

# International students posting reviews and comments about education providers

This factsheet is about education providers' ability to control the information posted about them on social media and review sites by international students.

International students use social media to find and share information, stay connected, or join groups of interest. They may also post reviews, comments and opinions about products and services they have experience with.

This can include reviews of the education provider they are (or were) studying with. Consumer reviews are an important source of information for other international students deciding on an Australian education provider to deliver their course.

The Office of the Commonwealth Ombudsman (the Office) has received complaints from students who claim to have posted legitimate online reviews, comments, or opinions about their education provider, and faced consequences including requests to remove the posts, disciplinary action, and expulsion from their course. The Office has also received complaints from students who claim to have been pressured into posting positive online comments about their provider, even if these posts did not reflect their own opinions.

## Should students be able to post about education providers?

Yes, students should be able to post honest opinions about their experience with their education providers, whether those experiences reflect positively or negatively on the provider.

Education providers should not offer incentives to students to post positive reviews or to remove honest negative reviews, as this may cause biased positive reviews or removal of genuine negative reviews and create a misleading impression of the education provider to other consumers. It is also illegal under the Australian Consumer Law for a business to create, or arrange for others to create fake or misleading reviews or reviews that are likely to mislead.<sup>1</sup>

## What can a provider do about negative reviews?

Negative reviews are something any business may experience at some point. Some education providers attempt to protect themselves against negative reviews by including terms in written agreements or elsewhere, such as:

“The student agrees not to post online any information that may harm the interests of the provider. Breach of this clause can lead to termination”.

<sup>1</sup> <https://www.accc.gov.au/business/advertising-and-promotions/online-product-and-service-reviews>, accessed 2 June 2023.

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International students who want to post online about their education providers should be honest

Providers should not make rules preventing students from posting negative comments about them online

Providers can manage negative reviews by responding quickly and with empathy.

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The Australian Competition and Consumer Commission has stated its view that similar terms – or non-disparagement clauses – prohibiting customers from making negative public comments about goods or services are likely to be unfair.<sup>2</sup>

Providers should review their written agreements carefully and make any changes needed to ensure the terms are fair. This will minimise disputes with students, and potential complaints to the Office or other bodies assisting students with consumer issues.

Instead of attempting to control student behaviour with the threat of punishment, providers could use their student handbooks and codes of conduct to:

- ensure students can confidently address grievances by accessing the provider’s internal complaints and appeals process, and
- outline the importance of not posting information that is dishonest or misleading or could threaten the privacy of other students, the provider’s staff, or intellectual property.

If a student posts negative information about a provider, it is best to take their concern seriously and respond quickly, with empathy, and genuinely engage with the student’s problem. Businesses who respond well to complaints are often seen very positively, and other potential students will be assessing the provider on its response.

Providers can also actively monitor and respond to reviews posted online to provide additional context to reviews and offer complaint resolution mechanisms to resolve the issues, such as inviting the student to contact them directly to discuss their concerns.

### Case study

Samantha enrolled with a private education provider in 2021. During COVID-19 lockdowns, she struggled with the lack of face-to-face delivery. Once the lockdowns ended, Samantha was invited to attend classes on campus. At the campus, she was directed to a room with laptops, where she attended classes delivered by a teacher in another state. This happened several times.

Samantha made two social media posts. In her first post, she said there were no teachers on campus to teach her face-to-face. Her second post was a blurred photo of students on laptops completing training on MS Teams.

The provider notified Samantha that she had breached their Social Media policy, which constituted major misconduct. The provider also said that due to a finding of misconduct on a different matter (that Samantha was challenging), she would be expelled.

Samantha appealed this decision, but the provider upheld its original decision. The provider cancelled Samantha’s Confirmation of Enrolment (CoE) for ‘disciplinary reasons’. Samantha complained to the Office.

### Our assessment

We considered the information that Samantha and her education provider gave us, including the provider’s social media policy and student code of conduct. The social media policy prohibited students from posting any material that may damage a provider’s reputation. Doing so would be considered major misconduct. The code of conduct outlined the penalty for two findings of major misconduct as expulsion.

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<sup>2</sup> <https://www.accc.gov.au/media-release/fowler-homes-admits-using-unfair-contract-terms-preventing-negative-reviews>, accessed 2 June 2023. Note that this applies to standard form consumer contracts. Written agreements this Office has observed between international students and education providers have all been standard form consumer contracts.

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The provider argued Samantha's posts were misleading and breached their social media policy and code of conduct, and that the posts also breached confidentiality.

#### **Our view:**

We formed the view that the provider had not demonstrated Samantha's posts were misleading or breached confidentiality. While we understand providers' wish to protect their reputation, students also have rights to share their experiences.

As Samantha's posts did not contain aggravating features, such as content that was:

- dishonest or deliberately misleading
- offensive, or
- confidential

our view was that the provider had not demonstrated Samantha engaged in misconduct.

To resolve the dispute, we suggested the provider offer Samantha the choice of:

- re-enrolling with them, or
- being released to study with another provider, along with a refund of any unspent tuition fees.

We recommended that the provider make a note on Samantha's cancelled CoE, explaining the cancellation was not due to 'disciplinary reasons'. We also suggested changes to the provider's policies to ensure other students were not affected as Samantha had been.

#### **Outcome:**

The provider accepted and implemented our views, releasing Samantha from her course and amending the record on her CoE. There were no unspent tuition fees to refund.

The provider also confirmed updating its policies to remove penalties for students sharing honest comments about their experiences and clarifying when potential penalties would apply.

#### **Need more information?**

The Office provides information about best practice complaint handling to help private education providers manage internal complaints effectively. We also publish reports on common or systemic issues identified through our investigations. Our resources can be found on our website at **[ombudsman.gov.au](https://ombudsman.gov.au)**

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More information is available at **[ombudsman.gov.au](https://ombudsman.gov.au)**.

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