

SAMPLE SEXUAL HARASSMENT POLICY

This policy and procedures document from Volunteering Victoria is intended as a sample only: you should adapt it to the name, titles and circumstances of your organisation.

In implementing a sexual harassment policy and procedures you must identify the person or people who will be the first point of contact for complaints of sexual harassment for volunteers and paid staff: this might be the manager of volunteer services, program or organisation manager, human resources staff or a member of the board, depending on the size and structure of your group.

This person should have the requisite knowledge, skills and experience to receive complaints. For the purposes of this sample document, this person has been labeled "sexual harassment contact".

Statement of policy

Sexual harassment is unlawful. This organisation does not tolerate sexual harassment in any form. Every volunteer, staff member and supervisor has a responsibility to ensure that sexual harassment does not occur.

Anyone found to have sexually harassed another person will be subject to disciplinary action that may include an apology, counseling, transfer of duties or dismissal.

Reports of sexual harassment will be treated promptly, seriously and confidentially. Complainants have the right to determine how a complaint will be treated. They also have the right to have a supporter or representative chosen by them involved in the process and the option to stop the process at any time.

The alleged harasser also has the right to have a supporter or representative chosen by them present when he/she responds to the allegations made.

No volunteer or paid staff member will be treated unfairly as a result of making a complaint of sexual harassment. Immediate disciplinary action will be taken against anyone who victimizes or retaliates against someone who has made a complaint of sexual harassment.

The organisation will afford natural justice to any person involved in a dispute.

Definition of sexual harassment

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

This may include (but is not restricted to):

- an unwelcome sexual advance
- a request for sexual favours
- unwelcome comments about someone's sex life or physical appearance
- leering and ogling
- sexually offensive comments, stories or jokes
- displaying sexually offensive photos, pinups or calendars, reading matter or objects
- sexual propositions or continued requests for dates
- physical contact such as touching or fondling, or unnecessary brushing up against someone
- indecent assault or rape (these are criminal offences).

Sexual harassment may occur between one volunteer and another, between volunteers and staff members, or between volunteers and clients, suppliers or visitors. It may occur wherever volunteers and paid staff are interacting with others in the context of their position in the organisation, including field trips, work off site and social functions.

Making a complaint

A volunteer or paid staff member who has been harassed may 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

Internal complaint

A volunteer or paid staff member 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, report to the nominated sexual harassment contact
- if this is inappropriate, speak to another senior member of the organisation, such as a senior manager, the head of the organisation or a member of the board.

The sexual harassment contact will follow the procedures set out below. At any time the complainant has the right to discontinue this process.

Complaints process

When a complaint is received, the sexual harassment contact will:

- obtain and record a full, step-by-step account of the incident/s
- ensure the organisation's process for handling the complaint is understood
- ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- agree on the next step: informal resolution or formal investigation
- keep a confidential record of all details of this discussion and subsequent steps in the process.

Informal resolution

Where a complainant has chosen informal resolution, following an informal process the sexual harassment contact 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

- follow up to ensure the behaviour does not re-occur.

Formal investigation

If a formal investigation is requested by the complainant, or if an informal resolution fails, the sexual harassment contact will escalate the matter to a senior member of the organisation.

That person will:

- afford natural justice to all involved
- interview all directly concerned, separately
- interview witnesses, separately
- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- make a determination as to whether there is sufficient evidence that a reasonable person could conclude, on the balance of probabilities (i.e. it's more likely than not), that an incident/incidents of sexual harassment as defined by the legislation has occurred
- in such a case, determine appropriate action, which may include a change of duties for the harasser, change to working arrangements or, where the incidents were frequent and/or severe, dismissal
- where it cannot be determined by the required test, that an incident/incidents of sexual harassment as defined by the legislation has occurred, may still take action to ensure the proper functioning of the workplace; but these actions should not prejudice any party. They will also continue to closely monitor the situation and provide retraining where required
- check to ensure the action meets the needs of the complainant and organisation.

Outcomes as they affect the complainant will be discussed with the complainant to ensure that needs are met, where appropriate.