Policy area	Student Support
Standards	Outcome Standards for RTOs 2025, Standard 2.4 and 2.5.
Responsibility	CEO, Student Support Officer, Training Manager
Classification	**Public**

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 and 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. Policy statement

2.1 Zero tolerance policy

SpraySMART 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.[1] Suspected criminal behaviour will be reported to police authorities immediately.

[1] 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.

By implementing this policy, we strive to achieve the following objectives:[2]

- 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
- Promote appropriate standards of conduct at all times.

2.2 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.

2.3 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.

[2] 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.

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.[3]

2.4 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.

2.5 Informal complaint

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

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 individuals 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

2.6 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 an 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.

2.7 Support person

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

2.8 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.

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/

New South Wales Anti-Discrimination Board

- Telephone: (02) 9268 5555
- Toll free: 1800 670 812 (within NSW only)
- Website: www.lawlink.nsw.gov.au/adb