Higher Education Standards Framework (Threshold Standards) 2021

made under section 58(1) of the

Tertiary Education Quality and Standards Agency Act 2011

Compilation No. 1

Compilation date: 9 December 2021

Includes amendments up to: F2021L01731

Prepared by the Department of Education, Skills and Employment, Canberra

About this compilation

This compilation

This is a compilation of the *Tuition Protection (Up-front Payments Guidelines) 2020* that shows the text of the law as amended and in force on 25/12/2021 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

1 Name

This instrument is the *Higher Education Standards Framework (Threshold Standards) 2021*.

3 Authority

This instrument is made under subsection 58(1) of the *Tertiary Education Quality and Standards Agency Act 2011*.

4 The Higher Education Standards Framework

(1) The Higher Education Standards Framework (the Framework) is established by section 58 of the TEQSA Act.

(2) The Framework comprises:
  (a) the Threshold Standards made under paragraph 58(1)(a) of the TEQSA Act, and
  (b) any other standards made under paragraph 58(1)(b) of the TEQSA Act.

5 Effect of this instrument

(1) This instrument sets out the Threshold Standards against which the quality of education can be assessed for the purposes of paragraph 58(1)(a) of the TEQSA Act.

(2) The Threshold Standards under paragraph 58(1)(a) of the TEQSA Act are set out in **Schedule 1**.

6 Provider categories

For the purposes of the definition of provider category in section 5 of the TEQSA Act, the provider categories listed are:
  (a) Institute of Higher Education
  (b) University College
  (c) Australian University, and
  (d) Overseas University.

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Schedule 1: Higher Education Threshold Standards

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Higher Education Threshold Standards

The Threshold Standards comprise:

- **Part A: Standards for Higher Education**
  These Standards represent the minimum acceptable requirements for the provision of higher education in or from Australia by higher education providers registered under the TEQSA Act.

- **Part B: Criteria for Higher Education Providers**
  These criteria enable categorisation of different types of higher education providers according to certain characteristics; and whether a provider is responsible for self-accreditation of a course(s) of study it delivers.

Definitions

In this instrument:

Academic freedom has the same meaning as in Schedule 1 of the *Higher Education Support Act 2003*.

Australian higher education qualification has the same meaning as *Australian higher education award* in section 5 of the TEQSA Act.

Higher education qualification has the same meaning as *Higher education award* in section 5 of the TEQSA Act and includes the qualifications listed in Table 1 below, other than an award at an equivalent level in the Australian Qualifications Framework (AQF) that is offered or conferred for completion of a vocational education and training course:

Table 1 – Australian Higher Education Qualifications

AQF level	Qualification
5	Diploma
6	Advanced Diploma
6	Associate Degree
7	Bachelor Degree
5–7 #	Undergraduate Certificate
8	Bachelor Honours Degree
8	Graduate Certificate *
8	Graduate Diploma *
9	Masters Degree (Coursework) *
9	Masters Degree (Extended) *
9	Masters Degree (Research) *†
10	Doctoral Degree (Professional) *†
10	Doctoral Degree (Research) *†
10	Higher Doctoral Degree *†

* 'Higher Degrees', also known as 'postgraduate degrees/qualifications'

† 'Higher Degrees by Research'

Undergraduate Certificate is not allocated to a single AQF level but recognises completion of a short course equivalent to 0.5 Effective Full Time Study Load (EFTSL) toward an existing qualification at AQF levels 5-7.

Overseas higher education qualification has the same meaning as *overseas higher education award* in section 5 of the TEQSA Act.

TEQSA Act means the *Tertiary Education Quality and Standards Agency Act 2011*.

TEQSA means the Tertiary Education Quality and Standards Agency.

Note: A number of other expressions used in this instrument are defined in section 5 of the TEQSA Act, including the following:

(a) accredited course
(c) Australian Qualifications Framework
(d) course of study
(e) fit and proper person
(g) higher education provider
(i) provider category
(j) Threshold Standards, and
(k) unit of study.

PART A: Standards for Higher Education

1 Student Participation and Attainment

1.1 Admission

1. Admissions policies, requirements and procedures are documented, are applied fairly and consistently, and are designed to ensure that admitted students have the academic preparation and proficiency in English needed to participate in their intended study, and no known limitations that would be expected to impede their progression and completion.
2. The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including:
    a. all charges associated with their proposed studies as known at the time and advice on the potential for changes in charges during their studies
    b. policies, arrangements and potential eligibility for credit for prior learning, and
    c. policies on changes to or withdrawal from offers, acceptance and enrolment, tuition protection and refunds of charges.
3. Admission and other contractual arrangements with students, or where legally required, with their parent or guardian, are in writing and include any particular conditions of enrolment and participation for undertaking particular courses of study that may not apply to other courses more generally, such as health requirements for students undertaking clinical work, requirements for security checks, particular language requirements and particular requirements of work placements.

1.2 Credit and Recognition of Prior Learning

1. Assessment of prior learning is undertaken, consistent with the credit and recognition of prior learning policy in the Australian Qualifications Framework, for the purpose of granting credit for units of study within a course of study or toward the completion of a qualification. Such assessment is conducted according to institutional policies, the result is recorded and students receive timely written advice of the outcome.
2. Credit through recognition of prior learning is granted if:
    a. students granted such credit are not disadvantaged in achieving the expected learning outcomes for the course of study or qualification, and
    b. the integrity of the course of study and the qualification are maintained.

1.3 Orientation and Progression

1. Successful transition into courses of study is achieved through orientation programs that are tailored to the needs of student cohorts and include specific consideration for international students adjusting to living and studying in Australia.
2. Specific strategies support transition, including:
    a. assessing the needs and preparedness of individual students and cohorts
    b. undertaking early assessment or review that provides formative feedback on academic progress and is able to identify needs for additional support, and
    c. providing access to informed advice and timely referral to academic or other support.

3. Methods of assessment or monitoring that determine progress within or between units of study or in research training validly assess progress and, in the case of formative assessment, provide students with timely feedback that assists in their achievement of learning outcomes.
4. Processes that identify students at risk of unsatisfactory progress and provide specific support are implemented across all courses of study.
5. Trends in rates of retention, progression and completion of student cohorts through courses of study are monitored to enable review and improvement.
6. Students have equivalent opportunities for successful transition into and progression through their course of study, irrespective of their educational background, entry pathway, mode or place of study.

1.4 Learning Outcomes and Assessment

1. The expected learning outcomes for each course of study are specified, consistent with the level and field of education of the qualification awarded, and informed by national and international comparators.
2. The specified learning outcomes for each course of study encompass discipline-related and generic outcomes, including:
    a. specific knowledge and skills and their application that characterise the field(s) of education or disciplines involved
    b. generic skills and their application in the context of the field(s) of education or disciplines involved
    c. knowledge and skills required for employment and further study related to the course of study, including those required to be eligible to seek registration to practise where applicable, and
    d. skills in independent and critical thinking suitable for life-long learning.
3. Methods of assessment are consistent with the learning outcomes being assessed, are capable of confirming that all specified learning outcomes are achieved and that grades awarded reflect the level of student attainment.
4. On completion of a course of study, students have demonstrated the learning outcomes specified for the course of study, whether assessed at unit level, course level, or in combination.
5. On completion of research training, students have demonstrated specific and generic learning outcomes related to research, including:
    a. a detailed understanding of the specific topic of their research, within a broad understanding of the field of research
    b. capacity to scope, design and conduct research projects independently
    c. technical research skills and competence in the application of research methods, and
    d. skills in analysis, critical evaluation and reporting of research, and in presentation, publication and dissemination of their research.
6. Assessment of major assessable research outputs for higher degrees by research, such as theses, dissertations, exegeses, creative works or other major works arising from a candidate's research, incorporates assessment by at least two assessors with international standing in the field of research, who are independent of the conduct of the research, competent to undertake the assessment and do not have a conflict of interest, and:
    a. for doctoral degrees, are external to the higher education provider, and
    b. for masters degrees by research, at least one of whom is external to the higher education

provider.

7. The outputs arising from research training contribute to the development of the field of research, practice or creative field and, in the case of doctoral degrees, demonstrate a significant original contribution.

1.5 Qualifications and Certification

1. Qualifications, other than higher doctoral or honorary qualifications, are awarded only if a course of study leads to the award of that qualification and all of the requirements of the course of study have been fulfilled.
2. Higher doctoral qualifications require significant, sustained original contributions to a field of research over and above the requirements of a doctoral degree and are awarded in accordance with the higher education provider's specific policies and academic governance requirements for the award of Higher Doctoral Degrees.
3. When an Australian higher education qualification is offered, the course of study leading to the qualification is either self-accredited under authority to self-accredit or accredited by TEQSA and the learning outcomes for the qualification are consistent with the level classification for that qualification in the Australian Qualifications Framework.
4. Awardees of qualifications are issued with authorised certification documentation including a testamur, and either a record of results or an Australian Higher Education Graduation Statement (graduation statement) that state correctly:
    a. the name of the registered higher education provider issuing the documentation
    b. the full name of the person to whom the documentation applies
    c. the date of issue
    d. the name and office of the person authorised by the higher education provider to issue the documentation, and
    e. if the qualification is recognised in the Australian Qualifications Framework, the testamur and/or the graduation statement is certified with either the logo of the Australian Qualifications Framework or the words, 'This qualification is recognised within the Australian Qualifications Framework'.
5. All certification documentation issued by the higher education provider is:
    a. unambiguously issued by the registered higher education provider
    b. readily distinguishable from other certification documents issued by the higher education provider
    c. protected against fraudulent issue
    d. traceable and authenticable
    e. designed to prevent unauthorised reproduction, and
    f. replaceable by the higher education provider through an authorised and verifiable process.
6. Testamurs state correctly, in addition to the requirements for all certification documentation:
    a. the full title of the qualification awarded, including the field or discipline of study
    b. any subsidiary component of the qualification (such as integrated honours, an area of specialisation or a major study), and
    c. if any parts of the course of study or assessment leading to the qualification were

conducted in a language other than English, except for the use of another language to develop proficiency in that language.

7. Records of results state correctly, in addition to the requirements for all certification documentation:
    a. the full name of all courses and units of study undertaken and when they were undertaken and completed
    b. credit granted through recognition of prior learning
    c. the weighting of units within courses of study
    d. the grades and/or marks awarded for each unit of study undertaken and, if applicable, for the course overall
    e. where grades are issued, an explanation of the grading system used
    f. where a course of study includes a significant particular focus of study such as honours, an area of specialisation or a major study, a definition of that component of significant focus, and
    g. any parts of a course or units of study or assessment that were conducted in a language other than English, except for the use of another language to develop proficiency in that language.
8. Graduation statements contain, in relation to a particular course of study and the qualification awarded, the information contained in a record of results, presented in a form that conforms with the requirements for an Australian Higher Education Graduation Statement.
9. Qualifications that do not align with a qualification that is recognised in the Australian Qualifications Framework are not described using the nomenclature of the Australian Qualifications Framework or implied to be a qualification recognised in the Australian Qualifications Framework or an equivalent qualification.
10. Students who complete one or more units of study that do not lead to the award of a qualification have access to an authorised record of results for the units undertaken.
11. Any documentation issued with the award of an honorary qualification unambiguously identifies the qualification as an honorary qualification.

2 Learning Environment

2.1 Facilities and Infrastructure

1. Facilities, including facilities where external placements are undertaken, are fit for their educational and research purposes, and accommodate the numbers and educational and research activities of the students and staff who use them.
2. Secure access to electronic information and adequate electronic communication services is available continuously (allowing for reasonable outages for maintenance) to students and staff during periods of authorised access, except for locations and circumstances that are not under the direct control of the provider.
3. The learning environment, whether physical, virtual or blended, and associated learning activities support academic interactions among students outside of formal teaching.

2.2 Diversity and Equity

1. Institutional policies, practices and approaches to teaching and learning are designed to accommodate student diversity, including the under-representation and/or disadvantage experienced

by identified groups, and create equivalent opportunities for academic success regardless of students' backgrounds.

2. Specific consideration is given to the recruitment, admission, participation and completion of Aboriginal and Torres Strait Islander peoples.
3. Participation, progress, and completion by identified student subgroups are monitored and the findings are used to inform admission policies and improvement of teaching, learning and support strategies for those subgroups.

2.3 Wellbeing and Safety

1. All students are advised of the actions they can take, the staff they may contact and the support services that are accessible if their personal circumstances are having an adverse effect on their education.
2. Timely, accurate advice on access to personal support services is available, including for access to emergency services, health services, counselling, legal advice, advocacy, and accommodation and welfare services.
3. The nature and extent of support services that are available for students are informed by the needs of student cohorts, including mental health, disability and wellbeing needs.
4. A safe environment is promoted and fostered, including by advising students and staff on actions they can take to enhance safety and security on campus and online.
5. There is a critical-incident policy together with readily accessible procedures that cover the immediate actions to be taken in the event of a critical incident and any follow-up required.

2.4 Student Grievances and Complaints

1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties.
2. There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.
3. Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance.
4. Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.
5. If a formal complaint or appeal is upheld, any action required is initiated promptly.

3 Teaching

3.1 Course Design

1. The design for each course of study is specified and the specification includes:
    a. the qualification(s) to be awarded on completion
    b. structure, duration and modes of delivery

c. the units of study (or equivalent) that comprise the course of study

d. entry requirements and pathways

e. expected learning outcomes, methods of assessment and indicative student workload

f. compulsory requirements for completion

g. exit pathways, articulation arrangements, pathways to further learning, and

h. for a course of study leading to a Bachelor Honours, Masters or Doctoral qualification, includes the proportion and nature of research or research-related study in the course.

2. The content and learning activities of each course of study engage with advanced knowledge and inquiry consistent with the level of study and the expected learning outcomes, including:

    a. current knowledge and scholarship in relevant academic disciplines

    b. study of the underlying theoretical and conceptual frameworks of the academic disciplines or fields of education or research represented in the course, and

    c. emerging concepts that are informed by recent scholarship, current research findings and, where applicable, advances in practice.

3. Teaching and learning activities are arranged to foster progressive and coherent achievement of expected learning outcomes throughout each course of study.

4. Each course of study is designed to enable achievement of expected learning outcomes regardless of a student's place of study or the mode of delivery.

5. Where professional accreditation of a course of study is required for graduates to be eligible to practise, the course of study is accredited and continues to be accredited by the relevant professional body.

3.2 Staffing

1. The staffing complement for each course of study is sufficient to meet the educational, academic support and administrative needs of student cohorts undertaking the course.

2. The academic staffing profile for each course of study provides the level and extent of academic oversight and teaching capacity needed to lead students in intellectual inquiry suited to the nature and level of expected learning outcomes.

3. Staff with responsibilities for academic oversight and those with teaching and supervisory roles in courses or units of study are equipped for their roles, including having:

    a. knowledge of contemporary developments in the discipline or field, which is informed by continuing scholarship or research or advances in practice

    b. skills in contemporary teaching, learning and assessment principles relevant to the discipline, their role, modes of delivery and the needs of particular student cohorts, and

    c. a qualification in a relevant discipline at least one level higher than is awarded for the course of study, or equivalent relevant academic or professional or practice-based experience and expertise, except for staff supervising doctoral degrees having a doctoral degree or equivalent research experience.

4. Teachers who teach specialised components of a course of study, such as experienced practitioners and teachers undergoing training, who may not fully meet the standard for knowledge, skills and qualification or experience required for teaching or supervision (3.2.3) have their teaching guided and overseen by staff who meet the standard.

5. Teaching staff are accessible to students seeking individual assistance with their studies, at a level consistent with the learning needs of the student cohort.

3.3 Learning Resources and Educational Support

1. The learning resources, such as library collections and services, creative works, notes, laboratory facilities, studio sessions, simulations and software, that are specified or recommended for a course of study, relate directly to the learning outcomes, are up to date and, where supplied as part of a course of study, are accessible when needed by students.
2. Where learning resources are part of an electronic learning management system, all users have timely access to the system and training is available in use of the system.
3. Access to learning resources does not present unexpected barriers, costs or technology requirements for students, including for students with special needs and those who study off campus.
4. Students have access to learning support services that are consistent with the requirements of their course of study, their mode of study and the learning needs of student cohorts, including arrangements for supporting and maintaining contact with students who are off campus.

4 Research and Research Training

4.1 Research

1. Research and its associated activities are conducted in accordance with a research policy framework that is designed to achieve:
    a. ethical conduct of research and responsible research practice
    b. clarification of ownership and management of intellectual property
    c. successful management of research partnerships
    d. clarification of requirements for publication and authorship, and
    e. resolution of allegations of misconduct in research.
2. Research is conducted, or overseen, by staff with qualifications, research experience and skills relevant to the type of research undertaken and their role.
3. A system for accurate and up-to-date recording of the research outputs of staff and research students is maintained.

4.2 Research Training

1. Research training is guided by an institutional research training policy framework that is designed to achieve:
    a. definition and recognition of the rights and responsibilities of research students and supervisors
    b. induction and orientation of research students and supervisors to their roles
    c. monitoring of the progress of research students
    d. assessment and examination of students' work
    e. independence of examiners
    f. presentation and communication of research outputs by students, and
    g. resolution of disputes.

2. Students are admitted to research training only where the training can be provided in a supervisory and study environment of research activity or other creative endeavour, inquiry and scholarship, and the supervision and resources required for their project are available.
3. Each research student is supported by continuing supervisory arrangements, including:
    a. a principal supervisor who holds a doctoral degree, or has equivalent research experience, and who is active in research and publishing in, or otherwise making original contributions to, a relevant field or discipline
    b. at least one associate supervisor with relevant research expertise, and
    c. the principal supervisor is a member of the staff of the higher education provider, or has a relevant adjunct appointment, or is otherwise formally contracted and accountable to the provider for supervisory duties.
4. Research students participate in an induction to research that includes codes of conduct, ethics, occupational health and safety, intellectual property and any additional matters that are necessary for the type of research to be undertaken.
5. Coursework that is included as a formal assessable requirement in a course of study that involves research training, whether as a component of or an adjunct to the research training, meets the academic governance and quality assurance requirements required of other coursework offered by the higher education provider.

5 Institutional Quality Assurance

5.1 Course Approval and Accreditation

1. There are processes for internal approval of the delivery of a course of study, or, where a provider has authority to self-accredit, internal accreditation, of all courses of study leading to a higher education qualification.
2. Course approval and self-accreditation processes are overseen by peak institutional academic governance processes and they are applied consistently to all courses of study, before the courses are first offered and during re-approval or re-accreditation of the courses.
3. A course of study is approved or accredited, or re-approved or re-accredited, only when:
    a. the course of study meets, and continues to meet, the applicable Standards of the *Higher Education Standards Framework*
    b. the decision to (re-)approve or (re-)accredit a course of study is informed by overarching academic scrutiny of the course of study that is competent to assess the design, delivery and assessment of the course of study independently of the staff directly involved in those aspects of the course, and
    c. the resources required to deliver the course as approved or accredited will be available when needed.

5.2 Academic and Research Integrity

1. There are policies that promote and uphold the academic and research integrity of courses and units of study, research and research training activities, and institutional policies and procedures address misconduct and allegations of misconduct.
2. Preventative action is taken to mitigate foreseeable risks to academic and research integrity including misrepresentation, fabrication, cheating, plagiarism and misuse of intellectual property, and to prevent recurrences of breaches.

3. Students are provided with guidance on what constitutes academic or research misconduct and the development of good practices in maintaining academic and research integrity.
4. Academic and research integrity and accountability for academic and research integrity are maintained in arrangements with any other party involved in the provision of higher education, including placements, collaborative research, research training and joint award of qualifications.

5.3 Monitoring, Review and Improvement

1. All accredited courses of study are subject to periodic (at least every seven years) comprehensive reviews that are overseen by peak academic governance processes and include external referencing or other benchmarking activities.
2. A comprehensive review includes the design and content of each course of study, the expected learning outcomes, the methods for assessment of those outcomes, the extent of students' achievement of learning outcomes, and also takes account of emerging developments in the field of education, modes of delivery, the changing needs of students and identified risks to the quality of the course of study.
3. Comprehensive reviews of courses of study are informed and supported by regular interim monitoring, of the quality of teaching and supervision of research students, student progress and the overall delivery of units within each course of study.
4. Review and improvement activities include regular external referencing of the success of student cohorts against comparable courses of study, including:
    a. analyses of progression rates, attrition rates, completion times and rates and, where applicable, comparing different locations of delivery, and
    b. the assessment methods and grading of students' achievement of learning outcomes for selected units of study within courses of study.
5. All students have opportunities to provide feedback on their educational experiences and student feedback informs institutional monitoring, review and improvement activities.
6. All teachers and supervisors have opportunities to review feedback on their teaching and research supervision and are supported in enhancing these activities.
7. The results of regular interim monitoring, comprehensive reviews, external referencing and student feedback are used to mitigate future risks to the quality of the education provided and to guide and evaluate improvements, including the use of data on student progress and success to inform admission criteria and approaches to course design, teaching, supervision, learning and academic support.

5.4 Delivery with Other Parties

1. Work-integrated learning, placements, other community-based learning and collaborative research training arrangements are quality assured, including assurance of the quality of supervision of student experiences.
2. When a course of study, any parts of a course of study, or research training are delivered through arrangements with another party(ies), whether in Australia or overseas, the registered higher education provider remains accountable for the course of study and verifies continuing compliance of the course of study with the standards in the *Higher Education Standards Framework* that relate to the specific arrangement.

6 Governance and Accountability

6.1 Corporate Governance

1. There is a formally constituted governing body, which includes independent members, that exercises competent governance oversight of and is accountable for all of the higher education provider's operations in or from Australia, including accountability for the award of higher education qualifications, for continuing to meet the requirements of the *Higher Education Standards Framework* and for the provider's representation of itself.
2. Members of the governing body:
    a. are fit and proper persons, and
    b. meet the Australian residency requirements, if any, of the instrument under which the provider is established or incorporated, or otherwise there are at least two members of the governing body who are ordinarily resident in Australia.
3. The governing body attends to governance functions and processes diligently and effectively, including:
    a. obtaining and using such information and advice, including independent advice and academic advice, as is necessary for informed and competent decision making and direction setting
    b. defining roles and delegating authority as is necessary for effective governance, policy development and management; and monitoring the implementation of those delegations
    c. confirming that the provision of higher education and research training and the conduct of research, whether by the provider or through an arrangement with another party, are governed by the registered provider's institutional policies, and the operations of the provider and any associated party(ies) are consistent with those policies
    d. undertaking periodic (at least every seven years) independent reviews of the effectiveness of the governing body and academic governance processes and ensuring that the findings of such reviews are considered by a competent body or officer(s) and that agreed actions are implemented, and
    e. maintaining a true record of the business of the governing body.
4. The governing body takes steps to develop and maintain an institutional environment in which freedom of speech and academic freedom are upheld and protected, students and staff are treated equitably, the wellbeing of students and staff is fostered, informed decision making by students is supported and students have opportunities to participate in the deliberative and decision making processes of the higher education provider.

6.2 Corporate Monitoring and Accountability

1. The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:
    a. the governing body and the entity comply with the requirements of the legislation under which the provider is established, recognised or incorporated, any other legislative requirements and the entity's constitution or equivalent
    b. the provider's future directions in higher education have been determined, realistic performance targets have been established, progress against targets is monitored and action is taken to correct underperformance
    c. the provider is financially viable and applies, and has the capacity to continue to apply, sufficient financial and other resources to maintain the viability of the entity and its business model, to meet and continue to meet the requirements of the *Higher Education Standards Framework*, to achieve the provider's higher education objectives and performance targets and to sustain the quality of higher education that is offered

d. the financial position, financial performance and cash flows of the entity are monitored regularly and understood, financial reporting is materially accurate, financial management meets Australian accounting standards, effective financial safeguards and controls are operating and financial statements are audited independently by a qualified auditor against Australian accounting and auditing standards

e. risks to higher education operations have been identified and material risks are being managed and mitigated effectively

f. mechanisms for competent academic governance and leadership of higher education provision and other academic activities have been implemented and these are operating according to an institutional academic governance policy framework and are effective in maintaining the quality of higher education offered

g. educational policies and practices support participation by Aboriginal and Torres Strait Islander people and are sensitive to Aboriginal and Torres Strait Islander knowledge and cultures

h. qualifications are awarded legitimately

i. there are credible business continuity plans and adequately resourced financial and tuition safeguards to mitigate disadvantage to students who are unable to progress in a course of study due to unexpected changes to the higher education provider's operations, including if the provider is unable to provide a course of study, ceases to operate as a provider, loses professional accreditation for a course of study or is otherwise not able to offer a course of study

j. the occurrence and nature of formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents are monitored and action is taken to address underlying causes, and

k. lapses in compliance with the *Higher Education Standards Framework* are identified and monitored, and prompt corrective action is taken.

6.3 Academic Governance

1. Processes and structures are established and responsibilities are assigned that collectively:

    a. achieve effective academic oversight of the quality of teaching, learning, research and research training

    b. set and monitor institutional benchmarks for academic quality and outcomes

    c. establish and maintain academic leadership at an institutional level, consistent with the types and levels of higher education offered, and

    d. provide competent advice to the corporate governing body and management on academic matters, including advice on academic outcomes, policies and practices.

2. Academic oversight assures the quality of teaching, learning, research and research training effectively, including by:

    a. developing, monitoring and reviewing academic policies and their effectiveness

    b. confirming that delegations of academic authority are implemented

    c. critically scrutinising, approving and, if authority to self-accredit is held, accrediting or advising on approving and accrediting, courses of study and their associated qualifications

    d. maintaining oversight of academic and research integrity, including monitoring of potential risks

e. monitoring and initiating action to improve performance against institutional benchmarks for academic quality and outcomes

f. critically evaluating the quality and effectiveness of educational innovations or proposals for innovations

g. evaluating the effectiveness of institutional monitoring, review and improvement of academic activities, and

h. monitoring and reporting to the corporate governing body on the quality of teaching, learning, research and research training.

3. Students have opportunities to participate in academic governance.

7 Representation, Information and Information Management

7.1 Representation

1. Representation of the higher education provider, its educational offerings and charges, whether directly or through agents or other parties, is accurate and not misleading.
2. Courses or units of study that are offered or intended to be offered are not described as accredited, whether by TEQSA or by a professional accreditation body for the purposes of registration to practise, until such accreditation has been obtained.
3. Where units of study are offered separately from a course of study and are represented as eligible for gaining credit towards a course of study or a qualification:

    a. the course(s) of study and qualification(s) for which credit may be gained are specified, and

    b. the terms on which credit may be granted are defined.

4. Agents and other parties that are involved in representing the higher education provider are bound by formal contracts with the provider, their performance is monitored and prompt corrective action is taken in the event or likelihood of misrepresentation or unethical conduct.
5. Representations, whether expressed or implied, about the outcomes associated with undertaking a course of study, eligibility for acceptance into another course of study, employment outcomes or possible migration outcomes are not false or misleading.

7.2 Information for Prospective and Current Students

1. Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.
2. Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:

    a. information to assist in decisions about courses or units of study, including the course design, prerequisites, assumed knowledge, when and where courses/units are offered, application dates, arrangements for recognition of prior learning, standing credit transfer arrangements, pathways to employment and eligibility for registration to practise where applicable

    b. information to assist in planning for and participation in educational and other activities, including contact points, advice about orientation and induction, delivery arrangements, technical requirements for access to IT systems for online activities, timetables, access to

learning resources, avenues to participate in decision making and opportunities to participate in student representative bodies

c. information to outline the obligations of students and their liabilities to the higher education provider including expected standards of behaviour, financial obligations to the higher education provider, critical deadlines, policies for deferral, change of preference/enrolment and leave of absence, particular obligations of international students, disciplinary procedures, misconduct and grounds for suspension or exclusion

d. information to give access to current academic governance policies and requirements including admission, recognition of prior learning, transition, progression, assessment, grading, completion, qualifications, appeals, academic integrity, equity and diversity, intellectual property and withdrawal from or cancellation of enrolment

e. information to facilitate access to services and support including the types of services available such as educational resources including English language support, personal support services, cultural support and ancillary services, hours of availability, how to access services and emergency contact details where applicable

f. information to assist in resolution of grievances, including an explanation of processes for resolution of grievances and complaints and internal and external appeals processes, guidance on how to participate in the processes and sources of assistance including advocacy, and

g. information to assist international students studying in Australia if applicable, including indicative costs of living and studying in Australia, accommodation options, arrangements for health care and, where applicable, schooling obligations related to school-aged dependants (including the possibility that school fees may be incurred).

3. There are policies and processes that ensure information and advice given to international students holding or applying for an Australian student visa and decisions taken in relation to such students meet statutory requirements.

4. Students are given reasonable notice of changes to a higher education provider's operations including information about increases in fees and associated costs and any consequences that may affect their choice of, or ability to participate in, an intended course(s) of study.

7.3 Information Management

1. There is a repository of publicly-available current information about the higher education provider's operations that includes:

a. the registered name of the higher education provider, trading name(s) if different, regulatory status and authority to provide courses of study to international students studying on an Australian student visa

b. the instrument establishing the entity

c. the members of the governing body and senior executive

d. the financial standing of the provider

e. indicative total student enrolments

f. a high-level organisational chart that includes the organisational units that deliver courses of study, such as schools or faculties

g. the locations at which higher education is offered, including overseas if applicable

h. an overview of teaching campuses, facilities, learning resources and services provided for students

i. a list of all higher education courses of study that are offered, including indicative estimated annual enrolments

j. arrangements with other parties to deliver courses of study or to conduct research training

k. where public annual reports are required of the provider, the three most recent annual reports

l. how to lodge a complaint about the higher education provider, and

m. contact details.

2. The list of all higher education courses of study within the repository of information includes:

a. the accreditation status of each course of study

b. the qualification(s) offered

c. whether the qualification is recognised in the Australian Qualifications Framework

d. confirmation of recognition of each course of study by the relevant professional body(ies) if such recognition is required for registration of graduates to practise

e. whether each course of study is authorised to be offered to international students studying on an Australian student visa

f. the duration of each course of study, and

g. details of the credit and recognition of prior learning policy that applies to each course of study and direction on how to obtain information on any articulation or credit arrangements that may apply to the course.

3. Information systems and records are maintained, securely and confidentially as necessary to:

a. maintain accurate and up-to-date records of enrolments, progression, completions and award of qualifications

b. prevent unauthorised or fraudulent access to private or sensitive information, including information where unauthorised access may compromise academic or research integrity

c. document and record responses to formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents, and

d. demonstrate compliance with the Higher Education Standards Framework.

PART B: Criteria for Higher Education Providers

B1 Criteria for Higher Education Provider Categories

All providers of higher education must meet the requirements of Part A and satisfy the requirements set out under the 'Institute of Higher Education' category in order to gain registration by TEQSA.

Higher education providers may seek approval within a particular provider category under subsection 18(1) (applying for registration) or section 38 (change of category) of the TEQSA Act. The four provider categories are:

- 'Institute of Higher Education'
- 'University College'
- 'Australian University'
- 'Overseas University'.

The provider category of each higher education provider will be detailed on the National Register of Higher Education Providers (administered by TEQSA).

B1.1 'Institute of Higher Education' Category

A higher education provider registered in the category offers an Australian higher education qualification and/or an overseas higher education qualification.

1. The higher education provider meets the requirements of Part A, has a clearly articulated higher education purpose that includes a commitment to freedom of speech and academic freedom, and offers at least one accredited course of study.
2. The higher education provider's academic and teaching staff are active in scholarship that informs their teaching, and active in research when engaged in research student supervision, supported by the provider.
3. The higher education provider features its TEQSA Provider Identification and provider category on relevant public material.

B1.2 'University College' Category

A higher education provider registered in the category offers an Australian higher education qualification and/or an overseas higher education qualification.

The higher education provider:

1. satisfies the criteria for the 'Institute of Higher Education' category
2. demonstrates a mature level of development and a track record of compliance against each applicable criterion B1.2.3-10 below
3. has authority to self-accredit at least 70 per cent of its total courses of study, at the time of application to TEQSA
4. has a history of at least five years of successful delivery with strong student outcomes. Student outcomes can be measured against a variety of sources acceptable to TEQSA

5. has mature and advanced processes for the design, delivery, accreditation, monitoring, quality assurance, review and improvement of courses of study, and the maintenance of academic integrity
6. demonstrates systematic support for scholarship and demonstrates scholarly activities and outcomes that inform teaching, learning, and professional practice, and make a contribution to the advancement and dissemination of knowledge
7. identifies and implements good practices and advances in teaching and learning, and shares those practices with the higher education sector more broadly
8. has sufficient depth of academic leadership and expertise, in the fields of education it delivers, to guide teaching, learning, and academic governance
9. demonstrates engagement with employers, industry, and the professions in the areas in which it offers courses of study. This engagement may include, but is not limited to, curriculum development, work-integrated learning, and research partnerships
10. in the fields of education in which it offers courses of study, demonstrates civic leadership through engagement with its communities and a commitment to social responsibility
11. is not required to position itself to apply for registration in the Australian University category, but may elect to do so, and
12. if it chooses to use the 'University College' title, must use it in full, and not abbreviate it to 'University'.

Note: Providers registered in this category do not need to adopt the 'University College' branding if the name does not suit their mission or purpose.

Criteria for establishing a greenfield 'University College'

The newly established (i.e. 'greenfield') higher education provider:

13. satisfies the criteria for the 'Institute of Higher Education' category
14. provides strong evidence of financial backing necessary to sustain a greenfield 'University College' during start-up (at least the first five years)
15. has clear and credible policies, plans and procedures to meet the criteria B1.2.1-12 in the 'University College' category within five years from the commencement of teaching
16. has realistic and achievable plans to comply fully with the 'Australian University' category standard within ten years from the commencement of teaching, and
17. engages in a period of sponsorship or mentoring by an existing registered 'Australian University' category provider or equivalent alternative arrangement agreed by TEQSA.

Greenfield time limit

18. If, within ten years from the commencement of teaching the entity does not seek and achieve registration in the 'Australian University' category, the entity may:
    a. only continue to be registered as a 'University College' category provider if it meets all criteria B1.2.1-12 in the 'University College' category, or
    b. be registered as an 'Institute of Higher Education' if it satisfies all criteria for that category.

Note: Where a newly established higher education provider can demonstrate that it meets all of the requirements of the 'Australian University' category, including mature development and a track record of compliance, TEQSA may consider approving direct entry of the new entity to the 'Australian University' category if satisfied that the corporate and academic governance arrangements established for the new entity will ensure continued compliance and performance to the required standard for that category. This might be possible in a limited range of circumstances; for example, where a new entity is created through the demerger or disaggregation of a large existing university.

B1.3 'Australian University' Category

A higher education provider registered in the category offers an Australian higher education qualification.

The higher education provider:

1. satisfies the criteria for the 'Institute of Higher Education' category
2. demonstrates a mature level of development and a track record of compliance against each applicable criterion below
3. has authority under subsection 45 (1) of the TEQSA Act to self-accredit each course of study that leads to a higher education qualification in all fields of education unless the university has a specialised focus
4. has the support of the relevant State, Territory or Commonwealth government for its application for registration in the 'Australian University' category
5. self-accredits and delivers undergraduate and postgraduate courses of study in at least three broad (2-digit) fields of education, or one or two broad fields in the case of a university with a specialised focus, and has had at least 75 per cent of these self-accredited courses of study go through at least one cycle of review and improvement by the provider
6. delivers Doctoral Degrees (Research) in:
    a. at least three, or at least 50 per cent, of the broad (2-digit) fields of education in which it delivers courses of study, whichever is greater, or
    b. all broad (2-digit) fields of education in which it has authority to self-accredit courses of study in the case of a university with a specialised focus
7. has a history of at least five years of successful delivery with strong student outcomes. Student outcomes can be measured against a variety of sources acceptable to TEQSA
8. has mature and advanced processes for the design, delivery, accreditation, monitoring, institutional quality assurance, review and improvement of courses of study, and the maintenance of academic integrity
9. demonstrates systematic support for scholarship and demonstrates scholarly activities and outcomes that inform teaching, learning, and professional practice and make a contribution to the advancement and dissemination of knowledge
10. identifies and implements good practices and advances in teaching and learning, and shares those practices with the higher education sector more broadly
11. has breadth and depth of academic leadership and expertise in the fields of education it delivers, to guide teaching, learning, and academic governance
12. demonstrates engagement with employers, industry, and the professions in areas in which it offers courses of study. This engagement may include, but is not limited to, curriculum development, professional engagement, work-integrated learning, and research partnerships, and
13. demonstrates strong civic leadership, engagement with its local and regional communities, and a commitment to social responsibility.

'Australian University' with a specialised focus

14. Where an 'Australian University' has self-accrediting authority in only one or two broad (2-digit) fields of education, it is deemed to have a specialised focus.

15. Where an 'Australian University' with a specialised focus delivers courses of study in new broad (2-digit) field/s of education, the provider must be successful in seeking authorisation to self-accredit courses of study in the new field/s within ten years from the commencement of those courses of study.

Note: Upon achieving self-accrediting authority in at least three broad (2-digit) fields of education for which Doctoral Degrees (Research) are also delivered, the 'Australian University' is no longer deemed to have a specialised focus.

Research requirements

The undertaking of research that leads to new knowledge and original creative endeavour and research training are fundamental to the status of a higher education provider as an 'Australian University'.

Note: In assessing the research requirements in criteria B1.3.16-19, TEQSA may specify the matters to be considered in a legislative instrument. TEQSA will use existing national research benchmarking exercises where they are applicable. Where they are not applicable, TEQSA will benchmark against standard research indicators.

16. The higher education provider, within ten years after entry to the 'Australian University' category, undertakes research at or above one or both of the benchmark standards described in B1.3.19 that leads to the creation of new knowledge and original creative endeavour in:
    a. at least three, or at least 50 per cent, of the broad (2-digit) fields of education in which it delivers courses of study, whichever is greater, or
    b. all broad (2-digit) fields of education in which it has authority to self-accredit, in the case of a university with a specialised focus.
17. Until the standard set out in criterion B1.3.16 is achieved, the provider undertakes research at or above one or both of the benchmark standards described in B1.3.19 that leads to the creation of new knowledge and original creative endeavour in:
    a. at least three, or at least 30 per cent, of the broad (2-digit) fields of education in which it delivers courses of study, whichever is greater, or
    b. all broad (2-digit) fields of education in which it has authority to self-accredit, in the case of a university with a specialised focus.

Note: Once the standard set out in criterion B1.3.16 is achieved, the provider's research requirements will thereafter be assessed against that standard and not criterion B1.3.17.

18. Where an 'Australian University' provider delivers courses of study in new broad (2-digit) field/s of education, the provider may request that those field/s not be considered in the quantum of fields for the purposes of compliance with criteria B1.3.16 and B1.3.17 for a period of no more than ten years from the commencement of those course of study offerings.
19. The benchmark standards for research are:
    a. **research that is 'world standard'** measured using best practice indicators, and/or
    b. **research of national standing in fields specific to Australia**, in the case of research that is not easily captured by existing standard indicators.

B1.4 'Overseas University' Category

The higher education provider delivers at least one overseas higher education qualification in Australia. Its profile in Australia may be an element of its broader international offerings.

The higher education provider:

1. is recognised as a university by its home country registration or accreditation authority or equivalent governmental authority, the standing and standards of which are acceptable to TEQSA, and
2. meets criteria equivalent to those for the 'Australian University' category.

B2 Criteria for Seeking Self-Accrediting Authority

Providers can apply to TEQSA for self-accrediting authority. The types of self-accrediting authority that can be authorised by TEQSA are:

- **Unlimited**: self-accrediting authority for all higher education courses of study that the provider delivers, or may deliver, in any level or field of education, or
- **Limited**: self-accrediting authority for higher education courses of study that the provider delivers, or may deliver, in a specific combination of levels and/or fields of education.

A provider that is seeking self-accrediting authority must demonstrate that:

1. it has consistently maintained compliance with Part A
2. it has a five year track record of applications for course of study accreditation that have consistently been found by TEQSA to meet Part A, and there are no outstanding conditions imposed on any of the provider's courses of study
3. there are no unresolved compliance matters or conditions outstanding from the most recent registration by TEQSA or a recognised registration or accreditation authority. There is also no history of continuing compliance issues in any other assessments, audits, or reviews of its higher education operations conducted by TEQSA, relevant professional bodies (if appropriate) or government agencies, and
4. it has:
    a. completed at least one cycle of review and improvement in relation to the course(s) of study in which self-accreditation is sought
    b. demonstrated successful implementation of evidence-based improvements arising from the reviews, and
    c. established course review and improvement activities as effective features of the provider's operations across all courses of study.

A provider that is seeking **unlimited** self-accrediting authority must demonstrate that it:

5. has mature and advanced processes for the design, delivery, accreditation, monitoring, institutional quality assurance, review and improvement of courses of study, and the maintenance of academic integrity across at least three (2 digit) fields of education.

B3 Transitional Standards

B3.1 Transition to new provider categories

TEQSA will determine the appropriate provider category for each registered provider to transition to on commencement of this instrument.

B3.2 Transitional research requirements for 'Australian University' category

A provider that is registered in the 'Australian University' category after this instrument comes into force, and immediately before the commencement date was in a provider registration category that permitted use of the word 'university', must achieve the benchmarks set out in criteria:

- B1.3.16 within ten years, and
- B1.3.17 within five years

from the commencement date of this instrument.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislation
gaz = gazette
LA = *Legislation Act 2003*
LIA = *Legislative Instruments Act 2003*
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
pres = present
prev = previous
(prev…) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Higher Education Standards Framework (Threshold Standards) 2021	27 April 2021 (F2021L00488)	1 July 2021 (F2021N00125)	
Tertiary Education Quality and Standards Agency Higher Education Standards Framework Amendment (Threshold Standards—Freedom of Speech and Academic Freedom) 2021	8 December 2021 (F2021L01731)	9 December 2021	

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Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
Schedule 1	
Definitions	
Definitions	am F2021L01731
Part A	
par 6.1	am F2021L01731
Part B	
par B1.1	am F2021L01731
par B1.3	am F2021L01731