



Policy area	Student Support
Standards	Outcome Standards for RTOs, Standard 2.4 and 2.5.
Responsibility	CEO, Student Support Officer, Training Manager
Classification	Internal Only

1. Purpose

The purpose of this policy and procedure is to:

- provide a safe, respectful, and inclusive environment free from discrimination, harassment, and bullying.
- ensure incidents of discrimination and harassment are addressed quickly and transparently in a sensitive, fair and confidential manner.
- guarantee protection from any victimisation or reprisals.
- encourage the reporting of behaviour which breaches this Discrimination and Harassment Policy.

2. Definitions

Discrimination: Unfair treatment of a person based on characteristics such as race, gender, age, sexual orientation, disability, religion, culture, marital status, or any other characteristic protected by law.

- **Direct Discrimination:** Treating someone unfairly due to their personal characteristics.
- **Indirect Discrimination:** Imposing a rule, requirement, or practice that appears neutral but disproportionately affects people with certain characteristics.

Harassment: Harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a 'hostile' or intimidating – environment.¹ This includes;

- **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favours, or other conduct of a sexual nature that creates a hostile environment.

¹ Good practice, good business: Eliminating discrimination and harassment from your workplace: What is discrimination and harassment? Page 1, © Human Rights and Equal Opportunity Commission.



- **Racial Harassment:** Behaviour that belittles or humiliates an individual based on their race, colour, nationality, or ethnic origin.
- **Bullying:** Repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health and safety.

3. Policy statement

3.1 Zero tolerance policy

Penfold College does not tolerate discrimination or harassment in any form. We are committed to fostering a respectful and inclusive environment where everyone is treated with dignity and fairness, regardless of personal characteristics. This commitment aligns with Australian anti-discrimination laws, including the *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Disability Discrimination Act 1992*, and *Age Discrimination Act 2004*.

All employees, contractors and student are made aware that discrimination and harassment will not be tolerated under any circumstances. If discrimination or harassment is found to have occurred, disciplinary action will be taken against any employee or student who breaches this policy.² Suspected criminal behaviour will be reported to police authorities immediately.

By implementing this policy, we strive to achieve the following objectives:³

- Create a working and learning environment which is free from discrimination and harassment and where all employees and student clients are treated with dignity, courtesy and respect;
- Implement training and awareness raising strategies to ensure that all parties know their rights and responsibilities;
- Provide an effective procedure for complaints based on the principles of natural justice;
- Treat all complaints in a sensitive, fair, timely and confidential manner;
- Guarantee protection from any victimisation or reprisals;
- Promote a productive and cohesive workplace and classroom;
- Encourage the reporting of behaviour which breaches this Discrimination and Harassment Policy; and

² Good practice, good business: Eliminating discrimination and harassment from your workplace: Writing an effective anti-discrimination and harassment policy, page 1, © Human Rights and Equal Opportunity Commission.

³ Good practice, good business: Eliminating discrimination and harassment from your workplace: Writing an effective anti-discrimination and harassment policy, page 2, © Human Rights and Equal Opportunity Commission.



- Promote appropriate standards of conduct at all times.

3.2 Prohibited conduct

Examples of behaviours prohibited under this policy include but are not limited to:

- Offensive comments, jokes, or slurs.
- Inappropriate or unwelcome physical contact.
- Displaying offensive images or symbols.
- Insulting or belittling someone's personal characteristics.
- Sexual advances or requests for sexual favours.
- Retaliation against individuals who report or oppose harassment or discrimination.

3.3 Consequences of discrimination and harassment

Incidents of discrimination or harassment that are identified will be handled by applying the principles of natural justice. Criminal or unlawful behaviour which is proven, will be reported to police authorities immediately and will result in immediate dismissal or cancellation of enrolment.

Other behaviour which discriminates against or harasses another person will result in management actions which reflect the seriousness of the individual circumstances. These may include one or a combination of the following:

- Retraining (likely to occur in all circumstances);
- Counselling;
- Apology;
- Conciliation / mediation;
- Demotion;
- Transfer;
- Suspension with pay;
- Suspension without pay;
- Warning for dismissal with a probationary period; or



- Dismissal.

In the case of contractors who discriminate against or harass another person, this will result in a withdrawal of the service contract immediately.

3.4 Informal complaint

Informal procedures emphasise resolution rather than factual proof or substantiation of a complaint. Informal ways of dealing with discrimination and harassment can include the following actions:

- The complainant should seek advice on possible strategies from their trainer or Student Support Officer;
- The complainant asks Student Support Officer to speak to the alleged perpetrator on their behalf.
- The complainant indicates a desire to sit down and discuss the matter with the respondent informally and this seems appropriate in the circumstances
- The Student Support Officer privately conveys the individual's concerns and reiterates the organisation's policy to this person without assessing the merits of the case;
- The Student Support Officer organises a meeting between the complainant and respondent mediated by Student Support Officer;
- Together the complainant and respondent may form the view that the complaint has arisen from a misunderstanding or miscommunication;
- The Student Support Officer may also form the view and communicate that the behaviour being complained about is not serious and does not appear to be discrimination or harassment, as defined by this policy; and
- All parties agree on the circumstances and on the importance for taking personal responsibility for behaviour and always acting and communicating with respect for others.
- Student Support Officer is to record the details and outcomes of the meeting using the *Confidential Meeting Record* to be securely retained and privately update the CEO of the handling and outcome.

Informal action is usually appropriate where:



- The allegations are of a less serious nature but the individual subjected to the behaviour wants it to cease nonetheless;
- The individual subjected to the behaviour wishes to pursue an informal resolution; or
- The parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the working relationship can be sustained

3.5 Formal complaint

Gathering information. When a formal complaint of discrimination or harassment is received, the Student Support Officer must first meet with the complainant to gather essential information. During this initial meeting, the Student Support Officer will provide comprehensive information about the complaint process, including potential outcomes and available support options. The Student Support Officer will ensure the complainant understands their protections against victimisation and the confidential nature of the process. All allegations must be properly documented, either by the complainant or the Student Support Officer, and any supporting evidence or witness information should be collected. In cases where there is concern about evidence being compromised, the Student Support Officer should prioritise gathering this information before proceeding further.

The CEO must be briefed on the progress of the complaint handling at all stages of the process. The CEO may decide to engage an external party to take over the handling of the matter.

Inform respondent and seek response. Following the initial documentation, the Student Support Officer must inform the respondent of the complaint made against them. The respondent should receive detailed information about the allegations and any supporting evidence, where applicable. They must be informed of their right to respond to the allegations, either in writing or through an interview. The respondent should also receive information about the complaint process, potential outcomes, and available support options. It is crucial to emphasise the confidential nature of the process and explicitly state that any form of victimisation against the complainant is unacceptable.

Assess the facts. The assessment begins once both parties have provided their statements. If the respondent acknowledges the alleged behaviour, the Student Support Officer must determine whether it constitutes discrimination or harassment as defined in this policy. Before finalising any decision, the respondent should have the opportunity to comment on proposed outcomes. In situations where the allegations are disputed, the Student Support Officer should seek additional evidence to determine what occurred, using the "more probable than not" standard. Given that discrimination and harassment often occur without witnesses or documentary evidence, the complainant should be given the opportunity to respond to the respondent's information and provide additional supporting evidence before a final decision is reached.



Resolution. Resolution varies depending on whether the complaint is substantiated. In cases where allegations are proven, outcomes for the respondent may include disciplinary counseling, official warnings, mandatory training, formal apologies, or other disciplinary actions such as demotion, transfer, suspension, or dismissal. The complainant may receive supportive measures such as re-crediting of leave taken, counseling support, or workplace environment changes. The complainant should be informed of the general outcome while maintaining appropriate privacy considerations for the respondent. In cases where allegations are not substantiated, the CEO might include refresher training for all staff or re-distribution of relevant policies. These actions should be implemented in a way that doesn't unfairly single out or punish the respondent when no policy breach has been established.

This formal complaint handling process emphasises maintaining confidentiality, ensuring fairness to all parties, and implementing appropriate remedial actions based on the assessment findings. The process should be conducted with sensitivity and professionalism, ensuring all parties are treated with respect throughout the proceedings.

Formal procedures are usually appropriate where:

- Informal attempts at resolution have failed;
- The person alleging discrimination or harassment has been victimised;
- The complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties;
- The allegations are denied and the person who claims to have been discriminated against or harassed wishes to proceed and investigation is required to substantiate the complaint; or
- The person alleging discrimination or harassment decides to make a formal complaint.

3.6 Determining appropriate actions

In determining the appropriate actions in response to an incident of discrimination or harassment, management will consider factors such as:⁴

- The severity and frequency of the discrimination or harassment;
- The weight of the evidence;
- The wishes of the person who was discriminated against or harassed; and

⁴ Good practice, good business: Eliminating discrimination and harassment from your workplace: Developing and implementing internal complaints procedures, page 3, © Human Rights and Equal Opportunity Commission.



- Whether there have been any prior incidents or warnings.

3.7 Support person

All parties are permitted to have a support person, advocate or other representative accompany them to any interviews or meetings.

3.8 Annual Discrimination and Harassment Training.

In order to create a positive culture and a safe workplace free of discrimination and harassment, annual refresher training on preventing discrimination and harassment is to occur emphasising the following key points:

- Understanding Discrimination and Harassment Law - Training on current legislation, organisational policies, and practical examples of what constitutes discrimination and harassment in various workplace situations.
- Unconscious Bias and Cultural Competency - Exploring how unconscious biases affect workplace decisions and interactions, combined with developing cultural awareness and sensitivity across different backgrounds.
- Professional Boundaries and Communication - Teaching appropriate workplace conduct, inclusive language use, and effective communication strategies across all platforms including digital channels.
- Bystander Intervention - Developing practical skills for staff to recognise concerning behaviours and safely intervene when witnessing potential discrimination or harassment.
- Leadership Responsibilities - Skills for managers on creating inclusive environments, handling complaints appropriately, and ensuring fair treatment in recruitment and promotion decisions.
- Practical Scenario Training - Using real-world case studies and role-playing exercises to practice appropriate responses to discrimination and harassment situations.
- Mental Health and Wellbeing - Understanding the psychological impact of discrimination and harassment, promoting psychological safety, and knowing how to support affected staff members.
- Documentation and Reporting - Teaching proper procedures for reporting incidents, maintaining confidentiality, and documenting workplace concerns appropriately.



3.9 Where to get more information or help

The agencies listed in Section 8: References can provide additional information and support services in maintaining a working environment which is free from discrimination and harassment.

4. Considerations

What is not discrimination or harassment?

Workplace discrimination or harassment must not be confused with legitimate comment and advice (including relevant negative comment or feedback) from supervisors, trainers and assessors on the work performance or skills and knowledge development of an individual or group.

The process of providing feedback to staff during a formal performance appraisal, or counselling students regarding their progress, will not always be free of stress. Similarly, providing a student with feedback following an assessment also has the potential to be stressful. Supervisors, trainers and assessors should manage these processes with sensitivity, but they should not avoid their responsibility to provide full and frank feedback.⁵

Limitations of the procedure

These discrimination and harassment procedures have been established to maximise the possibility of in-house resolution. This procedure relates to the handling of complaints or allegations relating to discrimination or harassment. It does not relate to the handling of complaints about **Penfold College** services. For matters relating to **Penfold College** services, individuals should refer to *PP2.9 - Complaints Handling*.

⁵ Good practice, good business: Eliminating discrimination and harassment from your workplace: What is discrimination and harassment? page 2, © Human Rights and Equal Opportunity Commission.



5. Procedure

Steps	Person/s responsible
5.1 Discrimination and Harassment – Informal complaint	
i. Receive an informal complaint Trainers or supervisors who are approached by an individual regarding discriminatory or harassing behaviour should refer the person to the Student Support Officer who will meet with the complainant to:⁶ – Support the complainant by reassuring them that they have taken appropriate action by seeking your assistance; – Listen, take them seriously, be sensitive and non-judgemental; – Inform them that no form of discrimination or harassment is acceptable, and they have a right to complain and have the offensive behaviour stopped; – Outline the organisation's policy and procedures; – Ask the complainant how they want the situation to be handled; – Discuss options and outcomes; – Advise them about confidentiality, and – Invite the complainant to participate in a mediation meeting. The CEO must be briefed on the progress of the complaint handling at all stages of the process. The CEO may decide to engage an external party to take over the handling of the matter.	Student Support Officer CEO

⁶ Good practice, good business: Eliminating discrimination and harassment from your workplace: Informal resolution of complaints by managers and supervisors, page 1, © Human Rights and Equal Opportunity Commission.



ii.	Meet with respondent and seek response Where the complaint is of a less serious nature, and/or the complainant wishes to pursue an informal resolution, the trainer or supervisor will approach the person against whom the complaint is made with the aim stopping the behaviour perceived as discrimination or harassment, now and in the future. This includes; – informing them that if the alleged behaviours did occur, they would be in breach of the organisation's policy and the law; – advising that even if behaviour was not intended to be offensive, offence has been taken and needs to be resolved; – clarifying acceptable and un-acceptable behaviour; – Discussing any action needed to resolve the complaint and relay this to the complainant; – Obtaining an undertaking that the behaviour in question, regardless of whether admitted or not, will not occur by the respondent in the future; and – Advising of potential penalties if the behaviour continues; – Advise of the need for confidentiality and the prohibition of victimisation; and – Invite the respondent to participate in a mediation meeting.	Student Support Officer CEO
iii.	Escalation if required If the complainant completely rejects the allegations or refuses to participate in any mediation meeting, escalate the handling of the complaint to the formal complaint procedure.	Student Support Officer CEO
iv.	Hold mediation meeting The Student Support Officer organises a meeting between the complainant and respondent mediated by Student Support Officer. The following strategies should be used to facilitate the meeting:	Student Support Officer CEO



	– Begin by setting up a neutral meeting space and establishing clear ground rules for respectful communication. Emphasise confidentiality and ensure both parties feel physically and emotionally safe by having appropriate seating arrangements and offering breaks when needed. – Demonstrate and encourage active listening by using techniques like paraphrasing what each person has said, maintaining appropriate eye contact, and using encouraging non-verbal cues. This helps ensure each party feels heard and understood. – Maintain impartiality by using neutral language that does not favour either party. Frame discussions around specific behaviours and impacts rather than personal accusations, and maintain a calm, professional tone throughout the mediation. – Implement a clear structure for when each person can speak, ensuring equal opportunity for both parties to share their perspectives. Use techniques like allowing each person uninterrupted time to speak before moving to responses or clarifying questions. – Guide the conversation away from dwelling on past grievances and toward developing practical solutions for future interactions. Help parties identify specific behaviours and changes that will support a harassment-free workplace moving forward. – Help convert negative statements into constructive feedback by reframing them to focus on specific behaviours and their impact. This helps move the conversation from blame to understanding and problem-solving. – Regularly summarise what each party has said and check for mutual understanding. Use clarifying questions to ensure everyone is clear about the issues being discussed and the proposed solutions. – As solutions emerge, clearly document the agreed-upon actions and expectations. Review these with both parties to ensure shared understanding and establish a clear process for monitoring and following up on the agreements made.	
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	– Record the details and outcomes of the meeting using the <i>Confidential Meeting Record</i> to be securely retained and privately update the CEO of the handling and outcome.	
v.	Monitor behaviour Monitor and ensure behaviour does not re-occur and that the complainant is not victimised. Make a file note on the student file or staff record of the complaint and the process that was followed. If behaviour does re-occur, discuss continuing, serious and/or difficult problems with management as soon as possible, and follow the procedure below for responding to a formal complaint. Keep the complainant informed of any action taken.	Student Support Officer CEO



Steps	Person/s responsible
5.2 Discrimination and Harassment - Formal complaint procedure	
i. Receive a formal complaint Employees or students who believe they have experienced or witnessed discrimination or harassment are encouraged to report the incident promptly. Reporting can be done by approaching their trainer or supervisor directly or emailing the trainer, Student Support Officer or CEO.	Student Support Officer CEO
ii. Information gathering from complainant During this stage, the Student Support Officer must schedule a meeting with the complainant to explain the entire complaint process. The Student Support Officer should clearly outline what outcomes may be possible and detail the various support options available to the complainant. It's essential that the Student Support Officer thoroughly document all allegations, either by having the complainant write them down or by recording them accurately themselves. During this initial meeting, the Student Support Officer must emphasise the confidential nature of the process, explaining in detail what confidentiality means in this context and why it's vital to maintain it. The Student Support Officer should also provide clear information about how records of the complaint will be maintained, including where they'll be stored and for how long they'll be kept. The Finally, the complainant should be asked to provide any relevant documentation or identify potential witnesses who could support their allegations. If there's any concern that supporting evidence might be destroyed or compromised, the complaint officer should prioritise collecting this information before proceeding further. The CEO must be briefed on the progress of the complaint handling at all stages of the process. The CEO may decide to engage an external party to take over the handling of the matter.	Student Support Officer CEO



iii.	Inform and seek response from respondent The Student Support Officer must arrange a meeting with the respondent to inform them that a complaint has been made against them. During this meeting, the Student Support Officer should provide as much detail as possible about the allegations and any supporting information that has been gathered. The respondent should be asked to respond to the allegations, by having the respondent write the response down or by the Student Support Officer recording them accurately themselves. Similar to the meeting with the complainant, the Student Support Officer must explain the entire complaint process to the respondent, including potential outcomes and available support options. The confidential nature of the process should be emphasised, along with details about record keeping procedures. Critically, the Student Support Officer must make it clear to the respondent that any form of victimisation against the complainant is completely unacceptable.	Student Support Officer CEO
iv.	Document the assessment of the complaint and determine a resolution The assessment of the complaint depending on the respondent's response to the allegations. If the respondent admits to the behaviour in question, the Student Support Officer must first determine whether this behaviour constitutes discrimination or harassment as defined by this policy. The Student Support Officer should then consider appropriate outcomes, but before finalising any decision, the respondent should be given an opportunity to comment on the proposed decision and outcomes. If the respondent disputes the allegations, the Student Support Officer must conduct a more thorough assessment. The standard of proof used is "more probable than not," meaning the Student Support Officer (with the support of the CEO) must be satisfied that it's more likely the alleged events occurred than not. It's important to note that discrimination and harassment cases often lack direct witnesses or documentary evidence. This absence of evidence doesn't automatically invalidate the complaint. In such situations, the	Student Support Officer CEO



	complainant should be given an opportunity to respond to the respondent's version of events and provide any additional supporting information before a final decision is made. If there are doubts that lead the conclusions to consider that the version of events as described is “not probable” then, the benefit of the doubt should be given to the respondent and an appropriate resolution that supports both parties put in place. If it is considered that it is more probable than not that the claims made by the complainant are true, the Student Support Officer (with the support of the CEO), should consider the range of resolutions and responses outlined at <i>section 3.3</i> of this policy. These resolutions and responses should be proportionate to the seriousness of the matter taking into account they considerations for determining appropriate action outlined at <i>section 3.6</i> of this policy. The outcomes of the assessment with resolutions and responses should be documented and submitted to the CEO for the final decision. The CEO will implement the recommended outcome/s or decide on an alternative course of action (e.g. warnings, mandatory training, suspension, or termination of employment or enrolment).	
v.	Implement outcome There are several possible outcomes for the respondent that will need to be monitored during implementation. These may include disciplinary counseling, an official warning, mandatory attendance at discrimination and harassment awareness training, or more serious disciplinary actions such as demotion, transfer, suspension, probation, or dismissal. The respondent might also be required to provide a formal apology to the complainant or participate in workplace mediation. For the complainant, outcomes might include re-crediting any leave taken as a result of the discrimination or harassment, provision of supportive counseling, changes to their work environment as requested (such as team or location changes), or participation in workplace mediation to restore relationships. While the complainant should be informed about the general outcome of their complaint,	Student Support Officer CEO



	the level of detail provided must be balanced against the respondent's right to privacy. In cases where allegations are not substantiated, organisational responses might still be appropriate. These could include providing refresher training for all staff about appropriate workplace behaviour or re-issuing the discrimination and harassment policy to all employees. However, it's crucial that any such actions are implemented in a way that doesn't appear to single out or punish the respondent, particularly when there has been no finding of policy breach.	
vi.	Monitor behaviour Monitor and ensure behaviour does not re-occur and that the complainant is not victimised. Make a file note on the student file or staff record of the complaint and the process that was followed. If behaviour does re-occur, discuss continuing, serious and/or difficult problems with management as soon as possible, and follow this procedure for responding to a formal complaint. Keep the complainant informed of any action taken.	Student Support Officer CEO

6. Other documents to consider with this policy

Policies

- PP2.5 - Disability
- PP2.6 - Diversity and Inclusion
- PP2.9 - Complaints Handling

Forms

- Complaints and Appeals Register
- Confidential Meeting Record



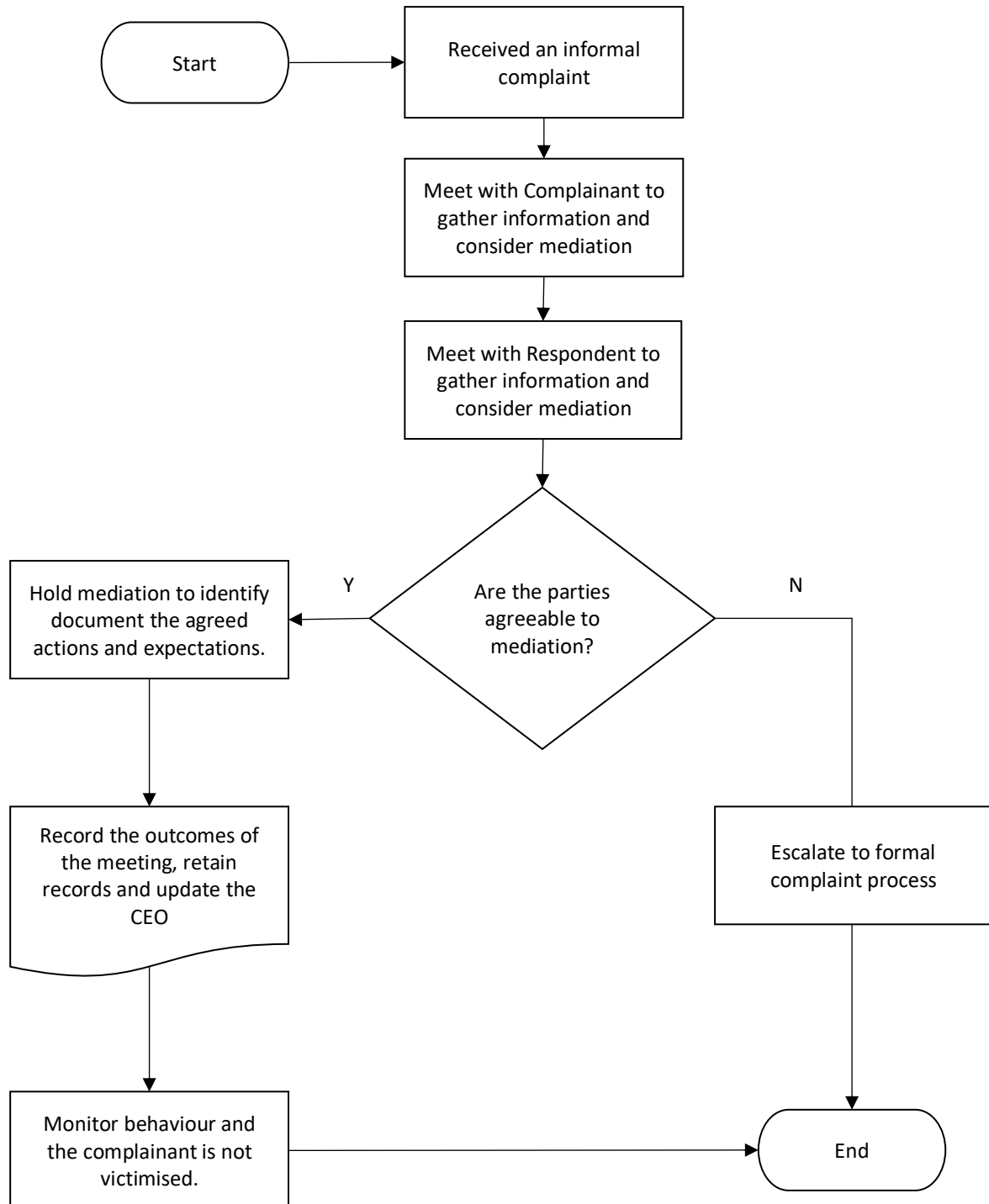
Handbooks, manuals or other documents

- Student Handbook



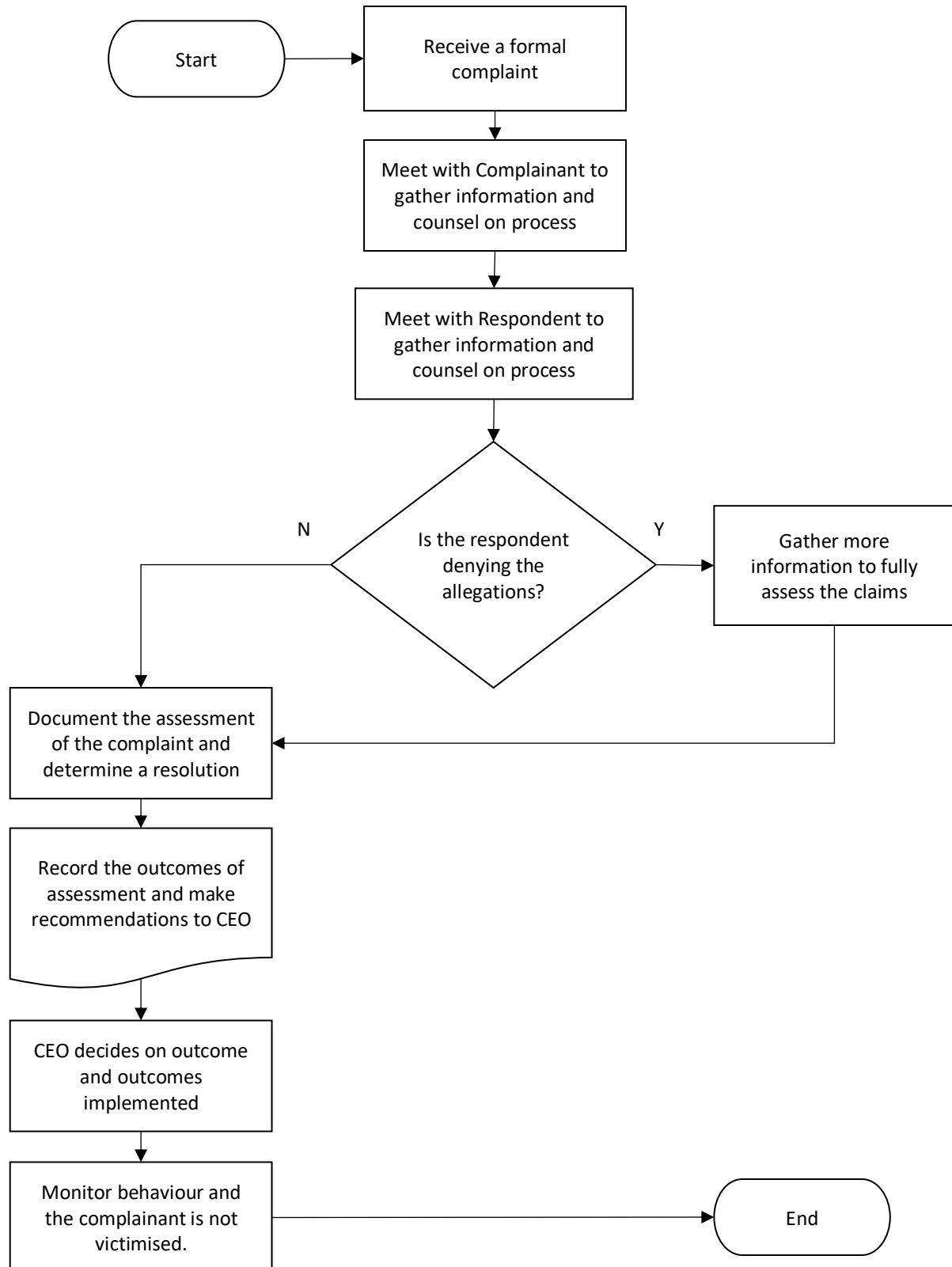
7. Flow chart

Discrimination and Harassment – Informal Complaint Process





Discrimination and Harassment – Formal Complaint Process





8. Reference(s)

Outcome Standards for RTOs, Standard 2.4. Reasonable adjustments are made to support VET students with disability to access and participate in training and assessment on an equal basis. The RTO demonstrates (a) VET students are supported to disclose their disability if they wish, (b) reasonable adjustments are made where appropriate, and (c) where reasonable adjustments are not possible, the reasons why have been communicated to the VET student.

Outcome Standards for RTOs, Standard 2.5. The learning environment promotes and supports the diversity of VET students. The RTO demonstrates: (a) it fosters a safe and inclusive learning environment for VET students, and (b) it fosters a culturally safe learning environment for First Nations people.

Relevant legislation

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Age Discrimination Act 2004.

Human Rights and Equal Opportunity Commission

- General enquiries: (02) 9284 9600
- Complaints Info line: 1300 656 419
- General enquiries and publications: 1300 369 711
- Website: www.humanrights.gov.au

Australian Capital Territory Human Rights Office

- Telephone: (02) 6207 0576
- Website: <http://www.hrc.act.gov.au/>

Victoria Equal Opportunity Commission

- Telephone: (03) 9281 7111
- Toll free: 1800 134 142



- Website: <http://www.humanrightscommission.vic.gov.au/>
- Email: eoc@vicnet.net.au