



Empowerment Through Enlightenment

**PREVENTION OF SEXUAL
HARASSMENT AND ASSAULT
(SHA) POLICY**

201806

Definitions

Sexual Harassment is unwanted conduct of a sexual nature. It can be directed towards one person, groups of people or towards everyone and can occur as a one-off incident or be a pattern of harmful behaviour. Anyone can experience sexual harassment, and EWEI recognises the specific and varied challenges faced by women, men, transgender people and others when experiencing it.

The effect of sexual harassment is to violate the dignity of another person, and to create an intimidating, hostile, degrading, humiliating or offensive environment for them and others.

Sexual harassment can take many forms, including (but not limited to):

- ❖ Verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- ❖ Non-verbal such as displaying pornographic or explicit images, staring, sexual gestures or written comments of a sexual nature such as offensive or inappropriate
- ❖ Physical such as unwanted physical contact, touching, and assault (this includes attempts and threats to do these things).

When addressing allegations of sexual harassment, EWEI is concerned with the impact of the behaviours on the complainant, not the intention of the person accused. An action or behaviour can still be considered sexual harassment even if the alleged harasser didn't intend for it to be harmful.

Sexual Assault is a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly called "date rape" and "acquaintance rape"), fondling, statutory rape, and incest.

Sexual Violence is defined as a physical sexual act perpetrated against a person's will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence is prohibited by state and federal law.

Three types of sexual violence are commonly distinguished: sexual violence involving intercourse (i.e. rape), contact sexual violence (i.e. unwanted touching, but excluding intercourse) and noncontact sexual violence (i.e. threatened sexual violence, exhibitionism and verbal sexual harassment). While coerced sex may result in sexual gratification for the perpetrator, its underlying purpose is to express power and dominance over the other person.

Sexual Abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Coercion covers a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats. For instance, threats of being dismissed from a job

or of not obtaining a job that is sought. It may also occur when a person is unable to give consent. For example, while drunk, drugged, asleep or mentally incapable of understanding the situation.

Understanding Sexual Harassment and Assault.

1. 'Sexual harassment' is unwelcome conduct of a sexual nature that violates the rights of a person. In determining whether conduct constitutes sexual harassment the following factors are to be taken into account:
 - a. Whether the harassment is on the grounds of sex and/ or gender (regardless of the sexual orientation of either the complainant or the alleged perpetrator);
 - b. The impact of the sexual conduct on the complainant;
 - c. Whether the sexual conduct was unwelcome;
 - d. The nature and extent of the sexual conduct.
2. Unwelcome sexual conduct includes behaviour that is perceived by the complainant as demeaning, compromising, embarrassing, threatening and/or offensive:
 - a. the assessment of what is unwelcome should be informed by context, including culture and language;
 - b. previous consensual participation in sexual conduct does not mean that the conduct continues to be welcome;
 - c. when a victim has difficulty indicating to the alleged perpetrator that the conduct is unwelcome, the victim may seek the assistance and intervention of another person in order to make it clear that the conduct is unwelcome;
 - d. some forms of sexual harassment are such that the alleged perpetrator should have known that the behaviour would be unwelcome.
3. Unwelcome sexual conduct includes physical, verbal and non-verbal conduct. Such conduct may be direct or indirect and may include technological devices, images and weapons. A single incident of unwelcome sexual conduct can constitute sexual harassment. Unwelcome physical conduct ranges from touching to sexual assault and rape;
4. Unwelcome verbal conduct includes innuendos, suggestions or hints of a sexual nature, sexual advances, sexual threats, comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's body, inappropriate enquiries about a person's sex life, whistling of a sexual nature and the sending by electronic means or otherwise of sexually explicit text;
5. Unwelcome non-verbal conduct includes gestures, indecent exposure and the display or sending by electronic or other means sexually explicit pictures or objects.

Sexual harassment may take the form of special victimization, quid pro quo harassment and the creation of a hostile environment.

- (i) Special victimization occurs when a person is victimized or intimidated for failing to submit to sexual advances;

- (ii) *Quid pro quo* harassment occurs when an alleged perpetrator influences or attempts to influence a person's employment circumstances by coercing or attempting to coerce that person to engage in sexual activities;
- (iii) Creation of a hostile environment occurs where the purpose or effect is to interfere with another's performance at work.

Responsibilities for Reporting and Responding

- 1) Responsible employees who become aware of an incident of sexual assault, sexual violence and/or sexual harassment, have a legal responsibility to report it to EWEI Management who are responsible for handling such incidents.
- 2) **Responsible employees** at EWEI include **all staff** who should therefore:
 - ❖ **Advise** the individual in advance that while you will make every effort to maintain privacy to the greatest extent possible, that you cannot keep the incident confidential.
 - ❖ **Refer** individual to those resources designated as responsible for handling incidents (including those resources that are confidential).
 - ❖ **Report** the incident to one of the individuals at EWEI designated as responsible for handling incidents.

Third Parties

While EWEI has no jurisdiction over third parties who are neither staff nor employees of EWEI, the organisation intends that this and related policies will be upheld and respected by all who work at, or visit, the organisation or who take part in the organisation's activities at any location. Any individual (Interns, Volunteers, Partners or Collaborators, and Beneficiaries) agreeing to abide by EWEI Code of Conduct will be deemed to have consented to be subject to EWEI disciplinary jurisdiction.

Where such third parties are not subject either to the rules or procedures for staff, or the provisions of the Code of Conduct, the Organisational Development and Partnerships and MEAL departments will keep a record of complaints and reported violations of this and related policies, and will report these to EWEI management appropriately so that the information can be taken into account in considering whether to continue to contract for services.