



**UNITED STATES INTERNATIONAL  
UNIVERSITY-AFRICA**

**SEXUAL HARASSMENT POLICY**

**NOVEMBER 2016**

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## **FOREWORD**

United States International University-Africa (USIU-Africa) has a dual responsibility as both an employer and an institution of higher learning. The University therefore provides a teaching, learning and a working environment that focuses on equal opportunity where all individuals are protected from any form of mistreatment or discrimination. The University management is committed to preventing abuse of personal authority or power in interpersonal relationships in all its dealings and amongst all stakeholders.

In order to ensure that people within any community relate with each other in acceptable ways without infringing on others rights, rules and regulations have to be established and communicated in a clear manner to all members. USIU-Africa has established the need for crafting a fair process of handling sexual harassment which focuses on the offenders as well as those affected. A clear definition of what constitutes sexual harassment is adequately and clearly spelt out for ease of understanding by all members of the University community. With this policy, the University has codified various provisions on sexual harassment contained in the Student Handbook, Faculty Handbook, Employee Handbook and Human Resource Policies and Procedures Manual.

Various governments including Kenya have prescribed stiff penalties for sexual offences including sexual harassment. It is imperative that all students, staff and faculty strive to avoid any behavior that is prohibited and should accord appropriate respect to the fundamental rights and dignity of all people regardless of their culture, gender, race, ethnicity, nationality, sexuality, religion, ability, and socio-economic status.

This policy is a clear fulfillment of an obligation to protect, prevent and manage sexual harassment within the university. Sexual harassment will therefore not be tolerated under any circumstances in all the operations of the University. The University is committed to providing all possible assistance in understanding these issues and helping individuals to make informed decisions. Regular training and awareness campaigns will be conducted by the University in order to ensure a safe environment for all stakeholders. It is important to understand that, while the University will treat information it has received with appropriate sensitivity, individuals may nonetheless need to share certain information with those responsible for stopping or preventing sexual offences. This will ensure that sexual harassment is dealt with effectively to the satisfaction of all stakeholders of the university.

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## **TASKFORCE MEMBERS**

	<b>NAME</b>	<b>POSITION IN THE TASK FORCE</b>
1.	Mr. Jared Raburu	Director/Administration (Chairperson)
2.	Dr. Caren A. Ouma	Sub-Committee Chairperson and Faculty Council Representative
3.	Ms. Salome Asena	Staff Council Representative (Task Force Secretary)
4.	Dr. Oscar Githua	Faculty Council Representative
5.	Mrs. Lucy W. Kung'u	Principal Counsellor
6.	Ms. Jane Wathoni Njoroge	Vice Chair, Student Affairs Council
7.	Ms. Janis Gatakaa	Security Officer
8.	Ms. Yvonne Mwendu	Legal Counsel
9.	Mr. David Kiragu	Chair, Student Affairs Council
10.	Mr. Stephen Kiseli	Staff Council Representative
11.	Ms. Helen P. Ambasa	Director/Legal Services & Company Secretary

## **SECTION 1: INTRODUCTION**

### **Section 1.1: Policy Statement**

United States International University-Africa prohibits and strongly condemns sexual harassment committed by students or employees, whether on or off campus, or by any individual on campus or within its programs or activities. The University has zero tolerance to sexual harassment and violence.

This Policy addresses the University's aim to provide an environment that is free of sexual harassment. Through this Policy, USIU-Africa intends to provide broader protections from sexual harassment within the framework of the laws of Kenya. USIU-Africa will take disciplinary or corrective actions pursuant to this policy. The ultimate goal is to prevent sexual harassment through education. Should sexual offences occur, the university will respond firmly, fairly, and in a timely manner. All students, staff and faculty are called upon to understand their rights, roles and responsibilities with regard to sexual harassment.

This policy is a manifestation of the University's effort to prevent sexual harassment and deal with such cases when they arise. There are clear provisions for support of victims and fair interrogation of incidents to avoid false allegations. The entire USIU-Africa community is asked to play its role in making sure that this policy is implemented. We recognize that USIU-Africa is well positioned to confront the immense challenge of sexual harassment in order to achieve an environment in which every community member is respected, safe, and fully supported. This policy prohibits any form of sexual harassment in recruitment of students, employees, award of scholarships, teaching, awarding marks and offering of any service to the university.

### **Section 1.2: Policy Objectives**

In implementing this policy the university will be guided by the following specific objectives:

- a) Create a working, teaching and learning environment which is free from sexual harassment and where all members of the university and its stakeholders are treated with dignity, courtesy and respect;

- b) Training and creating awareness to ensure that all staff, faculty, students and all other stakeholders know their rights and responsibilities;
- c) Provide an effective procedure for complaints based on the principles of natural justice;
- d) Treat all complaints in a sensitive, fair, timely, and confidential manner;
- e) Guarantee protection from any victimization or reprisals;
- f) Encourage the reporting of sexual harassment; and
- g) Promote appropriate standards of conduct at all times.

## **SECTION 2: DEFINITIONS**

### **Section 2.1: Sexual Discrimination**

Sexual discrimination is the prejudiced treatment against a person on grounds of gender, sexual orientation, or gender identity.

### **Section 2.2: Sexual Harassment**

Sexual harassment is the persistent unwelcome sexual advances, request for sexual favor, and other verbal, visual or physical conduct of a sexual nature. It can also take the form of a person being in a position of authority, holding a public office or not, persistently making any sexual advances or requests which he or she knows, or ought to have known, are unwelcome. Whether conduct is sexual harassment does not depend on the gender of either the victim or the perpetrator. This occurs when:-

- a) Submission to such conduct is made either expressly or impliedly given as a term or condition of an individual's employment or education;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; and
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's learning or work performance or creating an intimidating, hostile, or offensive academic or working environment.

### **Section 2.3: Elements of Sexual Harassment**

- a) The behavior should be unwelcome. This will depend on how the conduct in question was perceived and experienced by the recipient rather than the intention behind it;
- b) It should be of a sexual nature;
- c) It is offensive, humiliating and/or intimidating;
- d) It may either be a one-time or repeated action;
- e) Spreading gossip or rumors may expose any involved student, staff or faculty to defamation action and the breach of the sexual harassment policy.

### **Section 2.3: Circumstances in which Sexual Harassment can occur**

Sexual harassment can occur in a variety of circumstances including but not limited to the following:-

- a) The victim or perpetrator may be a woman or a man. An older man/woman harassing younger women/men, seniors harassing juniors: The victim does not have to be of the opposite sex;
- b) The perpetrator can be a victim's manager, lecturer, a student, supervisor, a supervisor in another department, a co-worker, fellow student, an agent of the employer, a non-employee such as a supplier, a contractor or any service provider, client or customer;
- c) Where there is inequality of power between a victim and the perpetrator that strongly suggests that the victim engages in sexual relation out of fear;
- d) The victim does not have to be the person harassed but could be anyone affected by the offensive conduct; and
- e) Sexual harassment is unlawful not only during working/teaching/learning hours but also in any university related context including conferences, work functions, sports, university trips and parties but also off the university as long as it involves students, staff and faculty.

### **Section 2.4: Forms of Sexual Harassment**

Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males or females against people of the same or opposite sex. Sexual harassment can take different forms.

### **Section 2.5: Physical Sexual Harassment**

This occurs when a victim has been touched in an inappropriate way against his or her own will. Examples include but are not limited to:-

- a) Leering at a person or parts of their body in a sexually suggestive manner;
- b) Touching or fiddling with a person's clothing including lifting up of skirts or shirts, flicking bra straps or putting hands in a person's pocket;
- c) Blocking the victim's path in an aggressive way;

- d) Standing very close to the victim which makes him/her uncomfortable;
- e) Non-consensual kissing or kissing attempts;
- f) Rubbing one's genitals on a person;
- g) Attempt or actual sexual assault;
- h) Indecent exposure of one's genitalia;
- i) Stalking with an intention to sexually harass the victim;
- j) Obscene gestures;
- k) Groping;
- l) Subtle pressure for sexual activity; and
- m) Unwelcome/uninvited physical contact such as massaging a person without invitation, hugging, pinching, patting, grabbing in a sexual manner.

### **Section 2.6: Verbal Sexual Harassment**

Verbal sexual harassment may be oral or written and may include but not limited to:-

- a) Demeaning references to either the male or female gender;
- b) Comments that are sufficiently offensive to cause discomfort and interfere with work or learning;
- c) Disparaging remarks about one's gender or physical appearance;
- d) Sex based insults, taunts, teasing or name calling;
- e) Verbal sexual abuse disguised as humor;
- f) Making promises or threats in return for sexual favors;
- g) Requests or demands for sex or repeated unwanted requests to go out on dates after prior refusal;
- h) Suggestive sexually demeaning remarks, comments or jokes;
- i) Smutty jokes or comments about the victim's body or clothing;
- j) Catcalls;
- k) Comments or questions about the victim's social or sexual life;
- l) Intrusive questions or insinuations about an individual's private life;
- m) Demands for sexual favors and threats of firing if the demands are not met; and
- n) Obscene communication and unwanted sexual innuendos.

## **Section 2.7: Visual Sexual Harassment**

This is the use of different forms of visual media to suggest inappropriate sexual advances. Examples include but are not limited to:-

- a) Displaying sexually graphic materials including posters, magazines, cartoons, graffiti or messages left on notice boards, desks or common areas;
- b) Sending or forwarding sexually explicit emails or text messages or emailing offensive “jokes” and pornographic material;
- c) Inappropriate advances on social networking sites;
- d) “Flashing” or making obscene sexual gestures;
- e) Accessing sexually explicit internet sites, downloading offensive screen savers and loading them into a colleagues’ computer or shared university computers; and
- f) Technological sexual harassment is the inappropriate use of photography, email and internet.

## **Section 2.8: Gender Harassment**

This involves generalized sexist statements and behavior that convey insulting or degrading attitudes about both men and women. Examples include insulting remarks, offensive graffiti, obscene jokes or humor about both genders.

## **Section 2.9: Seductive Behaviour**

This includes unwanted, inappropriate and offensive sexual advances. Examples include repeated unwanted sexual invitations, insistent requests for dinner, drinks or dates, persistent letters, phone calls and other invitations.

## **Section 2.10: Sexual Bribery**

Solicitation of sexual activity or other sex-linked behavior by promise of reward; the proposition may be either overt or subtle.

**Section 2.11: Sexual Coercion**

Coercion of sexual activity or other sex-linked behavior by threat of punishment; examples include negative performance evaluations, withholding of promotions, and threat of termination.

**Section 2.12: Sexual Violence**

This is a sexual act (including, sexual assault) that is perpetrated against a person's will or without a person's consent, or when a person is incapable of giving consent due to his or her age, family relation to the other person, the ingestion of drugs or alcohol, or the person's intellectual or other disability.

Sexual assault is any involuntary sexual act in which a person is coerced or physically forced to engage in sexual acts against their will. It includes rape (such as forced vaginal, anal or oral penetration, penetration with a foreign object).

## **SECTION 3: THE LAW ON SEXUAL HARASSMENT**

The legal underpinnings for this policy lie in the following laws:-

### **Section 3.1: Laws of Kenya**

#### **Section 3.1.1: The Constitution of Kenya**

The constitution of Kenya guarantees rights and freedoms of every person in Kenya including: freedom from discrimination under Article 27; right to human dignity under Article 28; and right to freedom and security under Article 29.

#### **Section 3.1.2: The Sexual Offences Act No.3 of 2006**

This Act stipulates various sexual offences and the penalties for persons found guilty under the Act. Sexual offences under the Act include:-

- sexual harassment which attracts imprisonment for a term of not less than three years or a fine of not less than one hundred thousand shillings or both.
- Sexual offenses relating to position of authority and persons in position of trust which attracts Imprisonment for a term not less than 10 years.
- Rape, attempted rape, sexual assault, gang rape, deliberate transmission of HIV or any other life threatening STD.

#### **Section 3.1.3: The Employment Act of 2007**

The Employment Act defines sexual harassment under section 6.

### **Section 3.2: International Law**

By dint of Article 2(5) and (6) of the Constitution of Kenya, international law forms part of the laws of Kenya. Some of the applicable international instruments for this policy are:

#### **Section 3.2.1: The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

This Convention directs State Parties to take appropriate measures to eliminate discrimination against women in all fields, specifically including equality under law, in governance and politics, the workplace, education, healthcare, and in other areas of public and social life.

### **Section 3.2.2: The International Labour Organization Discrimination (Employment and Occupation) Convention (No.111)**

The ILO prohibits sex discrimination which is a form of sexual harassment.

### **Section 3.2.3: The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**

The Protocol obligates State Parties to take appropriate measures to eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training; and protection of women from all forms of abuse (including sexual harassment).

### **Section 3.3: American Law**

USIU-Africa has dual accreditation, from the American WASC Senior College and University Commission (WSCUC) and the Kenyan Commission for University Education (CUE). The University therefore applies the provisions of Title IX which is a law applicable in the United States.

**Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq.,** is a Federal civil rights law in the USA, that prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, discrimination on the basis of sex, sexual harassment sexual assault (rape), sexual violence (battery) and other sexual misconduct, such as sexual coercion are prohibited.

## **SECTION 4: REPORTING, INVESTIGATION AND ADJUDICATION**

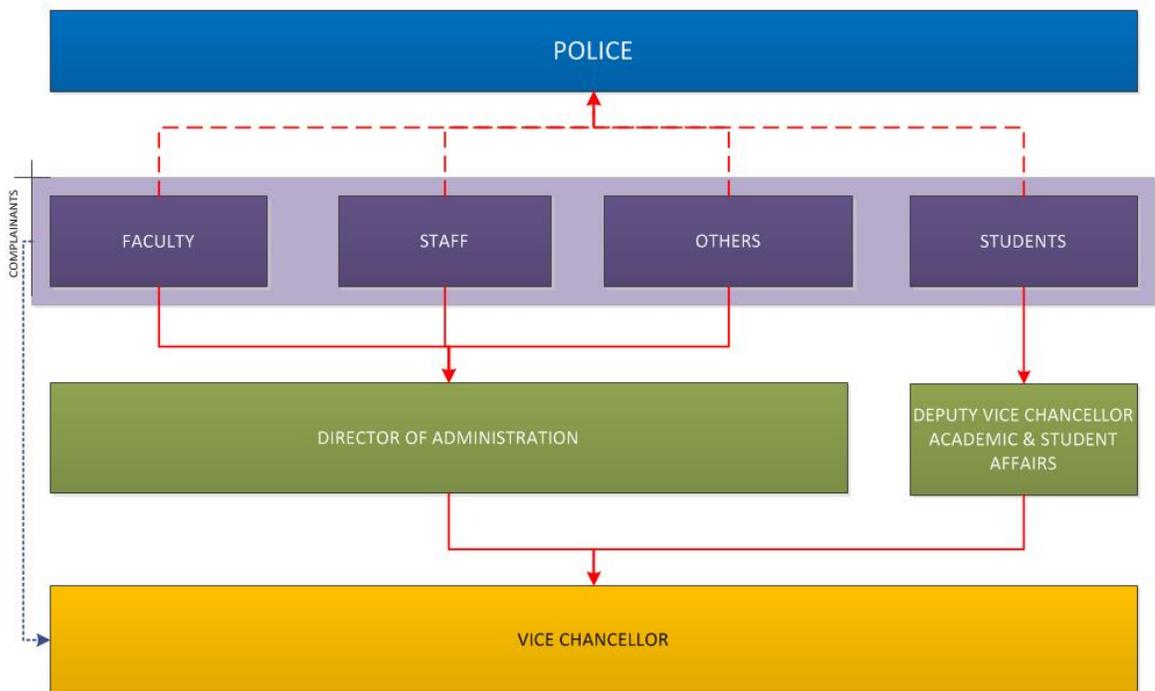
### **Section 4.1: Reporting an Incident**

- a) All students, staff and faculty members are called upon to be aware of and report acts of violation of this policy without fear of retaliation. A complaint may be submitted by an employee or student. All members of the USIU-Africa community who experience or witness sexual harassment are encouraged to report such incidents.
- b) A complaint may be filed against any person in the USIU-Africa community: faculty, adjunct faculty, staff, students, alumni, consultants, contractors, visitors and guests. In certain cases, the University may pursue an investigation without a formal complaint being lodged.
- c) Reports shall be lodged using the ***Complaint Form***. The Form may be downloaded from the University website or obtained at any of the following offices:
  - i. *The Director of Administration or the designee*-for staff and faculty. If the matter involves the Director of Administration, then the matter will be reported to the Vice Chancellor; and
  - ii. *The Deputy Vice Chancellor-Academics and Student Affairs or the designee*-for students. If the matter involves the Deputy Vice Chancellor-Academic and Student Affairs, then the matter will be reported to the Vice Chancellor.
- d) Reports of sexual violence may be reported to the USIU-Africa Security Department on 0730 116 266/0730 116 461.
- e) If you need emergency assistance from police or medical personnel, call 999 or 112 from a mobile phone. If you need medical attention, you may visit the USIU-Africa Health Center 0730 116 762 / 0730116760. If you are away from campus, seek attention from the nearest emergency room or medical provider.
- f) The highest level of anonymity and confidentiality will be maintained at all times for people who report cases of sexual harassment.

- g) Everyone is encouraged to immediately report cases of sexual violence, as delayed reporting may hinder proper investigations. The University undertakes to respond promptly to all reported cases.
- h) In case of sexual assault the University will assist the victim to notify the relevant authorities if they choose to do so.
- i) The flow chart below represents the reporting mechanism which should be followed by all the stakeholders within the University.

# FLOWCHART

## REPORTING MECHANISM



**KEY**

DOTTED LINE (In cases of sexual violence)

DASHED LINE (In cases where where Director of Administration or the DVC-Academic & Student Affairs is the alleged perpetrator)

FULL LINE (All cases of sexual harassment, sexual discrimination & sexual violence)

**PLEASE NOTE:** victims in cases of sexual violence and assault have a right to directly report to the police. This right cannot be limited and remains the victim's prerogative; reporting to the police may be done alongside the University's internal adjudication procedures.

In the event the alleged perpetrator is arrested by the police; the rights of arrested persons enshrined under Article 49 of the Constitution of Kenya shall take effect as enumerated below:

- a) the right to be informed promptly, in language that the person understands, of—
  - i. the reason for the arrest;
  - ii. the right to remain silent; and
  - iii. the consequences of not remaining silent;
- b) the right to remain silent;
- c) the right to communicate with an advocate, and other persons whose assistance is necessary;
- d) the right not to be compelled to make any confession or admission that could be used in evidence against the person;
- e) the right to be held separately from persons who are serving a sentence;
- f) the right to be brought before a court as soon as reasonably possible, but not later than—
  - i. twenty-four hours after being arrested; or
  - ii. if the twenty-four hours ends outside ordinary court hours, or on a day that is not an ordinary court day, the end of the next court day;
- g) the right, at the first court appearance, to be charged or informed of the reason for the detention continuing, or to be released; and
- h) the right to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.

An arrested person shall not be remanded in custody for an offence if the offence is punishable by a fine only or by imprisonment for not more than six months.

### **Duty of Care**

In case the victim and the alleged perpetrator are both members of the University, the University shall maintain a duty of care toward the victim(s) and the alleged perpetrator(s), *to wit:-*

- a) the university shall ensure the victim is protected as outlined in various provisions of this policy;
- b) the university shall ensure the alleged perpetrator is accorded a fair hearing as outlined in this policy, including the right to adduce and challenge evidence;
- c) the alleged perpetrator shall have the right to appeal;
- d) the reporting and adjudication as against the perpetrator shall adhere to the substantive and procedural provisions of the policy ; and
- e) the alleged perpetrator shall remain innocent until proven guilty.

### **Section 4.1.1: Duty of Good Faith**

- a) The university shall not tolerate false claims.
- b) A person who knowingly makes false allegations, or who knowingly provides false information in an investigation or proceeding, shall be subject to disciplinary action, up to and including termination or expulsion.

### **Section 4.1.2: Protection from Retaliation**

- a) The University shall not in any way retaliate against any individual who makes a report of sexual harassment nor permit any employee or student to do so.
- b) Retaliation is a serious violation of this policy and is unlawful, and should be reported immediately.
- c) Any person found to have retaliated against another individual for reporting sexual harassment shall be subject to disciplinary action, up to and including dismissal or expulsion.

### **Section 4.1.3: Support Services and Resources**

A victim of sexual harassment may seek support services from the USIU-Africa Counseling Centre **(0730116311)**. The support services are strictly confidential. Unless required under the law, confidential information will not be shared by the Counselors.

### **Section 4.1.4: What you should do if you are a Victim of Sexual Violence**

Many victims of sexual violence do not know where to turn for help, or what to do. They may be afraid or ashamed to talk to anyone, or they may try to act as if nothing has happened.

#### **If you have been sexually assaulted:**

Call the police at 999 or 112 on your mobile phone, or our Health and Counseling Service at 230, 229, 311,246,591 or 297. Sexual assault should be considered an emergency. Even if you do not have a single cut or bruise you should report the assault.

#### **What to do when you are raped:**

**Step 1:** Ensure your personal safety by going to a safe place (Hospital, school, police station).

**Step 2:**

- Do not take a shower or bath; do not clean your genitalia as this will destroy the evidence.
- Do not throw away your clothes. Preserve evidence; if you change clothes wrap them in a brown paper bag/newspaper (not a plastic bag).
- Avoid passing urine; if you have to, put the urine in a bottle and carry it to a hospital.
- Do not brush your teeth or cut your nails.

**Step 3:**

- Seek medical assistance at the nearest health facility. The medical examination has several purposes, which include caring for your needs (check for internal and external trauma/injuries and test for sexually transmitted diseases) collecting medical evidence, which will be used in court when an arrest has been made. It is essential that the examination be performed as soon as possible after the assault.
- It is also prudent that you request for a toxicology report to be produced alongside the medical report.
- Get preventive treatment for HIV/AIDS, sexually transmitted infections, pregnancy and treatment for physical injuries within 72 hours.
- Ensure that the Post Rape Care form is filled and take original and duplicate copies with you.

**Step 4:** Report the matter to the security within the university and to the police.

**Step 5:** It is important that you seek psychological support (counseling) to help you deal with the impact of the assault on your life.

**Step 6:** Seek independent legal redress (get legal advice).

**Section 4.2: Investigation**

- a) When a report on violation of this Policy is made, the receiving office will conduct investigations into the matter. Investigations by the University are distinct from any government or other investigation and these investigations do not preclude the University from conducting its independent investigations into any matter.
- b) Involved parties will be notified in writing of the investigations and of their rights in the process.
- c) Members of the University are expected to cooperate in the investigations of any alleged violation of this Policy.

- d) The University may take provisional safety restorative and preventative measures during an investigation as it may deem fit.
- e) Once investigations are concluded then a charge will be brought against a person.
- f) At any point during the investigations, the University may resolve some matters through a non-hearing resolution involving and with agreement of the parties. This will however not apply to cases of sexual violence.

### **Section 4.3: Adjudication**

#### **Section 4.3.1: Disciplinary Committee and Hearing**

- a) After the investigations are concluded by the relevant office, the matter will be referred to a disciplinary committee for hearing.
- b) The disciplinary committee will constitute of six (6) members.
- c) If the matter involves staff/faculty members the disciplinary committee will be constituted by the Director of Administration or the designee and if the matter involves the Director of Administration then the committee will be constituted by the Vice Chancellor or the designee. If the matter involves the Vice Chancellor, then the committee will be constituted by the University Council.
- d) If the matter involves a student then the disciplinary committee will be constituted by the Deputy Vice Chancellor Academic and Student Affairs. If the matter involves the Deputy Vice Chancellor then the committee will be constituted by the Vice Chancellor or the designee. If the matter involves the Vice Chancellor, then the committee will be constituted by the University Council.
- e) Faculty and staff members are eligible to serve on the disciplinary committee.
- f) The disciplinary committee chosen at any time must reflect the diversity of the university. Before embarking on hearing any matter, the members of the disciplinary committee will be trained in relevant laws and policies by the Director-Legal Services & Company Secretary or the designee, so as to ensure the best decision is reached.
- g) Hearings will be conducted in a timely manner while providing adequate time for the parties to prepare and the disciplinary committee members to deliberate.

- h) The standard of proof to guide the disciplinary committee in determining any matter is by a “Preponderance of the Evidence”. This means there has to be sufficient facts showing there was a violation of this Policy.
- i) The disciplinary committee must make a unanimous decision as to culpability and sanction where the sanction is dismissal or expulsion. For lesser sanctions than dismissal or expulsion, the disciplinary committee can impose the same in the event four out of the six members agree to that sanction.

### **Section 4.3.2: Sanctions**

- a) If the disciplinary committee determines that there has been a violation of this Policy they may impose sanctions as herein below described.
- b) The University considers sexual violence as an egregious violation of this Policy and in such cases, a person found culpable of the same by the disciplinary committee shall be dismissed from employment or expelled.

### **Section 4.3.3: Disciplinary Warning**

In cases of sexual harassment misconduct, a disciplinary warning may be issued. This written action is taken when the individual's conduct or involvement merits an official admonition. The faculty, staff or student is warned that further misconduct may result in more severe disciplinary action.

### **Section 4.3.4: Disciplinary Probations**

- a) **Probation-Level I:** A serious form of reprimand that is fitting for the type of violation or repeated violations as designated for a certain period of time by the disciplinary committee. The faculty, staff or student will not represent the University in activities and hold office in faculty council, staff council and the student organizations during the time stipulated as probationary. The faculty, staff or student is notified that further infraction of this Policy may result in more stringent sanctions.
- b) **Probation-Level II:** The most serious level of disciplinary sanction short of suspension from the university. The faculty, staff or student remains at the University under

circumstances defined by the disciplinary committee. The faculty, staff or student will not represent the University in an official capacity or hold office in the faculty council, staff council, student organization or any governance body. The student is however, still considered to be in "good standing".

- c) On completion of the disciplinary sanctions, the faculty, staff or student may apply to the University for reinstatement. An extension of the sanctions may be effected if the faculty, staff or student did not abide by the terms of the probation.

### **Section 4.3.5: Interim Suspension**

- a) The disciplinary committee may recommend suspension of a faculty, staff or student and / or removal of the faculty, staff or student from campus facilities for an interim period pending full disciplinary proceedings whenever there is evidence that the continued presence of the faculty, staff or student on the university campus poses a substantial threat to the safety or well-being of any person or persons, university property or the property of others.
- b) An interim suspension may become effective immediately without prior notice.
- c) A faculty, staff or student suspended on an interim basis will be given an opportunity to appear personally before a hearing committee within 14 working days from the effective date of the interim suspension.
- d) During an interim suspension, the faculty, staff or student will be barred from all or part of the university premises. Any faculty, staff or student under interim suspension who returns to the portion of campus to which he / she is barred without permission from the Sexual Harassment disciplinary committee will be subject to further disciplinary action.

### **Section 4.3.6: Suspension**

Suspension is the involuntary separation of faculty staff or student from the University for a designated period of time. In addition, the disciplinary committee may establish additional requirements, which must be fulfilled to their satisfaction, prior to reinstatement. The faculty, staff or student will also be barred from university premises and participating in any University activities.

### **Section 4.3.7 Appeal Procedure**

For staff and faculty, a formal appeal may be made to the Vice Chancellor or the designee in writing within five (5) working days of receipt of the verdict of the disciplinary committee.

For students the appeal will be made to the DVC-Academic and Student Affairs or designee in writing within five (5) working days of receipt of the verdict of the disciplinary committee. Failure to submit the appeal in writing within the stipulated time will render the original decision final and conclusive.

### **Section 4.3.8: Appeal Conditions**

An appeal must be based upon one or more of the following conditions:

- a) Errors in interpretation or implementation of procedures which are so significant as to result in denial of a fair hearing.
- b) New and significant evidence, which could not have been discovered by diligent preparation for presentation at the initial hearing and is now available.
- c) Lack of substantial evidence in the record to support the verdict.

### **Section 4.3.9: Response to an Appeal**

- a) A response to the request of appeal will be issued in writing within 10 working days
- b) The Vice Chancellor or Deputy Vice Chancellor Academic and Student Affairs may uphold, vary or set aside the verdict of the disciplinary committee, or grant a hearing. Should the hearing be granted, the faculty, staff or student will receive notification of the time, place and date. The hearing may be informal but a record of the proceedings will be taken.
- c) The decision of the Vice Chancellor or Deputy Vice Chancellor Academic and Student Affairs shall be final.

## **SECTION 5: DUTIES AND RESPONSIBILITIES OF THE UNIVERSITY TO PREVENT SEXUAL HARASSMENT**

### **Section 5.1: Role of the Management**

- a) The Management will oversee implementation of this policy, provide ongoing consultation regarding policy requirements and ensure all new staff, faculty and students are oriented on the policy and monitor its effectiveness.
- b) All managers and supervisors will have the responsibility to:
  - i. model appropriate standards of professional conduct at all times;
  - ii. promote this policy within their work area and this can be done through discussing and reinforcing the policy during student, staff and faculty meetings;
  - iii. monitor the working environment to ensure that acceptable standards are observed at all times;
  - iv. treat all complaints seriously and take immediate action to investigate and resolve the matter in accordance with this policy and university regulations;
  - v. refer complaints to an alternative proper office if they do not feel that they are the best person to deal with the case (for example if there is conflict of interest or if the complaint is particularly complex or serious); and
  - vi. they will be responsible for removing offensive, explicit or pornographic calendars, literature, posters and other materials from official university communication. This responsibility is however shared by all persons in the University community.

### **Section 5.2: Students, Staff and Faculty**

- 5.2.1 All students, staff, and faculty have a role in the university's culture of compliance, attending training and reporting violations of this policy. They are all encouraged to take steps necessary to prevent sexual harassment from occurring. All students, staff and faculty have the following responsibilities:

- a) Be aware of inappropriate behavior that contravenes this policy and that they have a duty to use reasonable care to warn, inform the proper authorities, protect and report any acts of sexual harassment committed towards them or towards others and shall be fully cooperative in the event of an inquiry or investigation;
- b) Comply with the University's Sexual Harassment policy;
- c) It will be important that all students, staff and faculty attend trainings on this policy and sign the *Declaration Form* acknowledging they have received and understood the policy;
- d) Report early concerns about unwelcome behavior before it becomes a serious complaint;
- e) Offer support to anyone who is being harassed or discriminated and let them know where they can get help and advice (they should not, however approach the perpetrator themselves); and
- f) Maintain complete confidentiality if they provide information during the investigation of a complaint.

## **SECTION 6: DISSEMINATION OF THE POLICY**

### **Section 6.1: Dissemination Obligation**

- a) All members of the University shall obtain this Policy from the office of the Director Administration, office of the Deputy Vice Chancellor-Academic and Student Affairs, or online.
- b) The declaration form shall be signed and returned to the appropriate office within one week of obtaining the Policy.

### **Section 6.2: Creating Awareness**

To minimize the risk of sexual harassment the university shall endeavor to use all means to create awareness to its fraternity. This will include holding an annual awareness week. However, the chairpersons of the following offices shall aim to continuously create awareness at least once in a year.

- a) The Student Affairs Council; b) The Faculty Council; c) The Staff Council; d) The Management Board.

### **Section 6.3: Education and Training**

The following are forms of education and training are to be reinforced by the university:

- a) Faculty members to integrate this policy in course content where applicable.
- b) Offices of the Deputy Vice Chancellor Academic and Student Affairs, and Director of Administration to organize training and education programs.
- c) Training of staff in order to enhance effective policy implementation. The training shall be done biannually to assist the trainees deal with issues on sexual harassment within the university.
- d) All new students and employees to go through orientation about this policy.

## **SECTION 7: MONITORING AND EVALUATION**

United States International University- Africa recognizes the importance of monitoring and evaluating this policy. This will be done through anonymous surveys to establish the effectiveness of this policy. Issues of relevance, effectiveness, ethical considerations, efficiency and reliability will be coherent in the evaluation process. This will be aimed at tracking significant positive changes about sexual harassment.

Divisional Heads will be called upon to give reports on compliance with this policy for their respective areas. The reports will be analyzed and submitted to the Vice Chancellor for evaluation and direction as may be necessary to ensure effectiveness and efficiency.

## **SECTION 8: REVIEW OF THE POLICY**

- a) A comprehensive review of this policy shall be done after every 3 years. Part review of this Policy could however be undertaken if the same is necessitated by changes in law.
- b) The Vice Chancellor shall appoint a Task Force to review this Policy.
- c) The Task Force shall be composed of representatives from various departments in the University.
- d) Any amendments to this Policy shall be consistent with the aims and objectives of USIU-Africa.
- e) The University Council shall be the final approving body of any amendments to this Policy.



## SEXUAL HARASSMENT POLICY COMPLAINT FORM

**1. Please Note:**

- (a) THAT this form can be filled by anyone who wishes to report a case of sexual harassment/discrimination/violence faced by themselves or another member of the University community
- (b) THAT by filling this form you commit to assist the University in the investigation and adjudication of the complaint
- (c) THAT the investigation process will involve interviewing the complainant and individual(s) complained against.
- (d) THAT complainants are encouraged to peruse the Policy to better understand their rights and obligations, and the procedures of reporting/investigating/adjudicating complaints.

**2. I / We (name/s),**

- (a) .....
- (b) .....
- (c) .....

(tick appropriately)

Student(s)                     
  Faculty                     
  Staff                     
  Other (specify) \_\_\_\_\_  
 of USIU-Africa ID No. \_\_\_\_\_,

**3. Wish to make a complaint against the following person(s):**

- (a) .....
- (b) .....
- (c) .....

Please include the title and relationship (e.g. lecturer, supervisor)

**4. On the grounds of:**

Sexual harassment

Sexual discrimination

Sexual violence

**5. Please explain what happened:** (include as much detail as possible e.g. dates, locations etc.)  
Attach separate sheet if space is not sufficient.

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

**6. Witnesses/person(s) who may be interviewed/person(s) with knowledge of matter being complained of:** (where possible explain why such person(s) should be contacted)

- (a) .....
- (b) .....
- (c) .....

.....  
.....

**7. Have you filed this complaint elsewhere?** (Either internally or externally – the Police/OB No.)

.....  
.....

**8. I certify that:**

- (a) The information provided is true and correct;
- (b) I shall cooperate fully in the investigation of the complaint;
- (c) I have the right to expect highest level of confidentiality as relates to this complaint; and

(d) The university may take disciplinary action against me should the complaint be proven to be frivolous or malicious.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**FOR OFFICIAL USE ONLY:**

**For Students:** Deputy Vice Chancellor Academic & Student Affairs

Date of lodging complaint: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Complaint lodged by: \_\_\_\_\_

**For Faculty/Staff:** Director of Administration

Date of lodging complaint: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Complaint lodged by: \_\_\_\_\_

**Others:** Director of Administration

Date of lodging complaint: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Complaint lodged by: \_\_\_\_\_