UWA Pantomime Society [UWA PantoSoc]

Box 69, M300
35 Stirling Highway
CRAWLEY WA 6009
e: uwapanto@gmail.com
w: http://www.pantosoc.guild.uwa.edu.au/

UWA Pantomime Society
Sexual Harassment Policy
Last amended: March 2013

1 Preamble

This policy outlines the UWA Pantomime Society's (PantoSoc) position on sexual harassment; that is, to sexual behaviour which is unwanted or distressing to any member of the society. It details the actions that members can expect the society to take in the event of a sexual harassment claim; it applies during all officially sanctioned PantoSoc events, including rehearsals, meetings, productions and parties.

This policy aims to

- Affirm that the UWA Pantomime Society does not tolerate sexual harassment, and considers it a serious matter.
- Inform members of the nature of sexual harassment.
- Minimise the occurrence of sexual harassment.
- Provide an avenue of recourse for those who have been sexually harassed.
- Ensure that decisions relating to sexual harassment are made in a clear and consistent manner.
- Provide practical guidance to members of the committee on how to deal with sexual harassment.

To achieve this, the policy embodies the following principles

- The UWA Pantomime Society will abide by the Guild of Undergraduates policies on sexual harassment, and affirms that sexual harassment is unacceptable.
- All committee members have a duty to act on received complaints of sexual harassment.
- The principles and particulars of this policy shall be widely communicated to all members of the society.
- Both complainants and respondents are entitled to procedural fairness in the application of this policy.
• Committee members responsible for handling complaints are encouraged to seek assistance from the Guild, Student Services and other outside bodies with relevant expertise.

• Special measures may be required when allegations are made involving members in positions of power.

• Complainants must not be disadvantaged in their participation in the society due to having made a complaint (ie no "secondary victimisation").

2 Definitions

In this document, “complainant” shall refer to a person who has made a complaint of sexual harassment, and “respondent” shall refer to the subject of that complaint. “Committee” and “executive” refer to the current committee and executive of the UWA Pantomime Society.

3 What is sexual harassment?

1. Sexual harassment is behaviour with a sexual component which is unwelcome, unsolicited and unreciprocated. This may include
   • Sexually suggestive words or gestures
   • Unwanted touching or fondling
   • Stalking
   • Indecent exposure
   • Physical molestation or assault

2. Mutual attraction, consensual romantic involvement or friendship do not constitute sexual harassment.

3. Sexual harassment may be experienced by persons of any gender.

4. Sexual harassment may be a pattern of behaviour, or a single incident.

5. It is not necessary for the complainant to have explicitly objected to the behaviour of the respondent for the behaviour to be sexual harassment.

6. The intentions of the respondent do not determine whether or not sexual harassment has occurred (though they may be taken into account when deciding how to best respond to a complaint).

7. Incidents of a physical, violent or coercive nature, such as molestation, stalking or indecent exposure may constitute a criminal offence (ie sexual assault).

8. The guidelines given above do not supersede any of the Guild's policies or definitions, or any of the society's legal obligations.

4 Duty of Care and Duty to Act

1. It is incumbent on all members of committee to follow up a received complaint of sexual harassment in a timely manner.

2. Failure to act on a complaint shall be considered failure to perform the duties required of a committee member.
3. This duty also extends to the directors of the current production, and any persons who have been nominated as “contact persons” for sexual harassment complaints, regardless of whether these people are members of committee or not.

4. Received complaints must be treated as confidential, unless there is a reasonable belief that the complainant’s physical safety would be at risk by doing so.

5. A committee member who receives a complaint must notify the executive of the complaint.

6. Details of the complaint and any actions taken must be recorded in writing. These records are to remain confidential.

5 Communication of policy

1. An up-to-date copy of this policy will be available on the club’s website.

2. The existence and major principles of this policy should be announced by the directors at the first read-through rehearsal of each production.

3. In particular, directors should emphasise
   • Sexual harassment is not tolerated
   • The panto inbox is not private, and complaints should not be sent there if confidentiality is important
   • The contact details for the executive and any additional “contact persons” to whom complaints can be made.
   • How to access a copy of this policy

4. Contact details should be provided for at least two male and two female persons to whom complaints can be made.

5. The contact persons are to be selected by the committee.

6. At least one of the male and one of the female contact persons must not be a director (for example, if both directors are male, they cannot be nominated as the two male contact persons).

6 Procedures

1. To the greatest extent possible, the person who receives a complaint shall be the person responsible for investigating it.

2. Upon receiving a complaint, it is important to establish
   • The nature and subject of the complaint
   • What (if any) action the complainant wishes to take

3. Actions that the committee can take include
   • Providing advice and support to the complainant
   • Speaking to the complainant and respondent, and attempting to find a mediated solution
   • Referring the complaint to Student Services, the Guild or (in extreme cases) police
• For the most serious cases (and as a measure of last resort), terminating the membership of the respondent.

4. Interventions should not be made on behalf of a complainant without the consent of the complainant.

6.1 Providing advice and support

1. This may include
   • Listening to and acknowledging the complainant's experiences
   • Providing advice on the nature of sexual harassment
   • Explaining the interventions that the committee can make on the complainant's behalf
   • Providing contact details or referrals to other support services (eg counselling)

6.2 Mediated solutions

1. Mediation involves discussions between the complainant, respondent and a member of committee.

2. Mediation is not always an appropriate solution. In particular, mediation should not be attempted (by committee) if
   • The alleged offence is of a physical or potentially criminal nature
   • Either the complainant or respondent does not consent to mediation
   • Mediation has been attempted with the respondent previously, and has not produced the desired change of behaviour
   • The respondent is in a position of power (for example, a member of the committee or the production committee). Such cases should be referred to Student Services

3. The aims of any mediation should be
   • For the respondent to acknowledge the distress his or her behaviour has caused the complainant
   • For the problematic behaviour to cease
   • To allow the respondent and complainant to see each others' point of view, and to reach an agreement that is satisfactory to both parties

4. Both the complainant and the respondent are entitled to procedural fairness. This may require
   • Allowing the complainant sufficient time to state his or her complaint fully
   • Holding separate “interviews” for the complainant and respondent to establish the facts of the case, or (if consented to by both parties) a joint “interview”
   • Providing all parties with sufficient notice of any interviews
6.3 Referrals to other services

1. Committee members should be familiar with the services offered at the University.

2. In particular, Student Services offers Mediation and Counselling services. Be aware that the waiting time for these services is often several weeks.

3. Whether or not a complaint is referred to another service is at the discretion of the complainant, unless there is a reasonable belief that the complainant's safety would be threatened by failing to do so.

4. The committee is encouraged to seek assistance from Student Services, particularly in the most serious cases, or where the respondent is in a position of power.

5. The committee does not require consent from the complainant to seek advice from an external service, provided that no personal information is disclosed.

6.4 Termination of membership

1. Termination of membership is the most serious sanction that the committee can apply, and should therefore only be used in the gravest of circumstances.

2. Termination of the respondent's membership shall be considered when the allegations have been substantiated on the balance of probabilities AND
   - The allegation is of a physical or potentially criminal nature OR
   - The committee holds a reasonable belief that the continued membership of the respondent would endanger the safety of any of the society's members OR
   - There have been previous substantiated allegations against the respondent, and no change of behaviour has occurred

3. Any motion to terminate membership must proceed in accordance with the relevant sections of the society's constitution.

6.5 Conflicts of Interest

1. If the subject of a complaint is a member of the committee, that person shall be excluded from all committee deliberations relevant to the complaint.

2. In the most serious cases, or where complaints cannot be resolved to the satisfaction of either party, complaints should be referred to Student Services. Consent from the complainant should be sought before doing this.

3. Complaints involving persons in any position of power, including production committee positions, should be referred to Student Services.

4. No prejudicial action may be taken against a complainant for having made a complaint of sexual harassment, unless it can be shown beyond reasonable doubt that the complaint was vexatious.

6.6 Record Keeping

1. The details of all complaints made must be recorded in writing.

2. The records are to be confidential.
3. The records are to be maintained by the president. Only the current president shall have direct access to the full collection of records.

4. When a complaint is lodged, the president should check the records to ascertain whether there have been any previous complaints involving the same respondent.

5. If there are any previous complaints, then the details of the relevant cases will be shared with the committee.

7 Changes to policy
1. Changes to this policy may be made by the committee, at a properly convened meeting, by simple majority vote.

2. Members shall be notified of any changes to this policy via email.

3. The updated policy will be made available on the club's website within one week of its amendment.