

TEQSA Consultation Paper, Draft Statement of Regulatory Expectations: Adopting a definition of Islamophobia, 12 October 2026

The University of Sydney welcomes the opportunity to provide feedback on the Tertiary Education Quality and Standards Agency's consultation paper on its draft [Statement of Regulatory Expectations: Adopting a definition of Islamophobia](#), released on 28 September 2026.¹ Our feedback is intended to complement and support the submissions made by Universities Australia and the Group of Eight, to which we have contributed.

The University strongly supports efforts to prevent and respond to Islamophobia, antisemitism, racism towards Aboriginal and Torres Strait Islander people and all other forms of racism and discrimination. We are committed to fostering a safe, inclusive and respectful environment in which students, staff, affiliates and visitors can participate fully in university life free from discrimination, harassment and exclusion.

The University has long recognised anti-racism as a core institutional responsibility. Since joining the Australian Human Rights Commission's '[Racism. It Stops With Me](#)' campaign in 2014, we have strengthened our work through initiatives including endorsement of an anti-racism pledge in 2021 and the publication of a University-wide [Anti-racism Commitment in 2023](#). Developed in partnership with staff and students, the commitment affirms our determination to address racism in all its forms, alongside our commitments to First Nations peoples, truth-telling and freedom of speech.

In February 2026, our Vice-Chancellor stated publicly that racism has no place at our university or in our society. More recently, following evidence to the Royal Commission on Antisemitism and Social Cohesion, he reaffirmed that the University must be a place where people from all backgrounds can learn, work, express themselves and experience a genuine sense of belonging.

Noting the substantial similarity between this draft SRE and TEQSA's earlier draft SRE on adopting a definition of antisemitism, our feedback is consistent with and builds on that provided in [our response to the earlier consultation](#).

While we support the objectives of both draft SREs and TEQSA's broader efforts to assist providers to prevent and respond to racism, we consider they would be strengthened by:

- providing greater clarity regarding their intended regulatory role and application
- delineating more clearly between governing body and management responsibilities
- establishing realistic implementation timeframes and transition arrangements
- adopting an approach that is proportionate to the regulatory burden imposed on providers.

Of these issues, realistic implementation timeframes and a clearer delineation between governing body and management responsibilities are particularly important given their implications for the practical operation of the SREs and the ability of providers to meet TEQSA's short- and longer-term regulatory expectations.

With TEQSA emphasising the importance of meaningful, trauma-informed and inclusive consultation on definitions, the final SREs should avoid imposing unrealistic implementation timeframes that may force providers to compress consultation processes at a challenging time in the academic year, or to adopt definitions on an interim basis before consultations and all required governance processes have been completed.

¹ This submission has been prepared with the assistance of generative AI. Consistently with our commitment to the responsible use of this technology, all content has been reviewed and approved by relevant University staff.

Similarly, given the emphasis the Expert Council on University Governance and the revised Threshold Standards place on the importance of strengthening role clarity between governing bodies and management, the final SREs should reinforce, rather than risk blurring, that essential distinction.

Implementation timeframes and practical feasibility

The University supports TEQSA's emphasis on genuine and meaningful consultation regarding Islamophobia and the other specified definitions. However, there is a significant disconnect between those expectations and the time available for providers to meet them.

TEQSA has indicated that the final SREs for Islamophobia and antisemitism may be released in October 2026, while the timing of the SRE on racism towards Aboriginal and Torres Strait Islander people will depend on consultation with First Nations stakeholders. With the revised Threshold Standards commencing on 1 January 2027, providers will have very limited time to understand TEQSA's final expectations, prepare adoption and implementation plans, undertake meaningful consultation, and satisfy TEQSA's expectations regarding governing body oversight and approval.

The practical challenge for providers is one of sequencing as well as timing. The draft SREs expect governing-body approval of plans for developing, adopting and implementing the respective required definitions, while also expecting those plans to incorporate extensive consultation processes to inform the selection and adoption of each definition. Ideally, meaningful consultation would occur before proposed definitions are finalised and progressed through institutional management and governance processes. Reconciling these expectations with the realities of providers' governance pipelines for the remainder of 2026 will be challenging for many institutions, including the University of Sydney.

These challenges are compounded by the expectation that providers ensure consultation processes are trauma-informed, safe, inclusive, transparent, representative of affected communities and provide options for confidentiality and anonymity. The period between publication of the final SREs and commencement of the revised Threshold Standards coincides with examinations, graduation activities, peak end-of-year management and governance committee workloads and the summer teaching break. Many providers' governing bodies and academic boards may meet only once or twice during this period. As a result, providers may face having to choose between adopting definitions before consultation processes have been completed or undertaking highly targeted and compressed consultation processes that may not satisfy TEQSA's expectations for meaningful and inclusive engagement.

The final SREs would therefore benefit from allowing providers greater flexibility regarding implementation timeframes and stronger recognition of demonstrable progress towards meeting TEQSA's expectations. TEQSA should expressly recognise that providers may need to complete consultation, governance approval and implementation activities during 2027 and that evidence of genuine commitment and progress towards those outcomes may be more appropriate than expecting all activities to be completed by 1 January 2027.

For these reasons the University strongly supports the following recommendations from Universities Australia's 17 September 2026 submission in response to the draft SRE on adopting a definition of antisemitism:

- That TEQSA allow universities at least six months from publication of the final SRE to implement its expectations in full.
- That from 1 January 2027 until the end of that period, TEQSA take an educative, proportionate and risk-based approach, assessing compliance on the basis of demonstrable progress.

Clearer delineation of governing body oversight from management responsibilities

The University is concerned that the draft SREs may not consistently distinguish between the governance, oversight and accountability functions of providers' governing bodies and the operational responsibilities of management, despite the clear separation of those responsibilities reflected throughout the Threshold Standards.

As the Expert Council on University Governance observed in its final report, effective university governance depends on the responsibilities of governing bodies, committees and management being '*clear and distinct, with no overlap*', and on the respective responsibilities of governing bodies and vice-chancellors being similarly 'clear and distinct'. These principles are also reflected in the governance framework established by the Threshold Standards, including Standards 6.1, 6.5 and 6.11.

While the governing bodies of higher education providers should provide strategic direction, oversight and assurance, a number of the expectations contained in the draft SRE appear to extend their responsibilities into areas that would ordinarily be regarded as management functions, including operational planning, consultation processes, implementation activities, resourcing decisions and administration. This is inconsistent with established governance practice and risks creating uncertainty about the respective responsibilities of governing bodies and management, as well as the evidence TEQSA will expect from providers to demonstrate compliance with the Threshold Standards.

Attachment A provides examples of provisions in the draft SREs that appear to blur this distinction, with the cumulative effect of portraying governing bodies and executive management as jointly responsible for many of the same operational activities.

The final SREs would benefit from more clearly distinguishing between matters for:

- governing body approval, oversight and assurance; and
- management planning, consultation, implementation, administration and reporting.

It would also be helpful if TEQSA could provide greater clarity regarding how it intends to apply these SREs in its regulatory activities, including compliance assessments, registration and re-registration processes.

Recommendation

- The final SREs should ensure that TEQSA's expectations of governing bodies are limited to governance, oversight and accountability functions. Operational planning, consultation, implementation, resourcing and administration activities should be clearly identified as management responsibilities.

Attachment A Examples of provisions in the draft SREs that may blur governing body and management responsibilities

Attachment A

Examples of provisions in the draft SREs that may blur governing body and management responsibilities

The table below has been prepared to provide examples of where the draft TEQSA SREs released to date may blur the critical distinction between the governance, oversight and accountability functions of higher education provider governing bodies with the operational responsibilities of management.

We have shared these examples to support our view that the final SRE would benefit from a clearer delineation between the matters that governing bodies should direct and oversee and those that management should plan, implement and report on.

This would help ensure TEQSA's expectations set out in the SRE are consistent with the good governance principles embedded in the Threshold Standards, particularly Standards 6.1, 6.5 and 6.11.

Draft SRE Page reference	Example	Nature of blurring
p.1	'This Statement of Regulatory expectations outlines <u>the steps that governing bodies are expected to take to ensure they have a definition of antisemitism/Islamophobia</u> which is specific to the needs of the provider's community and meaningfully supports the provider to prevent and respond to Islamophobia.'	Governing bodies are presented as the actors responsible for taking steps, when in sound corporate governance, the role of governing bodies is to oversee and ensure that management takes these steps and to hold management accountable for the outcomes.
p.1	'TEQSA <u>expects a provider's governing body and executive leadership team</u> to consider the intersection of a definition of antisemitism/Islamophobia with the provider's obligations regarding Diversity and Equity (Standard 2.2) and Wellbeing and Safety (Standard 2.3).'	Under sound corporate governance, management should analyse these intersections and recommend an approach. The governing body should review, ask questions of management and approve only once it is satisfied that management's proposed approach is appropriate.
p.1	'Identifying, preventing, responding to, and mitigating the harms posed by Islamophobia <u>requires the governing body and executive leadership teams</u> of all providers to commit to addressing antisemitism/Islamophobia across their operations, and to cultivating an institutional culture in which all forms of racism and discrimination are not tolerated.'	Assigning both the governing body and the executive team the same commitment to operational delivery blurs strategic accountability with responsibility for day-to-day operations.
p.2 Expectation 1	'The <u>governing body approves a plan and oversees the process</u> for developing and adopting a definition of antisemitism/Islamophobia.'	While approving a plan is an appropriate governing body function, the expectation that the governing body also 'oversees the process' by which the definitions are developed

Draft SRE Page reference	Example	Nature of blurring
		risks drawing governing bodies into the operational cycle.
p.2 Expectation 1(a)	'Oversight includes consideration of the implementation of the definition <u>and processes for working through potential contradictions or conflicts between the definition and other institutional commitments</u> , such as definitions of other forms of racism...policies relating to academic freedom, freedom of speech, codes, by-laws, statutes and rules.'	'Working through potential contradictions or conflicts' is an operational responsibility. Characterising this as 'oversight' risks the governing body substituting its judgment for that of management in operational matters.
p.2 Expectation 1(b)	' <u>Oversight includes consideration of appropriate resourcing</u> for developing, adopting, implementing and monitoring the application of a definition of antisemitism/Islamophobia.'	Determining 'appropriate resourcing' for an operational initiative - including staffing, budget, and capability - is a management responsibility. The governing body should review a budget for relevant activities and satisfy itself that management has adequately resourced the work.
p.2, Expectation 2	'The <u>governing body maintains detailed records of discussions</u> , including risk analysis in relation to adopting or rejecting a particular definition and rationale behind the decision(s) and any supporting evidence or advice that led to the decision.'	The task of maintaining 'detailed records' of discussions of governing bodies and management committees, risk analyses, and supporting evidence is an administrative and management function. The governing body should ensure that adequate records of its meetings and those of relevant management meetings and consultations are kept.
p.2 Expectation 3	'The <u>governing body has regular oversight of the planning, consultation and implementation planning processes</u> to ensure the process is effective, sustainable, and appropriately addresses risks to students and staff posed by antisemitism/Islamophobia.'	Sound governance provides for periodic reporting and exception-based escalation. Regular oversight of the detailed processes of planning and consultation positions governing bodies as process managers rather than as strategic overseers.
p.3, Expectation (5)(d)(i)	'TEQSA <u>expects the governing body to review and consider a summary of the feedback</u> collected throughout the consultation and for meeting records to include a summary of how the feedback was considered in the decision-making process.'	While reviewing consultation outcomes is a reasonable governing body function, the expectation that the governing body ensure its meeting records include details of how feedback was considered positions the governing body as the decision-maker on operational consultation outcomes.