

MANNINGHAM U3A INCORPORATED

SEXUAL HARASSMENT POLICY

Introduction

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

Purpose

2. The purpose of this document is to set down Manningham U3A Incorporated's policy on sexual harassment and the procedures that will be followed should any complaint of sexual harassment be received.

Policy

3. Sexual harassment can be experienced by any member of Manningham U3A Incorporated. *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, intimidated or uncomfortable and where that reaction is reasonable in the circumstances.
4. Lack of intent is no defence in sexual harassment cases. Examples of sexual harassment include, but are not limited to:
 - 4.1 intrusive enquiries into a person's private life
 - 4.2 reference to their physical appearance or sexuality
 - 4.3 reference to the physical appearance or sexuality of a third party
 - 4.4 unwanted brushing against another person's body, body touching or physically molesting a person
 - 4.5 standing too close
 - 4.6 obscene, suggestive or offensive communications, including electronic mail
 - 4.7 pornographic or offensive posters, handouts or screensavers
 - 4.8 sexual jokes or anecdotes
 - 4.9 leering or staring
 - 4.10 unwanted sexual compliments or excessive flirting.
5. Manningham U3A Incorporated will not tolerate sexual harassment. Responsibility lies with every member, to ensure that sexual harassment does not occur. No member or visitor should be subject to any form of sexual harassment.
6. No member will be treated unfairly as a result of lodging a complaint. Disciplinary action may be taken against anyone who victimises or retaliates against a member who has complained of sexual harassment or against any member who has been alleged to be a perpetrator.

7. Members have the right to seek assistance from the Victorian Equal Opportunity and Human Rights Commission in the resolution of a sexual harassment incident.
8. The principles set out in this policy are intended to apply to any U3A-related context, including classes, social functions, meetings, conferences and U3A workplaces.
9. A breach of this policy will result in disciplinary action (refer to clause 22).
10. Some forms of sexual harassment (e.g. sexual assault, stalking and indecent exposure) may constitute criminal conduct. While Manningham U3A Incorporated 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 Manningham U3A Incorporated to report such matters to the police on behalf of the complainant.

However, the organisation has a duty of care to support its members throughout all investigations and mediation /conciliation.

Procedures

11. Manningham U3A Incorporated 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 the procedures set out below for reporting the behaviour.
12. A complaint of sexual harassment may be made to any member of Manningham U3A Incorporated's Committee of Management. The Committee Member will inform the President immediately.
13. The President will 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.
14. The President will 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.
15. The complainant has the right to: have support or representation throughout the process; or discontinue a complaint at any stage of the process.
16. The alleged perpetrator has the right to: be made aware of the allegations; have support or representation throughout the process; respond fully to any formal allegation made.
17. Where agreed with the complainant, informal intervention will be initiated by the President, 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, a formal intervention will be initiated by the President who will appoint a mediator to conduct an investigation into the complaint.

18. The mediator must be –
 - 18.1 a person chosen by agreement between the parties; or
 - 18.2 in the absence of an agreement –
 - 18.2.1 if the dispute is between a member and another member, a person appointed by the Committee; or
 - 18.2.2 if the dispute is between a member and the Committee or Manningham U3A Incorporated, a person appointed or employed by the Dispute Settlement Centre of Victoria.
19. The Mediator will:
 - 19.1 interview the complainant to ascertain the facts and what they expect as a result of the complaint
 - 19.2 interview the alleged perpetrator of the incident(s) to ascertain their response/defence
 - 19.3 identify and interview other persons who may be able to assist
 - 19.4 examine any relevant documents
 - 19.5 determine relevant previous behaviours or issues.
20. The Mediator will reach a finding, assemble all of the evidence gathered and provide these to the President. The assembled evidence may include, but is not limited to:
 - 20.1 records of interviews conducted
 - 20.2 supporting evidence provided by a doctor, counsellor, family member, etc
 - 20.3 relevant reports
 - 20.4 complaints/information provided by other employers or persons about the respondent's behaviour
 - 20.5 records kept by the complainant
 - 20.6 information on whether the evidence appears credible and consistent.
21. The President will submit the Mediator's findings and evidence to the Committee of Management and recommend a course of action to follow.

Recommended actions will be influenced by:

 - 21.1 evidence of the complainant and also that of the alleged perpetrator
 - 21.2 the severity and frequency of the harassment
 - 21.3 the weight of the evidence
 - 21.4 the level of contrition
 - 21.5 whether there have been any prior incidents or warnings.

22. Possible disciplinary actions may include but are not limited to:
 - 22.1 formal apology and undertaking that the behaviour will cease
 - 22.2 counselling (possible external assistance)
 - 22.3 official warnings
 - 22.4 cancellation of membership
 - 22.5 removal from a volunteer or leadership role

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.

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

Responsibilities

24. Manningham U3A Incorporated's Committee of Management is responsible for:
 - 24.1 developing, adopting, implementing and publishing this policy
 - 24.2 ensuring 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 sets an example by their own behaviour
 - 24.3 treating all complaints seriously and confidentially
 - 24.4 taking immediate and appropriate corrective action if they become aware of any offensive action
 - 24.5 investigating complaints about sexual harassment
 - 24.6 monitoring and revising this policy as and when the need arises.
25. A Committee Member who receives a complaint of sexual harassment is responsible for referring the matter to the President immediately.
26. The Secretary is responsible for receiving enquiries about this policy.

Authorisation

27. This policy was adopted by the Committee of Management of Manningham U3A Incorporated, and minuted as such, on 16 November 2015.

Related Manningham U3A Incorporated Policies:

- * Privacy Policy
- * Bullying Policy
- * Grievance Policy
- * Anti-Discrimination Policy