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# **ZAMBIA CENTRE FOR ACCOUNTANCY STUDIES**

## **SEXUAL HARASSMENT POLICY**

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## 1.0 GENERAL INFORMATION

<b>Name of Policy</b>	<b>Sexual Harassment Policy</b>
<b>Policy Number</b>	<b>ZCAS/2019/HR04/25</b>
<b>Adopted</b>	<b>10<sup>th</sup> June 2020</b>
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<b>Owner</b>	<b>Board Secretary</b>

## 2.0 POLICY STATEMENT

ZCAS is committed to providing a positive work and study experience for all staff and students, which includes a zero-tolerance approach to sexual harassment. For this reason, ZCAS developed this Sexual Harassment Policy. Every form of sexual harassment is prohibited whether it takes place within ZCAS premises or outside, including at social events, business trips, training sessions or conferences sponsored by ZCAS. It is ZCAS policy to seriously and promptly investigate each reported incident of sexual harassment and deal with it accordingly to applicable regulations. Every reported case of sexual harassment will be treated with respect and in confidence.

This Sexual Harassment Policy outlines how ZCAS shall identify and respond to allegations of sexual harassment involving students and staff. It outlines how students and staff shall report cases of sexual harassment and how they shall be managed. The Sexual Harassment Policy shall be read in conjunction with other relevant regulations such as the Code of Conduct for Students, Disciplinary Code and Grievance Procedure and the Whistleblower Policy.

## 3.0 POLICY OBJECTIVE

This Policy sets out ZCAS expectations of behaviour by staff and students and provides approaches for dealing with complaints of sexual harassment. It intends to protect staff

and students from inappropriate sexual behaviour which may include, but is not limited to, violence, grooming, misconduct and harassment.

Through this Policy, ZCAS aims to achieve the following objectives:

- a) Promote a positive work and study experience for all staff and students;
- b) Staff and students are treated fairly and with respect;
- c) Outline what constitutes sexual harassment and the consequences;
- d) Make it clear that sexual harassment is unacceptable and that all members of ZCAS have a role to play in creating an environment free from sexual harassment;
- e) Provide a framework of support for staff and students who feel they have been subjected to sexual harassment; and
- f) Provide a mechanism by which students and staff complaints relating to sexual harassment can be addressed in a timely way.

#### **4.0 DEFINITION OF TERMS**

For the purposes of this Policy, the following definitions apply:

- 1) **Complainant** means a person who is subject to alleged sexual harassment.
- 2) **Cyber Harassment** means harassment that takes place over digital devices like cell phones, computers, and tablets. Cyber harassment can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyber harassment includes sending, posting, or sharing negative, sexually explicit, harmful, intimidating, offensive, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyber harassment crosses the line into unlawful or criminal behaviour.
- 3) **Employee** refers to a person in the employment of ZCAS.
- 4) **Sexual Harassment** is defined as unwanted behaviour of a sexual nature which has the purpose or effect of violating an individual's dignity; making an individual feel intimidated, degraded, or humiliated and/or creating a hostile or offensive environment.

Sexual harassment also occurs if an individual treats a person less favourably because that person has rejected or submitted to unwanted conduct of a sexual nature or that is related to gender identity or sex, and which has had the purpose or effect described in this section. In this scenario, the person who treats someone less favourably might not be the person who engaged in the unwanted conduct.

Actions or behaviour which may constitute sexual harassment or sexual violence include, but are not limited to, the following:

- a) sexual comments or jokes;
- b) touching;
- c) sexual assault including groping;
- d) unwelcome sexual advances, behaviour, conduct or acts in person, telephone or social media platforms”.
- e) displaying or showing material of a pornographic or sexual nature;
- f) making requests for sexual favours; and
- g) stalking in person or online.

Online harassment may take the form of intimidating, offensive, or graphic posts on social media sites or chat rooms, or sexually explicit communications by email, text, or instant messaging.

**5) Sexual Violence** is any sexual act or attempt to obtain a sexual act by violence or coercion which takes place without consent.

**6) Student** means any person who is registered as a student of ZCAS.

**7) ZCAS** means Zambia Centre for Accountancy Studies

## **5.0 ROLES AND RESPONSIBILITIES**

### **5.1 ZCAS Board**

The Board through its oversight function will regularly monitor Managements performance in enforcing the policy. The Board will also be responsible for disciplinary action pertaining to the Executive Director and Directors.

## **5.2 ZCAS Management**

ZCAS Directors, Coordinator of Programmes, Heads of Department, Managers, and supervisors have a duty to implement this Policy and make every effort to ensure that sexual harassment and victimization do not occur in the areas for which they are responsible and that, if they do occur, any concerns are investigated promptly and effectively in accordance with the provisions of this Policy.

## **5.3 ZCAS Staff**

All staff holding various positions within ZCAS have formal responsibilities under this Policy and are expected to familiarize themselves with the Policy. They should also ensure that they contribute towards creating and maintaining a working environment in which sexual harassment is unacceptable.

## **5.5 ZCAS Students**

ZCAS Students should ensure that their standards of conduct do not cause offence on the part of others.

## **5.6 ZCAS Community**

All members of the ZCAS community including students have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. Every member of the ZCAS community therefore has a personal responsibility for complying with this Policy and demonstrate active commitment to this Policy by:

- a) Treating others with dignity and respect;
- b) Discouraging any form of sexual harassment by making it clear that such behaviour is unacceptable; and
- c) Advising any member of ZCAS, who may wish to bring a complaint of this procedure and providing appropriate assistance to any person who wishes to make a formal complaint.

## **5.7 Expected Behaviour of Staff**

5.7.1 ZCAS believes that the professional relationship of trust and confidence that exists between students and staff is a central and essential part of a student's educational development and pastoral care. Those who work for, or represent, ZCAS must not abuse

their position in any way. Given the inherent imbalance of power between many staff and students, ZCAS strongly discourages intimate relationships between staff and students where there is a potential conflict of interest or abuse of power. Such relationships could compromise the trust and confidence that underpins the learning experience and may negatively impact on the student's educational development and pastoral care and may in some circumstances constitute an abuse of power.

- 5.7.2 An imbalance of power can also exist between staff due to the positions they hold within ZCAS. Any abuse of the professional working relationship between staff is unacceptable and could be subject to disciplinary action.

## **5.8 Expected Standards of Behaviour for Students**

Sexual harassment by a student towards a member of staff and/or another student shall be considered under the Student Disciplinary Code of Conduct and action taken under this Procedure can include expulsion from ZCAS.

## **6.0 PROCESSES AND PROCEDURES ON SEXUAL HARASSMENT**

### **6.1 Reporting**

- 6.1.1 All staff and students are encouraged to formally report cases of sexual harassment whether they are the recipient of the behaviour or are witness to it as soon as reasonably practicable.
- 6.1.2 Any student complaint relating to sexual harassment, including witnessing such behaviour, should be made to the Student Counselling and Placement Officer, external expert of the ZCAS Staff Committee as per Whistle Blowing Policy or any other sources of help identified in this Policy.
- 6.1.3 In cases where the student feels it is not appropriate to approach the Student Counselling and Placement Officer or wishes to make a complaint against the Officer himself/herself, the complaint shall be escalated to the next available superior.
- 6.1.4 Members of staff should make a complaint to the office of the Administration and Human Resource Manager or Human Resource Officer, who can advise them on how to proceed. The Student Counselling and Placement Officer shall normally be notified by the office of the Administration and Human Resource Manager or Human Resource Officer, if the complaint is against a student and will progress the complaint in accordance with the procedures of ZCAS.

- 6.1.5 Any member of staff who becomes aware of sexual harassment between a colleague and a student may report the matter or seek advice from the Administration and Human Resource Manager or Human Resource Officer or any other sources of help identified in this Policy. Likewise, any student may report to the Student Counselling and Placement Officer, or any other sources of help identified in this Policy.
- 6.1.6 When reporting cases of sexual harassment, students and members of staff shall ensure that their complaint sets out as clearly and succinctly as possible:
- a) the nature of the behaviour that they are concerned about;
  - b) the effect of this behaviour on them; and
  - c) the resolution they are seeking.
- 6.1.7 Furthermore, complaints should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking.

## **6.2 Documenting of a Complaint**

- 6.2.1 A member of staff who receives a complaint of sexual harassment shall be expected to proceed as follows:
- a) immediately record the dates, times and facts of the incident(s);
  - b) ascertain the views of the complainant as to what outcome he/she wants;
  - c) ensure that the complainant understands the ZCAS's procedures for dealing with the complaint;
  - d) discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome;
  - e) keep a confidential record of all discussions;
  - f) respect the choice of the victim; and
  - g) ensure that the complainant knows that they can lodge the complaint outside ZCAS through the relevant legal framework.
- 6.2.2 The staff members who receive complaints shall decide how to proceed with the case based on the provisions of this Policy and other applicable regulations of ZCAS.

### **6.3 Investigation of Complaints or Allegations**

- 6.3.1 Any investigations into allegations of sexual harassment by employees will be conducted under the ZCAS Disciplinary Code and Grievance Procedure or other regulations applicable to Staff. Investigations into allegations of sexual misconduct by students will be conducted under the Student's Code of Conduct.
- 6.3.2 Sexual harassment may also lead to a criminal investigation being instigated into the actions of an employee or student. Where there are concerns that a criminal act has taken place, advice must be taken from the office of the Board Secretary.
- 6.3.3 Confidentiality shall be maintained, subject to any requirement to involve external agencies where a criminal offence may have been committed or where maintaining confidentiality would pose a risk to the person making the report, or to others.
- 6.3.4 Every effort shall be made to achieve a prompt resolution to the complaint – the aim being to conclude the investigation within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to cooperate with ZCAS in achieving that result. In exceptional cases, an investigation may take longer than six weeks, and both parties will be kept updated about the progress of the investigation.
- 6.3.5 Both parties to the complaint have the right to be accompanied and supported by a colleague of their choice from within ZCAS at any meeting held under this procedure. Students may be accompanied by another student member or a member of staff from Student Administration. These people must however maintain appropriate confidentiality.

### **6.4 Investigation of Allegations**

- 6.4.1 ZCAS shall investigate every reported sexual harassment case with the purpose of establishing the relevant factual evidence in connection with the allegation(s) made by the complainant.
- 6.4.2 The preliminary investigation to establish whether there is enough evidence to substantiate the allegation into sexual harassment shall normally be done by the staff in the Human Resource Unit and Student Administration. However, depending on the nature of the allegation, an appropriate committee can be assigned.
- 6.4.3 The process of investigating a reported case shall normally begin within ten (10) working days after the allegation is reported and be completed in the shortest reasonable period of time, but not later than ten (10) working days.

- 6.4.4 An investigative report, which may become part of the record for future and may be used in either the informal or formal proceedings as defined below.
- 6.4.5 If the Administration and Human Resource Manager or Human Resources Officer determines through the preliminary investigation that the allegations of sexual harassment cannot be substantiated, under the Disciplinary Code and Grievance Procedure, it is, however, still possible to pursue the matter through the informal resolution process.

## **7.0 MECHANISMS FOR RESOLVING CASES OF SEXUAL HARASSMENT**

### **7.1 Informal Process**

- 7.1.1 The ZCAS recognises that in some instances, it is more effective to deal with a sexual harassment complaint informally than formally, and therefore, shall promote this approach.
- 7.1.2 Where the complainant wishes to deal with the matter informally, the designated person shall:
- a) give an opportunity to the alleged harasser to respond to the complaint;
  - b) ensure that the alleged harasser understands the complaints mechanism;
  - c) facilitate discussion between both parties to achieve an informal resolution, which is acceptable to the complainant, or refer the matter to a designated mediator within ZCAS to resolve the matter;
  - d) ensure that a confidential record is kept of what happens;
  - e) follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped; and
  - f) ensure that the above is done speedily and within 30 days of the complaint being made.
- 7.1.3 If it is not possible to resolve the matter informally, the matter may be resolved through formal methods.

### **7.2 Formal Process**

- 7.2.1 Complainants may file a formal written complaint immediately after an incident or after efforts to reach an informal settlement have proved unsuccessful.

- 7.2.2 If the complainant of sexual harassment wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome, the formal complaint mechanism may be used to resolve the matter.
- 7.2.3 The designated person who initially received the complaint shall refer the matter to the Administration and Human Resources Manager to instigate a formal investigation. The Administration and Human Resources Manager may deal with the matter in accordance with the relevant procedures of ZCAS, choosing what options are most appropriate.
- 7.2.4 The person/committee carrying out the investigation shall:
- a) interview the victim and the alleged harasser separately;
  - b) interview other relevant third parties separately;
  - c) decide whether or not the incident(s) of sexual harassment took place;
  - d) produce a report detailing the investigations, findings and any recommendations
  - e) if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal);
  - f) follow up to ensure that the recommendations are implemented, that the behaviour has stopped, and that the victim is satisfied with the outcome;
  - g) if it cannot be determined that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace;
  - h) keep a record of all actions taken;
  - i) ensure that all records concerning the matter are kept confidential;
  - j) ensure that the process is done as quickly as possible and in any event within ten days of the complaint being made.
- 7.2.5 ZCAS shall make every effort to cooperate closely with the complainant to ensure due process but may administratively close a complaint if the complainant fails to cooperate or participate fully in the process.

### **7.3 Outside Complaints Mechanisms**

A student who has been subject to sexual harassment can also make a complaint outside ZCAS in accordance with their constitutional right.

### **7.4. Prohibition on Retaliatory Acts**

No retaliatory acts may be engaged in against any staff or student who reports an incident of alleged sexual harassment, or any member of staff or student who testifies,

assists or participates in any proceeding, investigation or hearing relating to such allegation of sexual harassment.

## **7.5 Possible Outcomes of a Complaint**

7.5.1 Depending on the nature of the complaint and the evidence found, including the findings of any investigation, ZCAS shall take either of the following actions:

- a) Dismiss the case and take no further action if the claim is considered unfounded;
- b) Propose use of mediation processes;
- c) Refer the case to the appropriate staff Disciplinary Committee to enact disciplinary action if the claim is established;
- d) Refer the case to the Police;
- e) Request a further investigation to gather additional evidence; and
- f) Recommend disciplinary action against the complainant if there is satisfaction that the complaint of harassment is unfounded and was not made in good faith.

7.5.2 Where the parties have an ongoing relationship (Supervisor and Subordinate or Lecturer and Student), ZCAS shall endeavor to normalize the professional relationship after the disposal of the case.

## **7.6 Sanctions and Disciplinary Measures**

7.6.1 The nature of the sanctions imposed on a staff member will depend on the gravity and extent of the harassment. Suitable deterrent sanctions shall be applied to ensure that incidents of sexual harassment are not treated as trivial. For certain serious cases, including physical violence, the penalty shall include immediate dismissal of the guilty party.

7.6.2 A member of staff who has been found guilty of sexually harassing a student and another members of staff under the terms of this Policy shall be liable to sanctions as stipulated in the ZCAS Disciplinary Code and Grievance Procedure.

## **7.7 Appeal Against Decision**

7.7.1 It is the right of every student and member of staff of ZCAS to appeal against the outcome of the complaint they do not accept by invoking the relevant grievance or complaint procedure within the time scales specified.

7.7.2 Complainants shall lodge their appeal against the outcome to the Executive Director, who will discuss the decision with the ZCAS Board Staff Committee as per Whistle Blowing Policy. The resulting decision is final.

#### **7.8. Potentially Criminal Conduct**

The complainant's right to initiate criminal or civil proceedings is not limited by this policy.

#### **7.9 Confidentiality**

7.9.1 ZCAS recognises that confidentiality is important.

7.9.2 All ZCAS staff responsible for the implementation of this Policy shall respect the confidentiality and privacy of the complainant and the accused to the extent that is reasonably possible.

7.9.3 ZCAS may, however, in some instances be unable to maintain confidentiality; for example, if it is compelled by an order of court to disclose information, or if communal interests outweigh individual ones.

7.9.4 In sexual harassment disciplinary inquiries, all parties shall endeavour to ensure confidentiality and only appropriate members of management, the complainant, the accused, their representatives, witnesses and interpreters may be present.

7.9.5 ZCAS shall disclose to either party or their representatives such information as may be reasonably necessary.

#### **7.10 Communication of the Policy**

7.10.1 This Policy shall be communicated and made available to every ZCAS member of staff and student to ensure effective implementation. The modes of communication shall be through staff e-mails, student e-learning portal and placement of posters around ZCAS. In addition, hard copies of the policy shall be given to all existing members of staff and students and new members of staff and students during orientation.

7.10.2 Communication concerning sexual harassment processes and their effectiveness shall be ensured through documented training and regular formal and informal communication methods.

7.10.3 The Policy will also be made public to external stakeholders upon request.

## **8.0 MONITORING, EVALUATION AND REVIEW**

- 8.1 ZCAS recognises the importance of monitoring the Sexual Harassment Policy and shall ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.
- 8.2 Supervisors, managers and those responsible for dealing with sexual harassment cases shall report on compliance with this Policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. And as a result of this report, ZCAS will evaluate the effectiveness of the Policy and make any changes needed.
- 8.3 The Policy shall normally be reviewed every three (3) years, or as soon as practical should there be a material change in any provisions of this policy.

## **9.0 SUPPORT AND ADVICE**

- 9.1 There are many sources of support available to members of staff prior to making a complaint or to both complainant and alleged perpetrator once a complaint has been made. These include:
- a) Union Representatives (for union members)
  - b) Administration and Human Resource Manager and Human Resource Officer
  - c) Line Managers
  - d) Staff Counselling Services
- 9.2 Support for students is available via:
- a) The Student Counselling and Placement Officer

## **10.0 RELATED POLICIES**

This Policy shall be read in conjunction with the following ZCAS documents and policies:

- a) Disciplinary Code and Grievance Procedure
- b) Student Code of Conduct
- c) Whistle Blowing Policy