

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

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### Name

This instrument is the *National Higher Education Code to Prevent and Respond to Gender-based Violence*.

### Commencement

The *National Higher Education Code to Prevent and Respond to Gender-based Violence* commences:

- a) on 1 January 2026 for Providers that are Table A Providers and Table B Providers under the *Higher Education Support Act 2003* (Cth) as at 1 January 2026;
- b) on 1 January 2027 for all other Providers registered under the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) before 1 January 2027; and
- c) on the date on which the Provider is registered under the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) for all Providers registered after 1 January 2027.

### Part A The National Higher Education Framework to Prevent and Respond to Gender-based Violence

The objects of the *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025* (Cth) (**Act**) are:

- a) to reduce the incidence of Gender-based Violence in higher education; and
- b) to establish national standards and requirements for higher education providers to prevent and respond to Gender-based Violence; and
- c) to establish a regulatory framework to monitor and enforce compliance with the national standards and requirements.

Providers are registered Higher Education Providers under the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) (**TEQSA Act**).

Under the Act, the purpose of the National Higher Education Code to Prevent and Respond to Gender-based Violence (the Code) is to provide national standards and requirements for Providers in connection with preventing and responding to Gender-based Violence, including in relation to student accommodation. The Act sets out the matters about which the National Higher Education Code to Prevent and Respond to Gender-based Violence can impose requirements on Providers.

The National Higher Education Code to Prevent and Respond to Gender-based Violence requires that the Provider take actions that are proportionate and safe when Gender-based Violence is experienced or engaged in by the Students or Staff of a Provider, regardless of where, or the context in which, the Gender-based Violence occurs.

The National Higher Education Code to Prevent and Respond to Gender-based Violence comprises the following Standards:

**Standard 1: Accountable leadership and governance** - Effective governance and a Whole-of-Organisation approach prioritises safety and support in the prevention of and response to Gender-based Violence.

**Standard 2: Safe environments and systems** - Higher Education Providers' environments are safe and systems continuously improve to prevent and respond to Gender-based Violence.

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

**Standard 3: Knowledge and capability** - Higher Education Providers build knowledge and capability to safely and effectively prevent and respond to Gender-based Violence.

**Standard 4: Safety and support** - Responses and support services are safe and person-centred.

**Standard 5: Safe processes** - All processes are safe and timely.

**Standard 6: Data, evidence and impact** - Higher Education Providers use evidence to inform their approach, measure change and contribute to the national evidence-base.

**Standard 7: Safe Student Accommodation** - Student accommodation is safe for all students and staff.

The Secretary of the Department of Education is responsible for administering the National Higher Education Code to Prevent and Respond to Gender-based Violence. The Department will provide publicly available information providing an overview of the standards and practical information as to how Providers can meet each Standard.

The National Higher Education Code to Prevent and Respond to Gender-based Violence imposes data reporting obligations on Providers, which are primarily set out in Standard 6. Data plays a critical role in expanding the evidence base and understanding the nature and prevalence of Gender-based Violence, identifying the needs of different groups, measuring progress, and informing policy and program design. This data will inform the Department's compliance and accountability priorities and educative activities. The data will also provide transparency about the experiences of Gender-based Violence in the higher education sector, inform national strategies to reduce Gender-based Violence in the higher education sector, and build the evidence-base regarding systemic and cultural barriers for preventing and responding to Gender-based Violence. The data collected will be published by the Department in aggregated form, unless its publication would have the effect that an individual is identifiable or reasonably identifiable.

The National Higher Education Code to Prevent and Respond to Gender-based Violence has legal effect as expressly provided for in the Act. Breaches of the Code by Providers can result in action being taken against them and the imposition of financial penalties, enforceable undertakings and court ordered compliance with the Code. Breaches of the Code may also give rise to breaches of a Provider's obligations under the TEQSA Act, which may result in the Tertiary Education Quality and Standards Agency taking separate regulatory action against the Provider.

## **Part B Standards and requirements**

### **Effect of this Part**

The Parliament does not intend by this Part B to:

- (a) create in any person any legal right, or give rise to any civil cause of action; or
- (b) to affect in any way the interpretation of any Commonwealth Act or law which is in force.

**Standard 1: Accountable leadership and governance** – Effective governance and a Whole-of-Organisation approach prioritises safety and support in preventing and responding to Gender-based Violence.

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**Requirements:**

*Leadership and Governance*

- 1.1 A **Provider**, through its **Higher Education Principal Executive Officer**, is accountable for compliance with the **Code**.
- 1.2 A **Provider** must have expertise in **Student** and **Staff** safety and wellbeing within the membership of the **Provider's Governing Body** or a subcommittee that reports directly to the **Provider's Governing Body** that has delegated responsibility for **Student** and **Staff** safety and wellbeing.
- 1.3 A **Provider** must, in complying with the **Code**, provide **De-identified** information and otherwise undertake its obligations under the **Code** in accordance with applicable Commonwealth, State and Territory **Privacy Laws** or, where no other **Privacy Laws** apply, with reference to the Australian Privacy Principles.

*Whole-of-Organisation approach to preventing and responding to Gender-based Violence.*

- 1.4 A **Provider** must, led by its **Higher Education Principal Executive Officer**, prepare, implement and publish on its website a **Whole-of-Organisation Prevention and Response Plan** that:
  - (a) records the **Provider's Whole-of-Organisation** approach to preventing and responding to **Gender-based Violence**, including in any **Student Accommodation** which the **Provider** directly owns, operates and/or manages, that prioritises the safety and support of its **Students** and **Staff**;
  - (b) responds to **Gender-based Violence** wherever it is experienced by the **Provider's Students** and **Staff**;
  - (c) addresses the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Provider's** context.
  - (d) records how the **Provider** will implement the requirements in the **Code**, including in any **Student Accommodation** which the **Provider** directly owns, operates and/or manages;
  - (e) includes a **Whole-of-Organisation** assessment, which includes any **Student Accommodation** which the **Provider** directly owns, operates and/or manages, that identifies systemic risks, enablers and barriers to preventing **Gender-based Violence**;
  - (f) includes actions that will be taken in response to findings of the assessment;
  - (g) includes a gender equality action plan, which the **Secretary** may require to be prepared in a prescribed manner and form;
  - (h) reflects the needs, experience and agency of all members of the **Provider's** community, particularly those members who are disproportionately affected by **Gender-based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
  - (i) is developed in respect to its design and implemented through engagement and collaboration with **Students** and **Staff**, including those who have experienced **Gender-based Violence**;

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- (j) is informed by the **Provider's** analysis of available data or other relevant publicly available data, as reported to the **Secretary** under Standard 6;
  - (k) includes a systemic review and analysis of the **Provider's** responses to **Disclosures** and **Formal Reports** to identify barriers, gaps and opportunities for improvement;
  - (l) is informed by available and relevant domestic and international evidence about the nature and extent of **Gender-based Violence**; and
  - (m) is endorsed by the **Provider's Governing Body**.
- 1.5 The **Secretary** may require a **Provider** to report on how the engagement with and views of **Students** and **Staff** has informed the development of the **Prevention and Response Plan**.
- 1.6 A **Provider** that directly owns, operates and/or manages **Student Accommodation** must ensure that its **Prevention and Response Plan** comprehensively addresses how it will comply with its obligations under the **Code** in the **Student Accommodation**.
- 1.7 A **Provider** must develop and implement an outcomes framework to track and measure the effectiveness of actions under their **Prevention and Response Plan**.
- 1.8 A **Provider** must give to the **Secretary** a copy of the **Prevention and Response Plan** and outcomes framework by the **Initial Reporting Date** and every four years thereafter and must include a systemic review and analysis and is informed by the **Provider's** analysis of data, as reported to the **Secretary** under Standard 6.
- 1.9 Commencing after the **Initial Reporting Date**, a **Provider** must report to the **Governing Body** at least every six months against the outcomes framework for its **Prevention and Response Plan**. The report must include **De-identified** data on incidents of **Gender-based Violence** experienced by **Students** and **Staff** since the last report, including identification of any trends in the data.
- 1.10 Commencing after the **Initial Reporting Date**, a **Higher Education Principal Executive Officer** must give to the **Secretary** every two years a report on the **Prevention and Response Plan** and its outcomes framework. The **Secretary** may prescribe the manner and form in which these reports must be provided.
- 1.11 A **Provider** must review and amend its **Prevention and Response Plan** having regard to its duty of care to **Students** and **Staff**, and those amendments must be endorsed by the **Governing Body**.
- 1.12 The **Secretary** may give feedback to a **Provider** on its **Prevention and Response Plan** and any amendments to it. A **Provider** that receives feedback from the **Secretary** must, within the timeframe specified by the **Secretary**, engage with the **Secretary** in respect of that feedback, revise its **Prevention and Response Plan** in accordance with that feedback, and provide a copy of the **Prevention and Response Plan** to the **Secretary**.

*Reporting*

- 1.13 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.

**Standard 2: Safe environments and systems** – Higher Education Providers' environments are safe and systems continuously improve to prevent and respond to Gender-based Violence.

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**Requirements:**

*Safe environments*

2.1 A **Provider** must:

- (a) ensure its **Staff** comply with the **Working with Children Check** requirements of their governing State or Territory;
- (b) as part of the engagement process, ask prospective employees and members of the **Governing Body** to declare whether they have been investigated for an allegation of **Gender-based Violence**, or determined to have engaged in conduct that constitutes **Gender-based Violence** during the course of their previous employment, or otherwise in a legal process;
- (c) consistently with the **Provider's** duty of care to **Students** and **Staff**, take into consideration any declaration made under paragraph 2.1(b) and any risks arising from the declaration in determining the person's suitability for their position;
- (d) take into consideration any substantiated allegation of **Gender-based Violence** found by the **Provider** in the course of an employee's employment in the promotion, recognition and reward of that employee;
- (e) address any material risk arising in relation to any **Staff** who are not employees where they have been investigated for, or determined to have engaged in, **Gender-based Violence**; and
- (f) make alternative teaching, research, research supervision, employment or living arrangements as necessary to ensure the safety of **Students** and **Staff** where a **Student** or **Staff** alleges that they have experienced **Gender-based Violence**.

2.2 A **Provider** must:

- (a) require employees to declare any existing or previous intimate personal relationship they have with:
  - (i) an employee, where one employee has, or is likely to have, any supervisory, oversight or decision-making responsibilities in relation to the other employee; and
  - (ii) a **Student**, where the employee has, or is likely to have, any academic or other decision-making responsibilities in relation to the **Student**; and
- (b) where a declaration is made in accordance with paragraph 2.2(a), implement a conflict-of-interest management plan that includes permanent alternative teaching, research or working arrangements as necessary.

*Policies*

2.3 A **Provider** must have and implement a **Policy** on preventing and responding to **Gender-based Violence** that:

- (a) provides information and increases awareness and understanding of the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Provider's** context.
- (b) is **Person-centred** and **Trauma-informed** in its content and application;

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- (c) adopts the definition of **Gender-based Violence** as defined in the **Code**;
  - (d) clearly states that **Gender-based Violence** is unacceptable;
  - (e) includes information on available support services, including academic supports, in relation to **Gender-based Violence**;
  - (f) includes information on **Procedures** in relation to a **Disclosure** or **Formal Report of Gender-based Violence**; and
  - (g) is publicly available, drafted in plain English and able to be translated into different languages taking into account the student and staff demographics of the **Provider**.
- 2.4 A **Policy** on preventing and responding to **Gender-based Violence** must apply to:
- (a) **Students, Leadership, Staff and Affiliated Organisations**; and
  - (b) entities that conduct activities on behalf of the **Provider**, including but not limited to businesses and organisations that operate on, use or lease the **Provider's** land and facilities.
- 2.5 A **Provider** must develop and review its **Policy** on preventing and responding to **Gender-based Violence** at least every three years including through engagement and collaboration with:
- (a) **Students**;
  - (b) employees;
  - (c) those groups who are disproportionately affected by **Gender-based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
  - (d) those who have experienced **Gender-based Violence**;
  - (e) subject matter experts on **Gender-based Violence**; and
  - (f) third parties whose facilities are utilised by **Students** or **Staff** to undertake clinical or other work, research placements, or practicums.
- 2.6 The **Secretary** may require a **Provider** to report on how the engagement with, and the views of **Students** and employees, experts in prevention of **Gender-based Violence** and other persons identified in 2.5, has informed the development and review of the **Policy** on preventing and responding to **Gender-based Violence**.
- 2.7 A **Provider** must, when developing, reviewing and implementing its Policies, ensure that the Policies support:
- (a) the prevention of **Gender-based Violence**, including by undertaking gender impact assessments;
  - (b) effective responses to **Gender-based Violence**;
  - (c) **Disclosers** achieving their educational outcomes, including through necessary academic adjustments; and
  - (d) the physical and psychological safety and wellbeing of **Students** and **Staff**.

*Transparency*

- 2.8 A **Provider** must prohibit the use of a **Non-disclosure Agreement**, unless requested by a **Discloser**.
- (a) If a **Discloser** requests the use of a **Non-Disclosure Agreement** in relation to **Gender-based Violence**, any such agreement with the **Provider** must not stop the **Discloser** from sharing their experience for the purpose of seeking support and advice or prevent the **Provider** from complying with their reporting obligations under the **Code**;
- (b) Any settlement terms agreed between the **Discloser** and the **Provider** must not contain a **Non-disparagement Clause** that could have the effect of requiring the **Discloser** to keep their experience of **Gender-based Violence** confidential.

*National Student Ombudsman Recommendations*

- 2.9 A **Provider** must implement any recommendations made by the **National Student Ombudsman** in relation to **Gender-based Violence** which are directed to the **Provider**.

*Reporting*

- 2.10 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.



**Standard 3: Knowledge and capability** – Higher Education Providers build knowledge and capability to safely and effectively prevent and respond to Gender-based Violence.

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**Requirements:**

*Prevention education and training*

- 3.1 A **Provider** must ensure delivery of ongoing, comprehensive prevention education and training to its **Students, Leadership** and **Staff** that includes the following learning outcomes for participants:
- (a) increases awareness and understanding of what constitutes **Gender-based Violence**;
  - (b) increases awareness and understanding of the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Provider's** context;
  - (c) increase awareness and understanding of how forms of inequality and discrimination compound to effect **Gender-based Violence**, particularly for those who are disproportionately affected by **Gender-based Violence**;
  - (d) increases awareness and understanding of healthy, respectful and safe relationships and consent;
  - (e) increases awareness and understanding of the role of power dynamics in **Gender-based Violence**;
  - (f) increases awareness and understanding of the support services, resources and reporting channels available to a person who has experienced **Gender-based Violence**;
  - (g) increases awareness and understanding of **Ethical Bystander** and compassionate responses to **Disclosures** and **Formal Reports**; and
  - (h) builds understanding of **Gender-based Violence** by strengthening knowledge and capability over time.
- 3.2 A **Provider** must ensure that prevention education and training is:
- (a) evidence-informed and aligns with current best practice in the prevention of **Gender-based Violence**;
  - (b) **Trauma-informed** in its content and delivery;
  - (c) tailored to the **Provider's** community and context;
  - (d) culturally appropriate;
  - (e) inclusive and accessible to **Students** and **Staff** with disabilities;
  - (f) designed to support ongoing learning; and
  - (g) designed to safely manage any **Disclosures** that may arise in the course of the education and training, including by providing information about the internal and/or external support services and reporting channels available to a person who has experienced **Gender-based Violence**.
- 3.3 A **Provider** must develop this prevention education and training through collaboration and engagement with:
- (a) experts in the prevention of **Gender-based Violence**;
  - (b) **Students**;



**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- (c) **Staff**;
- (d) people who have experienced **Gender-based Violence**; and
- (e) those groups who are disproportionately affected by **Gender-based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity.

3.4 The **Secretary** may require a **Provider** to report on how the engagement with and views of the persons referred to at paragraph 3.3 has informed the development of the education and training.

*Prevention communication and initiatives*

3.5 A **Provider** must promote and widely disseminate evidence-informed prevention communication and key messaging across its study, work, living and social environments.

3.6 Prevention initiatives, including programs and campaigns, delivered by a **Provider** must be evidence-based and evaluated. Evaluation findings must inform future prevention initiatives.

3.7 The **Secretary** may require a **Provider** to report on how the evaluation findings have informed future prevention initiatives.

*Responding to Disclosures education and training*

3.8 A **Provider** must, as part of the onboarding process and subsequently on at least an annual basis, deliver specialised education and training on responding to a **Disclosures** to **Students** in leadership positions, **Leadership**, **Staff** and any other person whom the **Provider** considers necessary.

3.9 The education and training on responding to a **Disclosure** must:

- (a) teach participants how to take a **Trauma-informed** and **Person-centred** approach when responding to **Disclosures**;
- (b) increase participants' awareness of the effect of trauma, including on a person's behaviour, memory and health and wellbeing;
- (c) take account of the needs of all members of the **Provider's** community, particularly those members who are disproportionately affected by **Gender-based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
- (d) be developed through engagement with or approved by an **Accredited Specialist**, specialist organisation or a person with expertise in responding to **Gender-based Violence**; and
- (e) be designed to safely manage any **Disclosures** that may arise in the course of the education and training, including by providing information about the internal and/or external support services and reporting channels available to a person who has experienced **Gender-based Violence**.

*Monitoring and evaluation of education and training*

3.10 A **Provider** must undertake ongoing monitoring and evaluation of its prevention and responding to **Disclosures** education and training having regard to:

- (a) the learning outcomes;
- (b) feedback from participants;

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- (c) feedback from experts in the prevention of and response to **Gender-based Violence**; and
  - (d) any other factors the **Provider** considers relevant for the purposes of monitoring the effectiveness of the education and training.
- 3.11 A **Provider** must use findings from monitoring and evaluation to inform future education and training. The **Secretary** may require a **Provider** to report on how the list at paragraph 3.10 (a) to 3.10(d) has informed the evaluation and future education and training.
- 3.12 The **Secretary** may require a **Provider** to provide copies of evaluation reports.
- 3.13 A **Provider** is responsible for determining whether this education and training is required to be updated having regard to its duty of care to **Students** and **Staff**.

*Expertise and experience – risk assessments*

- 3.14 A **Provider** must require that risk assessments conducted under the **Code** are undertaken by **Staff** who have:
- (a) expertise in **Gender-based Violence** risk assessment;
  - (b) competency in working with specific cohorts including First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity; and
  - (c) relevant knowledge, including of:
    - (i) evidence-based static and dynamic risk factors and protective factors for experiencing **Gender-based Violence**;
    - (ii) types, patterns and effects of **Gender-based Violence**;
    - (iii) how **Gender-based Violence** is experienced by different groups of people; and
    - (iv) the nature and impact of coercive control.
- 3.15 Where a **Provider** identifies that it does not have **Staff** with the necessary expertise and experience to conduct a risk assessment, the **Provider** must engage a person external to the **Provider** who has the necessary expertise and experience outlined at paragraph 3.14, except in urgent circumstances in which a **Provider** must take action consistently with its duty of care to **Students** and **Staff**.

*Expertise and experience – Formal Reports, investigations and disciplinary proceedings*

- 3.16 A **Provider** must require **Staff** involved in responding to **Formal Reports**, conducting an investigation, or determining a disciplinary proceeding to have:
- (a) Knowledge in relation to **Gender-based Violence**, including in the following:
    - (i) risk and protective factors for experiencing **Gender-based Violence**;
    - (ii) the types, patterns and effects of **Gender-based Violence**;
    - (iii) how **Gender-based Violence** is experienced by different groups of people; and
    - (iv) the nature and impact of coercive control; and
  - (b) experience and expertise, including in the following:

PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION

- (i) how to respond effectively to people who have experienced and engaged in **Gender-based Violence**, including consistently with **Trauma-informed** and **Person-centred** approaches;
- (ii) the effects of trauma, including on a person's behaviour, memory and health and wellbeing;
- (iii) competency in working with specific cohorts including First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
- (iv) **Procedural Fairness**;
- (v) taking and recording statements; and
- (vi) handling reports and **Disclosures**.

3.17 A **Provider** must require **Staff** under paragraph 3.16 to undertake training in areas relating to paragraphs 3.16(a) to 3.16(b) once every three years.

3.18 Where a **Provider** identifies that it does not have **Staff** with the necessary expertise and experience to carry out an investigation or determine a disciplinary proceeding, the **Provider** must engage a person with the expertise under paragraph 3.16.

*Reporting*

3.19 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.

**Standard 4: Safety and support** – Responses and support services are safe and person-centred.

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**Requirements:**

- 4.1 A **Provider** must ensure that its responses, practices and support services are safe, **Person-centred** and consistent with a **Trauma-informed approach** and best practice.
- 4.2 A **Provider** must provide or facilitate access to support services to persons making **Disclosures** and/or **Formal Reports** and to **Respondents**, including explaining the available support services and in particular any supports relevant to educational outcomes such as reasonable academic adjustments.
- 4.3 A **Provider** must actively promote and make widely available information about how **Students** and **Staff** can access **Policies** and **Procedures**, internal and/or external support services including supports for academic adjustments and educational outcomes in relation to **Gender-based Violence**. This information must be accessible and publicly available, drafted in plain English and able to be translated into different languages taking into account the **Students** and **Staff** demographics of the **Provider**.
- 4.4 A **Provider** must undertake a risk assessment in response to all **Disclosures** and **Formal Reports** of **Gender-based Violence** and manage and monitor any identified risks on an ongoing basis.

*Safety and support for Disclosers*

- 4.5 When implementing safety measures in response to a **Disclosure** or **Formal Report**, a **Provider** must engage with and seriously consider the views of a **Discloser**.
- 4.6 A **Provider** must assign **Staff** with relevant expertise and experience to develop collaboratively with the **Discloser** a tailored support plan, including:
  - (i) implementing any measures necessary to ensure the safety of the **Discloser**;
  - (ii) explaining and prioritising urgent access to support services for **Disclosers** when needed and/or requested;
  - (iii) ensuring, to the extent possible, that the **Discloser** is not required to repeat the content of **Disclosures** and **Formal Reports** multiple times to multiple people;
  - (iv) prioritising urgent access to services of an **Accredited Specialist** for **Disclosers** when needed and/or requested;
  - (v) prioritising urgent access to translation and interpreter services for **Disclosers** when needed and/or requested;
  - (vi) considering and implementing academic and/or work adjustments to support the **Discloser** at work and/or in achieving their educational outcomes;
  - (vii) undertaking ongoing risk assessments to manage and monitor any identified risks;
  - (viii) where necessary, discussing the investigation and disciplinary processes, including the role of the person making the **Disclosure** in those processes, if any, and the range of resolutions and sanctions available if an allegation of **Gender-based Violence** is substantiated against the **Respondent**; and
  - (ix) discussing the support options available to the **Discloser** through these processes, including the potential availability of work and/or academic adjustments as required.

### *Support for Respondents*

- 4.7 A **Provider** must assign **Staff** with relevant expertise and experience to develop in consultation with the **Respondent** a tailored support plan, including:
- (a) implementing any measures necessary to ensure the safety of the **Discloser** that may adversely impact the **Respondent**;
  - (b) explaining and prioritising access to support services for **Respondents** when needed and/or requested;
  - (c) explaining and prioritising access to services of an **Accredited Specialist** for **Respondents** when needed and/or requested;
  - (d) prioritising access to translation and interpreter services for **Respondents** when needed and/or requested;
  - (e) where necessary, discussing the investigation and disciplinary processes, including the role of the **Respondent** in those processes, and the range of resolutions and sanctions available if an allegation of **Gender-based Violence** is substantiated against the **Respondent**;
  - (f) considering and implementing academic and/or work adjustments; and
  - (g) undertaking ongoing risk assessments to manage and monitor any identified risks.
- 4.8 A **Provider** must prohibit the same **Staff** from being assigned to support both the **Discloser** and the **Respondent**.

### *Effectiveness of support services*

- 4.9 A **Provider** must monitor its support services and evaluate the effectiveness of those services at least once every three years. Monitoring and evaluation findings must inform future service delivery. The **Secretary** may require a **Provider** to report on how the monitoring and evaluation of its support services has informed future service delivery.
- 4.10 A **Provider** is responsible for determining whether its support services require change having regard to its duty of care to **Students** and **Staff**.

### *Reporting*

- 4.11 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.

**Standard 5: Safe processes** – All processes are safe and timely.

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**Requirements:**

*Accessible and Anonymous Reporting*

- 5.1 A **Provider** must make clear where and how:
- (a) **Students** and **Staff** can make a **Disclosure** or a **Formal Report** of **Gender-based Violence**; and
  - (b) third parties can make a **Disclosure** or a **Formal Report** of **Gender-based Violence** where the **Respondent** is a **Student** or **Staff** of the **Provider**.
- 5.2 A **Provider** must have multiple channels, including in-person, by email, phone, and online, to facilitate a **Disclosure** or **Formal Report**.
- 5.3 A **Provider** must ensure **Disclosures** and **Formal Reports** can be made anonymously.
- 5.4 A **Provider** must take reasonable and proportionate action in respect of anonymous **Disclosures** or **Formal Reports** where possible, including by identifying any trends and risks to inform future action to prevent **Gender-based Violence**.

*Multiple Pathways to manage Disclosures*

- 5.5 A **Provider** must have multiple pathways for **Disclosures** to be managed, to ensure a proportionate and safe response to the **Disclosure**, including:
- (a) a resolution that is implemented with the agreement of the **Discloser** and **Respondent**;
  - (b) the implementation of safety measures without progressing to an investigation;
  - (c) a decision not to proceed to an investigation of a **Disclosure** in the specific circumstances; and
  - (d) a decision to progress the **Disclosure** to an investigation.
- 5.6 A **Provider** must have regard to the wishes of the **Discloser** when determining the pathway by which it will manage the **Disclosure**.

*Investigations*

- 5.7 A **Provider** must seek and consider the views of a **Discloser** before progressing a **Disclosure** (as opposed to a **Formal Report**) to investigation. A **Provider** must inform a **Discloser** that the **Provider** may investigate a **Disclosure** where it is necessary for the safety and wellbeing of **Students** and/or **Staff**.
- 5.8 A **Provider** must investigate all **Formal Reports** where the **Respondent** is a **Student** or **Staff** of the **Provider**, regardless of the context in which the **Gender-based Violence** occurs.
- 5.9 In relation to a **Formal Report** which has no connection to the **Provider** other than the status of the **Respondent** as a **Student** or **Staff**, a **Provider** must consider the safety and wellbeing of **Students** and **Staff** in determining the scope of investigation of a **Formal Report**.
- 5.10 A **Provider** must notify the **Discloser** and **Respondent** in writing if an investigation will be commenced. The notification must be made to the **Discloser** and **Respondent** on the same day, and the **Discloser** must be notified first.
- 5.11 A **Provider** must ensure all parties, (including the **Discloser** and **Respondent**), have the opportunity to be accompanied by a support person when they are asked about the matters which are the subject of the **Disclosure** or **Formal Report**.

- 5.12 A **Provider** must not require a **Discloser** or **Respondent** to provide physical evidence relating to an alleged incident of **Gender-based Violence**.

*Multiple pathways to manage outcomes of investigations*

- 5.13 A **Provider** must have multiple pathways for **Disclosures** or **Formal Reports** to be managed following investigation, to ensure a proportionate and safe response, including:
- (a) a resolution that is implemented with the agreement of the **Discloser** and **Respondent**;
  - (b) the implementation of safety measures without progressing to a disciplinary process;
  - (c) a decision not to proceed to a disciplinary process; and
  - (d) a decision to progress to a disciplinary process.
- 5.14 Unless a **Discloser** requests otherwise, a **Provider** must notify the **Discloser** in writing once the investigation is concluded of the outcome of the investigation, including if a disciplinary process will be commenced, on the same day as the **Respondent** being notified.

*Disciplinary processes*

- 5.15 A **Provider** must ensure their **Procedures** are designed to allow **Formal Reports** to be finalised within 45 business days, including finalisation of a disciplinary process.
- 5.16 Subject to paragraph 5.15, a **Provider** must comply with the timeframes specified in their **Procedures**.
- 5.17 A **Provider** must only permit extensions of time for the finalisation of **Formal Reports** where required in the particular context. The **Higher Education Principal Executive Officer** must satisfy themselves that extensions are only being permitted where required.
- 5.18 A **Provider** must provide **Respondents Procedural Fairness** in the disciplinary process.
- 5.19 A **Provider** must update **Disclosers** and **Respondents** throughout the process of resolving **Formal Reports** having regard to the views of **Disclosers** and **Respondents**.
- 5.20 A **Provider** must impose sanctions proportionate to the conduct substantiated in the disciplinary process, which may include exclusion and expulsion.
- 5.21 Unless a **Discloser** requests otherwise, a **Provider** must give written notice to the **Discloser** of:
- (a) the outcome of the disciplinary process, including the decision and, if relevant, sanctions;
  - (b) reasons for the outcome; and
  - (c) rights to make an internal and/or external complaint, including to the **National Student Ombudsman**.
- 5.22 Unless requested otherwise, the **Discloser** must be notified of the outcome of the disciplinary process on the same day as the **Respondent**.

*Appeals*

- 5.23 If a **Provider** gives notice of the outcome of the disciplinary process to a **Discloser**, the **Provider** must also give written notice to the **Discloser** within 2 business days of an appeal being lodged of:
- (a) the **Respondent** appealing a disciplinary decision; and



PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION

- (b) information on potential outcomes of the appeal.
- 5.24 A **Provider** must ensure their **Procedures** are designed to allow appeals to be finalised within 20 business days.
- 5.25 Subject to paragraph 5.24, a **Provider** must comply with the timeframes specified in their **Procedures**.
- 5.26 A **Provider** must only permit extensions of time to finalise appeals where required in the particular context. The **Higher Education Principal Executive Officer** must satisfy themselves that extensions are only being permitted where required.
- 5.27 Unless a **Discloser** requests otherwise, a **Provider** must give written notice to the **Discloser** of:
- (a) the outcome, including the decision and, if relevant, sanctions;
  - (b) reasons for the outcome; and
  - (c) rights to make an internal and/or external complaint, including to the **National Student Ombudsman**.
- 5.28 Unless a **Discloser** requests otherwise, a **Provider** must notify the **Discloser** on the same day as the **Respondent** being notified of the outcome of the appeal.

*Reporting*

- 5.29 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.

**Standard 6: Data, evidence & impact** – Higher Education Providers use evidence to inform their approach, measure change and contribute to the national evidence-base.

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**Purpose:**

- 6.1 The **Code** recognises that strengthened data collection systems and expanding the evidence base are essential components of a comprehensive response to addressing **Gender-based Violence**. Data plays a critical role in understanding the nature and prevalence of **Gender-based Violence**, identifying the needs of different groups, measuring progress, and informing **Policy** and program design.
- 6.2 The specific data reporting requirements for a **Provider** includes collection and reporting of:
- (a) process data on implementation of **Policies, Procedures**, plans and related activities;
  - (b) **De-identified** data on incidents of **Gender-based Violence** enabling trend analysis and systemic responses; and
  - (c) administrative **De-identified Demographic data** and enrolment/engagement characteristics of **Disclosers** and **Respondents**;
- for the purpose of:
- (d) ensuring compliance and accountability of a **Provider**, specifically:
    - (i) compliance with the **Code** and timely responses to non-compliance; and
    - (ii) accountability and transparency of ongoing compliance with the **Code**.
  - (e) providing timely recommendations to **Providers** to strengthen systems, **Policies, Procedures** and planning to improve prevention and responses to **Gender-based Violence**;
  - (f) evaluating **Provider** and sector impact and effectiveness of preventing and responding to **Gender-based Violence** by tracking:
    - (i) reporting rates of **Gender-based Violence** and support provided to **Disclosers**;
    - (ii) the implementation of **Providers' Whole-of-Organisation Prevention and Response Plans**;
    - (iii) systemic and cultural barriers for preventing and responding to **Gender-based Violence**; and
    - (iv) awareness among **Students** and **Staff** of **Policies**, support services and mechanisms for reporting; and
  - (g) collating the data to expand the national evidence base, specifically:
    - (i) providing transparency about the experiences of **Gender-based Violence** in the higher education sector;
    - (ii) informing national strategies to reduce **Gender-based Violence** in the higher education sector;
    - (iii) building the evidence regarding systemic and cultural barriers for preventing and responding to **Gender-based Violence**; and
    - (iv) analysing the impacts of **Gender-based Violence**, examining how different demographic characteristics influence risk and responses.

**Requirements:**

- 6.3 A **Provider** must, in complying with its obligations under this Standard:
- (a) ensure that the data is collected in a safe, **Trauma-informed** and **Person-centred** manner, and held and handled securely;
  - (b) provide the information and data in the manner and form, requested by the **Secretary**; and
  - (c) provide **De-identified** information, and otherwise undertake its requirements under this Standard in accordance with applicable Commonwealth, State and Territory **Privacy Laws** or, and where no other **Privacy Laws** apply, with reference to the Australian Privacy Principles.
- 6.4 A **Provider** must comply with the obligations under this standard in relation to **Student Accommodation** as set out in Standard 7, as applicable.
- 6.5 A **Provider** must ensure the data collected in accordance with this standard is used to inform and strengthen the **Provider’s Whole-of-Organisation** approach to preventing and responding to **Gender-based Violence**, including the **Prevention and Response Plan** and outcomes framework.
- 6.6 A **Provider** must ensure the data collected in accordance with this standard informs evaluation, impact and planning and enables a systemic approach to preventing and responding to **Gender-based Violence** through informing the understanding of:
- (a) systemic and cultural barriers for preventing and responding to **Gender-based Violence**, including as they relate to particular communities or settings;
  - (b) the operation of systems, **Policies** and **Procedures**;
  - (c) strengthening education and training on prevention and responses to **Gender-based Violence** for **Students, Leadership** and **Staff**.
- 6.7 A **Provider** must ensure that evaluations undertaken in connection with the **Code** are robust and carried out objectively.
- 6.8 With respect to a **Provider’s** obligations to engage and collaborate with **Students** and **Staff**, the **Secretary** may require a **Provider** to provide data on the number of engagements, including the number and breakdown of participants and whether participants felt satisfied with the engagement process.
- 6.9 With respect to Standard 1, the **Secretary** may require a **Provider** to provide data on **Student** and **Staff** awareness of the **Provider’s**:
- (a) **Whole-of-Organisation Prevention and Response Plan**;
  - (b) **Policies** and **Procedures** for making **Disclosures** and **Formal Reports**; and
  - (c) availability and accessibility of the **Provider’s** support services, including academic adjustments, in relation to **Gender-based Violence**.
- 6.10 With respect to Standard 2, the **Secretary** may require a **Provider**, to provide data on the following:
- (a) the number of recruitment processes that involved a declaration of an allegation or determination of **Gender-based Violence** and the number of people that made a declaration who were offered a position; and
  - (b) any additional **Policies, Procedures** or actions undertaken by the **Provider** to prioritise safety.

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

6.11 With respect to Standard 3, the **Secretary** may require a **Provider** to provide data on the number and proportion of:

- (a) **Students, Leadership and Staff** who undertook training in relation to **Gender-based Violence**;
- (b) **Students, Leadership and Staff** who reported in training feedback and evaluations an increase in awareness and understanding of **Gender-based Violence**, prevention learning outcomes and **Ethical Bystander** behaviours following the training.

*Annual Reporting*

6.12 A **Provider** must, by 30 June each year commencing after the **Initial Reporting Date**, seek and provide to the **Secretary**, and may be required to publish, the following data for the previous calendar year:

- (a) Data in relation to **Gender-based Violence**, in a form that can be disaggregated by **Demographic Data**, including:
  - (i) the total number of **Disclosures** and **Formal Reports**;
  - (ii) the total number of individual **Disclosers** and **Respondents**;
  - (iii) the number of each type of **Gender-based Violence**;
  - (iv) the mode that was used to make the **Disclosure** including in-person, online or through a third party; and
  - (v) the number of anonymous **Disclosures**.
- (b) Data for each **Disclosure** and **Formal Report** of **Gender-based Violence**, including:
  - (i) the total number of **Gender-based Violence** incidents that required an immediate safety response and whether emergency services were required to attend;
  - (ii) the number of **Gender-based Violence Disclosures** and **Formal Reports** that were based on a single experience/single type, or involved more than one experience/multiple types;
  - (iii) the number of **Disclosures** that involved or alleged to be committed by a third party;
  - (iv) the number of **Disclosures** that required a third party, including an interpreter, support person, legal representation or other;
  - (v) the location of each experience of **Gender-based Violence**;
  - (vi) the number of risk assessments undertaken and support plans implemented by a **Provider** for **Disclosures** and **Formal Reports**;
  - (vii) the number of **Respondents** required to relocate from **Student Accommodation** following the **Disclosure**;
  - (viii) the number of **Disclosures** that progressed to a **Formal Report** and investigation;
  - (ix) the number of **Formal Reports** that were resolved within 45 days; and
  - (x) if known, how satisfied the **Discloser** and **Respondent** were with the Providers response to the **Gender-based Violence**.

PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION

- (c) Data on the **Provider's Trauma-informed** and **Person-centred** response following a **Disclosure of Gender-based Violence**, including:
    - (i) the types of safety measures implemented as a result of the **Disclosure** and during investigation;
    - (ii) the number and type of services and supports for **Disclosers** and **Respondents**, including academic adjustments;
    - (iii) the number and proportion of **Disclosures** and **Formal Reports** that did not result in a disciplinary process and types of alternative processes or pathways undertaken; and
    - (iv) the number and proportion of **Disclosures** and **Formal Reports** that resulted in no further action and at what stage of the process no further action was implemented.
  - (d) Data on the outcomes of each investigation and disciplinary process, including:
    - (i) the number of investigations and the number of disciplinary processes;
    - (ii) the types of outcomes arising from a disciplinary process and the number of each particular outcome and the timeframe for the matter to be resolved;
    - (iii) the number of **Non-disclosure Agreements** proposed by the **Discloser** and the number executed;
    - (iv) the number of appeals and the types of outcomes arising from an appeal and the number of each particular outcome; and
    - (v) if known, how satisfied the **Discloser** and **Respondent** were with the **Providers** response to the **Gender-based Violence** disciplinary process.
  - (e) The **Secretary** may require the **Provider** to publish the data collected in accordance with this clause on the **Provider's** website.
- 6.13 A **Provider** must, by 30 June each year commencing after the **Initial Reporting Date**, seek and provide to the **Secretary** where known, the following data obtained for the previous calendar year:
- (a) for each **Discloser** and **Respondent**, their **Demographic Data**;
  - (b) if the **Discloser** or **Respondent** is a **Student**, their:
    - (i) mode of attendance including full time/part time, on campus/online and for post-graduate students whether their enrolment is coursework or research;
    - (ii) year of study (i.e. first year, second year etc);
    - (iii) status as an Australian citizenship/international student and if international student, year of arrival in Australia, and Country of Birth; and
    - (iv) accommodation status, including whether they are residing in **Student Accommodation** and, if so, the identity of the **Student Accommodation Provider**;
  - (c) if the **Discloser** or **Respondent** is a member of **Staff**, their:
    - (i) basis of engagement, current classification and role function; and
    - (ii) current course level status if enrolled as a **Student**; and
  - (d) the **Discloser's** relationship to the **Respondent**, whether:
    - (i) known, and in what capacity; or unknown.

**Standard 7: Safe Student Accommodation** – Student accommodation is safe for all students and staff.

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**Requirements:**

**Providers of directly owned, operated or managed Student Accommodation**

- 7.1 In addition to implementing the other requirements of the **Code**, in respect of **Student Accommodation** which the **Provider** directly owns, operates and/or manages, the **Provider** must:
- (a) ask **Student Accommodation Staff** to declare whether they have been investigated for an allegation of **Gender-based Violence**, or determined to have engaged in conduct that constitutes **Gender-based Violence** in similar positions, or during the course of any employment or engagement as a contractor, or otherwise in a legal process;
  - (b) consistently with the **Provider's** duty of care, take into consideration any declaration made under paragraph 7.1(a) and any risks arising from the declaration in determining the person's suitability for the position;
  - (c) take into consideration any substantiated allegation of **Gender-based Violence** found by the **Provider** in the course of the employment or engagement of **Student Accommodation Staff**, with respect to their promotion or recognition;
  - (d) require **Student Accommodation Staff** to declare any existing or previous intimate personal relationship with a **Resident** of the **Provider**;
  - (e) where a declaration is made in accordance with paragraph 7.1(d), implement as necessary any conflict-of-interest or risk management plan that includes any necessary alternative arrangements;
  - (f) require **Residents, Student Accommodation Staff**, and any **Staff** whose substantive role is in connection with the **Student Accommodation**, to undertake prevention and responding to **Disclosures** education and training that meets the requirements of Standard 3 and is tailored to the **Student Accommodation** environment;
  - (g) in its procedures relating to **Gender-based Violence**, include a requirement that the **Provider** must, for **Disclosures** or **Formal Reports** by or about a **Resident, Student Accommodation Staff**, or any **Staff** whose substantive role is in connection with the **Student Accommodation**:
    - (i) take all necessary immediate action proportionate to the risk arising from the **Disclosure** to ensure the safety of the **Discloser, Residents** and **Student Accommodation Staff**. This may include relocation of the **Respondent** to alternative accommodation and/or arranging available urgent support services for the **Discloser** and **Respondent**;
    - (ii) undertake a risk assessment within 48 hours of receiving the **Disclosure** or **Formal Report** or immediately when required, that:
      - A. takes into account and seriously considers the views of the **Discloser**; and
      - B. determines safety measures to be implemented to protect the safety of the **Discloser** and other **Residents**, which may include relocation of the **Respondent** to alternative accommodation;
    - (iii) within 48 hours of a **Disclosure** or **Formal Report**, develop and implement a support plan collaboratively with, and as desired by, the **Discloser** in accordance with the relevant requirements in Standard 4; and

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- (iv) within 48 hours of a **Disclosure** or **Formal Report**, develop and implement a support plan collaboratively with, and as desired by, the **Respondent** in accordance with the relevant requirements in Standard 4; and
- (h) require that, where the **Provider** determines the action to be necessary to protect the safety of **Residents** and after seeking and considering the views of the **Discloser**, the **Provider** permanently remove from the **Student Accommodation** a person who has had an allegation of **Gender-based Violence** against them substantiated.

**Student Accommodation Providers which are not directly owned, operated or managed by a Provider but are otherwise under the Control of a Provider**

*Accountable Leadership and Governance*

- 7.2 A **Provider** must require that a **Student Accommodation Provider** prepare, implement and publish on its website a **Whole-of-Organisation Prevention and Response Plan** that:
- (a) records the **Student Accommodation Provider's Whole-of-Organisation** approach to preventing and responding to **Gender-based Violence** that prioritises the safety and support of **Residents** and **Student Accommodation Staff**;
  - (b) addresses the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Student Accommodation Provider's** context;
  - (c) records how the **Student Accommodation Provider** will implement the requirements in paragraphs 7.2 to 7.8 of the **Code**;
  - (d) includes a **Whole-of-Organisation** assessment that identifies systemic risks, enablers and barriers to preventing **Gender-based Violence**;
  - (e) includes actions that will be taken in response to findings of the assessment;
  - (f) reflects the needs, experience and agency of all members of the **Student Accommodation Provider's** community, particularly those members who are disproportionately affected by **Gender-based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity; and
  - (g) is developed through engagement and collaboration with **Residents** and **Student Accommodation Staff**, including in its design and implementation, and including those who have experienced **Gender-based Violence**.
- 7.3 A **Provider** must require that a **Student Accommodation Provider** monitor and measure the impact of the **Prevention and Response Plan** on an ongoing basis and update the **Prevention and Response Plan** at least every four years.

*Safe Environments and Systems*

- 7.4 A **Provider** must have arrangements in place with a **Student Accommodation Provider** that:
- (a) in relation to **Student Accommodation Staff**, require the **Student Accommodation Provider** to:
    - (i) ask **Student Accommodation Staff** to declare whether they have been investigated for an allegation of **Gender-based Violence**, or determined to have engaged in conduct that constitutes **Gender-based Violence** in similar positions, or during the course of any employment or engagement as a contractor, or otherwise in a legal process;
    - (ii) consistently with the **Student Accommodation Provider's** duty of care, take into consideration any declaration made under paragraph 7.4(a)(i) and any risks arising from the declaration in determining the person's suitability for the position;



**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- (iii) take into consideration any substantiated allegation of **Gender-based Violence** found by the **Student Accommodation Provider** in the course of the employment or engagement of **Student Accommodation Staff**, with respect to their promotion or recognition;
  - (iv) require **Student Accommodation Staff** to declare any existing or previous intimate personal relationship with a **Resident** of the **Student Accommodation Provider**; and
  - (v) where a declaration is made in accordance with paragraph 7.4(a)(iv), implement as necessary any conflict-of-interest or risk management plan that includes any necessary alternative arrangements;
- (b) in relation to **Non-disclosure Agreements** and **Non-disparagement Clauses**:
- (i) prohibit the use of a **Non-disclosure Agreement**, unless requested by the **Discloser**;
  - (ii) if a **Discloser** requests the use of a **Non-Disclosure Agreement** in relation to **Gender-based Violence**, any such agreement with the **Student Accommodation Provider** must not stop the **Discloser** from sharing their experience for the purpose of seeking support and advice or the **Student Accommodation Provider** from complying with their reporting obligations under the **Code**; and
  - (iii) any settlement terms agreed between the **Discloser** and the **Student Accommodation Provider** must not contain a **Non-disparagement Clause** that could have the effect of requiring the **Discloser** to keep their experience of **Gender-based Violence** confidential; and
- (c) in relation to **Policies** and **Procedures**:
- (i) adopt the **Provider's Policies** and **Procedures** on preventing and responding to **Gender-based Violence**; or
  - (ii) have and implement a **Policy** on preventing and responding to **Gender-based Violence** that applies to **Residents** and **Student Accommodation Staff**, that:
    - A. provides information on the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Student Accommodation Provider's** context;
    - B. is **Person-centred** and **Trauma-informed** in its content and application;
    - C. adopts the definition of **Gender-based Violence** as defined in the **Code**;
    - D. clearly states that **Gender-based Violence** is unacceptable;
    - E. includes information on available support services in relation to **Gender-based Violence**;
    - F. complies with the applicable obligations under Standard 5, as applicable, as if every reference to **Provider** was a reference to **Student Accommodation Provider**;
    - G. includes information on procedures in relation to a **Disclosure** or **Formal Report** of **Gender-based Violence**; and
    - H. is publicly available, drafted in plain English and able to be translated into different languages;
  - (iii) develop and review the **Policy** referred to at 7.4(c)(ii) at least every three years, following engagement and collaboration with:

PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION

- A. **Residents;**
  - B. **Student Accommodation Staff;**
  - C. those groups who are disproportionately affected by **Gender-based Violence**, including women, First Nations people culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
  - D. those who have experienced **Gender-based Violence**; and
  - E. subject matter experts on **Gender-based Violence**; and
- (iv) enable the **Provider**, upon the **Provider's** request, to review the policies and/or procedures of the **Student Accommodation Provider** relating to **Gender-based Violence** and provide feedback for the purposes of ensuring compliance with this Standard 7.

*Knowledge and Capability*

- 7.5 A **Provider** must have arrangements in place with a **Student Accommodation Provider** in relation to training and education, and prevention initiatives that:
- (a) require all **Residents** and **Student Accommodation Staff** to complete prevention and responding to **Disclosures** education and training, which is delivered or approved by the **Provider**, meets the requirements in Standard 3 and is tailored to the **Student Accommodation** environment;
  - (b) require **Student Accommodation Providers** to promote and widely disseminate evidence-informed prevention communication and key messaging tailored to a **Student Accommodation** environment; and
  - (c) require any prevention initiatives, including programs and campaigns, delivered by the **Student Accommodation Provider** to be evidence-based and evaluated, and evaluation findings must inform future prevention initiatives.
- 7.6 A **Provider** must have arrangements in place with a **Student Accommodation Provider** to ensure that risk assessments are only undertaken by persons who have the expertise and experience in paragraph 3.14 of Standard 3. Where a **Student Accommodation Provider** does not have **Staff** with the necessary expertise and experience to conduct a risk assessment, the **Student Accommodation Provider** must engage a who has the necessary expertise and experience.

*Safety and Support*

- 7.7 A **Provider** must have arrangements in place with a **Student Accommodation Provider** that, in relation to **Disclosures** require the **Student Accommodation Provider** to:
- (a) ensure that its responses, practices and support services are safe, **Person-centred** and consistent with a **Trauma-informed approach**;
  - (b) provide or facilitate access to support services to persons making **Disclosures** and/or **Formal Reports** and to **Respondents**, including explaining the available support services available, including supports relevant to educational outcomes;
  - (c) actively promote and make widely available information about how **Residents** and **Student Accommodation Staff** can access policies and procedures and internal and/or external support services. This information must be accessible and publicly available, drafted in plain English and able to be translated into different languages;

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- (d) undertake a risk assessment in response to all **Disclosures** and **Formal Reports of Gender-based Violence** and manage and monitor any identified risks on an ongoing basis;
- (e) in circumstances where a **Disclosure** relates to conduct that occurred in **Student Accommodation** or at an event organised by a **Student Accommodation Provider**:
  - (i) take all necessary immediate action proportionate to the risk arising from the **Disclosure** to ensure the safety of the **Discloser** or other **Residents** or **Student Accommodation Staff**. This may include relocation of the **Respondent** to alternative accommodation and/or arranging available urgent support services for the **Discloser** and **Respondent**;
  - (ii) enable a **Discloser** to elect that the **Provider** leads the response to the **Disclosure**, including supports, and any investigation and/or disciplinary process, and if the **Discloser** so elects, require the **Student Accommodation Provider** to:
    - A. co-operate fully with the **Provider** in leading the response to the **Disclosure**, including information sharing; and
    - B. implement any outcomes decided by the **Provider**; and
  - (iii) in circumstances where a **Discloser** elects the **Student Accommodation Provider** to lead the response to the **Disclosure**:
    - A. undertake a risk assessment within 48 hours of receiving the **Disclosure** or **Formal Report** or immediately when required:
      - I. which must take into account and seriously consider the views of the **Discloser**; and
      - II. to determine safety measures to be implemented to protect the safety of the **Discloser** and other **Residents**, including relocation of the **Respondent** to alternative accommodation;
    - B. immediately implement any safety measures identified by the risk assessment;
    - C. manage and monitor any identified risks; and
    - D. provide information to the **Provider** about a **Disclosure**, including informing the **Provider** of the outcome of the risk assessment and for assistance with managing and monitoring any identified risks:
      - I. with the consent of the **Discloser**; or
      - II. where as a result of the risk assessment in paragraph 7.7(e)(iii)(A), it is reasonably necessary to provide that information to the **Provider** to protect the wellbeing and safety of **Students** and/or **Student Accommodation Staff**; or
      - III. where such information is confined to the fact that a **Disclosure** has occurred and how that **Disclosure** is being managed by the **Student Accommodation Provider** consistently with the **Code** and the affiliation agreement, and is provided in a manner which does not and would not identify the **Discloser**.
    - E. within 48 hours of a **Disclosure** or **Formal Report** develop and implement a support plan collaboratively with and as desired by the **Discloser** in accordance with the relevant requirements in Standard 4; and

- F. within 48 hours of a **Disclosure** or **Formal Report**, develop and implement a support plan collaboratively with and as desired by the **Respondent** in accordance with the relevant requirements in Standard 4.

7.8 A **Provider** must have arrangements in place with a **Student Accommodation Provider** that requires data collection and reporting to the **Provider** consistent with Standard 6 of this **Code**, as applicable.

#### **Affiliated Student Accommodation Providers**

7.9 A **Provider** that has an existing legally binding agreement or other legally binding arrangement in place with an **Affiliated Student Accommodation Provider** must do everything reasonably possible within its power to procure the **Affiliated Student Accommodation Provider** to vary, supplement or otherwise amend that agreement or arrangement so that it meets the requirements set out in paragraphs 7.2 to 7.8, as if any reference to a **Student Accommodation Provider** was a reference to an **Affiliated Student Accommodation Provider**.

7.10 If a **Provider** does not have a legally binding agreement or other legally binding arrangement in place with an existing **Affiliated Student Accommodation Provider** or if a **Provider** is proposing to enter into an agreement, arrangement or understanding with a new **Affiliated Student Accommodation Provider**, the **Provider** must do everything reasonably possible within its power to enter into a legally binding written agreement or other legally binding arrangement with that **Affiliated Student Accommodation Provider** that meets the requirements set out in paragraphs 7.2 to 7.8, as if any reference to a **Student Accommodation Provider** was a reference to an **Affiliated Student Accommodation Provider**.

7.11 Where an **Affiliated Student Accommodation Provider** does not agree to implement an agreement that meets the requirements in paragraph 7.9 or paragraph 7.10 (as applicable), a **Provider**:

- (a) must report to the **Secretary**, who may publish, the name of the **Affiliated Student Accommodation Provider**; and
- (b) must not:
  - (i) authorise the **Affiliated Student Accommodation Provider** to continue to use the **Provider's** intellectual property or any domain names of the **Provider**; or
  - (ii) advertise, market or promote the **Affiliated Student Accommodation Provider**, including to the **Provider's Students**; or
  - (iii) have any agreement in place to reserve spaces for **Students**.

#### *Reporting*

7.12 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.

7.13 A **Provider** must, by 30 June each year commencing after the **Initial Reporting Date**, provide to the **Secretary** the names of:

- (a) the **Student Accommodation** which the **Provider** directly owns, operates and/or manages;
- (b) the **Student Accommodation** that it **Controls**; and

7.14 the **Student Accommodation** to which it is **Affiliated**.

## Definitions

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**Accredited Specialist** means a person who meets the following criteria:

- (a) a psychologist, social worker or counsellor registered or accredited with their relevant industry body; and
- (b) has undertaken formal training in supporting people affected by Gender-based Violence, including Trauma-informed practice; and
- (c) has undertaken training to build competency in working with specific cohorts including First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity.

**Affiliated** and **Affiliation** have the non-exhaustive meaning ascribed to those terms by the definition of Affiliated Student Accommodation Provider.

**Affiliated Organisation** means an organisation that uses the Provider's intellectual property in its name, marketing, recruitment, or governance documents.

**Affiliated Student Accommodation Provider** means a provider of accommodation to Students that is not a Student Accommodation Provider or Provider, but is nevertheless affiliated with a Provider, including (without limitation) by:

- any statute, constitution or similar legal instrument that governs or otherwise regulates the Provider; or
- having a service agreement or other agreement with the Provider; or
- operating on the Provider's lands; or
- being authorised by the Provider to use that Provider's intellectual property in its recruitment or marketing materials or on its website; or
- being listed by the Provider on its website as 'student accommodation' or being promoted by the Provider in its recruitment or marketing material.

**Code** means the *National Higher Education Code to Prevent and Respond to Gender-based Violence*.

**Control** means the practical capacity of one entity to determine the outcome of decisions about another entity's financial and operating policies and otherwise has the meaning in section 50AA of the *Corporations Act 2001* (Cth).

**De-identified** has the same meaning as in the *Privacy Act 1988* (Cth).

**Demographic Data** means a person's:

- sex;
- gender identity;
- sexual orientation;
- year of birth;
- race / ethnicity;
- religion;
- country of birth of person;
- language/s used at home;
- requirement for an interpreter;

**PROPOSED NATIONAL HIGHER EDUCATION CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE – SUBJECT TO PASSAGE OF LEGISLATION**

- Indigenous status; and
- disability status.

**Discloser** means a person who has shared information about their experience of Gender-based Violence.

**Disclosure** means the provision of information about a person's experience of Gender-based Violence to a Provider by the Discloser or another person.

**Ethical Bystander** means a person who witnesses an event that is disrespectful or harmful and chooses to intervene in a way that is safe and effective.

**Formal Report** means the provision through formal reporting channels of information about their experience of Gender-based Violence by a Discloser to a Provider, which requires the Provider to consider taking steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances.

**Gender-based Violence** means any form of physical or non-physical violence, harassment, abuse or threats, based on gender, that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy.

**Governing Body** means the formally constituted governing body of the Provider for the purposes of the Higher Education Standards Framework made under the *Tertiary Education Quality and Standards Agency Act 2011*(Cth).

**Higher Education Principal Executive Officer** has the same meaning as in the *Ombudsman Act 1976* (Cth).

**Initial Reporting Date** means 1 January 2026, or for Providers that are registered under the *Tertiary Education Quality and Standards Agency Act 2011*(Cth) after 1 January 2026, the date on which compliance with the Code commences for that Provider.

**Leadership** means the Higher Education Principal Executive Officer and the Governing Body.

**National Student Ombudsman** means the National Student Ombudsman established under Part IIF of the *Ombudsman Act 1976* (Cth).

**Non-disclosure Agreement** means an agreement, including a deed of release or settlement agreement, that requires particular details to be kept confidential as part of reaching a settlement.

**Non-disparagement Clause** means a clause in an agreement that requires the parties not to say things about each other that are critical, dismissive or disrespectful.

**Person-centred** means ensuring that the Discloser's needs and preferences are at the centre of decisions made in response to the Disclosure. The response systems, Policies and Procedures affirm the Discloser's dignity and support their healing by genuinely considering their wishes and the impact that decisions may have on them, while at all times ensuring the safety and wellbeing of the Discloser and other Students and Staff.

**Policies** means a document approved in accordance with a Provider's governance framework, which binds the Provider and its Students and Staff, and includes without limitation statutes, regulations, by-laws, policies, procedures and guidelines.

**Prevention and Response Plan** means the plan prepared by a Provider in accordance with Standard 1 or the plan prepared by a Student Accommodation Provider / Affiliated Student Accommodation Provider in accordance with Standard 7 and, where the context requires it, means any revised Prevention and Response Plan.

**Privacy Laws** means the *Privacy Act 1988* (Cth) and any other privacy laws applicable to a Provider under the laws of the relevant State or Territory.



**Procedural Fairness** in a decision-making context, means the decision is made in accordance with the rule against bias and the hearing rule (i.e., a Respondent is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker).

**Procedures** means Policies that govern a Provider's response to a Disclosure or Formal Report of Gender-based Violence.

**Provider** has the same meaning as 'registered higher education provider' under the *Tertiary Education Quality and Standards Agency Act 2011* (Cth).

**Resident** means a person that resides in Student Accommodation.

**Respondent** means a person whom it is alleged has engaged in conduct that amounts to Gender-based Violence.

**Secretary** means the Secretary of the Department of Education.

**Staff** has the same meaning as 'worker' under the *Model Work Health and Safety Act*.

**Student** means a person who is enrolled as a student with the Provider or is undertaking a course of study or a unit of study with a Provider. Without limitation, it includes students undertaking higher degrees by research, non-award study, enabling or bridging courses, foundation programs and vocational education and training courses.

**Student Accommodation** means accommodation offered or provided to a Student by:

- a Provider directly;
- a Student Accommodation Provider; or
- an Affiliated Student Accommodation Provider

but in each case does not include any of the following accommodation:

- accommodation arranged under a homestay program where Students are offered opportunities to live with local families;
- rental properties that are leased through residential tenancy agreements with a private landlord and are not offered exclusively for accommodation for Students;
- rental properties that are in premises used for student accommodation and are owned by individual landlords and leased through residential tenancy agreements; or
- hotels or serviced apartments that are used to provide temporary accommodation for Students.

**Student Accommodation Provider** means a provider of Student Accommodation that is not itself directly owned, managed and/or operated by a Provider but is nevertheless under the Control of the Provider.

**Student Accommodation Staff** means pastoral care leader, residential student advisers and equivalents employed or engaged by a Provider, Student Accommodation Provider or Affiliated Student Accommodation Provider, including in a non-paid capacity.

**Trauma-informed** means an approach that applies the core principles of safety (physical, psychological and emotional), trust, choice, collaboration and empowerment. It should minimise the risk of re-traumatisation and promote recovery and healing to the greatest extent possible.

**Whole-of-Organisation** means an approach applied across all areas of a Provider's operations, including any Student Accommodation which it directly owns, operates and/or manages, or the operations of a Student Accommodation Provider or Affiliated Student Accommodation Provider as the



context requires it, and at all levels that is evidence-informed, uses multiple strategies and is subject to ongoing monitoring and evaluation, including in respect to:

- (a) leadership, culture and environment;
- (b) structures, norms and practices;
- (c) systems and infrastructure;
- (d) service delivery, such as curriculum, teaching and learning;
- (e) Policies and Procedures;
- (f) management and governance;
- (g) community engagement;
- (h) business;
- (i) research; and
- (j) partnerships.

**Working with Children Check** means a working with children or vulnerable people check, registration or clearance, as the case may be, in accordance with the laws of the relevant State or Territory in which the person is employed or otherwise engaged.