



## Policy on Sexual Harassment and Misconduct

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<b>TITLE OF THE POLICY:</b>	Policy on Sexual Harassment and Misconduct
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### 1.0 Policy Overview.

This policy is intended to provide the procedures to protect the rights of claimants and respondents at University of The Bahamas (“the University”) and to affirm and support an environment free of sexual harassment through the protection of these rights and the standardization of practices.

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## 2.0 Policy

The University is committed to a working and learning environment in which all individuals are treated with respect and dignity. No member of the University, including faculty, staff, and students, should be subjected to sexual harassment. Each person has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment. The University will not condone the sexual exploitation of individuals in connection with any work, academic, extracurricular and/or athletic whether these programmes take place in the University facilities (including off-campus sites), at a class or training programme sponsored by the University at another location, or elsewhere and expects that all relationships within the University community be free of sexual harassment. Sexual harassment is a violation of Article 2 of the University's Charter law, and thus is a basis for disciplinary action up to and including termination of employment, or for students, dismissal (defined as expulsion or suspension). In addition to students, faculty and staff, this policy also applies to all authorized visitors at the University, non-employee professionals, consultants, independent contractors and their employees and employees of contract services.

Retaliation against any member of the University community who has reported sexual harassment or filed a sexual harassment complaint or has cooperated in the resolution or investigation of a sexual harassment complaint is also prohibited. Any member of the University community engaged in retaliatory conduct is subject to disciplinary action, up to and including termination of employment, or for students, dismissal.

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## 2.1 Definitions

- Harassment on the basis of sex is discrimination in violation of “*academic freedom*” defined in Article 2.1. of the University's Charter set out in the First Schedule to University of The Bahamas Act, 2016.
- Sexual harassment most often exploits a relationship between individuals of unequal power and authority (i.e. between an employee and supervisor or between a student and a faculty member) but may also occur between students or employees of equal rank. Sexual

harassment is not limited by gender of either party, or by superior/subordinate relationships. At a University, sexual harassment also constitutes unprofessional conduct which compromises the University's commitment to the pursuit of learning.

Unwelcome sexual advances, requests for sexual favours, verbal and written comments, or physical conduct of a sexual nature may constitute sexual harassment when such conduct occurs in one or more of the following conditions:

- It is made, either explicitly or implicitly, a term or condition of instruction, employment, or participation in a University activity; or
- It is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
- It creates an intimidating, hostile, or offensive university environment.

In relation to the foregoing statements, sexually harassing behaviour may include, but is not limited to, the following:

- Unwelcome sexual flirtations, advances, or propositions; verbal remarks of a sexual nature (whether directed to an individual or a group), including sexually explicit or offensive jokes; graphic or degrading verbal or written comments of a sexual nature about an individual or the individual's appearance; or
- Any suggestive or unwelcome physical contact; conduct of a sexual nature that interferes with a student's academic or extracurricular activities or with an employee's job performance; or
- Sexual assault; or
- It may include a one time or single event if the incident is sufficiently severe.

Third parties may be defined but not limited to the following:

- Contract employees (i.e. consultants)
- Vendors
- Visiting Speakers/Scholars
- Members of a visiting athletic team

## **2.2 Responsibility**

The ultimate responsibility for the effective implementation of this policy is with the President of the University. The Provost, the Vice President of Human Resources and the Dean for Student Affairs will see that the Sexual Harassment Policy is communicated on a routine basis to the faculty, staff and student through lectures, electronic communications and the student and employee handbook.

Each Dean, Department Chair, Department Head, or other person with supervisory responsibility (“Supervisor”) is required to report any complaint or allegation of sexual harassment to the Sexual Complaints Officer. Failure by a Supervisor to respond to allegations or delaying an investigation of sexual harassment in a timely manner is a violation of this policy.

The University is prepared to take preventive and corrective action in cases of sexual harassment; individuals who engage in such misconduct are subject to appropriate disciplinary action.

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## **2.3 Confidentiality**

All efforts will be made to respect the right to confidentiality of all parties involved in a sexual harassment charge.

If a complainant or observer of an act of sexual harassment requests that his or her name or other identifiable information not be revealed, the University will evaluate that request in the context of its obligation to provide a safe and non-discriminatory educational environment.

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## **2.4 Malicious Allegations/Complaints**

Making false or malicious allegations of sexual harassment is prohibited. Persons who make such allegations are subject to sanctions imposed by the University. Repeated filing or frivolous allegations or complaints will be considered a malicious action. Of course, the failure to substantiate a sexual harassment charge does not automatically constitute an instance of malicious allegation.

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### **3.0 Sexual Complaints Officer**

Any member of the University community (including, staff, faculty, students, etc.) who believes he or she has observed or been the victim of sexual harassment as defined above (the “Complainant”) should promptly report the matter to the Sexual Complaints Officer via email address [HarassmentComplaints@ub.edu.bs](mailto:HarassmentComplaints@ub.edu.bs). The Sexual Complaints Officer will provide information concerning the University’s policies and services for victims of sexual harassment and misconduct; the procedures for processing and investigating and handling of such complaints. The Sexual Complaints Officer is responsible for overseeing all sexual harassment and misconduct complaints as well as being available to meet with students, faculty members and staff as needed. The initial discussion between the Complainant (or person reporting an incident) and the Sexual Complaints Officer will be handled with sensitivity and discretion.

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### **4.0 Complaint Process**

During the initial meeting with the Sexual Complaints Officer, a written summary of the complaint will be made and must be signed by the Complainant or person reporting an incident.

The Sexual Complaints Officer will inform the alleged offender of the allegation and will provide him or her with a written summary of the Complaint and will proceed as set forth in the following section.

If the Complainant requests confidentiality or for the University not to pursue the complaint the University will take appropriate measures to investigate and will evaluate that request in the context of its obligation to provide a safe and non-discriminatory educational environment.

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### **5.0 Resolution of a Complaint**

When an allegation is made or a Complaint is submitted, the Sexual Complaints Officer will discuss the matter with the parties promptly, will notify the appropriate Administrative Vice President or Academic Dean of the allegation, and may initiate steps he or she deems appropriate to affect an informal resolution of the Complaint acceptable to the parties within 14 days from the date the matter is reported. If an informal resolution is reached, it will be documented in writing,

and signed by the Complainant and the Respondent. The relevant Dean or Vice President will be notified of the outcome. It is important to note that mediation or other forms of informal resolution will not be used to resolve sexual assault complaints.

If an informal resolution satisfactory to the Parties is not reached within 15 calendar days after an incident is reported; or if, in the sole discretion of the Sexual Complaints Officer, an informal resolution is not possible or appropriate; the Sexual Complaints Officer will proceed with a full investigation. A report of the results of the investigation along with a recommendation for resolution of the allegation or Complaint and/or disciplinary action will be made to the Sexual Harassment and Misconduct Committee (see Section 5.0) within 7 days of the date the investigation was initiated.

In the event the actions were of such an egregious nature that the individual would constitute a threat to the safety and well-being of members of the campus, immediate action may be taken. The accused individual shall be given written notice of the intention to impose the suspension or removal from campus and shall be afforded due process. This policy does not preclude anyone from pursuing a complaint, at any stage of the process, with any external agency.

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## **6.0 Proceedings Before the Sexual Harassment and Misconduct Committee**

Within 7 days of receipt of findings from the Sexual Complaints Officer's investigation the Sexual Harassment and Misconduct Committee (the "Committee") will convene to review documentation and meet with all parties. Each party will be provided the opportunity to submit any and all information in support of their respective positions, including documentary evidence and witnesses. In most instances, the Committee will conduct a formal hearing unless the Committee determines that a hearing is not necessary. Within 7 days after the Committee has concluded its review, the Committee will render its final determination.

If the Committee concludes on a preponderance of evidence that sexual harassment and/or misconduct occurred, the person accused of the sexual harassment/misconduct will be subject to disciplinary action or dismissal. Either party may appeal the final decision of the Committee to the University's Administrative Appeals Committee.

## **7.0 Right to Appeal**

Either individual shall have the right to appeal the decision of the Sexual Harassment and Misconduct Committee to the Administrative Appeals Committee. In exercising the right of appeal as provided by this procedure, a written appeal must be made within 3 working days after written notification of the decision which is being appealed. The Appeals Committee is expected to decide upon appeals within 10 working days of receipt of the appeal. The appeal will be granted on the basis that the outcome was unsupported by substantial evidence or that the accused was not granted a fair hearing.

The decision of the Appeals Committee will be based on a review of the record; however, the committee may receive additional information if they believe such information would aid in the decision and that more information is needed. The decision of the Appeals Committee will be communicated to the Complainant, Respondent, and to the relevant Dean and/or Vice President within a reasonable time. The decision of the Administrative Appeals Committee is final. During the time of appeal and review, disciplinary action taken as a result of the original complaint, may be implemented and enforced.

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