



Responding to and eliminating gender-based violence in higher education

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Date: 27 February 2026

With the Higher Education National Code now establishing clear expectations across the sector for the prevention of and response to gender-based violence, higher education providers must move beyond intent to implement —this hybrid session unpacks exactly how.

- **What is the National Code?**
- **Why do we need one?**
- **What will it achieve?**
- **What is our role?**

The focus of this workshop is to unpack each of the the 7 standards from a compliance perspective (what must we do, by when and how?); and from an operational perspective (HR, governance, student administration, student support, academic support, other); who is the regulator and how will they engage with other regulators across the sector?

Why do this?

The National Code has a very clear intention.

“To change the way that Australians perceive each other and behave toward each other.”

It is not acceptable to turn away from the crisis that is gender-based violence.

Society must take responsibility for its behaviour.

The education sector is a critically important vehicle for eliciting change.

As we educate students and staff alike at our education institutions we can create a groundswell.

It is through a change in thinking, enhanced respect for others (and selves), determination to empower every single person in our household, community, nation, that leads to significant positive behavioural change.

For me, the really exciting thought is how through education about what is good and right we can remove risk and create values that are transferable, leading to further respect, empathy, social cohesion, equity and safety.

The National Code applies to ALL higher education providers and covers All students.

Attributed to Eve Ollerenshaw

Who is the regulator?

The Department of Education 'owns' the National Code.

And the implementation and ongoing oversight sits with the newly established Higher Education Gender-based Violence Regulator.

The Regulator works in sync with the National Student Ombudsman (NSO) and reports to the Education Minister.

It is not an extension of TEQSA and as such does not have any obligations with respect to reporting to that regulator.

However, it is important to note that where significant or systemic issues are identified at/with a provider it should be expected these concerns will be shared with TEQSA.

This is similar to the role and responsibilities of the NSO who represent the needs of students who have lodged a complaint with the Office.

It is important to note that information is de-identified by the Regulator.

The Regulator provides extensive guidance to the sector including a dedicated website, FAQs, templates and a monthly newsletter.

<https://www.education.gov.au/highereducationgbvregulator>

The Standards

There are 7 standards in the NC:

Don't panic!

There is lots of help to hand

Standard 1 - Accountable leadership and governance

Standard 2 - Safe environments and systems

Standard 3 - Knowledge and capability

Standard 4 - Safety and support

Standard 5 - Safe and timely processes

Standard 6 - Data, evidence and impact

Standard 7- Safe student accommodation

Standard 1

Descriptor

Effective governance and a whole of organisation approach led at the most senior levels prioritises safety and support in the prevention of and response to gender-based violence.

Provider obligations/requirements

- A Provider, through its Higher Education Principal Executive Officer (ViceChancellor or Chief Executive Officer or equivalent), is accountable for compliance with this Code.
- A Provider must prepare, implement and publish a **Whole of organisation Prevention and Response Plan**
- A Provider must develop and implement an **outcomes framework** for the Prevention and Response Plan
- A Provider must give a copy of its Prevention and Response Plan and outcomes framework to the Secretary every 4 thereafter, and provide a report on the Prevention and Response Plan and outcomes framework too the Secretary every 2 years
- A Provider must update the Prevention and Response Plan and outcomes framework every four years.

Reference - Table 2: Key Requirements of Providers (by Product) V2 02/12/2025 & Table 2: Key Requirements of Table A & B Providers (by Standard)

Discussion: I would like to to open the floor to attendees to ask questions this allowing contextualised understanding and sharing

Standard 2

Descriptor

Providers' environments are safe and systems continuously improve to prevent and respond to gender-based violence.

Provider obligations

- All staff must have current working with children checks in accordance with the requirements of the state or territory in which they are employed.
- A Provider must ask all prospective employees to declare whether they have been investigated for an allegation of gender-based violence, or had a complaint substantiated in a previous employment or legal process.
 - review a risk management plan to minimise the risk of harm to its Students and Staff.
- Any substantiated allegation of gender-based violence found by the Provider during an employee's employment must be a relevant consideration in the promotion, recognition and reward of that employee.
- A Provider must make alternative teaching, research, research supervision, employment or living arrangements as necessary when a Student or Staff makes an allegation of gender-based violence.

Standard 2

- A Provider must require Staff and Students to declare any existing or previous Intimate Personal Relationship between:
 - employees and their reports
 - a Student and employee where the latter has, or is likely to have, any academic or other decision making responsibilities in relation to the Student
 - a Resident and an employee, pastoral care leader and residential Student adviser or equivalent of a Student Accommodation Provider. Where a declaration is made, a Provider must implement a conflict of interest management plan that includes permanent alternative teaching, research, work or living arrangements as necessary.
- A Provider must have and implement a policy on preventing and responding to Gender-based Violence A Provider must develop and review its Policy on preventing and responding to Gender-based Violence at least every three years in consultation with Students, employees, those groups who are disproportionately affected by Gender-based Violence, those who have experienced Gender-based Violence, subject matter experts on Gender-based Violence, and third parties whose facilities are used by Students or Staff to undertake clinical or other work, research placements, or practicums.

Standard 2

- When developing, reviewing and implementing its Policies, a Provider must ensure that the Policies support:
 - the prevention of Gender-based Violence, including by undertaking [Gender Impact Assessments](#)
 - effective responses to Gender-based Violence
 - the physical and psychological safety and wellbeing of Students and Staff. Unless a Discloser proposes or agrees otherwise, a Provider must prohibit the use of a Nondisclosure Agreement.
- [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.
- [A Provider must implement any recommendations made by the National Student Ombudsman in relation to Gender-based Violence which are directed to the Provider.](#)

Discussion: I would like to to open the floor to attendees to ask questions this allowing contextualised understanding and sharing

Standard 3

Descriptor

Providers build the knowledge, capability and support of their people to safely and effectively prevent and respond to gender-based violence.

Provider obligations

- A Provider must develop a comprehensive [ongoing program of prevention education, training and awareness](#) on gender-based violence for all Students and all Staff
- Prevention education and training must be:
 - evidence-informed and align with best practice
 - trauma-informed and culturally appropriate
 - tailored to the Provider's community and context
 - inclusive
 - designed to support ongoing learning
 - designed to safely manage any Disclosures that may arise in the course of the education and training.

Standard 3

- Prevention education and training must be developed in consultation with:
 - experts in the prevention of Gender-based Violence
 - Students
 - Staff
 - people who have experienced Gender-based Violence
 - those groups who are disproportionately affected by Gender-based Violence, including women, First Nations people, culturally and racially marginalised people, people with disability and people of diverse sexual orientation and gender identity.
- Prevention initiatives, including programs and campaigns, delivered by the Provider must be evidence-based and evaluated. Evaluation findings must inform future prevention initiatives.

Discussion: I would like to to open the floor to attendees to ask questions this allowing contextualised understanding and sharing

Standard 3

RESPONDING TO DISCLOSURES

- A Provider must, as part of the onboarding process and subsequently on at least an annual basis, facilitate delivery of education and training on responding to a disclosure to all Staff, contractors that have Student or employee facing roles, Leadership, Governing Body members, Students in leadership positions and any other person to whom the Provider considers necessary.
- A Provider must undertake ongoing monitoring and evaluation of its prevention and responding to Disclosures education and training and must use findings from monitoring and evaluation to inform future education and training.

RISK ASSESSMENTS

- A Provider must ensure Staff undertaking risk assessments in response to a disclosure or formal report have:
 - expertise in Gender-based Violence risk assessment and screening
 - competency in working with specific cohorts including First Nations people, culturally and racially marginalised people, people with disability and people of diverse sexual orientation and gender identity
 - relevant knowledge, including:
 - evidence-based static and dynamic risk factors and protective factors for experiencing Gender-based Violence
 - types, patterns and effects of Gender-based Violence
 - patterns of behaviour of those who use gender-based violence

Standard 3

INVESTIGATIONS AND DISCIPLINARY PROCESSES

- A Provider must ensure that all Staff involved in responding to formal reports, conducting investigations, and determine disciplinary proceedings have expertise in the following:
 - how to respond effectively to people who have experienced and engaged in Gender-based Violence, including in a Trauma informed and Person centred manner
 - the effects of trauma, including on a person's behaviour, memory and health and wellbeing
 - competency in working with specific cohorts including First Nations people, culturally and racially marginalised people, people with disability and people of diverse sexual orientation and gender identity
 - Procedural Fairness
 - taking and recording statements
 - complaints handling.
- These staff involved in investigations must undertake refresher training every three years.

Standard 3

DISCIPLINARY PROCEDURES

- Where a Provider identifies that it does not have a member of Staff with the necessary expertise and experience in relation to conducting risk assessments, investigations or disciplinary processes, a Provider must engage a person external to the Provider who has the necessary expertise and experience to discharge the relevant function.
- Where an incident of gender-based violence being considered by a disciplinary panel is complex or highly contentious, a Provider must engage a person whose name is on the GBV Experts Panel for the relevant function.
- Where a Discloser or Respondent identifies as a First Nations person, a Provider must seek cultural advice.

Discussion: I would like to to open the floor to attendees to ask questions this allowing contextualised understanding and sharing

Standard 4

Descriptor

Responses and support services are safe and person-centred.

Provider obligations

- 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.
- A Provider must provide or facilitate access to support services to people making Disclosures and to Respondents.
- A Provider must make clear where and how Students and Staff can access internal and/or external support services and resources available in relation to Gender based Violence. This information must be publicly available, drafted in plain English and able to be translated into different languages.

SAFETY AND SUPPORT FOR DISCLOSERS

- In consultation with the Discloser, a Provider must develop and implement an ongoing support plan to remain in place until the conclusion of the Discloser's enrolment and/or engagement with the Provider.

Standard 4

- As part of this support plan, a Provider must:
 - undertake ongoing risk assessments to manage and monitor any identified risks
 - in response to ongoing risk assessments, implement any measures necessary to ensure the safety of the Discloser
 - immediately assign Staff with expertise and experience to provide support in relation to the Disclosure
 - ensure that the Discloser is not required to repeat the content of Disclosures and Formal Reports multiple times to multiple people
 - prioritise urgent access to support services for Disclosers when needed and/or requested
 - prioritise urgent access to services of an Accredited Specialist for Disclosers when needed and/or requested
 - prioritise urgent access to translation and interpreter services for Disclosers when needed and/or requested
 - consider academic and/or work adjustments.
- When implementing safety measures in response to a Disclosure or Formal Report, a Provider must seek and consider the views of a Discloser.
- A Provider must keep this support plan under ongoing review and make changes where necessary.

Standard 4

SUPPORT FOR RESPONDENTS

- A Provider must ensure that the support provided to Respondents includes developing and keeping under ongoing review a support plan to remain in place until the conclusion of the Respondent's enrolment and/or engagement with the Provider, including in relation to safety measures for the Discloser that may adversely impact them.
- As part of this support plan, a Provider must:
 - immediately assign Staff with expertise and experience to provide support
- A Provider must prohibit the same Staff to be assigned to supporting both the Discloser and the Respondent.

EFFECTIVENESS OF SUPPORT SERVICES

- 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.

Discussion: I would like to open the floor to attendees to ask questions this allowing contextualised understanding and sharing

Standard 5

- A Provider must have multiple pathways for Disclosures to be resolved, including but not limited to an informal resolution that is implemented with the agreement of the Discloser and Respondent.
- A Provider must seek the informed consent of a Discloser before progressing to an investigation, but make clear that the Provider may need to investigate without consent where there is an identified risk to the safety of the Discloser, Students or Staff.

Investigations

- A Provider must seek and consider the views of a Discloser before progressing a Disclosure 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.
- A Provider must investigate all Formal Reports where the Respondent is a Student or member of Staff of the Provider, regardless of the identity of the Discloser or the context in which the Gender based violence occurs.
- 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.

Standard 5

- 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.
- A Provider must not require a Discloser or Respondent to provide physical evidence relating to an alleged incident of Gender based Violence.
- A Provider must have multiple pathways for Disclosures or Formal Reports to be managed following investigation to ensure a proportionate and safe response.
- A Provider must consult with the Discloser about the information they would like to receive concerning the outcome of the investigation. If requested, 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. Where requested, the notification must be made to the Discloser on the same day as the Respondent is notified of the outcome of the investigation.

DISCIPLINARY PROCESSES

- 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.
- A Provider must only permit extensions of time for the finalisation of Formal Reports where required in the particular context. The Vice-Chancellor/CEO must satisfy themselves that extensions are only being permitted where required.

Standard 5

- A Provider must **provide Respondents Procedural Fairness** in the disciplinary process.
- A Provider must update Disclosers and Respondents throughout the process of resolving Formal Reports having regard to the views of Disclosers and Respondents.
- A Provider must impose sanctions proportionate to the conduct substantiated in the disciplinary process.
- A Provider must consult with the Discloser about the information they would like to receive concerning the outcome of the disciplinary process. If requested, a Provider must give written notice to the Discloser of:
 - the outcome, including the decision and, if relevant, sanctions;
 - reasons for the outcome; and
 - rights to make an internal and/or external complaint, including to the National Student Ombudsman.
- Where requested, the notification must be made to the Discloser on the same day as the Respondent is notified of the outcome of the disciplinary process.

Standard 5

APPEALS

- If a Discloser has requested to be given notice of the outcome of the disciplinary process, a Provider must also give written notice to the Discloser within 2 business days of an appeal being lodged of:
 - the Respondent appealing a disciplinary decision
 - information on potential outcomes of the appeal.
- A Provider must ensure their Procedures are designed to allow appeals to be finalised within 20 business days.
- A Provider must only permit extensions of time to finalise appeals where required in the particular context. The Vice-Chancellor/CEO must satisfy themselves that extensions are only being permitted where required.
- A Provider must consult with the Discloser about the information they would like to receive concerning the outcome of the appeal. If requested, a Provider must give written notice to the Discloser of:
 - the outcome, including the decision and, if relevant, sanctions
 - reasons for the outcome
 - rights to make an internal and/or external complaint, including to the National Student Ombudsman.

Discussion: I would like to open the floor to attendees to ask questions this allowing contextualised understanding and sharing

Standard 6

Descriptor

All processes are safe and timely.

Provider obligations

ACCESSIBLE AND ANONYMOUS REPORTING

- A Provider must make clear where and how:
 - Students and Staff can make a Disclosure or a Formal Report of Gender-based violence
 - 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.
- A Provider must have multiple channels, including in person, by email, phone, and online, to facilitate a Disclosure or Formal Report of gender-based violence.
- A Provider must ensure Students and Staff can make anonymous Disclosures and Formal Reports.
- 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.

Standard 6

Descriptor

Providers use evidence to inform their approach, measure change and contribute to the national evidence base.

Provider obligations

- A Provider must, by 30 June each year commencing after the Initial Reporting Date, provide to the Secretary the following information for the previous calendar year:
 - (a) For each Disclosure and Formal Report, de-identified unit-level record data on:
 - i. type/s of gender-based violence
 - ii. location of incident
 - iii. relationship between Discloser and Respondent
 - i. known, and in what capacity
 - ii. unknown

Standard 6

- i. demographic characteristics of the Discloser and Respondent (unless providing this information would have the effect that an individual is identifiable or reasonably identifiable), including:
 - i. sex
 - ii. gender
 - iii. variations of sex characteristics
 - iv. sexual orientation
 - v. age
 - vi. country of birth
 - vii. main language spoken at home
 - viii. First Nations status
 - ix. disability status

Standard 6

(a) **de-identified**, aggregated data on:

- the number of Disclosures
- the number of anonymous Disclosures
- the number and types of outcomes of Disclosures
- the number of Formal Reports
- the steps taken by a Provider to address the outcomes of risk assessments
- the number and types of safety measures implemented
- the number of investigations and number and types of outcomes
- the number of investigations that led to the Provider commencing a disciplinary process
- the number of disciplinary processes and number and types of outcomes
- the number of appeals and the number and types of outcomes
- the number of Nondisclosure Agreements requested by a Discloser
- the number of Nondisclosure Agreements executed.

Standard 6

- i. where the Discloser and/or Respondent is a student, their:
 - i. type of attendance
 - ii. mode of attendance
 - iii. citizenship status
 - iv. year of arrival in Australia
 - v. course level
 - vi. accommodation status (whether they are residing in student accommodation) and, if so, the identity of the accommodation Provider
- ii. where the Discloser and/or Respondent is a staff member, their:
 - i. basis of engagement
 - ii. function
 - iii. current classification
 - iv. current course level status if enrolled as a Student

Reference Table 2: Key Requirements of Providers (by Product) V2 02/12/2025 & Table 2: Key Requirements of Table A & B Providers (by Standard):

I would like to open the floor to attendees to ask questions this allowing contextualised understanding and sharing

Standard 7

Descriptor

Student accommodation is safe for all students.

Provider obligations

- A Provider must have arrangements in place with a Student Accommodation Provider that:
 - require the Student Accommodation Provider to provide information to the Provider about a Disclosure:
 - with the consent of the Discloser
 - without the consent of the Discloser where a risk assessment determines sharing of information is necessary to protect the wellbeing and safety of Students and/or Staff.
 - enable a Resident to elect that the Provider leads the response to their Disclosure, including any investigation and/or disciplinary process
 - require the Student Accommodation Provider to cooperate fully with the Provider in leading the response to the Disclosure and implement any outcomes decided by the Provider.

Standard 7

- Within 24 hours of receiving a disclosure or formal report of gender-based violence, a Student Accommodation Provider must undertake a risk assessment and immediately implement any safety measures based on the outcome of the risk assessment.
 - Where necessary, a Student Accommodation Provider must inform the Provider of the outcome of the risk assessment and manage and monitor any identified risks, including in consultation with the Provider.
 - Where a Discloser and Respondent reside at the same Student Accommodation, a Student accommodation Provider must relocate the Respondent to alternative accommodation and continue this arrangement until such time as the Student Accommodation Provider is satisfied that it would be safe were the Respondent to resume residing at the Student Accommodation.
- A Student Accommodation Provider must ensure its Staff or persons involved in risk assessments, investigations or disciplinary processes (or similar) meet the specified expertise outlined in Standard 3.
- A Student Accommodation Provider must permanently remove a Resident who is the subject of a substantiated allegation of Gender-based violence, where legally permissible.

Standard 7

- A Student Accommodation Provider must develop and implement a comprehensive support plan to remain in place until the Resident leaves the Student Accommodation.
- A Student Accommodation Provider must ensure its Staff, pastoral care leaders and residential student advisers or equivalent:
 - complete the prevention and responding to Disclosures education and training prescribed in Standard 3
 - have a Working with Children Check, where it has resident students under 18 years age.
- A Provider that has an agreement in place with an Affiliated Student Accommodation Provider must use reasonable endeavours to ensure the agreement reflects the requirements of the National Code.
 - Where an Affiliated Student Accommodation Provider declines to create or amend an existing agreement, the Provider must prohibit the Affiliated Student Accommodation Provider from using the Provider's intellectual property in recruitment, marketing or promotional material.

Reference Table 2: Key Requirements of Providers (by Product) V2 02/12/2025 & Table 2: Key Requirements of Table A & B Providers (by Standard):

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Resources

- Higher Education Gender-based Violence Regulator
- Govt dedicated website
 - <https://www.education.gov.au/highereducationgbvregulator>
 - FAQs
 - Discussion papers
 - Guidance notes
 - Data reporting guidelines & templates
 - Pre-recorded webinars by standard
 - monthly newsletter
- Cth National Student Ombudsman
- Other
 - Industry bodies, such as ISANA
 - Students unions
 - Professional associations
 - Expert practitioners
 - Organisations who are developing online training content
 - Sage Groups, Epigeum - 'Respect Matters' program

Where to from here?

Discussion: I would like to to open the floor to attendees to ask questions this allowing contextualised understanding and sharing