

Sexual Harassment Policy

Parti Sosialis Malaysia (PSM)

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1. **Our Commitment**

Parti Sosialis Malaysia (hereinafter known as PSM) strives and committed as an organisation to create a safe and dignified environment for all, free from any form of discrimination and harassment, with this zero tolerance policy.

We are committed to:

- Foster respectful relationships between ourselves, and between ourselves and members of the public;
- Understanding the need for us as individuals to be constantly self-aware and sensitive to any behaviour from ourselves, staff or volunteers which may constitute harassment or disrespect;
- Challenge such behaviour and if appropriate, report to the Sexual Harassment Complaint and Investigation Committee (SHCIC).

This commits us to working towards building an environment free from:

- Discrimination in any form, including discrimination based on ethnicity, age, mobility, class, religion, sexual orientation, gender identity, gender expression, or sex characteristics;
- Violence, in any form;
- Xenophobia, wherever it occurs;

PSM will ensure that this policy is circulated to all Branches, Units and Fronts. It is the responsibility of every committee member to ensure that all PSM members are aware of the policy through the dissemination of the policy via the PSM website, as well as regular trainings on Sexual Harassment.

2. **Scope of the Policy**

This policy applies to all current PSM members and other individuals, including those who seek help at PSM service centres, staff, interns, volunteers, and partners of PSM; as well as consultants, contractors and suppliers of services. The policy will apply regardless of time limitations or place of occurrence, i.e. within or outside of PSM premises. The policy is applicable and covers a variety of situations including social events, business trips, training sessions, and conferences.

PSM determines that the safety and wellbeing of our members is always of paramount consideration, irrespective of who commits sexual harassment, i.e. someone within or external to PSM.

In the case of sexual harassment perpetrated by someone external to PSM against a PSM member whether in or outside PSM premises, PSM will take all necessary

action to deal with such conduct, in consultation and with the informed consent of the victim, including but not limited to:

- Lodging a police report (on behalf of the victim);
- Reporting the complaint (supported by the necessary evidence) to the organisation to which the alleged perpetrator belongs;
- Taking steps to limit or cease contact (whether face to face or electronically) between the victim and the alleged perpetrator;
- Informing related organisations or individuals of the conduct of the perpetrator, with the consent from the victim (if necessary)
- Providing support for the survivor, such as references for counselling, escalation, legal aid.

In the case of sexual harassment by a PSM member against another PSM member or against any external individual, disciplinary action will be taken in accordance with the current disciplinary policy. This may include facing disciplinary action or dismissal from PSM. No individual and/or other will be victimised for making such a sexual harassment complaint.

PSM treats all incidents with the utmost seriousness. PSM is committed to promptly investigating all allegations of sexual harassment.

3. Definition

a. *Sexual Harassment*

Sexual harassment is unwanted, unwelcome or offensive conduct of a sexual nature against whom the conduct is directed. It can happen to anyone regardless of ethnicity, age, disability, class, religion, sexual orientation, gender identity, gender expression, or sex characteristics. It has the purpose or effect of violating the dignity of an individual, and creating an intimidating, hostile, degrading, humiliating, or offensive environment for them.

PSM recognises that sexual harassment is often a manifestation of power dynamics in unequal relationships. PSM also recognises that a reasonable person' standard should be applied to determine whether challenged conduct is of a sexual nature. The 'reasonable person' standard should not however be applied in a vacuum. Consideration should be given to the context in which the alleged harassment took place. The 'reasonable person' standard should consider the victim's perspective and not stereotyped notions of acceptable behaviour. For example, a workplace in which sexual slurs, displays of suggestive pictures, and other offensive conduct abound can constitute a hostile work environment even if many people deem it to be harmless or insignificant.

Sexual harassment may include physical, verbal or non-verbal conduct, or written messages, but is not limited to the examples listed as follows:

- Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape.
- Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints; sexual advances; comments with sexual overtones; sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them; unwelcome and inappropriate enquiries about a person's sex life; and unwelcome whistling directed at a person or group of persons.
- Offensive comments (verbal, written, or otherwise) related to ethnicity, age, disability, class, religion, sexual orientation, gender identity, gender expression, or sex characteristics, inappropriate use of nudity and/or sexual images in public spaces (including presentation slides); deliberate intimidation, stalking or following; harassing materials, photography or recording; sustained disruptions of talks or other events (whether verbal or otherwise); inappropriate physical contact, and unwelcome sexual attention.
- Infliction of physical violence by any means, which causes danger to anyone.
- Any boisterous, lewd or offensive behaviour or language, including but not limited to using sexually explicit or offensive language, materials, conduct, or any language, behaviour, or content that contains profanity, obscene gestures, or racial, religious or ethnic slurs.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- Quid pro quo harassment occurs where an owner, employer, supervisor, member of management, or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- Public and individually directed mockery of one's sexual orientation and/or gender presentation and expression.

While harassment usually refers to ongoing or repeated incidents and patterns of behaviour, some of the above behaviours can be sexual harassment in the case of one-off incidents.

An act may still consider sexual harassment even if the alleged perpetrator does not have intention. However, intention can be an aggravating factor.

Intent is described as the desire to cause harm or act with the knowledge that harm is certain to occur as a result of the act.

b. Sexual assault and physical threat

Sexual assault and physical threats are extreme forms of sexual harassment. Sexual assault and physical threat are criminal matters and can be reported to the police, in this situation it is advisable for the victim to do so. However, the victim is free to make the final decision. PSM will cooperate with authorities in criminal cases.

c. Victim

Person who is the target of sexual harassment.

d. Trusted Person

In the event that a third party or individual comes forward on the behalf of the victim, the said individual must provide a reasonable explanation for doing so.

e. Concerned parties

In the event that there is a serious allegation and action need to be taken to mitigate the situation, but victim/survivor is not ready to lodge a formal or informal complaint, Biro Gender can step in to file a formal complaint.

f. Perpetrator

An alleged perpetrator is the person who has allegedly sexually harassed the victim.

g. Text messages

Text that involves sending offensive or sexually explicit text messages

h. Sexual Orientation, Gender Identity and Expression (SOGIE)

- Sexual Orientation - Describes to whom a person is sexually attracted. Some people are attracted to people of a particular gender; others are attracted to people of more than one gender. Some are not attracted to anyone.
- Gender Identity and Expression - The ways in which a person identifies and/or expresses their gender, including self-image, appearance, and embodiment of gender roles. One's sex (e.g. male, female, intersex, etc.) is usually assigned at birth based on one's physical biology. One's gender (e.g. male, female, genderqueer, etc.) is one's internal sense of self and identity. One's gender expression (e.g. masculine, feminine, androgynous, etc.) is how one embodies gender attributes, presentations, roles, and more.

i. Non-consensual

Without the willing and informed consent of the individual/s. The context in which the consent was provided will also be critically reviewed. For example, if there exists a difference in power between the perpetrator and the victim or if the victim was unable to provide consent (being unconscious, intoxicated, etc.).

j. Non-verbal

Implicit messages, whether intentional or not, which are expressed through facial expressions, the tone and pitch of the voice, gestures displayed through body language (kinesics), including movement and the physical distance between the communicators.

k. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to feel fear.

l. Sexual Harassment Complaint Form (SHCF)

A form provided to the victim for the purpose of making a formal complaint.

4. Victim-Centred Policy

PSM is committed to practicing a 'victim-centred' policy. In accordance with this 'victim-centred' policy:

- The consent of the victim will be sought for any action taken. This principle does not preclude the need to maintain due process at all stages of the process.
- The trusted person will get consent of the victim before seeking any action on their behalf.
- The victim's decision should be respected, and they should not be pressured into making informal or formal complaints in order for action to be taken. In such circumstances, Sexual Harassment Complaint and Investigation Committee (SHCIC) should have the discretion to decide and consider initiating a formal disciplinary process against the alleged perpetrator.
- The victim will be free to withdraw their participation should they choose to without prejudice.
- SHCIC will seek to protect the confidentiality and anonymity of the victim.

5. Sexual Harassment Complaint and Investigation Committee (SHCIC)

- The SHCIC has the authority to receive and investigate any formal complaints which are referred to the committee.

- The SHCIC shall be appointed by the Central Committee Members of PSM and the CC has discretion to replace any SHCIC member if necessary.
- The SHCIC shall comprise of 2 permanent appointees and 1 ad-hoc appointee (min 3 persons):
 - Two members from the Biro Gender (permanent) that have undergone sexual harassment and Disciplinary Inquiry training
 - Individuals from PSM, Pemuda Sosialis or external parties who have expertise in, or have undergone sexual harassment and gender related training to assist in the investigation procedure.
- The Chair and members of the SHCIC will be appointed by the Central Committee of PSM.
- If a legitimate concern or a conflict of interest is raised about a committee member of SHCIC, the Chair of SHCIC may request that the Sec-Gen of PSM appoint another person from Biro Gender.
- All individuals selected for the SHCIC should have received relevant training in sexual harassment policy and conduct, Disciplinary inquiry, and have access to guidelines of the party on how to appropriately review the case.
- The SHCIC will usually seek to ensure a gender balance where possible. The composition of SHCIC can be restructured to address the nature of the complaint. In particular circumstances, the SHCIC may be entirely female or male. For example, if the victim expresses a desire for an all women committee.

6. Complaints Procedure

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. PSM recognises due to some circumstances, especially given the power dynamics in an unequal relationship between the victim and the alleged perpetrator, it may not be possible for the victim to inform the alleged perpetrator. If a victim cannot directly approach an alleged perpetrator, a trusted person appointed by the victim can be part of the mediation process with the presence of the SHCIC.

Alternatively, the victim may approach the SHCIC and the committee should facilitate the victim to file a formal complaint if that is in line with the victim's wishes.

If a case under investigation is made public by the victim or the alleged perpetrator, the Sec Gen will issue a public statement or clarification (maintaining confidentiality and referring to the parties only as victim/complainant, and alleged perpetrator). The investigation will continue despite the case having been made public.

a. *Formal Complaint*



- **Role of the Victim:** A written complaint can be made by filling up Form SHCF (Appendix 1) which will be available in all PSM branches and HQ, and should be submitted or emailed to the SHCIC.
- The written form will include:
 - the name of the alleged perpetrator;
 - the nature of the alleged behaviour;
 - the dates, times, and locations when and where the alleged behaviour occurred;
 - The harm suffered, or repercussions (e.g. adverse impact on ability to perform job, anxiety etc.)
 - the names of any witnesses (if any); and
 - Any action already taken by the victim to stop the alleged harassment.

The role of the SHCIC:

The SHCIC, upon receiving such a complaint, must take the necessary steps to begin an investigation into the complaint.

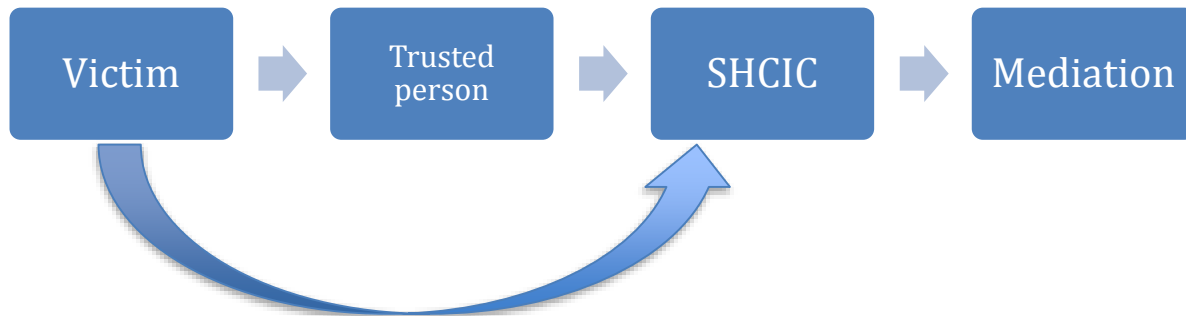
- Step 1** The Chair of the SHCIC will make sure that the committee members do not have any conflict of interest in the case.
- Step 2** To inform the Sec Gen after the preliminary investigation (to understand the context of the case, i.e. the allegations, persons involved) that they have received a complaint and that the case will be investigated, in order to ensure the Sec Gen is aware and is able to handle the situation should anything happen. The only info to be provided to the Sec Gen is whether the alleged perpetrator is part of the Central Committee, and if the individuals involved are from PSM or an external party.
- Step 3** Based on the preliminary investigation, the Sec Gen will be aware of the absence of the alleged perpetrator for the duration of the period of investigation, and their possible future absence (depending on the results of the investigation).
- Step 4** The alleged perpetrator will be required to take leave from party activities, position(s) held, and tasks assigned during the period of investigation as per the SHCIC preliminary investigation.
- Step 5** The absence of the alleged perpetrator from party and branch activities will be communicated in confidence by the Sec Gen to the branch Chairperson. In the absence of a Chairperson, the Secretary of the branch will be informed.

- Step 6** The SHCIC may suggest that victim take leave (if necessary).
- Step 7** Both parties (victim and alleged perpetrator) will be required to keep all information pertaining to the case confidential during the period of investigation, to avoid jeopardising the investigation process, with the exception of medical and health services for the victim.
- If the alleged perpetrator is Sec Gen, the Chairman of the Party will be notified. In the absence of the Chairman, the Deputy Chairman will be notified.
 - The investigation and the finding process are explained further in Section 7 and 8.

The Role of Disciplinary Committee (DC)

- Upon receiving recommendations from the SHCIC, the DC will take appropriate follow up measures with the alleged perpetrator.
- Those involved in providing advice to a victim, trusted person, or are involved in any capacity in the resolution of a complaint (whether informal or formal), must keep all information confidential at all times. Any breach of confidentiality not in accordance with the ethics of confidentiality will be subject to disciplinary action.

b. Informal complaint



Informal Complaint

- Anyone who is subject to sexual harassment could take a number of informal options to address unwanted and unwelcome conduct, or conduct that is otherwise deemed inappropriate.
- The process for an informal complaint will differ from the process for a formal complaint. Despite having different procedures, all cases in which there is a victim(s) and an alleged perpetrator(s), will involve the SHCIC. The Chair of the SHCIC will keep the Sec-Gen updated on the nature of the case without revealing any confidential information.

Possible options for the Victim:

Although inappropriate in many circumstances, the victim may choose to:

i. *Talk to the perpetrator on their own*

Talk to the perpetrator on their own, or with a trusted person accompanying them. The alleged perpetrator should be made aware of the behaviour and that such behaviour(s) is not acceptable and must not be repeated.

ii. *Trusted Person and SHCIC (The chart)*

Scenario 1: Mediation with presence of victim, trusted person, and SHCIC

If the victim decides to talk to the alleged perpetrator through a trusted person of their choice, the trusted person with the consent from the victim **must** inform SHCIC. SHCIC will investigate and after the investigation they will arrange a meeting with the victim, the trusted person, and the alleged perpetrator. This will give victims the opportunity to talk to the alleged perpetrator and explain their view of the offending behaviour with the presence of their trusted person and SHCIC. Any recommendations from the mediation will follow the steps outlined in the Section “Finding Process”.

Scenario 2: Mediation without victim

If the victim feels unable to speak to the alleged perpetrator themselves and they do not want to be present during the meeting, the trusted person (whom the victim has approached for help), must inform SHCIC. SHCIC will investigate and following the investigation will arrange a meeting with the trusted person and the alleged perpetrator. Any recommendations from the mediation will follow the steps outlines in the Section “Finding Process”.

Scenario 3: If the victim approaches SHCIC directly

The victim is free to approach SHCIC directly without a middle person. The SHCIC will carry out an investigation and may look for mediation.

iii. *Anonymous Google Form*

Should a person, whether a victim or witness to unwanted behaviour of a party member, or has experienced harassment outside the party and does not want to make a complaint or take any actions, the victim or the witness can alert the SHCIC via an anonymous google form.

The google form will be shared with everyone within the party and the information that is shared will only be available to SHCIC. Form submissions will be sent to all members of the SHCIC to ensure that if the alleged perpetrator is part of the SHCIC, the information submitted is not deleted, and the SHCIC can take appropriate action based on the case.

Should the victim or any person wish to remain anonymous, the SHCIC will only be able to conduct a limited investigation, this may not be favourable to the victim. Therefore, formal or informal complaints are encouraged in order to provide better support to the victim.

c. Concerned Parties

In a situation where SHCIC has received a complaint that is considered serious, with multiple allegations against the alleged perpetrator, and there are no victims filing a formal or informal complaint, the SHCIC is given a clear mandate to investigate the allegations based on a Formal Complaint by Concerned Parties process.. The concerned parties will follow the complaint process as stated in the policy and required to keep the information confidential.

7. Investigation

a. Investigation process

- The investigation will seek to be impartial, neutral, and objective. It will be carried out with due respect for both the rights of the victim and the alleged perpetrator.
- Every effort will be made to ensure that the investigation is conducted sensitively, fairly, with due process, and always held in a confidential manner. All parties involved have to sign a confidentiality agreement (Refer to Appendix II) to agree that no one can disclose any information to the public during the period of investigation.
- In the context of a formal or informal investigation, it will be difficult to maintain the anonymity of the victim from the alleged perpetrator, as the SHCIC has the duty to investigate without any bias or prejudice. However, anonymity is guaranteed outside the investigation.
- After having received the written complaint, the Investigation Committee will carry out an investigation into the details of the alleged incident(s). The committee carrying out the investigation will:
 - Conduct separate interviews with the victim and the alleged perpetrator in person (in the event that the alleged perpetrator is not contactable, the investigation will be held ex parte).
 - Conduct separate interviews with other relevant third parties.
 - Decide whether or not incident(s) of sexual harassment took place.

- Ensure that the process is done as quickly as possible and, in any event, ordinarily within 14 days of the complaint being made. However, time extensions can be requested by either party. In the case of time extension, the SHCIC shall communicate with the victim and the alleged perpetrator so they are informed of the reason for the delay. The SHCIC is required to not delay the process more than 30 days (maximum) from investigation to remedy process (including delay time).
- In the event that the alleged perpetrator is not contactable at the end of 14 days, the SHCIC may be given another 14 days to contact the alleged perpetrator before proceeding to report to the Sec Gen and Disciplinary Committee.

8. Finding Process

i. Formal complaints

- Upon conclusion of the investigation, which will ordinarily be within 14 working days of the meeting with the victim, alleged perpetrator, and all relevant parties, the SHCIC is required to produce a report detailing the investigation, findings, and any recommendations.
- Only the SHCIC will have full details of the victims. The report to the Disciplinary Committee and Sec Gen will not reveal information about the victim or anything that may lead to the revelation of the identity of the victim. The Disciplinary Committee will only assess and take action against the alleged perpetrator.
- The SHCIC will communicate and assist the victim in the process of seeking remedy.
- Ensure that all records concerning the matter are kept confidential throughout the investigation process and stored at a secure place.
- In the event of changing of Chair or the SHCIC, the newly appointed team will have access to the information especially when there is a case of repeat offender. The anonymity of the confidential information will be guaranteed outside the committee.
- If the SHCIC findings is that sexual harassment took place, then the Disciplinary Committee will decide on the appropriate action for the alleged perpetrator (i.e. an apology to the victim, attending awareness training on SH, or other disciplinary action against the perpetrator as stipulated in section Article 9 of party constitution).
- The Disciplinary Committee will also follow up 6 months to one year to ensure that the recommendations from the SHCIC report are implemented, and that the behaviour has stopped.

- The SHCIC will update the victim about the progress through SHCIC and check that the victim is satisfied with the outcome
- If the SHCIC cannot determine that harassment took place (not enough evidence), the SHCIC has the responsibility to assist the victim to get the best possible remedy. Alternatively, if the allegation of sexual harassment has been misplaced, the SHCIC and Disciplinary Committee should help build an understanding of both victim and alleged perpetrator regarding Sexual Harassment.
- The SHCIC, Sec Gen, and the Disciplinary Committee must ensure that all records concerning the matter are kept confidential and stored in a secure place at all time.
- If the action against the alleged perpetrator is suspension or termination, the Sec Gen will communicate with the relevant branch Chairperson or the Secretary about the decision without revealing details of the case.
- If the alleged perpetrator is a Central Committee member, the Sec Gen will inform the Central Committee about the decision without revealing details of the case.

ii. Informal Complaints

- Upon conclusion of the investigation, which will ordinarily be within 14 working days of the meeting with the victim, alleged perpetrator, and the relevant parties, the SHCIC is required to produce a report detailing the investigations, findings, and any recommendations.
- Possible outcomes of the informal process include, but are not limited to:
 - i. Clarification of points of view.
 - ii. Clearing up misunderstandings.
 - iii. An apology for the conduct.
 - iv. Acknowledgement of a possible violation.
 - v. A commitment not to repeat the behaviour(s).
 - vi. Gender training.
 - vii. Possible therapy (outside PSM).
 - viii. Making a decision whether to proceed to formal process (this will be communicated with the Sec Gen)
 - ix. If the perpetrator still repeats the offence, the victim or anyone that accompanied the victim should make a formal complaint to the SHCIC.
- After the findings, the SHCIC will call for a mediation meeting (with or without the presence of the victim or with the presence of trusted person – depending on the way the complaint was brought to SHCIC) the SHCIC will propose available options to parties involved.
- SHCIC will assist the victim to get the best possible remedy if harassment cannot be determined.
- SHCIC will assess and assist the alleged perpetrator to reflect and change their behaviour (from 6 months to 1 year).

- If the SHCIC suggest suspension or termination as part of the recommendations, then the SHCIC will send the findings report to the Sec Gen and Disciplinary Committee for consideration, without revealing the identity of the victim.
- Should there be a need to file a formal complaint, the SHCIC will encourage the victim to lodge a formal complaint. The findings report will be submitted to the Disciplinary Committee with the knowledge of the Sec-Gen.

9. Appeal Process

The victim and the alleged perpetrator have the right to appeal against the findings of the SHCIC.

In the context of formal complaints, if the alleged victim is not happy with the findings, they have the right to appeal. However, this would reveal their identity to the Disciplinary Committee. The Disciplinary Committee is duty bound to keep the identity of the victim confidential outside the committee.

Any appeals should be made to the Disciplinary Committee who can assess whether the procedures and guidelines were followed appropriately and recommend a course of action if not.

In the context of informal complaints, if the mediation process failed and victim is not happy with the outcome of the mediation then the victim will be encouraged to file a formal complaint.

10. Non-cooperation

- If the alleged perpetrator is not willing to cooperate, the committee will inform the victim and try to mediate the situation based on the circumstances.
- Whatever the procedure and/or outcome, the victim always has the right to lodge a police complaint or take the case to a civil court.

11. Disciplinary Action

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following disciplinary actions:

- verbal or written warning
- suspension
- dismissal

Whatever action taken against the perpetrator must be stated clearly and precisely, including the duration involved.

12. Monitoring and evaluation

PSM recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. Those responsible for dealing with sexual harassment cases will report annually on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done once a year. As a result of this report, PSM will evaluate the effectiveness of this policy and make any changes needed.

13. Remedy

- If a victim wishes to receive counselling within PSM, they can contact the SHCIC or the Gender Desk of PSM.
 - Face-to-face counselling: in a private practice or a confidential area
 - Telephone counselling: structured sessions at an agreed time
 - Secure chat & email counselling: for those who prefer to write
- If a victim wishes to receive counselling outside PSM: There are a number of organisations who offer support to victims of sexual harassment and sexual violence, including:
 - i. AWAM
Address: No. 85, Jalan 21/1, Sea Park, Petaling Jaya, Malaysia.
Tel No.: 03 7877 0224
 - ii. Women's Aid Organisation
Hotline: 03 7956 3488 (Mon-Sat: 9am – 5pm; extra hours on Tues, Wed & Fri: 7-10pm)
WhatsApp hotline (TINA): 018 988 8058 (24 hours)
 - iii. WCC Penang
Hotline: 04 228 0342 (Mon to Fri: 9am – 5pm)
WhatsApp hotline: 011-3108 4001
 - iv. Lifeline Counselling (Mandarin Speaking)
Email: counselling@lifeline.org.my
Hotline: 03 4265 7995
(Mon & Fri 10am-12pm & 2pm-4pm, Tue 10am-12pm Mon - Fri 7pm-10pm)
 - v. Diversity Malaysia
<https://www.facebook.com/malaysiadiversity/>
Email: malaysiadiversity@gmail.com

- vi. PLUSOS
<https://plusos.org/>
Email: plusos.org@gmail.com

This document references policy from other groups/web, and has been amalgamated from various models – we appreciate the assistance and contributions from various parties to materialise this policy.

Attachment:

1. Appendix – I: Form SHCF
2. Appendix – II: Confidentiality Agreement (Consent)
3. Appendix – III: Guidelines for Receiver of a complaint
4. Appendix – IV: Disciplinary Action Article 9 PSM Constitution

Appendix - I

Sexual Harassment Complaint Form (SHCF)					
Date of Report:		Time of Report:		Referral number:	
Allegation of Abuse reported by (Full name):					
VICTIM INFORMATION					
Name:					
Gender:		Contact:			
Age:		Address:			
ALLEGED PERPETRATOR INFORMATION					
Name:					
Gender:		Contact:			
Age:		Address:			
Relationship:					

DETAILS OF INCIDENT

Type of Allegation:

State clearly type of incident in detail (such as, quote conversation or words used; describe physical act/pictures/videos/music, telephone conversation, SMS or email used during the incident)

Appendix II

Received by

Date & Time Received:

Confidentiality Agreement	
Date of Agreement:	
First Party: Representation of SHCIC	
Name:	
Name:	
Name:	
Second Party: Victim/Perpetrator	
Name:	
Address	

To ensure the investigation can be carried out confidentially without any interruptions nor interventions, any party that has signed this agreement will not reveal any information concerning the investigation to third parties which are not involved in the due process. No information should be revealed to the public which could be understood as shaping public opinion to intervene in the investigation. The alleged perpetrator is strictly advised to not reach out or to communicate with the victim(s) throughout the process or under any circumstances. [NE10]

Signed by: _____ (First Party)

Signed by: _____ (Second Party)

Witnessed by:

Date & Time:

Verbal Consent

Appendix - III

Guidelines for Receiver of a complaint

If a victim approaches to seek advice and discuss concerns, the receiver will be responsible for:

- a. Ensuring the matter can be discussed confidentially, in a comfortable and private place, without interruption.
- b. Listening carefully, openly and non-judgmentally to what they are being told, taking minimal notes with the consent of the victim.
- c. Ensuring the victim understands their options for reporting a complaint, internally (through PSM procedures) and externally (through the relevant legal framework available in Malaysia), and is supported to make their own choice as to how they would like to proceed.
- d. Ensuring the victim understands the resources available to them internally and externally, to seek additional advice and support.
- e. Maintaining absolute confidentiality of the discussion.
- f. The consent of the victim must be sought if the person who receives this information feels it is necessary to share this information with someone else.
- g. Make documentation of every single communication for accountability purposes.

Appendix - IV

FASAL 9 TINDAKAN DISIPLIN

- i. Sebuah Jawatankuasa Tatatertib yang dianggotai oleh lima (5) ahli parti yang bukan Ahli Jawatankuasa Pusat perlu dipilih oleh Kongres Nasional dua tahun sekali. Jawatankuasa Tatatertib mempunyai kuasa untuk menggantung mana-mana ahli atau Cawangan bagi sebarang tindakan yang dianggap menjejaskan Parti atau nama Parti sementara menunggu keputusan siasatan.
- ii. Jawatankuasa Tatatertib mempunyai kuasa menggantung mana-mana ahli, Cawangan, Bahagian atau Pentadbiran Negeri bagi sebarang tindakan yang dianggap menjejaskan Parti atau nama Parti sementara menunggu keputusan siasatan.
- iii. Ahli yang digantung keahlian akan dipanggil oleh Jawatankuasa Tatatertib untuk mendapatkan penjelasan mengapa ia tidak perlu dipecat oleh Parti. Jawatankuasa Tatatertib akan menentukan keputusan sama ada memecat atau mengenakan tindakan tatatertib, mengikut mana-mana yang perlu.
- iv. Mana-mana ahli yang tidak puas hati dengan keputusan Jawatankuasa Tatatertib boleh membuat rayuan secara bertulis kepada Jawatankuasa Pusat dalam masa empat belas (14) hari selepas keputusan dimaklumkan kepada ahli berkenaan. Keputusan Jawatankuasa Pusat adalah muktamad, jika tiada rayuan lanjut.
- v. Mana-mana ahli yang tidak puas hati dengan keputusan Jawatankuasa Pusat boleh membuat rayuan secara bertulis kepada Kongres Nasional dalam masa empat belas (14) hari selepas keputusan dimaklumkan kepada ahli berkenaan. Keputusan Kongres Nasional adalah muktamad dan tidak boleh dibawa kepada mana-mana Mahkamah.

Polisi ini dikeluarkan oleh Biro Gender PSM untuk kegunaan ahli
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