

GUIDELINES FOR DEALING WITH SEXUAL HARASSMENT - STAFF

These guidelines emphasise conciliation and confidentiality and emphasise the responsibility of the University to work towards the elimination of sexual harassment and the prompt effective resolution of complaints.

Charles Darwin wishes to promote a work environment that supports productivity and the self esteem and personal work goals of its employees and students. Such an environment is likely to be undermined by personal harassment and victimisation. Sexual harassment deserves particular attention from Management because it is difficult for parties to discuss and resolve because of its sensitive and personal nature.

The effect of sexual harassment on an individual at work can present particular problems where individuals cannot choose to leave without cost to their employment. The harassment may come from an individual who wields real or perceived power over the complainant. Conduct, which may be accepted, or even welcomed, in social contexts, can be inappropriate in the work context. Further, an individual may feel more secure in spurning unwelcome or unsolicited behaviour in a social context.

The consequences of sexual harassment at work range from actual or potential disadvantage to individuals' opportunities in appointment, promotion or transfer, lack of self-esteem or confidence in carrying out tasks to adverse effects on productivity. Sexual harassment may also create an intimidating, hostile environment where people other than the victim may suffer.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is one form of discrimination. Discrimination generally operates in an environment where the balance of power is unequal and occurs when power is improperly exercised to the detriment of a person or group of people. Sexual harassment is discriminatory because it results in some people being treated less favourably than others.

Sexual harassment covers any unwelcome, unsolicited and non-reciprocated behaviour which constitutes deliberate or unintentional verbal or physical

conduct of a sexual nature. It may be an isolated incident or a series of incidents. The distress caused by sexual harassment may be the same whether the conduct was intentional or unintentional. Although the majority of sexual harassment complaints come from women, it is not confined to any gender or sexual preference.

WAYS IN WHICH SEXUAL HARASSMENT CAN OCCUR

Sexual harassment can occur in a number of ways such as:

- (a) where a person uses implicit or explicit coercive sexual behaviour to control, influence or affect the career of another person over whom he or she is seen as exerting authority;
- (b) where co-workers or subordinates submit a colleague or a supervisor to humiliation or offensive behaviour of a sexual nature on the basis of the person's sex or sexual preference; or
- (c) where requests for sexual favours are accompanied by implied or overt promises for preferential treatment or threats concerning an individual's employment status.

Sexual harassment may include a wide range of behaviour of a sexual nature which causes another employee/student distress. The following are some of the forms of behaviour that constitute sexual harassment:

- offensive hand or body gestures;
- sexy or smutty jokes;
- provocative pictures with a sexual connotation;
- personally offensive verbal comments;
- implicit or explicit demands for sexual activities;
- repeated comments or teasing about a person's alleged sexual activities or private life;
- physical contact such as patting, pinching or touching;
- obscene phone calls;
- being followed home from work;
- persistent unwelcome social invitations;
- sexual assault and rape.

Sexual harassment may occur by an individual or by actions of a group of harassers.

Forms of sexual harassment which are commonly thought mild or trivial can be personally offensive, particularly in supervisor/employee relationships where the formal nature of the relationship involves authority of one over another.

Sexual harassment does not arise in the context of mutually acceptable behaviour or personal relationships based on choice and consent. Furthermore, it would be unfortunate if staff were to be inhibited from developing close and professionally appropriate relationships through fear that their behaviour will be misconstrued as sexual harassment.

The same behaviour can have quite different effects on different individuals. What one person may be able to cope with may distress another. Different social or cultural backgrounds may lead people to perceive the same conduct differently.

Charles Darwin University is concerned where sexual harassment:

becomes a condition of a person's selection into courses or admission to or recruitment by the university; or

becomes a term or condition for a decision which bears favourably on the academic evaluation of a person or the level and condition of appointment, promotion or salary of a person; or

interferes with an individual's academic or work performance; or

creates an intimidating, hostile or offensive learning or working environment.

ROLE OF MANAGEMENT

Managers and supervisors do not have the right to intrude into personal relationships freely entered into by staff, but it does have a responsibility to ensure that proper standards of conduct are maintained at all times in the workplace. Managers should have proper concern where the behaviour of staff towards other staff:

creates an intimidating, hostile, offensive or distressing work, learning environment which adversely affects an individual's prospects for employment or promotion or other work-related benefits;

adversely affects the work performance of individuals or groups of staff;

undermines staff morale or causes distress through, for example, the display of offensive material;

leads to physical or emotional stress, which may force a staff member

to take leave to cope with the behaviour or to seek transfer or resignation;

reflects adversely on the integrity and standing of the University as seen by members of the public or by staff/students.

Charles Darwin University does not tolerate behaviour that constitutes harassment or sexual harassment. If you believe that you are experiencing sexual harassment or you are aware that sexual harassment is occurring in your work environment you are strongly urged to discuss this with your supervisor or your supervisor's supervisor or contact Support and Equity Services. Harassers generally don't stop the behaviour unless someone tells them to stop it.

Please also refer to the Staff and Student/Staff Grievances Processes.