

Policies and Procedures Practice Manual

Sexual Harassment

Policy Statement

Sexual harassment in; a workplace, in connection with education or in the provision of services, in the State of Victoria is unlawful.

The Equal Opportunity Act 2010 (the Act), defines a worker in relation to sexual harassment to include "**volunteers**" and "**unpaid workers**".

The Act also provides; (a) places of work include volunteer organisations
(b) sexual harassment can be by an employer, supervisor or co-worker, and
(c) victimisation of a complainant is unlawful.

Accordingly, **U3A Knox Inc is bound by the Act**. It must take all reasonable steps to eliminate sexual harassment and to protect a complainant from victimisation.

U3A Knox Inc supports the rights of all members to be free from sexual harassment and it will not tolerate the behaviour.

Sexual Harassment

Sexual harassment means an unwelcome sexual advance, sexual suggestions or innuendo occurring in the work place, at work related events or between workers outside of work. .

Behaviour can be explicit or implicit in nature, be from a single or recurring incidents.

It is the effect of the contact on the individual not the intent that is relevant in determining whether sexual harassment has occurred.

A person can be sexually harassed by a person of the same sexual orientation.

Sexual harassment can include;

- sexual jokes, lewd suggestions, whistling, foul language, leering, obscene gestures sexual comments about a person's private life or anatomy
- unwanted physical contact of a sexual nature including touching, brushing, kissing
- display of pornographic sexually suggestive pictures, screen savers, jokes and sexual objects
- sexually offensive, written, telephone or electronic communications or graffiti.
- sexual harassment can also be a criminal offence. e.g. indecent assault, indecent exposure, stalking, obscene or threatening; telephone calls, letters, emails, text messages and posts on social networking sites.
- Sexual harassment does not refer to consensual sexual behaviour conducted in private.

Procedures

- Members are encouraged to report an incident or lodge a written complaint
- If preferred, an Incident Form is available from the office. The Incident Form and or any written complaint must be placed in a sealed envelope marked "Confidential" and addressed to the Secretary U3A Knox Inc.

- On receiving a verbal or written complaint or on observing sexual harassment even when a complaint has not been made, Committee members, class leaders or supervisors have a legal responsibility to take action to cause such behaviour to cease.
- A member receiving a report will immediately advise the Secretary.
- The Secretary on receiving verbal advice or a report or written complaint will determine the action to be taken, including after speaking with the complainant to determine whether the matter should be dealt with informally or formally.
- If a complaint is substantiated the Committee will determine a course of resolution including whether mediation should be attempted and or disciplinary or other action taken.
- If the complainant is not satisfied with the outcome of an investigation, the complainant is to be advised of his/her rights to refer the matter to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC).
- Complaints alleging or investigations determining the likelihood of criminal conduct should be reported to police.

Complaints can be dealt with informally when;

- the member complaining wants the complaint dealt with informally
- the allegations are of a less serious nature
- there is a chance of quickly stopping the problem before it develops
- the members involved are likely to have ongoing contact
- unacceptable behaviour is observed even though no-one has complained
- An opportunity exists to conciliate the complaint without investigation

Formal action is usually appropriate when:

- the member complaining wants the complaint dealt with formally
- informal attempts have failed
- the allegations are of a more serious nature
- discipline is a possible outcome if the allegations are substantiated
- the allegations are denied and the person complaining insists there is sufficient evidence to substantiate them
- the member making a complaint person complaining alleges victimisation after complaining
- the complaint is against a committee member or class leader or supervisor

Objective of this Policy

To ensure there is adherence to the law and further, to eliminate such unlawful and unacceptable behaviour that is distressing to affected members of U3A Knox, and generally, is detrimental to the integrity and the environment enjoyed by members of the U3A.