

## **U3A BANYULE Inc. Sexual Harassment Policy**

### **Background: Equal Opportunity Act 2010 – new requirements**

Effective from August 2011, amendments to the above act now ensure that volunteers have the same rights and protections as employees from workplace sexual harassment in Victoria. For the purpose of this legislation:

- Volunteers will be considered to have the same rights as paid employees.
- Volunteering will be considered identically to employment.
- Organisations and groups that use volunteers will be considered the same as employers.
- All U3As will be considered the same as a formal workplace.

Although this policy complies with the requirements referred to above, it also applies across the entire organisation and to all of our members.

### **Anti Sexual Harassment Policy Statement**

Sexual harassment is unlawful. Yarra Valley U3A Inc does not tolerate sexual harassment in any form. Both Yarra Valley U3A and every volunteer have a responsibility to ensure that sexual harassment does not occur.

Reports of sexual harassment will be treated promptly, seriously and confidentially. Both the complainant and the alleged harasser have the right to have a supporter or representative chosen by them present during the process, including when he/she responds to the allegations.

### **Principles**

Consistent with legislation this policy is based on the philosophy of prevention of discrimination and harassment.

Sexual harassment is an unacceptable form of behaviour that causes distress and is detrimental to the U3A environment.

### **Definitions**

Sexual Harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

Sexual harassment may be explicit or implicit. It may be a single incident or occur over a period of time.

Examples of behaviours that may constitute sexual harassment include:

- Sexually offensive jokes, comments or stories; lewd suggestions; foul language; leering; obscene gestures
- Comments on a person's anatomy
- Unwanted physical contact of a sexual nature including touching, unnecessary brushing up against someone, kissing
- Sexual propositions or continued requests for dates
- Display of pornographic and/or sexually suggestive pictures, screen savers, jokes and sexual objects
- Sexually offensive written, telephone or electronic communications
- Indecent exposure
- Sexual assault and rape

Sexual harassment does not refer to behaviour that is mutually acceptable to the parties involved.

### **Internal Complaint**

A volunteer who believes they have been harassed (the complainant) should:

- If comfortable to do so, inform the alleged harasser the behaviour is offensive, unwelcome, against the organisation's policy and should stop
- Make a note of the date, time and location of the incident/s
- If not comfortable to confront the alleged harasser or if unwelcome behaviour continues, speak to an Executive Member of the Committee who may refer the issue to the Dispute Resolution Committee. (The Dispute Resolution Committee is a subcommittee of the Yarra Valley U3A Committee which includes members of the Executive and at least three appointed members of Yarra Valley U3A).

Once a complaint of sexual harassment has been made, Yarra Valley U3A has an obligation to investigate it.

### **Complaints Process**

If a complaint is referred to the Dispute Resolution Committee,, they will be guided by the following process:

- Obtain and record a full, step by step account of the incident/s
- Ensure the organisation's process for handling the complaint is understood by the complainant
- Ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change of working arrangements
- Discuss the most appropriate next step: informal resolution or formal investigation
- Keep a confidential record of all details of this discussion and subsequent steps in the process

There may be instances where the complaint process outlined in this policy is not appropriate. In this event, the Dispute Resolution Committee may take other steps to attempt to investigate and resolve the complaint.

### **Informal resolution**

Where a complainant has requested informal resolution, the Dispute Resolution Committee will:

- Inform the alleged harasser of the complaint and provide an opportunity to respond
- Ensure both parties understand their rights and responsibilities under the organisation's policy
- If possible, mediate an outcome that is satisfactory for the complainant
- Ensure that confidentiality is maintained, where possible
- Follow up to ensure the behaviour does not re-occur.

### **Formal investigation**

Where a formal investigation is deemed to be more appropriate, or if an informal resolution fails to resolve the complaint, the Dispute Resolution Committee will conduct an investigation which may include:

- formally interviewing the complainant, the alleged harasser and any other witnesses
- reviewing any relevant documentation
- conducting any other investigations as deemed appropriate
- making a determination and/or a recommendation for moving forward

### **External complaint**

A volunteer who has been harassed may also choose to take their complaint to the Victorian Equal Opportunity and Human Rights Commission.

Contact for the Victorian Equal Opportunity and Human Rights Commission: 1300 292 153.