

# Rotary



## ROTARY INTERNATIONAL

### DISTRICT 9500

## BULLYING AND HARASSMENT

### POLICY

When Rotarians and Volunteers are involved in Rotary Short Term Youth Programs and/or Assisting the Elderly and Infirm, they should refer to the *"Rotary District 9500 Guide to Protecting Youth Involved in Short Rotary Programs & the Elderly and Infirm When Being Assisted by Rotary"*. This Bullying and Harassment Policy is intended to provide a process for situations not covered by that Guide.

**Version 1.16**

**14<sup>th</sup> September 2015**

## ROTARY INTERNATIONAL DISTRICT 9500 HARASSMENT POLICY

### Introduction

Rotary International District 9500 is committed to providing a safe and harmonious club environment which enhances the achievement of Rotary International goals. In this environment, all members and participants in Rotary associated activities have the right to be treated fairly and with respect. Accordingly, harassment in Rotary will not be tolerated. The Policy applies to all Clubs in the District.

This involves ensuring that Club Presidents, Officers of Rotary District 9500 and members:

- Understand what constitutes harassment in Rotary and that they act promptly to discourage any such behaviour of which they become aware.
- Make sure all members and participants in Rotary associated activities who report to them are aware of what constitutes harassment and are aware of what to do if they believe they are being harassed.
- Fully understand their responsibilities in relation to a claim of harassment by a member or participant in Rotary associated activities.
- Know who to contact for further assistance or guidance regarding harassment.

Disciplinary action will be taken against any individual engaging in such conduct. This attitude has been formulated taking into account Rotary International's

- legal responsibilities;
- interest in maintaining a productive Rotary environment;
- commitment to the principles of equal opportunity;
- Rotary International's image.

### Definition of Harassment

Harassment is any improper conduct by an individual that is directed at and offensive to another person or persons and which the individual knew, or ought reasonably to know, would cause offence or harm. It comprises any objectionable act, comment or display that belittles, demeans or causes personal humiliation or embarrassment or any act of intimidation or threat. It is important to note that harassment may occur physically, verbally or via online comments (referred to as Cyber Bullying).

Any conduct, gesture or contact that is likely to cause offence or humiliation to any person or that might, on reasonable grounds, be perceived by that person as a condition or threat on any opportunity within Rotary.

Sexual Harassment is any unwanted or unwelcome behaviour of a sexual nature which makes a person feel offended, humiliated or intimidated. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile environment. The act, while not intended to, may still result in offence, humiliation or intimidation. An act may constitute sexual harassment even if it was not intended to offend, humiliate or intimidate.

## Forms of Harassment

Under federal and state legislation, it is unlawful to harass someone based on any of the attributes specified under the anti-discrimination or human rights legislation. Below are some examples of behaviours that Harassment can take, however this is not an exhaustive list.

### *Sexual Harassment*

Sexual Harassment occurs when a person is subjected to unwanted sexual conduct and which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances. Sexual Harassment can take various forms such as:

- unwelcome touching, hugging or kissing; staring or leering or suggestive comments; sending sexual material online or via email
- unwanted invitations to go out on dates or requests for sex; insults and taunts based on a person's sex
- behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

### *Other Harassment Examples*

- Making rude, abusive or insulting comments or using actions about a person's disability which are insulting or humiliating, such as suggestive pictures, jokes or computer screensavers
- Making comments or using actions which create a hostile environment
- Using overbearing or abusive behaviour with a person
- Racially oriented ridicule, e.g. derogatory reference to physical features, skin colour or cultural and religious observances or imitating someone's accent
- Derogatory remarks about a person's age, mental and physical capabilities and appearance
- Circulating cartoons or literature, displaying offensive material on walls, online or on computer screens.

## What Harassment is Not

Conduct involving the proper exercise of responsibilities or authority related to the provision of advice, counselling, discipline and other supervisory/leadership functions does not constitute harassment.

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect – if the interaction is consensual, welcome and reciprocated.

Acts of harassment *may* result in legal action taken against the offender and the club.

## Who is at Risk?

No Rotary Club is immune from harassment, although its occurrence may be more likely in certain areas and situations. For instance:

- Certain groups may be more vulnerable to harassment than others e. g., Exchange students, Group Study Exchange Team members or women members.
- It is common for the harasser to be in a position of authority over the harassed person.
- The harassment may be an isolated incident or a series of incidents.

## The Effects

For the individual being harassed, it is threatening and offensive. People can feel annoyed, embarrassed, intimidated, humiliated and distressed.

Harassment has implications for all Rotarians and participants in Rotary associated activities. It creates an unfair club environment which may affect:

- club morale
- club performance
- attendance
- retention of members

## What you can do

If you have been harassed you are advised to keep a record of incidents, dates, times, places, witnesses, any reprisals and effects on your personal life.

If you believe you are being harassed there are a number of courses of action open to you:

- Approach the alleged harasser, asking that the behaviour stop. If you do not feel able to talk to the alleged harasser, another option is to write a letter giving examples and requesting that the behaviour cease.
- You may care to have someone accompany you while you hand-deliver the letter (you are then certain it has been received). It is important to keep a copy of the letter.
- If this does not resolve the problem or you feel unable to face the alleged harasser or write her/him a letter asking that the behaviour cease, then the next step is to inform your Club President, as soon as possible.
- If you are unable or unwilling to discuss the matter with your Club President, then you should report the matter to the Group Assistant Governor or District Governor as soon as possible.

In all cases the enquiry or complaint will be taken seriously and will be dealt with confidentially and promptly.

It is Rotary International District 9500's policy that your Club President, Assistant Governor and/or District Governor will:

- provide you with support
- treat the complaint seriously
- take the appropriate steps to deal with the complaint

Note: You will not be victimised in any way for making an enquiry or a complaint of harassment. Victimisation will not be tolerated and if it occurs disciplinary action will be taken immediately.

## Harassment Complaint Process

It is critical that harassment in the club or other Rotary Managed Activity is dealt with promptly and appropriately.

1. The complainant should attempt to resolve the dispute directly with the alleged harasser. The approach should be polite but firm and clear, indicating that the harassment should stop. In some circumstances it may be appropriate to seek the assistance of a person for support or to make the complaint to the harasser in writing.
2. If this approach is unsuccessful then the complaint should be reported to the appropriate person of authority as per the following escalation process:
  - a. If the alleged harassment occurs within a Club context between Club members, then the complaint should be reported to the Club President;
  - b. If the alleged harasser is the Club President, then the complaint shall be reported to the Group Assistant Governor.
  - c. If the alleged harassment occurs at a District Committee Meeting or a District-level managed activity, then the complaint shall be reported to the District Officer in charge (either the Chair of the District Committee or Assistant Governor).

The District Officer to whom the complaint has been made should:

- Treat the complaint seriously, promptly and confidentially.
  - Provide the complainant with support and establish what outcome the complainant wants while providing options available to resolve the complaint.
  - Record the grievance. Take accurate notes, using the Complainant's own language where possible.
  - Check all details with the complainant and obtain their agreement before proceeding.
  - Make every attempt to resolve the matter informally. Where appropriate, encourage the Complainant to confront the alleged harasser and convey their feelings on the matter. This may involve the Club President or District Officer accompanying the Complainant to see the alleged harasser. In this capacity, the role of the Club President or District Officer is one of support not action.
  - Review the situation regularly to ensure the harassment has ceased.
3. If there is still no resolution the matter will immediately be referred to the District Governor.
    - The District Governor shall appoint a qualified person to investigate any complaint of harassment. The District Governor should not investigate the matter, because he/she will have to make the final decisions about the outcome. Where the District Governor needs assistance with handling

complaints of harassment, he/she may arrange with the College of Governors for assistance to be provided.

- If the Respondent is the District Governor the matter shall be turned over to Rotary International for investigation. This is a critical point; the allegation may prove unfounded but the Complainant must be reasonably sure that the investigation has been unbiased.
- The Investigator and other District and Club Officials shall be mindful of the rights and responsibilities of the Complainant and the Respondent. Until shown otherwise, a 'complaint' is an 'allegation'. Neither person involved should be characterised as the 'victim' or the 'harasser'. The activity or behaviour that gave rise to the complaint should be referred to as the 'allegation(s)' until proven otherwise.
- If at any time it appears that the behaviour the complaint is about is of an indictable nature, or may involve child or sexual abuse, the appropriate legal authority shall be advised immediately by the Investigator. It is important to involve the Police or Family Services early in the process so as to avoid the loss of evidence. Rotary should never be seen as impeding justice in any way.
- Once the Investigator has completed the investigation, the findings (without the statements of witnesses) shall be delivered to the Complainant and the Respondent who shall be given seven days to respond in writing. The Complainant and the Respondent have a right to review the findings prior to any decision being made by those in authority.
- On receipt of the responses (if any) the Investigator shall deliver his/her finding to a Panel selected by the District Governor, who will propose a resolution process. The Investigator shall make a full disclosure of his/her findings to the Panel and provide any details needed to formulate a resolution process.
- The District Governor or designate shall ensure the resolution process is implemented in a timely and sensitive manner.
- The Complainant and/or the Respondent shall be informed in writing of the decision made by the Panel. The Complainant and/or the Respondent shall have the right to appeal the decision of the Panel by responding in writing within seven days. The panel shall meet again to review the appeal and come to a resolution or refer the matter to Rotary International for final resolution.
- At any point in the process the Panel may opt to seek the advice of legal counsel.

**Remember:**

Investigate thoroughly and take your time. Do not form opinions or jump to conclusions until the investigation is complete and the documentation is reviewed. There are times when allegations of harassment cannot be proved or are proved false. Keep an open mind. Both parties' rights should be maintained throughout the investigation.

## Unsubstantiated Complaint

If a complaint is not substantiated (as determined by the District Governor) the District Governor will:

- 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 the Commissioner for Equal Opportunity or the Anti-Discrimination Board.
- Retain all records relating to the complaint in a secure place.
- Continue to monitor the situation to ensure that the behaviour complained about is not occurring and that any animosities have ceased.

## Substantiated Complaint

Disciplinary measures which may be imposed on the harasser where appropriate:

- Warning and counselling
- Closer supervision
- Transfer to another committee
- Club Membership terminated

Discipline will be gauged on the severity of the offence as considered by the District Governor.

## Other Options

Complainants retain the right to lodge a complaint with the Equal Opportunity Commission, Anti-Discrimination Board (or equivalent body) at any point during the complaint resolution process.

The Police can and should be contacted in instances where harassment may constitute a criminal offence (i.e. sexual assault or child abuse). District 9500 and Club processes must cease when a police investigation is initiated.

## Resources

The following resources are available:

Equal Opportunity Commission of South Australia

Phone: (08) 8207 1977

Email: [eoc@agd.sa.gov.au](mailto:eoc@agd.sa.gov.au)

Web: [www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)

Victorian Equal Opportunity and Human Rights Commission

Level 3, 204 Lygon Street

Carlton Vic 3053

Phone: 1300 891 848

Email: [information@veohrc.vic.gov.au](mailto:information@veohrc.vic.gov.au)

Web: [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

Anti-Discrimination Board of NSW

Web:

[www.antidiscrimination.justice.nsw.gov.au/Pages/adb1\\_makingacomplaint/adb1\\_makingacomplaint.aspx](http://www.antidiscrimination.justice.nsw.gov.au/Pages/adb1_makingacomplaint/adb1_makingacomplaint.aspx)

# DISTRICT 9500 HARASSMENT RESOLUTION FLOW CHART

