



# Schedule to the Monash University Choral Society Constitution

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Harassment and Discrimination Policy and  
Procedures  
V2.0  
2016 August

# Harassment and Discrimination Policy and Procedures of the Monash University Choral Society

## Part 1. Purpose and Definitions

### 1.1. Purpose

MonUCS, as an organisation, stands against all forms of discrimination and harassment, and positively promotes a safe environment. The purpose of the Harassment and Discrimination Policy is to outline what is not acceptable conduct between persons attending MonUCS events, whether they are members, staff (including but not limited to conductor(s), accompanist(s), soloist(s) and other paid music staff), guests, or other persons who attend official MonUCS events. The Procedures section then outlines what appropriate steps may be taken by the society to prevent further harm from occurring.

### 1.2. Definitions

- 1.2.1.** Definitions not covered in this document will take definition as per the MonUCS constitution, the Clubs & Societies constitution, or the MSA constitution, in that order.
- 1.2.2.** Harassment is conduct that annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens, or offends the victim and results in a hostile environment for the victim. Harassing behavior may include, but is not limited to, epithets, derogatory comments, slurs and lewd propositions, physical assault, impeding or blocking movement, offensive touching, any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons.
- 1.2.3.** 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 considered reasonable in the circumstances.
- 1.2.4.** Sexual harassment can take various forms such as:
- a) unwelcome touching, hugging, or kissing; staring or leering or suggestive comments;
  - b) sending sexual material online or via email;
  - c) unwanted invitations to go out on dates or requests for sex;
  - d) insults and taunts based on a person's sex;
  - e) behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

- 1.2.5.** Bullying is repeated behaviour that can range from obvious verbal or physical assault to subtle psychological abuse. It can include:
- a) physical or verbal abuse;
  - b) yelling, screaming, or offensive language;
  - c) excluding or isolating behaviour;
  - d) psychological harassment;
  - e) intimidation.
- 1.2.6.** All forms of harassment and bullying are defined as being unwanted or unwelcome. In certain settings, it may be unreasonable to accuse someone as having perpetrated harassment or bullying if they have not yet been warned that their behaviour is unwanted. Ideally, a warning would always be given. However, it is not practicable in other circumstances for this warning to occur, for example when the behaviour is violent or the complainant has fears for their safety.
- 1.2.7.** Harassment and bullying in all their forms may not be intended as such by the alleged perpetrator, who may not know how their behaviour appears to others. This makes it all the more important that warnings are given or statements made about how these actions make others feel. However, the way a person's actions are interpreted by the person receiving them often have more weight when complaints about harassment are being managed.
- 1.2.8.** Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law. This includes bullying someone because of a protected attribute. Equal opportunity laws protect people from discrimination, sexual harassment, victimisation, and racial and religious vilification. Discrimination laws apply in the setting of publicly funded clubs and community organisations such as MonUCS. In Victoria, it is against the law to discriminate against someone because of a protected attribute, such as:
- a) a disability, disease or injury, including work related injury,
  - b) parental status or status as a carer, where a person is responsible for caring for children or other dependents (does not cover those paid to provide care),
  - c) race, colour, descent, nationality, ancestry, or ethnic background,  sEP
  - d) age, whether young or old, or because of age in general,  sEP
  - e) sex, whether male, female, or intersex,  sEP
  - f) employment activity, for example because they ask questions or raise concerns about their rights or entitlements at work,  sEP
  - g) industrial activity, including being a member of an industrial organisation such as a trade union or taking part in industrial activity, or deciding not to join a union,  sEP
  - h) physical features, such as height, weight, size, hair, or birthmarks,  sEP
  - i) religious belief or taking part in religious activity,  sEP
  - j) pregnancy and breastfeeding,  sEP

- k) taking part in lawful sexual activity, [SEP]
- l) sexual orientation or gender identity, whether gay, lesbian, bisexual, asexual, pansexual, transsexual, transgender, queer, genderqueer, or heterosexual,
- m) marital/relationship status, whether married, divorced, unmarried, single, or in a de facto or domestic relationship, be it monogamous or otherwise,
- n) political belief or taking part in political activity, or not taking part in political activity at all,
- o) an association with someone who has, or is assumed to have, one of these personal attributes.

**1.2.9.** Discrimination can either be direct or indirect: [SEP]

- a) Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person.
- b) Indirect discrimination happens when an unreasonable practice or policy appears to be fair because it treats everyone the same way, but is likely to disadvantage people from a particular group, where the onus for showing reasonableness rests on the persons implementing the practice or policy.

**1.2.10.** What harassment and discrimination are not: [SEP]

- a) The members of the MonUCS committee, particularly the members of the executive, have responsibilities to manage and supervise other committee members, staff, and, on occasion, society members, particularly with regard to unsatisfactory performance of duties. Such management may include constructive critical feedback, and monitoring and review of work performance. The act of correcting fellow members and staff, pointing out areas for improvement, or invoking misconduct procedures does not in itself constitute harassment. The society committee members have a responsibility to establish and maintain a society free from harassment by offering constructive and legitimate advice and comments in a way that does not demean or humiliate other society members or staff.
- b) Members of the musical staff providing feedback to the members, including but not limited to the pointing out of tone, rhythm, or other musical error.

## **Part 2. Policy**

### **2.1. Policy Statement**

- 2.1.1.** The Monash University Choral Society is committed to making MonUCS a safe space for all to enjoy. MonUCS will take all reasonable steps to ensure an environment free from harassment, bullying, and discrimination
- 2.1.2.** Harassment, bullying, and discrimination will not be tolerated within MonUCS, any of its events or events that MonUCS participates in officially, such as the Intervarsity Choral Festival.

- 2.1.3.** The committee will actively take steps to prevent harassment, bullying, and discrimination, and to improve its management of any cases. This includes encouragement of members, particularly those on committee, to undergo Grievance Officer training.

### **Part 3. Procedures**

In the event of an incident of discrimination or harassment, there are numerous methods that can be employed to deal with said incident.

#### **3.1. Informal Complaints**

- 3.1.1.** When a complaint is brought to a Grievance Officer or committee member, there should firstly be direct discussion with the alleged instigator of said incident. Where an alleged instigator is asked to cease a certain behaviour, they should immediately do so.
- 3.1.2.** Complainants may ask a member of the committee, generally a member of the executive, to intervene and discuss the issue with alleged instigator. This may involve mediation between the complainant and alleged instigator.
- 3.1.3.** In the event that a person responsible for intervening in the reported issue feels that it is beyond the bounds of the informal complaint process, they may recommend to the complainant that they escalate the complaint to a formal one.

#### **3.2. Formal Complaints**

- 3.2.1.** A formal complaint is a higher level of management of a complaint, and may lead to serious consequences for those alleged to have harassed or discriminated against others. The nature of informal and formal complaints and the process involved should be communicated to a complainant before they make the decision as to which pathway they would like to pursue.
- 3.2.2.** To lodge a formal complaint, report the incident/issue to:
- a) The society president or their delegate as approved by committee.
  - b) In the case of a complaint against the society president, the society secretary.
- 3.2.3.** A formal investigation usually involves requesting the complainant to provide a written statement outlining the specifics of the problem, a follow up interview being conducted with the complainant, an interview being conducted with the alleged harasser, as well conducting interviews with any witnesses.

- 3.2.4.** A formal complaint triggers a procedure that includes investigation, decision-making about whether the complaint can be substantiated, and the implementation of an action to remedy the complaint as authorised by the society committee.
- 3.2.5.** Confidential formal records will be kept of the investigation. Both parties to the complaint will be informed of the outcome of the complaint.
- 3.2.6.** If the complainant believes that their complaint has not been appropriately dealt with at any stage of the complaint procedure, or should they otherwise decide to do so, the complainant may refer their complaint to the society executive or committee as a whole.
- 3.2.7.** If a complaint pertains to a number of members of the executive, or the complainant believes there is a conflict of interest within the executive's ability to investigate the matter, the complaint may be referred to the Clubs & Societies Council Executive. [SEP]
- 3.2.8.** Guiding principles of investigation:
- a) Confidentiality – Only the persons directly involved in making or investigating a complaint, witnesses, or any other person who needs to be involved in the complaint to ensure a suitable resolution is achieved will be involved in the complaints process and/or have access to information about the complaint.
  - b) Impartiality – Both sides will have an opportunity to present their version of events. No assumptions will be made and no action will be initiated until all relevant information has been collated and duly considered.
  - c) Support – Both sides are entitled to have a support person present during the complaint process. Support can be provided by any person chosen by the parties.
  - d) Victimisation – No action will be taken against anyone for making a genuine complaint or helping someone make a complaint. Members who engage in the victimisation of persons who have made a complaint and/or against an alleged harasser will be subject to a disciplinary process.
  - e) Timeliness – All complaints are to be dealt with as expeditiously as is practicable.
- 3.2.9.** There are occasions where immediate action to prevent further harm may need to be taken. On these occasions, the society president, or if appropriate, the society secretary, may take any actions from clause 3.2.11 of these procedures required to alleviate the situation. [SEP]
- 3.2.10.** In the case of substantiated claims, the following disciplinary actions may be taken. The severity of the incident and whether the instigator has been sanctioned as per these procedures previously will be taken into account when deciding on the appropriate action.
- a) Verbal warning
  - b) Written warning
  - c) Removal from activity – this includes but is not limited to removal from rehearsals, social activities or camp. In the case of camp, where the person

does not have their own transport, they will be sent home in a taxi at their own expense.

- d) Removal of ability to sing in concert(s) for a period of time
- e) In the case of appointed members, removal from their position by a meeting of the elected members of committee as per the Schedule to the Constitution.
- f) In the case of elected members of committee, a motion to remove them from their position at a general meeting of society members (requires a simple majority) as per the Schedule to the Constitution.
- g) A motion from the committee to revoke membership, which must be voted on at a general meeting as per the MonUCS Constitution.
- h) Referral to Statutory Authorities, such as Victoria Police.

Author	Date	Version	Changes
Fiona Schoer and Simon Singer	23/2/2013	1.0	<ul style="list-style-type: none"> <li>• New Harassment and Discrimination Policy as passed at Meeting 13-2</li> </ul>
Claire McGannon	24/6/2016	1.1	<ul style="list-style-type: none"> <li>• Reformatted document to match Constitution</li> <li>• Changed version number and proposal date</li> <li>• Changed the order of some subclauses in 1.2</li> <li>• Added definitions of harassment and bullying (1.2.2 and 1.2.5)</li> <li>• Added points about how bullying and harassment can be interpreted and the subtleties of such (1.2.6-7)</li> <li>• Added suggestion about escalation of complaints from informal to formal complaint process (clause 3.1)</li> <li>• Added description of a formal complaint (clause 3.2)</li> </ul>