

MULUNGUSHI UNIVERSITY

SEXUAL HARASSMENT POLICY

JULY 2021

MULUNGUSHI UNIVERSITY VALUES

We at Mulungushi University aim for excellence in a Responsible, Accountable, Relevant and Ethical (RARE) way. We are a team that is responsive and achievement oriented, flexible, taking initiative as we apply learning in pursuing the frontier of knowledge with integrity.

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Foreword

Mulungushi University is committed to maintaining a safe and healthy educational and work environment in which no member of the University community is, on the basis of sex, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any University programme or activity. Gender-based and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from University programmes or activities.

The Sexual Harassment Policy reflects the Mulungushi University's system-wide commitment to reduce or eliminate sexual harassment at the Institution. Mulungushi University aims at prohibiting harassment based on sex and shall not be tolerated in any part of the University's activities. Guided by the RARE (Responsible, Accountant, Relevant and Ethical) value system, the Institution is committed to producing a mentally and physically health student and worker, who will attain the highest academic performance and maximum work performance for both its students and workforce.

Acts of sexual harassment undermine the trust and mutual respect essential to the mission and function of the academy. Sexual harassment or any forcible physical sexual behaviour will not be tolerated and may also lead to prosecution as it is a criminal offence. Mulungushi University shall continue to strive to ensure that all staff and students feel safe and respected.



Prof. Hellicy C. Ng'ambi, PhD
VICE CHANCELLOR

1.0 INTRODUCTION

This Policy reflects Mulungushi University's commitment to curb sexual harassment at the Institution through the Responsible, Accountable, Relevant and Ethical (RARE) value system.

2.0 POLICY STATEMENT

Mulungushi University is committed to providing a safe environment for all its employees and students free from discrimination on any ground and from harassment in the University including sexual harassment. Mulungushi University will operate a zero tolerance Policy for any form of sexual harassment in the University, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment for an employee and expulsion for a student. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

3.0 DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

3.1 Physical conduct

(i) Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
(ii) Physical violence, including sexual assault
(iii) Physical contact, e.g. touching, pinching
(iv) The use of job-related threats or rewards to solicit sexual favours.

3.2 Verbal conduct

(i) Comments on a worker's/student's appearance, age, private life, etc.
(ii) Sexual comments, stories and jokes
(iii) Sexual advances

(iv) Repeated and unwanted social invitations for dates or physical intimacy
(v) Insults based on the sex of the worker/student
(vi) Sending sexually explicit messages (by phone or by email)

3.3 **Non-verbal conduct**

(i) Display of sexually explicit or suggestive material
(ii) Sexually-suggestive gestures

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. Mulungushi University recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Mulungushi University recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the University, for example between supervisor and employee or between a member of staff and a student.

Anyone, including employees of Mulungushi University, clients, customers, casual workers, students, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal Policy.

All sexual harassment is prohibited whether it takes place within Mulungushi University premises or outside, education tours, lecture rooms, including at social events, business trips, training sessions or conferences sponsored by the University.

4.0 COMPLAINTS PROCEDURES

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Mulungushi University recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her subordinate and student/member of staff) and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members and Counselors responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member from the Registrar's Office.

When a designated person receives a complaint of sexual harassment, he/she will:

(i) immediately record the dates, times and facts of the incident(s)
(ii) ascertain the views of the victim as to what outcome he/she wants
(iii) ensure that the victim understands the university's procedures for dealing with the complaint
(iv) discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
(v) keep a confidential record of all discussions
(vi) respect the choice of the victim
(vii) ensure that the victim knows that they can lodge the complaint outside of the Institution through the relevant legal framework.

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor within the Institution. Mulungushi University will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment. Mulungushi University recognizes that because sexual harassment often occurs in unequal relationships within the Institution, victims often feel that they cannot come forward. Mulungushi University understands the need to support victims in making complaints.

4.1 **Informal complaints mechanism**

If the victim wishes to deal with the matter informally, the designated person will:

(a) give an opportunity to the alleged harasser to respond to the complaint
(b) ensure that the alleged harasser understands the complaints mechanism
(c) facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the Institution to resolve the matter
(d) ensure that a confidential record is kept of what happens
(e) follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
(f) ensure that the above is done speedily and within thirty (30) days of the complaint being made

4.2 **Formal complaints mechanism**

There shall be an Internal Complaints Committee (ICC) to deal with sexual harassment cases. If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to the Registrar to instigate a formal investigation. The Registrar may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to the Internal Complaints Committee.

The person carrying out the investigation will:

(a) interview the victim and the alleged harasser separately
(b) interview other relevant third parties separately
(c) decide whether or not the incident(s) of sexual harassment took place
(d) produce a report detailing the investigations, findings and any recommendations
(e) if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal, change of Lecturer, review of the Grade)
(f) follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
(g) if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the University
(h) keep a record of all actions taken
(i) ensure that all records concerning the matter are kept confidential
(j) ensure that the process is done as quickly as possible and in any event within thirty (30) days of the complaint being made.

The Internal Complaints Committee shall consist of the following members:

- Registrar
- Dean of Students
- Student Counsellor

- Union Representative (Copperbelt University Allied Workers Union (CBUAWU) and Mulungushi University Academic and Professional Staff Union (MUAPSU)
- Student Union Representative

4.3 **Outside complaints mechanisms**

A person who has been subject to sexual harassment can also make a complaint outside of the University. They can do so through the law enforcement agencies.

5.0 SANCTIONS AND DISCIPLINARY MEASURES

Anyone who has been found to have sexually harassed another person under the terms of this Policy is liable to be disciplined in accordance with MU Disciplinary Code of Conduct for Staff and Student Rules and Regulations.

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal/expulsion of the harasser.

6.0 IMPLEMENTATION OF THIS POLICY

Mulungushi University will ensure that this Policy is widely disseminated to all relevant persons. All new employees must be trained on the content of this Policy as part of their induction into the University. All new students will be oriented on the Sexual Harassment Policy.

7.0 MONITORING AND EVALUATION

Mulungushi University recognizes 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.

Supervisors, and those responsible for dealing with sexual harassment cases will report on compliance with this Policy, including the number of incidents, how they were dealt with, and any recommendations made.

8.0 POLICY REVIEW AND APPROVAL

The Sexual Harassment Policy will be reviewed every two (02) years.

Approved by Council at its meeting of 1st July, 2021

Sign (Registrar) _____

Date: 01 - 07 - 2021

9.0 REFERENCES

GRZ (2015), **The Gender Equity and Quality Act No. 22 of 2015,** Government Printers

International Labour Organization, (2015), **Sample of Sexual Harassment Policy**, http://www.ilo.org (accessed April 2021)