



# **SEXUAL HARASSMENT POLICY**



**JULY 2023**



<b>POLICY CONTROL BOX</b>	
<b>Policy Name</b>	Sexual Harassment Policy
<b>Policy No.</b>	.....
<b>Effective Date</b>	
<b>Last Review</b>	
<b>Related Policies</b>	Student Rules and Regulations, Rules and Regulations for Academic Assessment, Conditions of Service, Gender Policy
<b>Responsible Officer</b>	Vice Chancellor
<b>Implementing Offices:</b>	Vice Chancellor, Internal Auditor.

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## **Definitions:**

**Sexual harassment:** repeated unwanted sexual advances, requests for sexual favours, and other verbal, non-verbal or physical conduct of a sexual nature towards any individual.

**Complainant:** a person making an allegation of conduct violating the provisions of this policy; includes the alleged victim or survivor of sexual harassment or another person who is aware of the wrongdoing.

**Victim:** an individual who has experienced unwanted sexual advances that constitute sexual harassment.

**Retaliation:** any punitive or discriminatory action or intimidation carried out against a complainant as a result of filing a sexual harassment complaint.

## **1.0 INTRODUCTION**

The University of Malawi seeks to ensure a safe working and learning environment for its staff, students, and other third parties. The university, therefore, seeks to find ways of avoiding any conflicts that may arise, including those of a sexual nature. Within the university campus setup, accusations of sexual harassment create an unsafe working and learning environment, leading to lack of trust, demoralised staff, and a blemish on the institution's reputation. In order to address this concern, the university has developed the Sexual Harassment Policy which defines sexual harassment and provides guidelines on how to report and deal with any such harassment.

The policy is informed by Malawi's legal, policy and socio-economic context. The Constitution of Malawi provides for the protection of every person's dignity as well as equality for all people. This applies to all aspects of a person's life including the realisation of other rights such as the right to education, employment, health and other rights. The Gender Equality Act specifically prohibits sexual harassment and requires institutions to come up with policies and measures to ensure the protection against sexual harassment. Malawi's commitment at the international level, including towards the 2030 SDGs, necessitates addressing various gender inequalities including sexual harassment. Institutions including universities are, therefore, expected to provide a safe working and learning environment where staff, students and third parties are treated with respect and dignity whilst being protected from acts of sexual harassment.



## **2.0 POLICY STATEMENT**

UNIMA prohibits sexual harassment in its various forms among its staff and students as well as other members of the community. The university condemns sexual harassment and shall act swiftly upon receiving reports of harassment involving any members of staff, student or a member of the community.

## **3.0 GOAL AND GUIDING PRINCIPLES**

### **3.1 Goal**

To enhance the wellbeing of University of Malawi staff and students and other members of the community through the provision of guidelines for reporting and handling of sexual harassment cases.

### **3.2 Policy Objectives**

- (a) To create a working and learning environment that is free from sexual harassment and where all members of the university community are treated with dignity and respect.
- (b) To sensitise the university community on what counts as sexual harassment, and which parties may be perpetrators and victims of such, as a way of preventing such actions from happening.
- (c) To provide avenues through which victims of sexual harassment may report their complaints and how such complaints shall be handled.

- (d) To outline and administer sanctions and disciplinary measures that shall be taken against perpetrators of sexual harassment.
- (e) To instil in staff and students a sense of responsibility and respect for others.

### **3.3 Guiding Principles**

The implementation of this policy shall be guided by the following principles:

- a) Confidentiality
- b) Integrity
- c) Mutual respect
- d) Zero tolerance
- e) Due process

### **3.4 Expected Policy Outcomes**

- (a) Established avenues for reporting sexual harassment concerns.
- (b) Institutionalised awareness programmes on sexual harassment, as well as possible parties involved.
- (c) An increased sense of safety and mutual respect among staff and students.
- (d) Imposition of sanctions against perpetrators of sexual harassment.
- (e) Support for victims and survivors of sexual harassment.

## **4.0 POLICY AREAS**

### **4.1 Categories of persons involved in sexual harassment**

Sexual harassment is prohibited for both on-campus and off-campus university settings against, between or among:

- a) staff
- b) students
- c) third parties

### **4.2 Common sexual harassment behaviours**

Examples of acts of sexual harassment include:

- a) sexual jokes or comments
- b) displaying sexually graphic images
- c) making promises in return for sexual favours
- d) explicit or subtle demands for sexual favours
- e) indecent exposure
- f) indecent assault
- g) sexually suggestive looks or gestures
- h) unwelcome touching, hugging, massaging or kissing
- i) unwelcome phone or email messages of a sexual nature
- j)
- k) spreading sexual rumours about a person
- l) attempted rape or rape
- m) defilement

### **4.3 Procedures for reporting sexual harassment**

#### **Students**

- a) Upon being a victim of sexual harassment, or witnessing acts of sexual harassment, the concerned party shall report, in writing or verbally, to the Director of Student Affairs (DoSA), providing details such as name of the offender, place and date when the offence took place.
- b) The DoSA shall record the complaint and forward it to the office of the Vice Chancellor.

#### **Staff**

- a) Staff who are victims of sexual harassment shall report to the Vice Chancellor, providing details of the offence either in writing or verbally.

#### **Third Parties**

- a) Third parties who are victims of sexual harassment involving a staff member or student of the University of Malawi shall report to the Vice Chancellor, providing details of the offence in writing or verbally.

### **4.4 Dealing with the concern**

- a) Upon receiving the report, the Vice-Chancellor shall take any of the following actions:
  - i. assign the matter to an existing committee to investigate;  
or
  - ii. appoint an ad hoc committee to investigate the matter, or;
  - iii. refer the matter to law enforcement;

- iv. institute an independent inquiry.
- b) At the end of the investigations, the victim shall be informed of the outcome and actions taken.
- c) The institution may also be informed, through a public notice, of the outcome of the investigation.

#### **4.5 Confidentiality**

All reports on sexual harassment shall be treated with strict confidence and every effort shall be made to keep the identity of any member of staff or student making an allegation confidential if they so wish, so long as it does not hinder any investigation. At the appropriate time, the individual making the disclosure may need to provide a statement as part of the evidence gathering process and their identity may be revealed or implied as part of the investigating process. In cases where a criminal investigation follows, the member of staff or student may be needed as a witness.

#### **4.6 False allegations of sexual harassment**

The university discourages spurious accusations of sexual harassment, and may discipline anyone who makes complaints meant to injure the reputation of innocent staff or students.

## **4.7 Retaliation**

Retaliation may come from the perpetrator or their associates against the victim or the reporter of sexual harassment. The university shall protect against retaliation members of staff or students who report cases of sexual harassment. Those who retaliate against reporters of sexual harassment shall be duly disciplined.

## **4.8 Possible penalties**

Based on the gravity of the offence, the perpetrator may be subjected to the following possible penalties:

- a) apology to the survivor
- b) written warning
- c) dismissal or expulsion
- d) reduction in wages
- e) demotion
- f) suspension

## **5.0 IMPLEMENTATION**

The implementing officer of this policy shall be the Vice-Chancellor .

## **6.0 MONITORING AND EVALUATION**

- a) The Registrar shall coordinate the monitoring and evaluation of the policy.
- b) The policy shall be reviewed every three years.