

AIYA Prevention of Bullying, Discrimination and Sexual Harassment Policy and Internal Reporting Procedures

1. Introduction

The Australia Indonesia Youth Association (**AIYA**) promotes an environment that is free from bullying, discrimination, sexual exploitation, sexual abuse or sexual harassment (**SEAH**). The promotion of this environment extends to the actions of the National Executive, the Chapter Committees, our Members, and to those we partner with. These concepts underlie the AIYA Prevention of Bullying, Discrimination and Sexual Harassment Policy (**the Policy**).

1.1 The current landscape of sexual harassment and youth

The Australian Human Rights Commission Report 'Change the course: national report on sexual assault and sexual harassment at Australian universities' in 2017 found that people aged between 18 – 24 years old are most at risk of sexual harassment when compared to the broader community. As a youth organisation, AIYA is committed to fostering a culture which is inclusive, positive, and free from any type of discrimination or harassment.

AIYA encourages all of our Members to be proactive in growing a supportive and positive AIYA culture, where everyone is welcomed and respected. However, we also recognise that AIYA Members may be perpetrators of discrimination, bullying and harassment.

This Policy is a compliance requirement of the Preventing SEAH Policy from the Department of Foreign Affairs and Trade (**DFAT**), accessible [here](#).

1.2 AIYA's values and principles

AIYA is committed to providing a safe, respectful and engaging environment for all AIYA Members, free from all forms of discrimination, bullying and sexual harassment.

By effectively implementing this Policy, and the Reporting Form (see Section 1.3 below), we will create a positive environment for our Members and help ensure that we attract and retain talented Members and partner organisations. It will also deepen our ability to Connect, Inform and Inspire youth in the Australia-Indonesia bilateral space.

AIYA is aware that due to our membership base across Australia and Indonesia, AIYA is distinctly positioned to play an important and influential role in creating cultural change. This also places us in a unique position where we can effectively and sensitively navigate the differences in legal and cultural understandings of bullying, discrimination and sexual harassment that are held in these two countries. In this respect, AIYA is well-positioned to encourage effective and respectful dialogue regarding SEAH.

Therefore, as AIYA is an organisation led by youth for the purpose of facilitating youth engagement, we believe that values of respect, equality and transparency should be upheld in all AIYA activities, regardless of where they occur. This will ensure that all our Members can be fully engaged, no matter where they are based. Accordingly, this Policy applies to all AIYA Members and activities in Australia, Indonesia and online.

1.3 Outline of the Policy

This Policy outlines the expectations and requirements for AIYA Members to manage the risk of bullying, discrimination or sexual harassment, should they occur in the delivery of AIYA activities. Section 5 of this Policy, titled '**Reportable Conduct**', outlines the definitions of terms used and provides examples to help in the application of this Policy. This Policy links to the '**Reporting Form**' which should be used by AIYA Members and non-members when making a complaint to the AIYA National Executive about Reportable Conduct.

2. Scope

This Policy applies to the following people:

1. AIYA Executive Members;
2. AIYA Chapter Presidents;
3. AIYA Members; and
4. Other attendees at AIYA events.

For clarity, this Policy applies to all AIYA activities conducted in Australia, Indonesia and online.

'AIYA Activities' includes:

- Events hosted or co-hosted by AIYA
- Events where AIYA members attended as representatives of AIYA.

3. Principles of this Policy

3.1 SEAH is not limited by cultural boundaries

AIYA is aware that concepts of SEAH may not have legal meaning in some jurisdictions. We are committed to ensuring that all of our Members, no matter if they are in Australia or Indonesia, are provided with a safe and inclusive environment at AIYA, free from discrimination, bullying and sexual harassment. AIYA has a zero tolerance approach to all SEAH incidents, no matter their context.

3.2 Victim and survivor needs are prioritised

This Policy is underpinned by an approach that prioritises the rights, needs and wishes of victims and survivors, while ensuring procedural fairness to all parties. This approach means that victims and survivors are treated with dignity and respect, are involved in the decision-making process, and will have their privacy and confidentiality respected.

3.3 Bystander intervention

Bystanders, including AIYA Members and non-members, who witness or are aware of sexual harassment or other Reportable Conduct can play an important role in preventing Reportable Conduct occurring in AIYA. When grounded in behaviours of integrity and respect, action taken by AIYA Members and non-members can have positive impacts for defining AIYA's culture.

Bystanders who are made aware of Reportable Conduct are encouraged to make a complaint with the Reporting Form, and name the victim or survivor if the victim or survivor consents. The standard that people walk past is the standard that people accept.

4. AIYA Member rights and responsibilities

All AIYA Members are entitled to:

- recruitment and selection decisions based on merit and not influenced by irrelevant personal characteristics;
- partake in AIYA activities free from discrimination, bullying and sexual harassment; and
- the right to raise issues or to make enquiry or complaint in a reasonable and respectful manner without being victimised.

AIYA encourages all AIYA Members to:

- follow the standards of behaviour outlined in this Policy;
- offer support to other Members who experience discrimination, bullying or sexual

harassment including providing information about how to make a complaint;

- avoid gossip and respect the confidentiality of complaint resolution procedures; and
- treat everyone equally with dignity, courtesy and respect.

4.1 Additional responsibilities of Executive Members and Chapter Presidents

National Executive Members and Chapter Presidents must make a formal complaint should they witness Reportable Conduct or come to believe that Reportable Conduct has occurred towards an AIYA Member or at an AIYA event.

5. Reportable Conduct

Conduct which constitutes discrimination, bullying, sexual exploitation, sexual abuse and sexual harassment are unacceptable in any of AIYA's activities. Where possible, we want this type of conduct to be reported to us: that's why we call it 'Reportable Conduct'. Members, including National Executive Members, Chapter Presidents and AIYA Members, found to have engaged in Reportable Conduct will be dealt with at the discretion of the National Executive.

Where it is believed a National Executive Member has engaged in Reportable Conduct, measures will be taken to ensure that the complaint is dealt with externally.

Any Reportable Conduct which may also constitute a breach of criminal law will be reported to the relevant authorities.

The three types of Reportable Conduct that are covered in this Policy are:

- Discrimination;
- Bullying; and
- Sexual exploitation, abuse and harassment (SEAH).

5.1 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law such as sex, age, race or disability.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic.

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a particular personal

characteristic.

5.2 Bullying

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social media posts, social isolation or ignoring people, or unfair organisation practices.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language;
- threats, abuse or shouting;
- coercion;
- isolation;
- inappropriate blaming;
- 'ganging up' on an individual;
- constant unconstructive criticism;
- deliberately withholding information or equipment that a person needs to do their job; or
- unreasonable refusal of requests for training or other benefits.

5.3 Sexual Exploitation, Abuse or Harassment (SEAH)

5.3.1 Sexual Exploitation

AIYA does not tolerate any form of sexual exploitation.

Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially or politically from the sexual exploitation of another.

This includes offering to give a student extra academic marks or threatening to reduce their marks if they do not perform a sexual act upon the relevant person or provide them with sexual material.

5.3.2 Sexual Abuse

AIYA does not tolerate any form of sexual abuse.

Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to:

- attempted rape (which includes attempts to force someone to perform oral sex); and
- sexual assault (which includes non-consensual kissing and touching).

All sexual activity with someone under the age of consent (16 years) is considered to be sexual

abuse. For further information about children, see [AIYA Child Protection Policy](#).

In some circumstances, conduct which constitutes sexual abuse will be illegal. In appropriate circumstances, the National Executive will report this to the relevant authorities or Australian/Indonesian Embassy staff.

5.3.3 Sexual Harassment

A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look;
- sexually suggestive behaviour, such as leering or staring;
- brushing up against someone, touching, fondling or hugging;
- sexually suggestive comments or jokes;
- displaying offensive screen savers, photos, calendars or objects;
- repeated unwanted requests to go out;
- requests for sex;
- sexually explicit posts on social networking sites;
- insults or taunts of a sexual nature;
- intrusive questions or statements about a person's private life;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites; and
- 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.

Just because someone does not object to inappropriate behaviour at the time, does not mean that they are consenting to that behaviour.

A single incident is enough to constitute sexual harassment – it does not have to be repeated.

AIYA recognises that comments and behaviour that do not offend one person can offend another. This policy encourages that all Members respect other people's personal boundaries and wishes.

6. Reporting mechanisms in AIYA

AIYA strongly encourages AIYA Members and non-members who believe that they have experienced or have witnessed Reportable Conduct undertaken by an AIYA Member or undertaken at an AIYA event to consider making a complaint through the **Reporting Form**.

Where a complaint is made via the Reporting Form, the form will be accessed by the AIYA National Secretary and shared with the National Executive. For an up-to-date list of AIYA's Board of Directors, see our [website](#). Victims and survivors will be given comprehensive information throughout the process, and will be involved in decision making.

6.1 FAQ's about the reporting process

Can I remain anonymous?

In some situations, a person who witnesses or experiences Reportable Conduct may wish to remain anonymous and, where appropriate, anonymity will be provided. However, AIYA acknowledges that it may not be possible in all circumstances to keep the identity of a person or people providing the information confidential. For example, in some situations it may be possible for the respondent to the allegations to guess who made the complaint, or the respondent may need to be provided with the full details of allegations to ensure that they have the ability to respond appropriately to the allegation and are afforded procedural fairness and natural justice.

What if I'm not sure the conduct happened at an AIYA event, or whether it's Reportable Conduct?

If you are unsure whether the conduct is in fact Reportable Conduct, or in fact occurred at an AIYA event, we encourage you to report regardless. The National Executive will then determine the issue.

If I then make a complaint through the Reporting Form, can I later retract it?

The AIYA National Executive will treat all complaints with a victim-centred approach. That means that if you as a bystander or victim wish to stop the reporting or investigation process, you can do so at any time.

If I make a complaint about Reportable Conduct, will this affect my AIYA membership or ability to hold Chapter or National positions?

Where an AIYA member has made a complaint in good faith, this will never affect their AIYA membership or ability to hold Chapter or National positions.

Can I just report verbally to a Chapter or National Executive member?

While this Policy does allow for bystander reporting, we highly encourage the Reporting Form to be used by the victim or survivor when making complaints. This means that the information is more likely to be accurate, and we can directly contact you for further information and follow ups. Utilising the Reporting Form also assists AIYA to identify instances where there are repeated offences by a particular individual and respond accordingly.

Will AIYA offer me counselling or other support services?

AIYA cannot offer any formal support services. However, we have included a list of support services below available in Australia and Indonesia.

What if Reportable Conduct occurred while on exchange or at university?

Where Reportable Conduct occurs in connection with another organisation, such as a university or exchange provider, AIYA encourages the victim or survivor to notify and seek support from that organisation, where they feel comfortable doing so, in conjunction with using the AIYA Reporting Form.

Can I report conduct on content posted by a third party after an AIYA event about the event?

If the conduct could be interpreted as presenting AIYA in a negative way, it is reportable to ensure AIYA's reputation is maintained. If the conduct negatively affects an AIYA member, it is reportable and will be handled via the victim-centred approach.

It is noted, however, that AIYA does not control third parties actions or content. If members of the third party are not current AIYA members, they have not agreed to AIYA's policies including the Code of Conduct.

AIYA does not have the capacity to monitor every piece of content that is posted on third-party sources but encourages any concerns to be reported. AIYA can assist in the communication between third parties and explain any reportable conduct.

7. Support services

7.1 Support in Australia

LifeLine: [lifeline.org.au](https://www.lifeline.org.au)

BeyondBlue: [beyondblue.org.au](https://www.beyondblue.org.au)

Head to Health: [headtohealth.gov.au](https://www.headtohealth.gov.au)

7.2 Support in Indonesia

Yayasan Pulih: yayasanpulih.org/en/psychological-services/

Sintas: sintas.org/

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