



ANTI-SEXUAL HARASSMENT POLICY

Introduction

1. U3A Emerald Inc. recognises it is the right of every member to attend classes, activities or functions and to perform their duties without being subjected to any form of sexual harassment.

Purpose

2. The purpose of this document is to outline the policy of U3A Emerald Inc. on sexual harassment, and the processes to be followed should any complaint of sexual harassment be received.

Definitions

3. *Complainant*: The 'complainant' is the person making the complaint of sexual harassment.
4. *Delegate*: The 'delegate' can be either a suitable person from within U3A Emerald Inc., or a person from outside the organisation, who has the skills and knowledge to investigate a complaint of sexual harassment.
5. *Respondent*: In this document, the respondent is the person about whom the complaint of sexual harassment has been made.
6. *Sexual harassment*: 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. Examples of sexual harassment include, but are not limited to:

- intrusive enquiries into a person's private life
- reference to a person's physical appearance or sexuality
- unwelcome sexual advances
- unwanted familiarity, such as brushing up against another person or unwelcome touching
- obscene, suggestive or offensive communications, including by electronic means
- pornographic or offensive images, for example on posters, handouts or screen savers
- sexual jokes or anecdotes
- leering or staring
- unwanted sexual compliments or excessive flirting.

Behaviour that is based on mutual attraction, friendship and respect *is not* sexual harassment.

Policy

7. U3A Emerald Inc. will not tolerate sexual harassment. No member should be subjected to sexual harassment, and no member should subject any other member to sexual harassment.
8. This policy applies to any U3A related context, including classes, auspiced social functions, meetings, conferences and U3A-related places.
9. No member will be treated unfairly as a result of lodging a complaint of sexual harassment.
10. All members of U3A Emerald Inc. have the right to seek assistance from the *Victorian Equal Opportunity and Human Rights Commission* in the resolution of a sexual harassment incident.
11. A breach of this policy will result in disciplinary action.
12. Some forms of sexual harassment (for example, sexual assault, stalking and indecent exposure) may constitute criminal conduct and are not suited to internal resolution and should be handled by the criminal justice system. It is not the duty of U3A Emerald Inc. to report such matters to the police on behalf of the complainant.

Key responsibilities

13. U3A Committee of Management is responsible for:
 - developing, adopting, implementing and publishing this policy
 - ensuring that all members are aware of this policy and of their obligations in relation to contributing to an environment that discourages harassment and victimisation
 - setting an example by their own behaviour
 - treating all complaints seriously, and maintaining confidentiality in relation to any complaint
 - taking immediate and appropriate action to prevent sexual harassment, for example if they become aware of offensive actions or behaviours on the part of members
 - ensuring complaints about sexual harassment are investigated
 - seeking professional advice as required, for example, from the *Victorian Human Rights and Equal Opportunity Commission*, when dealing with a complaint of sexual harassment
 - monitoring and revising this policy as and when the need arises.
14. A Committee member who receives a complaint of sexual harassment is responsible for referring the matter to the President immediately. However, where the complainant does not wish to be identified, any advice to the President must not identify the complainant or the alleged harasser, but should identify any systemic issues that might need to be dealt with.

Procedures

Note: The processes for dealing with sexual harassment complaints may be informal or formal as outlined below. In all cases, the wishes of the person bringing the complaint must be observed. The procedures below provide a framework for dealing with complaints, but might not apply in all cases, for example if support is obtained from an appropriate external agency in investigating a complaint.

15. U3A Emerald Inc. strongly encourages any member who feels they have been sexually harassed to take immediate action. Where circumstances permit, the aggrieved person should make it clear that such behaviour is unwelcome and offensive. Alternatively, or in addition, they may follow the procedure for reporting the behaviour.
16. A complaint of sexual harassment may be made to any member of the Committee who, with the complainant's permission, will inform the President immediately.
17. All complaints will be handled promptly, seriously and sensitively.
18. The President, or their delegate, will contact the complainant to provide support, explain their rights and responsibilities under this policy, and ascertain the details of the complaint and the complainant's expectations of the complaint process.
19. The complainant has the right to influence how the complaint is handled, to have support or representation throughout the process, and to discontinue a complaint at any stage.
20. All complaints will be treated as completely confidential up to the point where an informal or formal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.
21. The alleged harasser has the right to be made aware of the complaint, to have support or representation throughout the process, and to respond fully to any allegation made. There will be no presumption of guilt and no finding will be made until an investigation has been completed.

Informal procedure

22. Where agreed with the complainant, the President or their delegate will conduct an informal procedure, recording the processes and outcomes in writing, and keeping such notes confidential and secure.
23. During informal intervention the alleged harasser will be made aware of the complaint being made against them, and given the right to respond.

24. The informal intervention will be complete when both the complainant and respondent agree on actions or outcomes to be implemented. An example of an agreed action could be an apology and an undertaking that the behaviour will cease.
25. If agreement is not reached, with the complainant's permission, the formal complaints procedure will be initiated.

Formal complaints procedure

26. The Committee will appoint an appropriate person who has the skills and knowledge to investigate a complaint of sexual harassment to conduct a formal investigation into the complaint.
27. The person investigating the complaint will collect and document information about the complaint – such as who is involved, timing, location and nature of conduct complained against – for example by:
 - interviewing the complainant to ascertain what happened, and what outcome they expect
 - interviewing the respondent to get their response
 - identifying and interviewing anyone else who may be able to assist
 - examining any relevant documents
 - determining any previous behaviours or issues.
28. The person investigating the complaint will consider the evidence gathered, and reach a finding as to whether sexual harassment has or has not occurred. This finding will be determined on the basis of the evidence and on the balance of probabilities, and will provide the findings to the President.
29. The President will submit the investigation findings and evidence to the Committee and recommend a course of action to follow. Recommended actions will be influenced by:
 - the wishes of the complainant
 - the severity of the harassment
 - the weight of the evidence
 - whether there have been any prior incidents or warnings.
30. On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:
 - a formal apology from the respondent and an undertaking that the behaviour will cease
 - counselling
 - official warnings
 - a request for the respondent to resign, or cancellation of membership
 - removal of the respondent from a leadership role
 - instigation of disciplinary procedures under the Constitution of U3A Emerald Inc.
31. On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.
32. Following an investigation concerning a sexual harassment complaint (irrespective of the findings), the President or their delegate will consult with the parties involved to monitor the situation and their wellbeing.

Authorisation

This Anti-sexual Harassment Policy was adopted by the Committee of Management of U3A Emerald Inc. and minuted as such, on 23 July 2019.