

U3A HIGHVALE POLICIES AND PROCEDURES

Sexual Harassment

Overview

The sexual harassment provisions of the Equal Opportunity Act 2010 which came into effect in August 2011, apply to volunteers in the same way as paid employees.

Sexual harassment refers to any unwelcome sexual advance or request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Lack of intent is no defence in sexual harassment cases. Examples of sexual harassment include, but are not limited to:

- intrusive enquiries into a person's private life
- reference to their physical appearance or sexuality
- unwanted brushing against another person's body, body touching or physically molesting a person or standing too close to a person
- obscene, suggestive or offensive communications, including electronic mail
- pornographic or offensive posters, handouts or screensavers
- sexual jokes or anecdotes
- leering or staring
- unwanted sexual compliments or excessive flirting.

Sexual harassment can be experienced by both men and women. The purpose of this section is to define U3A Highvale's policy on sexual harassment and the process that will be followed should any complaint of sexual harassment be received.

Policy

U3A Highvale recognises it is the right of every member, volunteer and employee to attend classes, activities or functions, and/or to perform their duties as a volunteer or employee within its environment without being subjected to any form of sexual harassment.

The principles set out in this policy are intended to apply to any U3A-related context, including classes, endorsed social functions, meetings, conferences, holiday trips and U3A workplaces.

The association will not tolerate sexual harassment. Responsibility lies with every member, volunteer or employee to ensure that sexual harassment does not occur. No member, volunteer or employee should be subject to any form of sexual harassment. A breach of this policy will result in disciplinary action.

No member, volunteer or employee will be treated unfairly as a result of lodging a complaint. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment or against any employee or volunteer who has been alleged to be a harasser.

All employees and volunteers have the right to seek assistance from the Victorian Equal Opportunity and Human Rights Commission in the resolution of a sexual harassment incident.

Some forms of sexual harassment (eg. sexual assault, stalking and indecent exposure) may constitute criminal conduct. While U3A Highvale is committed to handling most sexual harassment complaints at the local level, more extreme forms of harassment are not suited to internal resolution and should be handled by the criminal justice system. It is not the duty of U3A Highvale to report such matters to the police on behalf of the complainant.

Any questions about this Sexual Harassment Policy should be referred to the Secretary. The Secretary receives all enquiries about this policy.

Procedures

Complaints about Sexual Harassment

Member or Volunteer

1. Take immediate action if you feel sexually harassed. Where circumstances permit, the aggrieved person should make it clear that such behaviour is unwelcome and offensive. Alternatively, or in addition, follow the procedures for reporting the behaviour.
2. Make a complaint of sexual harassment to any member of the Committee of Management.

Committee Member

3. Inform the President immediately and handle a complaint of sexual harassment promptly, seriously and sensitively. There will be no presumption of guilt and no finding will be made until an investigation has been completed.
4. Appoint a Case Manager.

Case Manager

5. Contact the complainant to: provide support; explain his/her rights and responsibilities under this policy; ascertain the details of the complaint and the complainant's expectations of the complainant process.
6. Note that:

- o The complainant has the right to: influence how the complaint is handled; have support or representation throughout the process; discontinue a complaint at any stage of the process.
 - o The alleged harasser has the right to: be made aware of the allegations; have support or representation throughout the process; respond fully to any formal allegation made.
7. Where agreed with the complainant, initiate informal intervention, using conciliation and/or mediation techniques. The informal intervention will be complete when the parties agree on action/s or outcome/s to be implemented. When agreement is not reached, initiate a formal intervention and the Committee of Management will appoint a person ('the Investigator') to conduct an investigation into the complaint.

Investigator

- 8. Interview the complainant to ascertain the facts and what they expect as a result of the complaint.
- 9. Interview the respondent to ascertain their response/defence.
- 10. Identify and interview other persons who may be able to assist.
- 11. Examine any relevant documents.
- 12. Determine relevant previous behaviours or issues.
- 13. Reach a finding, assemble all of the evidence gathered and provide these to the Case Manager. The assembled evidence may include, but is not limited to:
 - o records of interviews conducted
 - o supporting evidence provided by a doctor, counsellor, family member, etc.
 - o relevant reports and personnel records, where the respondent is an employee
 - o records kept by the complainant
 - o information on whether the evidence appears credible and consistent.

Case Manager

- 14. Submit the Investigator's findings and evidence to the Committee of Management and recommend a course of action to follow. Recommended actions will be influenced by:
 - o the wishes of the complainant
 - o the severity and frequency of the harassment
 - o the weight of the evidence
 - o the level of contrition
 - o whether there have been any prior incidents or warnings.
- 15. Determine possible disciplinary actions which may include but are not limited to:
 - o formal apology and undertaking that the behaviour will cease
 - o counselling
 - o official warnings
 - o cancellation of membership
 - o removal from a volunteer or leadership role

- o dismissal from paid employment (if applicable).

Committee Member

16. Where there is insufficient evidence to determine whether or not the harassment occurred, the Committee of Management will remind those involved of expected standards of conduct and monitor the situation.

Implementation

Committee Member

17. Develop, adopt, implement and publish this policy.
18. Ensure that all members, volunteers and employees are aware of this policy and of their obligations in relation to contributing to a U3A environment that discourages harassment and victimisation and set an example by their own behaviour.
19. Treat all complaints seriously and confidentially.
20. Take immediate and appropriate corrective action on being aware of any offensive action. Refer the matter to the President immediately.
21. Investigate complaints about sexual harassment.
22. Monitor and revise this policy as and when the need arises.