



Policy Consultation Feedback

Date: 27 February 2026
To: academic-registrar@unimelb.edu.au
Subject: Feedback on the *Student Conduct Policy* (MPF1324) Amendments

The UMSU Advocacy Service welcomes the opportunity to provide feedback on the proposed changes to the Student Conduct Policy (MPF1324), given its impact on students' rights during challenging circumstances.

We offer our feedback with the expectation that the policy will deliver clear, robust protocols that ensure trauma-informed, student centred and power-sensitive processes while upholding procedural fairness and principles of natural justice.

Feedback on the Consultation Process

Short Timeframes for Feedback

UMSU endorses policy changes that better comply with the new *National Higher Education Code to Prevent and Respond to Gender-based Violence* (National Code); however, we note that while the draft policy has focused on an update to terminology and scope to better align with the National Code, these changes introduce ambiguities that create uncertainty. UMSU has also identified several substantive gaps that continue to present risks to compliance.

While UMSU acknowledges the urgency of these amendments, we note that the University has had a long lead time to complete this work, given the availability of the [Action Plan Addressing Gender-based Violence in Higher Education](#) since March 2024 and the full draft *National Code* since February 2025. We believe this consultation is taking place in a timeframe that is insufficient for adequate feedback and has not been circulated or promulgated to an appropriate audience of stakeholders. Considering the *National Code* requires that Providers consult widely in the development and review of policies (clause 2.5), we are of the view that this consultation itself already falls short of compliance with the *National Code*.

During this consultation process, three substantive areas impacting significantly on students' rights are undergoing the process for consultative feedback (which include the Appropriate Workplace Behaviour Policy, the Student Appeals Policy and the Student Conduct Policy), placing an immense strain on stakeholders with limited capacity to provide meaningful feedback on all three.

Ultimately, as the *National Code* was developed over two years with extensive consultation and reflects minimum acceptable standards, UMSU believes that the University should view compliance not as a burden but as an opportunity to demonstrate sector leadership in addressing gender-based violence.

Recommendation 1: Consultation periods should incorporate sufficient time leads to enable stakeholders to participate effectively and provide considered, feedback.



Feedback on Proposed Changes

Positive Changes

The amendments introduce important reforms, including:

Explicit inclusion of gender-based violence in misconduct definitions

The draft explicitly recognises gender-based violence as a discrete form of student general misconduct which aligns directly with Standard 2 of the National Code.

Expertise requirements for investigators and discipline committee members

The draft requires that staff and discipline committee members involved in sexual misconduct and gender-based violence matters have relevant knowledge, experience and expertise, which reflects the expertise requirements under Standard 3.

Timeframes for finalising proceedings

The requirement under policy that proceedings must be capable of being finalised within 45 days is welcomed and aligns with Standard 5 timeliness requirements. However, we are concerned that the threshold for extensions of time to this requirement are insufficiently defined.

Clearer notification obligations to disclosers

UMSU also welcomes clear improvements in transparency under the policy, with clear communication of outcomes and strengthening of discloser rights to notification of outcomes.

Recognition of trauma-informed practices

The draft states that discipline committees will adopt trauma-informed practices in matters involving sexual misconduct or gender-based violence.

However, the proposed amendments do not detail how trauma-informed practice is operationalised or make clear how re-traumatisation risks are mitigated. We also note that Standard 4 of the National Code requires responses to be *both* person-centred and trauma-informed.

These reforms represent substantial movement toward compliance with the National Code. However, from a student perspective, significant concerns remain regarding:

- Breadth of discretionary powers
- Time extension mechanisms
- Student representation and participation
- Transparency and accountability

UMSU's position is that the amendments move the University closer to compliance with the National Code but further strengthening and integration is required to ensure processes are genuinely safe, proportionate, trauma-informed, and student-centred.



Areas of Concern

Trauma-Informed Practice

The sections set out in 4.11 and 5.8 of the draft *Student Conduct Policy* fails to properly codify a trauma informed approach through structural and operational practice.

Although section 4.11 states that all disclosures will be treated with sensitivity and respect, the draft policy fails to incorporate the requirements under Standard 4 which codifies safe, person-centred processes. The draft policy references trauma-informed management (section 5.33 (d)) but does not define trauma-informed processes or specify safeguards against re-traumatisation.

Although the draft policy references the *Sexual Misconduct and Gender-based Violence Prevention and Response Policy* (MPF1359), the draft policy itself should contain processes that allow for the operation of trauma-informed practices.

These include aspects providing choice and control to disclosers (such as explaining choices and obtaining informed consent before any steps are carried out), providing safety and support to disclosers (such as discussing immediate safety options, outlining internal and external supports, offering academic adjustments and documenting only what is necessary), codifying multiple pathways for disclosure and the avoidance of repetitive re-telling of disclosures.

Additionally, Standard 4.4 of the National Code should be codified in the draft policy which requires staff handling formal reports and disclosures to undertake a risk assessment and manage identified risks on an ongoing basis.

Codifying these aspects regarding safety for disclosers in every University policy is important as it minimises the risk of fragmented practices and alerts staff who work in certain areas that those safety requirements are not confined to specialised gender-based violence prevention practitioners.

It also ensures that whatever pathway a discloser chooses to report, that they will encounter the same level of safety and trauma-informed practice at every level and department of the University.

Recommendation 2: We recommend the draft policy include the codification of trauma-informed practices such as embedding the following requirements for staff supporting disclosers through the reporting process:

- Choice and control with clear explanation of available options and obtaining informed consent before any action is taken
- Incorporating safety and support measures such as discussing immediate safety needs, outlining internal and external support services, offering academic adjustments and limiting documentation to what is strictly necessary
- avoid unnecessary repetition of evidence or accounts
- Codifying multiple pathways for disclosure, and
- Undertaking risk assessments and managing and monitoring ongoing identified risks.



Separation of Support Roles

The draft Student Conduct Policy does not detail the requirements set out in The Code that there be a separation of support roles for each the Discloser and the Respondent. Standard 4 requires that the same staff member not support both Discloser and Respondent.

Recommendation 3: We recommend the separation of support roles where the following is included in the policy:

The University must ensure that the same staff member is not assigned to provide support to both the Discloser and the Respondent in matters involving sexual misconduct or gender-based violence.

Non-Disclosure Agreements (NDA)

Standard 2 of the National Code prohibits NDAs unless requested by a discloser. The Student Conduct Policy does not explicitly reference NDA restrictions.

Recommendation 4: We recommend specific policy provisions that the University must not require NDAs unless it is expressly requested by the discloser.

Insert new clause in Policy section (GBV matters):

The University must not require or propose a Non-disclosure Agreement in relation to sexual misconduct or gender-based violence unless expressly requested by the Discloser.

Any such agreement must not prevent the Discloser from seeking support, advice, or complying with reporting obligations under applicable law.

Student Discipline Committee Expertise

While the current draft policy outlines that members of a student discipline committee have “relevant knowledge, experience and expertise.” The *National Code* provides greater specificity regarding the type of knowledge, experience and expertise required by relevant staff. For example, the National Code requires experience and expertise in responding to GBV consistent with Trauma-informed and Person-Centred Approaches (s3.16 (b)). *The National Code* also specifies that staff involved in these processes must complete training on the required areas every three years (s3.17).

Recommendation 5: To align with the mandatory three-year training cycle in Standard 3, we propose the following amendment:

Members of the student discipline committee convened in matters involving sexual misconduct or gender-based violence must have experience in responding to GBV and have completed relevant training within the previous three years, consistent with the National Higher Education Code.



Documented Reasons for Extension to Timelines

Section 5.51 of the draft Student Conduct Policy references the requirements that formal reports, including any disciplinary processes, should be finalised within 45 days. While this aligns with the timelines set out in the National Code, transparency and accountability with respect to extensions of time requires strengthening.

Standard 5.17 states that extensions to this timeline can only be provided in particular circumstances that are proportionate and safe and protect wellbeing and manage risk (Standard 4).

Recommendation 6: We recommend the strengthening of section 5.51 of the draft policy by requiring that the reason for any extension to the 45-day timeframe is documented to ensure it occurs only in circumstances that are proportionate, safe and aligned with the wellbeing and risk-management requirements in Standard 4 and 5.17 of the National Code.

Risk Assessment & Safety Planning

UMSU recommends a new clause under the *Procedural Principles* to codify requirements for proactive risk assessment and safety planning in alignment with Standard 4 requirement for mandatory risk assessments and ongoing monitoring.

Recommendation 7: We recommend the inclusion of the following in the draft policy:

In all matters involving an allegation, Disclosure or Formal Report of sexual misconduct or gender-based violence, the University must undertake a documented risk assessment conducted by personnel with relevant expertise.

The University must manage and monitor any identified risks on an ongoing basis and must record any safety measures implemented, including interim measures, in accordance with the Sexual Misconduct and Gender-based Violence Prevention and Response Policy.

Risk assessments must be conducted in a trauma-informed and person-centred manner and reviewed at key stages of the disciplinary process.

Clarifying Institutional Override of Discloser Wishes

The policy allows progression even if the discloser withdraws, which may be warranted for safety and public policy reasons, but requires an explicit threshold. This lacks proper alignment with the Standard 5 requirement to have regard to the wishes of the discloser.

One of the core principles of trauma-informed care, outlined in *the National Code*, is choice. When the university is unable to respect the wishes or choices of victim-survivors, there should minimally be a requirement that another principle of trauma-informed care is implemented: collaboration.

Recommendation 8: We recommend the amendment of the clause regarding progression of allegations involving GBV, as follows:

Where the University determines that it is necessary to proceed with an investigation or disciplinary process despite the wishes of a Discloser, the decision must:

(a) be based on a documented assessment of risk to the safety or wellbeing of any person or to the University community;

(b) demonstrate why less intrusive measures are insufficient; and

(c) be communicated in writing to the Discloser, including reasons for the decision.



Transparency Commitment

Standard 6 on data transparency is not addressed as there is no visible commitment to publishing de-identified outcomes.

Recommendation 9: We propose the following be inserted:

The University will publish annually de-identified data regarding disciplinary outcomes relating to sexual misconduct and gender-based violence under this policy, consistent with its obligations under the National Higher Education Code.

Matters relating to the Composition of the Student Discipline Committee

Separate to the matters regarding the realignment of the *Student Conduct Policy* with the National Code, we note another proposed change with the inclusion of a 48-hour notice period for the nomination of a student to the Student Discipline Committee (proposed section 5.26 (c)).

This does not adequately account for periods when lack clarity regarding their class schedules and may lead to the removal of the student member role in a manner that pre-empt an actual availability.

Recommendation 11: We recommend the removal of the 48 hour notice requirement in section 5.26 (c) as it does not consider periods during the year where trained students are unable to commit to hearing times two full days ahead due to not having access to their class schedules.