

Managing Disclosures or Allegations of Sexual Harassment and Abuse at Melbourne Buddhist Centre: Policy and procedure document

This policy stands to manage disclosures or allegations of sexual abuse and for the prevention of such abuse. It applies to Order members, Mitras, Friends of Triratna and all members of the public who come into contact and engage with the Order. The aim of the policy is to serve the interests of safe practice to ensure a respectful and timely response is made to manage sexual harassment and child abuse. The Order notes that sexual abuse and harassment are non-virtuous actions and in conflict with the Buddhist precept regarding sexual misconduct. This policy is approved by the Management Committee of the Melbourne Buddhist Centre.

Section 1: Principal Values

1.1 Commitment

The Triratna Buddhist Order Melbourne is committed to the ethical principle of 'Do no harm' and therefore to the prevention of sexual abuse. As such the Order in Melbourne undertakes to ensure that the voice of all parties involved in disclosures and allegations of sexual abuse are heard. Further that any cases of child abuse will be dealt with in compliance with the Commissioner for Children and Young People's Reportable Conduct Scheme

1.2 Basis of values

The values underpinning this policy are based on the five Buddhist precepts:

I undertake to abstain from harming living beings	With deeds of loving-kindness I purify my body
I undertake to abstain from taking the not given	With open handed generosity, I purify my body
I undertake to abstain from sexual misconduct	With stillness, simplicity and contentment I purify my body
I undertake to abstain from false speech	With truthful communication, I purify my speech
I undertake to abstain from intoxication	With mindfulness clear and radiant I purify my mind

1.3 Value statements

The Triratna Buddhist Order Melbourne is committed to:

1. conduct that values each individual and their potential Buddha nature;
2. activities and structures that are free from sexual abuse and misconduct;
3. ensuring that the responsibilities inherent in leadership roles are understood;
4. ensuring that ethical boundaries of relationships are maintained;
5. recognising sexual abuse when it occurs and dealing with it;
6. having procedures in place for dealing with disclosures and allegations of sexual abuse;
7. making Order members, Mitras and Friends of the Order aware of the Order's Policies for the Prevention of sexual abuse and of their rights and responsibilities;
8. reporting any unskillful behavior to the MBC Management Committee
9. the engagement of legal process when appropriate.

Section 2 Expectations & Conditions for Centre functions

2.1 Expectations

- Any responsible organisation will treat all people with fairness and dignity and care for those who are vulnerable and in need of nurture and protection.
- A Buddhist centre must be a place of refuge and safety, particularly for the vulnerable, including children, the aged, the disabled, those going through grief, divorce, loss of a job or who are in other circumstances leading to emotional distress.

2.2 Conditions for working at MBC

- Ordained members are to have a copy of the Policy and be aware of their responsibilities
- All Centre staff are to be trained in the policy
- Volunteers and workers must complete application forms, provide references, and undertake checks to show they are fit to work with children.
- It is recommended to work in pairs or in the presence of family when in contact with children.
- Persons convicted of violent crimes or sex offences cannot be engaged by the Centre.
- Forming a sexual relationship at the MBC: it is expected that any responsible Order member, Mitra or Friend who has the intention or prospect of developing a sexual relationship with someone attending the MBC fully discusses the matter with peers, Order Chapter, mentors and a member of Committee before proceeding. Caution and discretion must be observed along with ethical behavior at all times.

Section 3: Principal Understandings

3.1 Definition of abuse

Abuse is any intentional act whereby one person seeks to exert power or control over another. Such abuse often occurs in relationships where there is a power imbalance resulting in aggressive or manipulative behavior.

3.2 Forms of sexual abuse

- **Sexual Abuse:** Any unwelcome or forced sexual activities perpetrated by a person in a position of trust, power or authority. (e.g., unwanted sexual contact of any kind including hugging, kissing, touching or invading someone's personal space in addition to forcing or coercing someone to have sex or to have sex with others, uttering threats to obtain sex etc.)
- **Sexual harassment:** Sexual harassment is harassment with a sexual basis, any sexual advance, request for sexual favours of a person, or engagement in other unwelcome conduct of a sexual nature, such as touching and unwanted comments, that offends, intimidates or otherwise distresses the complainant.
- **Sexual assault:** any unwelcome sexual behavior that may occur along a continuum from verbal insult to sexual intercourse, which makes a person feel threatened or afraid.
- **Sexual conduct prohibited by criminal law**

- **Child sexual abuse:** This policy is covered in **Practising with Children at the Melbourne Buddhist Centre policy and procedures document**
- Although the age of consent in Victoria is 16 and the Victorian Government's Reportable Conduct Scheme considers people under 18 as children. (See Appendix 1) Abuse of children could occur at the hands of teachers, volunteers, employees, members or others such as Centre attendees.

3.3 Other forms of abuse

This policy is specifically concerned with responding to complaints of sexual harassment and abuse.

Different types of abuse can occur, however, in a variety of contexts. An appendix is included to illustrate the diverse range of abuse that may occur within a spiritual community; any of these may require a response. Should allegations of other forms of abuse be made, this Policy may provide a basic framework for a response. Advice may also be sought from other agencies or professions in dealing with such allegations.

Section 4 Responding to Allegations of Sexual Harassment and Abuse

4.1 On Hearing a Disclosure of Harassment or Sexual Abuse

- Maintain appropriate care and treat the allegation seriously.
- Request the harasser to stop.
- Reassure the victim that they are understood.
- Do not attempt to run an investigation; report to Chair and the Management Committee (see below).
- Maintain confidentiality and ensure support, counselling, and advocacy are provided for the victim. Retain clothing of victim if abuse is recent
- Where their identity is known victims must not be blamed or shamed and should be welcomed back into the community, but it is preferable that the identity of victims is not made known.
- (Brochures from health departments, counselling services or women's advocacy services are to be available from the Centre).

4.2 Reporting Complaints

- Order members, employees and volunteers must report to Management Committee reasonable suspicions or complaints of abuse.
- An independent person will be appointed by the Management Committee with the specific duty of dealing with any allegations.
- The Centre must have a reporting process to handle allegations. Complaints should be made in writing and all steps made to address the complaint need to be documented. Reports will be treated as confidential. Committee can meet to decide if an incident requires reporting to police. Any uncertainty in this regard can be clarified by discussion with the police.
- All disclosures, reports and details of subsequent investigations will be documented promptly and secured to preserve privacy.
- If there is reasonable suspicion that a Centre attendee has been or is suffering abuse, the police will be contacted immediately by the person appointed by Management Committee.
- Any incident that has occurred outside the Centre premises, such as on retreat or an outing is subject to the above process.

4.4 Approach to the alleged offender

- A person suspected of abuse will be suspended from work or other duties at the Centre while under investigation.
- A person found guilty of committing abuse, either by internal investigation or by a court, will have their engagement with the Melbourne Buddhist Centre terminated and will be not allowed to attend any activities of the Centre.

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Appendices

Appendix 1 - Generally the age of consent is 16, however sex is not a crime if the younger person was 15 and the older person is less than two years older and believed the younger one was 16.

Appendix 2 – Types of Abuse

Physical Abuse

Physical abuse is the non-accidental use of force that may, or may not result in bodily injury, discomfort, pain or impairment. This may include but is not limited to slapping, kicking, restraining, choking, grabbing, pulling etc.

Psychological/Emotional Abuse

Any act that provokes fear, diminishes the individual's dignity or self-worth, and/or intentionally inflicts psychological trauma and mental distress on another person. (e.g., threats, yelling, intimidating actions looks and gestures, silence, playing on emotions, degradation, belittling, minimizing, denying or blaming, refusing or denying support etc.)

Sexual Abuse

Any unwelcome or forced sexual activities perpetrated by a person in a position of trust, power or authority. (e.g., unwanted sexual contact of any kind including hugging, kissing, touching or invading someone's personal space in addition to forcing or coercing someone to have sex or to have sex with others, uttering threats to obtain sex etc.)

Verbal Abuse

The use of negative comments that are unwelcome, embarrassing, offensive, threatening/or degrading to a person (e.g. name calling, put downs, false accusations, lying, saying one thing and meaning another etc.)

Stalking

Stalking is when one person repeatedly contacts, follows, harasses or spies on another person and in doing so leads that person to feel intimidated, fearful and unsafe.

Social Abuse

Any behavior resulting in the isolation and alienation of a person from friends or family. (e.g. not including someone, discouraging someone from having contact with their family etc.)

Spiritual Abuse

Any tactics that exert power and control over a person's beliefs, spirituality and religious orientation (e.g. using own views to disrespect and belittle the values and beliefs of someone else, using position to pressure someone to undertake tasks or favors etc.)

Using Privilege/Social Status

Any comments or actions that suggest a person is inferior because of gender, race, class, sexual orientation, immigration status, age, occupation, socio economic status, physical or developmental ability.

Financial Abuse

Any behavior that coerces a vulnerable person to provide money, or where money is acquired without a person's permission (e.g. taking money, forging a person's signature; using a person's credit card, pressuring a person to provide money, denying someone's participation in financial decision making.)

