeholders were broadly supportive of the Code's policy intent while seeking more information/clarity on how it would operate and interact with existing legislation & requirements. There was also interest in better understanding how the standards would be monitored and evaluated to ensure culture changes was being achieved.
- Key themes from the Targeted Consultations include:

- The importance of defining Gender Based Violence in a way that includes intersectionality, is readily familiar and easily understood.
- The importance of, but difficulty in shifting culture and changing entrenched power structures.
- The complexity of the student accommodation environment and its intersection with state/territory legislations, and the requirements and impact this complexity has on supporting students due to privacy concerns in sharing information.
- The need to view the provision of support services as more than just counselling – good support extends to housing, medical, academic and many other areas of assistance.
- Policies need to be clear, concise, written in plain English, easily accessible and realistic. Timeframes for actions need to be clear.
- The department should prioritise strong communication when rolling out the code including developing a strong and effective communication plan to support the introduction of the Code.
- Student representation in university governance/ leadership roles should be democratically informed, mindful of power imbalances and move beyond tokenism to ensure a productive, comfortable space.
- Providers should commit to a model of best practice and continuous improvement – informed by keeping abreast of evolving evidence, learning from errors of other providers, regularly surveying staff/students on the effectiveness of current policy and procedures and collecting data on victim-survivors' experiences of support services.
- Universities lack understanding and knowledge of online harm environment - clear definitions and examples of tech facilitated abuse are needed so that it can be recognised and acted upon.
- The Code must be explicit about what will be required for education and training, frequency of this training, who it's delivered by, and to whom. The department must provide leadership and could provide guidance on approved training providers to ensure consistent quality.
- The Code should mitigate perpetrator institution hopping by limiting the use of NDAs which also impede the ability to warn colleagues.
- Information on policies, procedures and available student support need to be provided in many different sites such as O week events/open days, bathroom walls/online and in introductory lectures.
- There is concern that data reporting requirements may create privacy concerns – especially for small providers.

### **Expert Reference Group**

- In May 2024, the department established an Expert Reference Group to provide advice to the Department on developing the Code. The 19 members were comprised of victim-survivor advocates, student leaders, staff representatives, subject matter experts, the higher education sector and student accommodation providers.
- The group provided perspectives and advice to the Department on the design and implementation of the National Code, including regulatory, policy, operational and subject matter considerations.
- The group met 5 times between May and August 2024.

### **Issues Paper**

- In May 2024, the Department publicly released an Issues Paper seeking public feedback on the proposed Code. 54 submissions were received. Submissions were received from the following stakeholders:

<b>Students, lived experience, student organisations</b>	<b>s 47G(1)(a)</b>
<i>6 submissions</i>	
<b>Women's safety sector, women's advocate organisations and safety program organisations</b>	<b>s 47G(1)(a)</b>
<i>6 submissions</i>	
<b>Higher education providers</b>	<b>s 47G(1)(a)</b>
<i>26 submissions</i>	
	• Anonymous (x1)
<b>Higher education bodies</b>	<b>s 47G(1)(a)</b>
<i>4 submissions</i>	
	• Anonymous (x7)
<b>Student accommodation providers and groups</b>	
<i>4 submissions</i>	
<b>Staff</b>	
<i>1 submission</i>	
<b>Government</b>	• Australian Human Rights Commission
<i>2 submissions</i>	• eSafety Commissioner
<b>Other</b>	<b>s 47G(1)(a)</b>

- Anonymous (x3)

- Public consultation on the Issues paper closed on 28 June 2024. A summary of key consultation findings is provided below.

Standard	Stakeholder group						
	Students, lived experience, student organisations	Staff	Women's safety sector, women's advocate organisations and safety program organisations	Higher education providers and Higher education bodies	Government	Other	Student accommodation providers/groups
<b>Standard 1: Accountable governance and leadership</b>	<ul style="list-style-type: none"> <li>There needs to be consequences for universities that do not take steps to prevent GBV or respond appropriately to students and staff making reports.</li> </ul>	<ul style="list-style-type: none"> <li>Vital that institutional governance structures are accountable. Providers must not 'delegate down' responsibility for meeting provisions of the code to staff who are at 'frontline' services and support.</li> <li>Institutional leadership reporting only to internal executive bodies is not sufficient as a compliance measure.</li> </ul>	<ul style="list-style-type: none"> <li>Standard needs specific requirements around monitoring and consequences for non-compliance.</li> <li>Develop an outcomes framework and monitoring plan to track progress and demonstrate impact.</li> </ul>	<ul style="list-style-type: none"> <li>Strongly support the proposal of setting annual KPIs for senior leaders, linked to prevention and response activities and the proposed publication of annual reviews.</li> <li>Clarity required around diversity requirements and the value of including this requirement given the role of the Workplace Gender Equality Agency.</li> <li>Ensure this standard aligns with HESF Domain 6.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure commitment to prevent and respond to GBV is across all levels of leadership (refer to AHRC guidelines) in relation to Positive Duty for support in this standard.</li> </ul>	<ul style="list-style-type: none"> <li>Risk management should include considerations of using students and/ or peers in receiving disclosures or reports.</li> </ul>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>
<b>Standard 2: Effective organisational policies and practice</b>	<ul style="list-style-type: none"> <li>The standards lack the ability to stop perpetrators institutions hopping.</li> <li>Requirements should include managing incidents for students experiencing GBV in external placements.</li> <li>Historical harm – providers can play a key role in supporting these staff and students.</li> </ul>	<ul style="list-style-type: none"> <li>s 47G(1)(a) research has found that staff have little trust in their institution's policy and processes and are often concerned about repercussions for those who make an allegation. As such, the Code and the flow onto provider's policies must be formulated in such a way to ensure both compliance and accountability for providers.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement to specifically focus on high-risk contexts and intersectional needs (international students, regional, placements, HDR).</li> <li>Consider including core requirements regarding contractual arrangements and industrial agreements.</li> <li>Standard should allow for policies to be flexible and include policies for developing training that recognise potential harm, including how signs can be different for different cohorts.</li> </ul>	<ul style="list-style-type: none"> <li>Cross-reference the various legislative instruments to ensure consistency &amp; overlaps are clearly defined.</li> <li>Recognition of the extent and limitations of universities' control and influence in policy setting – especially in settings external to the university or in unrelated social interactions.</li> <li>Policy standard should provide clarity of scope where some external partners have their own reporting and investigation pathways.</li> </ul>	<ul style="list-style-type: none"> <li>Recommend providers have a standalone policy on sexual harassment and other relevant unlawful behaviours, with clear policies on provider's response to GBV (AHRC).</li> <li>Refer to Respect@work council guidelines for confidentiality clause.</li> <li>Ensure sexual violence policies are widely known and that person's reporting will be supported.</li> </ul>	<ul style="list-style-type: none"> <li>Intersectional approach is essential.</li> </ul>	<ul style="list-style-type: none"> <li>Privacy laws are a significant area of concern.</li> <li>In respect to policy alignment between host universities and residential colleges with clear understanding that achieving policy alignment does not require colleges to adopt the exact policy of their host institutions. Instead, alignment at a principles and values level with common language and not at a procedural level.</li> </ul>
<b>Standard 3: Trauma-informed, safety-first procedures</b>	<ul style="list-style-type: none"> <li>Consultation and feedback from victim-survivors as part of auditing of trauma-informed responses/support.</li> </ul>	<ul style="list-style-type: none"> <li>Refer above.</li> </ul>	<ul style="list-style-type: none"> <li>Require a standardised approach to evidence collection, to give victim-survivors clear standards of what to expect in an investigation.</li> <li>The prospect of delayed reporting should be factored into HR procedures and policies.</li> </ul>	<ul style="list-style-type: none"> <li>Set clear boundaries and differential standards around the identification, investigation and support required for disclosures of historical allegations of GBV.</li> <li>Restorative justice measures currently absent from the Standards, especially within the context of response, to support people who use violence, helping them comprehend the impact of their actions, while also acquiring full knowledge of their behaviour and its consequences.</li> </ul>	<ul style="list-style-type: none"> <li>All those dealing with complaints must be trained in both trauma-informed practice but also in basic complaint handling and statement-taking, so as not to prevent a complaint from being successful due to the way it was taken.</li> </ul>	<ul style="list-style-type: none"> <li>Establish clear guidelines for responsibilities of staff and/or students receiving a disclosure or report.</li> </ul>	<ul style="list-style-type: none"> <li>Code should clarify information-sharing arrangements between accommodation providers and universities – specifically, what data can be shared, and under what circumstances, if informed consent for onward disclosure has not been given by a victim-survivor.</li> <li>Victim's autonomy must be considered when considering expectations for reporting to host institutions. Some victim survivors may prefer the process be handled entirely internally/at a college level.</li> </ul>

<b>Standard 4: Evidence-based education and training</b>	<ul style="list-style-type: none"> <li>Better support &amp; regular training by accredited external providers.</li> <li>There should be a strong regulatory process for what is approved training.</li> <li>Recommend that the Government urgently fund research to develop evidenced based prevention and response strategies.</li> </ul>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>Delivering unconscious bias training is important.</li> <li>Ensure providers resources and material reflect best practice and emerging evidence.</li> <li>Qualitative data should include student and staff attitudes about sexual violence, consent, pornography, and technology-facilitated sexual violence to inform training.</li> <li>Support primary prevention workforce development so that roles have consistent standards of quality, skill and coordination.</li> </ul>	<ul style="list-style-type: none"> <li>Set standards on the outcomes, modes, frequency, quality and effectiveness of the training / education material rather than focus on simply meeting compliance.</li> <li>Evaluation of effectiveness on shifting knowledge and attitudes (prevention practices) – while valuable will not be comparable across the sector unless standardised.</li> </ul>	<ul style="list-style-type: none"> <li>Provide sufficiently funded training on the appropriate use of non-disclosure agreements in very limited circumstances and in accordance with the Guidelines on the Confidentiality Clauses in the Resolution of Workplace Sexual Harassment Complaints.</li> </ul>	<ul style="list-style-type: none"> <li>An intersectional framework at forefront of prevention strategies.</li> <li>Universities could be required to conduct an audit of curriculum to identify gaps and then embed content on GBV.</li> </ul>	<ul style="list-style-type: none"> <li>Requirements for vendors relevant to GBV prevention and response training to ensure confidence that the experts being engaged meet the evidence base.</li> <li>Need clarity on standards that consider a sliding scale of appropriate training/qualification based on the size and complexity of the college - extensive training for ALL staff on responding to disclosures is not appropriate noting array of contractor's colleges employ.</li> </ul>
<b>Standard 5: Expert and timely support services</b>	<ul style="list-style-type: none"> <li>Provide buses or transport on campus and to external residential areas, escorts back to isolated destinations and active patrols on campus.</li> </ul>	<ul style="list-style-type: none"> <li>Cautious of 'easy fix' measures, such as outsourcing of important services (including first responder services) and the use of technological substitutes, such as AI driven apps.</li> </ul>	<ul style="list-style-type: none"> <li>Should be clear referral pathways to critical services that victim-survivors need – such as counselling, medical care and forensic examination</li> <li>Support the re-establishment of the university crisis line</li> <li>Support primary prevention workforce development so that primary prevention roles have consistent standards of quality, skill, coordination and safety.</li> <li>Ensure that support services are culturally responsive, free and accessible to everyone regardless of visa status.</li> </ul>	<ul style="list-style-type: none"> <li>Implement a centralised national peer supervision to provide support for staff dealing with these circumstances.</li> <li>Proposed Standard will impose additional obligations on universities with respect to providing support services that ordinarily form part of existing health systems.</li> <li>Want guidance on expected support / education that should be provided to students/staff who may have perpetrated but are not excluded from the institution following a formal complaint process.</li> <li>Challenges when isolation, distance and access to support is amplified (e.g. regional and remote communities etc).</li> </ul>	<ul style="list-style-type: none"> <li>Education providers should ensure that support is available to staff (including leaders and managers) who experience or witness relevant unlawful conduct and that workers are informed about available support, and can access the support, regardless of whether they report the conduct.</li> <li>With eSafety's guidance, establish regular access to expert online safety support to develop relevant resources, processes, and practices throughout the university.</li> </ul>	<ul style="list-style-type: none"> <li>Providers should build strong local networks and alliances with specialist expert domestic, family and sexual violence agencies</li> <li>Staff need to be adequately trained to recognise signs that students may be living in unsafe situations (e.g. domestic, coercive).</li> <li>Providers need to audit and adjust processes which currently force students to disclose their circumstances to receive accommodations and extensions of time for their studies.</li> </ul>	<ul style="list-style-type: none"> <li>Smaller scale providers are unlikely to be able to resource "in-house" support services relating to prevention or response. Would prefer third party engagement and referral with requirement that colleges expeditiously refer students to services.</li> <li>Welcome standards that stipulate residential students can access support without having to disclose or consent to their information being shared by the college.</li> <li>Ensure emergency alternative accommodation is available to students in any accommodation setting in the event of immediate removal of a student under a safety plan.</li> </ul>
<b>Standard 6: Transparent data and reporting</b>	<ul style="list-style-type: none"> <li>Use effective IT software for monitoring and reporting.</li> </ul>	<ul style="list-style-type: none"> <li>The <sup>s 47G(1)(a)</sup> also supports public reporting against key targets and measures by institutions.</li> <li>It is important that the provisions of the Code are not watered down, particularly in relation to the public reporting on compliance by providers.</li> </ul>	<ul style="list-style-type: none"> <li>Having access to detailed reporting dictates areas of attention required to enhance our service even further.</li> <li>Internal data can be supplemented by relevant external research and reports, such as the Student Experience Survey, International Student Barometer, and the Australian Bureau of Statistics (ABS) Personal Safety Survey.</li> <li>Develop a monitoring and evaluation plan to help demonstrate the effectiveness of prevention work, provide opportunities for improvement and contribute to the evidence base on what works.</li> </ul>	<ul style="list-style-type: none"> <li>The tension between data reporting to drive accountability and improvement and the right of victim-survivors to manage their own data will need to be carefully managed.</li> <li>There should be consideration of how existing data, collected as legislated through the Commission for Gender Equality in the Public Sector for staff, might be utilised to meet requirements and to reduce duplication.</li> <li>Clear and consistent data terminology, collection and reporting measures across TAFEs, schools, organisations, jurisdictions.</li> </ul>	<ul style="list-style-type: none"> <li>Regular collection of robust and consistent data is critical to understanding the nature and extent of the occurrence of gender-based violence, where prevention efforts are having a positive impact, and to identify areas for improvement.</li> </ul>	<ul style="list-style-type: none"> <li>Measures around data and reporting transparency for universities will need to be well calibrated to make it MORE damaging to their reputation if they trample victim-survivors and procedural fairness in pursuit of a good reputation than the damage they would incur from simply doing things properly and having some unsavoury statistics.</li> <li>Standardise reporting platforms.</li> <li>Research and evaluation will be needed frequently – including sharing examples of best practice, and how these impact staff and students.</li> </ul>	<ul style="list-style-type: none"> <li>Small provider - key consideration is privacy, and how privacy laws regarding disclosure of personal information apply in relation to (i) sharing of information between colleges and universities, and (ii) data and reporting requirements under the proposed Code.</li> <li>Concerned about the proposed requirement, that data is published as part of the proposed annual standalone report - data set will be so small that individuals could be identified. It is essential, for reasons of harm minimisation, that no victim-survivor can be identified through the publication of data.</li> </ul>

<b>Standard 7: Safe student accommodation</b>	<ul style="list-style-type: none"> <li>Real consequences for accommodation providers when victim-survivors are pressured to sign an NDA.</li> <li>Expect all residents and staff to participate in training on sexual harassment, assault, and consent, tailored to the legislative context and drivers behind these issues.</li> <li>Consider information sharing between HEPs and PBSAs.</li> </ul>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>Critical that standalone student providers are subject to regulation, oversight and behavioural standards.</li> </ul>	<ul style="list-style-type: none"> <li>Occupancy Agreement (Resident Contracts) require agreement from Transactional partners and are set annually.</li> <li>Consider changes to the ESOS Act that include a requirement for higher education providers to supply students with information about accommodation providers that have been assessed by the National Property Accreditation Scheme (NAPAS) to meet industry led minimum standards - including the elements that directly relate to student accommodation in the National Code.</li> <li>opportunity for a strong prevention focus to be included in the safe student accommodation standard.</li> </ul>	<ul style="list-style-type: none"> <li>Recommend accommodation providers work collaboratively with higher education providers to develop an integrated, uniform response to prevent and respond to gender-based violence in accommodation settings.</li> <li>Vital to ensure international students have access to culturally appropriate support services, education around what sexual harassment is, and training regarding complaints processes.</li> <li>Require an obligation for student safety online, including preventing and responding to Technology facilitated GBV when occurring in student accommodation settings.</li> </ul>	<ul style="list-style-type: none"> <li>Using students in the form of Residential Assistants (or by other title) is best practice regarding risk management in understanding to assist in the organisations focus on gender-based violence prevention.</li> <li>Need to consider when there are students from several universities residing in the one space.</li> <li>Alternative short-term housing should be mandated for perpetrators</li> <li>Residential Assistants are not comfortable or skilled to deal with conflict, reporting or recognition of situations and align with provider's risk management approach</li> </ul>	<ul style="list-style-type: none"> <li>Adopt SAA's definition of student accommodation - Accommodation for the exclusive use of students. This is to prevent inconsistent interpretations of the framework and future legislation.</li> <li>The Government should integrate relevant National Code elements into the existing National Property Accreditation Scheme Framework</li> <li>Expectations that host institutions prioritise access to support services for students in residential setting given that these students live far from home and their regular support networks</li> </ul>
<b>Definitions</b>	<ul style="list-style-type: none"> <li>Definition should include emotional and psychological, verbal abuse, confinement and socio-economic violence.</li> <li>Recognise the power imbalance that exists between students and staff in universities.</li> </ul>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>Strengthen the whole of institution approach definition to include dual institutions, adjacent operations, affiliated entities and clubs, student life and culture, teaching and learning, workplace, research &amp; business and operations.</li> </ul>	<ul style="list-style-type: none"> <li>Definition of GBV as caused by rigid gender roles could contravene religious freedom right to only ordain priests/ religious ministers as men.</li> <li>Be clearer about intersectionality – e.g. colonisation, homophobia, transphobia, biphobia and ageism.</li> <li>Definition does not identify specific behaviours: 'family, domestic and sexual violence' or 'sexual harassment, online abuse, and trafficking', and does not emphasise 'sexual harm' as identified in UN definition.</li> </ul>	<ul style="list-style-type: none"> <li>Definition of 'senior leaders' and 'leader' (refer to AHRC).</li> <li>Consider terminology - Commission's Speaking from Experience project has determined 'people who have experienced sexual harassment' and 'harassers' are preferable to 'victim/survivor' and 'perpetrator'.</li> <li>Technology-facilitated sexual harassment (TFSH) and TFGBV.</li> </ul>	<ul style="list-style-type: none"> <li>Ease-of-understanding in terms of how a provider is expected to meet their obligations, particularly where gender-based violence, sex discrimination and sexual harassment are the subject of a number of regulatory schemes, across jurisdictions.</li> </ul>	<ul style="list-style-type: none"> <li>The potential Standards cover a 'whole-of-organisation' approach which, if implemented, should effectively protect and promote the safety of staff, students, and visitors.</li> <li>Consider including the Gendered Drivers of Violence and the intersectional experience of violence in the definition.</li> </ul>
<b>Regulation</b>	<ul style="list-style-type: none"> <li>Clearly outline penalties for non-compliance.</li> <li>Considerations for sharing information about staff and students who move between providers.</li> </ul>	<ul style="list-style-type: none"> <li>Vital that Code aligns with other HE regulations.</li> <li>Industrial agreements will also need to take the Code into account.</li> <li>Strongly support compliance with the Code as a requirement for registration as an education provider under the Threshold Standards.</li> </ul>	<ul style="list-style-type: none"> <li>Essential the Code is consistent as possible between regulatory schemes: National Plan, Positive Duty and OHS legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Overarching concerns about consistency between regulatory reporting and requirements.</li> <li>Contextual factors such as regional and international locations</li> <li>Concern about the intersection of the Code and individual University's EA agreements.</li> <li>Small providers experience a disproportionate impact of regulatory burdens – noting importance of GBV, suggest funding or extra support (perhaps based on EFTSL).</li> </ul>	<ul style="list-style-type: none"> <li>Compliance under positive duty laws must be attentive to technology-facilitated sexual harassment (TFSH).</li> <li>Providers should prioritise continuous improvement, not just compliance.</li> <li>Encourage the Department to consider how the regulatory unit will share information with other regulators with overlapping jurisdictions.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure consistency across regulatory schemes, e.g. Positive Duty.</li> </ul>	<ul style="list-style-type: none"> <li>Consider state or Commonwealth interface, some Colleges are regulated at the state level, others at the National level.</li> </ul>

Standard	Stakeholder group						
	Students (including students with disability, and CALD) lived experience, student organisations	Youth Advisory Group	Student accommodation providers/groups/services	Higher education providers and Higher education bodies	Staff	Government	1 <sup>st</sup> Nations/LGBTQI+
<b>Standard 1: Accountable governance and leadership</b>	<ul style="list-style-type: none"> <li>Students in governance/ leadership structures must be respected and treated as equal stakeholders.</li> <li>Gender/diversity balance needs to include cultural diversity such as women of colour in leadership/governance.</li> <li>Need to have a minimum number of students on board or in co-design/focus groups etc to create a productive, comfortable space.</li> <li>Students are not missing from conversations but culturally are not respected and/or power dynamics make speaking up difficult.</li> <li>When students are “consulted” it is often to rubber-stamp already agreed actions.</li> <li>Systemic issues need to be fed into policy reform</li> <li>If universities want capacity for a large number of students, they need capacity to ensure their wellbeing.</li> <li>Providers needs to consider supports for international students when increasing caps</li> </ul>			<ul style="list-style-type: none"> <li>Separate governance &amp; leadership. Governance is management accountability, leadership is capture of hearts &amp; minds.</li> </ul>	<ul style="list-style-type: none"> <li>The Code should make senior executives directly accountable</li> </ul>	<ul style="list-style-type: none"> <li>Surprised that questions around previous misconduct are not routinely asked.</li> <li>Would expect Working with Children requirements to be in place</li> </ul>	

<p><b>Standard 2:</b></p> <p><b>Effective organisational policies and practice</b></p> <ul style="list-style-type: none"> <li>The accessibility of information around gender-based violence prevention/ response mechanisms is critical to ensuring better outcomes for everyone.</li> <li>The Code and implementation materials must ensure providers are meeting obligations under anti-discrimination legislation and international conventions on the rights of people with disabilities.</li> <li>Cultural factors can impact reporting – information on gender-based violence can be poorly understood because the language used does not resonate with people's cultural backgrounds.</li> <li>Student trust in government complaint mechanisms especially student safety and wellbeing has been eroded. Lot of work to do to build student trust. Consider a communications plan from the government for introduce the Code to rebuild trust in government.</li> <li>Policies need to be clearly communicated, easily understood and in plain English/Indigenous languages and foreign languages.</li> <li>Learn from international bodies. Look at feedback from NZ students/staff - learn from mistakes to mitigate before they occur here.</li> <li>Don't advertise information on the Code on Tik Tok or social media. To be taken seriously it needs to go through websites and more serious mechanisms.</li> <li>Suggested sites for information: LMS/Uni website – O week/Open Days/bathroom walls- need to be able to Google and have policies easy to</li> </ul>	<ul style="list-style-type: none"> <li>Consider discussions with state/territories to make student accommodation exempt from Residential Tenancy Acts or create a new process that is a better fit for student accommodation providers.</li> <li>The National Property Accreditation Scheme already in place supports the objectives of the Code.</li> <li>Intersection with government policy on international student caps.</li> <li>Consider implications for dual institutions</li> <li>Institutions will need time to be complaint with the new Code</li> <li>Consider intersectionality and underlying drivers of GBV in any policy definition</li> <li>Consider intersectionality with other legislation – eg Residential Tenancy Acts. It can be challenging to enforce an eviction – ability to make emergency submissions to Tribunals not available in every state/territory.</li> </ul>	<ul style="list-style-type: none"> <li>Clear information is needed on the roles and responsibilities of the Ombudsman, TEQSA and the unit and who the new Code will cover.</li> <li>Government needs to consider implications for dual sector providers.</li> <li>Concern about more regulation and onerous reporting</li> <li>Need to appreciate and understand diversity of sector.</li> <li>Request for guidance from the unit on shared learnings, case studies to enable best practice.</li> <li>The department should consider providers' obligations where historic cases of gender-based violence surface.</li> <li>Successful policies are not about just ticking boxes and tabling reports. Need to change how community thinks.</li> <li>Faith based communities need to be considered and understood. Need policies that are based on respect and suitable for all communities.</li> <li>Important to appreciate the diversity in the independent sector – some providers owned by foreign equity investors</li> <li>What is the investigative remit of the GBV unit?</li> <li>What is the threshold that will trigger unit investigation – reporting in the media</li> <li>Will need a lengthy implementation for VET providers in dual sectors.</li> </ul>	<ul style="list-style-type: none"> <li>To prevent further harm, the Code should mitigate perpetrators 'institution-hopping'.</li> <li>The department should consider how the Code can enable red flag/ threshold behaviours to be reported to HR as a form of prevention.</li> <li>Code should be overt about the higher rates of GBV perpetrated against the LGBTQI+ community and require specific mitigations.</li> <li>Code needs to be more explicit about applying to domestic staff as well as international staff.</li> <li>Need to consider instances where staff are being harassed by students.</li> </ul>	<ul style="list-style-type: none"> <li>The Code needs to contain clear definitions and examples of what tech-generated abuse is so it can be understood, recognised and addressed</li> <li>Providers need to address the use of their technology, including WiFi, to perpetrate gender-based violence.</li> <li>The Sex Discrimination Act contains reporting provisions which may assist with reporting and avoiding defamation claims.</li> <li>Consider how the Code can combat hazing behaviours</li> <li>Consider cases where there's been wrongdoing and the individual has the opportunity to resign and seek employment elsewhere</li> </ul>	<ul style="list-style-type: none"> <li>Starting to expand understanding of what GBV means for the LGBTQI+ community. Need to use terms/ words people are familiar with.</li> <li>Difficult to regulate cultural change – hard to shift culture. Universities traditionally have been quite exclusionary.</li> <li>Placements need to be considered as student is often on their own – can be the only student on placement</li> <li>If providers want young LGBTQI with lived experience to assist with policy design – it must be in a supportive environment and not tokenistic.</li> <li>Awareness campaigns should de stigmatise behaviour need clear messaging that it doesn't matter if victim-survivor has been drinking</li> <li>How will the unique needs of ATSI students be accommodated in the Code?</li> </ul>
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	<p>find using common search terms. Use student friendly language.</p> <ul style="list-style-type: none"> <li>• A lot of post-grad/research students are also staff members. Complicated reporting mechanisms and power dynamics at play – working with people who are making decisions for the rest of career – hard to report in these circumstances.</li> <li>• Current experience has been that universities do not respond when issues of GBV raised</li> <li>• Engage with students on the ground to draft policies – they are best placed to understand how messaging is received and understood by students.</li> <li>• Be mindful that international students span many cultures – don't assume they are "one community"</li> <li>• Have information available in a variety of different areas so that it is spoken about/shared more than once during a student's time at university.</li> <li>• Code should incorporate recommendations from the Disability Royal Commission.</li> <li>• Getting providers to be the touch point for international students is important – government can be perceived as having visa implications.</li> <li>• Great majority of international students who struggle are in private colleges – not universities.</li> </ul>			
<b>Standard 3: Trauma-informed, safety-first procedures</b>	<ul style="list-style-type: none"> <li>• Support staff should provide LGBTIQA+ affirming care and support.</li> <li>• Understanding experiences of LGBTIQA+ students and staff is critical to understanding what work needs to be undertaken.</li> <li>• Accessibility must be embedded in all disclosure, support and reporting processes.</li> <li>• A lack of understanding of reporting processes –</li> </ul>	<ul style="list-style-type: none"> <li>• Support staff and services should be diverse, understand intersectionality and must be trauma-informed, accessible and streamlined.</li> </ul>	<ul style="list-style-type: none"> <li>• The department should consider how to require higher education providers to share information with student accommodation providers, and vice versa, to protect victim-survivor safety.</li> <li>• University is unlikely to share information on misconduct – as they may not even know student is living in student accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Clarity on timeframes for investigations, disciplinary processes and appeals is needed in the Code and what government considers to be reasonable circumstances where timeframes are not met.</li> <li>• Staff abused by students are often not well-supported by providers. The Code needs to reinforce providers' obligations under WHS laws</li> <li>• The Code needs to ensure disclosures are received by student services staff who are focused on student wellbeing (noting safer communities units can sometimes be staffed by 1st nations women)</li> <li>• 1st nations women don't report because doesn't heal, just compounds trauma. May get a counsellor but don't get culturally safe experience. Open doors not appropriate for 1st nations – need a door to report that feels culturally safe.</li> <li>• How information is delivered is important – also need a safe place/skilled staff to respond</li> </ul>

	<ul style="list-style-type: none"> <li>including the perceived threat of the provider cancelling visas if they report – can have negative effects on students.</li> <li>Timeframes for action need to be clear.</li> <li>Need a visible, easy to find and access complaints and feedback form.</li> <li>Require universities to provide advice on their GBV procedures/reporting mechanisms at Orientation.</li> <li>Students don't have visibility of official complaints/feedback process.</li> <li>Current systems are not designed to be flexible</li> <li>Need explicit advice on what happens with complaints/that they can be withdrawn and a support person can be present.</li> <li>Universities may want to use AI in future – victim survivors should be provided with human interaction recognising the seriousness of the issue.</li> <li>Consider ability to bring own support worker to avoid having to deal with different people all the time.</li> <li>Information on support available could be in international student packages.</li> </ul>	<ul style="list-style-type: none"> <li>Define jurisdiction of universities for responding</li> <li>Place the support needs and adjustment requirements of the complainant or victim making an allegation first and foremost (and potentially evidence how this is effectively achieved). Under the guise of procedural fairness, disproportionate investigation outcomes are often reached that leave victims of substantiated claims making adjustments, and their perpetrators having little to no sanctions applied to them.</li> <li>How will the Code consider the conflict that can arise between a victim/survivor led approach (who may not want to formally report) and a duty of care to other staff/students?</li> <li>Will the Code clarify disciplinary proceedings expectations for students/staff who have had findings of sexual misconduct – eg an educative approach, exclusion/suspension re-integration</li> <li>Consider a maximum timeframe for working through a complaint/disclosure</li> <li>Require an urgent risk mitigation strategy while working through investigation/information gathering process</li> </ul>	<ul style="list-style-type: none"> <li>lawyers as disclosures are primarily seen as a risk).</li> <li>The Code should mandate that persons making a complaint are informed of the outcome</li> <li>Consider the requirements for practitioners/training deliverers</li> </ul>	<ul style="list-style-type: none"> <li>Need very clear information and inclusivity for the LGBTQI community. Have clear information on who receives the report and privacy around it. As much up front information and options on what goes further and what doesn't. Option to report anonymously or semi-anonymously.</li> </ul>
<b>Standard 4: Evidence-based education and training</b>	<ul style="list-style-type: none"> <li>Ableism is an underlying driver of gender-based violence and prevention education needs to address this.</li> <li>Student-facing staff should have mental health first aid training.</li> <li>Consent courses can be triggering for some students.</li> <li>Uni staff should also be informed or trained so that they can refer students</li> </ul>	<ul style="list-style-type: none"> <li>Training on gender-based violence needs to be evidence-based, should build awareness of what it is and provide appropriate responses, and must be engaging.</li> </ul>	<ul style="list-style-type: none"> <li>The Code should mandate prevention education and response training for all student accommodation staff</li> <li>Consider an audience-specific package to be provided to legal/risk/compliance teams within institutions</li> <li>Require Heads of School/Unit Co-ordinators to complete trauma informed training</li> </ul>	<ul style="list-style-type: none"> <li>The Code is an opportunity for the higher education sector to use its research and teaching expertise to trial new prevention programs.</li> <li>Careful thought must be given to implications of the Code for delivering education and training to offshore students in cultures and countries where gender equality is not supported.</li> <li>The Code must be explicit about what's required for education &amp; training, frequency of this training, who it's delivered by and to whom.</li> <li>Train staff &amp; students that not harassing/subjecting people to GBV is a professional requirement.</li> </ul>

	<p>who go to them for support. Lecturers are often the first point of contact for support</p> <ul style="list-style-type: none"> <li>Should consider a module specifically on disability and GBV</li> </ul>	<ul style="list-style-type: none"> <li>Have specific training for student/staff conduct panels</li> </ul>				
<b>Standard 5: Expert and timely support services</b>	<ul style="list-style-type: none"> <li>People who might receive disclosures must be adequately trained, and staff handling complaints must understand student wellbeing.</li> <li>Services to support CALD student victim-survivors are lacking. Services which do exist are underfunded.</li> <li>Support services needed for victim survivor students who have experienced GBV outside university but avoid having the v-s redisclose. Staff also need training to support victim survivor students on these disclosures.</li> <li>Helpful to have private chat/app for response &amp; support so that alleged perpetrators can't have access</li> <li>Students tend not to look for resources until they need them – need high visibility messaging – also consider mature age students and other cohorts</li> <li>Consider using interpreters who should have some empathy training</li> <li>Ensure support staff have a good understanding of different communication needs such as assistive technology, situational mutism</li> <li>For international students reporting is just one step – consider visa/housing/scholarship - response needs to be holistic.</li> <li>No referral pathways for international students. Can't access crisis accommodation – tend not to report because understand no support is available.</li> </ul>	<ul style="list-style-type: none"> <li>Staff must be trained to respond to/ support victim-survivors in all their diversity.</li> </ul>	<ul style="list-style-type: none"> <li>Would welcome more clarity on how students can be supported in a holistic approach.</li> <li>Providers needs to consider support services for staff</li> <li>Consider sharing models for whole-or-organisation approach for staff/students - how is investigation/prevention structured?</li> </ul>	<ul style="list-style-type: none"> <li>Expert support for victim-survivors is paramount. Consider specifying the qualifications/ professional backgrounds that student services staff, specifically counsellors, should have.</li> <li>Ongoing resourcing and professional development of support staff is critical to achieve the change required.</li> <li>Small providers will need help to build up capacity</li> </ul>	<ul style="list-style-type: none"> <li>Support provided to staff victim-survivors is not always provided by experts, so specifying qualifications/ professional backgrounds should be considered.</li> </ul>	<ul style="list-style-type: none"> <li>Work in collaboration with other providers already working in the area. Universities tend to want to use their own staff – but useful to work with Aboriginal Controlled health Organisations (ACCHOs)</li> <li>Establish partnerships with LGBTQI friendly organisations and responders with LGBTQI specific expertise.</li> </ul>

<b>Standard 6: Transparent data and reporting</b>	<ul style="list-style-type: none"> <li>Providers need to be clear with communities on why data is being collected, who will have access to the data, and the outcome it will support – and informed consent and refusal to provide consent must always be respected.</li> <li>Equipping students with correct terminology to describe their lived experience will ensure better reporting</li> <li>Data &amp; questions asked must not come from the provider – should come from the GBV unit.</li> <li>How data is used and managed and ethics are important.</li> <li>Universities shouldn't be determining what the data is and how it is collected. Needs to be external. Universities will want to collect data in a way that doesn't reflect badly on their institution. Institutions clean messages to ensure they are not negative. Qualitative data is vulnerable to this process.</li> <li>It takes a long time for data to be available. Need to have data out appropriately for advocates to use to keep universities accountable.</li> <li>Universities control all the data/survey/emails - so difficult to access information when there is only anecdotal evidence.</li> </ul>	<ul style="list-style-type: none"> <li>Data reporting requirements must be balanced with protecting confidentiality of students</li> <li>Would like to see something which helps providers change the media rhetoric around increased reporting being detrimental</li> <li>A requirement to report on how further risk of harm to individuals was effectively mitigated and managed would result in more proportionate sanctions and risk mitigation strategies.</li> <li>Be explicit in expectations on data collection including information/anonymous reporting to fill the current gaps in understanding.</li> <li>One size fits all requirement for data collections ignores the contextualised approach of different providers including work already being undertaken.</li> </ul>	<ul style="list-style-type: none"> <li>Include number of reportable incidents and how disputes were resolved in reporting</li> <li>Include evaluation of strategies and case studies to test adequacy of response</li> </ul>	<ul style="list-style-type: none"> <li>Don't want victim-survivors to have to "out" themselves to be part of data reporting - especially young/International. Need option "prefer not to say"</li> <li>Make all reporting elements LGBTQI/trans inclusive so members of these communities know it applies to them</li> <li>LGBTQI community will want to know what data will be used for <ul style="list-style-type: none"> <li>1. Need very clear information and inclusivity for the LGBTQI+ community. Have clear information on who receives the report &amp; privacy around it. as much up front information and options on what goes further &amp; what doesn't. Option to report anonymously or semi-anonymously.</li> </ul> </li> </ul>
<b>Standard 7: Safe student accommodation</b>	<ul style="list-style-type: none"> <li>There is variation between student accommodation providers on mental health first aid training. Person dealing with complaints should not be the same person doing admissions.</li> </ul>	<ul style="list-style-type: none"> <li>What are the legal protections for institutions in providing advice/ collaborating with privately owned student accommodation providers? Who is responsible for collaborating with whom?</li> <li>Student accommodation is a multi-regulatory environment with different providers subject to different requirements.</li> <li>Consider allowing student accommodation providers</li> </ul>	<ul style="list-style-type: none"> <li>Consider how the Code allows for reporting in student accommodation settings where peer pressure is to keep behaviours hidden</li> <li>In Victoria, there are sections of student accommodation that don't come under the RTA/come under Consumer Affairs</li> </ul>	<ul style="list-style-type: none"> <li>Many 1st nations people have to live in residential accommodation because they may come from regional/remote.</li> <li>Students need to be aware what support they can access in accommodation and that there is a duty of care for anything that happens on site there</li> </ul>

to be exempt from one size fits all rental agreements.

- Consider how compliance will operate, given student accommodation providers exist in a multi-regulatory environment.

**List of organisations that participated in targeted consultations on the National Higher Education Code to Prevent and Respond to Gender-based Violence**

Stakeholder group	Organisation	Consultation Date
Higher Education Bodes	s 47G(1)(a)	12 June 2024
		4 July 2024
Higher Education Providers		4 July 2024
		4 July 2024

	4 July 2024
Students	5 & 11 June 2024
	5 & 11 June 2024
LGBTQIA+	9 July 2024
	9 July 2024
	9 July 2024
Disability	13 June 24/ 20 June 2024
	13 June 24/ 20 June 2024
	13 June 24/ 20 June 2024
	13 June 24/ 20 June 2024
	13 June 24/ 20 June 2024
	13 June 24/ 20 June 2024
	13 June 24/ 20 June 2024

s 47G(1)(a)

		13 June 24/20-Jun-2024
		13-Jun-24/ 20 June 2024
CALD		25 June 2024
		18 June 2024
		18 June 2024
Victim-survivor advocates		18 June 2024
		18-Jul-2024
		18-Jul-2024
First Nations		18-Jul-2024
		8 July 2024
		17 May 2024
		8-Jul-2024
GBV expert and Women's Safety		26-Jul-2024
		1-Aug-2024
		Out of session
		8-Aug-2024
Young People		4 June 2024
Accommodation Providers		19 June 2024
		5 July 2024
Staff		19 June 2024
Victim-Survivors		
Government	eSafety	28 June 2024
Higher Education Standards Panel		29 July 2024
Victorian government	Victoria government departmental officials s 47G(1)(a)	16 July 2024 7 August 2024