



Consultation on the Draft Action Plan Addressing Gender-based Violence in Higher Education – Higher education providers and peak bodies

Draft Action Plan and National Code

The proposed National Code should provide clarity for providers and avoid duplication

Stakeholders sought clarity on the intersection between the proposed National Code with existing arrangements such as the Support for Students policy, the Higher Education Threshold Standards, positive duty obligations and other regulatory requirements.

There was strong agreement that the Code should avoid duplication and double handling of complaints, noting complaints can still be lodged with TEQSA.

Stakeholders requested further discussion on ensuring victim-survivor safety while observing procedural fairness in an investigation, as well as guidance on providers' interaction with the justice system where a student or staff member reported an incident of gender-based violence to police.

Data consistency is needed to drive useful reporting and accountability

Stakeholders noted definitions and guidance on reporting is critical to ensure consistency in reporting. Stakeholders also highlighted the opportunity for greater data coordination between providers and the broader community. Some suggested regular review mechanisms and periodic surveys to track success of implementation. Existing data collection avenues, such as the National Student Safety Survey, should be used where possible.

Stakeholders suggested the proposed new Unit should be equipped with expertise in gender-based violence, diverse in reflecting the community, and create best-practice, evidence-based guidance to support higher education providers to comply with the proposed National Code.

Members of the higher education community should be consulted

Stakeholders emphasised the importance of co-design and consultation in developing the proposed National Code and that this be conducted through proactive outreach to groups that are disproportionately impacted by gender-based violence.

Clarity is needed on role of accommodation providers

Some stakeholders stated the final Action Plan should expand on the roles and responsibilities and of accommodation providers, particularly regarding information-sharing with higher education providers on incidents of gender-based violence. They noted that there are some good relationships in place but there is opportunity for improvement, including in shared policies, training and data sharing (where appropriate). Stakeholders also recommended student accommodation providers be familiar with the processes higher education providers have in place for supporting victim-survivors.

National Student Ombudsman

There needs to be clarity about the Ombudsman's role within the broader regulatory and complaints landscape

Stakeholders emphasised that the scope, purpose, remit of the National Student Ombudsman need to be clearly defined and communicated, including interactions with other complaints bodies and regulators, and that it is critical to avoid overlap.

Several stakeholders raised concerns that the remit of the Student Ombudsman is broader than issues of gender-based violence. It was consistently emphasised that, if the role of the Ombudsman is as broad as outlined in the Draft Action Plan, it is critical that it replaces rather than duplicates the role of state and territory ombudsman. A number of stakeholders requested consideration by given to VET students being able to access the Ombudsman.

Stakeholders argued that to uphold academic integrity the Student Ombudsman should have no role in reviewing curriculum, teaching methods, assessment methods or outcomes.

The Ombudsman and its role should be clearly communicated to students

Stakeholders expressed the Ombudsman needs to be as accessible as possible, including for students who have English as a non-primary language. This should include information on its remit of the Ombudsman, and the need for students to exhaust complaints processes at their provider before escalating to the Student Ombudsman, to manage student expectations.

Stakeholders highlighted that the success of the Ombudsman will depend on students knowing it exists, and the importance of advertising to students directly. The need to direct students away from state and territory bodies was also noted.

Some stakeholders felt that the name National Student Ombudsman in itself might impact the likelihood of students accessing it, raising concerns that 'Ombudsman' in particular could be interpreted as gendered.

Ongoing engagement and feedback will be critical for continuous improvement

Stakeholders emphasised the need to ensure the student voice is present in the establishment and ongoing management of the Student Ombudsman and that the needs of different cohorts are considered. The voices of experts, providers and staff should also inform the design of the Ombudsman. A mechanism for collecting regular input and feedback from students of all backgrounds should feed into a process of continuous review and refinement.



The Student Ombudsman must be effectively resourced

Stakeholders emphasised that to effectively perform the role as outlined, the Student Ombudsman must be effectively resourced with expertise across complex areas, including gender-based violence, investigation, complaints handling and the higher education sector.

Several stakeholders highlighted the benefits of the Student Ombudsman promoting best practice across the sector and encouraging providers to improve internal complaints processes.

