

ANTI-HARASMENT CODE OF CONDUCT



MEKELLE UNIVERSITY

Mekelle, Ethiopia

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I. Message from the President

Dear Colleagues and Students:

The Mekelle University is committed to assure the highest standard of integrity in all aspects of University life and in all University and University-sponsored activities. While this goal is simply stated, its attainment requires concerted effort on the part of all members of the University community, particularly faculty, administrators, staff and students. Federal, state and local regulations which govern our activities are increasingly complex, and as the University's activities expand in size, scope and prominence, it is important that all of us understand relevant policies and know what is required in terms of compliance and reporting.

As key ingredient of effective adherence to laws and policies the enactment of Anti-Harassment Code of Conduct is decisive. This Anti-Harassment Code of Conduct was developed with input from colleges, schools, faculties, institutes, departments, administrators and staffs.

This code serves to guide the conduct of University activities in support of the University's mission and is designed to serve three key purposes:

1. To set the basic standards of workplace behavior that the University expects of all the university community.
2. To state publicly the University's long-term commitment to the highest standards of integrity and gender equality in education, research, health care, public engagement and service.
3. To assure that faculty, administrators, staffs and students understand their shared responsibility for keeping the University in full compliance with all applicable laws, regulations and policies.

The University's Students Support Services and Gender office are responsible for monitoring compliance and serving as a resource for questions and guidance on this Code, and on the

University policies and procedures that spell out compliance requirements in greater detail (Gender Related).

A key element in assuring University-wide compliance is a system for reporting potential violations. In an institution this large and active, there may be areas of confusion; regrettably, there may also be instances in which individual behavior does not meet appropriate ethical expectations. Any University employee who observes a possible violation of law, regulation, policy or approved procedure has an obligation to report it. While a key element is reporting inappropriate activity, I want to emphasize that the most important element of any compliance or ethics program is working cooperatively to assure a positive climate of openness and integrity. Great universities function as true communities in which faculty, administrators, staff and students collaborate to achieve common goals. That holds true for instruction, research, public engagement, service and, at the most fundamental level, ethical compliance to ensure gender equality at all levels of the university activities should be guaranteed.

I want to thank you for understanding and adhering to these standards of anti-harassment code of conduct, and for your commitment to the highest level of ethical conduct in fulfillment of our institutional responsibilities towards gender equality. In line with this, I would also like to appreciate Organization for Social Services for AIDS, Tigray Branch, because, It stand side by side with us in the prevention measures taken to tackle gender inequalities both by sponsoring the development of the anti-harassment code of conduct and publication of some copies.

We really care!!

Kindeya Gebrehiwot (PhD)

President of Mekelle University

Part I. Preamble

- **Whereas** dignity and respect for human beings expressed in terms of equal treatment and equal opportunity for all is a fundamental value of all operations in Mekelle University as envisaged in the FDRE constitution and other relevant legislations
- **Whereas** Mekelle University has been engaged in various activities designed to ensure equality and enhance gender balance.
- **Whereas** Mekelle University acknowledges harassment in all its forms grossly undermines the principle of equality and dignity.
- **Whereas** Mekelle University has been conducting a range of programs and projects intended to eliminate and eradicate any form of gender based violence and harassment.
- **Whereas** an exhaustive, systematic and institutionalized code of conduct is necessary to deal with the existing and potential problems in relation to gender-based violence and harassment.
- **Whereas** this code is aimed at the creation and preservation of conducive environment, for academic, research and community service, free of any form of gender based violence and harassment in Mekelle University.

Part II. Objectives

- 2.1 To ensure equality and enhance gender balance in Mekelle University
- 2.2 To eliminate gender based violence and any form of harassment from Mekelle University.
- 2.3 To provide appropriate system and procedures to deal with gender based violence and harassment and prevent its recurrence.
- 2.4 To establish a system that enables fighting sexual favoritism

Part III. Title

This code may be referred as “Mekelle University Anti-Harassment Code of Conduct”

Part IV. Definition

4.1 Clients refer to:

- All persons participating in or accessing Mekell University sponsored programs, activities, or facilities such as vendors, suppliers, security personnel, contractors, visitors, patients etc.

4.2 Employee refers to the active academic and support staff members of the university

4.3 Gender based violence can be understood as any act that results in, or is likely to result in physical, sexual or psychological harm or suffering to the opposite sex, including threats of such acts, coercion or arbitrary deprivation of liberty, occurring in public or in private life.

4.4 Harassment refers to:-

Any verbal or physical conduct that degrades or shows hostility or aversion toward an individual because of his/her sex, race, color, religion, national origin, age, disability, a lineage or citizenship status, marital status, creed, genetic predisposition or carrier status or any other characteristic protected by law or that of his/her relatives, friends, or associates.

4.5 Sexual harassment refers to:

- an unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. Sexual harassments may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex or;

- non-consensual sexual act constitutes the act of engaging in sexual activity without the existence of express and clear sexual consent and includes:- any intentional sexual touching, with any body part or object, by any person upon any person without consent, engaging in sexual act with an individual who is obviously substantially impaired by any drug or intoxicant; who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; whose ability to consent or resist is obviously impaired because of a mental or physical condition; Who is coerced by supervisory or disciplinary authority.

4.6 Sexual Consent shall mean the act of knowingly and voluntarily agreeing (verbally or non-verbally) to engage in sexual activity.

4.7 Student refers to individuals who are enrolling either in the undergraduate or post graduate programs of the university.

Part V. Scope of Application

This code applies to:

- 5.1 All Mekelle University employees in all aspects of their employment in relationship with the University;
- 5.2 All Mekelle University students in their admission to and participation in the University's educational programs and activities (it includes in and out of campus programs eg. externship, practicum etc); and
- 5.3 All persons participating in or accessing Mekelle University sponsored programs, activities, or facilities.

Conducts prohibited by this code are unacceptable in the workplace, in the classroom, and in any work related setting outside the workplace, such as during institutional trips, meetings, and social events.

Part VI. Guiding principles

Mekelle University

- 6.1 is an academic and educational institution which is committed to providing a non-sexist, non-discriminatory, working, living and study environment for staff and students in which every person will be able to achieve his/her full potential;
- 6.2 acknowledges that the preservation of human dignity and the discouragement of offensive behavior are an integral part of this environment;
- 6.3 acknowledges that any form of gender-based violence and harassment is an unacceptable infringement of the core values of integrity, human dignity, privacy, equity and mutual respect and is a form of unfair discrimination.
- 6.4 recognizes that its management, staff and students are co-responsible to combat gender based violence and harassment within the university.

Part VII. General

- Any act of sexual and nonsexual harassment
- Gender based violence
- Any act intended to discriminate, degrade, humiliate and embarrass another person

Part VIII. Nature and extent of Sexual Harassment

Sexual harassment is an unwelcome conduct and action of a sexual nature. The unwelcome conduct must be of a sexual nature, and includes physical, verbal or non-verbal conduct. It is not possible to exhaustively list all examples of conduct which can constitute gender discrimination or sexual harassment. The following list of examples of conduct prohibited by this code statement is intended to aid in the understanding of this area. Conducts prohibited by this code statement may include, but is not limited to:

8.1 Verbal Conduct

Verbal conduct includes unwelcome innuendos, suggestions, hints, sexual advances, comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's body

made in their presence or to them, inappropriate enquiries about a person's sexual life. Verbal conduct of sexual harassment includes:

- 8.1.1 Unwelcome sexual flirtation, advances or propositions for sexual activity;
- 8.1.2 Asking about someone else's personal social or sexual life or about their sexual fantasies, preferences, or history in a manner contrary to casual and consensual conversation involving embarrassment;
- 8.1.3 Indecent and non consensually discussing one's own personal sexual fantasies, preferences, or history;
- 8.1.4 Repeatedly asking causing irritation for a date from a person who is not interested;
- 8.1.5 Continued or repeated verbal abuse of a sexual nature;
- 8.1.6 Suggestive comments and sexually explicit jokes, or turning discussions at work or in the academic classroom to sexual topics in an indecent and embarrassing manner;
- 8.1.7 Making offensive sounds such as smacking or licking lips, making kissing sounds, or "wolf whistles" intended to discriminate, ,intimidate or embarrass a person;
- 8.1.8 Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing;
- 8.1.9 Stating, indicating, or implying in any manner that benefits will be gained or lost based on response to sexual advances.

8.2 Non-Verbal conduct

Non-verbal sexual-harassments include: unwelcome gestures, indecent exposure and the dispatching or sending by electronic means or otherwise of sexually explicit pictures or objects. Thus, the following things may be considered as sexual harassment.

- 8.2.1 Displaying sexually demeaning or offensive objects and pictures. Nude or semi-nude photographs and drawings, or computer software is very likely to be viewed as sexual harassment;
- 8.2.2 Irritating staring repeatedly at someone, blocking another person's path or otherwise restricting their movements. Such acts, particularly when in conjunction with other acts or comments, may be viewed as sexual harassment;
- 8.2.3 Invading a person's personal body space, such as by standing closer than appropriate or necessary for the work being done may similarly constitute sexual harassment;
- 8.2.4 Bringing physical items to work which express sexually offensive comments regarding men or women. Messages of this nature contained on coffee mugs, hats, or t-shirts may be offensive and be viewed as sexual harassment;
- 8.2.5 Making sexual gestures with hands or body movements. Example: looking a person up and down in a suggestive or intimidating manner;
- 8.2.6 Letters, gifts, or materials of a sexual nature;
- 8.2.7 Treating a student differently based upon his/her gender in academia or extracurricular activities, academic programs, discipline, classroom assignment, physical education, grading, and/or athletics.

8.3 Physical conduct

Physical conduct of a sexual nature includes all unwelcome physical contact, ranging from touching to sexual assault and rape, as well as strip search by or in the presence of the opposite sex. Physical conduct of sexual harassments includes:

- 8.3.1 Massaging a person's neck or shoulders;
- 8.3.2 touching a person's clothing, hair, or body;
- 8.3.3 hugging, kissing, patting, or stroking a person's body;

- 8.3.4 touching or rubbing oneself in a sexual manner around or in the view of another person;
- 8.3.5 brushing up against another person;
- 8.3.6 tearing, pulling, or yanking a person's clothing.

Part IX: Forms of sexual harassment

Sexual harassment may include, but is not limited to, victimization, quid pro quo harassment, sexual favoritism and sexual exploitation.

- I. **Victimization** occurs where an employee or student is victimized or intimidated for failing to submit to sexual advances.
- II. **Quid pro quo** harassment occurs where a person such as an employer, supervisor, member of management, co-employee or academic staff member influences or attempts to influence a student or an employee's circumstances (for example appointment, promotion, training, discipline, dismissal, salary increments or other benefits or academic progress, assignment, test or examination results) by coercing or attempting to coerce the individual to surrender to sexual advances.
- III. **Sexual favoritism** occurs where a person in authority in the workplace or University community rewards only those who respond to his/her sexual advances.
- IV. **Sexual exploitation** can be understood as taking non-consensual, unjust or abusive sexual advantage of another. It include, but is not limited to:-
 - Prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to secretly watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing an STD or HIV to another without the knowledge of the victim.

- Non-consensual sexual intercourse, defined as any sexual penetration, however slight, with any body part or object, by any person upon any person without consent.
- Indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner, in public or in private premises, when the accused may be readily observed.
- Sexual assault, rape and any form of coerced sexual intercourse or other sexual contact.

Part X. Complaints and Procedure

10.1 Reporting

10.1.1 The Gender office jointly with student support services directorate shall form discipline committee under the Gender Office. The form, composition, guidelines etc of the committee shall be enforced as according to the provisions of the student code of conduct

10.1.2 An individual who believes that he or she has been subjected to discrimination, harassment, or retaliation in violation of this code should report the matter immediately to the Gender Office and/or Student Support Service Center Directorate in order to enable the University to take prompt disciplinary sanctions. In addition, the report can also be made to college/institute gender focal persons and/or college /institute student support services center.

10.1.3 The code encourages all persons to report an act of violation of the code even if they are not individually and personally victims,

10.1.4 A report is not required to follow any form, it can be written or oral. However it shall include a detailed account of the incident in a way that enable the office to determine the issue;

10.1.5 MU strongly urges the reporting of all incidents of discrimination; gender based violence, harassment or retaliation, regardless of the offender's identity or position.

10.1.6 Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period

has been established, Mekelle University strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

10.1.7 Mekelle University will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees and students.

10.1.8 The line between acceptable social conduct and harassment is not always clear. For that reason, the code encourages individuals who feel they are being or may have been harassed to communicate politely, clearly and firmly to the offending party that the conduct is unwelcome, offensive, intimidating or embarrassing; to explain how the offensive behavior affects the employee's work; and to ask that the conduct to stop.

10.1.9 If the individual is uncomfortable with making a direct approach to the offending party or has done so, but the perceived harassment has not stopped, the individual may use this complaint procedure to address and resolve the problem.

10.1.10 Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome.

10.1.11 Where a complainant has difficulty indicating to the perpetrator that the conduct is unwelcome, such complainant may seek the assistance and intervention of another person such as a co-worker, fellow student, superior, counselor, University officials, family member, friend or the Gender Office;

10.1.12 Members of the University community may contact the Gender Office at any time to ask questions about gender based violence, discrimination, and harassment, retaliation, or complaint procedures without disclosing their names and without filing a complaint.

10.1.13 Because of the inherent difficulty in investigating and resolving allegations from unidentified persons, the University discourages individuals from making anonymous complaints. However, if an individual desires to make a complaint anonymously, then the University will weigh factors such as the following to determine the appropriate response to an anonymous allegation:

- The source, specificity and nature of the information provided;
- The seriousness of the alleged conduct;
- The objectivity and credibility of the source of the report;

- Whether other individuals potentially can be identified who were privy to the alleged policy violation; and
- Whether those individuals are willing to pursue the matter.

If, based upon these factors, it is reasonable for the office to investigate a matter, then the University will proceed with an investigation.

10.2 Reporting Complaints to University Offices

10.2.1 If the person(s) allegedly violating this code are employed by the Gender Office, or are themselves victims of a violation of the code then they may contact the president.

10.2.2 For all other instances in which an individual believes he or she may have been subjected to discrimination, harassment, or retaliation as defined in this code, or in cases in which an individual in a management position as described above believes a code violation has occurred, he or she should contact the Gender Office/Gender Focal Person for information about resolving concerns, including complaint-filing options and procedures.

10.3 Good Faith Allegations

10.3.1 Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this code.

10.3.2 No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this code, even if an investigation fails to substantiate the allegation.

10.3.3 However, individuals who make dishonest statements or make statements with willful disregard for the truth during complaint, an investigation or enforcement procedure under this code may be subject to disciplinary action in accordance with existing University legislation.

10.4 Reporting Complaints to Outside Agencies

- 10.4.1 University employees and students have the right to file discrimination, harassment, and retaliation complaints with outside agencies as well as with the University's Gender Offices.
- 10.4.2 If an individual files a complaint with an external agency, the filing will not affect the University's investigation concerning the same or similar events.

Part XI: Examination and Decision

- 11.1 Any reported allegations of incidence of gender based violence, harassment, discrimination or retaliation shall be investigated promptly, thoroughly and impartially.
- 11.2 Although a report and complaint can be made by any one, the office can only proceed with examination of the issue for the purpose of decision upon the express consent and authorization of the victims.
- 11.3 On consideration of the gravity of the case, and the deterrence effect of the possible decision on the case the office may actively seek and secure the consent of the victim.
- 11.4 The investigation and examination may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- 11.5 Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
- 11.6 The office in consultation with the relevant organs of the university shall establish a committee of **three** senior members responsible for fact finding and **descions**. **The committee will serve for one year.**
- 11.7 The committee shall take the necessary measures to ascertain the truthfulness of the allegation.
- 11.8 In particular, it shall follow the principle of due process of law and weigh carefully the evidence presented. It should specifically follow a formal process of hearing whereby the accused would be given an opportunity to defend himself/herself with all legal means.

11.9 In determining whether the reported conduct constitutes harassment, discrimination, retaliation and gender based violence, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

11.10 The committee shall give its findings and descion on the measure to be taken to the Gender office.

11.11 The office will notify the perpetrator as to the descions of the committee, copies of this fact shall be sent to concerned bodies including the president.

11.12 The University President will form a committee of five individuals that could entertain cases when appeal is preferred. The recommendations /desicion of the appellate committee shall be considered as final when the president approves the recommendation/descions of the appellate committee.

Part XII: Disciplinary Sanctions

Misconduct constituting violation of this code shall be dealt promptly and appropriately. Sanctions shall be proportionate to the seriousness of the violation in question and considerations shall be taken on grounds of mitigating and aggravating circumstances. Warnings may be issued for minor instances. Examples of disciplinary measures that shall be taken when employees, students and clients violate this code include the following:

12.1 Employees who are determined to have violated the University's anti harassment code, shall be subject to, but is not limited to, the following disciplinary actions:

- *preventive* action such as warning and reprimand;
- *punitive action* such as expulsion or suspension, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination of employment, as the president believes appropriate under the circumstances;
- *Remedial action* such as training, referral to counseling, monitoring of the offender.

12.2 Students who are determined to have violated the University's anti-harassment code, shall be subject to, but is not limited to, the following disciplinary actions:

- Oral or written reprimand;
- Restriction on privileges;
- voluntary project assignment;
- Community service or gender discrimination education;
- Order to give a public apology to the aggrieved party;
- Restitution for loss, damage, or injury;
- Enrollment hold or cancellation of enrollment;
- Graduation hold; conduct probation;
- Disciplinary suspension; disciplinary expulsion/dismissal.

12.3 Clients: clients who are determined to have violated the University's anti-harassment code, shall be subject to, but is not limited to, the following disciplinary actions:

-The measures shall be proposed by the president to the client organization or individual.

- *preventive* action such as warning and reprimand;
- *punitive action* such as expulsion or suspension, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination of employment, as the president believes appropriate under the circumstances;
- *Remedial action* such as training, referral to counseling, monitoring of the offender.

-Note that if the measures are not taken within one month period of the president's notice appropriate measure to the extent of termination of relationship (based on the graveness of the case) can be taken after the management has dealt with the situation.

Part XIII- Interpretation and Authority

The interpretation of the code's provisions should be consistent with the senate legislation and other national laws. However, when disagreement is raised among the committee members working in the discipline committees of the university, they shall take it to the university president and the interpretation of the controversial provision shall be implemented as according to the interpretation directive issued by the president.

Part XIV Effective Date

The anti-harassment code of conduct shall be effective as of 2011/ 2004 EC.