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FM 92.1 Armidale Uralla Walcha Guyra

## **SEXUAL HARRASMENT POLICY**

**As required by Community Radio Broadcasting CODE 1**

**Outlines our responsibilities in broadcasting to meet our community interest and ensures that we operate according to the guiding principles and within a framework of sound corporate governance.**

### **PURPOSE**

The purpose of this document is to outline 2ARM FM's commitment to prevent and eliminate sexual harassment in the workplace, and to immediately report and document the process which is to be followed should any grievances arise.

### **POLICY STATEMENT**

2ARM will fiercely defend the right of every employee and volunteer to perform their work without being subjected to sexual harassment.

It is the obligation and responsibility of every member and volunteer to support this aim and contribute to a workplace that is free from sexual harassment. Each individual must treat others with respect and act as a beacon for kind and inclusive behaviour in our workplace.

Members and volunteers at 2ARM are responsible for the care and protection of our people and for immediately reporting information about suspected sexual harassment.

### **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
- 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
- accessing sexually explicit internet 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

Please note that behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

## **POLICY**

2ARM will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and volunteer to ensure that sexual harassment does not occur. Both federal and state Equal Employment Opportunity legislation provides that sexual harassment is unlawful and establishes minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in any work-related context, including conferences, 2ARM functions, social events and business trips. No member or volunteer at any level should subject any other member, volunteer, guest or visitor to any form of sexual harassment.

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

2ARM strongly encourages any member who feels they have been sexually harassed to immediately report the incident. Please see Policy Complaints Procedure.

## **RESPONSIBILITIES**

It is the responsibility of the 2ARM Committee to ensure that they:

- are aware of their obligations and responsibilities to provide a workplace that does not tolerate any forms of harassment;
- are committed to ensuring the rights and entitlements of their employees, members and volunteers to perform their duties without fear of being sexually harassed in any form;
- take all reasonable steps to eliminate sexual harassment from the workplace;
- set an example by their own behaviour;
- ensure all members and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment;
- provide regular support, guidance and training so that their members and volunteers understand what constitutes an act of sexual harassment;
- if possible] Equal Employment Opportunity Contact Officers are appointed, trained and known to all staff;
- treat all complaints seriously and confidentially;
- take immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour.
- policies and procedures are regularly reviewed and (if necessary) amended;

## **COMPLAINT PROCEDURE**

Sexual harassment can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, volunteer, supervisor, manager, service provider, client or customer. Lack of intent is no defence in sexual harassment cases.

### **Take immediate action**

Employees or volunteers who believe they are the subject of sexual harassment should take positive and prompt action. Where possible, the member or volunteer should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and ask that it needs to stop immediately.

If the behaviour continues, or if the member or volunteer feels unable to speak to the person(s) directly, they should contact the station manager, or another member of the committee. The committee will provide support and ascertain the nature of the complaint and the wishes of the complainant.

### **Informal intervention**

Informal intervention may be undertaken through a process of mediation or conciliation. A member of the committee will explain the member or volunteer's rights and responsibilities under organisation's policy, procedures, or anti-discrimination legislation.

During informal intervention the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed.

### **Procedures for dealing with Formal Complaints**

The committee may be obliged to carry out a formal investigation in relation to a complaint of sexual harassment. The formal procedure will be co-ordinated by the station manager or secretary. Formal investigations may be conducted internally (by the committee) 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.

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

Once a finding is made, the investigator will make recommendations about resolving the complaint or implementing disciplinary action (including and up to termination of membership).

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, members may be stood down from work or provided with alternative duties during an investigation during any such period.

Records are to be kept and filed in a confidential and secure place. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

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 (e.g. demotion, transfer, suspension, probation or dismissal);
- Official warnings that are noted in the respondent's personnel file;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- 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;
- 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 committee will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all members and volunteers of their obligations and responsibilities in relation to providing a workplace free from harassment.
- Inform both parties of the appeals procedure that can be accessed if one of the parties believes that there has been a serious error in the decision. The Committee may decide then to escalate the investigation/complaint to an outside organisation. eg the CBAA, Police.

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.

This policy is adapted from the policy located at

<https://communitydirectors.com.au/policies/sexual-harassment-policy>