

The University of Sydney's feedback on TEQSA's new regulatory guidance developed to support safety and wellbeing in higher education, March 2025

The University of Sydney welcomes the opportunity to provide feedback on TEQSA's [Interim statement of regulatory expectations: Student grievance and complaint mechanisms](#) (Expectations) and its [Interim guidance: Managing external actors](#) (Guidance) consultation papers released on 6 March 2025.

As TEQSA is aware through other engagements, the University has been undertaking several continuous improvement actions in these areas to ensure robust adherence with the Higher Education Threshold Standards.

The University strongly supports Universities Australia's (UA) submission on the Expectations in this consultation process. In particular, we also question the need to introduce a new prescriptive, regulatory instrument alongside the Standards and whether this is a proportionate, risk-based response to concerns with the way that some providers have been responding through their policy settings and services for students and staff. Considering the University's strong support for UA's submission, we have focused the feedback in this submission on ambiguities and practical challenges of implementation arising from the proposals in both consultation papers.

Interim statement of regulatory expectations concerning student grievance and complaint mechanisms

In general, we recognise much of what is contained in the Expectations as good practice that is already in place in our complaint handling processes and which we are continuing to enhance. However, some of the proposed Expectations will require changes to policy settings, creation/clarity of new definitions, an uplift in our supporting technologies and new reporting resources/infrastructure. This will be in addition to engagement with the National Student Ombudsman and compliance with the incoming National Higher Education Code to Prevent and Respond to Gender-based Violence. We believe this will be common across the sector, and therefore, assess that achieving full alignment with the Expectations by 1 January 2026 will be very challenging.

Further to these broader issues, we raise the following concerns in relation to some of the proposed characteristics of good practice:

- e. Further clarity is needed as to what is a 'confidential' complaint. Is the only difference between an anonymous and a confidential complaint that the provider knows the identity of the person but cannot disclose it?
- f. This doesn't define 'other parties'. To what extent does this extend to staff working on or providing complementary information for an investigation, and how would it work where the complaint itself triggers legal obligations to disclose? This needs to be clarified.
- g. In most cases dealing with administrative complaints, outcomes are largely self-evident but also hugely diverse depending on the nature of the complaint. For example, a change to an outcome for assessment (or not), a refund of tuition (or not), or a successful late withdrawal application (or not). We are unsure what value this provides in these types of matters.

In complex matters, which may involve a respondent, any advanced notification to complainants would need to be broad and take into account the 'extremes' of their complaint, i.e. all substantiated or unsubstantiated, and if it is multi-dimensional. We also query how beneficial this information is to a complainant if it sets unrealistic expectations in terms of outcomes from their complaint, when the matter has not been investigated and a respondent has been given procedural fairness to respond.

- k. This requires careful consideration. Currently, we may inform a complainant generally of the outcome of the complaint or any relevant action taken. We also normally take into account whether the complainant is a member of the University community so that we can enforce confidentiality obligations. We only provide limited information to members of the public due to the risk of disclosure and the possible creation of an unfair situation where the respondent is prohibited from talking about a matter but the complainant has shared information regarding them in the public domain. The words 'to the extent possible' may lead to more information being shared with complainants and could lead to unfair outcomes for respondents. Telling complainants in advance of 'potential outcomes' that do not eventuate, as highlighted in our comments on **point g.** above, could increase the prospect of dissatisfaction on the part of complainants and elevate this risk.
- p. We set expectations for co-operation during a complaints process and set out provisions for vexatious complaints, confidentiality and non-victimisation. However, we do not otherwise have express provisions regarding what is 'normal' vs 'challenging and unacceptable behaviour' of complainants and it is difficult to see how we might articulate these for a complainant in a highly distressing situation, or who might be otherwise represented by a third party such as an advocate or a legal representative.
- q. How would 'adequate resourcing' be assessed by TEQSA? Will TEQSA provide some guidance as to what it would expect as being adequate in terms of volumes and complexity? What will the thresholds of service be?
- r. and t. These characteristics call for adequate and specific training for complaint handling. Does this expectation extend to those that are affiliated or contracted to the University, but not engaged under an employment agreement, and which may have either ongoing or sporadic involvement in complaint matters?
- s. In a practical sense, this is extremely unrealistic. How would 'frontline staff' be empowered to resolve issues where provider accountability frameworks place delegation with the owner of the complaint context? Decision-making in complaints typically requires subject matter expertise in the area in which the complaint is lodged and these can range across the entire administrative, operational and academic enterprise. How could complaints, for example, about physical infrastructure, teaching quality, assessment outcomes, fee refunds and behavioural issues be able to be assessed by a member of a frontline team?
- w. While we make best endeavours to be proactive in supporting identified groups, the attributes of many of these groups (religion, sexual orientation, international familial ties for example) cannot be captured by the University. This means targeted messaging is extremely difficult and broadcast messaging to the whole of student cohort can often be counterproductive in high tension circumstances. Student associations are not all inclusive in their membership. It is unclear how TEQSA would expect providers to comply with this expectation.

Interim guidance: Managing external actors

It would appear that the primary focus of the TEQSA guidance on managing external actors stems from the protests on campuses in 2024 and the concern these actions were 'infiltrated' by individuals that were not members of providers' communities. However, clarity is required on the definition of 'external actor'. Does this differ from a general member of the public accessing our campuses? There are differing terms used with 'outside actors', 'external actors' and 'people that are not part of the community' referenced.

There are also other external actors who use University lands (without appropriate authorisation) to promote their own agendas. For example, companies which purport to provide "tutoring" services to students regularly frequent campus grounds and solicit services to students. Some services solicited are, or appear to be, legitimate, whilst other services offered are illegitimate and/or illegal. These activities occur more frequently and are equally difficult to manage. It would therefore be helpful if the guidance provided by TEQSA considered external actors more broadly, beyond protest activity, and provide guidance accordingly.

Presumably where universities authorise events and activities for their local communities, or where external speakers or groups attend these events, they are not intended to be captured under this guidance? It is an essential part of the University's outreach that we continue to be able to feel accessible and open to our communities.

There would be significant implications around us implementing body worn cameras for our guards and security team. We would need to conduct a comprehensive industrial, legal and privacy review to consider implications for workplace surveillance, systems and data management practices. We understand some providers are using this technology, however, adoption would need substantial change in technology, data storage, workplace expectations and provision of records under request for information considerations.

Many Australian university campuses, including ours, have extensive public street frontages that often blend with the surrounding urban environment, and therefore numerous points of entry. Displaying statements about conditions of access in a meaningful way would be difficult.

The University of Sydney is happy to continue to work with TEQSA and other providers to achieve ways to improve the efficacy of our process and practices in a sustainable way that improves the experiences of our students and staff.