



**Education Ministers
Meeting**

Action Plan Addressing Gender-based Violence in Higher Education



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Context

The *National Plan to End Violence against Women and Children 2022–2032* lays out the shared vision of Australian governments to end gender-based violence in one generation. It is a 10-year blueprint setting out the work to be undertaken by all governments and all sectors across the country – including higher education providers and student accommodation providers – to achieve this vision.

Students and staff in higher education deserve to be and feel safe. Over the last several years, evidence has shown that sexual violence continues to occur in university communities at significant rates. Along with the negative effects on victim-survivors' mental and physical health, and wellbeing, this violence can also negatively affect students' educational outcomes. They may be less able to attend or participate in classes, and in some cases, will withdraw from their study. This directly challenges the core mission of universities and the education they provide. For staff, the effects of gender-based violence can result in reduced performance, absenteeism, and turnover.

While there are examples of good practice and some students and staff receive appropriate and high-quality support, other students and staff victim-survivors have not received the support and care they need and deserve from providers. Some perpetrators have not adequately been held to account and some providers have not always been transparent.

All violence, regardless of who uses it and who experiences it, is unacceptable. Sexual assault and sexual harassment – which are nationally and internationally recognised as forms of gender-based violence – are not experienced equally by people in the community: they are overwhelmingly perpetrated by men against women and LGBTIQ+ people.¹ In universities, First Nations students, students with disability, LGBTIQ+ students, non-binary and transgender students experience sexual assault and sexual harassment at significantly higher rates than others.² In universities, as in the broader community, the overwhelming majority of perpetrators of sexual violence are men.³ Women and non-binary staff are more likely to experience sexual harassment than men.⁴



Gender-based violence is deeply rooted in gender-based power inequalities, rigid gender norms and gender-based discrimination. To prevent violence against women and LGBTIQ+ people, these drivers must be acknowledged, addressed, and challenged. This Action Plan focuses on all forms of gender-based violence, including sexual violence.

The higher education sector has a unique opportunity to drive social change at scale with 1.5 million students, over 130,000 staff and internationally recognised research expertise. Many within the sector are already pursuing this opportunity and supporting students and staff within their communities. Institutions have strong connections to local and international communities and are driven by the pursuit of knowledge, evidence and change through education. Institutions, in partnership with students, staff, their communities and subject matter experts, can and must do more to prevent gender-based violence.

Over the last several years, evidence has shown that sexual violence continues to occur in university communities at significant rates.



Multi-party accountability is central to this Action Plan:**Governments**

The Australian Government and state and territory governments are committed to ending gender-based violence in all parts of the community, and ensuring appropriate responses if it does occur, as articulated in the *National Plan to End Violence against Women and Children 2022–2032*. Governments are accountable for overseeing this Action Plan and working collaboratively towards its successful delivery.

Higher education providers, affiliated organisations and associations, and student accommodation providers

These providers and organisations are accountable for achieving whole-of-organisation performance in preventing and responding to gender-based violence, informed by the evidence base, that is necessary to provide a safe environment for students and staff, meet community expectations and comply with relevant regulatory measures. Providers are also accountable for:

- + promoting student and staff safety
- + initiating and embedding prevention measures across the whole organisation
- + acting swiftly to protect student and staff safety when disclosures and reports are made
- + protecting the legal rights and interests of all students and supporting procedural fairness
- + ensuring reporting pathways and processes and support services are centred on the needs and safety of victim-survivors, and
- + ensuring appropriate sanctions are imposed on perpetrators.

Communities

Universities, student accommodation providers, affiliated organisations and associations and other higher education communities will work towards a higher education system free from violence. Students, staff, student and staff organisations and other relevant stakeholders are part of these communities and have a major role, and shared accountability, in the design, implementation and embedding of any work on gender-based violence.

This Action Plan puts the voices and needs of victim-survivors at the centre. It is supported by the actions of stakeholders listed above. It defines the responsibilities of stakeholders that are committed to a country where all people live free from fear and violence and are safe at home, at work, in study, in the community and online.

Principles

The principles that underpin this Action Plan reflect and build on those of the *National Plan to End Violence against Women and Children 2022–2032*.

The Action Plan principles also recognise the unique role that higher education providers can and must play in driving broader social change, as well as the distinct responsibilities they hold in relation to creating safe study, work, social and living environments.

All violence, regardless of who uses it and who experiences it, is unacceptable.



The principles that will guide implementation and ongoing accountability arrangements relevant to this Action Plan are:

- 1 There is a collective commitment from the higher education sector to lead and collaborate on long-term social and cultural change to prevent gender-based violence.
- 2 Governments, relevant agencies, and higher education providers agree there is an urgent need for action and focus to be taken on this issue, acknowledging that full implementation of all actions will take time.
- 3 Providers will implement change in their own communities and support positive change in the wider community, informed by a shared understanding of the drivers of gender-based violence, good practice and clearly defined standards.
- 4 Work to address gender-based violence will be co-designed with students, staff, experts, services providers and local communities and shared across providers to maximise impact.
- 5 Providers will take an inclusive and intersectional approach to implementation.
- 6 Guided by recognised experts and educators, design and implementation will be trauma-informed, centring the voices and needs of victim-survivors.
- 7 Action will reflect and respond to existing and emerging evidence, using the best research and contributing to new knowledge about what works.
- 8 Governments and individual providers will be transparent about efforts and progress towards ending gender-based violence.
- 9 Governments and providers will be accountable for delivering change.
- 10 Governments and relevant agencies will collaborate and work in partnership throughout implementation of actions.

Actions

Action 1

In consultation with the states and territories, the Australian Government will establish a new National Student Ombudsman with investigative and dispute resolution powers to ensure domestic and international students have an effective, trauma-informed complaints mechanism to use when they are not satisfied by their higher education provider's response. The National Student Ombudsman will be established within the Commonwealth Ombudsman.

- + The National Student Ombudsman would provide an independent and impartial mechanism for escalating complaints about providers. The process to make a complaint would be clearly described and communicated and be effective and accessible for all students, supporting better outcomes.
- + In designing a National Student Ombudsman consideration will be given to ensuring it can:
 - play a role in promoting best practice relating to complaints handling and student experience
 - have the power to handle and investigate student complaints about the administrative actions of their providers, including in relation to student safety, welfare, course and student loan administration, and reasonable adjustments for students
 - have the ability to consider whether the actions taken by providers are contrary to law, unreasonable, unjust, oppressive or improperly discriminatory, based on mistake of law or fact, or otherwise wrong and whether they meet the expectations of providers required by regulation
 - have the ability to investigate once a higher education provider's complaints process has concluded, or if it considers a provider is acting unreasonably, or if there are unreasonable delays, or where the provider is otherwise failing to follow its own policies or meet regulatory expectations. This would include those established in the proposed *National Higher Education Code to Prevent and Respond to Gender-based Violence*
 - have the power to recommend that the Vice-Chancellor, Chief Executive or leader of a provider takes specific administrative steps to resolve complaints, such as:
 - refunding or re-crediting fees, and/or
 - making changes to provider policies, practices and processes

- offer a restorative engagement process between student and provider where appropriate
 - provide an annual report to Parliament, through the Australian Government Minister for Education, that will report on numbers and types of complaints, the actions of providers in response to recommendations, and wider opportunities to improve student experience and complaints handling for students
 - share information with, and receive information from, relevant regulators to identify and respond to systemic risk, provide the basis for further compliance action if necessary, and ensure accountability
 - be the primary escalated complaints authority for students in relation to their providers, with further work required to ensure this is effectively implemented
- + The Student Ombudsman would not be responsible for investigating complaints relating to the merit of academic decisions, complaints by employees of higher education providers or administrative actions regarding employment.





Students and staff in higher education deserve to be and feel safe.

Action 2

All higher education providers will embed a whole-of-organisation approach to prevent and respond to gender-based violence in their organisations, led by their most senior executives and governance boards.

+ All providers will explicitly commit to, resource, and embed a whole-of-organisation approach to prevent gender-based violence that reflects the aforementioned principles and strives for excellence. This approach will address:

- **Students**

Providers will ensure all student-related policies, practices, processes and services – including university-affiliated student associations, clubs and societies – are accessible, easy to navigate and promote gender equality, respect, diversity and inclusion. Respectful relationships education will be a core component of the learning experience of all students. Particular attention will be given to preventing gender-based violence in the context of staff and student power dynamics including supervision of higher degree research students.

- **Staff**
Providers will ensure that at a minimum they are meeting their legal obligations under the *Fair Work Act 2009*, *Racial Discrimination Act 1975* and the *Sex Discrimination Act 1984* – including the positive duty to prevent sexual harassment and sex-based harassment – and work, health and safety legislation and other state and territory legislative requirements as part of preventing gender-based violence. Providers will examine how their workplace culture, policies and practices, including recruitment, promotion, and organisational governance promote gender equality, respect, diversity and inclusion. Particular attention will be given to ensuring that all staff, including those in casual or contractual employment arrangements, have the ability to safely raise reports independent of their supervisor or administrative teams.
 - **Teaching and learning**
Providers will ensure physical and online teaching and learning environments – including sites of work integrated learning and clinical placements – are equitable, accessible, respectful and safe. As part of a whole-of-organisation approach to prevent gender-based violence, teaching staff should be supported to build their own capacity and the capacity of others to promote gender equality, respect, diversity and inclusion in how, and what, they teach and research.
 - **Business and operations**
Providers will amplify their prevention work into the broader community to model and promote their leadership in, and commitment to, gender equality, respect, diversity and inclusion. This includes stakeholders such as research partners, industry and community partners and organisations, and other core partners.
 - **Research and research pathways**
Providers that undertake research and research training will address unconscious and structural biases in research funding applications and allocations, research training, career progression, research programs and retention strategies across of levels of academia.
- + A whole-of-organisation approach must first be underpinned by trauma-informed **response** systems to ensure safety and support for students and staff in response to any type of violence. This includes responding to disclosures, reports and conducting disciplinary processes; ongoing support and safety planning mechanisms, including while disciplinary processes are underway; establishing referral pathways to relevant services; and expert-led response training for staff and students. It also includes the provision of specific expert-led training for staff on responding to disclosures and reports about gender-based violence, including sexual harassment.

Action 3

The Australian Government will urgently strengthen provider accountability for systemic issues relating to gender-based violence by introducing a new National Higher Education Code to Prevent and Respond to Gender-based Violence.

- + The National Code will set requirements for embedding the whole-of-organisation approach, with rules covering:
 - embedding evidence-based primary prevention activities and respectful relationships education in student activities and staff induction and development
 - proposed expertise to undertake effective prevention, management and support
 - service-level standards for student and staff support and response, including established referral pathways to therapeutic and other relevant services
 - management of disclosures and reports regarding gender-based violence, including the prioritisation of student and staff safety and agency in these processes, the need for urgent response when required, and ensuring procedural fairness
 - the proposed expertise of people involved in investigations and disciplinary processes will need
 - reflection of the whole-of-organisation approach in providers' strategic documents and governance arrangements
- requirements to explicitly consider and address the needs of different student and staff cohorts and the intersectionality of these needs, including LGBTIQ+ people, international staff and students, culturally and linguistically diverse people, First Nations people, people with disability and higher degree research students
- provision of student support and academic adjustments
- whole-of-organisation data collection and reporting to the Australian Government
- regular and transparent public-facing reporting of prevalence of gender-based violence, and prevention and response activities
- engagement with sector-wide opportunities for improvements in performance, transparency and accountability, including publicising providers' plans on how they intend to action the National Code and measure progress.
- + The National Code will be tabled in Parliament by the Australian Government Minister for Education, following consultation with state and territory governments and relevant sector stakeholders.
- + Implementation of the National Code will be led by a new expert unit, initially within the Department of Education.
 - This unit will drive collaboration and a sustained focus across the sector by building capability of providers to prevent and respond to gender-based violence, sharing best practice and emerging evidence, and undertaking targeted compliance activities.



- The new unit will provide new comparable, national and public reporting on data, including prevalence, disclosures and reports; student/staff awareness of and satisfaction with reporting pathways; provider performance; and overall sector performance, including through annual reporting to Parliament through the Australian Government Minister for Education.
 - The new unit will support and enable partnerships between providers and research experts, networks and organisations – such as Australia’s National Research Organisation for Women’s Safety – to ensure work undertaken is informed by the latest and evolving evidence and this evidence is widely available and understood in the higher education sector.
- + The new National Code, and other arrangements, will be implemented in a way that enables providers to reflect their scale and student and staff profile.
 - + New arrangements and requirements will aim to minimise overlap with other national and state-based regulatory arrangements where possible, including the Higher Education Threshold Standards, the new positive duty requirements, the Support for Students policy requirements, and reporting to the Workplace Gender Equality Agency.



Action 4

The Australian Government will enhance the oversight, standards and accountability of standalone student accommodation providers so that all students are safe, and feel safe, where they live.

- + Student accommodation providers operated by a higher education provider must comply with relevant sections of the National Code as part of that provider's whole-of-organisation approach to prevent and respond to gender-based violence.
- + Standalone student accommodation providers not directly operated by higher education providers – including commercial operators, purpose-built student accommodation, and residential halls and colleges – will be individually accountable under the National Code, with further work by the Australian Government and in consultation with states and territories, to investigate and establish a new regulatory framework as soon as possible.
- + As part of this work, standalone accommodation providers will be required to collaborate with the relevant higher education provider/s to align as far as possible their response policies, processes and practices to eliminate the requirement of victim-survivors to recount their traumatic experiences multiple times and to seamlessly integrate safety and support systems between education institutions and accommodation providers.

Action 5

Governments and higher education providers will work together to identify opportunities to ensure legislation, policies and regulations focus on prioritising the safety of victim-survivors in responding to disclosures and reports of gender-based violence.

- + To date, work has identified important technical impediments to prioritising student and staff safety and wellbeing that stem from existing legislative and governance frameworks, in particular an over-reliance on unsuitable disciplinary processes. In addition, providers have found it difficult to hear and determine, in a trauma-informed and procedurally fair way, reports of gender-based violence that involve disputed factual allegations. To inform disciplinary processes, providers could consider the establishment of a panel of experts with the necessary expertise, experience and powers to oversee processes in a way that is consistent with the new regulatory expectations and overarching legal requirements.
- + Further work will examine providers' safety exclusionary policies, powers and disciplinary procedures, and any government policy settings which are relevant. This work will ensure providers respond to allegations of gender-based violence through contemporary processes that prioritise safety, support trauma-informed practice and centre the voices and needs of victim-survivors while upholding procedural fairness.



Gender-based violence is deeply rooted in gender-based power inequalities, rigid gender norms and gender-based discrimination.

Action 6

Governments, higher education providers and student accommodation providers will demonstrate improvement across the sector through increased data transparency and scrutiny.

- + As part of the National Code, providers will be required to regularly provide comparable data on disclosures, reports, student/staff awareness of and satisfaction with reporting pathways and processes, and disciplinary processes and outcomes relating to gender-based violence to the new unit, for annual reporting through the Australian Government Minister for Education to Parliament.
- + To promote data integrity and comparability across the sector, common data definitions will be developed by the new unit to be used by providers in data collection and reporting.
- + National student and staff surveys will form a regular part of the agreed response and will be developed by the sector, in collaboration with Government, subject matter experts, and student and staff representatives and unions to ensure alignment with other relevant surveys and enable comparisons over time.

Action 7

Governments will demonstrate an ongoing commitment to addressing gender-based violence through regular consultation, coordination and review of progress against the Action Plan.

- + The Commonwealth Department of Education will work with the Sex Discrimination Commissioner and other relevant bodies, such as the Domestic, Family and Sexual Violence Commissioner, the Commonwealth Department of Social Services and the Office for Women, and regulators such as Commonwealth, state and territory occupational health and safety agencies, the Fair Work Commission, the Australian Human Rights Commission and the Workplace Gender Equality Agency to ensure that providers are leading in their response to gender-based violence and engaging well with possible regulatory changes and processes.
- + Ongoing national student, staff, victim-survivor and stakeholder engagement will occur during implementation of this Action Plan.
- + Education Ministers will continue to consider progress on implementation, as required, to ensure accountability.





Appendix A:

Whole-of-organisation approach to prevent gender-based violence

International and Australian research clearly demonstrates that gender inequality is a key driver of violence against women. But it is not the only, or most prominent, driver in every situation. Other forms of inequality and discrimination – such as racism, ableism and homophobia – intersect with people’s experiences of gender inequality and influence how they experience gender-based violence.

A whole-of-organisation approach to preventing gender-based violence recognises that everyone has a role to play in creating a culture where rigid gender stereotypes are challenged, gender-based discrimination and other forms of discrimination are unacceptable, and gender equality is actively promoted and modelled. Evidence shows that taking a whole-of-organisation approach is the most effective way to drive lasting change. This approach requires time, resourcing, and ongoing leadership commitment.

A whole-of-organisation approach must first be underpinned by best-practice, trauma-informed response systems to ensure safety and support for students and staff in response to any type of violence. This includes responding to disclosures, reports and reporting processes, ongoing support and safety planning mechanisms, and response training for staff and students. Effective and appropriate response systems are the foundation of primary prevention work – but focussing on response systems alone will not drive the cultural change that is needed.

A whole-of-organisation approach must first be underpinned by best-practice, trauma-informed response systems to ensure safety and support for students and staff in response to any type of violence.

A whole-of-organisation approach should:

- + address the drivers of gender-based violence, including gender inequality and other forms of intersecting discrimination and disadvantage
- + align to and be complemented by the wider policy, regulatory and legislative environments that will support and increase the effectiveness of this work, including:
 - Positive duty legislation, occupational health and safety legislation and sex discrimination legislation at both the federal and jurisdictional level, and Fair Work legislation and regulatory requirements
 - The *National Plan to End Violence against Women and their Children 2022–2032* and the *Aboriginal and Torres Strait Islander Action Plan 2023–2025*, and other relevant frameworks and legislation
- + involve assessment of policies and processes relating to gender equality and gender-based violence
 - + involve assessment of attitudes, norms and culture within the organisation, drawing from qualitative and quantitative data
 - + involve students, staff and stakeholders across all levels of the organisation's community, with particular consideration to ensuring the voices and needs of students and staff are centred in decision-making
 - + engage in workforce development to build the capacity of staff and students – including victim-survivors – across the organisation to effectively contribute to prevention and gender equality
 - + monitor and publicly report on progress and gaps to demonstrate the principles of transparency and accountability, including prevention initiatives and data relating to disclosures and reports
 - + be embedded as part of sustainable and ongoing organisation-wide practice.

Appendix B: Definitions

Complaint

In the context of this Action Plan, a complaint refers to a grievance lodged by a higher education student about the administrative actions of their higher education provider.

Disclosure

Refers to the sharing of information about an experience of gender-based violence with another person. Disclosures can be made to anyone and are usually made to a person who is known and trusted. A person who discloses may not want to make a formal report to their provider or to police and may instead be looking for information about resources and support.

Gender-based violence

Refers to violence that is used against someone because of their gender. It describes violence rooted in gender-based power inequalities, rigid gender norms and gender-based discrimination. While people of all genders can experience gender-based violence, the term is most often used to describe violence against women and girls, because most gender-based violence is perpetrated by men against women, because they are women. Violence can be physical, sexual, emotional, psychological, social, cultural, spiritual, financial and technology-facilitated abuse (including image-based abuse), and stalking. In the context of this Action Plan, we use the term gender-based violence to include violence perpetrated against LGBTIQ+ people. We recognise there are shared drivers of gender-based violence and violence against LGBTIQ+ people, but that violence against the latter is also driven by rigid and hierarchical ideas about sex, gender and sexuality.

Procedural fairness

Traditionally involves two requirements – the fair hearing rule and the rule against bias. The hearing rule requires a decision maker to afford a person an opportunity to be heard before making a decision affecting their interests. The rule against bias ensures that the decision maker can be objectively considered to be impartial and not to have pre-judged a decision.

The specific content of the hearing rule will vary according to statutory context. However, a fair hearing will generally require the following:

1. Prior notice that a decision that may affect a person's interests will be made.
 2. Disclosure of the critical issues to be addressed, and of information that is credible, relevant and significant to the issues.
 3. A substantive hearing—oral or written—with a reasonable opportunity to present a case.⁵
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Provider

In the context of this Action Plan, provider refers to all institutions registered as a higher education provider and delivering higher education to students (universities and institutes of higher education) as well as student accommodation providers, which include university colleges, halls and purpose-built student accommodation.

Report

In the context of this Action Plan, a report refers to a student or staff member providing a formal account or statement about gender-based violence to a person or provider that has the authority to take action. Providers use complaint management frameworks to progress reports.

Trauma-informed

Refers to a strengths-based framework that applies the core principles of safety, trustworthiness, choice, collaboration for shared decision-making, empowerment and respect for diversity. Trauma-informed services recognise the physiological, emotional, psychological and neurological effects of trauma; minimise the risk of re-traumatisation and promote healing; emphasise physical and emotional safety; and focus on the whole context in which a service is provided – not just on what is provided.⁶

Whole-of-organisation approach

See Appendix A.

Endnotes

- 1 Australian Bureau of Statistics, [*Personal Safety, Australia*](#), ABS website, 2021–22, accessed 13 October 2023; Australian Human Rights Commission (AHRC), [*Time for Respect: Fifth national survey on sexual harassment in Australian workplaces*](#), AHRC, 2022.
- 2 Social Research Centre (SRC), [*National Student Safety Survey*](#), SRC, 2022; AHRC, [*Change the Course: National report on sexual assault and sexual harassment at Australian universities*](#), AHRC, 2017.
- 3 AHRC, *Change the Course*; SRC, *National Student Safety Survey*.
- 4 National Tertiary Education Union (NTEU), [*Sexual harassment in the workplace*](#), NTEU, 2023.
- 5 Australian Law Reform Commission (ALRC), [*Procedural fairness: the duty and its content*](#), ALRC website, 12 January 2016, accessed 1 February 2024.
- 6 Blue Knot Foundation National Centre of Excellence for Complex Trauma, [*Building a trauma-informed world*](#), Blue Knot Foundation website, n.d.

