

## **Policy for Managing Disclosures or Allegations of Sexual Harassment and Abuse.**

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 Triratna Buddhist Order and Community. 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 abuse. The Order understands that sexual abuse and harassment are non-virtuous actions and in conflict with the Buddhist precept regarding sexual misconduct.

This policy is approved and kept under review by the Management Committee of the Triratna Sydney Buddhist Centre.

### **Section 1: Principal Values**

#### **1.1 Commitment**

The Triratna Buddhist Community Sydney is committed to the ethical principle of ‘Do no harm’ and therefore to the prevention of sexual abuse. As such the Community in Sydney 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 are reported to police and that matters of a criminal nature are fully investigated and that where a complainant seeks to report to police are supported to do so.

(see also Triratna Sydney Buddhist Community Child Protection Policy 2018)

#### **1.2 Basis of values**

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

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

#### **1.3 Value statements**

The Triratna Buddhist Community Sydney 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. recognizing 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 Centre’s policies for the prevention of sexual abuse and of their rights and responsibilities;
8. reporting any unskillful behavior to the Safeguarding Officer or a member of the SBC Management Committee
9. the engagement of legal process when appropriate.

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### Section 2 Expectations & Conditions for Centre functions

#### 2.1 Expectations

- Triratna Buddhist Community Sydney 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 circumstances leading to emotional distress.

#### 2.2 Conditions for working at Sydney Buddhist Centre

- Ordained members must be offered a copy of the policy and **be aware of their responsibilities**
- All Centre staff must be trained in the policy
- Volunteers and workers must 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 SBC:** 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 SBC discusses the matter with peers, Order Chapter and mentors before proceeding. The Management Committee must be informed. 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 Different definitions 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:** The age of consent in New South Wales is 16 and sexual contact with anyone under 16 is a criminal offence. (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

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basic framework for a response. Advice may also be sought from the Triratna Safeguarding Team [safeguarding@triratnadevelopment.org](mailto:safeguarding@triratnadevelopment.org) or other professional bodies in dealing with such allegations.

### Section 4 Responding to Allegations of Harassment and Sexual Abuse

#### 4.1 On Hearing a Disclosure of Harassment or Sexual Abuse

- Maintain appropriate care and treat the allegation seriously.
- Maintain confidentiality but make it clear that you may have to discuss their concerns with others, on a strictly need-to-know basis, if possible with their permission
- Do not attempt to run an investigation; report to the Safeguarding Officer or to Management Committee (see below).
- Write a factual account of what you have seen and heard immediately.

#### 4.2 Reporting Complaints

- Order members, employees and volunteers must report complaints of abuse to the Safeguarding Officer or, in their absence, to the Management Committee.
- Complaints should be made in writing and all steps made to address the complaint need to be documented. Reports will be treated as confidential.
- Safeguarding Officer can decide, or in their absence the 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.
- The Safeguarding Officer will keep a detailed log of all Safeguarding-related incidents as well as conversations and actions related to them.
- All disclosures, reports and details of subsequent investigations will be documented promptly and secured to preserve privacy.
- 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

- At the discretion of the Safeguarding Officer or, in their absence the Committee, a person suspected of abuse may 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 Sydney Buddhist Centre terminated and will be not allowed to attend any activities of the Centre.

#### • 4.5 Reviewing our Policies annually

All our Safeguarding policies will be reviewed annually by the Safeguarding Officer in collaboration with the Chair or Management Committee, and the review recorded in the minutes of the Committee meeting.

#### Safeguarding officer's name and email address

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#### Safeguarding officer's signature

*Buddhankpali*

#### Chair's name and email address

SAMACITTA samacitta1@gmail.com

#### Chair's signature

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Date 15 October 2018

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### Appendices

#### Appendix 1 – Age of Consent

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 – Informed Consent

Informed consent refers to the capacity of a person to give consent to sexual contact. This means that the person must be in a position to give or refuse consent and to know what they are consenting to. In order to give consent, the person must be of legal age (minimum age of 16 in NSW), and their capacity to give consent must not be impaired by intoxication, cognitive disability, mental illness or any form of coercion or power imbalance. The issue of power imbalance is particularly relevant in a spiritual community and confers a particular duty of care upon Order Members. It needs to be recognized that whether intended or not, friends and mitras are at risk of projecting their spiritual aspirations on to Order Members and to potentially view them in an idealized way. They may be liable to share very personal information with OM's they do not necessarily know well. If sexual contact occurs in this context, it leaves such sangha members particularly vulnerable to feelings of exploitation. This consequence can be exacerbated if the sangha member has a background of trauma. To give fully informed consent, the person needs to feel that there will not be negative consequences for them if they refuse sexual contact; for example they will not lose the positive regard of the other person, or be punished in any way.

#### Appendix 3 – 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.

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### **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.)