UNIVERSITIES AUSTRALIA

12 October 2026

Universities Australia's response to the Tertiary Education Quality and Standards Agency's draft Statement of Regulatory Expectations: Adopting a definition of Islamophobia

Universities Australia (UA) and its member universities unequivocally condemn Islamophobia in all its forms. Australia's universities play a vital role in ensuring that all Muslim students and staff can participate fully, confidently and safely in academic life. As a sector, we are committed to preventing and responding to all forms of racism, ensuring that university campuses are safe, inclusive, and respectful. Universities continue to support the intent of the new Threshold Standards and are working to implement them.

The work of the Special Envoy to Combat Islamophobia, Mr Aftab Malik, has been instrumental in guiding the sector in how to define, consult on and prevent Islamophobia. UA welcomes the publication of *The Challenges of Defining Islamophobia* and appreciates the Tertiary Education Quality and Standard Agency (TEQSA) drawing on this considered guidance.

To support our members with the new regulatory requirements and better respond to racism, UA has a dedicated technical working group that is advising on the development of a definition of Islamophobia in collaboration with the Special Envoy. This will be considered by the UA Plenary in late October.

In UA's response to the draft Statement of Regulatory Expectations (SRE): Adopting a definition of antisemitism, we made 11 recommendations that would improve and strengthen the SRE. While many of those recommendations also apply to this draft SRE, UA specifically recommends:

1. A flexible, principles-based approach to definitions and interpretative material should be central across all regulatory guidance.

2. Prioritising a realistic transition. Universities are now less than three months away from the new obligations applying without a single finalised SRE published.
Recommendation: That TEQSA allow universities at least six months from publication of the final SRE to implement its expectations in full.

Recommendation: 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.

2. Clarifying expectations around governing body oversight and management responsibilities.
Recommendation: That TEQSA link each expectation in the final SRE to a specific Threshold Standard and remove or reframe any expectation without that link.

3. Prioritising coherent guidance. The overlap between SREs does not justify their separation.
Recommendation: That TEQSA consolidate the expectations common to all forms of racism under section 6.4 into a single SRE, with specific guidance on definitions of antisemitism, Islamophobia and racism towards Aboriginal and Torres Strait Islander peoples included within it.

Recommendation: That the final guidance state that the standards apply equally to all forms of racism, including racism experienced by Asian students and staff and other cohorts not separately named.

UA is working to respond to Islamophobia through:

- The recently established Islamophobia Education Taskforce, which will develop a national, consistent framework for anti-racism in universities and support TEQSA to address racism.
- The Response to Racism Governance Committee and Technical Working Group, which are advising on implementing universities' commitment to prevent and respond to all forms of racism, including working on a UA definition of Islamophobia.
- Meeting with Mr Aftab Malik, the Board of Imams Victoria, the Australian Muslim Advocacy Network, the Coalition of Muslim Student Associations in Australia, the Muslim Legal Networks of NSW and Victoria, and the Alliance Against Islamophobia.

UA will continue to work constructively with TEQSA. We welcome further engagement to ensure that regulatory guidance assists universities to effectively prevent and respond to Islamophobia and all other forms of racism.

A flexible, principles-based approach to definitions

Universities should be able to adopt any definition, or any combination of definitional and interpretative material, that meets core TEQSA assessment principles. The draft SRE: Adopting a definition of Islamophobia better reflects this approach than previous guidance, with a greater acknowledgement of the unique context and culture of each university.

The Special Envoy to Combat Islamophobia's (Special Envoy) contextual guidance is clear that definitions of Islamophobia are contested and intersectional. Muslim women, Muslim men, those perceived to be Muslim, international students, and students living in accommodation all experience Islamophobia differently, and should be captured in definitional work. Distinctive but interconnected anti-Palestinian and anti-Arab racism are also considered in their relationship to Islamophobia, which will help universities to appropriately situate definitions within broader institutional responses to racism. Universities must be allowed to engage closely with their communities, consult widely and collaboratively, and consider implementation and monitoring following adoption.

The contextual guidance is also explicit that adopting a definition of Islamophobia must coincide with continuing protection of freedom of speech and academic freedom, providing specific principles for assessment. This is an important and helpful clarification from the Special Envoy that will assist universities to navigate upholding both obligations, which we welcome.

Prioritise a realistic transition

Even a month ago, the time remaining before 1 January 2027 was insufficient for proper consultation, approval and implementation. It is now unfeasible to give the complexities of Islamophobia the careful consideration they require and undertake the comprehensive, stakeholder-informed consultation outlined in the SRE by the end of the year.

The Special Envoy notes the extremely short period for determining a definition of Islamophobia, and the importance of presenting stakeholders with choices rather than a decision for ratification. This takes time and should be allowed to proceed in the manner recommended by the Special Envoy.

In contrast, the draft SREs expect university governing bodies to approve plans and oversee consultation, development and adoption in the next three months. With governing bodies' final meetings generally occurring in late-November to early-December, universities must progress plans through internal processes at an unrealistic pace.

The inclusive consultation process described by the Special Envoy, and expected by TEQSA, does not align with university governance cycles before 1 January 2027. This inconsistency risks universities achieving one expectation while missing another, through no fault on their part.

We reiterate the importance of addressing our previous recommendations included below, which provide a pathway towards the comprehensive engagement described by the contextual guidance provided by the Special Envoy, and satisfy the expectations of governance approval and oversight.

Recommendation: That TEQSA allow universities at least six months from publication of the final SRE to implement its expectations in full.
Recommendation: 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.

Governing body oversight and management responsibilities

The draft SREs use standards relating to governance to set management expectations, blurring the important distinction between these two functions. Expectations relating to resourcing, record-keeping, feedback, and role identification do not clearly specify relevant standards, or employ standards relating to governance to guide management decisions.

The final SREs should clarify the distinction between governing body oversight and management, with greater reference to section 6.2 Corporate Monitoring, Assurance and Control and section 6.5: Accountability: Governance structures and accountabilities.

We refer to our previous recommendation.

Recommendation: That TEQSA link each expectation in the final SRE to a specific Threshold Standard and remove or reframe any expectation without that link.

Prioritise coherent guidance

UA has made it clear that the rationale for three separate SREs is not apparent. The publication of a second draft SRE relating to racism reaffirms this point, the two documents are very similar, in many instances they are identical.

Consolidating expectations common to all forms of racism, with specific guidance on named forms of racism would be the most effective way to structure this document. We continue to appreciate the staggered consultation, which allows for antisemitism, Islamophobia and racism towards Aboriginal and Torres Strait Islander peoples to be properly considered. These consultations, including feedback from affected communities, should support the development of a single SRE, published iteratively as consultation occurs.

We refer to our previous recommendations.

Recommendation: That TEQSA consolidate the expectations common to all forms of racism under section 6.4 into a single SRE, with specific guidance on definitions of antisemitism, Islamophobia and racism towards Aboriginal and Torres Strait Islander peoples included within it.
Recommendation: That the final guidance state that the standards apply equally to all forms of racism, including racism experienced by Asian students and staff and other cohorts not separately named.

UA has sought clarity on the timeline for publishing the draft SRE on racism towards Aboriginal and Torres Strait Islander peoples. It is important that universities know when to expect this draft to ensure that TEQSA's expectations are clearly articulated, and sufficient time is available for adoption, consultation and implementation.

Further clarity on the "second phase of guidance", including timing, would also greatly assist the sector prepare. While the guidance is not expected until after 1 January 2027, universities are expected to implement, embed, and monitor from this date.