



SEXUAL HARASSMENT POLICY

Policy number	101	Version	001
Drafted by	Nick Reaburn Vanessa Clark	Approved by Trustees on	15 th Nov 2022
Responsible persons	Trustees	Scheduled review date	31 st March 2024

INTRODUCTION

University of Tasmania Community Music Programme (“UTCMP”) will fiercely defend the right of every participant to carry out their activities without being subjected to sexual harassment. Every participant in UTCMP is responsible for maintaining an environment that is supportive of this aim. Everyone must treat everyone else with respect and must aim to act as a beacon for good behaviour in carrying out their activities within UTCMP.

It is the obligation and responsibility of every participant to ensure that the activities carried out within UTCMP are free from sexual harassment. Every participant at UTCMP is responsible for the care and protection of our people and for reporting information about suspected sexual harassment within its activities.

UTCMP is fully committed to its obligation to prevent and eliminate sexual harassment within its activities.

PURPOSE

The purpose of this document is to outline UTCMP’s position on sexual harassment and to document the process which is to be followed should any grievances arise.

DEFINITIONS

Sexual harassment means any unwelcome sexual advance, unwelcome 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. Examples of sexual harassment include, but are not limited to:

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes

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- insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- requests for sex or repeated unwanted requests to go out on dates
- 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

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

POLICY

UTCMP will not tolerate sexual harassment under any circumstances. Responsibility lies with every person, whether Trustee, office bearer, musical director, instrument player, volunteer or visitor ("Participant") to ensure that sexual harassment does not occur.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in the context of any UTCMP activity.

No Participant at any level should subject any other Participant to any form of sexual harassment.

A breach of this policy will result in disciplinary action, up to and including termination of participation in UTCMP.

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

However, given the seriousness of sexual harassment, we recommend that this discussion happens in consultation with a relevant musical director or office holder.

Alternatively, or in addition, they may report the behaviour in accordance with the relevant procedure. Once a report is made the Administrator will determine how the report should be dealt with in accordance with UTCMP's obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential but the person the subject of the complaint must be notified under the rules of natural justice. UTCMP will protect all those involved in the process from victimisation.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will

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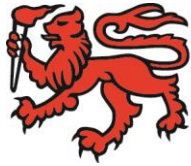
be no presumptions of guilt and no determination made until a full investigation has been completed.

No Participant will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any other Participant who has been alleged to be a harasser.

All Participants have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

A UTCMP Trustee, office holder or musical director who becomes aware of harassment of a person but who fails to take appropriate corrective action in accordance with the terms of this policy will be subject to disciplinary action.

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SEXUAL HARASSMENT PROCEDURES

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RESPONSIBILITIES

It is the responsibility of the Administrator to ensure that:

- they understand and are committed to the rights and entitlements of all Participants to take part in UTCMP activities without fear of being sexually harassed in any form;
- they understand what constitutes an act of sexual harassment;
- all reasonable steps are made to eliminate sexual harassment;
- all Participants are regularly made aware of their obligations in relation to providing an environment free from sexual harassment;
- they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- they treat all complaints seriously and confidentially; and
- they take immediate and appropriate corrective action if they become aware of any action or behaviour which may breach this policy.

PROCEDURES

Complaint Process

Sexual harassment can occur at any level of the organisation, can be experienced by both men and women and may involve Participants at any level within UTCMP. Lack of intent is no defense in sexual harassment cases.

Participants who believe they are the subject of sexual harassment should take firm, positive and prompt action.

Where possible, the Participant should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the Participant feels unable to speak to the person(s) directly, they should contact a relevant musical director, office bearer or trustee ("Recipient") with whom they feel comfortable.

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The Recipient will provide support and ascertain the nature of the complaint and the wishes of the complainant.

Informal Intervention

The Recipient will explain the complainant's rights and responsibilities UTCMP's policies and procedures and Equal Employment Opportunity or anti-discrimination legislation.

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.

This informal procedure will be complete when the complainant and the respondent come to an agreement on a satisfactory resolution of the complaint.

Formal Complaints Procedure

The Administrator may be obliged to carry out a formal investigation in relation to a complaint of sexual harassment.

The formal procedure will be coordinated by the Administrator, who will be guided by UTCMP's policies.

Formal investigations may be conducted internally by the Administrator or by an external investigator.

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 relevant disciplinary action.

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.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, respondent/s may be excluded from the activities of UTCMP for the period of the investigation.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

Records are to be kept and filed in a confidential and secure manner. These records will be kept for a period of seven years.

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

- Counselling;
- Disciplinary action against the harasser, which may include exclusion from membership of UTCMP
- Official warnings;
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- Reimbursing any costs associated with the harassment;
- Disciplinary action against the person who complained if there is compelling evidence that the complaint was vexatious or malicious;

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.

Following an investigation concerning a sexual harassment complaint (irrespective of the findings), the Administrator will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all Participants of their obligations and responsibilities in relation to providing an environment free from harassment.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

Procedures for Dealing with Criminal Conduct

Some forms of sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

Such complaints should be dealt with by the relevant authorities (such as the police) as part of the criminal justice system.

RELATED DOCUMENTS

- UTCMP Bullying Policy and Procedures 251022.doc

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