

# UA response to TEQSA's proposed Guidance Notes

15 March 2024

## Introduction

UA supports the ongoing work of TEQSA to address student wellbeing and safety on and off campus, and the measures considered to improve diversity and equity, student grievances and complaints. UA welcomes the ongoing government consultation on the topics in question -- diversity and equity, student grievances and complaints, and wellbeing and safety -- and other related matters.

The Australian higher education sector is undergoing a range of reviews and governance changes that are affecting and have the potential to impact the regulatory environment in which providers operate.

Key changes currently being undertaken directly in relation to the issues the proposed guidance notes respond to include: the Department of Education's Support for Students Policy guidelines, the Australian Government's review of the Higher Education Standards Framework, the Commonwealth's National Action Plan to address gender-based violence in higher education and the proposed National Student Ombudsman, and the Australian Government's Universities Accord.

Within this rapidly evolving environment, in which many regulatory and legislative reforms have been and are likely to be implemented, UA suggests TEQSA postpone the release of these guidance notes until the full impact of all of these changes has taken effect. This will allow TEQSA's guidance to be more impactful and beneficial to the sector and help to eliminate inconsistencies in the regulatory environment.

Whilst guidance on the regulatory environment, especially regarding provider accreditation and clarity on the intersection of the regulatory environment would be useful, a stable context in which to enable providers to fulfill their obligations to their communities and the regulatory bodies is essential.

To support future Guidance Notes concerning these specific areas, UA makes several suggestions for TEQSA's consideration.

## Summary

UA has provided several suggestions and recommendations, including:

- Guidance notes play a useful role in supporting the sector to successfully implement the Threshold Standards across all areas of the Higher Education Standards Framework under the TEQSA Act.
- The guidance notes in question have the potential to be particularly useful in providing guidance for negotiating the changing regulatory and governance environment arising from the various reviews affecting the sector.
- The role of TEQSA in this regard, particularly within the student welfare space, will be particularly important. However, to be effective in supporting providers, postponing the finalisation and release of current guidance notes until after potential changes to the Threshold Standards are complete will be highly valuable in providing stability to the sector and reducing the need for additional review.
- Language and scoping clarification is needed within future Guidance Notes to account for nuances in the higher education sector, the broader social context and the remit of what providers are responsible for under the TEQSA Act.

## Feedback on the proposed Guidance Notes

After seeking feedback from our members, UA recommends the following specific changes:

### Diversity and equity

Broadly speaking, TEQSA should consider a range of phrasing changes to the proposed Guidance Note on Diversity and Equity to better reflect the broad nature of the Threshold Standards and the contextual environment higher education providers operate within.

- TEQSA should consider changing the phrasing of “*Consideration of the size of student groups and intersectionality would also be useful*” to remove intersectionality. Intersectionality can be misunderstood by providers and non-higher education assessors. A more neutral phrasing of this suggestion is: “*Consideration of the size and composition of student groups would also be useful.*”
- Regarding the list of under-represented groups in Australian higher education, change the phraseology from “*including but not limited to*” to “*potentially including but not limited to*”. This change recognises the diversity of providers and the importance of responsiveness to local and regional communities. In other words, not all providers would necessarily have students or engage community groups from this list and including prescriptive language in a requirement of what TEQSA would look for in this space does not account for these differences.
- TEQSA should remove prescriptive language regarding, and reference to, Universal Design for Learning (UDL). Guidance notes are, as reflective of the generalised nature of the Threshold Standards, designed to be flexible and encompass the unique nature of Australia’s diverse higher education providers. Whilst UDL has many merits, other principles exist, and some providers use these accordingly. Ensuring the governance frameworks for learning are clear and adhere to the Threshold Standards is central to the Guidance Notes, not advocating a specific framework.
- TEQSA should modify the language around “*enrolments from underrepresented groups due to ineffective/a lack of plans, policies and practices accommodating student diversity*”. This should be modified to also account for the environmental context in which providers operate. Universities and other higher education providers are highly dependent on pipelines from other education providers outside of their immediate purview -- e.g., schools and VET providers and are therefore subject to these conditions and the students they subsequently enrol and support.

### Student grievances and complaints

UA Recommends TEQSA amend the proposed Student Grievances and Complaints Guidance Note to outline its expectations more clearly in what providers are required to demonstrate, including reviewing the scope in which providers have remit to operate.

- The reference to freedom from harm should be removed. No organisation can ensure freedom from harm; however, shifting the language to minimising risk of harm is more accurate. This remains an estimable objective all providers subscribe both to upholding and creating mechanisms for implementation.
- TEQSA’s section on material change notifications should be removed as it conflicts with the TEQSA Act. Material change notifications made under s29.1 of the TEQSA Act are made when a) an event will significantly affect the provider’s ability to meet the Threshold Standards, or (b) an event will require the Register to be updated in respect of the provider.
- TEQSA should clarify its expectations about managing grievances and complaints that combine academic decisions and mental health matters.
- TEQSA could also include a consistency component in its evaluations. Whilst student grievances and complaints are assessed on a case-by-case basis, consistency in approach is

an important marker of transparency and expectation-setting that TEQSA could monitor in reporting sector-wide approaches to student grievances and complaints.

### Wellbeing and safety

UA recommends TEQSA clarify its expectations for Wellbeing and Safety in relation to the following matters prior to the release of a final version of the Guidance Notes, which were raised in the guidance notes but require further information for providers to respond:

- Information on cultural safety and wellbeing.
- Educative interventions in academic misconduct processes.
- Comprehensive prevention and response strategies for sexual assault, including trauma-based approaches that maintain natural justice principles.
- Proactive measures to support students' mental health and wellbeing.
- What strengthening community partnerships to address issues relating to sexual assault and suicide prevention look like.
- What embedding wellbeing and safety messaging in courses should include at a minimum.

### Implementation Considerations

Whilst providers find TEQSA's guidance documents useful, it is important that the guidance notes be implemented at the most opportune and impactful moment possible, particularly as they are subject to cost-recovery from the sector.

Accordingly, postponing the guidance notes until other reforms and guidelines have been implemented, such as the final Support for Students Policy guidelines and the potential changes arising from the Review of the Higher Education Threshold Standards, will enable integration of these changes and provide a greater benefit to providers and TEQSA.