



AFRICA UNIVERSITY
(A United Methodist-Related Institution)

“INVESTING IN AFRICA’S FUTURE”

SEXUAL HARASSMENT POLICY

2006

APPROVED

1.0 INTRODUCTION

Africa University (AU) is a Church Related pan-African institution of higher learning that provides high quality education and is committed to nurture students in Christian values. Staff and students are of diverse cultural backgrounds. In order to accomplish its mission and accommodate the diverse social and cultural differences, Africa University needs to create and maintain a conducive environment where students, faculty and staff can live, study, research and work freely together, without fear of any form of sexual harassment. It is against this background that it is important that Africa University comes up with a Sexual Harassment Policy.

Sexual harassment compromises the integrity of human relationships, affects morale and performance, and threatens an individual's sense of security.

Interpretation of the policy rests with Africa University.

2.0 POLICY STATEMENT

All forms of sexual harassment by any member of the university staff and community are prohibited. Africa University will respond promptly and effectively to reports of sexual harassment, and will take appropriate action to discipline persons that violates this policy. Persons found violating this policy shall be subject to disciplinary action that may include, but not limited to, written warning, demotion, transfer, suspension or dismissal. This policy provides a general definition of sexual harassment; sets out procedures to handle complaints of harassment and suggest possible sanctions for those found violating the policy.

Through this policy the University intends to:-

- 2.1 Create a learning and working environment that is free from sexual harassment where all members of the University community are treated with dignity, courtesy and respect;
- 2.2 Provide an effective procedure for handling sexual harassment related complaints based on fairness and transparency;
- 2.3 Take all necessary actions to prevent, correct and where necessary discipline those who breach the sexual harassment policy.

3.0 CONFIDENTIALITY

All individuals involved in matters arising under the University's Sexual Harassment Procedures will be expected to ensure maximum confidentiality. Unauthorised publication of correspondence, documents, all communications and or any record of proceedings is prohibited and constitutes misconduct.

4.0 APPLICABILITY

This Policy applies to all students, faculty, administrators and staff members and other employees. It is also applicable to those members of the University Community who are involved in the University's outreach programs, such as internships, student's attachment, and teaching practice.

5.0 DEFINITION OF SEXUAL HARASSMENT

What constitutes Sexual Harassment can vary under different social and cultural backgrounds.

However, for the purpose of this policy, sexual harassment is defined as repeated sexual advances, requests for sexual favours, and other repeated verbal or physical conduct of a sexual nature towards any student, faculty member, administrator, staff member or employee when:

- 5.1 Submission to such conduct is made explicitly or implicitly a term or condition of an individual's academic evaluation or employment; or
- 5.2 Submission to or rejection of such conduct by an individual is used as the basis for academic decisions or employment affecting such individual; or
- 5.3 Such conduct has the purpose or effect of interfering with an individual's academic performance or employment by creating an intimidating, hostile or offensive academic or work environment; or
- 5.4 Such conduct has the purpose or effect of demeaning or humiliating a person by virtue of their sex.

6.0 SOME GENERAL CHARACTERISTICS OF SEXUAL HARASSMENT

- 6.1 It often occurs at times and places where witnesses are not likely to be present;
- 6.2 The effect of sexual harassment may be the same whether the conduct was intentional or unintentional;

- 6.3 What constitutes sexual harassment to one person may be acceptable and inoffensive to another.

Sexual harassment can affect anyone regardless of gender or sexual preference.

This policy seeks to address sexual harassment which may occur between the following categories of people:

- a. Staff – Staff
- b. Student – Student
- c. Staff – Student
- d. Student - Staff
- e. Supervisor – Subordinate
- f. Subordinate – Superior
- g. Staff – visitor/guests
- h. Staff – prospective student parent or prospective employee or

Generally, harassment occurs when a person, in authority or physically stronger, abuses their authority and power to coerce or unduly influence an individual into sexual relations, or to punish that individual for refusing sexual relations.

7.0 BEHAVIOURS THAT MAY CONSTITUTE SEXUAL HARASSMENT INCLUDE BUT NOT RESTRICTED TO:

- 7.1 Demands for sexual favours, normally accompanied by threats that the conditions of employment or academic life may be adversely affected by not submitting to sexual advances;
- 7.2 Indecent exposure or display of sexually suggestive looks or gestures;
- 7.3 Unwelcome touching, patting, embracing, caressing, or hugging;
- 7.4 Unwanted letters, gifts, phone calls, sms, e-mails or materials of sexual nature;
- 7.5 Inquiries and comments about a person's sex life;
- 7.6 Unwelcome sexual advances and/or request for dates;
- 7.7 Unwelcome sexual comments, jokes or teasing;
- 7.8 Indecent assault, attempted rape and rape;

8.0 PROCEDURES FOR RESOLVING COMPLAINTS OF SEXUAL HARASSMENT

This process is not meant to copy or mimic a judicial court proceeding, rather, it is an administrative process to ensure the integrity of the University is preserved.

In every allegation of sexual harassment, there are at least two parties:

- a. **The Complainant:** In most instances, the complainant will be the victim of the alleged harassment
- b. **The Respondent:** The Respondent is the person who is alleged to have violated the University's sexual harassment policy;

However, even in the absence of the absence of a complainant or formal complaint, the university reserves the right to take action to redress any observed or reported sexual harassment.

8.1 Formal Complaint Procedures:

- 8.1.1 The university regards sexual harassment as serious misconduct and shall use formal disciplinary rules and procedures to timeously determine and resolve complaints of sexual harassment. In the event where any person is aggrieved that no action has been taken following complaint they shall be entitled to utilise the grievance process.
- 8.1.2 A complainant who alleges sexual harassment shall complain formally in writing to the Registrar of the alleged offender giving details of the nature of the conduct complained of. In the case where the complaint relates to the Registrar, the complaint shall be addressed to the Vice Chancellor; and where the complaint relates to the Vice Chancellor, the complaint shall be addressed to the Chancellor.
- 8.1.3 Once the Registrar has received a complaint which appears legitimate on the face of it, a disciplinary process shall be commenced to investigate the allegations and render a verdict on the guilt or otherwise and recommend appropriate punishment in the event of a guilty finding.
- 8.1.4 In constituting the disciplinary committee to inquire into allegations of sexual harassment, the university shall always ensure gender balance and where appropriate it shall be competent to reduce the number of committee members.
- 8.1.5 The university shall ensure that all complaints of sexual harassment are expeditiously investigated, determined and resolved.
- 8.1.6 The university shall ensure that it has appropriate grievance rules and procedure for both students and staff to ensure that even in cases where the recipient of the complaint fails to act on it there is a clear remedy for the complainant.

8.2 Conduct of Hearings.

In addition to any existing requirements for the conduct of disciplinary or grievance hearings, the following shall be applied to all hearings and proceedings over alleged sexual harassment.

- 8.2.1 The complainant may elect to have a hearing in which he/she is separated from the alleged offender and his/her wish shall be respected.
- 8.2.2 The hearing committee will consider information it has received in writing from the parties as well as the statements presented to it during any hearing.
- 8.2.3 Witnesses may in the discretion of the hearing committee or if demanded by the alleged offender be required to appear in person.
- 8.2.4 Witnesses may be called to appear at the hearing.
- 8.2.5 Alleged offenders will be invited to make statements to the Panel. At the conclusion of these statements, panel members may ask questions;
- 8.2.6 At the conclusion of the Panel's questioning of both parties, the alleged offender and the complainant may ask each other questions but all such questions must be directed through the Chairperson;
- 8.2.7 The proceedings shall at all times be conducted privately and in a manner sensitive to the parties (particularly the complainant) and in strict confidentiality.
- 8.2.8 The University will ensure that the outcome of a complaint, substantiated or not, will not disadvantage the person who made the complaint in any way, in the absence of strong evidence that the complaint was vexatious or malicious.
- 8.2.9 Disciplinary penalty if any must take account of the need to protect the complainant from persecution by the offender.

8.3 Evidence

Given the nature of sexual harassment, there are often no direct witnesses to acts of sexual harassment. Those responsible for investigating complaints should consider all available evidence, and establish their findings on the balance of probabilities. It is important to note that even if there is not enough evidence for a complaint to be substantiated, it does not mean that the harassment did not occur or that the complainant is a liar.

8.4 Evidence That May Be relevant Includes;

- 8.4.1 Evidence that the person alleging harassment discussed his or her concerns with a family member, friend, Chaplain or counselor soon after its occurrence;
- 8.4.2 Unexplained requests for transfer or changes of courses or sudden increase in sick leave;
- 8.4.3 Information provided by other employees or students about the behaviour of the alleged harasser; and
- 8.4.4 Records kept by the person claiming to have been harassed;
- 8.4.5 Telephone, cellphone, e-mail or other communication records.

9.0 FALSE ALLEGATIONS OF SEXUAL HARASSMENT

The University reserves the right to discipline members of the University community who bring false complaints of sexual harassment. However a complaint will not be considered “false” solely because it cannot be corroborated.

10.0 OTHER LEGAL RECOURSE/REMEDIES

Members of the University community whose complaints are not resolved to their satisfaction through these procedures may use other avenues but this shall not preclude the university from commencing, continuing or concluding disciplinary process against any person arising from a complaint of sexual harassment.

11.0 RETALIATION

This policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation or resolution of a sexual harassment report. In recommending a penalty

12.0 DISSEMINATION OF THE POLICY

As part of the University’s commitment to providing a harassment-free working and learning environment, this policy shall be disseminated widely to the University community through publications, websites, workshops, new employee orientations, student orientations, and other appropriate channels of communication.

13.0 TRAINING

The university will incorporate in its staff and student training, programmes on sexual harassment.

14.0 COUNSELLING

The university shall maintain counselling services to which victims may be referred for counselling and or rehabilitation.

15.0 EXISTING RULES & REGULATIONS

The university shall on adoption of this policy ensure that all its rules and regulations are brought into line with this policy and where necessary that the same are deemed amended. The university shall also bind each and every student and staff to abide by and to implement this policy. A copy of this policy shall be served on each student and on each employee of the university.

The End