



THE UNIVERSITY OF ZAMBIA

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# SEXUAL HARASSMENT POLICY

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## Foreword

Sexual harassment is an emerging phenomenon in educational institutions from primary school, secondary school through to tertiary colleges and universities in Zambia. The implications of sexual harassment are variable. However, the more obvious ones include: emotional disturbance, psychological trauma, strained relationships and hostile environment. This leads to poor work performance or academic output and achievement, or impaired academic progression on the part of students. Furthermore, sexual harassment has a negative effect on the work environment in that the core values of social justice, integrity and inclusiveness are compromised. Thus, efforts to pursue the core functions of teaching, research and public service and general operations of the University are adversely affected.

Since its establishment the University has had no policy on sexual harassment. In recognition of the challenges and implications of sexual harassment at institutional level, it was deemed prudent that a policy to provide guidelines on how to deal with issues pertaining to this emerging phenomenon be developed and implemented. The University has an affirmative duty to address the issue of sexual harassment and to devise appropriate preventive and educative measures for the mitigation against its occurrence at institutional level. It also has a duty to apply appropriate sanctions against those accused of sexual harassment. This initiative requires the involvement and participation of all members of the University community. Every individual must take reasonable measures to prevent the occurrence or perpetuation of sexual harassment at the University.

In January 2009, an Adhoc Committee was appointed to develop a sexual harassment policy for the University. This document is a culmination of several discussions and consultations involving the University community and other relevant stakeholders. It is an important document that should be disseminated as widely as possible. It is expected that this document will clarify many issues surrounding sexual harassment and assist both members of staff and students to operate in a free atmosphere that enhances the core values and academic agenda of the University.

The Committee is greatly thanked for undertaking this noble task and so are all individuals and interest groups that participated, contributed or supported the development process of this document. The development process of the policy on sexual harassment was informed by reference to similar policies obtaining at the University of Cape Town, the University of Colorado, the Carnegie Mellon University and the Indiana University. The University is indebted to this reference that greatly contributed to the substance and content of this document. Equally, we express profound gratitude to the Norwegian Students' and Academics' International Assistance Fund (SAIH) for their financial support towards the printing of this Policy.

Prof. Stephen Simukanga  
Vice-Chancellor  
Lusaka.

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## Preamble

Sexual harassment refers to unwelcome sexual advances, requests for sexual favours and other verbal, visual or physical conduct of a sexual nature, when this conduct explicitly or implicitly affects an individual's employment or studentship, unreasonably interferes with an individual's work or study performance or living conditions, or creates an intimidating, hostile or offensive working, learning or living environment. The University has an affirmative duty to address the issue of sexual harassment in the workplace and educational environment; to devise and adopt appropriate procedures for maintaining a conducive working, learning and living atmosphere free of sexual coercion or intimidation; to investigate claims of sexual harassment; and to take appropriate action for the prevention and redress of this vice at institutional level. All members of the University community are expected to take reasonable measures to prevent the occurrence and shared responsibility to discourage the perpetuation of sexual harassment. This Policy was developed against this background; and it was approved by the University Council on 15th December 2009.

## Definition of Terms

**Accused** refers to a person alleged to have committed an act of sexual harassment under this Policy.

**Confidentiality** entails ensuring that information is accessible only to those authorised to have access to it.

**Disciplinary procedure** refers to the disciplinary procedures and guidelines that apply to any category of members of staff and students in the University.

**Discrete relationship** refers to interpersonal relating or interaction between persons of different social, academic, educational, economic or occupational background; or of different power balance or sphere of influence and gender or sexual orientation.

**Indecent exposure** refers to any form of conduct described as such under the Laws of Zambia.

**Member of staff** refers to an employee of the University either on full-time or part-time engagement or a person who has agreed to be bound by the rules and policies of the University relating to employees.

**No-contact order** refers to a written order intended to protect a victim from sexual harassment, or the possibility of sexual harassment, whether or not a formal disciplinary process is instituted or contemplated.

**Peer relationship** refers to interpersonal relating and interaction between peers or persons with similar social, academic, educational, economic or occupational background; or of similar power balance or sphere of influence and gender or sexual orientation.

**Protective measures** refers to the remedial strategies intended to protect the victim such as no-contact orders, change in hall of residence, change of academic class, special leave or leave of absence.

**Retaliation** refers to retaliatory acts against any member of staff or student who reports an incident of alleged sexual harassment, or any member of staff or student who testifies, assists or participates in a proceeding, investigation or hearing related to such allegations.

**Same-sex harassment** refers to acts of harassment where the accused and the victim are of the same sex.

**Serious misconduct** refers to conduct as defined in the approved University code of conduct for members of staff and the general rules and regulations for students.

**Sexual harassment** refers to unwelcome sexual advances, requests for sexual favours and other verbal, visual or physical conduct of a sexual nature, when this conduct explicitly or implicitly affects an individual's employment or studentship, unreasonably interferes with an individual's work or study performance or living conditions, or creates an intimidating, hostile or offensive working, learning or living environment.

**Student** refers to a registered student of the University pursuing studies at undergraduate or graduate level or a person who has agreed to be bound by the rules and policies of the University relating to students.

**Supportive measures** refers to the remedial strategies intended to support the victim of sexual harassment such as crisis counselling, emergency medical services, para-legal advice and reporting to relevant authorities.

**Third party** refers to persons or contracting firms engaged to provide goods and services to the University on contract basis as independent entities, not being employees or students of the University.

**Tribal cousin** refers to interpersonal relationships between tribes or clans with traditionally inclined underpinnings such as intermarriage or historical infighting for land or supremacy or recognition.

**University** refers to the University of Zambia.

**Victim** refers to a person who lodges a complaint under this Policy, or a person against whom an act of sexual harassment as defined in this Policy has allegedly been perpetrated.

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## 1.0 INTRODUCTION

### 1.1 Background

The mission statement of the University articulated in the 2008-2012 Strategic Plan is that the University shall be “a centre of excellence in higher education for individuals, industry and society through the provision of quality education, research and scholarly programmes for strategic human resource development, in order to promote national and regional development, through relevant and appropriate partnerships”. The central theme in this mission statement is the value of equal opportunity for all individuals in the deliverance or acquisition of university education and human resource development regardless of their socio-economic, gender, religious or political inclination.

Baseline study findings and anecdotal inference clearly indicate that sexual harassment is an emerging concern at the University. Both members of staff and students have reported experiencing sexual harassment. There are overt and covert implications of sexual harassment, both on the parties concerned and the institution. Sexual harassment subverts the mission of the University and threatens employment expectations of the members of staff and educational goals of the students. Sexual harassment generates psychological trauma with off-shoots of victimization, stigmatisation, discrimination, isolation, ridicule and withdrawal. The stress and anxiety associated with impending disciplinary action or litigation is insurmountable. This may adversely impair work or study performance, breed acrimony and animosity, cause emotional disturbance, and create poor interpersonal relationships and living conditions.

When, through fear of retaliation, a member of staff or student submits or is pressured to submit to unwanted or unwelcome sexual activities, the University's ability to implement its mission is undermined or compromised and its reputation lowered. Sexual harassment may breed a hostile environment with diminishing returns on work output on the part of members of staff and academic achievement or poor living conditions on the part of students.

The focus of this Policy is on the prevention and management of sexual harassment at institutional level. It should be understood in the context of other University policies and statements, including the approved codes of conduct for members of staff and students; and of specific laws governing the education and labour practice as well as any other relevant legal instruments in Zambia. This Policy is designed to protect all members of staff and students, including third parties. It applies to peer relationships (i.e. student/student or staff/staff) as well as to discrete relationships (i.e. superior/subordinate or staff/student). Equally, it applies to all individuals who are members of the University community, regardless of their socio-economic, political, religious, sex or gender orientation.

## **1.2 Policy Statement**

The University is committed to the maintenance of a working, learning and living environment free from sexual harassment. The University is dedicated to the free exchange of ideas and the intellectual development of all members of its community. For this exchange and development to take place freely, the University promotes the confidence to work, study, innovate, and function without fear of sexual harassment. Furthermore, the University is committed to providing an institutional framework where both members of staff and students may pursue their careers, duties, studies and other academic activities free from sexual harassment. Sexual harassment shall constitute serious misconduct.

### **Vision**

The University has an affirmative duty to address the issue of sexual harassment and to devise appropriate preventive and educative measures for the mitigation against its occurrence at institutional level.

### **Objectives**

- a) To devise appropriate procedures for maintaining a conducive work and study environment free from sexual harassment at the University.
- b) To take appropriate action for the prevention and redress of sexual harassment at the University.
- c) To provide information on the challenges and implications of sexual harassment to members of the University community.

## **1.3 The Context**

In the context of this Policy sexual harassment is prohibited. Perpetration of sexual harassment shall result in disciplinary action. The University will not tolerate sexual harassment among its members of staff and students, including third parties engaged to provide contractual services. Any person who has been made to have sex in return for favours such as offer of employment, promotion, job security or improved grades or academic achievement may report the same as sexual harassment. This also applies to an individual who is threatened or intimidated to succumb to sexual favours in return for improved work conditions or academic achievement. A single incident of unwelcome sexual conduct could constitute sexual harassment. Previous consensual participation in sexual conduct does not mean that the conduct continues to be welcome.

The University community comprises people of diverse social, educational, economic, political and religious backgrounds and divergent interests. The belief and principles about acceptable or unacceptable, wanted or unwanted and right or wrong conduct differ in many cultures and societies, including the University community.

However, the assessment of conduct that constitutes sexual harassment shall be informed by the context (refer to Schedule I) and socio-cultural factors (refer to Schedule II) as well as its severity and persistence or frequency.

Unless otherwise indicated, in this Policy the person reporting sexual harassment shall be referred to as “victim”, whereas the person alleged to have committed sexual harassment shall be referred to as “accused”.

**1.3.1 Conduct** is considered sexual harassment if:

- a) it is unwanted, uninvited, improper and offensive or coercive to the victim;
- b) it is perceived by the victim as demeaning, compromising embarrassing, threatening or offensive;
- c) the victim's refusal or acceptance influence the decisions concerning her/his employment or study programme or offer of campus accommodation; or
- d) the conduct creates an intimidating, threatening, humiliating and hostile working or learning or living environment for the victim.

**1.3.2. Conduct** of a sexual nature, is when:

- a) submission to such conduct is made either explicitly or implicitly a condition of a member of staff's employment or promotion, the student's admission or academic progression and/or of obtaining special favours from another student;
- b) rejection of such conduct by a member of staff is used as the basis for non renewal of contract or promotion and the student's poor academic progression or strained interactional relationships;
- c) submission or rejection of such conduct by a student is used as the basis for perpetual intimidation or exploitation or outright blackmail; and
- d) such conduct has the purpose or effect of unreasonable interference with an individual's work or study performance or creating an intimidating and hostile working, learning or living environment.

**1.3.3. Conduct** of sexual harassment includes physical, visual and verbal actions.

- a) **Physical sexual conduct** ranges from touching to sexual intercourse and assault.
- b) **Visual sexual conduct** includes gestures, indecent exposure and the display sending by electronic or other means sexually explicit pictures, messages, objects or devices.



- c) **Verbal sexual conduct** includes innuendos, suggestions or hints of a sexual nature, sexual advances, sexual threats, comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's body, inappropriate enquiries about a person's sex life, and the sending by electronic means or otherwise of sexually explicit text, images or pictures.

1.3.4. **Sexual Harassment** may take the form of special victimization, compensatory harassment and creation of a hostile environment.

- a) **Special victimization** occurs when a person is victimized or intimidated for failing to submit to sexual advances.
- b) **Compensatory harassment** occurs when the accused:
  - i) influences or attempts to influence a person's employment circumstances by coercing or attempting to coerce that person to engage in sexual activities; or
  - ii) influences or attempts to influence the admission of a student to the University or to halls of residence or a student's access to training, organizational or funding opportunities; or interferes in the evaluation by coercing or attempting to coerce a student to engage in sexual activities.
- c) **Creation of a hostile environment** occurs where the purpose or effect is to interfere with an individual's performance at work or study programme; or when students engage in conjugal relationships in study rooms without regard of the feelings and rights of roommates.

The determination of whether an environment is hostile must be based on factors such as the frequency of the conduct, its severity, and its threatening, humiliating or intimidating nature.

1.3.5. For an **action** to be deemed sexual harassment it must meet these criteria:

- a) It is related to sex or sexual conduct;
- b) It is unwelcome, not reciprocated or not mutual;
- c) It adversely affects the terms of employment or conditions of the study programme;
- d) It unreasonably interferes with work or academic performance or living conditions; and
- e) It explicitly creates an intimidating, hostile or offensive working, learning or living environment.

## 2.0 REPORTING PROCEDURES

### 2.1 Reporting Office

- a) The Registrar (or a nominee) shall provide a comprehensive sexual harassment response for the University. This will include the provision of supportive and protective measures to the victim (whether or not disciplinary proceedings are instituted); follow up on concluded cases and reports of retaliation; as well as administrative systems to support the implementation process.
- b) While the primary aim of this Policy is to assist the victim who alleges sexual harassment, an accused person may at any stage approach the Registrar for advice on the application and interpretation of this Policy. In such instances, the Registrar shall:
  - i) Provide the accused with a copy of this Policy and of the University's staff or student disciplinary procedures;
  - ii) Advise the accused of her/his right to obtain legal representation and of the availability of counselling; and
  - iii) Explain to the accused the protective measures available to the complainant.

### 2.2 Advisory Panel

- a) With respect to any report of sexual harassment made under this Policy, the Vice-Chancellor may appoint an Advisory Panel.
- b) Inter alia, the Advisory Panel shall assist with information gathering; interviewing the parties; and making recommendations to the Vice-Chancellor on whether or not the case be subjected to informal procedure, formal procedure, or dismissed for lack of merit. This role shall apply in conformity with the approved disciplinary procedures of the University.
- c) The Advisory Panel, whose composition based on the principle of gender balancing and professional diversity, shall include the following persons:
  - i) the Union/Association representing a victim;
  - ii) a representative of the Dean/Director/University Librarian, if the victim or accused is a member of the academic staff;
  - iii) a representative of the Registrar, if the victim or accused is a member of non-academic staff;
  - iv) a nominee by the Vice-Chancellor, if the victim or accused is a non-represented member of staff;
  - v) a representative of the Dean of Students, if the victim or accused is a student;

- vi) a representative of the Students Union, if the victim or accused is a student; and
  - vii) a person, not necessarily a member of staff of the University, with expert knowledge in law.
- d) The Advisory Panel may not make decisions on behalf of a victim nor give advice in a manner that might be construed as prescriptive or unduly influenced by the victim.
- e) At the conclusion of the interview process by the Advisory Panel, a written report with a statement of factual findings and determination of whether this Policy has been violated shall be submitted to the Vice-Chancellor.

### 2.3 Process

- a) Complaints of sexual harassment must be brought to the attention of the Registrar as soon as is reasonably possible, either by the victim or any other person.
- b) If a complaint is brought to the attention of the Head of Department or Manager of Unit, that person shall notify the Registrar immediately. However, if the incident is of a serious nature, the victim should be encouraged to inform the Registrar in person.
- c) All complaints of sexual harassment shall be made as promptly as feasible after the occurrence, preferably within thirty (30) days after the incident.
- d) Any complaint of sexual harassment will be recorded in writing (or audio taped) by the Registrar.
- e) The steps to be taken on receipt of a complaint should include, but are not limited to, the following:
  - i) explain the formal and informal procedures to the victim;
  - ii) advise the victim that she/he may choose which procedure should be followed by the University;
  - iii) reassure the victim that she/he will not face any adverse consequences in choosing to follow either the formal or informal procedure;
  - iv) advise the victim that she/he is not bound by the outcome of the informal procedure and will have the right to appeal directly to the Vice-Chancellor within seven (7) days of the conclusion of that process;
  - v) advise the victim that the matter will be dealt with confidentially; and

- vi) provide the victim with information about counselling services available in the University as well as information on how to access counselling services or legal advice outside the University.
- f) If a victim, after consultation with the counsellor, does not wish to pursue the matter any further, the same shall be reported to the Registrar and the matter concluded thereof.
- g) All complaints of a serious nature shall be referred to an Advisory Panel who shall review the complaint with respect to:
  - i) the risk to other persons in the University;
  - ii) the severity of the incident; and
  - iii) the history of the accused with regard to previous cases of sexual harassment or complaints of retaliation.
- h) If it appears to the Registrar and the Advisory Panel that there is a significant risk of harm to other persons, they may recommend for a formal procedure. In such an event, the victim must be advised accordingly and the Registrar must prepare a written recommendation to the Vice-Chancellor.

### **3.0 INTERVENTION PROCEDURES**

The principles that shall govern all procedures under this Policy are reflected in Schedule III. The intervention shall be achieved on a case-by-case basis.

#### **3.1 Informal Procedure**

- a) An informal procedure is a process, managed by the Registrar, in which relationships between the victim and accused are explored with the consent of both, the aim of which is to reach resolution of a complaint in a manner that is satisfactory to them without recourse to formal procedures.
- b) The victim has the right to pursue formal proceedings after the conclusion of informal proceedings. The choice to pursue informal proceedings shall not in any way diminish the seriousness of the original complaint.
- c) The accused has the right to refuse participation in informal proceedings, and may exercise this right during any stage of the informal process. No negative inference shall be drawn from refusal to consider, participate or withdraw from the informal process.

- d) An informal procedure may be followed by a formal procedure if the Registrar in consultation with the Advisory Panel believes that there are compelling reasons for doing so.
- e) Informal proceedings require the written consent of both the victim and the accused, provided that:
  - ▶ the availability and implications of informal proceedings shall be explained to the victim and the accused;
  - ▶ preparatory interviews with the accused may be held in the absence of the victim and with any other persons that may provide information to assist with the informal process; and
  - ▶ the structure, procedure and facilitation of any informal procedure will be by mutual consent of all concerned parties (i.e. Registrar, victim and accused).
- f) The informal procedure may include:
  - ▶ A discussion with the accused (with or without revealing the identity of the victim, depending on their choice) regarding certain forms of conduct that constitute the violation of this Policy;
  - ▶ A discussion where the objective is to give the accused an opportunity to apologise. The terms, conditions and acceptance of such an apology will be facilitated by the Registrar; and
  - ▶ Presentation of the case in confidence to the Advisory Panel to consider options and to make recommendations that may achieve a resolution based on mutual agreement between the concerned parties.
- g) The process and outcome of an informal procedure must be recorded and reported accordingly.
- h) The informal procedure shall be concluded within thirty (30) days of the incident being reported to the Registrar.

### 3.2 Formal Procedure

- a) A victim may choose to initiate formal proceedings, either with or without first following an informal procedure. The purpose of formal proceedings is to subject the victim's allegations through the disciplinary process.
- b) If the victim wishes to proceed with a formal procedure, she/he shall advise the Registrar of this, and prepare a written statement providing full particulars of the alleged misconduct.

- c) If a victim, following an informal procedure that does not result in a mutually acceptable outcome, does not wish to follow a formal procedure, the Registrar will establish whether the victim requires any further advice or supportive measures.
- d) Where the formal procedure is to be followed, the approved existing University disciplinary procedures for members of staff and students should be applied.
- e) The formal procedure shall be concluded within fourteen (14) days from the date of commencement of this process.
- f) In the case of third parties, the disciplinary procedures agreed between the University and the third party will apply. The Registrar will offer such assistance and guidance to the management of the third party concerned as may be required.

### **3.3 Sanction**

Appropriate sanctions will be imposed for violation of this Policy, depending on the circumstances and gravity of the violation. The sanctions may range from no-contact order to reprimand, suspension, dismissal or expulsion. For members of staff, this will be in conformity with the provisions of the legal framework governing the University and the approved code of conduct; and for students, this will be in conformity with the provisions of the approved general rules and regulations.

## **4.0 IMPLEMENTATION**

The implementation plan of this Policy shall take place at various levels and involve many interest groups within the University community. It shall largely be preventive and educative in orientation. The University community must be adequately sensitized on the content, procedures and sanctions pertaining to this Policy. The most prominent organs in the implementation process are:

### **4.1 Vice-Chancellor**

The Vice-Chancellor shall:

- a) Take all reasonable steps to communicate this Policy to all members of staff and students of the University and to raise awareness about the need to prevent or/and report sexual harassment and incidents of retaliation.
- b) Disseminate this Policy widely and provide regular information on its implementation.

- c) Report annually to the University Council on the implementation of this Policy.

#### **4.2 Registrar**

The Registrar shall:

- a) Provide the Public Relations Office with information that will enable the University community to be adequately informed and sensitized on the contents of this Policy and its implementation.
- b) Communicate to all members of staff, students and third parties at least once a year reminding them about this Policy.
- c) Provide mechanisms for follow up on reported cases of sexual harassment and incidents of retaliation.
- d) Provide a training forum for members of staff to enhance their knowledge and understanding of the contents of this Policy and its implementation.
- e) Provide a framework for the implementation, monitoring and evaluation of this Policy.
- f) Report bi-annually to the Vice-Chancellor on the implementation of this Policy.

#### **4.3 Dean of Students**

The Dean of Students shall:

- a) Communicate regularly by written and oral means the seriousness of sexual harassment and the existence of this Policy and its salient features to members of staff, students and third parties within halls of residence.
- b) Communicate by written and oral means the contents of this Policy to the Students' Union, Council of Hall Representatives, registered student organizations and the student populace.
- c) Provide an orientation and sensitization forum for all students to enhance their knowledge and understanding of the contents of this Policy and its implementation.

#### **4.4 Deans/Directors/University Librarian**

The Deans/Directors/University Librarian shall:

- a) Communicate regularly by written and oral means the seriousness of sexual harassment and the existence of this Policy and its salient features to members of staff, students and third parties within their Schools/Institutes/Directorates and Library.

- b) Communicate regularly with Heads of Departments and Managers of Units in the Schools/Institutes/Directorates and Library concerning their responsibilities in the implementation of this Policy.

#### **4.5 Heads of Departments and Managers of Units**

- a) The Head of Department or Manager of Unit shall take all reasonable steps to create and maintain an environment that is free from sexual harassment. In this regard, the Heads of Departments and Managers of Units are required to:
  - i) Exercise leadership by knowing and understanding the contents of this Policy;
  - ii) Assume responsibility for implementing this Policy;
  - iii) Communicate by written and oral means the contents of this Policy to all members of staff, students and third parties in their respective areas of responsibility; and
  - iv) Ensure that all new members of staff, students and third parties in their respective departments or units are adequately informed about this Policy and its implementation.
- b) The Head of Department or Manager of Unit shall take appropriate action when instances of sexual harassment occur and act in accordance with the reporting and disciplinary procedures laid down in this Policy. In this regard, the Heads of Departments and Managers of Units are required to:
  - i) Treat all complaints of sexual harassment as confidential;
  - ii) Treat all parties with dignity and respect;
  - iii) Refer all complaints of sexual harassment to the Registrar;
  - iv) Take steps to prevent sexual harassment from occurring; and
  - v) Report the matter to the Registrar should any conduct in breach of this Policy be observed and no complaint lodged.

#### **4.6 Third Parties**

- a) While the University has no jurisdiction over third parties who are neither students nor employees of the University, it is anticipated that this Policy will be upheld and respected by all who work at, or visit, the University or who take part in the University's activities at any location.
- b) Third parties who are neither registered students nor employees of the University are expected to abide by the provisions of this Policy.



#### **4.7 Monitoring and Evaluation**

Incidents of sexual harassment or retaliation shall be monitored and reported appropriately at the various levels, i.e. schools, directorates, institutes, departments and units of the University on a case-by-case basis. The reports will be submitted to the Registrar regularly as they occur. The Registrar shall submit a comprehensive report bi-annually to the Vice-Chancellor who, in turn, shall report to the University Council.

### **5.0 APPROVAL**

The Sexual Harassment Policy is one of the policies enunciated by the University. It shall be revised periodically depending on need, time and circumstances through the normal procedures. This Policy, and any subsequent versions thereof, shall become effective from the date of approval by the University Council.

**Schedule I: CONTEXTUAL FACTORS**

The under-listed are some of the circumstances and situations that may constitute sexual harassment in peer or discrete relationships at the University. However, this list is not exhaustive.

**1.0 Staff/Staff**

- 1.1 When a senior member of staff seeks sexual advances or favours from a junior member of staff with a view to approving renewal of contract or express processing of salary-related and other payments or dues.
- 1.2 When a junior member of staff seeks sexual advances or favours from a senior member of staff with a view to getting approval of renewal of contract or express processing of salary-related and other payments or dues.
- 1.3 When a member of staff persistently visits an office of a colleague with a view to obtaining sexual advances or favours.
- 1.4 When a senior member of staff persistently visits an office of a junior member of staff with a view to obtaining sexual advances or favours, or vice versa.
- 1.5 When a member of staff deliberately dresses or conducts her/himself in such a manner so as to attract or entice the opposite sex to make sexual advances at them.
- 1.6 When a member of staff is made to have sex against her/his will by a colleague.
- 1.7 When a junior member of staff is made to have sex against her/his will by a senior member of staff, or vice versa.
- 1.8 When a member of staff is exposed to verbal, visual or physical conduct of a sexual nature in the office or work-site by a colleague.
- 1.9 When a senior member of staff is exposed to verbal, visual or physical conduct of a sexual nature in the class or office by a junior member of staff, or vice versa.
- 1.10 When a member of staff deliberately claims to have been sexually harassed by a colleague with a view to embarrassing him/her or making him/her succumb to his/her sexual and material demands, or outright blackmail.

**2.0 Staff/Student**

21. When a student is made to have sex against his/her will by a member of staff, or vice versa.

- 2.2 When a member of staff deliberately gives low grades or fail a student who refuses to succumb to advances of a sexual nature.
- 2.3 When a member of staff deliberately dresses or conducts her/himself in such a manner so as to attract or entice a student to make sexual advances at them, or vice versa.
- 2.4 When a student persistently visits an office of a member of staff with a view to obtaining sexual advances or favours.
- 2.5 When a member of staff persistently requests a student to visit his/her office with a view to seeking sexual advances or favours.
- 2.6 When a member of staff is exposed to verbal, visual or physical conduct of a sexual nature in class or office by a student, or vice versa.
- 2.7 When a student deliberately claims to have been sexually harassed by a member of staff with a view to embarrassing him/her or making him/her succumb to his/her sexual and material demands, or outright blackmail.

### **3.0 Student/Student**

- 3.1 When a student deliberately claims to have been sexually harassed by a colleague with a view to embarrassing him/her or making him/her succumb to his/her sexual and material demands, or outright blackmail.
- 3.2 When a student deliberately dresses or conducts her/himself in such a manner so as to attract or entice a colleague to make sexual advances at them.
- 3.3 When a student is made to have sex against her/his will by a colleague; or pervasive encounters.
- 3.4 When a student is exposed to verbal, visual or physical conduct of a sexual nature in class or hostel by a colleague.
- 3.5 When a student persistently visits a room of a colleague with a view to obtaining sexual advances or favours.

### **4.0 Student/Third Party**

- 4.1 When a student deliberately behaves in such a manner so as to entice or attract or force sexual advances upon a third party, or vice versa.
- 4.2 When a student deliberately behaves in such a manner so as to entice or attract or force sexual advances at employees or students of an outside work-site or study-site where the University enjoys collaborative partnerships in the deliverance of its mission or academic agenda.

## Schedule II: SOCIO-CULTURAL FACTORS

1. Perceptions of what constitutes sexual harassment differ among women and men. What is regarded as acceptable sexual behaviour by some people, others might consider it sexual harassment.
2. In majority instances, the accused is expected to be male; or a person with a privileged position and exerts a lot of pressure on the female or male victim.
3. Society generally views sexual behaviour (i.e. casual or extra marital sex) by men as normal and the same is not condemned as immoral. The opposite is true for women.
4. Sexual advances by men are considered as normal, and women are expected to submit after sustained pressure although they are not under obligation to do so if they really do not want the proposition. In stances of this nature, men ought to be mindful that a woman's "no" to their proposition simply means that and they should accept it as such.
5. Society blames women and girls for provoking sexual harassment (through dress, beauty or behaviour construed to be inviting men) and for reaping the consequences of the perceived bad conduct. Generally, women are viewed as sexual objects that must be exploited by men.
6. Women are more likely to accept sexual harassment when the same is advanced under pretext of "tribal cousin". Tribal cousinship makes it socially acceptable to be harassed by either group and none takes offence in cases where sexual harassment occurs. However, there are extremes when the same may be regarded intolerable and offensive.
7. The University has its own hidden or silent norms, sub-cultures and orientations which allow or tolerate high levels of permissiveness, expressed freedoms, rights and privileges. Some people (i.e. both members of staff and students) may allow or tolerate sexual harassment in exchange for rewards such as improved academic progression, passing with flying colours, offer of hostel accommodation, accelerated promotion and material gain.
8. In many instances, sexual harassment is not reported because of:
  - fear of blame from friends, family and others;
  - damage to personal reputation and integrity;
  - fear of getting low or fail grades;
  - fear of retaliation;
  - fear of embarrassing the accused (because she/he is supervisor, lecturer or fellow student);
  - fear of personal embarrassment;
  - inertia that no corrective action would be taken; and
  - protecting the accused's job or career.

### **Schedule III: ETHICAL PRINCIPLES**

The following principles shall govern all procedures under this Policy.

1. Procedures are to be impartial and fair and consistent, both in substance and perception, to all concerned parties (i.e. the victim and accused and witnesses).
2. All concerned parties are to be treated with respect and dignity.
3. The privacy, autonomy and reputational interests of all concerned parties must be assured.
4. All relevant investigations must be conducted promptly and thoroughly.
5. Confidentiality of information relating to reports or investigations or cases of misconduct must be maintained.
6. Shared confidentiality shall be encouraged amongst individuals charged with the responsibility to implement this Policy and those who have a “need to know” in order to effect the relevant sanctions.
7. Action that constitutes misconduct will be determined on a case-by-case basis from the available facts and the context in which the alleged misconduct occurred.
8. Informal resolution of alleged misconduct is very important and should be encouraged.
9. When a formal complaint is processed, both parties must be provided access to all charges, claims and other relevant information.
10. When a case of misconduct has been proven, disciplinary measures should be taken through the appropriate disciplinary procedures of the University.
11. Relevant concerned parties shall be informed of the outcome of any investigation and intervention procedures.
12. No-contact orders shall be issued by the Vice- Chancellor (or a nominee) upon recommendation by the Registrar.
13. It is a violation of this Policy for anyone to intentionally either make a false complaint or knowingly provide false information regarding a complaint.

Copies of this Policy can be obtained from:  
The Registrar,  
University of Zambia,  
P.O. Box 32379,  
Lusaka.

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