



## University of the Third Age

### Policy Guideline 2 – Sexual Harassment

#### Introduction

U3A Waverley Inc. (hereafter **U3A Waverley**) recognises the right of every member and volunteer to attend classes, activities or functions, and/or to perform their duties as a volunteer within the environment of **U3A Waverley** without being subjected to any form of sexual harassment.

#### Purpose

The purpose of this document is to set down **U3A Waverley** policy on sexual harassment and the process that will be followed should any complaint of sexual harassment be received.

#### Policy

Sexual harassment can be experienced by both men and women. Sexual harassment refers to any unwelcome sexual advance or request for sexual favours, or otherwise 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 or physically molesting a person
- Obscene, suggestive or offensive communications, including electronic mail
- Pornographic or offensive posters, handouts or screensavers
- Sexual jokes or anecdotes
- Leering or staring
- Unwanted sexual complements.

**U3A Waverley** will not tolerate sexual harassment. It is the responsibility of every member and volunteer to ensure that sexual harassment does not occur. No member or volunteer should be subject to any form of sexual harassment.

No member or volunteer will be treated unfairly 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 a tutor who is alleged to be a harasser.

All tutors have the right to seek assistance from the Victorian Equal Opportunity and Human rights Commission in the resolution of a sexual harassment incident.

The principles set out in this policy are intended to apply to any U3A-related context, including classes, social functions, meetings, conferences, holiday trips and workplaces.

A breach of this policy will result in disciplinary action.

Some forms of sexual harassment (e.g. sexual assault, stalking and indecent exposure) may constitute criminal conduct. While **U3A Waverley** is committed to handling most sexual harassment complaints, more extreme forms of harassment should be handled by the criminal justice system. It is not the duty of **U3A Waverley** to report such matters to the police on behalf of the complainant.

## **Procedures**

**U3A Waverley** strongly encourages any member or tutor 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. Alternately, or in addition, they may follow the procedures for reporting the behaviour.

A complaint of sexual harassment may be made to any member of **U3A Waverley** Committee of Management. The Committee member will inform the President immediately.

The Committee 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.

A Case Manager will be appointed by the Committee of Management. The Case Manager will contact the complainant to

- Provide support, explain their rights and responsibilities under this policy
- Ascertain the details of the complaint and the complainant's expectations of the process.

The complainant has the right to

- Influence how the complaint is handled
- Have support or representation throughout the process
- Discontinue a complaint at any stage of the process.

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.

Where agreed with the complainant, informal intervention will be initiated by the Case Manager, using conciliation and/or mediation. The informal intervention will be complete when the parties agree on action/s to be implemented. When agreement is not reached, a formal intervention will be initiated and the Committee of Management will appoint a person (“the Investigator”) to conduct an investigation into the complaint or pass the process to the judicial system. At this stage any costs incurred will not be accepted to the account of **U3A Waverley**.

The Investigator will

- Interview the complainant to ascertain the facts and what they expect as a result of the complaint
- Interview the respondent to ascertain their response/defence
- Identify and interview other persons who may be able to assist
- Examine any relevant documents
- Determine previous behaviours or issues.

The Investigator will reach a finding, assemble all of the evidence gathered and provide these to the Case Manager. The assembled evidence may include but not be limited to

- Records of interviews conducted
- Supporting evidence provided by a doctor, counsellor, family member or other party
- Complaints/information provided by other persons about the respondent’s behaviour
- Records kept by the complainant and submitted to **U3A Waverley**
- Information on whether the evidence appears credible and consistent.

The Case Manager will submit the Investigator’s findings and evidence to the Committee of Management and recommend 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 evidence
- The level of contrition
- Whether there have been prior incidents or warnings.

Possible disciplinary actions may include but not be limited to

- Formal apology and undertaking that the behaviour will cease
- Counselling
- Official warnings
- Cancellation of membership
- Removal from a 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.

Any questions about Sexual Harassment should be referred in writing to **U3A Waverley Secretary**.

## **Responsibilities**

**U3A Waverley** Committee of Management is responsible for

- Developing, adopting, implementing and publishing this policy
- Ensuring that all members and tutors are aware of this policy and their obligations under this policy
- Treating all complaints with due respect and confidentiality
- Taking immediate and appropriate action as they become aware of any offensive action
- Investigating complaints about sexual harassment
- Monitoring and revising this policy as and when the need arises.

A Committee Member who receives a complaint of sexual harassment is responsible for referring the matter to the President immediately.

The Secretary is responsible for receiving enquiries about this policy.

## **Authorisation**

This policy was adopted by the Committee of Management of **U3A Waverley** per the minutes of meeting held 10<sup>th</sup> December 2015.

## **Related Policies**

**U3A Waverley** Privacy Policy