

#IDeserveSafety:

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

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Introduction

Sexual Violence in Higher Education

Sexual violence in higher education institutions, particularly universities, has been well documented in Australian research and government reports (e.g. Australian Human Rights Commission [AHRC], 2017; Funnell & Hush, 2018; Mickelburgh & Mackinlay, 2023; McCall et al., 2023). One notable example is the National Student Safety Survey (NSSS) (2022), which identified that one in six respondents had been sexually harassed and one in 20 respondents had been sexually assaulted in Australian university contexts since starting their degree. The incident rates of these experiences were even higher for women and gender-diverse students. Of the respondents who had experienced sexual assault, an alarming 5.6% had made a formal report to their university. Furthermore, fewer than one in three were satisfied with the outcome of their formal complaint (NSSS, 2022). A more recent national survey (n = 1,749) of women international students showed similar results, identifying that 40% of participants had experienced at least one form of sexual violence since arriving in Australia (Tarzia et al., 2025).

Despite some investment, mostly in policy efforts (e.g., Henry et al., 2024; Universities Australia, 2023; Our Watch, 2021b), universities have still failed to adequately prevent and respond to gender-based violence. For example, the absence of transparent and survivor-centred reporting systems, the prioritisation of reputational management, and the lack of trauma-informed responses or appropriate accommodations for victim-survivors (e.g., AHRC, 2017; Fair Agenda & End Rape on Campus [EROC] Australia, 2022; Henry, 2024; Mackinlay, 2024; The STOP Campaign, 2023). These factors contribute to underreporting, distrust in institutions, and inadequate prevention and response measures. Additionally, the peak body for the sector, Universities Australia, has been criticised for ineffectively implementing sexual violence prevention initiatives (see Legal and Constitutional Affairs References Committee, 2023 pages 113 – 115). These failures to adequately address sexual violence have led to victim-survivors and their advocates calling for independent oversight of the sector to hold them to account.

In 2023, the Australian Government undertook an Australian Universities Accord process through a 12-month review of Australia's higher education system. Out of this process, due to advocacy by organisations like End Rape on Campus (EROC) Australia, Fair Agenda, the National Union of Students and The STOP Campaign, the Government convened a Stakeholder Reference Group to develop a policy solution. This group—led by Our Watch CEO Patty Kinnersly—developed an Action Plan Addressing Gender-based Violence in Higher Education (Action Plan) (Department of Education, 2024) that was endorsed by all Australian Education Ministers.



The Action Plan highlights key actions that the Government will implement to create higher education communities free from gender-based violence, including a National Higher Education Code to Prevent and Respond to Gender-based Violence (National Code) (Department of Education, 2025). It deliberately expands its scope to capture all forms of gender-based violence, so that prevention and response efforts go beyond sexual violence and have a more holistic approach to student and staff safety. In the 2024-25 budget, the Government committed \$38 million to commence the implementation of the Action Plan (Commonwealth of Australia, 2024). Of this, \$18.7 million was allocated over four years to develop and introduce the National Code.

The introduction of the National Code marks a significant step in addressing systemic gaps in university policies on all forms of gender-based violence, including sexual violence. It is a first-of-its-kind reform by the Government to require the higher education sector to prioritise student and staff safety. This discussion paper explains the National Code, explores its necessity, and provides recommendations for higher education institutions to implement the National Code.

What is the National Code?

Legislation (Parliament of Australia, 2025) to establish the National Code was introduced into Parliament on 6 February 2025. The National Code has three clear aims. It aims to (1) reduce gender-based violence in higher education, (2) create national standards, and (3) enforce compliance through a regulatory framework. To achieve this, it includes a set of standards to address gender-based violence within higher education and works to ensure that all students and staff feel safe and supported during their study and employment. As businesses and institutions, universities should view the National Code as a welcome opportunity to prioritise and commit to advancing student and staff safety. The National Code is publicly available and, in anticipation of it passing into law, higher education providers can begin working to implement its standards and requirements.

The Federal Department of Education (the Department) is responsible for guiding providers on how to meet the standards of the National Code, as well as enforcing compliance. In practice, providers will be required to annually report their progress to the Department and provide sufficient evidence to demonstrate how they have met its requirements. For providers that do not comply, they could face repercussions such as civil penalties, infringement notices, enforceable undertakings and injunctions. From when the National Code is introduced into law, providers will have until 2026 before compliance can start to be enforced. However, it is expected that the Department will focus on supporting the sector to meet the National Code's requirements prior to enforcing repercussions.

The National Code comprises of seven standards higher education providers must meet. Each standard includes detailed requirements of policies, procedures, processes, outcomes and reporting requirements. The below table is a high-level summary of the intention and key activities in each standard. It is not an exhaustive list of the full extent of the National Code.

Summary Table of the National Code Standards

Standard 1: Accountable leadership and governance

Standard 1 outlines effective governance and a whole-of organisation approach by assigning institutional accountability and associated actions. It requires providers to:

- Assign responsibility of meeting the National Code to the Vice-Chancellor or CEO.
- Develop a whole-of-organisation prevention and response plan and associated outcomes framework.
- Report to the Department as the regulator of the National Code.

Standard 2: Safe environments and systems

Standard 2 outlines ways to create safe environments by prioritising immediate and ongoing safety within all systems and policies of the institution. It requires providers to:

- Ask prospective employees of previous misconduct in hiring processes.
- Ask staff to declare intimate personal relationships they have with other staff they supervise or with students.
- Develop, implement and review a gender-based violence prevention and response policy.
- Prohibit the use of non-disclosure agreements.

Standard 3: Knowledge and capability

Standard 3 outlines how to increase knowledge of gender-based violence and build capability to effectively prevent and respond to it. It requires providers to:

- Develop, deliver and evaluate ongoing, comprehensive prevention education and training to staff, students and leadership.
- Embed gender-based violence expertise in risk assessments, formal reporting, investigations and disciplinary proceedings.

Standard 4: Safety and support

Standard 4 outlines ways to ensure the provider's responses to gender-based violence and support services on campus are safe and person-centred. It requires providers to:

- Implement immediate and ongoing safety measures when people disclose or report gender-based violence.
- Incorporate safety measures for respondents.
- Monitor effectiveness of support services.

Standard 5: Safe processes

Standard 5 outlines ways to ensure the provider's disclosure and reporting processes are safe and timely. It requires providers to:

- Ensure that reporting options are accessible and allow for people to be anonymous.
- Investigate formal reports and consider views of the discloser in the process.
- Ensure that formal reporting processes are finalised within 45 business days and the discloser is provided notice of the outcome.

Standard 6: Data, evidence and impact

Standard 6 outlines how evidence must be collected, understood and utilised to inform their approach, measure change and report progress. It requires providers to:

- Collect process data on policies and procedures, incidents of gender-based violence, and demographic data about disclosers and respondents.
- Collect this data in a safe, trauma-informed and person-centred way, and hold the data securely.
- Provide this data to the Department to monitor progress against the National Code.

Standard 7: Safe student accommodation

Standard 7 outlines how higher education providers must work with student accommodation providers to uphold the National Code and protect students in these living environments. It requires providers to:

- Take all reasonable steps to ensure student accommodation providers comply with the National Code or otherwise remove public affiliation with those who do not.
- Ensure a risk assessment is conducted within 48 hours of receiving a disclosure or formal report of gender-based violence occurring in student accommodation.
- Report non-compliant student accommodation providers to the Department, which may choose to make this information public.

Where Should Higher Education Institutions Start? Key Recommendations

Doing the work needed to meet the standards of the National Code will require considerable time, resources and investment. Considering this, our central recommendation is that providers begin implementing the National Code voluntarily in preparation of it passing into law. This extends to student accommodation providers not directly required to comply by the National Code but house higher education students (e.g., accommodation providers that are privately owned, but commonly house students). We have provided some key recommendations below that providers can follow to begin this process. Beyond these recommendations, Schloeffel et al. (2025) provide further commentary on why the National Code is necessary to address gender-based violence in higher education.

1. Gender-based Violence Expertise

Gender-based violence expertise must be incorporated and embedded at every stage of implementation of the National Code to ensure its effectiveness. Higher education providers should begin by identifying and engaging with gender-based violence experts in their institution—inclusive of academic staff and sector practitioners. Where this internal expertise may be limited or absent, providers should build partnerships with local gender-based violence services and community-based specialists. While some institutions have often relied on external consultancies, it is important that those involved in prevention and response work have a deep understanding of the institution's specific context and culture. The National Code explicitly requires that gender-based violence expertise is represented on the Governing Body or a relevant subcommittee, ensuring these voices inform decision-making and provide direct advice to the head of the organisation, usually the Vice-Chancellor or CEO, who is ultimately responsible for National Code compliance.

In addition to embedding expertise at the governance level, providers must also ensure they have access to accredited specialists who can support safe, trauma-informed and person-centred responses to gender-based violence. Institutions should act now to identify these individuals, establish an expert panel or equivalent body, and prioritise staff training in key areas of prevention and response. Upskilling existing staff should take precedence over outsourcing, as lasting change requires sustained, internal capability. Ultimately, meaningful implementation of the National Code requires genuine investment in people with gender-based violence expertise and practice experience, and this work must be properly resourced to succeed.

2. Collaboration and Engagement with Staff, Students, Victim-Survivors and People Most Impacted by Gender-based Violence

The National Code calls for genuine collaboration and engagement with staff, students, victim-survivors, and those most impacted by gender-based violence. This means moving beyond tokenistic consultation and ensuring that those with lived experience are meaningfully involved in shaping prevention efforts. Victim-survivor advocates have fought hard to ensure this standard is embedded in the National Code, requiring their input in the design, development, implementation, and evaluation of initiatives. As every institution is different, achieving this collaboration will vary based on the institution's size, location, and student and staff demographics. To support this, providers should begin developing a collaboration model that suits their context.

This engagement model must prioritise the voices of those most affected by gender-based violence, including women, First Nations people, culturally and linguistically diverse communities, people with disability, people of diverse sexual orientation and gender identity, rural and regional people, international students, and people from a low socio-economic background, particularly those first in family to attend university. It should involve student representative bodies and extend beyond them to include students who may not usually be involved in advocacy work. The goal is to build and maintain trust while laying the groundwork for meaningful implementation. Early engagement will also support the development of the institution's gender-based violence prevention and response plan by establishing clear, inclusive mechanisms for collaboration and engagement. Importantly, this model must be informed or led by people with both gender-based violence expertise and lived experience, to have an approach that values both professional and personal knowledge.

3. Whole-of-Organisation Planning

The intention of the National Code is to provide a whole-of-organisation framework for preventing and responding to gender-based violence. A whole-of-organisation approach means that all parts of an organisation or institution—from leadership to frontline staff—are actively involved in preventing and responding to gender-based violence, ultimately creating a culture of safety and accountability (Our Watch, 2021a). The Action Plan (Department of Education, 2024) provides an overview of what higher education providers should prioritise in their whole-of-organisation approach. The importance of whole-of-organisation approaches have been emphasised both nationally and globally, and across various contexts (e.g., Our Watch, 2021a; Rutgers, 2016). While this approach to preventing and responding to gender-based violence seems logical, the meaningful implementation of a whole-of-organisation structure may be complex.

A comprehensive and meaningfully integrated whole-of-organisation approach to gender-based violence will vary for each provider. For instance, an accommodation provider and the human resources department of a university should take different approaches and focus on factors most relevant to each context. The factors that could be considered are campus location, student living arrangements, the courses offered, and organisational and departmental structures. We recommend that providers begin by identifying what a whole-of-organisational approach would mean in their specific context. Engagement and collaboration with a range of stakeholders that are a part of the provider's community will be critical to identifying and mapping what this will include.

A whole-of-organisation approach is essential to enact whole-of-systems change. As such, achieving this approach to gender-based violence will require time and energy, as well as funding and resources to effectively achieve the outcomes of the National Code.

Beyond Compliance: Building Cultures of Accountability and Safety

Gender-based violence is a complex issue and preventing and responding to it within universities requires a multifaceted approach that serves to reduce harm and works to build cultures that are underpinned by accountability and safety. While the National Code is a positive step towards a future free from gender-based violence, we know it cannot stop there. In addition to the recommendations above, higher education leaders must prioritise gender-based violence prevention as a core institutional responsibility. Additionally, gender-based violence prevention efforts must be integrated into broader equity and inclusion initiatives, rather than treated as an isolated issue. Finally, universities must also critically reflect on their institutional complicity in gendered power structures and implement structural reforms to address these inequities.

The National Code represents a critical opportunity for universities to transform their approaches to gender-based violence prevention and response. However, its success will depend on meaningful implementation, leadership and institutional commitment, and ongoing investment.



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