

## SEXUAL HARASSMENT GUIDELINES

### 1.0 DEFINITION

Sexual Harassment means; any unwanted conduct of a sexual nature having the effect of verbal, non-verbal, visual, psychological or physical harassment:

- i. that might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on his employment; or
- ii. that might, on reasonable grounds, be perceived by the recipient as an offence or humiliation, or a threat to his well-being, but has no direct link to his employment.

### 2.0 SEXUAL HARASSMENT GUIDELINE

2.1 Two (2) categories of sexual harassment based from the above definition;

2.1.1 **Sexual coercion** – sexual harassment that results in some direct consequence to the victim’s employment. For example, a superior who has the power over salary, promotion, examination grades, coursework evaluation etc, attempts to coerce a subordinate or a student to grant sexual favours. If the subordinate or student accedes to the superior’s sexual solicitation, benefits will follow. Conversely, if the subordinates or student refuses, benefits are denied.

2.1.2 **Sexual annoyance** – sexually-related conduct that is offensive, hostile or intimidating to the recipient, but nonetheless has no direct link to any job/study benefit. However, the annoying conduct creates a bothersome working environment which the recipient has to tolerate in order to continue working/studying. A sexual harassment by an employee against a co-employee falls into this category. Similarly, harassment by the University’s employee to its client or student and vice-versa also falls into this category.

2.2 In the context of this guideline, sexual harassment in the University includes any employment-related sexual harassment occurring outside the workplace; as a result of employment responsibilities or employment relationships. Situations under which such employment-related sexual harassment may take place includes but not limited to;

- i. At work-related social functions.
- ii. In the course of work assignments outside the workplace.
- iii. At work-related conferences or training sessions.
- iv. During work-related travel/ trip.

- v. Over the phone; and
  - vi. Through electronic media.
- 2.3 Any sexual conduct which is unwanted and unwelcomed to the recipient will be referred as sexual harassment. In addition, it is also a sexual conduct which is imposed on and unsolicited or unreciprocated by the recipient.
- 2.4 Sexual harassment consists of various conducts of sexual nature which can be demonstrated (but not limited) in five (5) possible forms:
- i. Verbal harassment.
  - ii. Non-verbal/gestural harassment.
  - iii. Visual harassment.
  - iv. Psychological harassment.
  - v. Physical harassment.
- 2.5 Reporting mechanism for sexual harassment;
- 2.5.1 Anyone who wishes to file a complaint should contact the Head of Department or Senior Director HCM. Sexual Harassment Complaint Form in **Attachment 1** shall be made available for any employee to report the occurrence of any sexual harassment problems. In the complaint, below details must be included:
- a. Complainant's name.
  - b. Complainant's designation and department.
  - c. Complainant's address and contact number.
  - d. Alleged harasser's name.
  - e. Alleged harasser's designation and department.
  - f. Date, time and place of occurrence.
- 2.5.2 The report should be treated with the utmost confidentiality and shall be informed to related personnel on need to know basis as to minimize embarrassment to the victim especially at the time of reporting and in the course of investigation.

- 2.5.3 In addition to filing a complaint to the HCM division, for cases where the harassment has occurred, a police report is to be made. Where possible, a HCM personnel to accompany.
- 2.5.4 Although the regulation states that the first person to provide assistance will be the Head of Department or Senior Director HCM, the employee shall also have the liberty to select among the executive level, the person he/she is most comfortable to assist in addressing the problem.
- 2.6 Sexual harassment issues are treated as misconduct.
- 2.6.1 Sexual harassment issues shall be addressed through the University's Process and Procedures of Handling Misconduct. However, the approach shall be more sensitive, careful and confidential.
- 2.6.2 Where the complaint is found to be unjustified and baseless, appropriate remedy should be granted to the accused person if there has been any loss suffered by such person.
- 2.6.3 This guideline should be read together with Multimedia University's Staff Disciplinary Regulations.
- 2.7 Guides to behaviour which constitute sexual harassment.
- Listed below are behaviours which may constitute as sexual harassment. The behaviour may include, but not limited to such conduct. It is not meant to be exhaustive, but illustrative;
- i. Unwanted or forced sexual advances, sexual intercourse, rape and sexual coercion.
  - ii. Unfair treatment or disadvantage for purpose of obtaining sexual favours.
  - iii. Sexual discrimination in employment either for purposes of obtaining benefits or promotions or employment.
  - iv. Demands for sexual favours in exchange for favorable treatment or continued employment.
  - v. Threats and demands to submit to sexual requests in order to obtain or retain any employment benefit.
  - vi. Sexual touching such as brushing up against another, pinching, grabbing, kissing and fondling.

- vii. Verbal conduct such as epithets, derogatory or obscene comments, slurs or sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse or a sexual nature.
- viii. Graphic, verbal commentaries about an individual's body, sexual prowess or sexual deficiencies.
- ix. Flirtations, advances, leering, whistling, touching, assault, coerced sexual acts, restriction or normal movements.
- x. Inappropriate visual displays or expressions such as leering, ogling, showing of pornographic materials, sexual exposure, exposure of inappropriate body parts with intention to attract, distract or intimidate.
- xi. Repeated unwanted social invitations, relentless proposal for dates or physical intimacies etc.
- xii. Inappropriate touching, patting, pinching, stroking, brushing up against the body, hugging etc.
- xiii. Inappropriate gestures such as ogling with suggestive overtones, licking lips, holding or eating food provocatively, hand signals or sign language denoting sexual activity or sexually suggestive signs, persistent flirting etc.

## 2.8 Complaint Form for Sexual Harassment

The complaint form is attached in the **Attachment 1**

**STRICTLY PRIVATE & CONFIDENTIAL  
SEXUAL HARASSMENT COMPLAINT FORM**

If you believe you have been sexually harassed by any member of MMU Employees while participating in any University activity, you are encouraged to bring it to the attention of any of the following -- your Head of Department, Industrial Relations Unit Officer, Human Capital Management Division, or the Senior Director of Human Capital Management Division.

This Form is to be used when reporting to the listed officers. If you would like to initiate a criminal investigation of a sexual assault, call the nearest police station as soon as possible.

The Head of Department, Industrial Relations Unit Officer, Human Capital Management Division, or the Senior Director of Human Capital Management Division is available to provide you with answers to questions you may have about the process and your options, advice and/or referrals.

**YOUR COMPLAINT SHALL BE TREATED WITH UTMOST CONFIDENTIALITY.**

1.0 Particulars of Complainant

1.1 Name: \_\_\_\_\_

1.2 Gender:  Male  Female

1.3 I.C No./ Passport No.: \_\_\_\_\_

1.4 Designation: \_\_\_\_\_

1.5 Faculty/ Division/ Unit: \_\_\_\_\_

1.6 Address: \_\_\_\_\_

1.7 Contact No.: \_\_\_\_\_

