

Centre *for* Legal Studies

Behaviour Policy & Procedure

Centre for Legal Studies Limited
ACN 079 628 390

Date adopted: 12 January 2026

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Policy Area

Board & Organisational

Audience

Board Members, Key Management Personnel (Executive Director, Deputy Director) Centre Staff, Contract Employees/Instructors, Trainees and Volunteers (collectively referred to herein as **persons engaged with the CFLS**)

Purpose

To promote an inclusive, safe and respectful workplace where all individuals behave and conduct themselves in a respectful, courteous and appropriate way towards each other and the broader community and to provide an environment that is free from inappropriate behaviour including sexual harassment, bullying or victimisation.

To ensure persons engaged with the Centre for Legal Studies (CFLS) observe the highest standards of behaviour and conduct in their interactions with each other, including stakeholders and other agencies involved with the CFLS, and avoid behaviour or conduct that might reflect unfavourably on their own individual integrity and reputation, or upon the integrity and reputation of the CFLS.

To define clear standards of appropriate conduct and behaviour for persons engaged with the CFLS to adhere to.

To provide mechanisms by which any persons engaged with the CFLS can seek advice and raise a concern or make a complaint about inappropriate conduct by a person in connection with the CFLS, and to set out the framework within which such concerns or complaints will be addressed.

1. Application

The Centre for Legal Studies (CFLS) Behaviour Policy is to apply to all “staff” and other individuals in the workplace. This Policy also applies to third parties towards staff.

For the purposes of this Policy, “staff” & “other individuals associated with the CFLS” is defined to include:

- Board Members
- Key Management personnel (Executive Director, Deputy Director)
- CFLS Employees
- Contractors/Instructors
- Trainees; and
- Volunteers.

For the purposes of this Policy, workplace, is defined to include:

- CFLS Premises, during or outside business hours;
- Any other place where work is undertaken by CFLS staff and other individuals (as defined under this Policy);

- Any other physical or virtual place where work-related activities including *but not limited* to Courts, tribunals, CFLS organised social activities and trainee placements, take place.

2. Compliance

This policy is to be read in conjunction with the following documents:

- Law Society of Tasmania Zero Tolerance Statement on Workplace Bullying and Unlawful Discrimination (which can be found [here](#));
- University of Tasmania - Behaviour Policy & Behaviour Procedure (which can be found [here & here](#)); and
- Relevant state and Commonwealth laws and regulations regarding workplace bullying and harassment as referred to in the documents above.

This Policy will be published on the CFLS website and will be drawn to the attention of all new CFLS Staff and other individuals associated with the CFLS before their commencement with the CFLS or as soon as reasonably practicable.

The Policy will be reviewed once every three (3) calendar years by the Board and Executive Director with the view to ensuring the Policy reflects current best practice.

At the first CFLS business meeting after the appointment of each new Board Member, and otherwise at a CFLS business meeting at least once each calendar year, the Board and Executive Director will signify their individual and collective recommitment to adherence to this Policy irrespective of whether it has been revised as a result of a review.

3. Policy

The CFLS is committed to providing a safe, supportive and healthy environment in the workplace. The CFLS requires that all staff and other individuals associated with the CFLS workplace and organisational activities, must conduct themselves in a manner that is respectful, inclusive and ensures, so far as reasonably practicable, the health and safety of staff and other persons engaged with the CFLS.

Behaviour and conduct that is not accepted by the CFLS includes any behaviour which is unlawful, unethical or would be considered improper conduct. Collectively, this is referred to as inappropriate behaviour.

Inappropriate behaviour includes but is not limited to:

- Sexual misconduct including sexual assault and sexual harassment;
- Physical Assault or other forms of personal harms or violence;
- Bullying;
- Unlawful discrimination;
- Victimisation;
- Behaviour which offends, humiliates, or intimidates on the basis of certain attributes (for example, race, age, disability, religion, gender and gender identity, sexual orientation);
- Behaviour that negatively impacts on the ability of others to study, research, work or take part in CFLS workplace and learning activities.

For the avoidance of doubt:

- **Bullying** includes conduct in the form of belittling, insulting, victimising, aggressive or intimidating conduct. Bullying may include abusive or offensive language or comments, unjustified criticism or complaints, setting unreasonable or constantly changing timelines, or deliberate exclusion from work or study-related activities. Bullying does not include reasonable allocation of work and study, justified and reasonable discussion on work and study performance, differences of opinion and disagreement, and reasonable management or educational action.
- **Harassment**, including sexual harassment and sex-based harassment within the meaning of the *Sex Discrimination Act 1984 (Cth)*¹.
 - *Harassment* is any unwelcome conduct that could reasonably be expected to be offensive, humiliating or intimidating to the person to whom it is directed.
 - *Sexual harassment* is any unwelcome conduct of a sexual nature that person reasonably be expected to be unwelcome, offensive, humiliating or intimidating to the person to whom it is directed or a person who witnesses it. Under no circumstance is it appropriate for a person to engage in conduct of a sexual nature towards any Staff or other person engaged with the CFLS.
- **Sex-based harassment** is any unwelcome conduct of a demeaning nature by reason of a person's sex or a characteristic that relates generally to (or that is generally imputed to) people of a particular sex, that could reasonably be expected to be offensive, humiliating or intimidating to the person to whom it is directed or a person who witnesses it.
- **Subjecting persons to a workplace environment that is hostile on the ground of sex** is inappropriate conduct, as prohibited by the *Sex Discrimination Act 1984 (Cth)*. A hostile workplace environment exists where conduct occurs in the workplace which a reasonable person, having regard to all the circumstances, would have anticipated the possibility of the conduct resulting in the workplace environment being offensive, intimidating or humiliating to a person of a particular sex (or a characteristic that relates generally to, or that is generally imputed to, people of a particular sex).
- **Discrimination**, within the meaning of the *Racial Discrimination Act 1975 (Cth)*, *Sex Discrimination Act 1984 (Cth)*, *Disability Discrimination Act 1992 (Cth)*, the *Age Discrimination Act 2004 (Cth)* and *Anti-Discrimination Act 1998 (Tas)*.
- **Retaliation/Victimisation**, in the form of subjecting or threatening to subject a person to a detriment or treating that person unfairly or unequally on the ground that the person has or is suspected of having raised a concern or made a complaint about inappropriate conduct. An example of unfair treatment amounting to retaliation might be refusing to give a reference or giving an unfair reference.
- **Behaviour that negatively impacts on the ability of others to study, research, work or take part in CFLS workplace and learning activities** can include inappropriate or inordinate demands for workspace, time and/or attention, inappropriate behaviour in classes or meetings and inappropriate behaviour arising from the consumption of alcohol or illicit drugs.

¹ See also section 17 *Anti-Discrimination Act 1998 (Tas)*

Persons attending social occasions organised by the CFLS are asked to be mindful:

- that social occasions are organised to encourage a sense of belonging and acceptance into the legal profession for trainees embarking on a legal career,
- appropriate conduct is convivial, welcoming and collegiate but steers away from highly personal or invasive discussions, or discussion of topics that may cause offence or distress (e.g. graphic stories from practice, lewd humour, professional gossip), and
- of the difference in perceived status and power between senior persons in legal practice and trainees attending a function prior to the commencement of a career in law.

All staff and individuals associated with the CFLS are expected to be aware and informed of their responsibilities and obligations in complying with this policy.

Reporting and Disclosure of Inappropriate Behaviour

The CFLS will ensure:

- the process for reporting and disclosure of inappropriate behaviour is straightforward and accessible to all staff and other individuals engaged with the CFLS.
- CFLS staff and other individuals associated with the CFLS should be encouraged to be active in speaking up and reporting incidents of, or concerns regarding, inappropriate behaviour.
- any person making a disclosure or raising a concern or complaint about inappropriate behaviour will be fully informed of the reporting options available both within and outside of the CFLS.
- Confidentiality and privacy of parties involved in a concern or complaint will be maintained to the extent reasonably practicable, other than where the CFLS may be required to inform or report to external agencies in accordance with mandatory reporting obligations at law.
- It endeavours to deal with concerns and complaints about inappropriate behaviour expeditiously to ensure the safety and wellbeing of any individuals directly or indirectly affected by that behaviour.

A person who raises a concern or makes a complaint will always:

- be taken seriously and treated with respect and courtesy;
- be given an opportunity to participate in the process by which their concern or complaint is addressed;
- be informed and kept informed about the progress and outcome of the process by which their concern or complaint is addressed;
- be offered support, including external counselling; and
- be offered an opportunity to remove themselves from ongoing contact with the person about whose conduct the concern has been raised or complaint has been made. For example, a trainee raising a concern or making a complaint about inappropriate conduct by an instructor may be offered an opportunity to undertake studies with a different instructor or via videoconference or recorded lectures.

Addressing concerns and complaints:

- There are some circumstances where a person who receives a concern or complaint may need to refer the issue to the Executive Director and/or the Board, for example, where the conduct is serious and/or creates a risk to psychological or physical safety.
- A concern or complaint will be referred to the Executive Director and/or the Board if the person raising the concern or making the complaint wishes that to happen or if the person who receives the concern/complaint considers that it raises a serious issue which cannot be resolved without reference to the Executive Director and/or the Board.
- A concern or complaint about the Executive Director or a Board member will be referred to a different Board member if the person raising the concern or making the complaint wishes that to happen or if the person who receives the concern/complaint considers that it raises a serious issue which cannot be resolved without reference to a Board member.

The approach to addressing a concern or complaint will depend upon the circumstances. Those circumstances will include:

- a) the nature and seriousness of the conduct in question;
- b) the wishes of the person raising the complaint and/or any person(s) impacted;
- c) the nature and extent of the impact of the conduct on the persons towards whom the conduct has been directed; and
- d) the risk to the psychological and physical safety of others.

Provision of Support

Care and consideration of an individual's safety and wellbeing will be the primary focus of the CFLS when responding to a concern or complaint of inappropriate behaviour.

The CFLS will ensure appropriate support is offered to all involved parties in response to any concern or complaint, including reasonable adjustments to study or work performance and expectations and referral or facilitation of referral to external agencies.

All parties involved in a complaint of inappropriate behaviour will be afforded procedural fairness.

However, the CFLS may act as it considers necessary to ensure the immediate safety and wellbeing of staff or individuals associated with the CFLS. Such action may include but is not limited to; required separation in work or study environments, exclusion of access to CFLS premises or participation in services provided by CFLS or suspension or termination of any contractual relationship with CFLS.

Consequences

Any breach of this policy will be taken seriously and may lead to disciplinary action up to and including termination of employment (for employees), cessation of contractual arrangements, or suspension or termination of participation in learning and teaching environments.

Disciplinary action may also include, but is not limited to:

- Participation in counselling;
- Requiring a formal apology;
- Third party mediation/conciliation;

- Training on expected standards of behaviour; or
- Altered working arrangements.

4. Procedure for Concern & Complaint Management

Reporting Inappropriate Behaviour

Any person may raise a concern or make a formal complaint regarding the behaviour of any staff or other individual/s associated with the CFLS.

Staff & Other Individuals (Contractors etc)

Raising a concern

Raising a concern refers to reporting an issue about inappropriate behaviour that is not intended to be a formal complaint and where a person may simply want to seek support or guidance on possible reporting options or next steps. A concern can be raised by individuals directly affected by inappropriate behaviour or by a person who has knowledge of or witnesses inappropriate behaviour.

Anyone wishing to raise a concern about inappropriate behaviour of a CFLS staff member or individual associated with the CFLS should contact the Executive Director, or where the Executive Director is not available, the Deputy Director.

If a concern relates to any of the executive management of the CFLS, contact should be made with the Chair of the CFLS Board.

This is an informal procedure focused on the resolution of the issue rather than substantiation of the underlying concern or complaint and may be appropriate where:

- (a) the person raising a concern or making a complaint wishes to resolve the issue informally and this is appropriate having regard to the considerations set out above;
- (b) there is insufficient information to warrant the commencement of a formal procedure or investigation;
- (c) the conduct that is the subject of the concern or complaint is not sufficiently serious to warrant a formal investigation; and/or
- (d) the person dealing with the concern or complaint considers that any risks to health and safety can be appropriately eliminated or minimised through informal resolution.

An informal procedure may involve (but is not limited to):

- (a) the Director or Board member speaking directly to the person raising the concern or complaint and then to the person about whose conduct the concern has been raised or complaint has been made; and/or
- (b) a mediation or conversation being facilitated between the persons involved in the concern or complaint.

Formal Complaint

A formal complaint is where the person affected by inappropriate behaviour is seeking the CFLS take action in relation to the concern or disclosure and may be seeking an outcome from the CFLS. It is not necessary that an individual has raised a concern or made a disclosure prior to submitting a formal complaint.

A formal complaint should be made in writing and provided to the Executive Director, CFLS. The complaint should contain as much information as possible to assist in the assessment of the matter, including:

- details of the person who is alleged to have behaved inappropriately;
- clear details of the alleged inappropriate behaviour and circumstances surrounding the incidents/s including time, date, location and details of any witnesses to the incident/s;
- what action if any has already been taken to resolve the issues;
- any relevant documentation including copies of any electronic or digital communication that may be relevant to an allegation of inappropriate behaviour; and
- details of any outcome the complainant is seeking.

The procedure for managing a formal complaint will focus on establishing whether a complaint is substantiated, and if so, the appropriate steps to deal with any established inappropriate conduct.

A formal resolution procedure may be appropriate where:

- the complaint or concern involves a serious allegation of inappropriate conduct;
- the person making the complaint and/or person impacted wishes to proceed with a formal process; and/or
- the person dealing with the concern or complaint assesses that a formal resolution procedure is necessary to ensure the health and safety of persons engaged with the Centre for Legal Studies.

Where an allegation of inappropriate conduct is denied, a formal investigation will be conducted by an independent external investigator to be appointed by the Executive Director or the Chair of the Board.

- A person who is subject to a formal resolution procedure will be afforded procedural fairness.
- In circumstances where an independent external investigator is appointed, the Board will be notified of the appointment of the external investigator and of the outcome of the formal resolution procedure.

Record keeping

A person who receives a concern or complaint should keep a record of that concern or complaint, including a record of what, if any, action has been or will be taken to address the issues raised by the concern or complaint.

A person who deals with a concern or complaint, including under an informal or formal procedure as set out above, should also keep records of how the complaint or concern was dealt with under the procedure and the outcome of that process.

These records should be provided to the Executive Director and/or Chair of the Board. This will ensure that records can be retained securely, and in a manner consistent with assurance to the confidentiality principles discussed below.

Confidentiality

The confidentiality and privacy of any person raising a concern or complaint as well as any respondent to a complaint will be maintained where possible.

The CFLS may need to communicate with external agencies to ensure appropriate support for an individual is provided, to progress a matter and/or to comply with any mandatory reporting obligations at law. Any person raising a concern or complaint will be informed prior to any communication or action is taken.

In the case of sexual misconduct, any report to the police will remain the individual choice of the person making a complaint, however the CFLS will ensure appropriate support is provided to assist the individual to facilitate any report.

Any records or information generated during a process undertaken in accordance with this procedure will be stored confidentially by the CFLS.

Concerns and complaints, and documentation generated in addressing concerns and complaints, including records referred to in above, will be kept as confidential as the circumstances allow.

There may be circumstances where it is not possible to keep a person's identity, and the details of a concern or complaint, confidential. These circumstances may include where:

- (a) there is a need to afford procedural fairness with respect to an allegation of inappropriate conduct;
- (b) there is a need for an investigation to be conducted or other action to be taken to address a concern or complaint;
- (c) there is a need to prevent, or deal with, risks to the health and safety of the person, or other persons; and/or
- (d) there is a statutory obligation to report particular conduct and/or to disclose the information.

Procedural Fairness

Any person responding to complaints of inappropriate behaviour will be afforded procedural fairness, also known as natural justice. Procedural fairness involves:

- providing details of the nature of any allegation or complaint with sufficient particulars to enable a person to respond appropriately
- providing a reasonable opportunity for the person to respond to any allegation, information or evidence that may be relied on when a decision or determination is made
- ensuring impartial and if necessary independent consideration and/or investigation of the matter
- ensuring the person responding to a complaint is informed as to the complaint, investigation process and relevant timeframes.

Resolution of Concerns and Complaints

Concerns and complaints regarding behaviour may be resolved either informally or by a more formal process.

Informal Resolution

Where possible, any person affected by inappropriate behaviour is encouraged to raise the issue informally and directly with the other person involved before escalating to a more formal compliant process. Advising a person of the issue provides an opportunity for them to consider their behaviour and resolve the matter without formal investigation or intervention.

If this is not possible or a person affected by the behaviour finds this approach too difficult, the matter could be raised with the Executive Director or Deputy Director who may be able to speak with the other person with a view to resolving the matter informally.

Alternatively, the CFLS could arrange for “assisted resolution” by a third party to facilitate an informal resolution and provide support for those involved in the matter to participate in this process.

Formal Resolution of Complaints

A formal complaint about staff or another individual associated with the CFLS should in the first instance be referred to the Executive Director. Where this is not appropriate, a complaint will be referred to the Chair of the Board, CFLS.

In the event a complaint involves an alleged breach of any professional or ethical rules governing a legal practitioner, a complaint may also be referred to the Legal Profession Board of Tasmania.

Depending on the nature of the complaint, resolution process may include:

- recommending that an appropriate external person or agency assist the parties to resolve the matter
- a facilitated discussion or mediation between the parties conducted by an individual or agency agreed to by both parties
- formal investigation of the incident or matter by an external investigator engaged by the CFLS
- conducting a workplace review
- supporting the person affected by the behaviour to refer the matter to an appropriate external agency or authority for resolution if required.

Trainees

The CFLS delivers the Tasmanian Legal Practice Course as a third-party provider for the University of Tasmania through the Graduate Diploma of Legal Practice and enrolment of trainees participating in the course is through the University of Tasmania.

As such, any trainees undertaking the Graduate Diploma of Legal Practice are students of the University of Tasmania and subject to the University of Tasmania’s governance policies and procedures relating to trainee behaviour and conduct, in particular the [Student-Behaviour-and-Conduct-Ordinance](#).

Raising a concern or making an a compliant and resolution of concerns or complaints regarding trainee behaviour will be dealt with by the CFLS with reference to and in accordance with the University's [Behaviour-Policy](#) and [Behaviour-Procedure](#).

Anyone wishing to raise a concern or make a complaint about inappropriate behaviour of trainee undertaking the Graduate Diploma of Legal Practice should in the first instance contact the Executive Director Centre for Legal Studies, or Deputy Director where the Executive Director is not available.

Depending on the nature of the concern or complaint, the Executive Director may then refer the matter to the University of Tasmania's [Safe and Fair Community Unit](#) to be dealt with in accordance with University of Tasmania's [Behaviour-Policy](#) and [Behaviour-Procedure](#).

The CFLS will provide additional appropriate support where required to any person affected by a trainee's inappropriate behaviour alongside any process undertaken by the University of Tasmania's [Safe and Fair Community Unit](#).