

## **Harassment Policy for Rotary District 9800 (Rev March 2006)**

**Rotary International Policy Statement.** *“Rotary is committed to creating and maintaining the safest possible environment for all participants in Rotary activities. It is the duty of all Rotarians, spouses, partners and other volunteers to safeguard to the best of their ability the welfare of and to prevent the physical, sexual or emotional abuse of children and young people with whom they come into contact”.*

This following policy reflects the spirit and intent of State and Federal legislation that prohibits sexual harassment and sexual assault. It acknowledges that Rotary has a responsibility to inform people about harassment and to take steps to prevent it. This policy is also a formal statement to ensure all Rotarians understand that they have a personal 'duty of care' when working with other Rotarians, members of the community and in particular young people.

This Policy should be read in conjunction with the separate D9800 Protection Policy.

### **Definition**

Sexual harassment is unwelcome or uninvited behaviour of a sexual nature that causes offence, intimidation, humiliation or embarrassment. Various oral, visual, written and physical behaviours can constitute sexual harassment. It can be a single incident, a series of incidents, or people being required to operate in an environment that is sexually permeated. It is the impact of the behaviour that is assessed, not the intent. Specific behaviours can include:

- inappropriate emails, voice mail messages or telephone calls,
- sexually explicit jokes, banter or innuendo,
- viewing, downloading, or printing pornography
- display of sexually explicit or pornographic pictures or objects
- sexual comments, questions or insinuations about a person's private life,
- inappropriate comments about a person's physical appearance,
- lewd facial expressions or gestures
- excessive attention and persistent requests for dates,
- requests for sexual favours, or propositioning others,
- unwelcome physical contact or uninvited physical intimacy,
- indecent exposure, sexual assault or rape (also criminal acts).

An individual or a group of people, irrespective of age, can be victims of sexual harassment. Similarly an individual or a group can be perpetrators. Sexual harassment can be behaviour between men and women, or people of the same sex. Where sexual harassment is also a criminal offence, it should be the choice of the victim to report the incident to the police. If the victim is underage, the parents/ guardian and police should be immediately notified.

Sexual harassment is not about genuine relationships, friendship or mutual attraction.

## **Appropriate Physical Contact**

Rotarians, when presenting donations, awards, scholarships, and other paraphernalia to young people, members of the community or fellow Rotarians, should note that a handshake is the appropriate level of physical contact to be initiated by the Rotarian.

## **Child Protection against Abuse: Duty of Care for Minors and Young People.** **(See separate District Protection Policy)**

Abuse of young people will not be tolerated. Rotarians are expected to ensure respectful and appropriate behaviour at all times when minors and young people are in their care. Any inappropriate physical or sexual contact with minors and young people will be treated very seriously and reported to the police. If a Rotarian has a concern about the care of a minor or young person in another Rotarian's care they must report this immediately – see the Flow Chart attached.

## **Managing and Reporting Sexual Harassment**

If you have a concern or are personally offended by the sexual nature of someone's behaviour, it is important to let the offending party know and request that the behaviour stops. If the behaviour continues or it is particularly serious in the first instance, or you fear for someone else's safety, speak with your President, immediately. Confidentiality is very important and must be adhered to.

Rotary District 9800 will not tolerate sexual harassment. All matters raised with the President will be investigated. The principles of natural justice will be applied. Disciplinary action will be taken in proven cases.

Presidents can, with appropriate support, manage issues personally and provide support to any person making a complaint either personally or on behalf of another aggrieved party. If the matter cannot be resolved informally by following the District Guidelines or if the behaviour of the alleged harasser has not stopped, the President is to ensure that the matter immediately is referred through to the District Governor – see Flow Chart attached. ■

It is essential for all Presidents Elect of District 9800 to receive Harassment training. All members of District 9800 must have access to a copy of this policy.

## **False Complaints and Defamation**

The law against defamation acts as a deterrent to the making of false or vexatious complaints. However if a Rotarian is found to have made a false complaint with deliberate and inappropriate intent, disciplinary action will be taken. A person against whom a false complaint is made, either by another Rotarian or a non-member, may have grounds for personal defamation action.

## **Victimisation**

Victimisation of a person who has raised an issue of sexual harassment, or acted as a witness, is a serious matter. Complaints of victimisation should be raised with the Club Protection Officer or the President. All complaints of victimisation will be treated seriously and investigated. Disciplinary action will be taken where proven.

## **GUIDELINES TO HANDLING COMPLAINTS: ROTARY DISTRICT 9800.**

### **Role of the Club:**

Where a complaint is made, the President, or CPO or Club Legal Advisor, must listen and provide support to the complainant i.e. the person who has allegedly been harassed. The President must ensure that this process is followed:

- That the Flow Chart process is followed
- Listen seriously to the complaint without pre-judgement of either party
- Propose options to resolve the matter mindful of complainant's expectations
- If appropriate, encourage the complainant to speak to the alleged harasser and convey their feelings on the matter. This can also be done by letter.
- Ensure that the alleged harasser is treated fairly and given the opportunity to put forward their views on the matter, utilising any witnesses if appropriate.
- Determine at this stage if the matter can be resolved. If so, review the situation periodically to ensure any harassment has ceased.
- If not resolved, refer the matter through to the District Governor – see Flow Chart. Information should not be passed onto other authorities (ie. the Police) without the consent of the person who has allegedly been harassed.

### **Role of the District Governor:**

The responsibility for the resolution of sexual harassment complaints rests with the District Governor (DG), where a complaint is referred by a Club President or directly by another person, or CPO or Club Legal Officer. The DG should seek advice of the District Legal Officer, or District Protection Officer, or access specialist services advice.

The DG, having sought advice, should then ensure that actions are taken include to:

- Arrange an interview with the complainant and ensure a third party is present as a witness to this interview and support person.
- Hear out all issues seriously and empathetically.
- Allow the complainant to call witnesses to provide their information.
- Counsel the complainant about the available processes that could be used to resolve the matter.
- Record the grievance. Take accurate notes and use the complainant's own words where possible. Check all details with the complainant.
- Obtain the complainant's agreement on their preferred way to proceed.
- Maintain confidentiality and keep records secure.

At this stage the DG, upon advice, decides whether to refer the matter for an independent investigation, or to interview the alleged harasser personally. Should it be concluded that a complaint is **not** substantiated, he/she should:

- Clearly explain the reasons for the findings to both parties
- Advise the complainant that if they are not satisfied with the findings, the matter can be taken to their independent legal advisor.
- Retain all records to prove that District handled the matter appropriately should external proceedings arise.

If after seeking advice, the DG concludes that a complaint **is** substantiated, the following outcomes may be appropriate for Rotary to pursue with the harasser:

- a public or private, written or verbal apology, to the complainant
- a warning that they are legally accountable for their own behaviour and
- that their continuing club membership may be terminated under Article X1-Section 5 of the Standard Club Constitution.

**Appeals:** Aggrieved parties also have recourse to the District Appeals Committee. And from there to their own appropriate legal advice.

**ROTARY DISTRICT 9800 PROTECTION and HARASSMENT POLICIES**

**FLOW CHART FOR HANDLING REPORTS AND ALLEGATIONS**

**Harassment and /**

**or Abuse**

Disclosure of complaint of **Harassment**  
without delay to:

Disclosure of complaint or suspected **Abuse**  
without delay to:

**CLUB PROTECTION OFFICER  
AND CLUB LEGAL ADVISOR  
(OR DISTRICT LEGAL OFFICER)**

**CLUB PROTECTION OFFICER  
AND CLUB LEGAL ADVISOR  
(OR DISTRICT LEGAL OFFICER)**

Immediately

Immediately

Immediately

Immediately

- \* Listen without pre-judgement
- \* Propose actions to resolve
- \* Maintain confidentiality

**CLUB  
PRESIDENT**

**POLICE- Phone "000"**  
Ask for D24 Sexual Abuse  
Officer for your area

**CLUB  
PRESIDENT**

IF **NOT RESOLVED** or  
harassment continues complete  
a "Protection Incident Report"  
and urgently forward to:

Complete a  
"Protection Incident Report"  
and urgently forward to:

**DISTRICT PROTECTION  
OFFICER (DPO)**

**DISTRICT PROTECTION  
OFFICER (DPO)**

**DISTRICT GOVERNOR and  
DISTRICT LEGAL OFFICER**

**DISTRICT GOVERNOR and  
DISTRICT LEGAL OFFICER**

**Actions by District:**

After determination of the required actions,  
DPO to ensure that::

- \* interviews arranged (to be witnessed)
- \* processes are followed
- \* record of grievance (take notes)
- \* all relevant parties are advised
- \* confidentiality and privacy are respected

**IF NOT RESOLVED -**

Complainant should refer to  
Equal Opportunity or own Legal Advisor

Note: DG to advise other District/s as appropriate

**Actions by District:**

After Police (Sexual Abuse Squad)  
have been contacted, DPO to ensure that:

- \* safety of victim is preserved
- \* appropriate agency or  
professional support is made available
- \* contact with parents/carers/ counsellor  
has been made and support offered as appropriate
- \* victim is in a safer environment

\* confidentiality and privacy are respected

Note: DG to advise other District/s as appropriate