

Handling racism complaints

Suggestions for better provider practice

September 2026



**An NSO
Insights Report**

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Acknowledgement of Country

The National Student Ombudsman acknowledges the Traditional Owners and Custodians of Country throughout Australia and acknowledges their continuing connection to land, waters and community.

We pay our respects to the people, the cultures, and the Elders past and present.

Content warning and resources

This report contains material that may be potentially distressing.

Reading this material may bring up difficult feelings or memories.

If it does, you may find the following services helpful (available 24 hours a day):

- Beyondblue – **1300 224 636**
- 1800RESPECT – **1800 737 732**
- Lifeline – **13 11 14**
- MensLine Australia – **1300 789 978**
- Suicide Call Back Service – **1300 659 467**
- QLife (LGBTQIA+ specific) – **1800 184 527**
- Full Stop Australia – **1800 385 578** or
go to: fullstop.org.au/get-help/find-services for access to a directory of services
for state or territory-based support for sexual, domestic and family violence.

Non-English speakers can access these services through the Translating and Interpreting Services (TIS) by calling **131 450**.

'My complaints have not been acknowledged, my suffering has not been addressed and I feel I have been treated as a lesser student.'

'I don't know why the teacher treated me differently.'

'They just told me to ignore students and not approach them.'

'Two year degree has become four due to discrimination.'

'I don't know what outcome is possible... [I] truly just want peace of mind.'

'They told me the only way to advance academically was to take my hijab off.'

Quotes from complaints to the NSO

About this report

The NSO is tasked under our legislation with providing advice to the higher education sector on handling student complaints. This insights report supports provider improvements through sharing practical suggestions for how they can improve their handling of complaints about racism. Our suggested improvements stem from individual student complaints.

Creating a tertiary education experience free from racism for all students is a priority under Australia's Universities Accord (the Accord) 2024, our nation's key strategy for boosting student participation and success.

This was demonstrated through prioritising the Accord's recommendation to undertake a survey into the prevalence and impact of racism, delivered and published by the Australian Human Rights Commission (AHRC) in February 2026.

Since the Accord, there has been ongoing commentary and recommendations from within and external to the sector on the changes needed to better prevent and respond to racism.¹

One area of higher education services consistently identified as needing improvement is **complaints handling**.

From the National Student Ombudsman's (NSO) perspective we see that fair, accessible and effective complaints handling can greatly boost student wellbeing and belonging and maximise the likelihood of completing their studies.

Individual complaints handling can also identify areas for systemic, structural and cultural improvement to better prevent racism.

¹ See for example the Expert Council on University Governance Final Report, the Parliamentary Joint Committee on Human Rights 'Inquiry into Antisemitism at Australian Universities', through advice from experts such as Australia's Special Envoys to Combat Antisemitism and Islamophobia, and the Australian Human Rights Commission's Respect at Uni study. From within the sector, see for example, the Universities Australia principles to prevent and respond to all forms of racism and hate, the Group of Eight Expert Advisory Committee Report, and the Monash Initiative for Rapid Research into Antisemitism.



In January 2027 amendments will come into force within the Higher Education Standards Framework (Threshold Standards) 2021 to set clearer expectations to address racism.

These changes include a requirement for providers to better prevent and respond to racism through implementing **‘transparent complaints handling processes that embed safe, respectful, and inclusive behaviours across all operations’**.²

Providers will need to ensure the operation of their complaints handling frameworks actually complies in practice with the updated Threshold Standards.

The Tertiary Education Quality and Standards Agency (TEQSA) published the Statement of Regulatory Expectations: Student grievance and complaint mechanisms which provides useful guidance, as do the 9 recommendations on improving complaints handling within the AHRC Respect at Uni Report, included as an Appendix to this report.

Over the past 18 months, since the NSO commenced our service, we’ve observed higher education providers open to improving how they handle complaints about racism.

We’ve seen providers accept that they could have done better, agree where they need to make systemic changes and be quick to apologise to students as part of their engagement. This is very welcome and should give us all hope and confidence that things can change for the better.

Improving complaints handling is a practical step that all providers can take that is totally within their operational control. It is a powerful way for all institutions to contribute to the system change needed to realise the vision of the Universities Accord – a tertiary experience free from racism for all students.

This NSO Insights Report offers suggestions for higher education providers to improve their complaints handling. Our suggestions are based on student complaints to our office about how providers have handled racism-related issues. Our insights are practical and relevant to all providers, big and small.

² The updates to the Threshold Standards have been implemented through the Higher Education Standards Framework Amendment (Threshold Standards) Instrument 2026. [These changes are explained by the Department of Education.](#)



While complaints about racism are a small proportion of the total complaints the NSO has received, the impact of racism on students can be significant and we have seen clear opportunities for institutions in the higher education sector to improve.

Monitoring the sector's action to better prevent and respond to racism via complaints handling will remain a key priority for the NSO.



1. Empower academic staff

'[The students] said some other things that made Jewish students very uncomfortable. I have tried to complain ... yet I was told by my lecturer that I should 'join [my student group] for some support.'

Case study

What happens when academic staff dismiss racism concerns

A student association ran a welcome event for new students. Jewish students reported that the presentation included a slide containing antisemitic views.

The NSO received a complaint about the incident. The student said they had previously approached their lecturer about antisemitic incidents on campus, but felt the response was ineffective and unhelpful.

Given academic staff are often the first point of contact for students, they need to be trained to recognise student concerns, be supported to resolve complaints at the earliest opportunity (where appropriate) and refer and escalate complaints to formal pathways.

From the start, there was a missed opportunity to engage with this student after the lecturer suggested they join a student support group. While the suggestion of where to find support was potentially useful, for the student, regarding their complaint, it made them feel dismissed and that meaningful assistance had not been provided.

We approached the provider's central complaints team to ask how the provider had dealt with the welcome event incident and how it deals with antisemitism issues in general.



The provider's response

To resolve the issue, the provider engaged with leaders of the student association. The provider quickly issued a public statement taking an active stance against racism and discrimination, as did the student association.

The president of the student association was issued a warning under the Student Charter, highlighting the need to treat others from all religious and racial backgrounds with respect.

The provider had a comprehensive policy framework to deal with antisemitism, including dedicated staff and policies. Following the incident, provider executives, senior leaders and frontline staff all participated in antisemitism and anti-racism training; the provider also began to develop an update to its student training in consultation with student stakeholders.

What we found

We found that once the matter was properly considered by the provider following a referral to its central complaints team, the provider addressed the welcome event incident with the appropriate level of seriousness and utilised its comprehensive policy and training framework.

The final outcome was positive once the matter was addressed through the complaints process.

However, the matter might not have been resolved at all for the student if they had not persevered after being initially dismissed, by escalating their complaint to the NSO.

Student concerns should be taken seriously by a provider when they are raised the first time.

Provider staff may feel this is just another complaint of a type they have heard before, but it is unique for the student. In case the matter remains unresolved or the student continues to be dissatisfied (which will not always be clear to a staff member) academic staff need to routinely direct students to support services *and* to the central complaints team.



Why is it important?

Even if a provider has effective complaint-handling processes to deal with complaints about racism, these are of no use if the staff member who first hears a student's complaint does not recognise that the grievance involves racism, or fails to connect the student into the formal complaint pathway. The AHRC's policy audit of 43 universities found racial literacy³ across providers is '*low, with minimal training addressing systemic racism and racial dynamics*'.⁴

After experiencing racism, instead of approaching the formal complaints team for assistance, most students contact staff members they know and interact with on a daily basis: their lecturer, tutor or course coordinator. The Respect at Uni report identified that very few students who experience racism (6%) go on to raise a formal complaint.

What we've seen

NSO complaints show that students feel unsupported when academic members can't assist them and don't direct them to appropriate services. Complaints effectively 'disappear' without action if a matter is not handled at the earliest opportunity or formally escalated. This can mask the underlying issue and lead students to feel that their complaint about racism did not contribute towards any change. It builds a culture that discourages others from coming forward with their own experiences.

While providers tell us that they deliver anti-racism training, in only half of the racism complaints to NSO, this training was extended to academic staff as well as administrative staff. Failing to deliver training to all staff likely to receive student complaints creates gaps in institutional capability to address racist behaviour.

In complaints about divisive course content, students tell us that they sought advice in the first instance from immediate academic staff. In other cases, students say they directly approached senior staff outside the complaint-handling function, such as the

³ The AHRC referred to racial literacy as '*the knowledge, skills and critical awareness needed to recognize, understand and respond to racism in its various forms*' in the [Respect at Uni: Study into Antisemitism, Islamophobia, racism and the experience of First Nations people](#), pg 47.

⁴ [Respect at Uni: Study into Antisemitism, Islamophobia, racism and the experience of First Nations people](#), pg 19.



Dean or Head of Faculty. Students often tell us that they received insufficient or unhelpful responses from academic staff, including that staff did not advise them of the central complaints team or of the NSO as an escalation pathway for unresolved concerns.

Make the change

Higher education providers should deliver specific anti-racism and complaint handling training for all staff who they anticipate will receive complaints from students.

Providers should seek student or student representative advice to make sure they understand which staffing positions are most likely to receive complaints.

Training academic staff recognises that they have an important role in providing early resolutions for student issues before they escalate. Training should educate academic staff on their responsibility to connect students to the formal complaints pathway. Students should be informed of this pathway even where an academic staff member believes the matter has been resolved informally. In addition to training academic staff, providers should also consider the AHRC recommendation to include racial literacy and cultural competency as merit-based criteria when recruiting for certain positions.⁵

For the purpose of tracking issues and taking broader action to address systemic patterns, provider procedures should require all staff to record reports of racism that were resolved informally, outside of the formal complaints process.

This can be a brief record for an informal approach, such as an email sent to the central complaints handling unit by a lecturer to advise a student raised a concern about racism, how the matter was handled, and the outcome.

If the student consents, the student's details can also be provided for possible follow up by the central complaints team to confirm what further action needs to be taken.

⁵ [Respect at Uni: Study into Antisemitism, Islamophobia, racism and the experience of First Nations people](#), Recommendation 18





NSO Suggestions

- Academic staff should be trained to recognise and address racism complaints.
- Academic staff should be trained on their role to refer students to the central complaints team or to external services like the NSO.
- Providers should ensure policies are clear on the need to record all reports of racism and what action was taken and ensure all relevant staff know how to do this.



2. Take a trauma-informed approach to complaints, and implement individual and systemic outcomes

'[We] had a month of no reply from the university ... [replying only] after my classmate and I prompted them to do so, basically saying 'we reckon this won't happen again, your complaint is now closed.'

Case study

What happens when a provider takes action but students are not informed

A First Nations student made a complaint to the NSO about culturally and racially inappropriate comments made by their class tutor. The student said the tutor had singled out First Nations students, deliberately awarding them lower marks and openly mocked the students' Indigenous perspective on a particular topic.

Like most complaints about racism, this complaint was deeply personal and sensitive for the student. It took courage for the student to complain to their provider and after they did, the only response they received from the provider a month later was a brief explanation that the complaint was closed because the staff member had been counselled. The provider noted it didn't think the issue would happen again.

When the NSO contacted the provider, they gave more information regarding the investigation process, including that the staff member had in fact been dismissed. This information outlining that the provider had considered the serious nature of the student's concerns and taken action was much more



reassuring than the initial minimal response to the student that appeared dismissive.

The provider didn't appropriately consider the impact on the student and missed their opportunity to share with the student the significant action it had taken. Instead, the student was left feeling unheard and that their complaint was not taken seriously. This case demonstrates the importance for providers to take a trauma-informed approach to communicating with students, including communicating complaint outcomes that explain how they have considered and acted upon a student's concerns. Adopting this approach will foster trust in complaints processes.

It also demonstrates the value of appropriate transparency around complaint types and outcomes. Publishing accessible information on a regular basis can be done in a way that maintains appropriate confidentiality while also providing assurance to students that complaints about racism are taken seriously.

Why is it important?

The Respect at Uni report highlights a lack of trust in the complaints process as one of the main reasons students don't report experiencing racism. Over 56% of domestic students and 55% of international students cited their reason not to report racism as a *'lack of trust in the complaints process to achieve change'*.⁶

When students make a complaint, they will not always have evidence that racism was the underlying cause of the issue they experienced. Often a provider will only be able to identify whether racism played a role in a student or staff member's behaviour following a thorough investigation. Declining to take action on racism complaints because the reporting student doesn't have evidence that racism was a root cause leads to a loss of confidence by the reporting student that speaking up will lead to change.

⁶ [Respect at Uni: Study into Antisemitism, Islamophobia, racism and the experience of First Nations people](#), pg 133.



The same loss of confidence occurs when a provider does act following a student's complaint but fails to clearly communicate the outcome to the student. Over time, these actions perpetuate a perception that student concerns are not taken seriously.

From 1 January 2027, all higher education providers will be required by law to ensure that their approach to handling gender-based violence complaints is trauma informed.⁷ This is a very positive change for victim-survivors of gender based violence.

However, trauma informed complaints handling is also important to assist students who have experienced racism. Providers are also required from next year to consult with students and staff as part of regular reviews of complaints processes.

This requirement presents an opportunity for providers to genuinely engage, including with First Nations students, to co-design improvements that help to make processes as safe and effective as possible.⁸

What we've seen

Students often report to the NSO that their complaint, and sometimes repeated complaints, to their provider didn't result in meaningful action or receive due attention and care.

A complaint that deeply affects a student can sometimes be misinterpreted by a staff member as a frivolous concern when that staff member does not share the student's racial or religious background. In complaints we reviewed, staff appear to underestimate the cumulative impact of racist comments and discriminatory behaviour on students.

In just under a third of complaints about racism, students expressed their concern that staff were dismissive when the students described the personal impact of the incident. Staff need to be aware that a student complaint typically focuses on the specific incident of racism, often omitting details of the resulting distress where the experience has evoked a deeper trauma response. For this reason, we recommend that staff take a

⁷ A person-centred and trauma-informed approach is a key concept that informs the [National Code to Prevent Gender-based Violence](#). Trauma-informed processes are required throughout the National Code's 7 standards.

⁸ Higher Education Standards Framework Amendment (Threshold Standards) Instrument 2026, Schedule 1, Provision numbered 2.4.3



trauma-informed approach to all racism complaints – not just for those complaints where a student tells their provider they have been traumatised.

Make the change

Providers should ensure their policies and procedures meet TEQSA's regulatory expectations to implement trauma-informed processes for sensitive complaints.⁹

Racism complaints should be handled as sensitive complaints, recognising the cumulative impact of racism and the trauma that many members of racially marginalised communities within Australia have experienced.

Complaints should be handled consistently with a provider's complaint-handling policies and procedures, regardless of the specific content or category of the complaint. This includes ensuring students are kept informed on the progress of their complaint and receive an outcome explaining any actions taken.

Providers should take all complaints seriously and be careful to avoid prematurely closing a complaint. Even a single complaint can lead to an investigation that uncovers racism or discrimination, on an individual or systemic scale.

Providers should keep in mind that often they have not done enough to build a culture of trust with students, and students therefore do not feel supported to make a complaint about their experience of racism. Providers should carefully consider whether there is more that they can do before deciding to close complaints from those few students who have come forward.

Providers can and should go beyond individual resolutions for complaints to implement a continuous improvement culture and take action to address systemic racism within their institution. Comprehensive processes can assist providers to improve their racism prevention and response activities.

These processes should include detailed record-keeping on how a complaint was handled and its outcome. Record-keeping can be used to inform regular reviews of

⁹ Trauma-informed practice is outlined within the regulatory expectation for Policies from the [Statement of Regulatory Expectation on Student Grievance and Complaint Mechanisms](#). The Statement defines trauma-informed practice as applying the core principles of safety, trust, choice, collaboration and empowerment, aiming to minimise the risk of re-traumatisation of a complainant, and promoting recovery and healing to the greatest extent possible.



patterns within racism complaints and to identify where further action is warranted. Nominating responsible senior representatives to monitor and act is important to ensure appropriate oversight.

Where wider systemic changes should be made, a solution implemented only containing one point of view, even if well intentioned, may end up being ineffective or even harmful to those impacted. If there are perspectives or cultural knowledge that are not known to the designers of the change, this can lead to an ineffective resolution.

A First Nations example of addressing systemic racism was highlighted by the AHRC's report on 'An Anti-Racism Framework: Voices of First Nations Peoples', emphasising codesign and consultation with affected communities. There may be an unconsciously entrenched imbalance of power in existing systems. To address systemic racism, "authentic codesign is required where power is shared equally."¹⁰

Connecting prevention and response actions across the whole organisation is important to address systemic racism, and to ensure an inclusive environment for students in all disciplines.

This can be facilitated through periodic reporting to senior governance committees and to the principal executive officer of each provider. Public reporting is important to share details with the broader community on actions taken to monitor, identify and respond to racism.

¹⁰ [An Anti-Racism Framework: Voices of First Nations Peoples](#), pg 40, pg 52.





NSO Suggestions

- Apply a trauma-informed lens to complaints about racism.
- Take complaints seriously. Use complaints to achieve meaningful individual outcomes and systems-level improvements.
- Periodically review complaint patterns to identify areas for future improvement and address systemic issues.
- When addressing systemic issues, engage in meaningful consultation to codesign solutions with relevant stakeholders.
- Implement reporting pathways to governance committees and senior leadership. Report publicly on complaint types and outcomes to build student confidence.



3. There are known barriers to complaining, so help students to come forward safely

'I woke up at 4am thinking about it ... it has really affected me. Honestly ... [the] biggest thing I regret is not dropping out sooner. ... If it's not anonymous I can't really do it. That's why so many students are not complaining at the uni, they find out who it is.'

Case study

What happens when students must be named before complaints are actioned

A student complained to the NSO about their teaching environment and confronting conversations in their tutorials. The student reported that the discourse was challenging and they believed it was antisemitic.

They left class on more than one occasion due to feeling unsafe, felt uncomfortable to be identified as Jewish and a Zionist in the class, and hid their jewellery due to concerns for their safety. The student contacted their provider's safer community team, who offered to take the complaint forward if the student was willing to be identified to the tutor.

The team said there was nothing further they could do if the student wanted their complaint to be actioned in a de-identified manner.

The provider's response

The student did not want to be named as the source of the complaint as they were concerned about reprisal action from the tutor. The student had several



years of study remaining and did not want to be punished by being awarded lower academic marks throughout their future studies.

However, the student felt the issues should be raised with the tutor so they understood the impact of their words, and that even if they did not intend harm, misguided views perpetuated harmful narratives and marginalised Jewish students in the tutor's classes.

How we supported the student

The NSO reviewed the provider's complaint handling procedure and found that the advice the student had received was incompatible with the procedure – which supported students to identify themselves to the provider and have their identity withheld from the subject of the complaint.

We advised the student to make a formal complaint and request that their provider not disclose their identity to the tutor, in line with this procedure.

About the provider's advice

The provider's insistence that the student could not have their legitimate concerns progressed unless the tutor was told who they were was unfair and wrong.

This case highlights an example of why students are often reluctant to come forward, and are placed in a position where they have to balance their concerns about racism and exclusion with their concerns about what the repercussions will be for speaking up.

This is one of many case examples the NSO has received where a provider's complaint handling team has told a student that if they do not reveal their identity, there is nothing the complaints team can do. This is not right (and did not reflect the provider's own procedure in this case).

If a provider takes no action on an anonymous complaint, this reflects the provider choosing not to act, rather than being unable to. Not identifying a student may limit the scope of disciplinary processes in some circumstances, but there is no reason a provider cannot raise the feedback provided by a student without naming them as the specific source and without identifying the class where the concerns were raised. Providers can discuss a complaint



concern with academic staff in a de-identified way, and counsel them on fostering a learning environment inclusive for students from all racial backgrounds.

Why is it important?

It is well understood that many students don't complain because of fear of reprisal. The latest research puts this figure at over 40% of domestic students and 50% of international students not reporting instances of racism '*due to [a] fear of [the] consequences*'.¹¹

There is an inherent power imbalance when a student seeks to make a complaint about their provider or a member of faculty. A staff member and the provider are often seen as one and the same, leading students to believe their complaint is unlikely to result in action. Students doubt a provider will make critical comments or findings when considering its 'own' actions.

Fear of reprisal can be particularly apparent if the student is complaining about their lecturer or convenor, who have a direct influence over their grades, progression, or about their course experience such as being singled out during lectures.

While power imbalances are not exclusive to racism complaints, the effects are magnified and more isolating to a student within the context of racism experienced by their community in wider society.

In light of these known barriers for students, ensuring complaints and reporting processes are as safe and accessible as possible is essential for resolving individual situations and for collecting complaints data to effect systems or structural improvements to prevent racism.

¹¹ [Respect at Uni: Study into Antisemitism, Islamophobia, racism and the experience of First Nations people](#), pg 133.



What we've seen

Many of the students who complain to the NSO raise concerns about racist comments, behaviours and discrimination perpetrated by members of staff, such as tutors and lecturers.

Multiple students expressed concerns to the NSO that nothing would happen if they made a complaint against a lecturer through their provider's formal complaint handling process, or that if they did they would be subject to retaliatory action from the faculty. For example, a student believed that allegations of academic misconduct raised against them by their lecturer were directly linked to the student having made a formal complaint of antisemitism about the lecturer. Other examples involve students believing racism to be a factor in how they were marked. One student raised concerns that all students from a certain background were marked more harshly than the rest of the class.

When students share their concerns about reprisal, they often share that they feel blamed by academic staff or are made to feel like they are being 'difficult' or are the cause of the problem. When student concerns about reprisal are not taken seriously, it increases the likelihood that students will disengage by withdrawing from their studies or changing providers.

The NSO received a complaint where Muslim students in a course said they had been subjected to ongoing Islamophobic remarks, stereotyping and threats directly from staff, and felt they were the subject of discriminatory marking. The student felt if they raised this matter as a formal complaint and identified themselves, they would be subject to retribution and reprisal and seen as 'trouble' in the future. The discrimination impacted their mental health significantly and led to them dropping out of studies with their provider as a result. While, encouragingly, they re-enrolled in an alternative provider to recommence their studies after moving to a new state, this came at additional expense and pushed out the timeframe for completing their studies.

Make the change

Providers need to ensure complaint handling policies are designed to address the inherent power imbalance between staff and students. To assure students seeking to make a complaint about a staff member (or the provider in general) the complaints policy should ensure an independent complaints process is available, providing



students with other options where there is a potential or perceived conflict of interest, such as complaints relating to reprisals, allegations of improper marking or improper staff behaviour. The policy should clearly explain the pathways available to a dissatisfied student, including internal appeals and external review bodies such as the NSO.

As many students fear reprisal as a particular concern, the policy should also set out specific protections for students against reprisal or retaliatory action. No one should be penalised or unfairly targeted for making a complaint. If students raise that a staff member has taken retaliatory action to punish them because of their complaint, providers should take this allegation seriously and act quickly to intervene.

Students who make a complaint to the NSO are protected from all reprisals under the *Ombudsman Act 1976* (Cth) which sets out that taking a reprisal action (or threatening to do so) is an offence with a penalty of 6 months imprisonment. However, providers should ensure their own culture towards complaints in combination with their complaint handling systems mean students do not need to escalate their complaint to the NSO due to retaliatory behaviour from a staff member.

With the power imbalance between a student and a staff member, it is not surprising that students ask for an anonymous reporting pathway. A safe mechanism that facilitates reporting without a fear of repercussions forms part of the AHRC's recommended action as part of the National Anti-racism Framework.¹²

The AHRC finding that many students do not report racism due to a fear of consequences paints a clear picture that more needs to be done to implement anonymous reporting. Providers should ensure that students who do not make an anonymous complaint are still given the option to not have their identity revealed to the staff member they are complaining about.

Taking action on anonymous complaints is in a provider's best interests: where student reports are closed prematurely and not actioned, this can perpetuate racism and an exclusive rather than inclusive learning environment, dissuading other students from reporting their concerns. Anonymous reporting pathways support periodic reviews and public reporting on the prevalence of racism, and action required to address identified issues. Providers who fail to establish anonymous reporting pathways may fall short of

¹² Recommendation 31 from the [National Anti-Racism Framework 2024: A roadmap to eliminating racism in Australia](#) pg12, pg 19.



TEQSA's regulatory requirements for students to be supported to make anonymous or confidential complaints.¹³



NSO Suggestions

- Providers are required to support anonymous complaints.
- Providers should have clear policies and guidance to assist staff to understand how to take effective action when a student wishes to remain anonymous.
- Providers should design complaint handling processes and take action to protect students from reprisal actions.

¹³ The regulatory expectation for Student Support from the [Statement of Regulatory Expectations: Student grievance and complaint mechanisms](#) requires student grievance and complaint mechanisms to support complainants to make anonymous or confidential complaints.



4. Exercise academic freedom responsibly

'I felt like [the lecturer's] using her platform just to press her personal beliefs ... and no one is saying anything. ... I put [in] a complaint, and the university hasn't responded ... for months now.'

Case study

The risk if a provider does not balance academic freedom and/or freedom of speech against its obligations to act to prohibit harmful messaging

A student complained to the NSO that a group of students published a bulletin around their provider's campus buildings in support of Hamas. The bulletin included the following message:

'What about Hamas?

**In the face of oppression, it is always right to resist.
Making support for resistance conditional on the
movement sharing your ideology or practicing a strategy
which appeals to your sensibilities becomes a de facto
support for their oppressive status quo.'**

The student sought action from their provider against the students who posted the bulletin around their provider's campus.

When the student had previously approached their provider with their concerns, the provider advised that no action could be taken, as the provider could not identify which students were involved with publishing the bulletin.



The student raised their concern to the NSO that their provider had closed their complaint and had not provided any further information to the student about the actual outcome.

The provider's response

The NSO contacted the provider to ask for more information, noting the student's comments that they had not received an explanation.

In the provider's response to us, it advised it had remained in close contact with the student and that it had worked with the student to quickly remove the bulletin from campus. However, the provider explained that its initial assessment was to close the complaint because it was unable to identify the creators of the bulletin as being students of the provider, and would not have been able to take action as a result.

The student had only later given it information (on the same day the student contacted the NSO) that could be used to potentially identify the students involved.

On this basis, the provider said that as it could now identify the students, it would assess the content of the bulletins to determine if there had been a breach of student conduct policies. As a result, the provider reopened the complaint.

After the provider completed its assessment, it provided a more detailed response to the student:

'It is indisputable that the bulletins have caused offence to you, and to members of your community. However, there is no evidence that if any students identified were involved in the publication of these bulletins, the student would have breached the Student Conduct Policy.'

It found the bulletins were not a breach of its student conduct policy as the provider assessed that the content was not demonstrating explicit support for a terrorist organisation, was not harassment, and appeared to be made in good faith in the context of public interest and as a part of genuine discussion, debate or commentary.



The provider stated that its policies, and state and federal protections, required it to protect the writer's freedom of expression.

What we found

When the provider first reviewed the complaint, it told the NSO that it did not consider the actual content of the bulletin because it was not able to take action against specific students. Although the provider was working with the student to remove the bulletin, the provider could have also considered the content of the bulletin at that time.

In our view the content constituted implicit support for Hamas, a proscribed terrorist organisation in Australia. Providers should be aware that they are obligated to provide a safe campus environment, as set out in TEQSA's interim sector update, which involves the prompt removal of 'materials that breach Australian law or conflict with institutional policies, including hate speech and symbols.'¹⁴ Even if materials and speech do not meet the legal definition of hate speech, or if the provider cannot initially identify who is responsible for publishing the material, providers should still consider what actions they can take in the context of broader issues relating to the safety of students from racially marginalised communities such as removing the material, which the provider advised was undertaken promptly in this case.

Even when content or speech does not constitute hate speech, as a matter of process, providers should act quickly to gather all relevant information about the speech in question, consult meaningfully, including by speaking directly to complainants, and other affected communities, then decide what action is needed in the specific circumstances. Providers should ensure that their decision is clearly communicated to a complainant and the broader community where relevant. In this case, it's important that the provider ensured immediate action was taken to remove the bulletin; however, they could have also done more to assess the content of the bulletin and keep the student

¹⁴ [Interim sector update: Regulatory expectations of providers to assure safety and wellbeing on campus in relation to student protests | Tertiary Education Quality and Standards Agency](#)

complainant informed on this aspect. These steps are critical even when the definition of what constitutes hate speech may be complex and evolving.

Why is it important?

While academic staff decide what content is included in courses, providers should be aware that students bring a range of diverse cultures and experiences. Students are left out, ignored or excluded when course content or broader discussions are presented in a manner that dismisses or actively targets specific backgrounds.

The Threshold Standards require providers to strike a balance between ensuring the safety and wellbeing of students and supporting freedom of speech and academic freedom.¹⁵ In August 2024, TEQSA emphasised the requirement to strike this balance, stating that *'policies related to freedom of speech and academic freedom should be carefully considered in light of [concerns related to events in the Middle East]'*.¹⁶ The Group of Eight Expert Advisory Committee on Combatting Antisemitism reported that speech that causes harm or is detrimental to student wellbeing should not be tolerated, even where the speech is lawful.¹⁷ The Monash Initiative for Rapid Research into Antisemitism (MIRRA) highlights the difference between harm and offence. The MIRRA framework notes that academic freedom should be upheld, but exercised ethically, and universities need to distinguish between offensive speech, which democratic debate tolerates, and harm, which universities are required to prevent.¹⁸

Providers should apply these approaches to course content and academic expression as well as student speech. In the complaints context, providers need clear guidelines for how complaints about racism will be considered, to prevent student complaints from being dismissed with a simple response referring to academic freedom. A student will likely feel their complaint is being unfairly dismissed if the policies and procedures around complaints relating to academic freedom are not well-developed or defined or their application to a student's specific complaint is not clearly explained.

¹⁵ Standard 2.3 requires providers to safeguard and support staff and student wellbeing. Standard 6.1.4 requires providers to take steps to maintain an environment that upholds and fosters academic freedom and freedom of speech.

¹⁶ [Interim sector update: Regulatory expectations of providers to assure safety and wellbeing on campus in relation to student protests | Tertiary Education Quality and Standards Agency](#)

¹⁷ [Go8 Expert Advisory Committee on Combatting Antisemitism Report to the Group of Eight Board](#), pg 41.

¹⁸ [Monash Initiative for Rapid Research into Antisemitism: A framework for addressing antisemitism in Australian universities](#), pg 25.



Course content can include discussions of sensitive topics, however should be moderated to prevent students from being ostracised or made to feel unsafe. The impact of divisive course content is more pronounced where students feel that the door is closed to debate, particularly where they note their course lecturer, tutor or convenor holds very strong views and shuts down opposing viewpoints. It is important providers ensure cultures, backgrounds and viewpoints are represented fairly.

What we've seen

The NSO has received complaints about academic freedom primarily in relation to complaints about antisemitism. The points raised are equally applicable to any form of racism.

A number of students have expressed concern about class content that directly or indirectly assigned fault or blame to one side only, or labelled a broad group as criminal, hostile or terroristic. Students felt there was a lack of counter-narratives or critical viewpoints from the other side. They felt the lecturer was teaching the topic in a manner that presented one side as truth, rather than a balanced view to promote critical thinking and debate.

In one complaint, a student expressed concern that an announcement by their provider about the conflict between Israel and Lebanon only spoke about being respectful to Jewish students, and not students from other backgrounds that are affected, including students attending from Lebanon and surrounding regions.

The role of a provider in 'calling out' specific instances of racism can be powerful and a strong source of support to students, particularly around contentious social issues that students are grappling with but do not feel comfortable coming forward about. In almost all complaints we received (96%) providers confined themselves to providing private and individual complaint outcomes, without taking steps to identify broader lessons and taking systemic action to prevent racism. Systemic actions taken in the remaining 4% of cases included implementing staff training, making a public statement, and reviewing complaint handling processes.



Make the change

It's clear that many in the sector are carefully considering how to operationalise striking the right balance between academic freedom and freedom of speech and speech that is harmful such as hate speech.

As a starting point, we encourage providers to fully implement improvements to their systems and policies to ensure they are compliant with TEQSA's regulatory expectations.¹⁹ Complaints lodged with the NSO since we opened our doors in February 2025 demonstrate that not all providers have done this.

Providers should have a comprehensive and clear academic freedom policy with clarity on what is considered inappropriate or grounds for misconduct. This policy should cover both staff and students, and prevent course content, speech and conduct that causes harm or is detrimental to the wellbeing of individuals or communities. Any decision about actions by students or faculty found to be within the bounds of acceptable and respectful speech should be well explained and justified, much like a student would expect in any other type of complaint.

After concluding a thorough investigation, and in addition to any actions with respect to individuals directly involved, a provider should consider the opportunity to publicly educate its community on what is considered academic freedom and freedom of speech versus hate speech, racism or racial vilification, and clearly set out its expectations around student and staff behaviour in the future.

Proactive education on the line between racism and freedom of expression supports a provider's responsibility to safeguard student safety under the Threshold Standards. Providers should consider the MIRRA framework's recommendation to produce evidence-based guidance to assist navigating politically sensitive topics, improving clarity for students and staff about what speech is acceptable and unacceptable, and supporting providers to make clear decisions in response to student complaints on both sides of a contested topic.²⁰

¹⁹ [Interim sector update: Regulatory expectations of providers to assure safety and wellbeing on campus in relation to student protests.](#)

²⁰ [Monash Initiative for Rapid Research into Antisemitism: A framework for addressing antisemitism in Australian universities](#), pg 6.



Providers should have a clear process and policy that explains how students can make a complaint regarding course content or perceived bias, including an appeals process.



NSO Suggestions

- Providers should inform staff and students about the boundaries of acceptable course content and speech.
- If there has been racist messaging, consider communicating with all staff and students about the rights and responsibilities that come with freedom of expression and academic freedom.



5. Prioritise what is fair in complaint outcomes

'[If] this exemption is not granted, I will be left with no choice but to withdraw from the course, as I cannot compromise my religious beliefs'

'They strive themselves on supporting racial diversity, and include pictures of Islamic women wearing headscarves as part of their marketing. But then when they act like this, I am left asking – where is their support for women like me?'

Case study

What happens when staff apply policies in ways that result in discriminatory outcomes

A Muslim student was studying a qualification in a medical field. In accordance with their religious beliefs, they are required to wear an ankle-length skirt, including during practical classes. Prior to the complaint, they had been verbally advised that this would be permitted on religious belief grounds.

However, they were later informed that only pants were allowed under the new uniform policy. The student lodged a request for an exemption directly with their provider.

The provider's response

The provider denied the exemption, stating that students were required to adhere to uniform policy. The provider initially cited that 'flared pants' could be used as an alternative, as the provider stated this would be in keeping with Muslim beliefs.

However, the student expressed that this did not align with their beliefs and continued to seek an exemption. The student confirmed with their State health



authority that an ankle-length skirt is permitted in hospital settings and that the dress the student intended to wear would not touch the floor, complying with infection control standards.

The provider stood by its decision about uniform compliance, and stated it had already made variations to its uniform policy on the basis of religious beliefs such as the option to wear flared pants. The provider said that a skirt would not be permitted due to Work, Health and Safety requirements.

The student was left having to decide whether to compromise their religious beliefs in order to continue with the course, or to withdraw from their studies entirely. The student informed their provider that they were escalating their complain to the NSO.

What we found

The provider reversed its decision prior to the NSO making contact to discuss the issue. However, this was only after the student escalated the issue to the NSO.

Concerningly, although the provider allowed the student to commence their placement 'at the discretion of the placement hospital', the hospital informed the student it would not accept a skirt. Her placement was cancelled as a result, and she had to wait for two months for her provider to find a new placement. The provider then reallocated her to the same placement hospital – where the hospital continued to refuse to commence her placement hours.

The provider's lack of support and careless approach to finding a new placement that would not require her to contravene her religious requirements was unfair, and led to the student having no choice but to drop out of her studies, as she could not see a path forward. The student was left deeply frustrated that her provider had not facilitated a placement that would align with her State health authority's advice about use of an ankle length skirt. The student was also financially impacted, having made childcare arrangements for both placement periods without making any progress.

While there may be circumstances where adjustments can't be made for safety reasons, students also have a right to freedom of religion. Providers should use caution in drafting policies that risk resulting in discriminatory practice. Further,

providers should take a custodial role to ensure they work together with both placement providers and students to ensure a student is not left with no other option but to withdraw.

Why is it important?

Most providers employ a rigorous process to design, approve and implement their policies and procedures. However, that doesn't mean the approved policy or procedure is always fair and reasonable.

Student complaints can help to test whether policies and procedures are fair across a range of specific circumstances. As providers embed definitions of racism to meet the new Threshold Standards requirements from 1 January 2027, they should remain aware that regardless of the definition they adopt, some complaints are likely to fall in the grey area.

Where a student's description of their complaint does not clearly match the features of a provider's definition of racism, providers should still consider the individual circumstances raised by the student, engage with them using a trauma-informed process, and adopt a flexible approach to resolving the student's concerns.

What we've seen

When the NSO investigates a student's complaint, we explore whether a provider's policy or procedure contains inappropriate or unfair requirements. Across racism complaints where the policy or procedure was wrong, we observed that prior to the NSO becoming involved some providers used inappropriate or unfair clauses from their policy to dismiss student concerns. This presents a missed opportunity for providers to critically assess their own existing framework and realise at an earlier point that their policy is operating in a way that results in an unfair outcome for the student in question, which likely would also have been the case for other students if they had come forward.

Students are set up to fail for racism complaints when a provider takes a rigid approach to enforcing its policy. This case study provides a good example. The provider did not consider the student's religious requirements and instead continued to apply the existing uniform policy, even when the use of an ankle-length skirt adhered to the advice from the State healthcare authority.



This case study relates to a provider's administrative decision. Considering whether the existing policy is adequate is also relevant for racism complaints about student and staff actions or speech.

While the application of an existing policy is often well-meaning, if a student's complaint about racism is not carefully considered to determine what action is warranted then poorly considered complaint outcomes can condone racist behaviour or miss an opportunity to correct offensive behaviours.

This can lead to discrimination and embed or reinforce perceived or actual systemic racism within an institution. Common sense and flexibility should be applied by a provider to support a student when support is required. Failing to support students further entrenches inequities in higher education attainment among racially marginalised groups.

Make the change

Prioritising fairness for complaint outcomes is important for all student complaints, but it is vital for complaints about racism. Poor complaint outcomes can result in discriminatory practices or further marginalise students from a racial minority.

Comprehensive policies and procedures are an important foundation to guide staff on how to deal with complaints. Providers should go further by training staff who make decisions to consider the unique student circumstances and to reach fair outcomes. This will often require staff thinking flexibly about how to address the problem, and using discretion to act outside of the policy where it is appropriate to do so.

Complaint outcomes can and should be used to identify improvements to a provider's broader policies and procedures. Providers should consider complaints about racism when completing their periodic reviews of their policies and procedures. When a significant issue is identified through complaints, providers should act swiftly to implement updates to policies and procedures.





NSO Suggestions

- Decision-makers should be trained to consider the unique circumstances of each complaint
- Avoid sticking dogmatically to policies and procedures. Be prepared to consider whether sometimes the policy or procedure might be wrong. Use discretion to provide fair outcomes
- If a complaint highlights a gap, update your policies and procedures to improve outcomes for students.



Advice for students

Students have the right to make a complaint to their provider about racism, racial discrimination and racial vilification — and to escalate that complaint if they remain unhappy with the outcome or the perceived reasonableness of the providers complaints process.

It can be really challenging to complain, especially if the subject matter is deeply personal and if you fear repercussions for complaining. The NSO has however seen providers taking action in response to complaints about racism, even if this is sometimes only after the NSO has become involved in the matter.

The NSO works closely with students and providers on racism complaints to provide tangible outcomes. Previous outcomes we have achieved include apologies from providers, updates to course content, overturned administrative decisions, updates to improve complaint handling policies, reissued outcome letters (with better explanations), and racism training for complaint handling and academic staff.

Students who are dissatisfied with an action, inaction, or a decision taken by a provider relating to an incident of racism, including systemic or structural racism, racial discrimination or vilification should first complain to their provider if the student believes it is safe for them to do so.

If it's not safe, or if a provider does not respond in a timely or fair and reasonable manner, or if there is a good reason why a student can't complain first to their provider, students can complain to the NSO by:

- calling **1300 395 775** or
- visiting www.nso.gov.au

If students are unsure if their concern is something the NSO can assist with, they can contact us for an initial discussion via the details above.

While it can feel daunting to make a complaint, as this report shows, complaints have the power to change things for the better for all students. The NSO is grateful to every student who has shared with us their experience of racism. The suggestions for improvement in this Report could not have been made without these students taking the time to have their voices heard.



Appendix

Recommendations from the AHRC Respect at Uni Report directed to universities to improve complaint handling

Recommendation 18: All universities should include racial literacy and cultural competency as merit-based criteria when recruiting for certain positions, such as complaints handling roles, support service roles, and leadership roles. These requirements should be integrated into recruitment processes to ensure that staff in key roles have the skills necessary to foster an inclusive and respectful environment.

Recommendation 23. With reference to Recommendation 3(f) above, the Racism@Uni Action Plan should require that universities conduct annual de-identified reporting on racism complaints and make this data publicly available. Universities should include this information in their publicly accessible annual reports to ensure consistency, accountability and transparency.

Recommendation 27: All universities should review complaint policies to ensure explicit reference to racism and protection against victimisation and clearly outline the grounds for lodging a valid complaint.

Recommendation 28: All universities should increase awareness of complaint processes by communicating clearly how to make a complaint, what support is available, how long the process will take and likely outcomes, including through de-identified case studies.

Recommendation 29: All universities should provide training to staff handling complaints to ensure responses are culturally capable and trauma-informed, with tailored content on anti-racism and the experiences of different groups that experience racism.

Recommendation 30: All universities should ensure complaints units and equity offices are adequately resourced and staffed to manage racism-related complaints effectively.



Recommendation 31: All universities should collect and analyse de-identified complaints data to identify systemic risks and improve practice, with regular reporting to Vice Chancellors and senior leadership.

Recommendation 32: All universities should implement multiple complaint avenues, including anonymous and independent options.

Recommendation 33: All universities should strengthen staff complaints supports by communicating clear escalation pathways beyond line management, identifying designated contacts, and reporting annually on staff awareness, satisfaction and use of these pathways. Universities should include this information in their publicly accessible annual reports to ensure consistency, accountability and transparency.



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