

3CR Sexual Harassment Policy and Procedure

Introduction

Commitment Statement

Sexual Harassment is an unacceptable form of behaviour. Sexual Harassment will not be tolerated under any circumstances. 3CR believes that all station workers (volunteers), and staff have the right to be in an environment free of sexual harassment. 3CR wants to provide an atmosphere that is free of gender stereotypes that undervalue workers and threaten their wellbeing. An environment free of sexual harassment is consistent with the commitment of 3CR to giving everyone the opportunity to exercise their right to access to the station.

3CR is committed to ensuring that station workers, staff and independent contractors are treated equitably and fairly, and are not subject to harassment.

Any allegations of sexual harassment will be treated seriously, sympathetically and confidentially by 3CR management, and will be properly investigated. Disciplinary action will be taken against anyone found to be in breach of this policy.

1. 3CR Responsibilities

- 3CR has a duty to prevent sexual harassment occurring at 3CR, and to prevent victimisation arising from complaints.
- 3CR may be legally responsible if sexual harassment occurs at 3CR, unless all reasonable steps have been taken to prevent it.
- 3CR is responsible for station workers, staff and independent contractors.

1a. 3CR shall ensure the Sexual Harassment Policy is available to all station workers and staff, and shall make a reasonable effort to ensure that the Policy is understood. 3CR shall empower a sub-committee of no more than three people to investigate allegations of sexual harassment and to follow the processes outlined in this document.

2. What is Sexual Harassment?

Sexual harassment is unwanted behaviour of a sexual nature by one or more persons towards another. Sexual harassment is abuse. Sexual harassment is not mutual attraction between people. Sexual harassment is a form of discrimination and may be against the law. Sexual harassment may involve some or all of the following:

- Sexual jokes, offensive telephone calls, obscene or pornographic material;
- Sexual propositions or persistent requests for dates;
- Physical contact such as patting, pinching or touching. Unnecessary familiarity such as deliberately brushing against a person or putting an arm around another person.
- Unwelcome and uncalled for remarks or insinuations about a person's sexuality or private life;
- Suggestive comments about a person's appearance or body;
- Leering, wolf whistling, cat calls, obscene gestures;
- Indecent exposure;
- Rape and other sexual assault;
- Intimidation
- Victimisation, which may involve submission to sexual conduct and or the enforced withholding or withdrawal of a complaint of sexual harassment.

Sexual harassment may incorporate abuse based on a person's sexuality, gender, ethnicity, race, ability, religion or appearance.

3. Why is sexual harassment a problem?

Sexual harassment is not just a private matter between two or more individuals. It has implications for all staff, station workers and management at 3CR. Sexual harassment affects morale, undermines an individual's work performance and makes the environment tense and hostile. Sexual harassment is offensive and threatening to the victim, causing reactions which can range from annoyance to embarrassment, intimidation, humiliation, distress, anxiety, fear and ill health. Sexual harassment affects the victim's opportunity for training, advancement, access to programming and other participation at 3CR.

4. What can you do if you are suffering Sexual Harassment at 3CR?

Do not ignore sexual harassment thinking it will go away. Silence can give the impression that sexual harassment is acceptable. Every person has the right to work in an environment free of abuse.

If you experience sexual harassment there is a number of approaches you may take:

- If you are a victim of sexual harassment, it can be useful to keep notes of all the incidents involved with the harassment, including dates, times, places, witnesses and what was said or done.
- You might speak or write to the offender saying what you do not like about their behaviour and ask that the behaviour stop.
- If this does not resolve the situation, or you feel unable to do this, you may need some help. You can speak confidentially with the Station Manager and / or the Volunteers Coordinator, or ask an advocate to speak on your behalf.
- Complaints of sexual harassment will be treated with strict confidentiality/privacy so as to protect those involved from victimisation.
- Under no circumstances should any aspect of an allegation be discussed on air. Any person who makes implied or direct references to a case will be severely disciplined by 3CR through the Management Committee.

5. Important points to remember

Where anyone other than appointed sub-committee is to be involved, this will be discussed with the complainant and the respondent.

Definitions

Throughout this document, the following terms apply;

complainant: person who feels they have been harassed or discriminated against

respondent: person against whom the complaint has been made

6. What happens when you speak with the Station Manager or Volunteers Coordinator?

Step One: Informal complaint process

This first meeting with the Station Manager or Volunteer Coordinator is an informal discussion. The complainant will have the procedure explained to them, have their concerns listened too and be advised of their rights and options. The complainant will be given a copy of this policy; they will also be given information about other support and counselling services that are available. This discussion is confidential.

Step Two a) Informal resolution

From this discussion, you may decide to attempt to resolve the situation informally without assistance from 3CR.

Step Two b): A formal complaint is lodged

The complainant and respondent each has the right to have a support person present at all discussions and interviews.

The appointed sub-committee will interview the complainant, and write down a detailed account of the allegations. The interview will include:

- What is alleged to have occurred, and when.
- Identification of any witnesses (if any) to the alleged harassment.
- Confirmation that the complainant is happy for the witnesses to be interviewed if necessary.
- Discussion of possible options and outcomes, including conciliation.

The appointed sub-committee will explain to the complainant the process that will take place and will advise the complainant of the possible legal implications of discussing the allegations and the investigation publicly.

The respondent will be advised about the complaint and a time will be made to discuss the allegations with them.

At the meeting, the respondent will be provided with a copy of this policy and will be verbally advised of the allegations and process, including rights and responsibilities. The appointed sub-committee will also advise the respondent of the possible legal implications of discussing the allegations and the investigation publicly. The respondent will be asked to provide a written response to the allegations. The options and possible outcomes will be discussed. A detailed written account will be taken of the interview.

Step Three: Conciliation

Attempts at conciliation will proceed if both the complainant and the respondent agree. Conciliation involves the appointed sub-committee facilitating discussions between the complainant and respondent. The aim of conciliation is to reach agreement and solutions that are satisfactory to both parties.

Step Four: *What if the allegations are substantiated and the parties do not agree to resolve the situation by conciliation, or attempts at conciliation are unsuccessful?*

The appointed sub-committee will make a decision about immediate and appropriate action to prevent the behaviour reoccurring. The decision should not disadvantage the complainant or cause the complainant to suffer. They will advise the complainant and the respondent of the decision and reasons for the decision. The appointed sub-committee will monitor the situation to make sure the behaviour has stopped, and that the resolution is working satisfactorily. In certain circumstances it may be necessary for the Station Manager to be involved to ensure the implementation of the decision.

In all cases where sexual harassment has occurred, it must be clearly understood that continued reference by the respondent to a complaint and/or its consequences will be considered further incidents of harassment.

What if the complaint is not substantiated?

The appointed sub-committee will advise the complainant and respondent of the reasons that no action will be taken on the complaint.

Appeal Process

Both the complainant and respondent can appeal a decision in writing to the Committee of Management, if they are unhappy with the outcome.

7. Legal Implications

The investigation and resolution of sexual harassment cases may involve serious issues of privacy and defamation. However, a person should not be deterred from making a complaint of sexual harassment by concerns of defamation laws.

8. Access to the 3CR Sexual Harassment Policy

This policy will be made available to all station workers and staff of the organisation with individual copies available on request from a staff member. All new Station Workers and staff will be advised of the policy.

9. Possible resolutions of sexual harassment may include:

- The behaviour stops
- An apology
- The respondent is removed from a program or time slot
- The respondent is suspended or removed from 3CR
- The respondent is reported to the police