



POLICY 14: SEXUAL HARASSMENT POLICY

1. INTRODUCTION

U3A Mornington (U3AM) recognises that it is the right of every member and volunteer to attend classes, activities or functions, and/or to perform their duties as a volunteer, without being subjected to any form of sexual harassment.

Every member and volunteer is responsible for providing an environment that is supportive of this aim. It is the obligation and responsibility of every member and volunteer to ensure that the U3AM environment is free from sexual harassment.

U3AM is fully committed to its obligation to prevent and eliminate sexual harassment at U3AM.

2. PURPOSE

The purpose of this document is to set down U3AM's policy on sexual harassment and the process that will be followed should any complaint of sexual harassment be received.

3. SCOPE

This policy applies to our member tutors, honorary/guest tutors and volunteers (hereafter referred to as volunteers) and to our members.

The principles set out in this policy apply to any U3AM-related context including classes, activities, excursions, auspiced social functions, meetings, conferences and holiday trips.

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	

4 DEFINITIONS

4.1 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 or statements about a person's private life
- Reference to a person's physical appearance or sexuality
- Unnecessary familiarity, such as deliberately brushing against another person's body, body touching or physically molesting a person
- Standing too close
- Leering or staring
- Insults or taunts of a sexual nature
- Obscene, sexually explicit, suggestive or offensive communications, including electronic mail or text messages
- Suggestive comments or sexual jokes or anecdotes
- Requests for sex or repeated unwanted requests to go out on dates
- Unwanted sexual compliments or excessive flirting
- Inappropriate advances on social networking sites
- Displaying posters, magazines or screen savers of a sexual nature
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

4.2 Sexual harassment can be experienced by both men and women.

4.3 Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

4.4 Victimization happens where a person is treated harshly or suffers detriment because they have made a complaint of discrimination. Victimization will also happen if a person suffers detriment because they have provided information or evidence in connection with a complaint.

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	



5. POLICY

- 5.1 U3AM will not tolerate sexual harassment under any circumstances. Responsibility lies with 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.
- 5.2 Any reports of sexual harassment will be treated seriously, promptly and with sensitivity. Such reports will be treated as completely confidential but the person who is the subject of the complaint must be notified under the rules of natural justice. U3AM will protect all those involved in the process from victimisation.
- 5.3 There will be no presumption of guilt and no finding will be made until an investigation has been completed.
- 5.4 No member or volunteer will be treated unfairly as a result of lodging a complaint.
- 5.5 All members and volunteers have the right to seek assistance from the Victorian Equal Opportunity and Human Rights Commission in the resolution of a sexual harassment incident.
- 5.6 Some forms of sexual harassment, such as sexual assault, stalking and indecent exposure, may constitute criminal conduct. While U3AM 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 U3AM to report such matters to the police on behalf of the complainant.

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	



6. RESPONSIBILITIES

6.1 U3AM's Committee of Management is responsible for:

- Developing, adopting, implementing and publishing this policy.
- Ensuring that all members and volunteers are aware of this policy and of their obligations in relation to contributing to a U3A environment that discourages harassment and victimisation and set an example by their own behaviour.
- Treating all complaints seriously and confidentially.
- Taking immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour.
- Investigating complaints about sexual harassment.
- Monitoring and revising this policy as and when the need arises.

6.2 A complaint of sexual harassment may be made to any member of the Committee of Management. A Committee Member who receives a complaint of sexual harassment is responsible for referring the matter to the President immediately.

6.3 The Secretary is responsible for receiving enquiries about this policy. Enquiries can be made to secretary@u3amornington.org.au.

6.4 Complaints about a Committee Member should be referred to the President. Complaints about the President should be referred to the Vice President or the Secretary.

7. PROCEDURE

7.1 U3AM strongly encourages any member or volunteer who feels they have been sexually harassed to take immediate action. If they feel comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. They should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	



7.2 Alternatively, or in addition, they may follow the procedures for reporting the behaviour. Once a report is made, U3AM will determine how the report should be dealt with, in accordance with its obligations and this policy.

7.3 Both parties have the right to have support or representation during any investigation. The alleged harasser also has the right to respond fully to any formal allegations made.

7.4 Informal Intervention

7.4.1 Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention, the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

7.4.2 The informal intervention will be complete when the parties agree on actions or outcomes to be implemented. If 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. That investigator may be a member of the Committee.

7.5 Formal Complaints Procedure

7.5.1 The complainant has the right to influence how the complaint is handled; have support or representation throughout the process; and the option to discontinue a complaint at any stage of the process.

7.5.2 The alleged harasser has the right to be made aware of the allegations, have support or representation throughout the process and the right to respond fully to any formal allegation made.

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	



7.6 Investigation Process

- 7.6.1 An investigation involves collecting information about the complaint and then making a finding (on the balance of probabilities) based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint or implementing action (including and up to termination of membership or volunteering).
- 7.6.2 The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.
- 7.6.3 Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

7.7 Specifically, 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 relevant previous behaviours or issues.

7.8 The Investigator will reach a finding, assemble all of the evidence gathered and submit these to the Committee. The assembled evidence may include, but is not limited to:

- Records of interviews conducted.
- Supporting evidence provided by a doctor, counsellor, family member, and so on.
- Complaints/information provided by other persons about the respondent's behaviour.

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	



- Records kept by the complainant.
- Information on whether the evidence appears credible and consistent.

7.9 The investigator will recommend a course of action for the Committee to follow. 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.

7.10 On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Formal apology and undertaking that the behaviour will cease.
- Removal from a volunteer or leadership role.
- Cancellation of membership.

7.11 On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation – as appropriate and in line with confidentiality obligations.

7.12 Where there is insufficient evidence to determine whether or not the harassment occurred, the Committee will remind those involved of expected standards of conduct.

7.13 Records are to be kept and filed in a confidential and secure place.

7.14 Any questions about this Sexual Harassment Policy should be referred to the Secretary at secretary@u3amornington.org.au

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	



8. RELATED POLICIES

- 01: Code of Conduct Policy
- 02: Privacy Policy
- 05: Grievance & Dispute Resolution Policy
- 06: Risk Management Policy
- 08: Anti-Discrimination Policy
- 15: Bullying Policy

9. REFERENCES

- U3A Network Victoria
- Institute of Community Directors, Australia (Policy Bank)

Policy No: 14	Version No: 1.0	Approved by Committee of Management on 20 August 2021
Supersedes:	New	