

Sexual Harassment Policy

Introduction

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

Purpose

This document sets down U3A Wonthaggi's policy on sexual harassment and the process to be followed where the committee receives any complaint of sexual harassment.

Policy

1. Sexual harassment can be experienced by any person regardless of gender or sexual orientation.
2. 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, physically molesting a person or standing too close
 - obscene, suggestive or offensive communications, including by email
 - sexually explicit photographic material, posters, handouts or screensavers
 - sexual jokes or anecdotes
 - leering or staring
 - unwanted sexual compliments or excessive flirting.
3. U3A Wonthaggi 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.
4. No member, volunteer or employee will be treated adversely 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 member who is the subject of an allegation of sexual harassment.
5. All employees and volunteers have the right to seek assistance from the Victorian Equal Opportunity and Human Rights Commission to resolve a sexual harassment incident.
6. The principles set out in this policy are intended to apply to any U3A-related context, including classes, social functions, events, meetings, conferences, holiday trips and U3A workplaces.
7. An established breach of this policy will result in disciplinary action.
8. Some forms of sexual harassment (e.g. sexual assault, stalking and indecent exposure) may constitute criminal conduct. While U3A Wonthaggi is committed to handling 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 Wonthaggi to report such matters to the police on behalf of the complainant.

Procedures

1. U3A Wonthaggi strongly encourages any member who feels 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 these procedures for reporting the behaviour.
2. A complaint of sexual harassment may be made to any member of U3A Wonthaggi's committee. The committee member will inform the President immediately.
3. U3A Wonthaggi will handle a sexual harassment complaint promptly and sensitively. There will be no presumption of guilt. No finding will be made until an investigation has been completed.
4. The committee will appoint a case manager. The case manager will:
 - contact the complainant to provide support
 - explain his/her rights and responsibilities under this policy
 - ascertain the details of the complaint
 - clarify the complainant's expectations of the complaint process.
5. The complainant has the right to:
 - influence how the complaint is handled
 - have support or representation throughout the process
 - withdraw or discontinue a complaint at any stage of the process.
6. 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. With the complainant's agreement, the case manager will initiate an informal intervention, using conciliation and mediation techniques. The informal intervention will be complete when the parties agree on actions or outcomes to be implemented. If an agreement is not reached and the complainant agrees, a formal intervention will be initiated. The committee will appoint a person to investigate the complaint.
8. The Investigator will:
 - interview the complainant to ascertain the facts and what they expect from the complaint process
 - interview the respondent to ascertain their response or defence
 - identify and interview other persons who may be able to assist
 - examine any relevant documents
 - identify relevant previous behaviours or issues.
9. The Investigator will reach a finding, assemble all the evidence gathered and provide these to the case manager. The assembled evidence may include, but is not limited to:
 - records of interviews conducted
 - supporting evidence provided by a doctor, counsellor, family member, etc.
 - complaints/information provided by other persons about the respondent's behaviour
 - records kept by the complainant
 - information on whether the evidence appears credible and consistent.
10. The case manager will submit the Investigator's findings and evidence to the committee and recommended a course of action. Recommended actions will be influenced by:
 - the wishes of the complainant
 - the severity and frequency of the harassment
 - the weight of the evidence
 - the level of contrition
 - whether there have been any prior incidents or warnings.
11. Possible disciplinary actions may include but are not limited to:
 - formal apology and undertaking that the behaviour will cease

- counselling
- official warning
- cancellation of membership
- removal from a volunteer or leadership role.

12. If there is insufficient evidence to determine whether the harassment occurred, the committee will remind the parties of expected standards of conduct and monitor the situation.

13. Any questions about this Sexual Harassment Policy should be referred to the Secretary.

Responsibilities

14. U3A Wonthaggi's committee is responsible for:

- publishing this policy
- treating all complaints seriously and confidentially
- taking immediate and appropriate corrective action if they become aware of any offensive action
- investigating complaints about sexual harassment
- monitoring and revising this policy when the need arises.

15. A committee member who receives a complaint of sexual harassment is responsible for referring the matter to the President immediately.

Authorisation

This policy was adopted by U3A Wonthaggi's committee on 14 April 2021.

This policy will be published on U3A Wonthaggi's website within seven days of authorisation.

This policy will be reviewed at least annually or when circumstances change.