



Australian Government
Department of Education and Training



Higher Degree by Research (HDR) Student Grievance Procedures

I am a HDR student who is a current/prospective recipient of a Research Training Program (RTP) Scholarship (or a previous Australian Postgraduate Award (APA), International Postgraduate Research Scholarship (IPRS) or Research Training Scheme (RTS) holder) and have a grievance with my university.

What avenues are available to me if I want my grievance to be reviewed?

If a student has a grievance in regards to internal university issues, there are a number of steps they may need to follow. There are also a number of avenues open to them depending on the issue. Some of these avenues are listed below:

Seek a Local Solution by approaching the Relevant Supervisor or HDR Contact Person

If a Higher Degree by Research (HDR) student has a grievance they should first approach their supervisor(s) and/or designated local (academic unit) based coordinator or support person as a first point of call. These individuals will work with you to try and resolve the issue if possible. If the issue is unresolved they will be able to inform the student of the university's internal grievance procedures

University Grievance Procedures

If the HDR student is unsatisfied with the outcome of their discussions with their supervisor and/or local support they are entitled to pursue the university's internal procedures to remedy the situation.

Higher Education Providers (HEPs) who award research block grants are required to make these grievance procedures publicly available as part of their RTP Scholarship Policy. This is required by Section 1.6.45(10) of the *Commonwealth Scholarship Guidelines (Research) 2017*.

For universities, established through state or territory law for their foundation, these university rules guide their grievance procedures and carry the same force as common law.

The grievance procedures will detail who the grievance should be lodged and the rights and responsibilities of all parties. Issues relating to academic decisions are generally heard by a grievance panel.

If you are dissatisfied with the outcome, some universities may grant students a right of appeal against the panel's verdict. Appeal processes differ between universities but should be documented in the grievance procedures.

Most universities will also provide information about the advocacy services available to students at their universities. Advocacy services are provided for students in need for university-related issues. Advocacy officers provides support relating to academic and misconduct appeals, academic offences and other disciplinary issues. Student Advocacy Services are also a useful information sources for navigating your university's policies and procedures.

Ombudsman

If the HDR student is dissatisfied with the HEP's internal procedures, they may ask their relevant Ombudsman to investigate their case. Depending on the individual HEP's circumstances, this may be State or Territory Ombudsman, or the Commonwealth Ombudsman (who is also the Overseas Students Ombudsman). Students should be aware that these bodies are different to a HEP's internal ombudsman which does not carry the same powers and responsibilities as the external Ombudsman listed earlier.

The Ombudsman is an independent and impartial body that can investigate a complaint about maladministration on the part of a university. This includes examining the fairness and transparency around decisions relating to the exclusion or suspension of students, including international students.

The Ombudsman can investigate your complaint and, if appropriate, make recommendations that promote fairness, integrity and practical reforms for HEPs, or for the HEP to provide a remedy for you. In limited circumstances affecting international students, the Ombudsman's decisions are binding on HEPs.

What complaints is an Ombudsman unable to consider?

It is not the role of the Ombudsman to question academic judgements, particularly in relation to the award of grades and marks or the admission to or rejection from academic courses or programs.

An Ombudsman will only consider investigating these types of complaints where there is an added element of wrong conduct, such as a failure to follow HEP policies or processes, failure to manage relevant conflict of interests or evidence of bias in an academic decision or in any subsequent appeal process.

If you are unsure about whether your complaint can be considered by the relevant Ombudsman, please contact them using the links in this factsheet.

Tertiary Education Quality and Standards Agency (TEQSA)

TEQSA is the Commonwealth regulator of Australia's higher education sector. TEQSA's role is to register HEPs and monitor their compliance with the Higher Education Standards Framework (Threshold Standards) 2015, and the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA ACT).

TEQSA is not a complaints handling body, however, if you consider that your complaint is relevant to a provider's compliance with the Threshold Standards or the TEQSA Act, you can forward your complaint to [TEQSA](#).

Any complaints TEQSA receives in writing about a provider will be kept and considered when TEQSA assesses if a provider is meeting its obligations under the TEQSA Act and the Threshold Standards.

TEQSA will also assess any complaints about a provider in relation to possible false or misleading statements about its registration and accreditation status.

TEQSA is only able to investigate certain matters that fall inside its legislated remit. It is not an organisation which can review individual academic decisions.

TEQSA has specific confidentiality obligations. This means the agency is not able to advise you of any regulatory action it may take in relation to the specific matter of the complaint.

TEQSA will, however, publish regulatory decisions made on or after 1 July 2013 on its National Register of higher education providers at <http://www.teqsa.gov.au/national-register>.

What should I include in my complaint to TEQSA?

When submitting a complaint to TEQSA, it is recommended that your complaint includes:

- your name
- the provider to which your complaint relates
- the details of your complaint.

- whether you have raised the complaint with the provider (and if you have, the details of the provider's response),
- whether you have sought an independent third party review (and if you have, the details of the independent third party review response)
- evidence that you have exhausted all avenues of your provider's internal and external grievances and complaints processes for TEQSA to consider your complaint. In exceptional circumstances (only) TEQSA may consider your complaint without this evidence

While you may choose to submit a complaint anonymously, providing your name will help TEQSA to better deal with the issues raised in your complaint.

Contacts

If you are interested in contacting your relevant Ombudsman office, you can contact them at the following:

- [NSW Ombudsman](#)
- [Victorian Ombudsman](#)
- [Ombudsman Tasmania](#)
- [Ombudsman Western Australia](#)
- [Queensland Ombudsman](#)
- [Ombudsman SA](#)
- [ACT \(including ANU\): Commonwealth Ombudsman](#)
- [Ombudsman NT](#)

International HDR students enrolled in a **private** HEP:

- [Overseas Students Ombudsman \(part of the Commonwealth Ombudsman\)](#)

If you wish to complain to TEQSA, you can send your complaints in writing to:

- TEQSA
GPO Box 1672
MELBOURNE VIC 3001
- Email: complaints@teqsa.gov.au

Can the Department of Education and Training intervene in my situation?

Universities are autonomous self-accrediting institutions established under state and territory legislation. Division 19 of the *Higher Education Support Act 2003* sets out general quality and accountability requirements that *HEPs* must meet, however the department is unable to intervene in individual academic decisions. *HEPs* are responsible for the content, delivery and quality of the courses they offer.

Under the *Higher Education Support Act 2003*, *HEPs* are required to have grievance procedures that have internal and external review mechanisms in place to address academic and non-academic issues. Given the autonomous nature of *HEPs*, the Australian Government has limited capacity to intervene in a *HEP's* internal process and procedures.

Constitutional Power Restrictions for Commonwealth in Grievance Procedures

The Australian Constitution sets out that the provision for higher education services is a responsibility of state governments. Section 107 of the Constitution sets out that the States will retain powers they had before the creation of the Commonwealth Government, unless the Australian Constitution states that the power now exclusively sits with the Commonwealth Government.

The Commonwealth is able to provide funding to higher education providers under the 'corporation powers' provision of the Constitution in section 51 (xx). This provision allows the Australian Government to provide grants such as the Research Training Program (RTP), and relevant conditions, to higher education providers for the purposes of carrying out their activities of higher education.

The establishment of the federally controlled TEQSA under the TEQSA Act (2011) required a referral of powers from State Governments. However, these powers extend only to the registration of higher education providers.

State and Territory Governments still retain the responsibility for overseeing the establishment and the ongoing operations of *HEPs* in their states/territories.